
REPORT
to the
LEGISLATURE

March 1994

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of the
California Courts

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I. OVERVIEW OF STATE COURTS

TRENDS AND ISSUES IN THE COURT SYSTEM

- **California courts now serve 31 million people, who speak more than 200 languages and dialects. By the year 2020:**
 - The state's population will be 50 million.
 - Nearly 400 languages and dialects will be spoken.
 - 41 percent of the population will be Hispanic; 40 percent will be Caucasian; Asians, Pacific Islanders, and Native Americans will be 12 percent; and African Americans will be 6 percent.

 - **In the last 10 years:**
 - Total state court filings grew 20 percent.
 - Total superior court filings rose 35 percent.
 - Criminal filings in superior courts jumped 115 percent.
 - Juvenile delinquency grew 22 percent and juvenile dependency rose 70 percent.
 - Appeals increased 21 percent.

 - **No new judgeships have been created since 1987.**

 - **The courts' infrastructure is antiquated. Many courts:**
 - Do not have modern technology.
 - Are not linked electronically.
 - Do not have adequate facilities.

 - **The public is losing confidence in the courts, at the same time that the public's needs and expectations are increasing.**
 - 52 percent of Californians have a "poor" or "only fair" opinion of the state judiciary.
 - Californians expect equal justice from the courts; more than 50 percent think the system is not fair to women and minorities.
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- More than 70 percent of Californians think the court system should offer more alternative dispute resolution for neighborhood disputes.

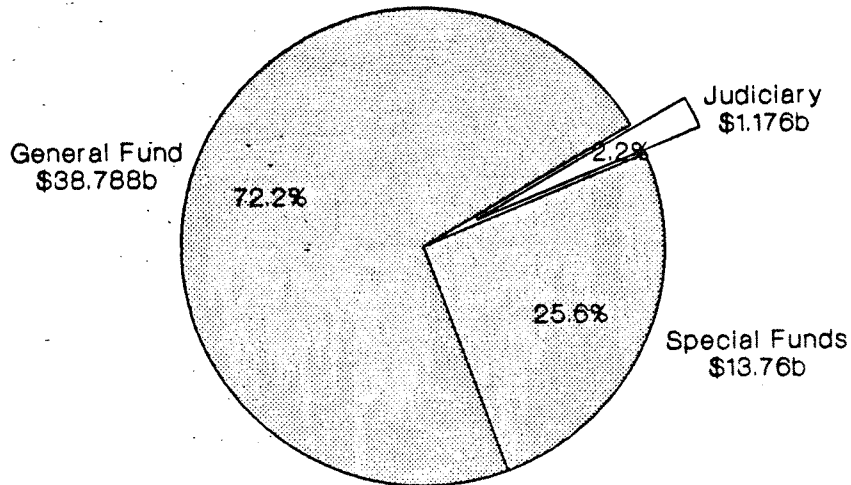
- **Courts are currently funded by both state and county governments. This bifurcated funding structure leads to:**
 - Funding instability for purposes of strategic planning.
 - Lack of accountability and control.

- **Courts need adequate funding so they can serve the public.**
 - The proposed 1994–95 budget for the state judiciary is only 2.2 percent of the total state budget.

- **Courts have cut services as a result of budget cuts, causing:**
 - Delayed adjudication of civil actions.
 - Cutbacks in hours of service for the public.
 - Reduced prosecution of minor criminal offenses.
 - A decrease in training and education for judges and court staff.

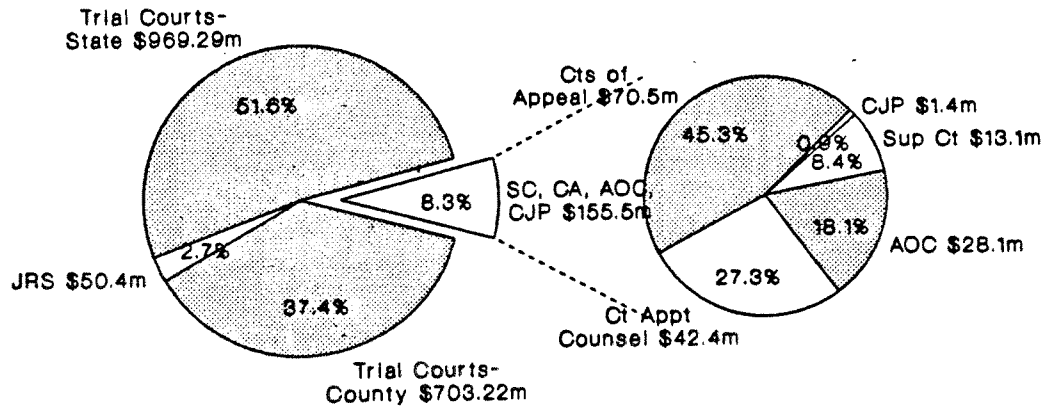
- **Despite funding constraints, courts have implemented progressive programs to improve judicial administration. They include:**
 - Civil and criminal delay reduction programs.
 - Coordination plans with quarterly progress reports.
 - Pilot alternative dispute resolution programs using attorney volunteers.

Judiciary's 1994/95 Proposed Budget (State Share) is 2.2 Percent of the Total State Budget

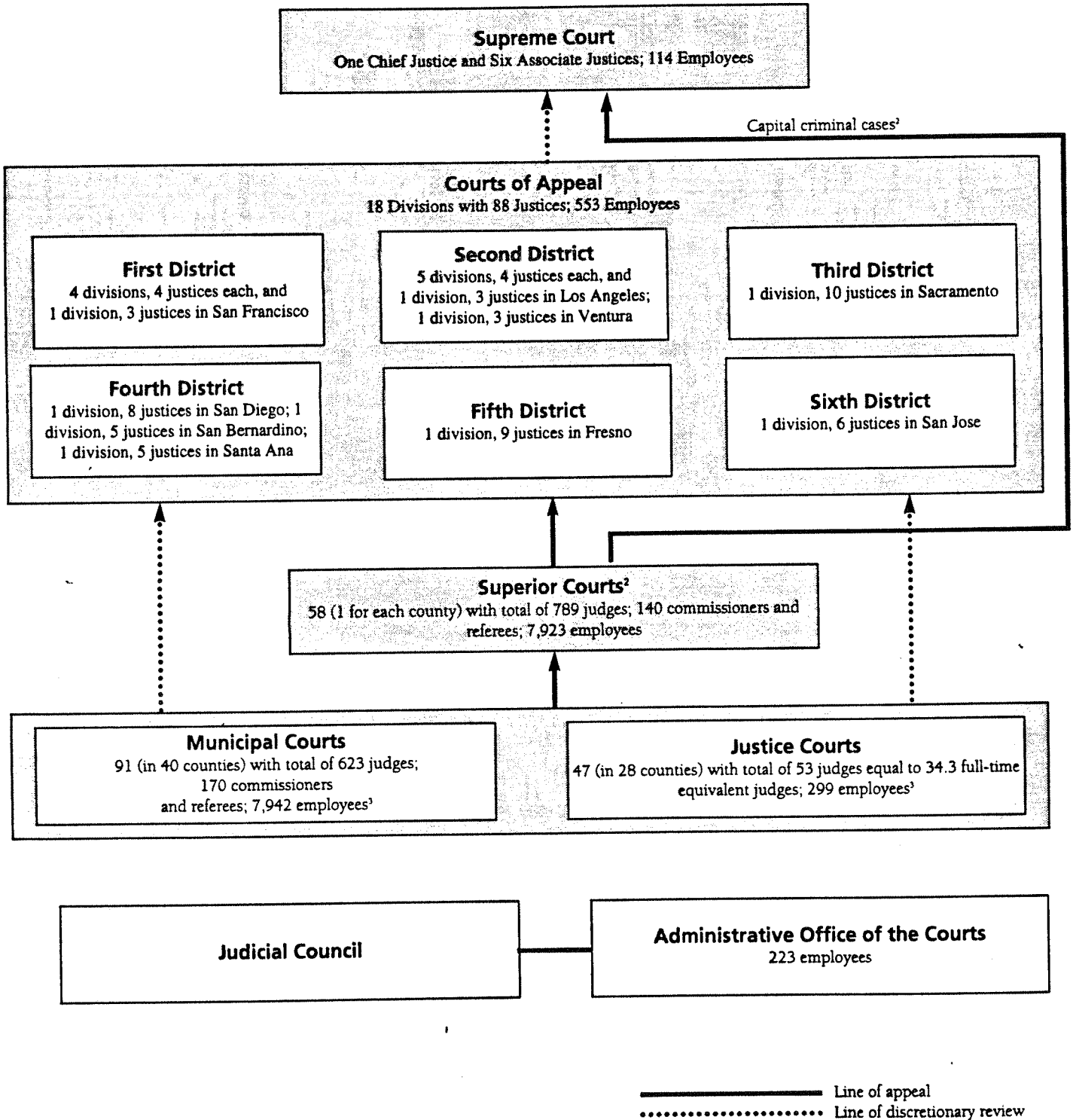


Proposed budget for the Supreme Ct,
Cts of Appeal, Jud Council, Jud Perform
Judges Retirement and Trial Ct Funding.

Judiciary 1994/95 Proposed Budget State and County Funding



CALIFORNIA COURT SYSTEM¹



¹Total number of judges refers to authorized judicial positions as of June 30, 1993

²Death penalty cases are automatically appealed from the superior court directly to the Supreme Court

³As of October 1, 1991

JUDICIAL COUNCIL

The Judicial Council of California is the chief policy-making agency for the state courts. Article VI, section 6 of the State Constitution authorizes the council to improve the administration of justice by surveying judicial business, making recommendations to the courts, Governor, and Legislature, and adopting rules for court administration, practice, and procedure.

The Administrative Office of the Courts is the staff agency for the Judicial Council.

MISSION STATEMENTS

JUDICIARY

The judiciary shall, in a fair, accessible, effective, and efficient manner, resolve disputes arising under the law; and shall interpret and apply the law consistently, impartially, and independently to protect the rights and liberties guaranteed by the Constitutions of California and the United States.

JUDICIAL COUNCIL

Under the leadership of the Chief Justice and in accordance with the California Constitution, the law, and the mission of the judiciary, the Judicial Council shall be responsible for setting the direction and providing the leadership for improving the quality and advancing the consistent, independent, impartial, and accessible administration of justice.

GUIDING PRINCIPLES

Consistent with its mission statement, the Judicial Council shall be guided by the following principles:

1. To make decisions in the best interests of the public and the court system as a whole.
2. To conduct the council's business based on an underlying commitment to equal and timely justice and to public access to an independent forum for the resolution of disputes.
3. To provide leadership in the administration of the California judiciary by planning and advocating for policies and resources that are necessary for courts to fulfill their mission.
4. To ensure the continued development of an accessible, independent court system through planning, research, and evaluation programs, and through the use of modern management approaches and technological developments.
5. To provide leadership in the administration of justice by establishing broad and consistent policies for the operation of the courts and appropriate uniform statewide rules and forms.
6. To promote a competent, responsive, and ethical judiciary and staff through a comprehensive program of judicial education and training for court employees.
7. To contribute to the public's understanding of the judicial process through a continuing program of public education.

