

Memorandum 2001-6

Statutes Made Obsolete by Trial Court Restructuring: Judges

BACKGROUND

The California Constitution requires the Legislature to prescribe the number of superior court judges in each county and the number of municipal court judges in each municipal court district. Cal. Const. art. VI, §§ 4, 5. The Legislature has prescribed the number of superior court judges for various counties in Government Code Sections 69580-69620. The Legislature has prescribed the number of municipal court judges in various county-specific provisions found in Chapters 9-10 of Title 8 of the Government Code (Sections 72600-74997).

On unification of the superior and municipal courts in a county, the previously selected municipal court judges become superior court judges. Cal. Const. art. VI, § 23(b); Gov't Code § 70211(a). Until revised by statute, the total number of judgeships in the unified superior court equal the previously authorized number of judgeships in the municipal court and superior court combined. Gov't Code § 70211(a).

ADJUSTMENT OF STATUTES

As part of the cleanout of obsolete statutes, the number of superior court judgeships should be adjusted to reflect the addition of the municipal court judgeships. While it is arguable that the efficiencies created by unification may reduce the need for the total number of judgeships currently allocated to a county, this cannot be determined without proper analysis of workload statistics. That is beyond the scope of the current project. For now, the staff recommends that we merely adjust the statutes so that they accurately reflect the present status in each county.

There is no statute that prescribes the number of superior court judges for the following counties:

Alpine	Inyo	San Benito
Amador	Lassen	Sierra
Calaveras	Mariposa	Siskiyou
Colusa	Modoc	Trinity
Del Norte	Mono	
Glenn	Plumas	

Each of these counties is authorized to have at least two superior court judges. That is because under preunification law, the Constitution required each county to have at least one superior court judge and at least one municipal court judge. See Cal. Const. art. VI, §§ 4 (“In each county there is a superior court of one or more judges.”), 5 (“Each municipal court shall have one or more judges.”) Thus unification resulted in a minimum of two superior court judgeships per county, at least as a transitional matter. Cal. Const. art. VI, § 23(b). Absent subsequent legislation reducing or increasing the number of judgeships in those counties, it appears that two judgeships would continue on a transitional basis indefinitely.

As part of the statutory cleanup, the staff would add provisions that codify the number of judges in these counties. The statutes currently fail to satisfy the constitutional mandate that the Legislature prescribe the number of superior court judges in each county.

It should be noted that some existing statutes provide for an increase in the number of judgeships in a county if the board of supervisors of the county finds that there are sufficient funds for that purpose and adopts a resolution to that effect. Although the Constitution requires the Legislature to prescribe the number of judges in a county, these provisions do not appear to violate that requirement because technically the only authority delegated to the county is the authority to determine whether there are sufficient funds for the number of judges prescribed by the Legislature. In any event, these provisions are obsolete as a result of shifting trial court funding responsibility from the county to the state. In revising the statutes to reflect the number of judgeships authorized in a particular county, we include the judgeships for which the board of supervisors has previously adopted a resolution pursuant to the statutory authorization.

While we are cleaning up the statutes, we probably ought also to alphabetize them. The existing scheme does fine, from Alameda to Ventura counties (Sections 69580 through Section 69606). At that point the scheme seems to lose focus and

begins to meander. We could easily solidify the alphabetical structure by moving six of the last eight sections into their proper alphabetical sequence. (Two of the last eight would not require relocation — they would fall into alphabetical order automatically as a result of relocating the other six.)

SUPERIOR COURT STATUTES

Gov't Code § 69580 (amended). Number of judges in Alameda County

69580. In the County of Alameda there shall be ~~35~~ 69 judges of the superior court.

Comment. Section 69580 is amended to reflect unification of the municipal and superior courts in Alameda County. See former Section 73075 (number of judges in Alameda County municipal courts).

