

2001 ANNUAL REPORT
JUDICIAL COUNCIL OF CALIFORNIA

*Resolved by the Senate, the Assembly concurring,
That the Legislature of the State of California at
its forty-sixth regular session, commencing on the
fifth day of January, 1925, two-thirds of the members
elected to each of the houses thereof voting in favor thereof,
hereby proposes to the people of the State of California
to amend the constitution of this state by adding to
article six a new section to be numbered one a, and
by amending sections six, seven and eight of said article,
to read as follows: Sec. 1a. There shall be a judicial council.*

2001 Annual Report



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This 2001 Judicial Council Annual Report commemorates the 75th anniversary of the Judicial Council—the policymaking body for the California court system—with a summary of key trends, court workload data, and major historical milestones in court administration since the Judicial Council was founded in 1926. ♦ The report also covers court business for California’s appellate and trial courts during fiscal year 1999–2000. ♦ A companion publication, the *Court Statistics Report*, provides detailed 10-year statistical caseload and trend data on a wide variety of court business as well as caseload data for each county. ♦ These publications and other information about the state judicial system are available on the California Courts Web site, www.courtinfo.ca.gov.

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JUDICIAL COUNCIL MEMBERSHIP 2000–2001

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Second Appellate District, Division Three*

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Mr. Alan Slater (Advisory Member)
*Executive Officer
Superior Court of California, County of Orange*

Mr. William C. Vickrey
*Administrative Director of the Courts and
Secretary of the Judicial Council*

On the cover:

The Judicial Council meets seven times a year in the Malcolm M. Lucas Board Room in the Judicial Council Conference Center in San Francisco. Located in the Hiram W. Johnson State Office Building, the conference center serves as headquarters for California’s judicial branch. The council was created by a constitutional amendment passed by the Legislature in 1925 (see cover) and approved by voters in November 1926.

Message from the Chief Justice and Administrative Director

Dear Friend of the Courts:

In 1926, more than 20 years before most other states, California voters approved a constitutional amendment establishing the Judicial Council as the policymaker for the third branch of state government and granted this new body responsibility for overseeing the statewide administration of justice. Creation of the council, approved by voters on November 2, 1926, marked the advent of systematic court improvement in California. This development has played a crucial role in maintaining the strength and independence of the judiciary. Judicial leaders understood then, as they do now, that to fulfill our responsibilities effectively as one of three coequal branches of government, we must manage our affairs prudently and stand accountable to the public and our sister branches.

A Productive Era Immediately after its formation, the Judicial Council, led by its first chair, Chief Justice William H. Waste, moved forward to examine the structures and processes of the courts. During his tenure from 1926 to 1940, courts faced many of the same challenges they face today: dramatic population growth, social and economic transformation, and caseload increase and congestion. As you will read in the following pages, throughout the council's history basic themes have remained constant: judicial independence, equal access, and improved and modernized court administration.

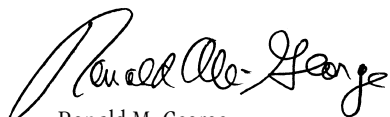
The current era ranks as the most productive and innovative for the council. Beginning in the late 1980s, the council has undergone a series of fundamental reorganizations aimed at inviting more participation not only from within the branch, but from other interested entities and individuals, assisting the council in more effectively meeting modern needs. Council-initiated reforms have affected every area of court operations, from jury service and court interpreters to technology and assistance for unrepresented litigants and troubled families. At the same time, the council has promoted unity and cooperation within the judicial branch, as well as with its sister branches.

Crucial Reforms The recent achievement of two laudable and long-sought reforms allows the judicial branch to approach ongoing court management challenges with confidence. First, the Trial Court Funding Act of 1997 provided courts for the first time with a statewide stable, secure, and highly accountable funding system. No other reform in California court history has done more to free courts from day-to-day financial uncertainty or has been more important in allowing them to focus their resources and attention on improving access and service to the public. Second, with trial court unification effective in all 58 counties, California now has a one-tier trial court system that already is producing impressive new efficiencies and opportunities that far exceed early expectations. These two changes provide a solid foundation for planning for the future.

