

AMENDED IN SENATE JULY 14, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 942**

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**Introduced by Committee on Judiciary (Feuer (Chair), Brownley,  
Evans, Jones, Krekorian, Lieu, and Monning)**

February 26, 2009

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An act to amend Sections 69614 and 69615 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 942, as amended, Committee on Judiciary. Judgeships.

(1) Existing law requires the Judicial Council to report to the Legislature and the Governor on or before November 1 of every even-numbered year on the factually determined need for new judgeships in each superior court using specified uniform criteria for the allocation of judgeships.

This bill would require the Judicial Council, on or before June 30, 2011, to provide to the Legislature a special assessment of the need for new judgeships in the family law and juvenile law assignments for each superior court.

(2) Existing law provides that 16 subordinate judicial officer positions in eligible superior courts, as determined by the Judicial Council, shall be converted to judgeships. Beginning in the 2008–09 fiscal year, existing law provides that, upon subsequent authorization by the Legislature, 146 subordinate judicial officer positions in eligible superior courts, as determined by the Judicial Council, shall be converted to judgeships, upon the occurrence of specified conditions, except that no

more than 16 positions may be converted to judgeships in any fiscal year.

This bill would provide, notwithstanding the above provisions, that up to 10 additional subordinate judicial officer positions *in eligible superior courts* may be converted to judgeships in any fiscal year. Each additional position would be converted to a judgeship only if the conversions will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer. The bill would require the Judicial Council to report, ~~as part of~~ *beginning with* the above-described report due to the Legislature on November 1, 2012, on the implementation and effect of this provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 69614 of the Government Code is  
 2 amended to read:  
 3 69614. (a) Upon appropriation by the Legislature in the  
 4 2006–07 fiscal year, there shall be 50 additional judges allocated  
 5 to the various superior courts pursuant to the uniform criteria  
 6 described in subdivision (b) for determining the need for additional  
 7 superior court judges.  
 8 (b) The judges shall be allocated, in accordance with the uniform  
 9 standards for factually determining additional judicial need in each  
 10 county, as approved by the Judicial Council in August, 2001, and  
 11 as modified and approved by the Judicial Council in August, 2004,  
 12 pursuant to the Update of Judicial Needs Study, based on the  
 13 following criteria:  
 14 (1) Court filings data averaged over a period of three years.  
 15 (2) Workload standards that represent the average amount of  
 16 time of bench and nonbench work required to resolve each case  
 17 type.  
 18 (3) A ranking methodology that provides consideration for  
 19 courts that have the greatest need relative to their current  
 20 complement of judicial officers.  
 21 (c) (1) The Judicial Council shall report to the Legislature and  
 22 the Governor on or before November 1 of every even-numbered  
 23 year on the factually determined need for new judgeships in each

1 superior court using the uniform criteria for allocation of judgeships  
2 described in subdivision (b), as updated and applied to the average  
3 of the prior three years' filings.

4 (2) On or before June 30, 2011, the Judicial Council shall  
5 provide to the Legislature a special assessment of the need for new  
6 judgeships in the family law and juvenile law assignments for each  
7 superior court.

8 (3) The Judicial Council shall report, ~~as part of~~ *beginning with*  
9 the report due to the Legislature on November 1, 2012, on the  
10 implementation and effect of subparagraph (C) of paragraph (1)  
11 of subdivision (c) of Section 69615.

12 SEC. 2. Section 69615 of the Government Code is amended  
13 to read:

14 69615. (a) It is the intent of the Legislature in enacting this  
15 section to restore an appropriate balance between subordinate  
16 judicial officers and judges in the trial courts by providing for the  
17 conversion, as needed, of subordinate judicial officer positions to  
18 judgeships in courts that assign subordinate judicial officers to act  
19 as temporary judges. The Legislature finds that these positions  
20 must be converted to judgeships in order to ensure that critical  
21 case types, including family, probate, and juvenile law matters,  
22 can be heard by judges.

23 (b) (1) The Legislature finds that because of the unique nature  
24 of family and juvenile law matters, including the longlasting impact  
25 of decisions in these cases, particularly on vulnerable children,  
26 whenever possible, these cases should be presided over by judges,  
27 who are accountable to the public.