Gov't Code § 69580.3 (added). Number of judges in Alpine County

69580.3. In the County of Alpine there are 2 judges of the superior court.

Comment. Section 69580.3 is added to reflect unification of the municipal and superior courts in Alpine County. See Cal. Const. art. I, §§ 4, 5 (minimum number of superior court and municipal court judges in a county).

Gov't Code § 69580.7 (added). Number of judges in Amador County

69580.7. In the County of Amador there are 2 judges of the superior court.

Comment. Section 69580.7 is added to reflect unification of the municipal and superior courts in Amador County. See Cal. Const. art. I, §§ 4, 5 (minimum number of superior court and municipal court judges in a county).

Gov't Code § 69581 (amended). Number of judges in Butte County

69581. In the County of Butte there shall be ~~six~~ nine judges of the superior court.

Comment. Section 69581 is amended to reflect unification of the municipal and superior courts in Butte County. See former Section [to be provided] (number of judges in Butte County municipal courts).

Gov't Code § 69581.3 (added). Number of judges in Calaveras County

69581.3. In the County of Calaveras there are 2 judges of the superior court.

Comment. Section 69581.3 is added to reflect unification of the municipal and superior courts in Calaveras County. See Cal. Const. art. I, §§ 4, 5 (minimum number of superior court and municipal court judges in a county).

Gov't Code § 69581.7 (added). Number of judges in Colusa County

69581.7. In the County of Colusa there are 2 judges of the superior court.

Comment. Section 69581.7 is added to reflect unification of the municipal and superior courts in Colusa County. See Cal. Const. art. I, §§ 4, 5 (minimum number of superior court and municipal court judges in a county).

Gov't Code § 69582 (amended). Number of judges in Contra Costa County

69582. In the County of Contra Costa there are ~~19~~ 32 judges of the superior court.

Comment. Section 69582 is amended to reflect unification of the municipal and superior courts in Contra Costa County. See former Section [to be provided] (number of judges in Contra Costa County municipal courts).

Gov't Code § 69582.3 (added). Number of judges in Del Norte County

69582.3. In the County of Del Norte there are 2 judges of the superior court.

Comment. Section 69582.3 is added to reflect unification of the municipal and superior courts in Del Norte County. See Cal. Const. art. I, §§ 4, 5 (minimum number of superior court and municipal court judges in a county).

Gov't Code § 69582.5 (amended). Number of judges in El Dorado County

69582.5. In the County of El Dorado there shall be ~~three~~ six judges of the superior court.

Comment. Section 69582.5 is amended to reflect unification of the municipal and superior courts in El Dorado County. See former Section [to be provided] (number of judges in El Dorado County municipal courts).

Gov't Code § 69583 (amended). Number of judges in Fresno County

69583. In the County of Fresno there shall be ~~18~~ 35 judges of the superior court.

Comment. Section 69583 is amended to reflect unification of the municipal and superior courts in Fresno County. See former Section [to be provided] (number of judges in Fresno County municipal courts).

Gov't Code § 69583.5 (added). Number of judges in Glenn County

69583.5. In the County of Glenn there are 2 judges of the superior court.

Comment. Section 69583.5 is added to reflect unification of the municipal and superior courts in Glenn County. See Cal. Const. art. I, §§ 4, 5 (minimum number of superior court and municipal court judges in a county).

Gov't Code § 69584 (amended). Number of judges in Humboldt County

69584. In the County of Humboldt there shall be ~~three~~ seven judges of the superior court.

Comment. Section 69584 is amended to reflect unification of the municipal and superior courts in Humboldt County. See former Section [to be provided] (number of judges in Humboldt County municipal courts).

Gov't Code § 69584.5 (amended). Number of judges in Imperial County

69584.5. In the County of Imperial there shall be ~~four~~ nine judges of the superior court.

Comment. Section 69584.5 is amended to reflect unification of the municipal and superior courts in Imperial County. See former Section [to be provided] (number of judges in Imperial County municipal courts).