What Lies Ahead Transition to a completely modern court management structure will always be a work in progress. Nevertheless, at the start of the 21st century, the judicial branch is uniquely positioned to respond effectively to the needs of our rapidly growing and changing state. Professional and focused court management has been an essential ingredient in ensuring that courts can provide fair and accessible justice to all. Courts must have the confidence of those we serve in order to function effectively, and our state judicial system has made unprecedented efforts to earn the respect and trust of the public and to meet its needs.

The size and complexity of today's judicial branch would astonish those who began the process of providing a strong structure for our court system. The numbers of cases filed, the variety of claims, the diversity of those appearing before the courts, and the tools available to today's judges, court executives, and staff create challenges and opportunities unimaginable in 1926. A mere 20 years ago, computers were just being introduced into the legal arena. Fifteen years ago, fax machines were a rarity. Fewer than 10 years ago, the Internet and e-mail were almost unknown. What lies ahead? We can assume that there will be new demands on us and new tools to assist our work—but we can say with confidence that the need for administering justice in a fair, timely, and accessible manner will continue unabated. Californians are truly fortunate that experienced judges and professional court staff stand ready and able to meet future challenges with the same dedication that already has achieved so much.

Sincerely,


Ronald M. George
Chief Justice of California


William C. Vickrey
Administrative Director of the Courts



Ronald M. George



William C. Vickrey

Goal I

MILESTONES

1981 Judicial Council starts ethnic/gender fairness education program for state judges.

1984 Rule 980 is adopted to permit film and electronic media coverage of courtroom proceedings.

1986–1997 Special committees study fairness for women, racial/ethnic minorities, gays and lesbians, and persons with disabilities; release landmark studies.

1989 Assisted-listening devices or computer-aided transcription is required for persons appearing or working in the courts.

1990 Judicial Council adopts all 68 recommendations of its Advisory Committee on Gender Bias in the Courts.

1992 In its inaugural strategic plan, council adopts Access and Fairness as the first of five goals.

1993 Legislation calls for improved court interpreter services; requires Judicial Council to recruit and register court interpreters and collect, analyze, publish data.

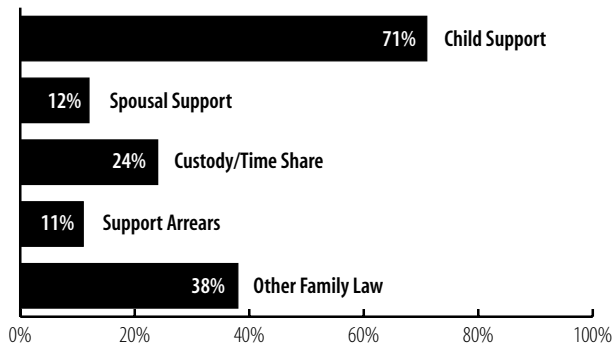
1994–1999 Standards of Judicial Administration and court education programs are developed regarding diversity, cultural competence, gender and sexual orientation fairness, and barriers for persons with disabilities.

1998–2000 New court programs and services are launched to better serve low-income litigants in domestic violence, family law, housing, and other matters.



Services Typically Requested by Pro Per Litigants

Source: Journal of the Center for Families, Children & the Courts



In addition to the highly successful Family Law Facilitator Program, a growing number of courts have obtained funding to provide other services to family law clients, many of whom have multiple issues before the court that require services in more than one area.

Court Interpreter Services Historical Daily Usage

Fiscal Year	Daily Usage
1996–1997	183,671
1997–1998	187,405
1998–1999	194,441
1999–2000	200,892
2000–2001	207,722 (est.)

In fiscal year 1999–2000 there were 200,892 daily uses of contract interpreters. On any given day, more than 100 different languages are interpreted in the courts. Services are projected to increase 13.5 percent by 2005. California, where 33 percent of residents speak a language other than English, remains the nation's largest immigrant state.

Access, Fairness, and Diversity

All Californians will have equal access to the courts and equal ability to participate in court proceedings, and will be treated in a fair and just manner. Members of the judicial community will reflect the rich diversity of the state's residents.