28 (2) The Legislature also finds that a Judicial Council study  
29 concluded that public trust and confidence in the courts is strongest  
30 when the public believes that the decisionmaking processes used  
31 by the court are fair and allow each litigant a reasonable  
32 opportunity to be heard by the court. In order to improve the public  
33 perception of procedural fairness in family law and juvenile law  
34 matters, it is necessary that cases be heard by judges whenever  
35 possible.

36 (3) It is therefore the intent of the Legislature, in allowing the  
37 conversion of up to 10 additional subordinate judicial officer  
38 positions, as provided in subparagraph (C) of paragraph (1) of  
39 subdivision (c), to expedite the timeline for ensuring that family  
40 and juvenile law matters are presided over by judges.

1 (c) (1) (A) Sixteen subordinate judicial officer positions in  
2 eligible superior courts, as determined and approved by the Judicial  
3 Council on February 23, 2007, pursuant to uniform criteria for  
4 determining the need for converting existing subordinate judicial  
5 officer positions to superior court judgeships, shall be converted  
6 to judgeships as set forth in paragraph (2).

7 (B) Upon subsequent authorization by the Legislature, 146  
8 subordinate judicial officer positions in eligible superior courts,  
9 as determined by the Judicial Council pursuant to uniform criteria  
10 for determining the need for converting existing subordinate  
11 judicial officer positions to superior court judgeships, shall be  
12 converted to judgeships as set forth in paragraphs (2) and (3),  
13 except that no more than 16 subordinate judicial officer positions  
14 may be converted in any fiscal year.

15 (C) Notwithstanding subparagraph (B), up to 10 additional  
16 subordinate judicial officer positions *in eligible superior courts*  
17 may be converted to superior court judgeships in any fiscal year.  
18 Each additional position may be converted to a judgeship only if  
19 the conversion will result in a judge being assigned to a family  
20 law or juvenile law assignment previously presided over by a  
21 subordinate judicial officer. *The additional conversions authorized*  
22 *by this subparagraph are subject to the requirements of paragraph*  
23 *(3).*

24 (2) The positions for conversion shall be allocated each fiscal  
25 year pursuant to uniform allocation standards to be developed by  
26 the Judicial Council for factually determining the relative judicial  
27 need for conversion of a subordinate judicial officer position that  
28 becomes vacant to a superior court judgeship position.

29 (3) Beginning in the 2008–09 fiscal year, a subordinate judicial  
30 officer position shall be converted to a judgeship when all of the  
31 following conditions are met:

32 (A) A vacancy occurs in a subordinate judicial officer position  
33 in an eligible superior court as determined by the uniform allocation  
34 standards described in paragraph (2).

35 (B) The Judicial Council files notice of the vacancies and  
36 allocations with the Chairperson of the Senate Committee on Rules,  
37 the Speaker of the Assembly, and the Chairpersons of the Senate  
38 and Assembly Committees on Judiciary.

39 (C) The proposed action is ratified by the Legislature, either in  
40 the annual Budget Act or another legislative measure.

1 (4) Section 12011.5 shall apply to an appointment to a superior  
2 court judgeship converted from a subordinate judicial officer  
3 position.

4 (d) For purposes of this section, “subordinate judicial officer”  
5 means an officer appointed under the authority of Section 22 of  
6 Article VI of the California Constitution. This section shall not  
7 apply to a subordinate judicial officer position established by  
8 Section 4251 of the Family Code.

9 (e) It is the intent of the Legislature that no subordinate judicial  
10 officer shall involuntarily lose his or her position solely due to  
11 operation of this section. This section does not change the  
12 employment relationship between subordinate judicial officers and  
13 the trial courts established by law.

14 (f) This section does not limit the authority of the Governor to  
15 appoint a person to fill a vacancy pursuant to subdivision (c) of  
16 Section 16 of Article VI of the California Constitution.

17 (g) This section does not entitle a court to an increase in funding.

18 (h) The operation of this section shall neither increase nor  
19 decrease the number of judicial and subordinate judicial officer  
20 positions and court support positions for which a county is  
21 responsible by law.