



Judicial Council of California

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File #: 16-130 **Version:** 1

Type: Other Proposal **Status:** Passed

File created: 7/26/2016 **In control:** Judicial Council

On agenda: 8/26/2016 **Final action:** 8/26/2016

Title: Subordinate Judicial Officers: Update of the Policy for Deferrals of Conversions to Judgeships (Action Required)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 20160826-16-130

Date	Ver.	Action By	Action	Result
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Title

Subordinate Judicial Officers: Update of the Policy for Deferrals of Conversions to Judgeships (Action Required)

Summary

The Executive and Planning Committee (E&P) of the Judicial Council has authority to confirm conversions of subordinate judicial officer positions to judgeships under Government Code section 69615, using uniform criteria adopted by the Judicial Council to identify positions eligible for conversion. Under certain circumstances, E&P may grant a temporary exception to conversion at the request of a court that wishes to defer a conversion until a later time. The policy that established the criteria for deferring conversions was adopted by the Judicial Council in 2009 but needs to be updated in order to fit the current needs of courts. In order to meet the operational needs of courts and to provide clear guidance to both courts and E&P regarding the circumstances under which an exception may be granted, E&P recommends that the Judicial Council approve updated criteria under which a court may seek a deferral of a conversion.

Recommendation

The Executive and Planning Committee recommends that the Judicial Council update the existing policy concerning deferrals of subordinate judicial officer (SJO) conversions in order to give E&P and the courts clear guidelines for reviewing and approving such requests. Specifically, the council should adopt the following criteria:

1. Assessed judicial need,
2. Vacancies and anticipated vacancies of judicial officers,
3. Workload growth in the court,
4. Economic hardship that affects a court's ability to maintain its current level of operations, and
5. Operational hardship.

In addition to expanding the criteria under which an exception could be granted, E&P recommends that the council direct courts seeking a deferral to choose between three options. Courts with a vacant SJO position eligible for conversion may:

- Option 1: Request a permanent reduction in the number of authorized SJO positions instead of converting the position or filling it with another SJO.
- Option 2: Seek a deferral of the conversion and choose to fill the position with a subordinate judicial officer.
- Option 3: Seek a one-year deferral of the conversion, leaving the SJO position vacant during that time.