2000 HIGHLIGHTS

COURT INTERPRETERS

- ◆ Equal access to the courts is not available if participants do not understand court proceedings. In 2000, the Judicial Council designated 5 additional languages for certification, bringing the total to 13. More than 224 languages are spoken in California.
- ◆ To attract quality interpreters and meet the courts' caseload demands, the council in 2000 achieved a pay raise to \$265 per day for these professionals and is seeking an additional increase to \$285 per day in 2001.
- ◆ The council also set up certification training workshops, conducted recruitment via TV and radio announcements, and launched an upgraded Court Interpreters Web site (www.courtinfo.ca.gov/programs/courtinterpreters).

UNREPRESENTED LITIGANTS

- ◆ Litigants without attorneys require a higher level of court assistance, especially in family law cases. In 2000, the council created a new task force to coordinate the response of the bench and the bar to issues involving unrepresented litigants.
- ◆ The council approved distribution of \$9.5 million from the two-year-old Equal Access Fund to legal service providers assisting low-income Californians.
- ◆ Chief Justice Ronald M. George called on the state's attorneys to "make a difference" by volunteering their time to assist Californians who cannot afford legal representation.

FAIRNESS

- ◆ A statewide Court Leadership Conference for women of color was held to explore issues of concern.
- ◆ The council conducted focus group meetings with attorneys and judges to assess the progress of gender fairness in the courts.
- ◆ Plans were completed for a statewide conference in 2001 designed to provide training on the basic requirements of the Americans With Disabilities Act (ADA) and other federal and state statutes for court ADA coordinators. The council continues to help courts implement relevant sections of the act.
- ◆ The Access and Fairness Advisory Committee completed its report on sexual orientation fairness in the courts. The council is considering the committee's recommendations for improvement.
- ◆ The council distributed training materials to help attorneys eradicate gender bias and to inform all court users and employees about disability etiquette.
- ◆ The Access and Fairness Advisory Committee is working closely with the Center for Judicial Education and Research (CJER) to develop educational programs on diversity and cultural competence.

For more than 150 years, Californians have turned to the courts to resolve their disputes peacefully and fairly and by the rule of law. The state Constitution guarantees fair treatment and the protection of liberty, and the courts are dedicated to these principles.



Goal II

MILESTONES

1926 California voters approve constitutional amendment creating the Judicial Council, charged with overseeing the administration of justice.

1960 Administrative Office of the Courts (AOC) is created by constitutional amendment, giving the Judicial Council, for the first time, the vital power to implement council policies.

1966 Constitutional revision adds rules for court administration to the Judicial Council's rule-making authority.

1969 Legislation permits California courts to exercise jurisdiction on any basis not inconsistent with the state or U.S. Constitutions.

1985 Trial Court Funding Act marks first major reform in court funding, although no funds are appropriated to implement the law.

1988 With Brown-Presley Trial Court Funding Act, California accepts significant responsibility for funding the trial courts, using block grants to each county based on judicial positions.

1992 Judicial Council adopts its first Strategic and Reorganization Plan, which sets broad goals for the council and overhauls its operating methods and structure; creates Trial Court Budget Commission to oversee budget submission and allocation process.

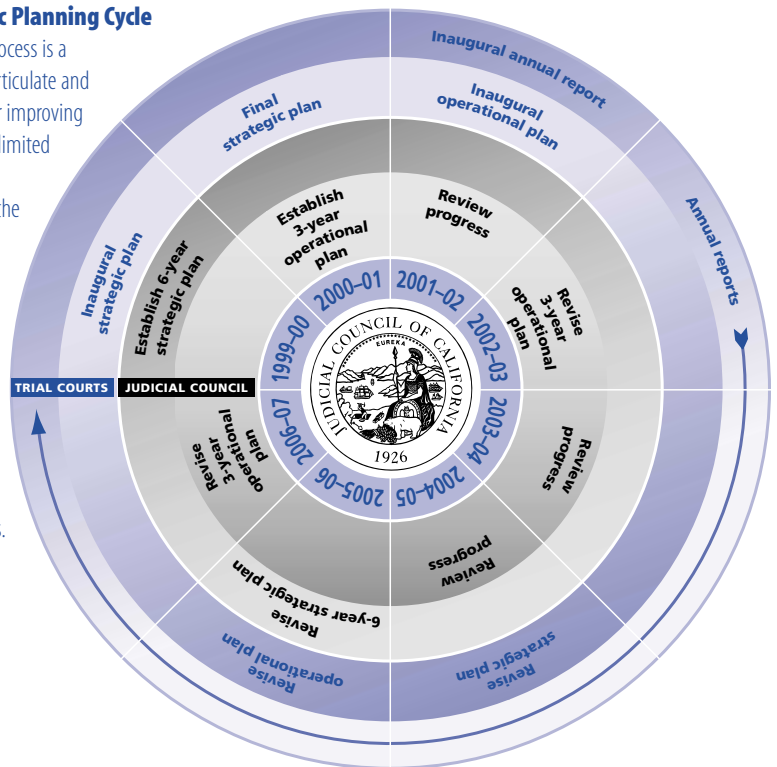
1993 Proposition 190 gives California Supreme Court responsibility to formulate principles of ethical conduct for judges.

