



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 25, 2020

Title

Administrative Director's Report

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Submitted by

Martin Hoshino
Administrative Director

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Contact

Tina Carroll
Executive Office
415-865-4242
tina.carroll@jud.ca.gov

Executive Summary

The following information outlines some of the many activities staff are engaged in to further the Judicial Council's strategic goals and priorities for the judicial branch. The report focuses on action since the council's July meeting and is exclusive of issues on the September business meeting agenda.

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Court Emergency Order Requests

Since the July 24 Judicial Council meeting, council staff has handled the review process for a further 68 trial court-requested emergency orders related to the COVID-19 pandemic. As of September 20, 2020, a total of 298 orders have been requested and approved since the state of emergency was declared. A [directory](#) of the emergency orders approved by the Chief Justice is posted on the California Courts public website.

Judicial Branch COVID-19 Cost Reporting

Beginning in September, the Department of Finance revised the frequency and format of its COVID-related emergency response cost reports. More detailed reporting is requested on a weekly basis with the intent of greater transparency to the Legislature for statewide expenditures. Data for the courts and Judicial Council will continue to be reported monthly for the duration of the pandemic.

Wildfire Disaster Response

Judicial Council Facilities Services is assisting courts affected by wildfires. At peak to date, more than 500 air scrubbers have been placed onsite at courthouses, with a current average daily cost of \$90,000. Additionally, monthly power generator runs have been implemented for full emergency power system testing at courthouses.

Pretrial Pilot Program

The Legislature granted a one year, no-cost extension for the Pretrial Pilot Program due to implementation issues related to the COVID-19 pandemic. Staff are working with pilot courts to reassess program budgets and implementation activities, in light of the extension. More than 17,000 pretrial risk assessments have been conducted as part of the program.

Ability to Pay and Online Traffic Adjudication

The Online Traffic Adjudication Project continues efforts to bring online services to California's traffic court users. The Superior Court of Santa Clara County deployed the online Ability to Pay tool in August, making it the fifth pilot court to institute the tool for individuals to seek traffic fine relief and reduce the number of people coming to courthouses and offices in the county. The "MyCitations" tool allows individuals to submit a request for a reduction in the amount owed based on financial need or to request a payment plan, more time to pay, or community service. The Superior Court of Santa Clara County joins the pilot courts of San Francisco, Shasta, Tulare, and Ventura Counties that are already using the tool. Two additional courts, the Superior Courts of Fresno and Monterey Counties, are scheduled to deploy the MyCitations tool this fall.

Information Technology Systems Annual Disaster Recovery Exercise

The Judicial Council and the courts held the annual data center disaster recovery exercise to verify the data center's ability to restart applications and bring court information technology systems back online in the event of a significant interruption of service.

Digitizing Court Records

Eight courts were selected through a branch wide survey for the first phase of the digitizing court records project, enabled by new funds received in the 2020–21 State Budget. The courts include the Court of Appeal, Fifth Appellate District; and the Superior Courts of Alameda, Madera, Placer, San Luis Obispo, San Mateo, Santa Clara, and Sutter Counties. The project was developed in collaboration with a working group of court representatives.

Labor and Employee Relations

Labor negotiations assistance was provided to 23 trial courts on 29 matters. Services included side letter negotiations, impact bargaining on COVID-19 related measures, and successor memoranda of understanding negotiations. Additionally, support was provided on 14 different labor and employee-related matters, including implementing a voluntary separation incentive program.

Capital Outlay and Court Facilities Maintenance

- Consistent with the Judicial Branch Capital Outlay Five-Year Plan, 22 Capital Outlay Budget Change Proposals and Concepts were submitted to the Department of Finance, together with five Support Budget Change Proposals for fiscal year 2021–22.
- The Deferred Maintenance Report for the Judicial Branch was submitted to the State Department of Finance, reflecting 23,268 deferred maintenance projects at an estimated cost of \$5.2 billion.
- Court facility modifications as of September 10, 2020:

<i>Status</i>	<i>Number of Modifications</i>	<i>Estimated Cost</i>
Awaiting Shared Cost	4	\$2,789,056
In Design	20	\$6,968,560
In Work	382	\$247,784,175
Total	406	\$257,541,791

- Thirteen real estate transactions were completed, including new temporary jury assembly space licenses (Amador, Lake, Fresno, San Mateo, and San Bernardino Counties); revenue license renewals (San Joaquin County); expense license terminations (Merced and Tuolumne County); revenue lease/license terminations (Los Angeles, Sacramento, San Francisco, and Sonoma Counties); and one equity sale (Santa Cruz County).

Legislative Advocacy

Through the leadership of the Judicial Council’s Legislation Committee and with expert assistance from courts and advisory committee members, staff worked on a significant number of judicial branch related bills acted on by the Legislature in the final few days of session. Several key bills are referenced below. September 30, 2020, is the last day for the Governor to sign or veto bills passed by the Legislature. (The eviction relief bill along with the judiciary omnibus bill to delay implementation of pretrial and bail reform were already signed by the Governor.)

Veto Requested by the Judicial Council

[AB 2542](#) (Kalra) Criminal procedure: discrimination, Status: Enrolled.

- Prohibits the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin, as specified.