GOALS

The Judicial Council has launched an annual strategic planning process to promote policies to benefit the California court system. As part of that process, the council has adopted mission statements for the judiciary and the council, as well as goals and objectives to guide council actions. At the same time, the council's nominating procedures and committee structure were changed to encourage broader participation in and representation from the entire justice system.

1 ACCESS, FAIRNESS, AND DIVERSITY

Improve access, fairness, and diversity in the judicial branch.

2 INDEPENDENCE

Ensure the institutional independence of the judiciary as a separate branch of government and secure the resources necessary for its support.

3 MODERNIZATION

Modernize judicial administration practices.

4 QUALITY OF JUSTICE

Promote the quality of justice by attracting, educating, and retaining qualified jurists.

5 COORDINATION OF RULE MAKING

Coordinate and enhance procedures for developing balanced state and local rules.

II. TRIAL COURTS

TRENDS AND ISSUES

- **Additional judicial assistance is needed.**
 - No new judgeships have been created since 1987.
 - Criminal and civil filings have increased.
 - Legislation has mandated criminal and civil trial court delay reduction.

 - **More competent/certified language interpreters are needed.**
 - Over 200 languages and dialects are spoken in California.
 - Only 8 languages have certification testing.
 - Only 1,700 court-certified language interpreters are available.
 - No statewide interpreter recruitment, training, or education programs are currently available.
 - The cost of interpreters is \$30 million annually.
 - Legislation has mandated the development of a more comprehensive program, with only \$46,000 currently appropriated.

 - **Greater court security is needed.**
 - Violence in the courts is rising.
 - No guidelines or standards are in place to assist the courts.
 - Existing court security costs exceed \$187 million, excluding transportation and capital costs.
 - Court security ranges from adequate to nonexistent.

 - **Courts need to coordinate automation and technology.**
 - Many courts are duplicating efforts in system design and development.
 - Courts need to establish automated networks to facilitate communications.
 - Courts need to increase access for attorneys and the public.
 - Implementation of effective and cost-efficient technology will lower the cost of doing business. Reduced funding will jeopardize these efforts.
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ACCOMPLISHMENTS

- **Courts are coordinating administrative resources.**
 - Under the Trial Court Realignment and Efficiency Act of 1991, resources have been coordinated across all levels of trial courts to improve efficiency and public access.
 - Coordination plans have been approved for all trial courts, spanning 24 possible organizational areas.
 - Total administrative consolidation is in effect in 17 counties.
 - Of those 17 counties, 7 have also consolidated judicial administration.

- **Courts are reducing delay.**
 - All trial courts established delay reduction programs as of July 1, 1992, under legislation.
 - Standards of Judicial Administration set case-disposition time standards that are applicable to the courts.
 - Courts have established local rules and procedures to meet those standards.
 - In Los Angeles, time from filing to disposition has been reduced from 5 years to 18 months.

- **Courts are using electronic recording systems.**
 - Over 150 courtrooms are equipped with audio and video recording systems.
 - If those systems were replaced with court reporters, the staffing cost would be more than \$10 million.

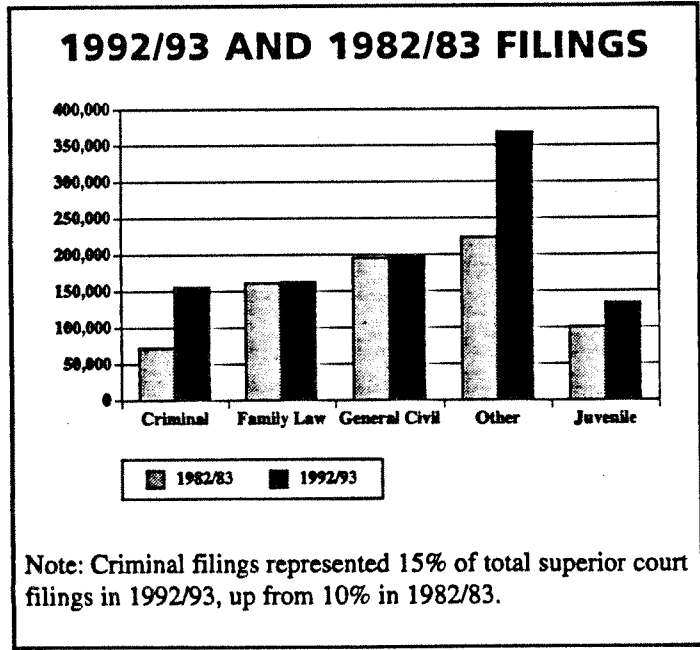
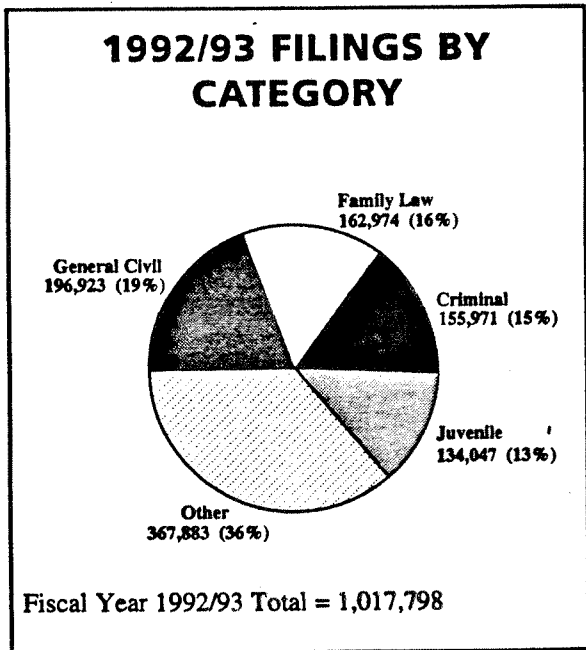
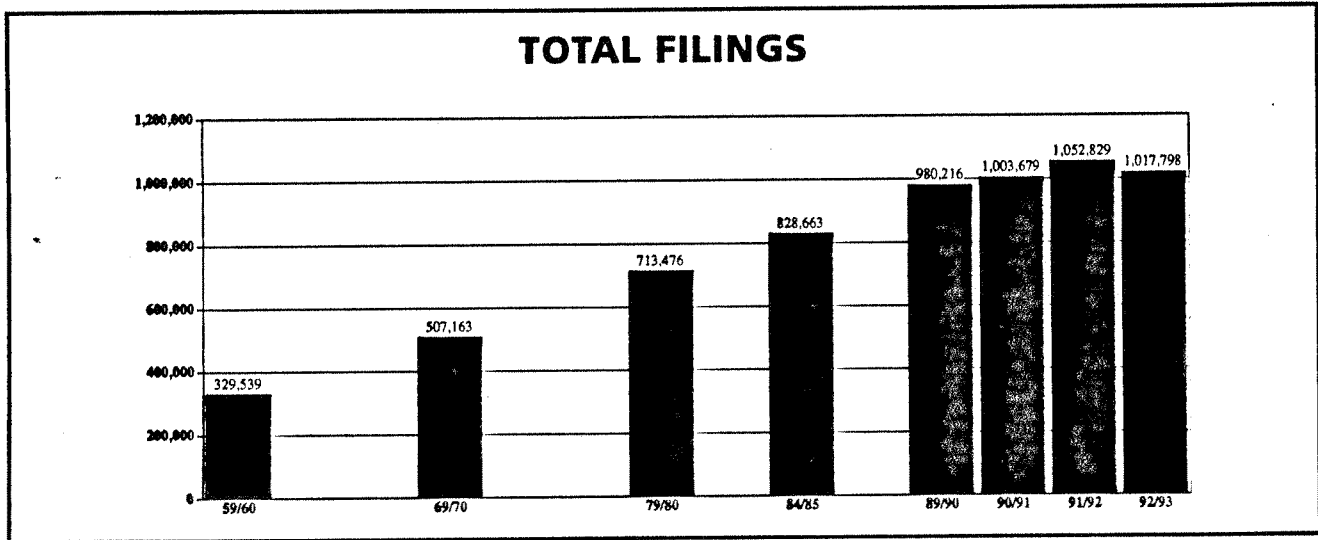
- **Courts are stepping up collection efforts.**
 - Trial courts are establishing enhanced collection programs to pursue delinquent fines.
 - Actual revenue collections are down due to reduced filings and the recession.

- **Courts are establishing new alternative dispute resolution (ADR) programs.**
 - Trial courts have established various arbitration and mediation programs using attorney volunteers.
 - Family mediation programs provide a more appropriate forum for conflict resolution.
 - Reduced funding has jeopardized ADR programs.

SUPERIOR COURTS

Organization and Jurisdiction

- 58 superior courts
- Jurisdiction:
 - Criminal felonies
 - Civil matters over \$25,000
 - Juvenile, family law, probate, and mental health
- Review decisions of municipal and justice courts
- 789 authorized judgeships
- 140 commissioners and referees
- 7,923 employees (1991 survey)