1997 Trial Court Funding Act consolidates all court funding at the state level, giving the Legislature authority to make appropriations and the Judicial Council responsibility to allocate funds to state courts.



California Courts: Strategic Planning Cycle

The council's strategic planning process is a collaborative, multiyear effort to articulate and implement a long-range vision for improving the administration of justice with limited resources. The council's statewide strategic planning is informed by the trial courts and provides a framework for orderly growth and progress. For the first time in judicial branch history, almost every trial court has submitted to the council an individual strategic plan that was developed in collaboration with its community. The process is now considered a model in other states.



Independence and Accountability

The judiciary will be an institutionally independent, separate branch of government that responsibly seeks, uses, and accounts for public resources necessary for its support. The independence of judicial decision making will be protected.

2000 HIGHLIGHTS

LONG-RANGE PLANNING

- ◆ The Judicial Council has refined its strategic planning activities to serve the overall interests of the judicial branch. An operational plan for the council and the Administrative Office of the Courts (AOC) was developed, linking the council's long-range strategic plan to state-level operational objectives.
- ◆ Nearly all 58 counties submitted individual community-focused strategic plans to the council. These plans, which the courts will review annually, guide each court's local budgeting, resource allocation, and project prioritization process and inform Judicial Council planning and budgeting.
- ◆ The council is working to align the trial court budget process more closely with that of its sister branches of government to ensure a continued successful transition to state funding for the trial courts. This new process dramatically increases court budget credibility, accountability, and predictability while also creating a direct link to the council's strategic plan.

NEW RULES

- ◆ The council adopted or revised California Rules of Court in every area of court administration, practice, and procedure.

COURT EMPLOYEES

- ◆ The council co-sponsored legislation that established a statewide personnel system for 18,000 trial court employees.

JUDGES

- ◆ New legislation created 20 new trial and 12 new appellate judgeships to help courts handle their complex caseloads. As part of its long-standing commitment to bringing much-needed judicial resources to the state's trial courts, the council in 2001 will sponsor legislation to create 30 additional judgeships in 14 counties and 5 appellate justice positions.
- ◆ An Extended Service Incentive Program was created to encourage judges who are eligible for retirement to remain in public service.
- ◆ The council developed a policy defining the role of commissioners, referees, and hearing officers, who represent 22 percent of the judicial workforce and play an invaluable role in assisting trial courts with heavy caseloads. The AOC is developing recommendations on a range of related issues.
- ◆ To attract and retain qualified judges, the council is seeking an increase in judicial salaries in 2001. Judicial salaries remain substantially lower than salaries for comparable positions in the public and private sectors.

A democratic government depends on an independent, coequal judicial branch that serves as guardian of the law and remains free from political and financial pressures that may challenge impartiality. The judicial branch seeks the resources necessary to preserve its independence and strengthen its accountability to the other branches and to the public.



Goal III

MILESTONES

1941 Judicial Council drafts California's first rules of appellate procedure.

1942 Judicial Council proposes overhaul of trial court system and its six types of jurisdiction below the superior court.

1945 Administrative Procedure Act specifies procedures in state agency adjudicatory hearings and rule making.

1961 After a constitutional amendment in 1960 creates an Administrative Director of the Courts, legislation provides funds to put the new agency into operation.

1967 Council-sponsored legislation reclassifies minor traffic violations as noncriminal infractions.

1977 Jurisdictional and procedural differences between justice and municipal courts are eliminated.

1981 Council-sponsored legislation requires counties to provide individual assistance to litigants in small claims cases.