- **Position:** Letter of Concern: Despite August 25, 2020, floor amendments, the Judicial Council continues to have a considerable number of significant concerns. ([Letter to the Governor](#))
- **Fiscal:** Conservative estimate of court workload impacts \$5 to \$10 million annually for prospective application of AB 2542 and potentially more than \$30 million in additional one-time workload costs if interpreted to apply retroactively. Any new unfunded workload to the courts as a result of this bill could result in delays of court services, prioritization of cases, and may impact access to justice.

AB 3234 (Ting) Public Safety, Status: Enrolled.

- Authorizes a judge in the superior court in which a misdemeanor is being prosecuted to offer misdemeanor diversion to a defendant over the objection of a prosecuting attorney, with limited exceptions.
- **Position:** Oppose unless amended and funded. ([Letter to the Governor](#))
- **Fiscal:** Estimated fiscal impact of \$5 to \$10 million, as a result of increased trial court workloads as it is likely that most, if not all, eligible misdemeanor defendants will seek to participate in the diversion program created by the bill.

Funding Requested by the Judicial Council

AB 3088 (Chiu) Tenancy: Rental Payment Default and Mortgage Forbearance, Status: Signed into law by the Governor, August 31, 2020 (Chapter 37, Statutes of 2020).

- Enacts the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020
- **Position:** No Position.
- **Fiscal:** A legislative Budget Change Proposal has been submitted for \$11.7 million General Fund on a one-time basis in 2020–21 to fund the cost of additional workload to trial courts including case processing and hearings.

AB 3070 (Weber) Juries: peremptory challenges, Status: Enrolled.

- Prohibits a party from using a peremptory challenge to remove a prospective juror on the basis of race, ethnicity, gender, gender identity, sexual orientation, national origin, or religious affiliation.
- **Position:** No Position. ([Letter to the Governor](#))
- **Fiscal:** Potential ongoing costs of up to \$5 million for courts if the higher clear and convincing standard of proof results in more evidentiary hearings that increase criminal trial times. Any new unfunded workload for the courts could result in delays of court services, prioritization of cases, and may impact access to justice.

AB 1950 (Kamlager) Probation: length of terms, Status: Enrolled.

- Restricts the period of probation for a misdemeanor to no longer than one year. Would authorize a court to impose a term of probation not longer than two years.
- **Position:** Support if amended to change the term of probation to 18 months, in light of existing programs. Also, raised concerns that changes will result in less funding to County Probation Departments under SB 678 and less resources to supervise those on probation, which creates recidivism issues. ([Letter to the Governor](#))

- **Fiscal:** This bill does not create concerns for courts as a standalone proposal. However, when considered with other bills addressing public safety issues that may become law, criminal court workloads will increase. As described above, there are significant concerns relating to SB 678 funding.

SB 592 (Wiener) Jury Service, Status: Enrolled.

- Requires the Franchise Tax Board, beginning November 1, 2021, and annually thereafter, to furnish court jury commissioners with a list of resident state tax filers as an additional source for the purposes of jury selection.
- **Position:** Support. ([Letter to the Governor](#))
- **Fiscal:** Estimated one-time implementation costs of \$50,000 to \$100,000 related to reprogramming local jury management software systems.

SB 823 (Committee on Budget and Fiscal Review) Juvenile justice realignment: Office of Youth and Community Restoration, Status: Enrolled.

- Among other things, commencing July 1, 2021, prohibits further commitment of wards to the Division of Juvenile Justice, except as specified, and requires that all wards committed prior to that date remain within the custody of the Division until the ward is discharged, released, or transferred. Declares the intent of the Legislature to close the Division of Juvenile Justice through the shifting of this responsibility.
- **Position:** No Position.
- **Fiscal:** Staff estimates that this bill will have annual trial court workload costs between \$670,000 and \$1,900,000. Additionally, the council would require \$560,000 per year for two years and \$270,000 ongoing funding to support contract and council positions to handle workload.

AB 2731 (Gloria) California Environmental Quality Act: City of San Diego: Old Town Center Redevelopment, Status: Enrolled.

- Establishes specified procedures for the administrative review of the environmental review and approvals granted for the Old Town Center in the City of San Diego. Outlines procedures for certification of the project.
- **Note:** An earlier provision requiring out-of-cycle Judicial Council rulemaking was amended to coincide with the annual rule-making schedule. The provision seeking expedited review, including all appeals within 270 business days, if feasible, remains.
- **Position:** Oppose unless amended to remove the expedited judicial review provision. ([Letter to the Governor](#))
- **Fiscal:** Estimated fiscal impact of approximately \$340,000 through increased trial court workload associated with expedited review.

AB 3005 (Rivas) Leroy Anderson Dam and Reservoir: permitting and public contracting, Status: Enrolled.

- 270-day expedited judicial review.
- **Position:** Oppose unless amended to remove the expedited judicial review provision. ([Letter to the Governor](#))

- **Fiscal:** Estimated fiscal impact of approximately \$340,000 through increased trial court workload associated with the expedited review of this project.

SB 757 (Allen) CEQA: environmental leadership projects: fixed guideway, Status: Enrolled.

- Adds fixed guideway projects into the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 (see Section 21178 *et seq* of the Public Resources) which necessarily includes a 270-day expedited judicial review provision (see PRC § 21185).
- **Note:** This bill was amended and made contingent on enactment of SB 995 (Atkins). SB 995 however, ran out of time on the last night of session and failed to clear the Legislature.
- **Position:** Oppose unless amended to remove the expedited judicial review provision. ([Letter to the Governor](#))
- **Fiscal:** Courts expend an average of \$340,000 in workload costs on each case eligible for expedited judicial review. While no specific projects are listed in the bill, based on the four transit projects that the Los Angeles Metropolitan Transportation Authority, the bill's sponsor, has identified as priority projects for which expedited judicial review would apply, the estimated fiscal impact is \$1.4 million. This estimate could increase as provisions of SB 757 apply to transit projects statewide. New unfunded workload to the courts could result in delays of court services, prioritization of court cases, and may impact access to justice.

