



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on September 14–15, 2017

Title	Agenda Item Type
Judicial Service Implementation of Assembly Bill 103 (Stats. 2017, ch. 17); Reallocation of Vacant Judgeships	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
N/A	September 15, 2017
Recommended by	Date of Report
Policy Coordination and Liaison Committee Hon. Kenneth K. So, Chair	September 1, 2017
	Contact
	Laura Speed, 916-323-3121 laura.speed@jud.ca.gov

Executive Summary

The Policy Coordination and Liaison Committee recommends approving the reallocation of two judgeships in the Superior Courts of Santa Clara and Alameda Counties—those that have been vacant for the longest period of time—so that they may be transferred to the Superior Courts of San Bernardino and Riverside Counties, respectively, in accordance with Assembly Bill 103.

Recommendation

The Policy Coordination and Liaison Committee recommends that the Judicial Council approve the reallocation of the judicial vacancies under Assembly Bill 103 (Stats. 2017, ch. 17), effective September 15, 2017, as follows:

1. Judicial Council position identification numbers 9330 and 9101 from the Superior Court of Alameda County to the Superior Court of San Bernardino County
2. Judicial Council position identification numbers 5601 and 5039 from the Superior Court of Santa Clara County to the Superior Court of Riverside County

The judicial vacancies in Alameda and Santa Clara Counties are identified in Attachment A.

Previous Council Action

The Judicial Council has sponsored numerous bills to authorize and fund additional judgeships. In 2005, the council sponsored Senate Bill 56 (Dunn; Stats. 2006, ch. 390), which authorized the first 50 of the 150 critically needed judgeships. Full funding was provided in the 2007 Budget Act, and judges were appointed to each of the 50 judgeships created by SB 56.

In 2007, the council secured the second set of 50 new judgeships (Assem. Bill 159 [Jones]; Stats 2007, ch. 722.), with funding to have allowed appointments to begin in June 2008. However, because of budget constraints, the funding was delayed until July 2009, allowing the state to move the fiscal impact from fiscal year (FY) 2007–2008 to FY 2009–2010. The Governor included funding for the second set of judgeships in the proposed 2009 Budget Act, but the funding ultimately was made subject to what has been called the “federal stimulus trigger.” This trigger was “pulled,” and the funding for the new judgeships and the various other items made contingent on the trigger was not provided.

Almost every year since then, the Judicial Council has sponsored one or more bills to authorize funding for new judgeships (see table).

Year	Bill No.	Author	Purpose	Result
2008	SB 1150	Corbett	Authorize third set of new judgeships	Held in Senate Appropriations Committee
2009	SB 377	Corbett	Authorize third set of new judgeships	Held in Senate Appropriations Committee
2011, 2012	AB 1405	Committee on Judiciary	Authorize third set of new judgeships	Did not move forward
2014	SB 1190	Jackson	Authorize third set of new judgeships*	Held in Senate Appropriations Committee
2015	SB 229	Roth	Fund 12 of 50 previously authorized judgeships†	Vetoed by Governor Brown
2016	SB 1023	Committee on Judiciary	Fund 12 of 50 previously authorized judgeships†	Held in Senate Appropriations Committee
2016	AB 2341	Obernolte	Reallocate judgeships‡	Held in Senate Appropriations Committee
2017	SB 39		Reallocate judgeships	Stalled in legislative process
2017	AB 414	Medina	Reallocate judgeships	Stalled in legislative process

* SB 1190 also sought to secure funding for the second set of 50 new judgeships approved in 2007 but not yet funded.

† SB 229 sought to appropriate \$5 million for the funding.

‡ Specifically, AB 2341 sought to reallocate up to five vacant judgeships from courts with more authorized judgeships than their assessed judicial need to courts with fewer judgeships than their assessed judicial need. The allocation of the vacant judgeships would be based on a methodology approved by the council and under criteria contained in Government Code section 69614(b).