1986 Trial Court Delay Reduction Act mandates case-processing delay reduction efforts in superior courts.

1992 Judicial Council establishes standards for trial court facilities construction.

1993 Justice courts are converted to municipal courts; Commission on the Future of the California Courts develops over 300 recommendations.

1998 Proposition 220 allows for unification of counties' superior and municipal courts.



Civil Case-Processing Time

By county and fiscal year

Judicial Council time standards for processing general civil unlimited cases are: 90 percent disposed of within 12 months of filing, 98 percent within 18 months, and all cases within 24 months.

	Kern		Los Angeles		Orange		Sacramento		San Diego		Five-County Total	
	99-00	95-96	99-00	95-96	99-00	95-96	99-00	95-96	99-00	95-96	99-00	95-96
Percentage disposed of:												
within 12 months	69	57	60	43	58	45	50	50	79	72	62	49
within 18 months	86	81	83	63	82	61	74	77	95	92	85	69
within 24 months	91	91	92	75	91	67	88	90	98	97	93	78

Criminal Case-Processing Time

By county and fiscal year

Judicial Council time standards are: 100 percent of felonies (except for capital cases) disposed of within 1 year from first court appearance; 90 percent of misdemeanors disposed of within 30 days, and 98 percent within 90 days.

	Kern		Los Angeles		Orange		Sacramento		San Diego		Five-County Total	
	99-00	95-96	99-00	95-96	99-00	95-96	99-00	95-96	99-00	95-96	99-00	95-96
Percentage of felonies disposed of within 12 months ¹ :	99	97	99	N/A	92	95	88	93	96	97	95	96
Percentage of felonies disposed of or bound over or pleas certified within ² :												
30 days	76	75	62	73	50	65	56	49	73	76	63	71
45 days	83	82	72	80	61	73	69	65	83	86	73	79
90 days	90	90	86	89	78	87	87	86	95	96	87	90
Percentage of misdemeanors disposed of within:												
30 days	82	82	79	81	65	76	60	47	78	75	77	77
90 days	92	91	92	93	86	90	79	75	92	93	91	91

1. Based on the time from filing of the initial complaint to final disposition. Only includes cases where a certified plea or an information was filed. Data from Los Angeles is not available.

2. Based on the time from filing of the initial complaint to certified plea or bindover, or dismissal at or before preliminary hearing.

Modernization of Management and Administration

Justice will be administered in a timely, efficient, and effective manner that utilizes contemporary management practices; innovative ideas; highly competent judges, other judicial officers, and staff; and adequate facilities.

2000 HIGHLIGHTS

UNIFICATION

◆ By January 2001, each one of California's 58 counties had voted to merge its superior and municipal courts into a single countywide trial court system. Court unification is benefiting the public as well as the judiciary through more efficient operations and reallocation of judicial and staff resources. Many statewide initiatives by the Administrative Office of the Courts are under way to serve trial courts in their transition to single countywide superior court systems.

CASE PROCESSING

◆ In an ongoing effort to expedite case processing, the Judicial Council in 2000 preempted all local rules on pleadings, papers, and civil law and motion, creating uniformity in procedures in these fields statewide. The council continues work to implement the new rules that became effective July 1, 2000, and to standardize court practices statewide. The council also adopted new rules clarifying the duties and authority of trial court presiding judges and court executives.

◆ Six trial courts have implemented a council pilot program to manage complex civil litigation with greater speed and efficiency.

◆ Five trial courts have implemented council pilot programs to assess the benefits of early mediation of civil cases. An appellate mediation pilot project is under way in the Court of Appeal for the First Appellate District.

APPELLATE COURTS

◆ The report of the council's Appellate Process Task Force made various recommendations to the council for enhancing the efficient operations of the intermediate appellate courts, encouraging the use of memorandum opinions, and requiring an annual report of Court of Appeal workload and backlogs.

INFRASTRUCTURE

◆ The Task Force on Court Facilities, created by Assembly Bill 233, was charged with identifying the facilities needs of state courts and making recommendations on which entity of government should be responsible for court facilities. The task force completed an inventory and evaluation of all court facilities and developed planning options. Its report will be issued for comment in 2001.

◆ The prospect of violence in court facilities, particularly in family law courtrooms, has forced many courts to request additional security services and equipment to ensure the safety of the public and court employees.