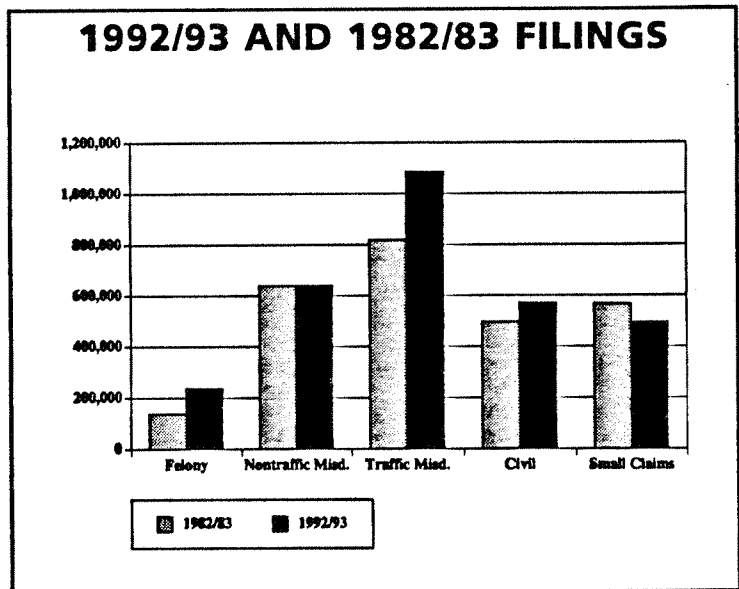
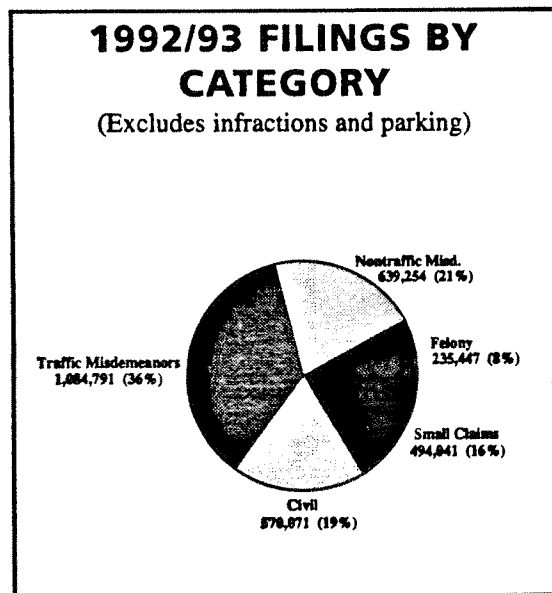
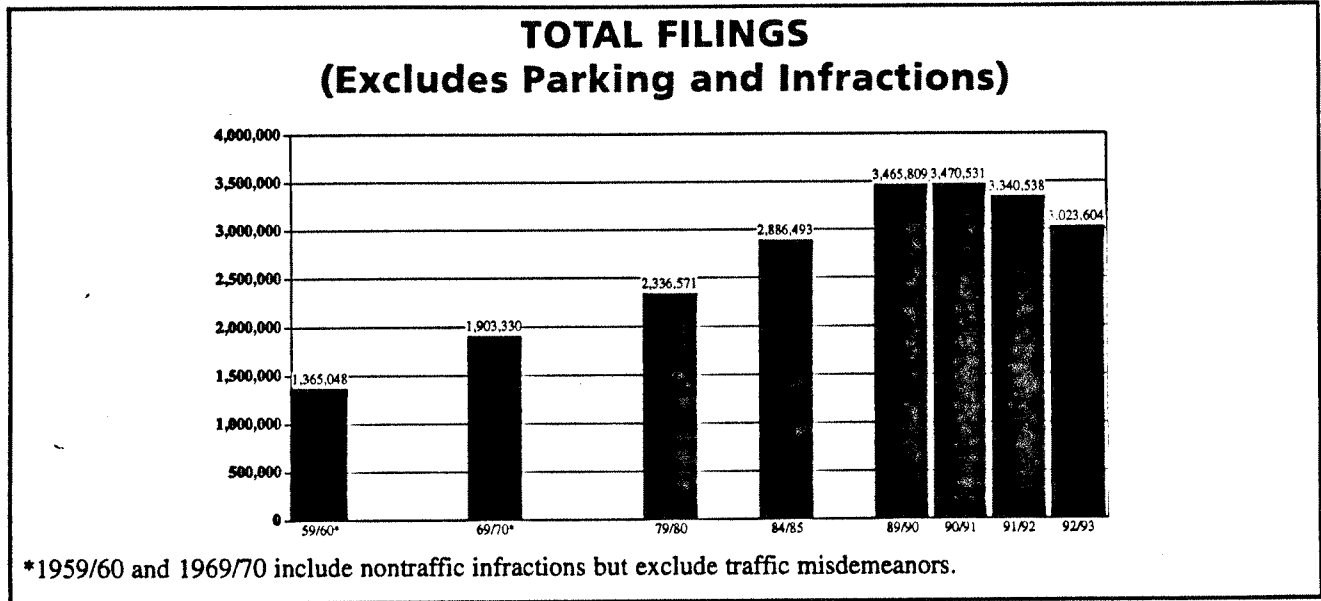
MUNICIPAL AND JUSTICE COURTS

Organization and Jurisdiction

- 138 municipal and justice courts
- Jurisdiction:
 - Criminal infractions and misdemeanors
 - Criminal felony preliminary hearings

Civil matters of \$25,000 or less
Traffic infractions and misdemeanors

- 670 municipal and justice court judges
- 170 commissioners and referees
- 8,241 employees (1991 survey)



STATE TRIAL COURT FUNDING

Trial Court Funding Goals

- The Trial Court Realignment and Efficiency Act of 1991 provided partial state funding to the trial courts and contained intent language to increase the state share by 5 percent of total costs per year until it is 70 percent.
- The policy goals of the legislation were expressed through the following findings:
 - The trial of civil and criminal actions is an integral and necessary function of the judicial branch of state government under article VI of the California Constitution.
 - All citizens of this state should enjoy equal and ready access to trial courts.
 - Local funding of trial courts may create disparities in the availability of courts for the resolution of disputes and the dispensation of justice.
 - The method of funding trial courts should not create financial barriers to the fair and proper resolution of civil and criminal actions. Many people defend their personal and property rights in the courts, and seek redress through the judicial system only when compelled by sheer necessity of circumstance.
- Assembly Bill No. 392 (Stats. 1993, ch. 158) restated legislative intent to fund trial court operations costs as part of the judicial branch budget and authorized the Judicial Council to appoint the Trial Court Budget Commission (TCBC).

Bifurcated Funding

- Bifurcated funding between state and counties creates problems, including:
 - No clear responsibility/accountability.
 - Different priorities and schedules.
 - Different processes (inconsistent revenue and expenditure data).

Trial Court Budget Commission

- The TCBC reviews budget requests from superior, municipal, and justice courts and, among other things, submits a recommended trial court budget to the Judicial Council.

- For the first time, functional budgeting has been utilized to transition toward full state funding of trial courts. A goal of “funding by function” is to delineate state and county financial responsibility by separating court budgets into discrete functions and assigning funding responsibility to the state or county for each function.

- The functions are:
 - Judicial Officers’ Salaries and Wages
 - Jury Fees and Mileage
 - Verbatim Reporting
 - Interpreters
 - Collections Enhancement
 - Dispute Resolution Program
 - Court-Appointed Counsel
 - Court Security
 - Data Processing
 - Staff and Other Operating Expenses
 - Indirect Costs

Judicial Council Recommendations

- The Judicial Council adopted a motion ratifying the trial court budget submission approved by the TCBC. The council directed the TCBC to:
 - Recommend criteria and procedures for allocating and reallocating funds that recognize courts that have consolidated judicial or administrative functions.
 - Recommend statutory and rule changes to promote policies that improve operational efficiency and improve access.
 - Further delineate staffing and support costs to facilitate court comparisons.
 - Study staffing levels in the trial courts.

- After a lengthy process, the TCBC approved a proposed budget of \$1.731 billion. The figure used by the Governor, \$1.578 billion, was based on a preliminary estimate of costs before budget data for 1993–94 and 1994–95 were collected and analyzed by the TCBC. The Department of Finance subsequently reduced this amount to \$1.565 billion to capture savings in the allocation for judges’ retirement.

- The Judicial Council recommends funding at 65 percent of \$1.731 billion in total trial court costs as approved by the TCBC. This would result in total state funding of \$1.125 billion.
- However, the Judicial Council endorses the Governor's funding proposal for trial courts and supports the transfer of criminal fine and forfeitures to county governments. This would result in total state funding of \$1.017 billion.
- Total state funding for the trial courts follows:

	1992-93 Actual Expenditure	1993-94 Authorized Budget	1994-95 Budget Proposed by TCBC	1994-95 Budget Proposed by Governor
Trial Court Funding				
Salaries of Superior Court Judges	73,872	75,757	77,651	77,651
Assigned Judges Program	—	10,002	10,002	10,002
Trial Court Trust Fund	119,185	141,500	—	—
Other Court Funding/Block Grants	483,136	353,762	—	—
Functional Budget Funding	—	—	989,242	881,727
Judges' Retirement Fund	54,471	36,138	47,992	47,992
	<u>\$730,664</u>	<u>\$617,159</u>	<u>\$1,124,887</u>	<u>\$1,017,372*</u>
Total Trial Court Functional Budget Approved by the Trial Court Budget Commission	NA	NA	\$1,730,596	

* There was insufficient time for the Department of Finance to identify the resources needed to provide this level of funding. The Governor has indicated his intent to further discuss appropriate funding levels with the Judicial Council.

III. APPELLATE COURTS

SUPREME COURT

Composition

Chief Justice and six associate justices.

Calendar Sessions

The Supreme Court's offices are headquartered in San Francisco. Monthly calendar sessions are held in three locations: San Francisco (February, May, September, and December), Sacramento (March and November), and Los Angeles (January, April, June, and October).

Jurisdiction

- Automatic review of all capital cases.
- Original jurisdiction in habeas corpus proceedings.
- Original jurisdiction for extraordinary relief in the form of writs (e.g., prohibition and mandamus).
- Discretionary review of decisions of the state Courts of Appeal.

Workload Trends

- Petitions for review are increasing. The court is required to spend almost as much time deciding which cases to decide as it does actually deciding cases.
- The increasing number of capital appeals and related habeas corpus petitions has dramatically increased the court's workload.
- The number of issues analyzed per opinion has doubled in the past eight years, and the number of issues analyzed annually has increased by over 50 percent.
- The present court analyzes twice as many legal issues per case, and 50 percent more legal issues per year, than the United States Supreme Court.
- Securing counsel for unrepresented indigents on death row is one of the most pressing matters facing the court.
- Designation of an Automatic Appeals Monitor has helped secure counsel in more capital cases, but a large deficit still remains.
- Unfilled positions on the Supreme Court's central staff affect production of opinions.

Filing Statistics

The Supreme Court's workload statistics show a steady increase in all types of filings. Of particular interest is the growth in death penalty cases (capital appeals) and related habeas corpus petitions. Both account for a significant numerical portion of the court's workload and both impose a far greater burden on the court's time and attention compared with all other matters.

	<i>Total Filings¹</i>	<i>5-Year Avg. Increase</i>	<i>Annual Increase</i>
1979-80	3,858	—	—
1984-85	4,370	13.27 percent	—
1989-90	4,686	7.23 percent	—
1990-91	4,754	—	1.01 percent
1991-92	5,134	—	7.99 percent
1992-93	5,544	—	7.99 percent

	<i>Petitions for Review</i>	<i>Original Proceedings</i>	<i>Capital Appeals</i>	<i>Capital Habeas</i>
1979-80	3,183	653	22	not collected
1984-85	3,464	882	24	not collected
1986-87	3,498	1,060	23	approx. 2-3
1989-90	3,409	1,213	34	30
1990-91	3,505	1,184	31	34
1991-92	3,724	1,331	36	43
1992-93	3,976	1,491	38	39

Opinions Written

The number of written opinions has been affected by intermittent vacancies on the court and by a number of workload factors, including:

- **Capital Appeals:** The number of capital appeals and capital affirmances, in particular, has had a *significant impact* on the court's workload. These cases demand a far greater share of the court's attention than other cases because they contain more issues, have larger records, and are more complex.
- **Habeas Corpus Petitions:** Because the Supreme Court is affirming more capital cases, a greater number of related habeas corpus petitions are being filed. In fact, for the past five years, the court has decided an average of 33 capital-related habeas corpus petitions each year. That figure is 10 times higher than prior years. These petitions often contain a large number of issues, exhibits, and documentation. As a result, the court spends considerable time on these matters, but dispenses the

¹Does not include attorney disciplinary matters.

vast majority without a written opinion. Therefore, the expenditure of court time on these matters is not reflected in the "opinions filed" statistics.