Collaborations with Justice Partners

Meetings with justice partners are taking place on an ongoing basis to build and maintain effective partnerships in furthering Judicial Council strategic goals and improve programs and services for the benefit of the public. Examples include:

- *Legal Services Trust Fund Commission:* The Commission voted on final recommendations to the Judicial Council for allocation of Equal Access Funds.
- *California Access to Justice Commission:* The Commission discussed a review of local court websites for information on access to court interpreters.
- *Homelessness Prevention Convening:* Judicial Council staff participated in a meeting of legal services agencies to discuss the pending \$31 million allocated from the National Mortgage Settlement to the Judicial Council to provide legal assistance in landlord-tenant disputes.
- *California Child and Family Services Review Program Improvement Plan:* A meeting was held with the Federal Administration for Children and Families, the California Department of Social Services, local child welfare directors, and chief probation officers to contribute to a status update on California activities from January 1, 2020 through June 31, 2020, aimed at improving child welfare outcomes.
- *Court Language Access Representatives:* Council staff met with court language access representatives and discussed the Signage and Technology Grant Program, an update on the launch of the Court Interpreter Data Collection System, and remote interpretation during the COVID-19 pandemic.

Advisory Bodies

Midyear Review of 2020 Advisory Body Annual Agendas

The Judicial Council’s internal committee chairs requested that all advisory body chairs reevaluate work identified in annual agendas or planned for the coming year in order to prioritize projects that assist courts, justice partners, and parties with access to justice during and following the COVID-19 pandemic and to address otherwise urgent needs or needs that are mandated by legislation.

Judicial Council advisory bodies focusing on the following areas of judicial administration have convened by conference or video call since the council’s July meeting. (All in-person meetings have been cancelled since March 2020 due to the COVID-19 pandemic.)

- | | |
|--------------------------------------|------------------------------------|
| 1. Administrative Presiding Justices | 13. Judicial Branch Education |
| 2. Appellate | 14. Presiding Judges |
| 3. Civil Jury Instructions | 15. Pretrial Reform and Operations |
| 4. Civil and Small Claims | 16. Probate and Mental Health |
| 5. Collaborative Justice Courts | 17. Providing Access and Fairness |
| 6. Court Executives | 18. Traffic |
| 7. Court Facilities | 19. Trial Court Budget |
| 8. Court Interpreters | 20. Trial Court State Court Forum |
| 9. Criminal Law | 21. Workers Compensation |
| 10. Facility Modification | 22. Workload Assessment |
| 11. Family and Juvenile Law | |
| 12. Information Technology | |

Meeting Details

Administrative Presiding Justices Advisory Committee

- Discussed Courts of Appeal fiscal year 2020–21 fiscal matters, including options to meet funding reductions.
- Court-related matters were addressed by the following Judicial Council offices: Appellate Court Services, Legal Services, Budget Services, Human Resources, and the Center for Judicial Education and Research.

Advisory Committee on Providing Access and Fairness

- Discussed updates to the judicial diversity toolkit, the American Disabilities Act bench card and disability accommodations brochure, the Request for Accommodation by Persons with Disabilities form (MC-410), legislative bills from the 2019–20 legislative session, the 2021 calendar for preparing Judicial Council-sponsored legislation, and draft recommendations and allocations for the 2020–21 fiscal year Signage and Technology Grant Program.
- *Language Access Subcommittee*: Reviewed draft 2020 language access survey questions, and received a presentation by the National Center for State Courts on two 2020 Annual Agenda projects: public outreach campaign to reach limited English proficient court users, and

assistance for courts with implementation of California Rule of Court, rule 1.300 (Access to programs, services, and professionals).

- *Legislative Working Group*: Discussed legislative proposals, including Sargent Shriver programs for undocumented persons, open meetings and the Brown Act, and the process to determine preemptory challenges.

Advisory Committee on Civil Jury Instructions

- Discussed possible responses to public comments before recommending that the Judicial Council approve changes and additions to the civil jury instructions. The public comments considered at this meeting related to a proposed new instruction (CACI No. 441) concerning negligence arising from use of deadly force by a peace officer.

Appellate Advisory Committee

- Considered potential projects for next year's annual agenda.

Center for Judicial Education and Research Advisory Committee

- Discussed a proposed amendment to Rule of Court 10.469 (mandatory bias and sexual harassment prevention education), and a draft of new Rule of Court 10.492 (extend deadlines for content-based requirements and prorate hours-based education requirements).
- Discussed the draft of Rule of Court 10.493 (permit all instructor-led education, including live webinars, to satisfy requirements of in-person or face-to-face training in the Rules of Court).
- Received an update on delivery of Judicial Council education programs and products, and proposed changes to Rule of Court 10.472 (minimum education requirements for Supreme Court and Court of Appeal managing attorneys, supervisors, and other personnel).