◀ While civil case-processing delay reduction continues to improve, many California trial courts still struggle to meet Judicial Council standards for the length of time it takes to dispose of a case. Soon after passage of the Trial Court Delay Reduction Act of 1986, the council adopted standards for timely disposition of civil and criminal cases.

Five of California's unified superior courts account for nearly 50 percent of the state's civil caseload. In these courts, which had reported severe backlogs at the time the standards were adopted, civil case-processing times have improved: In 1995–1996, only 49 percent of the cases in these courts reached disposition within 12 months, with that number growing to 62 percent by 1999–2000. Five years ago, only 69 percent were disposed of within 18 months, but that number grew to 85 percent in 1999–2000.

In these same five courts, which account for 52 percent of the state's criminal caseload, criminal disposition times have increased slightly.

Restructuring the two tiers of municipal and superior courts into a one-tier, unified, state-funded system of trial courts represents only the latest step in a historic progression of modifications to improve court management in California. In the process of merging their court operations, judges and court staff daily must balance new case-processing challenges and growing public service demands.



Goal IV

MILESTONES

1961 Juvenile Court Law increases legal rights of minors and promotes statewide uniformity in practice and procedures.

1981 California's mandatory child custody mediation program is established; California, with the Family Law Act, becomes first state to endorse no-fault divorce.

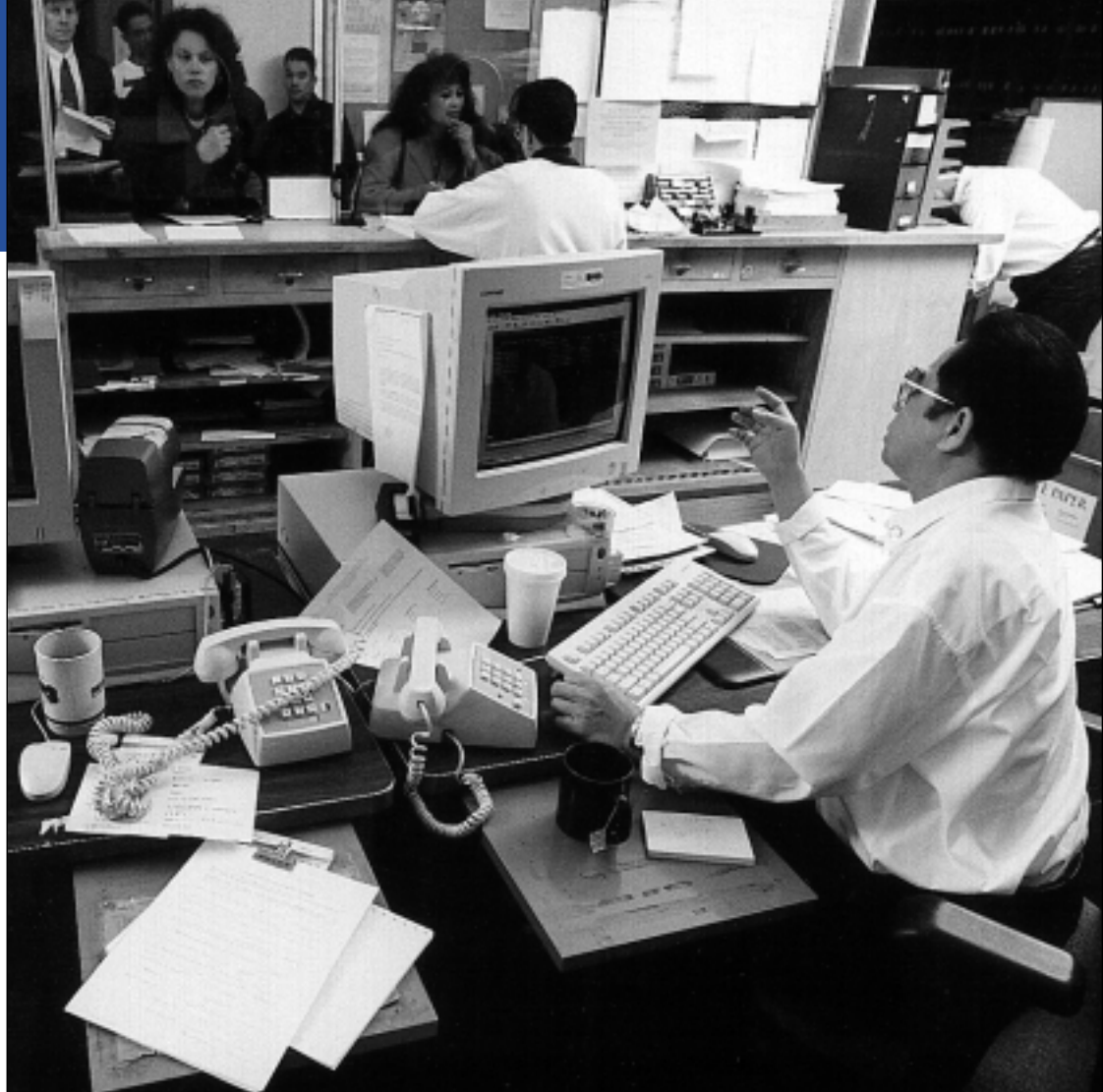
1987 Judicial Council's Statewide Office of Family Court Services is established.