1979	184	(1 capital appeal, 15 State Bar, ² 168 other)
1984	110	(11 capital appeals, 8 State Bar, ² 91 other)
1989	119	(27 capital appeals, 48 State Bar, ² 44 other)
1990	118	(26 capital appeals, 43 State Bar, ² 49 other)
1991	106	(25 capital appeals, 22 State Bar, ² 59 other)
1992	110	(33 capital appeals, 0 State Bar, ² 77 other)

Case Complexity

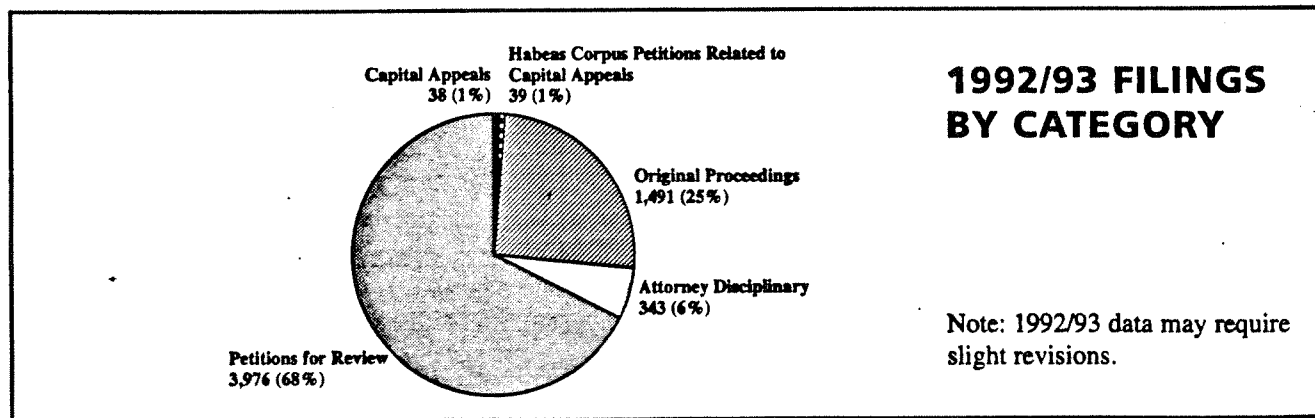
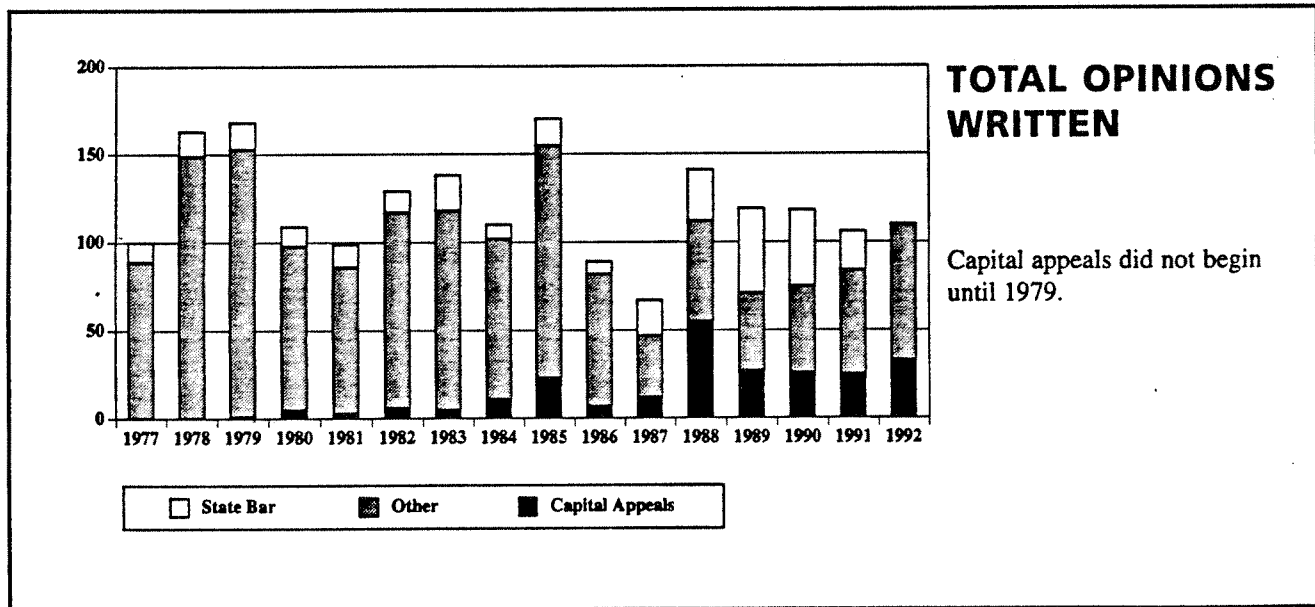
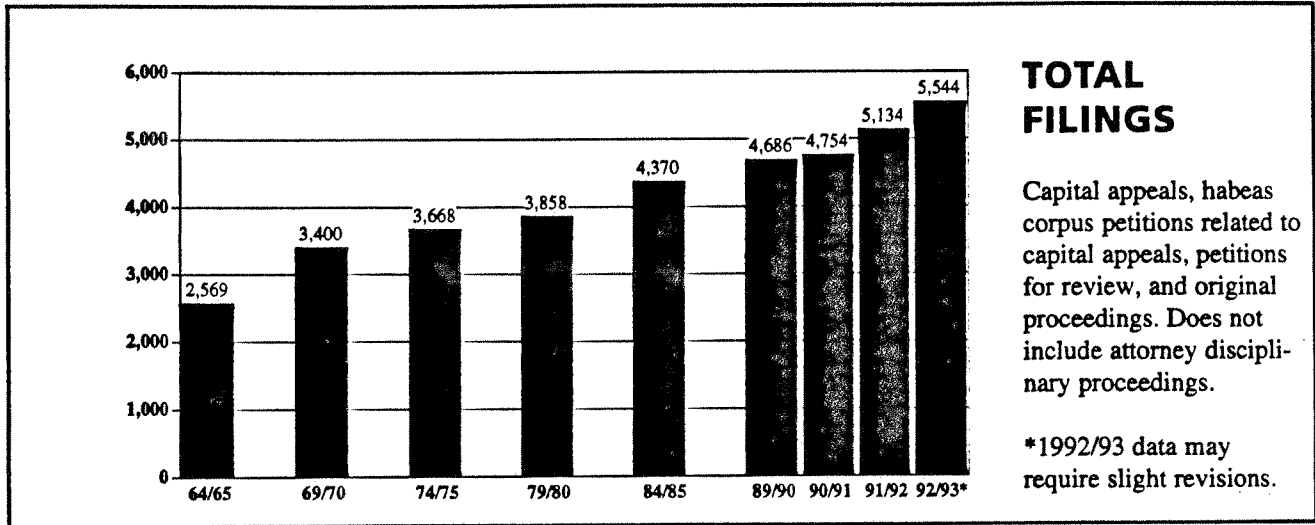
Recent research shows that the length and complexity of Supreme Court opinions has increased substantially in recent years. Since 1986, the average length of published opinions has more than doubled. Since 1976, the number of issues analyzed has doubled.

In the table below, "headnotes" are used to designate the number of issues analyzed in Supreme Court opinions. "Headnotes" are designations of issues analyzed in an opinion as determined by an independent publisher.

	<i>Average Pages Per Opinion</i>	<i>Average Headnotes Per Opinion</i>	<i>Average Headnotes Per Year</i>
1970-76	13.9	8.3	1,393
1977-86	16.6	8.0	1,020
1987-93	30.2	16.3	1,755

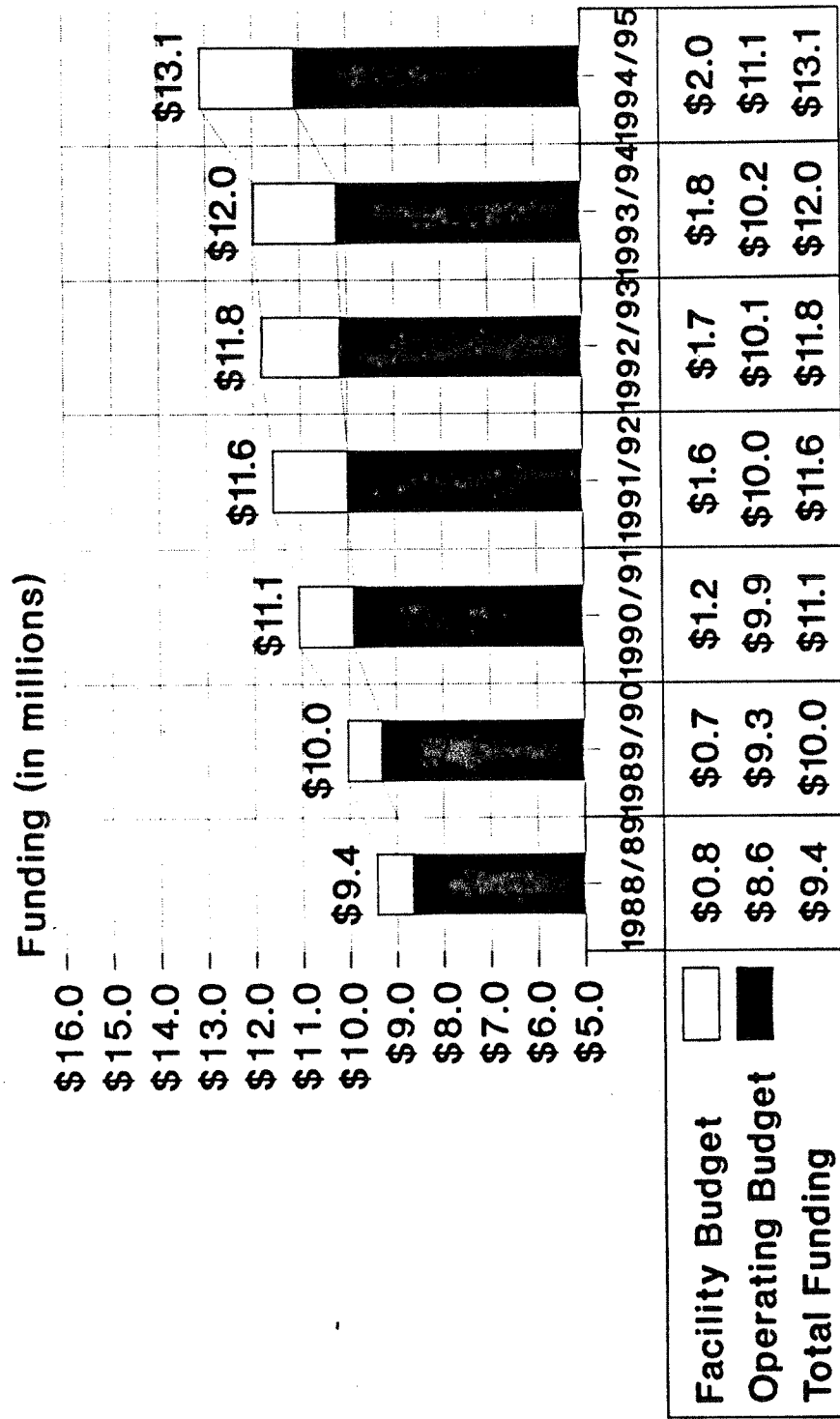
²Creation of the State Bar Court in 1989 resulted in a substantial reduction in the Supreme Court's opinions in attorney disciplinary matters. These cases usually involved fact-specific questions, and opinions in them generally were short and relatively simple.