Gov't Code § 69584.7 (added). Number of judges in Inyo County

69584.7. In the County of Inyo there are 2 judges of the superior court.

Comment. Section 69584.7 is added to reflect unification of the municipal and superior courts in Inyo County. See Cal. Const. art. I, §§ 4, 5 (minimum number of superior court and municipal court judges in a county).

Gov't Code § 69585 (amended). Number of judges in Kern County

69585. In the County of Kern there shall be ~~16~~ 32 judges of the superior court.

Comment. Section 69585 is amended to reflect unification of the municipal and superior courts in Kern County. See former Section [to be provided] (number of judges in Kern County municipal courts).

Gov't Code § 69585.5 (amended). Number of judges in Kings County

69585.5. In the County of Kings there are ~~three~~ seven judges of the superior court.

Comment. Section 69585.5 is amended to reflect unification of the municipal and superior courts in Kings County. See former Section [to be provided] (number of judges in Kings County municipal courts).

☛ **Staff Note.** Contingent, of course, on unification.

Gov't Code § 69585.7 (amended). Number of judges in Lake County

69585.7. In the County of Lake there shall be ~~one judge of the superior court; provided, that at such time as the board of supervisors finds there are sufficient funds for two judges and adopts a resolution to that effect, there shall be two~~ four judges of the superior court.

Comment. Section 69585.7 is amended to reflect unification of the municipal and superior courts in Lake County. See former Section [to be provided] (number of judges in Lake County municipal courts).

Gov't Code § 69585.9 (added). Number of judges in Lassen County

69585.9. In the County of Lassen there are 2 judges of the superior court.

Comment. Section 69585.9 is added to reflect unification of the municipal and superior courts in Lassen County. See Cal. Const. art. I, §§ 4, 5 (minimum number of superior court and municipal court judges in a county).

Gov't Code § 69586 (amended). Number of judges in Los Angeles County

69586. In the County of Los Angeles there are ~~239~~ 428 judges of the superior court, ~~any one or more of whom may hold court.~~

Comment. Section 69586 is amended to reflect unification of the municipal and superior courts in Los Angeles County. See former Section [to be provided] (number of judges in Los Angeles County municipal courts). The last clause is deleted as unnecessary.

☛ **Staff Note.** The staff is researching the question whether the last clause has any meaning. Initial indications are that it is an

historical relic from a provision that made clear that an order of a judge was an order of the court. *Cf.* Gov't Code § 69741.5 (proceedings by “any one or more of the judges” sitting in superior court session effectual as though all judges of court presided at session).

Gov't Code § 69587 (amended). Number of judges in Madera County

69587. In the County of Madera there are ~~three~~ seven judges.

Comment. Section 69587 is amended to reflect unification of the municipal and superior courts in Madera County. See former Section [to be provided] (number of judges in Madera County municipal courts).

Gov't Code § 69588 (amended). Number of judges in Marin County

69588. In the County of Marin there shall be ~~six~~ 10 judges.

Comment. Section 69588 is amended to reflect unification of the municipal and superior courts in Marin County. See former Section [to be provided] (number of judges in Marin County municipal courts).

Gov't Code § 69588.3 (added). Number of judges in Mariposa County

69588.3. In the County of Mariposa there are 2 judges of the superior court.

Comment. Section 69588.3 is added to reflect unification of the municipal and superior courts in Mariposa County. See Cal. Const. art. I, §§ 4, 5 (minimum number of superior court and municipal court judges in a county).

Gov't Code § 69688.7 (added). Number of judges in Mendocino County

69688.7. In the County of Mendocino there are nine judges of the superior court.

Comment. Section 69688.7 supersedes former Section 69608 for the purpose of alphabetization. It reflects unification of the municipal and superior courts in Mendocino County. See former Section [to be provided] (number of judges in Mendocino County municipal courts).