Of particular note, in his veto of SB 229, the Governor indicated that before funding any new positions, he intended to balance the distribution of already funded judgeships, stating:

I am aware that the need for judges in many courts is acute—Riverside and San Bernardino are two clear examples. However, before funding any new positions, I intend to work with the Judicial Council to develop a more systemwide approach to balance the workload and the distribution of judgeships around the state.

(Governor’s veto message to Sen. on Sen. Bill No. 229 (Oct. 8, 2015) Sen. J. (2015–2016 Reg. Sess.) p. 2802.)

Rationale for Recommendation

Assembly Bill 103, a budget trailer bill that became effective on June 27, 2017, adding Government Code section 69614.4, reallocates two vacant judgeships each from the Superior Courts of Santa Clara and Alameda Counties to the Superior Courts of Riverside and San Bernardino Counties, respectively. The statute also requires that the Judicial Council identify which judicial vacancies will be transferred between the specified counties and take all steps necessary to effectuate each transfer. Once the vacancies have been approved for transfer, the Governor will be able to appoint new judges into those positions. Staff is recommending the positions that have been vacant longest in Santa Clara and Alameda be transferred in accordance with AB 103 (see attached listing of all vacancies in both courts). The legislation specifies that the term of the reallocated judgeships will begin on January 2, 2018.

Comments, Alternatives Considered, and Policy Implications

No alternatives were considered due to the statutory requirement.

Implementation Requirements, Costs, and Operational Impacts

No implementation requirements, costs, or operational impacts are expected.

Relevant Strategic Plan Goals and Operational Plan Objectives

The recommendation supports the council’s strategic plan Goal II, Independence and Accountability, by seeking to secure sufficient judicial branch resources to ensure accessible, safe, efficient, and effective services to the public.

Attachments and Links

1. Attachment A: Alameda and Santa Clara Judgeship Vacancies as of July 31, 2017
2. Attachment B: Government Code section 69614.4

Alameda and Santa Clara Judgeship Vacancies as of July 31, 2017

Judicial Council Identification Number	Vacated	No. of Days Vacant	Next Election	Next Term Starts	Latest Occupant (last name)	Entity Name
5540	6/8/2017	53	6/2/2020	1/4/2021	Lott, Jr.	Alameda
101	3/31/2017	122	6/2/2020	1/4/2021	Freedman	Alameda
7024	3/28/2017	125	6/2/2020	1/4/2021	Goodman	Alameda
9330	3/13/2017	140	6/2/2020	1/4/2021	Moruza	Alameda
9101	10/15/2015	655	6/5/2018	1/7/2019	Saunders	Alameda

7015	7/19/2017	12	6/2/2020	1/4/2021	Woodhouse	Santa Clara
9694	5/5/2017	87	6/2/2020	1/4/2021	Johnson	Santa Clara
9331	4/28/2017	94	6/2/2020	1/4/2021	Grilli	Santa Clara
5757	2/3/2017	178	6/2/2020	1/4/2021	Guerrero-Daley	Santa Clara
5582	9/20/2016	314	6/5/2018	1/7/2019	Loftus, Jr.	Santa Clara
5601	5/12/2016	445	6/5/2018	1/7/2019	Del Pozzo	Santa Clara
5039	7/31/2015	731	6/5/2018	1/7/2019	Bernardini	Santa Clara

As of:

7/31/2017

State of California

GOVERNMENT CODE

Section 69614.4

69614.4. (a) Notwithstanding any other law, two vacant judgeships from the Superior Court of the County of Santa Clara shall be reallocated to the Superior Court of the County of Riverside, and two vacant judgeships from the Superior Court of the County of Alameda shall be reallocated to the Superior Court of the County of San Bernardino.

(b) The Judicial Council shall determine which specific vacancies shall be transferred between counties pursuant to this section and take all necessary steps to effectuate each transfer.

(c) The term of the judgeships specified in this section shall begin on January 2, 2018.

(d) A court in which a vacant judgeship is reallocated shall not have the court's funding allocation reduced or any of its funding shifted or transferred as a result of, or in connection with, the reallocation of a vacant judgeship pursuant to this section.

(Added by Stats. 2017, Ch. 17, Sec. 22. (AB 103) Effective June 27, 2017.)