Supreme Court Filings



Supreme Court Funding History

FY 1988/89 to FY 1994/95 (Proposed)



Excl Court Appointed Counsel. Incl employee comp for 93/94 and 94/95.

COURTS OF APPEAL

Composition

- Six appellate districts, 18 divisions, 88 justices
- Nine sites
- Cases decided by three-judge panels

Jurisdiction

Intermediate courts of review have appellate jurisdiction when superior courts have original jurisdiction.

<i>Workload</i>	<i>79-80</i>	<i>84-85</i>	<i>87-88</i>	<i>89-90</i>	<i>90-91</i>	<i>91-92</i>	<i>92-93</i>
Total Filings	14,374	16,190	18,040	20,248	20,049	21,528	21,471
Dispositions	13,748	16,253	17,911	19,709	20,146	19,762	21,790

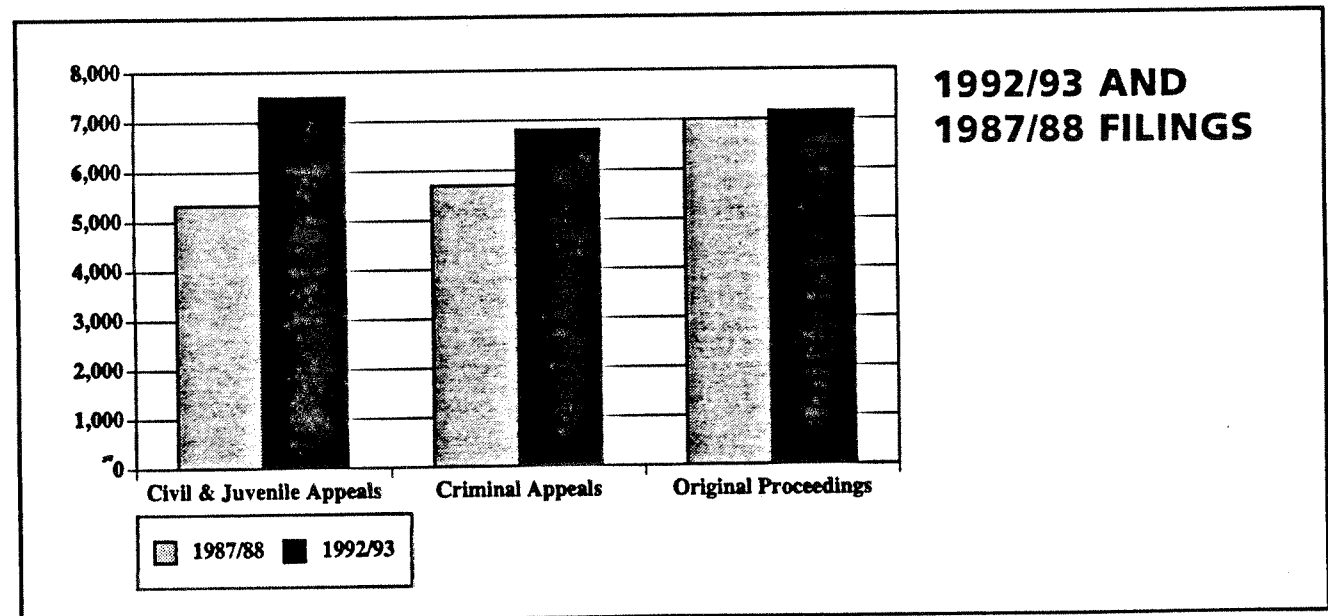
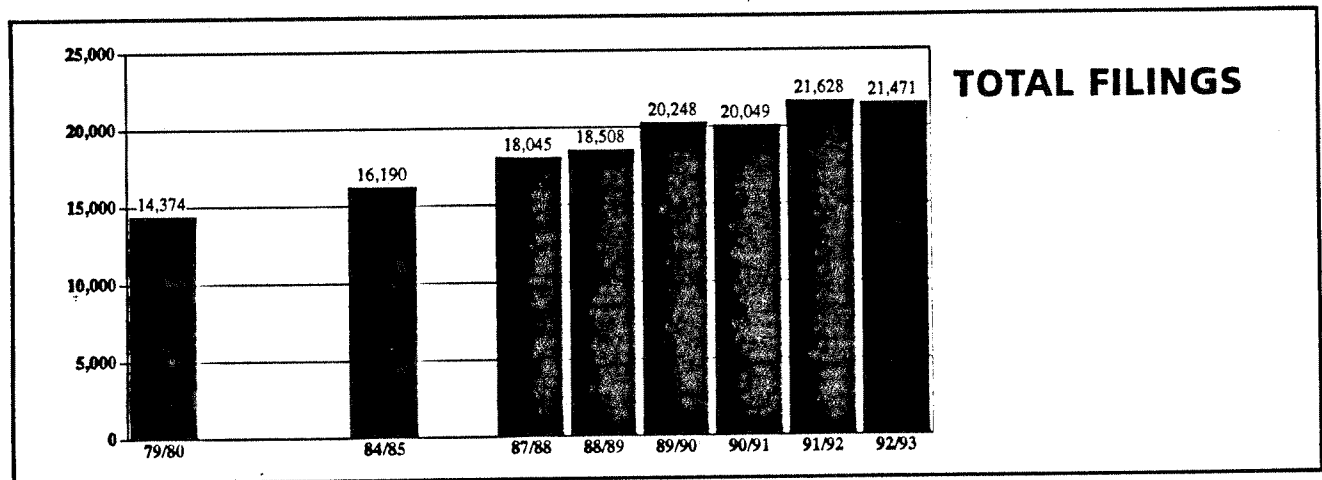
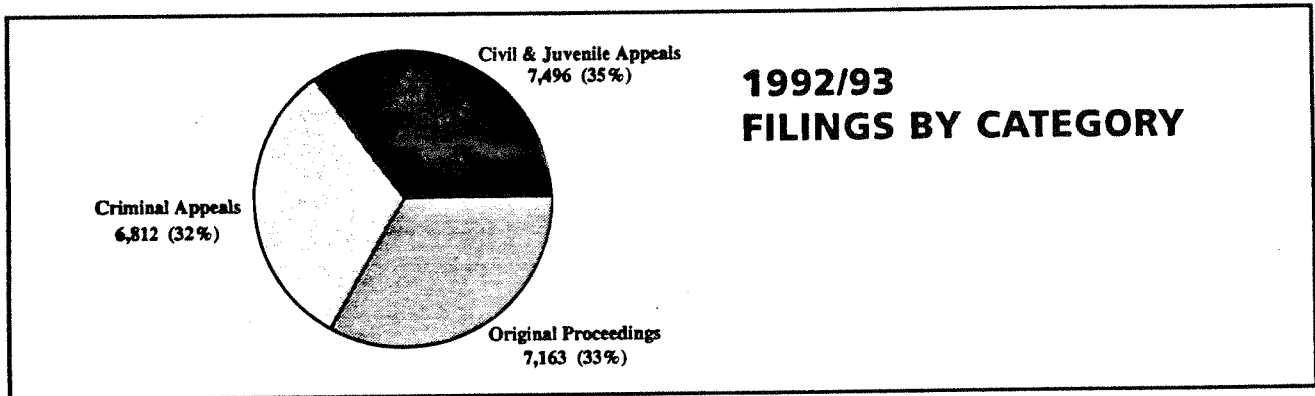
No New Appellate Judgeships Since 1987

- 1987 workload standard was 105 opinions per justice.
- 1994-95 projected opinions equal 141.6 per justice.
- Using the 1987 standard, 29 new judgeships are needed.
- The last comprehensive study of nonjudicial staffing was undertaken in 1974.
- A study of appellate court workload standards and staffing needs is currently under way with assistance from the National Center for State Courts.
- Central staff attorneys ameliorate the shortage of judges. The last legislatively accepted standard indicates 15.5 additional attorney positions are needed in central staff; 8.0 attorney positions are requested for 1994-95, and 7.5 attorney positions will be requested for 1995-96 after completion of the staffing study.
- Additional support staff and clerk's office staff are required to support increased numbers of filings.