Gov't Code § 69589 (amended). Number of judges in Merced County

69589. In the County of Merced there shall be ~~three~~ six judges of the superior court.

Comment. Section 69589 is amended to reflect unification of the municipal and superior courts in Merced County. See former

Section [to be provided] (number of judges in Merced County municipal courts).

Gov't Code § 69589.3 (added). Number of judges in Modoc County

69589.3. In the County of Modoc there are 2 judges of the superior court.

Comment. Section 69589.3 is added to reflect unification of the municipal and superior courts in Modoc County. See Cal. Const. art. I, §§ 4, 5 (minimum number of superior court and municipal court judges in a county).

Gov't Code § 69589.7 (added). Number of judges in Mono County

69589.7. In the County of Mono there are 2 judges of the superior court.

Comment. Section 69589.7 is added to reflect unification of the municipal and superior courts in Mono County. See Cal. Const. art. I, §§ 4, 5 (minimum number of superior court and municipal court judges in a county).

Gov't Code § 69590 (amended). Number of judges in Monterey County

69590. In the County of Monterey there shall be ~~eight~~ 18 judges of the superior court.

Comment. Section 69590 is amended to reflect unification of the municipal and superior courts in Monterey County. See former Section [to be provided] (number of judges in Monterey County municipal courts).

Gov't Code § 69590.5 (amended). Number of judges in Napa County

69590.5. In the County of Napa there shall be ~~two~~ six judges of the superior court; ~~provided, that at such time as the board of supervisors finds, on or after January 1, 1984, that there are funds for an additional superior court judge and adopts a resolution to that effect, there shall be three judges.~~

Comment. Section 69590.5 is amended to reflect unification of the municipal and superior courts in Napa County. See former Section [to be provided] (number of judges in Napa County municipal courts).

Gov't Code § 69590.7 (amended). Number of judges in Nevada County

69590.7. In the County of Nevada there are ~~three~~ six judges of the superior court.

Comment. Section 69590.7 is amended to reflect unification of the municipal and superior courts in Nevada County. See former

Section [to be provided] (number of judges in Nevada County municipal courts).

Gov't Code § 69591 (amended). Number of judges in Orange County

69591. In the County of Orange there are ~~62~~ 108 judges of the superior court.

Comment. Section 69591 is amended to reflect unification of the municipal and superior courts in Orange County. See former Section [to be provided] (number of judges in Orange County municipal courts).

Gov't Code § 69591.3 (added). Number of judges in Placer County

69591.3. In the County of Placer there are nine judges of the superior court.

Comment. Section 69591.3 supersedes former Section 69609 for the purpose of alphabetization. It reflects unification of the municipal and superior courts in Placer County. See former Section [to be provided] (number of judges in Placer County municipal courts).

Gov't Code § 69591.7 (added). Number of judges in Plumas County

69591.7. In the County of Plumas there are 2 judges of the superior court.

Comment. Section 69591.7 is added to reflect unification of the municipal and superior courts in Plumas County. See Cal. Const. art. I, §§ 4, 5 (minimum number of superior court and municipal court judges in a county).

Gov't Code § 69592 (amended). Number of judges in Riverside County

69592. In the County of Riverside there are ~~27~~ 48 judges of the superior court.

Comment. Section 69591.7 is amended to reflect unification of the municipal and superior courts in Riverside County. See former Section [to be provided] (number of judges in Riverside County municipal courts).

Gov't Code § 69593 (amended). Number of judges in Sacramento County

69593. In the County of Sacramento there are ~~35~~ 50 judges of the superior court.

Comment. Section 69593 is amended to reflect unification of the municipal and superior courts in Sacramento County. See former Section [to be provided] (number of judges in Sacramento County municipal courts).

Gov't Code § 69593.5 (added). Number of judges in San Benito County

69593.5. In the County of San Benito there are 2 judges of the superior court.

Comment. Section 69593.5 is added to reflect unification of the municipal and superior courts in San Benito County. See Cal. Const. art. I, §§ 4, 5 (minimum number of superior court and municipal court judges in a county).