Civil and Small Claims Advisory Committee

- Made final recommendations on proposals circulated for comment in the spring including: new forms to implement the recently enacted law allowing for pseudonymous filings by participants in the Safe at Home program; revisions to Elder Abuse forms; new rules and forms for fee waiver recipients requesting court reporters; and proposed legislation for video remote appearances.
- Decided to defer action on proposed rules for a pilot project implementing certain recommendations from the Commission on the Future of California's Courts, in light of COVID-19 pandemic issues.
- Developed recommendations for new forms to assist courts and tenants with the implementation of AB 3088 regarding unlawful detainers.

Collaborative Justice Courts Advisory Committee

- Received an update from the California Association of Collaborative Courts regarding progress on their Veterans Treatment Court Strategic Plan, and pending legislation, including SB 315 (COVID-19 Alternative Adjudication Program).
- *Mental Health Subcommittee*: Reviewed priority areas and responsibilities in the next year and prioritized tasks to assist the courts and public in addressing challenges associated with COVID-19.

- *Juvenile Subcommittee*: Discussed the Division of Juvenile Justice’s realignment and distribution of the Youth Court Toolkit, and prioritized tasks to assist the courts and public in addressing challenges associated with COVID-19.

Court Executives Advisory Committee

- Discussed the Judicial Branch Statistical Information System Subcommittee’s three-prong approach to data reporting, the e-file cost recovery fee, and continuity of operations recommendations in response to public safety power shutoffs.
- *Judicial Branch Statistical Information System Subcommittee*: Presented an approach to streamline data reporting for courts.

Court Facilities Advisory Committee

- Updated the *2006 California Trial Court Facilities Standards* and reviewed the final draft before it moves forward for council review. The council should receive the updated standards before the end of the year for consideration.

Court Interpreters Advisory Panel

- Discussed revision of the annual agenda, updates from the interpreting testing program in response to the pandemic, new social media channels on Facebook and LinkedIn, and a project to evaluate the interpreter testing program with assistance from the National Center for State Courts.
- *Language Access Subcommittee*: Discussed Language Access Plan recommendation number 75 to develop a policy/rule that will address requests by limited English proficient court users to waive the services of an interpreter.

Criminal Law Advisory Committee

- Discussed and recommended positions on pending legislation prior to legislative hearings: AB 2542 (Criminal Procedure: Discrimination), AB 3234 (Public Safety), SB 315 (Covid-19 Alternative Adjudication Program); and received a legislative update on AB 3070 (Juries: peremptory challenges).

Family and Juvenile Law Advisory Committee

- Discussed a sponsored legislative proposal on remote appearances, a sealing of juvenile records rules proposal, reductions in the Department of Child Support Services funding used to support child support commissioners and family law facilitators, proposals to realign the functions of the Division of Juvenile Justice to the counties, and the federally-funded Dependency Representation Program.
- *Violence Against Women Education Project Planning Subcommittee*: Reviewed educational offerings from the prior grant year and developed recommendations for topics for the upcoming year.

Information Technology Advisory Committee

- Discussed branch budget, potential rules or legislative proposals in the next cycle, and reviewed proposed disbursements from the Language Access Signage and Technology Grant Program.

Judicial Branch Workers Compensation Program Advisory Committee

- Discussed funding priorities for the Judicial Branch Workers' Compensation Fund, and reviewed recommendations for the ergonomic evaluation services master agreement Request for Proposals.

Pretrial Reform and Operations Workgroup

- Unanimously approved two documents: Pretrial Risk Assessment Instrument Recommendations and Areas for Further Policy Development, and Fundamentals of Pretrial Risk Assessment Instruments.
- Provided an update at a joint meeting of the Judicial Council's Trial Court Presiding Judges and Court Executives Advisory Committees on recent efforts of the Pretrial Reform Operations Working Group.

Probate Mental Health Advisory Committee

- Discussed the 2021 annual agenda and prioritized projects needed to conform to law, promote efficiencies and cost savings for the courts or promote access to the courts, in light of the COVID-19 pandemic.

Traffic Advisory Committee

- Discussed traffic and infraction related legislative proposals and possible rule changes to Rule of Court 4.220 (Remote video proceedings in traffic infraction cases).

Trial Court Budget Advisory Committee

- Approved recommendations to be considered by the council for fiscal year 2020–21 allocations of the AB 1058 child support program that includes a \$7 million contract reduction with the State Department of Child Support Services, and the Court Interpreter Program, not to exceed the current year appropriation, while the Ad Hoc Subcommittee continues its work on a long-term, data-based solution to address the Court Interpreter Panel's ongoing funding shortfall.
- Established an ad hoc subcommittee in response to the council's motion related to the \$50 million included in the 2020–21 budget for COVID-19 backlog for the trial courts. The subcommittee will develop more precise definitions and practices for documenting and reporting COVID-19 related backlog and workload, determine information to be collected on how the first \$25 million allocation was spent, and develop recommendations for allocating the remaining \$25 million based on data and need.

Trial Court Facility Modification Advisory Committee

- Reviewed modification projects approval lists.

- Reviewed and approved guidelines for funding responsibilities for the Judicial Council and trial courts to be presented to the Court Executives Advisory Committee and posted for public comment.
- Reviewed and approved the five-year deferred maintenance report to be submitted to the Department of Finance. The current Judicial Council share of the deferred maintenance for court facilities is \$4.1 billion. Additionally, reviewed the East County Regional Center, El Cajon fire life safety and egress exit project and approved submission of Budget Change Proposal for future funding.