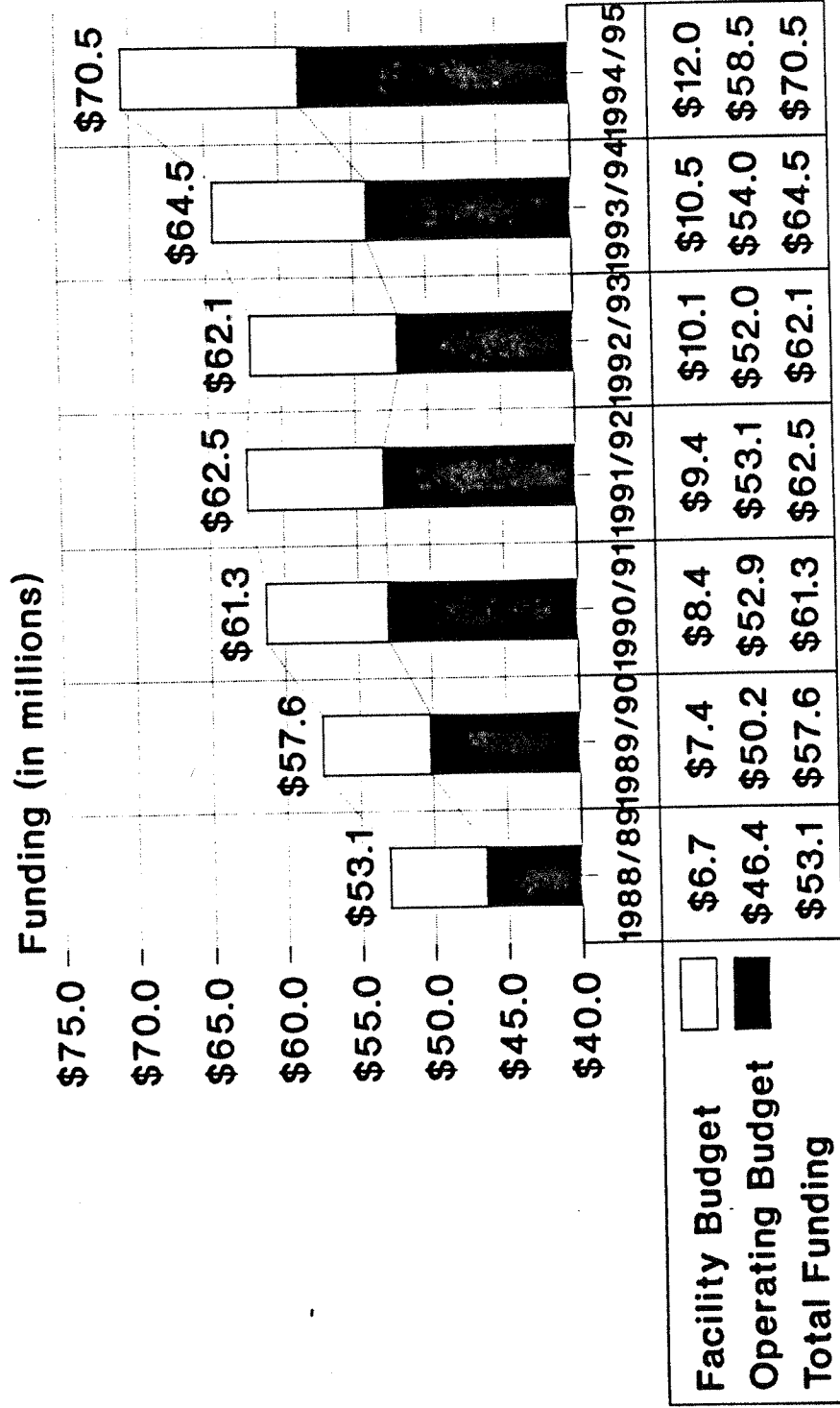
Trends and Issues

- Budget management has been decentralized to the Courts of Appeal from the AOC.
- Three attorneys have been laid off in the Courts of Appeal to stay within budget allocations. Vacant positions have been eliminated.
- Equipment maintenance costs have been reduced 20 percent.
- The development of ways to reduce technology costs is under study and the overall operation of the Court of Appeal libraries is being examined.

Courts of Appeal Records of Appeal and Original Proceedings



Court of Appeals Funding History FY 1988/89 to FY 1994/95 (Proposed)



Excl Court Appointed Counsel. Incl employee comp for 93/94 and 94/95.

IV. COURT-APPOINTED COUNSEL

- Appellate courts must provide counsel to indigents under the California Constitution and applicable statutes, but courts have a limited ability to control costs because they cannot control caseload.
- The appointed counsel program comprises more than 1,000 private attorneys representing indigent appellants and 6 appellate projects that recruit and recommend counsel for appointment and furnish assistance to counsel in preparation of the appeal.

BCP request for 1994–95 based on projected caseload increase:

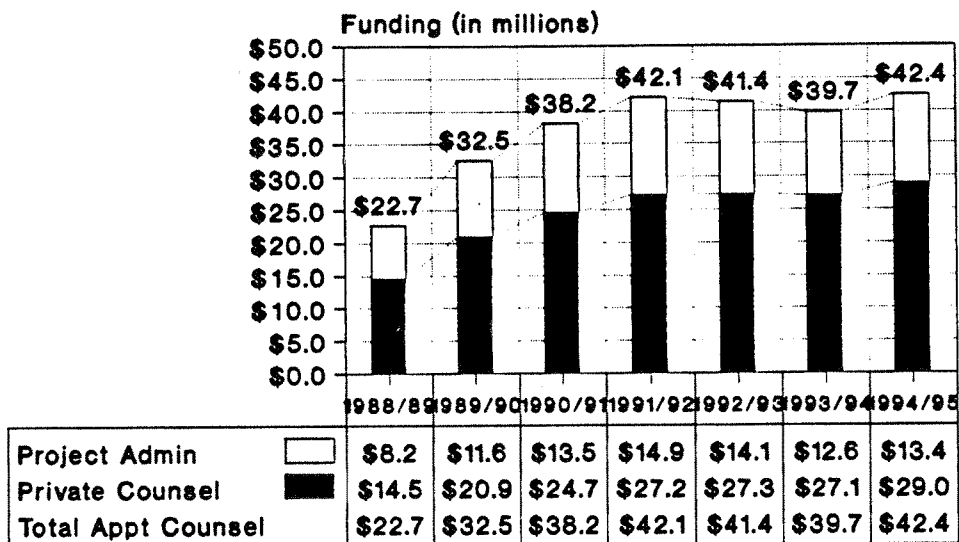
Supreme Court	\$ 132,000
Courts of Appeal	\$2,511,508
Total Increase	\$2,643,508

- Rates for payment of private appointed counsel increased from \$50/hr for noncapital appeals to \$65/hr on June 1, 1989. Rates for the appellate projects increased from \$70/hour in the Courts of Appeal to \$80/hr on January 1, 1991.
- The appointed counsel budget for 1993–94 is 34.6 percent of the total budget for the Supreme Court and Courts of Appeal.
- The judiciary's budget for 1993–94 was reduced from the appropriation in 1992–93. In addition, it was substantially reduced from the amount recommended by the Legislative Analyst as necessary to continue operations at existing levels. Nonetheless, the 1993–94 allocation to private appointed counsel remained at the 1992–93 level.
- The Supreme Court and the Courts of Appeal have adopted and published compensation guidelines to advise counsel of the expected range of payments.

Supreme Court

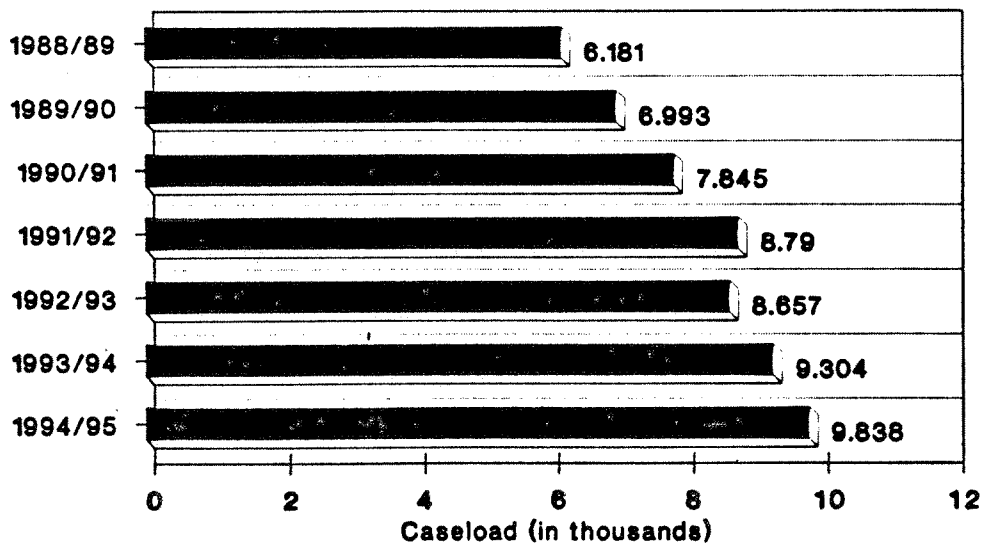
- 381 inmates are under sentence of death as of January 3, 1994.
- 225 automatic appeals are pending before the California Supreme Court, and the remainder are in federal courts.
- 113 indigents are on death row without legal representation.
- 36 new judgments of death are projected for 1994–95.
- The Supreme Court has relieved the California Appellate Project (CAP) of the function of recruiting counsel in capital cases.

Court Appointed Counsel Program Funding History FY1988/89 to FY 1994/95 (Proposed)



Supreme Court and Court of Appeal.

Court Appointed Counsel Program Caseload History FY 1988/89 TO FY 1994/95 (Estimated)



Supreme Court and Courts of Appeal

V. JUDICIAL COUNCIL/ADMINISTRATIVE OFFICE OF THE COURTS

JURISDICTION AND ORGANIZATION

The Judicial Council is the constitutionally established policy-making body for the California court system. The Administrative Office of the Courts is the council's staff agency.

- **The Administrative Office of the Courts (AOC) provides:**

- Direct administrative, analytical, and program support to the Judicial Council.
- Direct administrative support to appellate courts in budget, accounting, personnel, information technology, and facility and security operations.
- Support to the trial courts in budget, coordination of resources, delay reduction, technical assistance, mediation, and other programs.

- **The AOC administers programs including:**

- Judicial assignments
- Change of venue
- Rule making
- Coordination of civil proceedings
- Court interpreter training and certification
- Programs for families and children, including court-appointed special advocates, child support, custody, and mediation
- Trial court delay reduction programs
- Court-appointed counsel program