Gov't Code § 69594 (amended). Number of judges in San Bernardino County

69594. In the County of San Bernardino there are 33 60 judges of the superior court.

Comment. Section 69594 is amended to reflect unification of the municipal and superior courts in San Bernardino County. See former Section [to be provided] (number of judges in San Bernardino County municipal courts).

Gov't Code § 69595 (amended). Number of judges in San Diego County

69595. In the County of San Diego there are 72 127 judges of the superior court.

Comment. Section 69595 is amended to reflect unification of the municipal and superior courts in San Diego County. See former Section [to be provided] (number of judges in San Diego County municipal courts).

Gov't Code § 69595.5 (unchanged). Sessions in San Diego County

69595.5. Notwithstanding the provisions of Article 5 (commencing with Section 69740) of Chapter 5 of Title 8, in the County of San Diego, one or more judges of the superior court shall hold concurrent daily sessions in the City of Vista, two or more judges of the superior court shall hold concurrent daily sessions in the City of El Cajon, and one judge of the superior court shall hold concurrent daily sessions within the South Bay Municipal Court District.

☛ **Staff Note.** It is not clear why this provision is located here, rather than among the statutes governing sessions. We would leave it alone for the time being, pending the report of the task force on court facilities. Ultimately, if it is preserved, it should be relocated.

Gov't Code § 69596 (amended). Number of judges in City and County of San Francisco

69596. In the City and County of San Francisco there are 30 49 judges of the superior court, ~~any one or more of whom may hold court.~~

Comment. Section 69596 is amended to reflect unification of the municipal and superior courts in the City and County of San Francisco. See former Section [to be provided] (number of judges in the City and County of San Francisco municipal courts).

☛ **Staff Note.** The staff is researching the question whether the last clause has any meaning. Initial indications are that it is an historical relic from a provision that made clear that an order of a judge was an order of the court. Cf. Gov't Code § 69741.5 (proceedings by “any one or more of the judges” sitting in superior court session effectual as though all judges of court presided at session).

Gov't Code § 69598 (amended). Number of judges in San Joaquin County

69598. In the County of San Joaquin there are 14 25 judges of the superior court.

Comment. Section 69598 is amended to reflect unification of the municipal and superior courts in San Joaquin County. See former Section [to be provided] (number of judges in San Joaquin County municipal courts).

Gov't Code § 69598.5 (added). Number of judges in San Luis Obispo County

69598.5. In the County of San Luis Obispo there are 10 judges of the superior court.

Comment. Section 69598.5 supersedes former Section 69613 for the purpose of alphabetization. It reflects unification of the municipal and superior courts in San Luis Obispo County. See former Section [to be provided] (number of judges in San Luis Obispo County municipal courts).

Gov't Code § 69599 (amended). Number of judges in San Mateo County

69599. In San Mateo County there are ~~16 judges of the superior court. However, at such time as the board of supervisors finds there are sufficient funds for an additional judge and adopts a resolution to that effect, there shall be~~ 17 26 judges of the superior court.

Comment. Section 69599 is amended to reflect unification of the municipal and superior courts in San Mateo County. See former Section 73521 (number of judges in San Mateo County Judicial District).

Gov't Code § 69599.5 (amended). Number of judges in Santa Barbara County

69599.5. (a) In the County of Santa Barbara there shall be 10 19 judges of the superior court.

~~(b) Notwithstanding Section 247 of the Welfare and Institutions Code, no juvenile court referee or referees may be appointed in the County of Santa Barbara.~~

Comment. Subdivision (a) of Section 69599.5 is amended to reflect unification of the municipal and superior courts in Santa Barbara County. See former Section [to be provided] (number of judges in Santa Barbara County municipal courts).

Subdivision (b) is deleted as obsolete. It is superseded by Section 71622 (subordinate judicial officers).