Trial Court Presiding Judges Advisory Committee

- Discussed the legal and ethical duties of a presiding judge when addressing judicial leave and work-from-home requests made due to dependent care issues and COVID-19 concerns; and received updates on new proposed data reporting guidelines, and the Pretrial Reform Operations Working Group.

Tribal Court-State Court Forum

- Discussed the Indian Child Welfare Act Best Practices Guide, received updates on the Attorney General's Office of Native American Affairs, the U.S. Supreme Court decision in *McGirt v. Oklahoma*, and COVID-19 related continuation of state and tribal court operations.

Workload Assessment Advisory Committee

- Discussed the adjustment request proposal referred by the Trial Court Budget Advisory Committee regarding misdemeanor jury trial workload, and the timeline of the next Resource Assessment Study update, in light of COVID-19 and the impact to the courts.

Judicial Branch Education

All in-person programming for the remainder of 2020 is being redesigned for remote delivery. This includes New Judge Orientation, the judicial ethics core course, and experienced assignment courses scheduled for October and November. The Judicial College, postponed in 2020, will be offered twice in 2021, in April and July.

Summary

Podcast

1. Digital Judge Series: "Judge, It's On My Phone" (Relevance, Authenticity, and Secondary Evidence)

Videos

2. Family Law Update
3. Improving Staff Performance
4. Intersections: Family Law and Other Case Types
5. Juvenile Justice Update

6. Juvenile Dependency Update
7. Protecting the Rights of Litigants with Mental Health Conditions

Webinars

8. AB 1058 Child Support Commissioner Primary Assignment Orientation
9. Bargaining in Difficult Economic Times
10. Braiding Funding for Diversion
11. California Access to Visitation Grant Program
12. California Access to Visitation Grant Program Standard 5.20 and the Uniform Standards of Practice for Providers of Supervised Visitation
13. Danger and Lethality Factors in Domestic Violence Cases
14. Domestic Violence
15. Family Court Services
16. Families First Coronavirus Response Act
17. Remote Settlement Skills
18. Trial Skills for the Dependency Lawyer
19. Vacatur Relief for Victims of Human Trafficking

Publication Updates

20. 2020 Civil Proceedings Benchbook: Discovery
21. Benchbook: Domestic Violence Cases in Criminal Court

Details

AB 1058 Child Support Commissioner Primary Assignment Orientation

Two-day webinar for new child support commissioners to fulfill mandated training on child support law and procedure within six months of beginning an AB 1058 assignment.

Braiding Funding for Diversion Webinar

Designed to help counties and agencies consider funding sources to implement new programs and sustain existing ones during the budget crisis, this training reviewed the financial anatomy of a diversion program, provided 2020 California budget updates, and discussed how budget changes might affect diversion programming. The three-part web-based training was attended by more than 100 participants from 25 counties, and was provided in partnership with the County Behavioral Health Directors Association of California and the California Council on Criminal Justice and Behavioral Health.

California Access to Visitation Grant Program

Supervised visitation report writing and documentation; attended by 110 grant recipient courts, statewide professional providers of supervised visitation, and other multidisciplinary professionals.

California Access to Visitation Grant Program Standard 5.20 and the Uniform Standards of Practice for Providers of Supervised Visitation

Attended by 100 multidisciplinary organizational professionals, court and community-justice partners, and statewide professional providers of supervised visitation implementing Standard 5.20 of the California Standards of Judicial Administration and Family Code section 3200.5.

Danger and Lethality Factors in Domestic Violence Cases

The latest research in domestic violence lethality factors and danger risk assessment.

Domestic Violence

Training for self-help center attorneys and staff on new approaches to domestic violence issues, including how criminal justice reform may impact families and their needs in court.

Family Court Services

Six trainings on pandemic-driven mediation practices, exploring the fundamentals of technology-enabled abuse, and how to incorporate technology in custody and visitation planning, for Family Court Services directors, managers, supervisors, and court administrators.

Family Law Update

New laws and cases affecting family court proceedings.

Improving Staff Performance

The “corrective” phase and helping managers change poor behavior and improve employee skills.

Intersections: Family Law and Other Case Types

The big picture on how a family law case may intersect with other case types, for family court personnel.

Judge, It’s On My Phone

Digital Judge series on admissibility of evidence presented electronically, including discussions on authenticity and secondary evidence, and relevance.

Juvenile Dependency Update

New laws and cases affecting dependency court proceedings.

Juvenile Justice Update

New laws and cases affecting juvenile justice court proceedings.

Labor Relations

Separate sessions on Bargaining in Difficult Economic Times, and the Families First Coronavirus Response Act.

Protecting the Rights of Litigants with Mental Health Conditions

Introduction to mental health conditions and tools to help judicial officers make better informed decisions about how to proceed in court.

Remote Settlement Skills

Information to improve settlement skills and enhance effectiveness in person, on the phone, or by videoconference.

Self Help Centers and Family Law Facilitation

Six sessions with Self Help Center and Family Law Facilitator staff on COVID-19 responses and resources, including a presentation by Legal Aid of Sonoma County on free legal answers, upcoming domestic violence training, LiveChat updates, and the California Courts Self-Represented Litigant portal.

Trial Skills for the Dependency Lawyer Series

Dependency law and contested hearing skills.

Vacatur Relief for Victims of Human Trafficking

Key aspects of the law and potential legal and procedural issues when handling petitions.