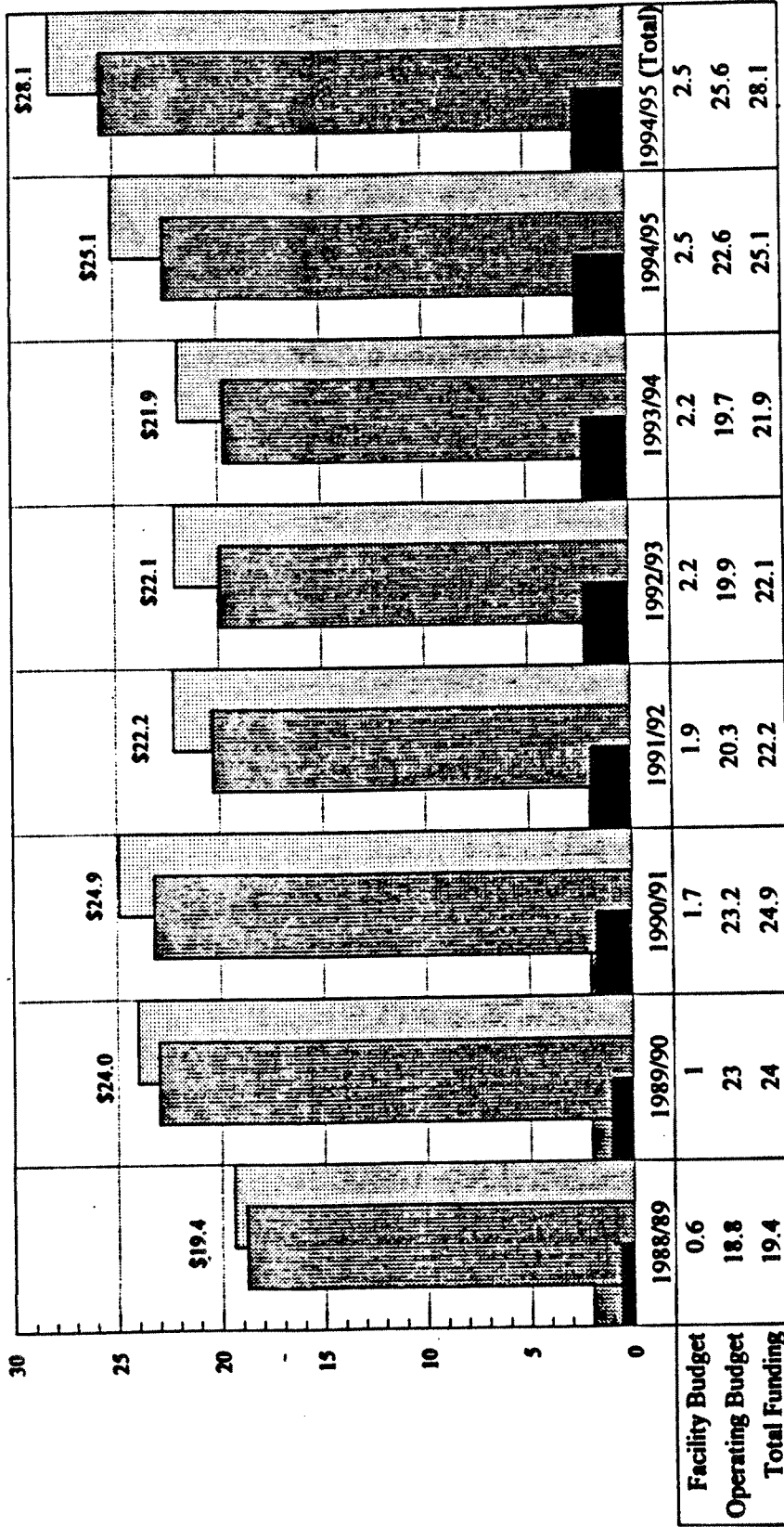
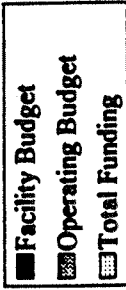
ISSUES

- The Judicial Council budget for 1989–90 was \$24 million. The council's 1993–94 budget is \$21.9 million.
- The Judicial Council, through its staff agency, oversees one of the largest court systems in the world.
- Funding has not increased despite growing responsibilities and programs in key areas. The Judicial Council has taken these actions:
 - Provided almost 25,000 days of judicial assistance to all courts in fiscal year 1991–92, up 30 percent from the previous year;
 - Adopted standards for coordination of court resources, adopted coordination plans, and analyzed quarterly progress reports from 201 trial courts;
 - Established guidelines and procedures for trial court budgeting;
 - Approved a new methodology for determining the need for additional judgeships;
 - Assisted trial courts in developing delay reduction programs, now in effect in all courts;
 - Taken further steps to prevent bias in state courts, through statewide studies of gender, racial, and ethnic bias in courts;
 - Established programs to certify and train court interpreters;
 - Overhauled juvenile court rules and developed new standards on the role and responsibilities of juvenile court judges;
 - Developed and implemented education and training for judges and initiated a program for court employees;
 - Produced a long-range study on the future of California courts;
 - Begun implementation of appellate court automation;
 - Identified and addressed training and education issues;
 - Developed expanded family mediation programs;
 - Restructured budget relations at the appellate and trial court level;
 - Provided oversight for appointed counsel programs;
 - Effected budget savings through the elimination of authorized positions; renegotiated facility leases; negotiated reductions in automated legal research programs; implemented personal leave programs; reduced merit salary adjustments; and reduced travel and operating expenses.

AOC FUNDING HISTORY

FY 1988/89 TO FY 1994/95 (Proposed)

(Excl Assign Judges, Reimb, & SF Reloc)



- For 1992/93, budget for facilities excludes \$239,000 in one-time costs for 1989/90 General Services billings.
- Employee compensation includes adjustments for 1993/94 and 1994/95.
- Included in the display for "1994/95 Total" is \$3 million for statewide information systems hardware and software.

JUDICIAL COUNCIL MEMBERS

HON. MALCOLM M. LUCAS
Chief Justice of California and
Chair of the Judicial Council

HON. RONALD M. GEORGE
Associate Justice of the Supreme Court
San Francisco

HON. JAMES A. ARDAIZ
Associate Justice, Court of Appeal
Fifth Appellate District
Fresno

HON. DANIEL J. KREMER
Presiding Justice, Court of Appeal
Fourth Appellate District, Division One
San Diego

HON. ARTHUR G. SCOTLAND
Associate Justice, Court of Appeal
Third Appellate District
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HON. PHILIP A. CHAMPLIN
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Presiding Judge, South Butte
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HON. RISE JONES PICHON
Judge, Santa Clara County
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Judge, Mono Justice Court District

HON. MARTIN C. SUITS
Judge, Avenal Justice Court District

HON. CHARLES CALDERON
Member of the Senate

HON. PHIL ISENBERG
Member of the Assembly

MS. SUSAN Y. ILLSTON
Attorney at Law
Burlingame

MR. WILLIAM McCURINE, Jr.
Attorney at Law
San Diego

MR. HARVEY I. SAFERSTEIN
Attorney at Law
Los Angeles

MR. BRIAN C. WALSH
Attorney at Law
San Jose

ADVISORY MEMBERS

HON. EUGENE MAC AMOS, Jr.
California Judges Association
Judge, San Diego Municipal Court
San Diego

MR. EARL S. BRADLEY
Association of Municipal Court Clerks
Court Administrator, Newhall Municipal Court District
Valencia

HON. MICHAEL S. GOODMAN
California Court Commissioners Association
Commissioner, San Diego Municipal Court
San Diego

MR. HOWARD HANSON
County Clerks' Association
County Clerk—Court Administrator
Marin County Clerk's Office
San Rafael

MR. STEPHEN M. KELLY
Appellate Court Clerks' Association
Clerk of the Court, Court of Appeal
Fourth Appellate District, Division One
San Diego

MR. MICHAEL A. TOZZI
Association for Superior Court Administration
Executive Officer/Clerk
Stanislaus County Superior Court
Modesto

MR. BERNARD E. WITKIN
Attorney at Law,
Berkeley

JUDICIAL COUNCIL COMMITTEES

The Judicial Council consists of 21 voting members, including the Chief Justice (Chairperson), and one other Supreme Court justice, 3 Court of Appeal justices, 5 superior court judges, 3 municipal court judges, and 2 justice court judges, each appointed by the Chief Justice; 4 State Bar members appointed by the State Bar Board of Governors; and 2 legislators appointed by the Legislature.

INTERNAL COMMITTEES

Executive Committee

Policy Coordination Committee

Rules and Forms Committee

Planning Committee

STANDING ADVISORY COMMITTEES

Appellate

- 7 appellate court justices
- 2 appellate court clerk-administrators
- The Supreme Court clerk-administrator
- 1 superior court clerk
- 1 representative of the civil appellate bar
- 1 representative of the criminal defense appellate bar
- 1 representative of the Attorney General's appellate group

Civil and Small Claims

- 1 appellate court justice
- 5 superior court judges
- 4 municipal court judges
- 1 justice court judge
- 1 superior court commissioner
- 1 superior court administrator or executive officer
- 1 superior court clerk who is not an executive officer
- 2 municipal or justice court clerk-administrators
- 4 attorneys whose primary area of practice is civil law
- 1 legal secretary
- 1 additional person knowledgeable about small claims law and procedure

Court Administrators

- Executive administrators or executive officers of the following courts:*
- 9 largest superior courts
 - 8 largest municipal courts
 - 1 superior court with 1-5 judges and 1 with 6-28 judges
 - 1 superior court nominated by County Clerks' Association
 - 1 municipal court with 1-5 judges and 1 with 6-28 judges
 - 1 administrator from an administratively unified trial court

Criminal Law

- 1 appellate court justice
- 5 superior court judges
- 4 municipal court judges
- 1 justice court judge
- 1 superior court administrator or executive officer
- 1 superior court clerk
- 2 municipal or justice court clerk-administrators
- 2 prosecutors
- 2 criminal defense attorneys

JUDICIAL COUNCIL COMMITTEES

STANDING ADVISORY COMMITTEES *continued*

- Family and Juvenile**
- 1 appellate court justice
 - 9 superior court judges
 - 1 commissioner assigned to hear juvenile court matters
 - 1 municipal court judge
 - 1 superior court administrator
 - 1 superior court clerk or executive officer
 - 1 child custody mediator
 - 4 attorneys whose primary field of practice is family or juvenile law
 - 1 chief probation officer
 - 1 child welfare director
 - 1 Court-Appointed Special Advocate (CASA) director

- Judgeship Needs**
- 1 appellate court justice
 - 3 superior court judges
 - 3 municipal court judges
 - 1 justice court judge
 - 2 superior court administrators or executive officers
 - 1 superior court clerk
 - 3 municipal or justice court clerk-administrators
 - 1 representative of the bar
 - 2 prosecutors
 - 1 representative of the criminal defense bar
 - 1 representative of the Legislature
 - 1 representative of the Governor's Office
 - 1 public member

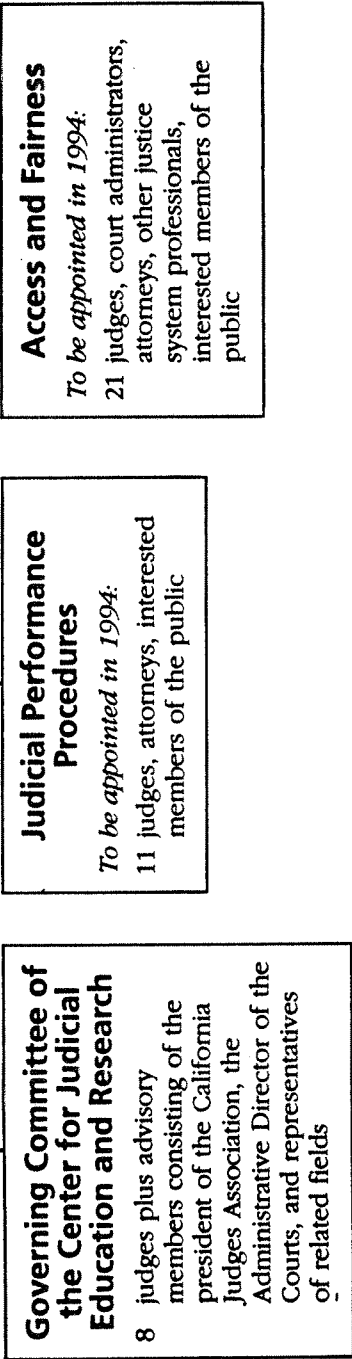
- Trial Court Budget**
- 26 trial court judges
- Advisory members:*
- 1 trial court administrator or clerk from a small court, a medium-sized court, a large court, and the Los Angeles Superior or Municipal Court, and 2 county administrators