☛ **Staff Note.** The staff is researching the background of subdivision (b). At a minimum, subdivision (b) should be relocated.

Gov't Code § 69600 (amended). Number of judges in Santa Clara County

~~69600. In the County of Santa Clara there shall be 34 judges of the superior court. However, at such time as the Santa Clara County Board of Supervisors finds that there are sufficient funds for up to 10 additional judges, and adopts a resolution or resolutions to that effect, there shall be up to 44~~ 79 judges of the superior court.

Comment. Section 69600 is amended to reflect unification of the municipal and superior courts in Santa Clara County. See former Section [to be provided] (number of judges in Santa Clara County municipal courts).

Gov't Code § 69600.5 (added). Number of judges in Santa Cruz County

69600.5. In the County of Santa Cruz there are 10 judges of the superior court.

Comment. Section 69600.5 supersedes former Section 69614 for the purpose of alphabetization. It reflects unification of the municipal and superior courts in Santa Cruz County. See former Section [to be provided] (number of judges in Santa Cruz County municipal courts).

Gov't Code § 69601 (amended). Number of judges in Shasta County

69601. In the County of Shasta there shall be ~~five~~ nine judges of the superior court.

Comment. Section 69601 is amended to reflect unification of the municipal and superior courts in Shasta County. See former Section [to be provided] (number of judges in Shasta County municipal courts).

Gov't Code § 69601.3 (added). Number of judges in Sierra County

69601.3. In the County of Sierra there are 2 judges of the superior court.

Comment. Section 69601.3 is added to reflect unification of the municipal and superior courts in Sierra County. See Cal. Const. art. I, §§ 4, 5 (minimum number of superior court and municipal court judges in a county).

Gov't Code § 69601.7 (added). Number of judges in Siskiyou County

69601.7. In the County of Siskiyou there are 4 judges of the superior court.

Comment. Section 69601.7 is added to reflect unification of the municipal and superior courts in Siskiyou County. See Cal. Const. art. I, § 4 (minimum number of superior court judges in a county); see also former Section [to be provided] (number of judges in Siskiyou County municipal court).

Gov't Code § 69602 (amended). Number of judges in Solano County

69602. In the County of Solano there shall be ~~nine~~ 16 judges of the superior court.

Comment. Section 69602 is amended to reflect unification of the municipal and superior courts in Solano County. See former Section [to be provided] (number of judges in Solano County municipal courts).

Gov't Code § 69603 (amended). Number of judges in Sonoma County

69603. In the County of Sonoma there shall be ~~nine~~ 15 judges of the superior court.

Comment. Section 69603 is amended to reflect unification of the municipal and superior courts in Sonoma County. See former Section [to be provided] (number of judges in Sonoma County municipal courts).

Gov't Code § 69604 (amended). Number of judges in Stanislaus County

69604. In the County of Stanislaus there shall be ~~nine~~ 17 judges of the superior court.

Comment. Section 69604 is amended to reflect unification of the municipal and superior courts in Stanislaus County. See former Section [to be provided] (number of judges in Stanislaus County municipal courts).

Gov't Code § 69604.3 (added). Number of judges in Sutter County

69604.3. In the County of Sutter there are five judges of the superior court.

Comment. Section 69604.3 supersedes former Section 69615 for the purpose of alphabetization. It reflects unification of the municipal and superior courts in Sutter County. See former Section

[to be provided] (number of judges in Sutter County municipal courts).

Gov't Code § 69604.5 (added). Number of judges in Tehama County

69604.5. In the County of Tehama there are four judges of the superior court.

Comment. Section 69604.5 supersedes former Section 69607 for the purpose of alphabetization. It reflects unification of the municipal and superior courts in Tehama County. See former Section [to be provided] (number of judges in Tehama County municipal courts).