Staffing Metrics

As of September 1, 2020

	Executive Division				Leadership Services Division		Operations & Programs Division					Administrative Division				
STAFFING	Audit Services	Executive Office	Governmental Affairs	Public Affairs	Leadership Support Services	Legal Services	Business Mgmt Services	Center for Families, Children and the Courts	Center for Judicial Education & Research	Criminal Justice Services	Information Technology	Branch Accounting & Procurement	Budget Services	Facilities Services	Human Resources	Judicial Council
Authorized Position (FTE)	14.00	12.00	10.00	9.00	65.80	55.00	18.00	88.10	48.50	30.00	141.00	147.00	37.00	142.00	51.00	868.40
Filled Authorized Position (FTE)	10.00	10.80	7.00	6.00	59.80	43.00	18.00	68.35	43.00	23.80	103.00	137.00	27.00	120.00	46.00	722.75
Headcount - Employees	10	11	7	6	61	45	18	69	43	24	103	137	27	120	46	727.00
Vacancy (FTE)	4.00	1.20	3.00	3.00	6.00	12.00	0.00	19.75	5.50	6.20	38.00	10.00	10.00	22.00	5.00	145.65
Vacancy Rate (FTE)	28.6%	10.0%	30.0%	33.3%	9.1%	21.8%	0.0%	22.4%	11.3%	20.7%	27.0%	6.8%	27.0%	15.5%	9.8%	16.77%
Judicial Council Temp Employee (909)	0	2	0	0	0	0	0	0	0	0	0	0	0	2	0	4.00
*Employment Agency Temporary Worker (FTE)	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	2.00
Contractors (FTE)	0.0	0.0	0.0	0.0	0.0	1.0	1.0	0.0	0.0	0.0	29.50	0.0	0.0	0.0	0.0	31.50
TOTAL WORKFORCE (based on FTE, 909s, Agency Temps & Contractors)	10.00	12.80	7.00	6.00	59.80	44.00	19.00	69.35	43.00	23.80	133.50	137.00	27.00	122.00	46.00	760.25

See following page for definition of terms.

Definitions:

Authorized Position (FTE)	Authorized positions include all regular ongoing positions approved in the Budget Act for that year. The number is based on the position's approved full time equivalency.
Filled Authorized Position (FTE)	Filled authorized positions are the number of authorized positions filled based on the employee's full time equivalency.
Headcount	The actual count of persons employed by the Judicial Council, regardless of FTE. This number could be more than the FTE count due to part-time employees being counted as "1". This count does not include Judicial Council Temporary Employees (909) or Employment Agency Temporary Workers.
Vacancy (FTE)	The number of vacancies is the number of authorized positions minus the number of filled authorized positions.
Vacancy Rate (FTE)	Vacancy Rate is calculated by dividing the number of authorized positions by the number of vacant authorized positions. This number excludes temporary employees ("909" funded employees). See definition of temporary employees below.
Judicial Council Temporary Employees (909)	<p>The "909 category is the State Controller code used to reference a temporary position or a temporary employee.</p> <p>909 Position - it is a position that may not be funded through the Budget Act and it is categorized by the Office of the State Controller as a temporary position used in the absence of an authorized position. 909 positions may be occupied by regular full-time employees due to the unavailability of an authorized vacant position. 909 Employee - An employee whose salary is not funded through the Budget Act. 909 employees may receive benefits if employed at least half-time and the term of employment is for more than six months. Types of "909" Temporary Employees include: Retired Annuitants: A retired annuitant is a retiree who is hired by his or her former employer or by another employer that participates in the same retirement system as the former employer. This includes a former participant in a state retirement system who has previously retired and who is currently receiving retirement benefits. Temporary: Employees employed on a temporary basis - they do not receive full benefits (but do receive CalPERS retirement service credit).</p>
Employment Agency Temporary Worker (FTE)	These are workers from an employment agency. They are employees of the employment agency that provide short-term support.
Contractor (FTE)	Individuals augmenting the work of the organization and providing services for a limited period of time or on a specific project, where a particular skill set is required that is either (1) not within an existing classification and/or job description or (2) where recruitment issues require the use of a contractor.
Full Time Equivalency (FTE)	Full Time Equivalency is the number of total maximum compensable hours designated in a year divided by actual hours worked in a year. For example, the work year is defined as 2,080 hours; one employee occupying a paid full time job all year would consume one FTE. One employee working for 1,040 hours each would consume .5 FTE.
Time Base	<p>Full time: Employee is scheduled to work 40 hours per week. Receives full benefits.</p> <p>Part time: Employee is scheduled to work less than 40 hours per week. Employees that work more than 20 hours per week receive full benefits.</p> <p>Intermittent: Employees have no established work schedule and work on an as-needed basis that varies from one pay period to the next. Eligibility for certain benefits may be limited for these employees.</p>
Regular Employee	Commonly referred to as "permanent employees" – They receive full benefits.
Limited Term	Limited Term Position – It is a position that is funded through the Budget Act with a specific end date. The position is counted as an authorized position. Employee in limited term positions may be regular or temporary.

Judicial Appointments and Vacancies Report

Judicial Appointments: There have been 15 judicial appointments since the July Judicial Council meeting. Superior Court Appointments: Los Angeles (7), Riverside (1), Sacramento (2), San Bernardino (1), San Francisco (1), Santa Clara (1), Shasta (1) and Ventura (1).