- Trial Court Presiding Judges**
- Presiding judges from the following courts:*
- 9 largest superior courts
 - 8 largest municipal courts
 - 2 courts with 1-5 judges and 2 with 6-28 judges
 - 1 justice court
- The president of the Los Angeles Presiding Judges Association

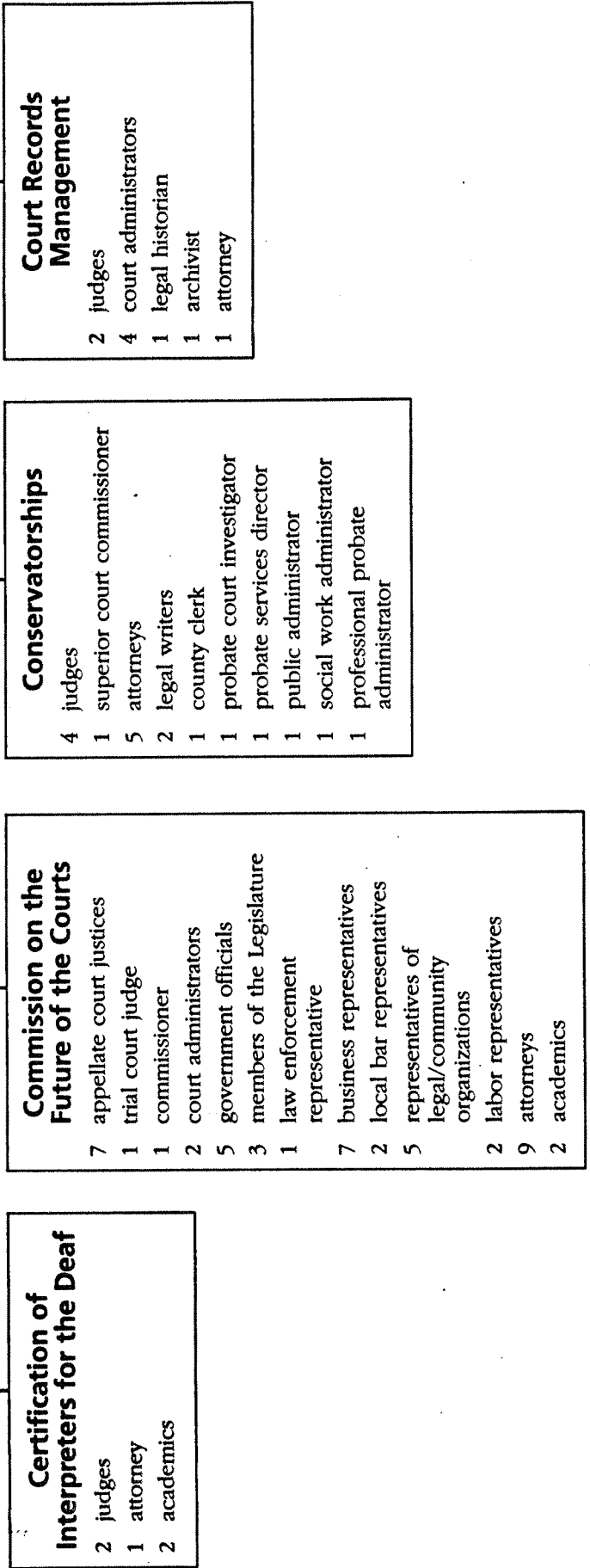
- Court Interpreters Advisory Panel**
- A majority of court interpreters, plus judges, court administrators, attorneys, and others interested in the field

JUDICIAL COUNCIL COMMITTEES

STANDING ADVISORY COMMITTEES *continued*



AD HOC ADVISORY COMMITTEES



JUDICIAL COUNCIL COMMITTEES

AD HOC ADVISORY COMMITTEES *continued*

Racial and Ethnic Bias
 2 retired Supreme Court justices
 2 Court of Appeal justices
 12 judges
 8 attorneys
 1 public member

Trial Court Coordination Evaluation
 5 judges
 2 court administrators
 1 member of the legislative staff
 2 members of the State Bar
 1 independent researcher

Trial Court Staffing
 7 court administrators

Court Technology Task Force
To be appointed in 1994

Family Court Services Grant Program
 3 judges
 2 family law attorneys
 1 private mediator/evaluator/counselor
 1 president of the California Chapter of AFCC (or designee)
 1 president of the Superior Court Executive Officers Association (or designee)
 2 directors of family court services programs
 2 mediators/evaluators
 1 member of the public

Traffic
 3 judges
 3 commissioners
 1 referee
 2 court administrators

VI. RECOMMENDATIONS

The Judicial Council is requesting a 1994–95 budget of \$28.1 million. In addition to statewide employee cost-of-living increases and CPI adjustments for lease costs at existing facilities, additional funding is needed to continue critical, essential services, described below:

PROGRAMS FOR FAMILIES AND CHILDREN

Family Court Services (\$256,000)

- More than half of all the state's marriages end in divorce, and a substantial number of these dissolutions involve children.
- Family mediation and related court services handle some 81,000 cases annually, from child custody and mediation disputes to domestic violence counseling.
- The \$256,000 increase requested does not exceed the revenues collected expressly for the Statewide Office of Family Court Services.
- The funding is requested to support the statewide office in continuing to provide assistance to each of 82 family courts in 58 counties, as mandated by law, in:
 - Implementing mandatory mediation and custody laws and standards of practice including grievance procedures.
 - Evaluating the effectiveness of current law. Currently longitudinal research is being conducted on the long-term effects of family court mediation and on client satisfaction.
 - Establishing and implementing uniform statistical reporting on custody disposition and family law matters.
 - Administering a family law grant program.
 - Training court-connected mediators, evaluators, and administrators in contested custody and visitation disputes and family court services, including domestic violence, diversity, and ADR.

Court-Appointed Special Advocates (\$215,000)

- A total of 37,749 juvenile dependency matters were filed statewide in 1991–92 seeking to make a minor child a ward of the court because of dependency or neglect.
- Funding is requested to provide greater access to Court-Appointed Special Advocate (CASA) programs statewide, which recruit, screen, select, train, supervise, and support lay volunteers who, as sworn officers, assist children through the dependency process.
- Volunteers talk to the children, evaluate their needs, identify appropriate social services, communicate with lawyers, and advise judges.

ACCESS AND FAIRNESS PROGRAMS

Court Interpreters (\$341,000 Court Interpreter & Gen. Fund)

- A recent poll shows Californians are concerned that access to the courts is denied to segments of the state's growing population of non-English speakers.
- There are more than 200 languages and dialects spoken in California. Of the 32 percent of Californians who speak a non-English language, nearly one in ten speaks no English.
- Currently some 200 languages have to be interpreted in trial courts each day.
- The \$341,000 funding is recommended because the need for qualified language interpreters is one of the key areas having an impact on access to the courts for non-English speakers.
- The funding will be used to:
 - Increase the number of certified interpreters and ensure the quality of noncertified interpreters through workshops and an educational videotape;
 - Educate judges, court employees, and attorneys on interpreter need and use; and
 - Monitor interpreter performance and ensure the continued quality of certified and non-certified interpreters including ethics workshops and recommendations for discipline programs.

Racial and Ethnic Bias (\$127,000)

- Testimony in statewide public hearings reveals that minorities who go to court have experienced bias.
- In 1991, blacks, who constituted 7 percent of the state's population, represented 34 percent of the prison population.
- A 1991 review of 700,000 California criminal cases found that whites went to prison less often, and when they did, their sentences tended to be lighter than those of blacks or Hispanics.
- In line with one of the council's priorities to improve fairness in the courts, the \$127,000 funding is requested to:
 - Continue and conclude the work of the Advisory Committee on Racial and Ethnic Bias in the Courts, a major introspective study of the court system;
 - Publish and widely disseminate the committee's final report; and
 - Launch a cultural competency program for court personnel to improve their interaction with minorities.

Judicial Education (\$175,000)

- In a recent poll, well-qualified judges were cited as the single most important court attribute by 80 out of 100 respondents.

- Judicial education is a critical element of efforts to address gender, racial, and ethnic bias in the courts.
- The \$175,000 requested for judicial education is to continue programs for judges, who must keep up with the growing numbers of cases and increasing complexity of issues courts must resolve.
- Educational programs include new judge orientation, continuing education for experienced judges, judicial publications and multimedia tapes, and training for judicial officers handling family court assignments, as mandated by a statewide rule of court and standard of judicial administration.
- The report of the Futures Commission recommends mandatory judicial education.

INFORMATION SYSTEMS FOR AOC AND APPELLATE COURTS (\$3,022,000)

- The proposal includes \$2 million to complete the transition in chambers and Clerks' Offices in the appellate courts.
- To support statewide activities, \$1 million is requested for a new fiscal system and LAN installation in the AOC.
- The current Wang software is outdated and no longer meets the growing and complex needs of the state judiciary.
- Wang is no longer a manufacturer of hardware or software and cannot enhance current systems.
- The current system cannot handle basic, essential services for the courts such as budgeting/ accounting programs, and data bases developed with PC software Paradox to produce mailing lists, reports, and customized meeting materials for various committees and AOC units.
- Windows-based applications (word processing) and case management systems are gradually being implemented.
- Efforts are also geared to develop a data linkage to trial courts.

WORKERS' COMPENSATION CLAIMS MANAGEMENT (\$158,000)

- The \$158,000 is requested for preventive and cost containment programs to permit increased management of the workers' compensation program for state judicial branch employees and superior and municipal court judges.

TRIAL COURT BUDGET ACTIVITIES (\$279,000)

- The \$279,000 requested is for support staff to provide improved expenditure and revenue data collection from the trial courts, provide on-site technical assistance for trial courts seeking to effect efficiencies promulgated by the Trial Court Realignment and Efficiency Act, and provide staff support to the Trial Court Budget Commission.

PROPOSED LEGISLATION

The following key legislation is needed to improve access and efficiency and to ensure the effective functioning of the judiciary:

- **Judicial Retirement (SB 65—spot bill)**
 - The current Judges' Retirement System is not actuarially sound, and the system's unfunded liability needs to be addressed.
 - Proposed legislation would establish an actuarially sound system for future judges.
 - The state has a compelling interest to secure and retain qualified jurists.
 - The recommended plan would reduce the state's cost by one-third.

- **Trial Court Funding (AB 2544)**
- **Trial Court Coordination (AB 1702 or AB 1084)**
- **Judicial Positions (SB 10)**
- **Courthouse Construction (SB 379)**
- **Court Interpreters**