Gov't Code § 69604.7 (added). Number of judges in Trinity County

69604.7. In the County of Trinity there are 2 judges of the superior court.

Comment. Section 69604.7 is added to reflect unification of the municipal and superior courts in Trinity County. See Cal. Const. art. I, §§ 4, 5 (minimum number of superior court and municipal court judges in a county).

Gov't Code § 69605 (amended). Number of judges in Tulare County

69605. In the County of Tulare there shall be seven 16 judges of the superior court.

Comment. Section 69605 is amended to reflect unification of the municipal and superior courts in Tulare County. See former Section [to be provided] (number of judges in Tulare County municipal courts).

Gov't Code § 69605.5 (amended). Number of judges in Tuolumne County

69605.5. In the County of Tuolumne there shall be ~~one judge of the superior court. However, at such time, on or after January 1, 1988, as the Board of Supervisors of the County of Tuolumne finds sufficient funds for two judges and adopts a resolution to that effect, there shall be two~~ four judges of the superior court.

Comment. Section 69605 is amended to reflect unification of the municipal and superior courts in Tuolumne County. See former Section [to be provided] (number of judges in Tuolumne County municipal courts).

Gov't Code § 69606 (amended). Number of judges in Ventura County

69606. In the County of Ventura there shall be 16 27 judges of the superior court.

Comment. Section 69606 is amended to reflect unification of the municipal and superior courts in Ventura County. See former Section [to be provided] (number of judges in Ventura County municipal courts).

Gov't Code § 69607 (repealed). Number of judges in Tehama County

~~69607. In the County of Tehama there shall be two judges of the superior court.~~

Comment. Section 69607 is superseded by Section 69604.5 for the purpose of alphabetization.

Gov't Code § 69608 (repealed). Number of judges in Mendocino County

~~69608. In the County of Mendocino there are three judges of the superior court.~~

Comment. Section 69608 is superseded by Section 69688.7 for the purpose of alphabetization.

Gov't Code § 69609 (repealed). Number of judges in Placer County

~~69609. In the County of Placer there shall be five judges of the superior court.~~

Comment. Section 69609 is superseded by Section 69591.3 for the purpose of alphabetization.

Gov't Code § 69610 (amended). Number of judges in Yolo County

69610. In the County of Yolo there are ~~five~~ eight judges of the superior court.

Comment. Section 69610 is amended to reflect unification of the municipal and superior courts in Yolo County. See former Section [to be provided] (number of judges in Yolo County municipal courts).

Gov't Code § 69611 (amended). Number of judges in Yuba County

69611. In the County of Yuba there shall be ~~three~~ five judges of the superior court.

Comment. Section 69611 is amended to reflect unification of the municipal and superior courts in Yuba County. See former Section [to be provided] (number of judges in Yuba County municipal courts).

Gov't Code § 69613 (repealed). Number of judges in San Luis Obispo County

~~69613. In the County of San Luis Obispo there are six judges of the superior court.~~

Comment. Section 69613 is superseded by Section 69598.5 for the purpose of alphabetization.

Gov't Code § 69614 (repealed). Number of judges in Santa Cruz County

~~69614. In the County of Santa Cruz there are four judges of the superior court. However, if the board of supervisors finds that there are sufficient funds for an additional judge and adopts a resolution to that effect, there shall be five judge.~~

Comment. Section 69614 is superseded by Section 69600.5 for the purpose of alphabetization.

Gov't Code § 69615 (repealed). Number of judges in Sutter County

~~69615. In the County of Sutter there are three judges of the superior court.~~

Comment. Section 69615 is superseded by Section 69604.3 for the purpose of alphabetization.

MUNICIPAL COURT STATUTES

Gov't Code § 73075 (repealed). Number of judges in Alameda County municipal courts

~~73075. Each of the municipal court districts established in Alameda County shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:~~

Alameda Judicial District	1
Berkeley-Albany Judicial District	4
Oakland-Piedmont-Emeryville Judicial District	14
San Leandro-Hayward Judicial District	8
Fremont-Newark-Union City Judicial District	4
Livermore-Pleasanton-Dublin Judicial District	3

Comment. Section 73075 is not continued. The Alameda County municipal courts are abolished as a result of unification of the municipal and superior courts in Alameda County, effective July 31, 1998. The former municipal court judgeships are continued as superior court judgeships. See Section 69580 (number of judges in Alameda County).