Number of Judgeships Authorized, Filled, and Vacant as of September 1, 2020

TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS					
		Authorized	Filled	Vacant	Vacant (Unfunded AB 159 positions)	<i>Filled (Last Month)</i>	<i>Vacant (Last Month)</i>
Supreme Court	1	7	6	1	0	7	0
Courts of Appeal	6	106	102	4	0	103	1
Superior Courts	58	1,754	1,646	85	23	1,639	101
All Courts	65	1,867	1,754	113		1,749	118

*50 new (AB 159) judgeships were authorized, but not funded in 2008; funding was provided for two of the judgeships in the 2018 Budget Act and for a further 25 positions in the 2019 Budget Act.

JUDICIAL VACANCIES: SUPREME COURT

Supreme Court	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
Supreme Court	1	Retirement	Hon. Ming W. Chin	8/31/2020
TOTAL VACANCIES	1			

JUDICIAL VACANCIES: APPELLATE COURTS

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
Second Appellate District, Division Seven	1	Retirement	Hon. Laurie D. Zelon	8/31/2020
Third Appellate District	1	Retirement	Hon. Mary Kathleen Butz	6/30/2020
Fourth Appellate District, Division One	1	Retirement	Hon. Gilbert Nares	8/30/2019
Sixth Appellate District	1	Retirement	Hon. Nathan D. Mihara	7/30/2020
TOTAL VACANCIES	4			

JUDICIAL VACANCIES: SUPERIOR COURTS

County	Vacancies	Reason for Vacancy	Judge to be Replaced	Last Day in Office
Alameda	3	Retirement	Hon. Carol S. Brosnahan	8/1/2020
Alameda		Retirement	Hon. Ronni B. MacLaren	5/11/2020
Alameda		Retirement	Hon. Wynne S. Carvill	11/18/2019
Contra Costa	1	Retirement	Hon. John H. Sugiyama	4/30/2020
El Dorado	1	Retirement	Hon. Warren C. Stracener	1/9/2020
Fresno	6	Retirement	Hon. Alan M. Simpson	8/14/2020
Fresno		Retirement	Hon. Jane Cardoza	7/22/2020
Fresno		Retirement	Hon. W. Kent Hamlin	7/8/2020
Fresno		Retirement	Hon. Don Penner	11/22/2019
Fresno		Newly created position	Vacancy	9/24/2019
Fresno		Newly created position	Vacancy	9/24/2019
Kern	4	Retirement	Hon. Louie L. Vega	8/21/2020
Kern		Newly created position	Vacancy	9/24/2019
Kern		Newly created position	Vacancy	9/24/2019
Kern		Retirement	Hon. Steven M. Katz	9/20/2019
Kings	1	Newly created position	Vacancy	9/24/2019
Los Angeles	16	Retirement	Hon. Elizabeth R. Feffer	8/31/2020
Los Angeles		Retirement	Hon. Elizabeth Ann Lippitt	7/31/2020
Los Angeles		Retirement	Hon. Frederick Rotenberg	7/31/2020
Los Angeles		Retirement	Hon. Elizabeth Allen White	7/3/2020
Los Angeles		Retirement	Hon. William N. Sterling	6/29/2020
Los Angeles		Retirement	Hon. Debre Katz Weintraub	6/29/2020
Los Angeles		Retirement	Hon. Michael A. Cowell	6/15/2020
Los Angeles		Retirement	Hon. Steven P. Sanora	6/15/2020
Los Angeles		Retirement	Hon. Richard Edward Rico	4/15/2020
Los Angeles		Retirement	Hon. Charles F. Palmer	3/31/2020
Los Angeles		Retirement	Hon. Randolph Rogers	3/31/2020
Los Angeles		Retirement	Hon. Leslie A. Swain	3/6/2020

Los Angeles		Retirement	Hon. Abraham Khan	2/29/2020
Los Angeles		Retirement	Hon. Daniel P. Ramirez	2/15/2020
Los Angeles		Retirement	Hon. Richard R. Romero	2/15/2020
Los Angeles		Retirement	Hon. Thomas T. Lewis	12/17/2019
Madera	1	Retirement	Hon. Joseph A. Soldani	6/30/2019
Mendocino	1	Retirement	Hon. John A. Behnke	1/15/2020
Merced	1	Newly created position	Vacancy	9/24/2019
Monterey	2	Retirement	Hon. Susan J. Matcham	8/31/2020
Monterey		Retirement	Hon. Efren N. Iglesia	5/22/2020
Orange	4	Retirement	Hon. Ronald Lawrence Bauer	5/31/2020
Orange		Retirement	Hon. Geoffrey T. Glass	6/21/2019
Orange		Retirement	Hon. Franz E. Miller	4/29/2019
Orange		Retirement	Hon. David R. Chaffee	3/4/2019
Riverside	6	Retirement	Hon. Becky Lynn Dugan	4/22/2020
Riverside		Newly created position	Vacancy	9/24/2019
Riverside		Newly created position	Vacancy	9/24/2019
Riverside		Newly created position	Vacancy	9/24/2019
Riverside		Newly created position	Vacancy	9/24/2019
Riverside		Newly created position	Vacancy	9/24/2019
Sacramento	3	Retirement	Hon. Eugene L. Balonon	5/8/2020
Sacramento		Retirement	Hon. Raoul M. Thorbourne	4/30/2020
Sacramento		Retirement	Hon. David W. Abbott	3/31/2020
San Bernardino	5	Retirement	Hon. Raymond L. Haight III	2/9/2020
San Bernardino		Newly created position	Vacancy	9/24/2019
San Bernardino		Newly created position	Vacancy	9/24/2019
San Bernardino		Newly created position	Vacancy	9/24/2019
San Bernardino		Newly created position	Vacancy	9/24/2019
San Diego	7	Retirement	Hon. K. Michael Kirkman	6/22/2020
San Diego		Retirement	Hon. David B. Oberholtzer	5/4/2020
San Diego		Retirement	Hon. Stephanie Sontag	4/14/2020
San Diego		Retirement	Hon. Adrienne A. Orfield	4/7/2020