☛ **Staff Note.** We have set out the above repealer as an instance of what will be done with the former municipal court statutes. In the interest of economy, we have not set out the other superseded sections at length. When we transmit the proposed statutory language to the affected counties for review, they will receive a complete package.

SOLE JUDGE

A dozen state statutes make reference to the presiding judge of the superior court or, if none, the “sole judge” of the court. See Code Civ. Proc. § 404.9; Gov’t Code §§ 23396, 68115, 68546, 69753, 71341, 72190, 72190.1, 72190.2, 72196; Pen. Code §§ 924.4, 6031.1; Welf. & Inst. Code § 1737. On the other hand, hundreds of other statutes refer simply to the “presiding judge” of the superior court, without mention of the possibility there may only be one judge.

There is no longer any court with only one authorized judgeship. As a result of unification, every superior court has at least two judgeships. It is in theory possible that the Legislature in the future could reduce the number of judges in a small county to one. And there is the likelihood of a vacancy from time to time that reduces the actual number of judges in a county to one.

But even so, is there a need to refer to the “presiding or sole judge” in a dozen statutes, when there are hundreds that refer simply to the “presiding judge”? As long as we are engaged in the task of bringing the state statutes into harmony with modern conditions, the staff would go ahead and clean out the sole judge references. Just to be complete, we would make clear that references to the presiding judge include a sole judge:

Gov’t Code § 69508.5 (amended). Presiding judge

69508.5. (a) In courts with two judges a presiding judge shall be selected by the judges each calendar year and the selection should be on the basis of administrative qualifications and interest.

(b) If a selection cannot be agreed upon, then the office of presiding judge shall be rotated each calendar year between the two judges, commencing with the senior judge. If the judges are of equal seniority, the first presiding judge shall be selected by lot.

(c) Notwithstanding subdivisions (a) and (b), the Judicial Council may provide by rule of court for the qualifications of the presiding judge.

(d) In a court with one judge, whether as the result of a vacancy in a judgeship or otherwise, a reference in a statute to the presiding judge means the sole judge of the court.

Comment. Section 69508.5 generalizes provisions that formerly referred to the presiding judge “or sole judge”. See Code Civ. Proc. § 404.9; Gov’t Code §§ 23396, 68115, 68546, 69753, 71341, 72190, 72190.1, 72190.2, 72196; Pen. Code §§ 924.4, 6031.1; Welf. & Inst. Code § 1737. As a result of trial court unification, every superior court now has at least two judges. See Sections 69580-69611.

Pen. Code § 924.4 (amended). Grand jury succession

924.4. Notwithstanding the provisions of Sections 924.1 and 924.2, any grand jury or, if the grand jury is no longer empaneled impaneled, the presiding ~~or~~ sole judge of the superior court, may pass on and provide the succeeding grand jury with any records, information, or evidence acquired by the grand jury during the course of any investigation conducted by it during its term of service, except any information or evidence that relates to a criminal investigation or that could form part or all of the basis for issuance of an indictment. Transcripts of testimony reported during any session of the grand jury shall be made available to the succeeding grand jury upon its request.

Comment. Section 924.4 is amended to reflect the fact that as a result of trial court unification, every superior court now has at least two judges. See Gov't Code §§ 69580-69611. The reference in this section to the presiding judge means the sole judge in case of a court with one judge, resulting from a vacancy or otherwise. See Gov't Code § 69508.5.

☛ **Staff Note.** We have set out the above amendment as an instance of what would be done with the handful of statutes referring to the sole judge of a superior court.

Respectfully submitted,

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Executive Secretary