San Diego		Retirement	Hon. Lantz Lewis	3/31/2020
San Diego		Retirement	Hon. Gale E. Kaneshiro	2/29/2020
San Diego		Retirement	Hon. Louis R. Hanoian	2/20/2020
San Francisco	4	Retirement	Hon. Peter J. Busch	8/31/2020
San Francisco		Retirement	Hon. Charlene P. Kiesselbach	6/26/2020
San Francisco		Retirement	Hon. A. James Robertson II	5/31/2020
San Francisco		Elevated	Hon. Teri L. Jackson	1/21/2020
San Joaquin	3	Retirement	Hon. Brett H. Morgan	8/4/2020
San Joaquin		Retirement	Hon. William D. Johnson	6/29/2020
San Joaquin		Retirement	Hon. Phillip R. Urie	12/31/2019
San Mateo	2	Retirement	Hon. Clifford V. Cretan	8/31/2020
San Mateo		Retirement	Hon. Mark R. Forcum	9/10/2019
Santa Clara	4	Retirement	Hon. Michele McKay McCoy	3/10/2020
Santa Clara		Retirement	Hon. Edward Frederick Lee	2/29/2020
Santa Clara		Retirement	Hon. Joshua Weinstein	9/3/2019
Santa Clara		Retirement	Hon. Rise Jones Pichon	4/18/2019
Santa Cruz	1	Retirement	Hon. Ariadne J. Symons	7/15/2020
Solano	2	Retirement	Hon. Michael Mattice	3/25/2020
Solano		Retirement	Hon. Robert C. Fracchia	2/27/2020
Sonoma	2	Retirement	Hon. Allan D. Hardcastle	4/3/2020
Sonoma		Retirement	Hon. Robert S. Boyd	6/3/2019
Stanislaus	3	Retirement	Hon. Marie Sovey Silveira	7/31/2020
Stanislaus		Retirement	Hon. Roger M. Beauchesne	12/31/2019
Stanislaus		Newly created position	Vacancy	9/24/2019
Tulare	1	Newly created position	Vacancy	9/24/2019
Tuolumne	1	Retirement	Hon. James A. Boscoe	12/31/2019
TOTAL VACANCIES	85			

Number of Judgeships Authorized, Filled, and Vacant, August 2018–August 2020 (two years) *

Month	Superior Courts				Courts of Appeal			
	Authorized	Filled	Vacancy	Vacancy Rate	Authorized	Filled	Vacancy	Vacancy Rate
Aug-18	1,732	1,618	114	6.6%	105	100	5	4.8%
Sep-18	1,743	1,619	124	7.1%	106	100	6	5.7%
Oct-18	1,743	1,658	85	4.9%	106	103	3	2.8%
Nov-18	1,743	1,663	80	4.6%	106	106	0	0.0%
Dec-18	1,743	1,679	64	3.7%	106	106	0	0.0%
Jan-19	1,743	1,687	56	3.2%	106	106	0	0.0%
Feb-19	1,743	1,688	55	3.2%	106	105	1	0.9%
Mar-19	1,743	1,683	60	3.4%	106	105	1	0.9%
Apr-19	1,743	1,675	68	3.9%	106	105	1	0.9%
May-19	1,743	1,675	68	3.9%	106	105	1	0.9%
Jun-19	1,743	1,672	71	4.1%	106	105	1	0.9%
Jul-19	1,743	1,667	68	3.9%	106	105	1	0.9%
Aug-19	1,743	1,662	81	4.6%	106	104	2	1.9%
Sep-19	1,743	1,660	83	4.8%	106	104	2	1.9%
Oct-19	1,743	1,668	75	4.3%	106	104	2	1.9%
Nov-19	1,743	1,664	79	4.5%	106	104	2	1.9%
Dec-19	1,743	1,661	82	4.7%	106	104	2	1.9%
Jan-20	1,743	1,658	85	4.9%	106	105	1	0.9%
Feb-20	1,743	1,650	93	5.3%	106	105	1	0.9%
Mar-20	1,743	1,642	101	5.8%	106	105	1	0.9%
Apr-20	1,743	1,648	95	5.5%	106	105	1	0.9%
May-20	1,743	1,643	100	5.7%	106	105	1	0.9%
Jun-20	1,754	1,646	108	6.2%	106	104	2	1.9%
Jul-20	1,754	1,639	115	6.6%	106	103	3	2.8%
Aug-20	1,754	1,646	108	6.2%	106	102	4	3.8%

* As of September 1, 2020.

Note: Growth in number of Authorized Judicial Positions reflects SJO conversions, as well as newly funded positions via the 2019 Budget Act. Since 2007, 156 SJO positions have been converted to judgeships.

Percent of Judgeship Vacancies in the Superior Courts, August 2018–August 2020