1988 California Supreme Court makes a commitment to issue decisions within 90 days of oral argument or submission of the last brief.

1996 Office of the Family Law Facilitator is established in all 58 counties to assist litigants without representation.

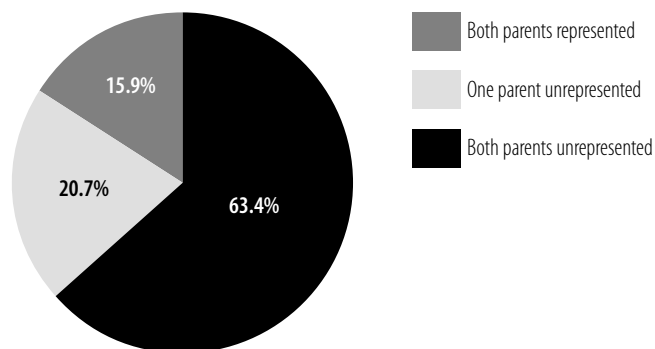
1998 Judicial Council adopts rule of court requiring courts to implement one-day/one-trial jury service programs; Drug Court Partnership Act funds counties that develop drug court programs.

1999 Legislation creates Department of Child Support Services, mandates uniform practices and procedures for local child support agencies and funding for court-related programs.



Parents Without Attorneys in Child Support Cases

Source: Judicial Council of California Review of Statewide Uniform Child Support Guideline 1998; sample size 2,987 in fiscal year 1995–1996.



Both parents lack attorneys in 63.4 percent of child support cases largely because they cannot afford representation.

Drug Courts in California

Source: Oversight Committee for the California Drug Court Project

- More than 200,000 people have entered California drug courts.
- Currently, there are approximately 69,000 drug court participants.
- Total of 55,000 graduates since 1991.
- California has over 105 drug courts in 47 counties.

National studies show that drug court programs have proven more effective than traditional criminal prosecution methods, especially in terms of promoting treatment and recovery. The lower recidivism rates among drug court graduates are impressive. These programs can be cost-effective, with the average treatment component ranging from \$900 to \$1,600 per participant, compared with an average cost of \$5,000 per defendant for a minimal period of incarceration.

Quality of Justice and Service to the Public

Judicial branch services will be responsive to the needs of the public and will enhance the public's understanding and use of and its confidence in the judiciary.

2000 HIGHLIGHTS

JURY REFORM

- ◆ The council is a strong advocate for jurors and in 2000 achieved a juror pay raise from \$5 to \$15 per day, effective July 1. The council aims to raise that ultimately to \$40 per day, the current federal rate.
- ◆ Implementation of the one-day/one-trial rule continued, making jury service more manageable for the 10 million Californians summoned in 2000.
- ◆ An official California Juror Information Web site was launched in 2000 (www.courtinfo.ca.gov/jury).
- ◆ The council drafted civil and criminal jury instructions in plain English and circulated them for comment.

FAMILY COURT

- ◆ In 2000, the Administrative Office of the Courts created the Center for Families, Children & the Courts (CFCC) to provide leadership, program development and assistance, research, grants, education, and technical support to the state's family courts. CFCC is coordinating numerous projects to improve court services in the areas of domestic violence, child support, unrepresented litigants, adoption of foster children, and court programs for youth.
- ◆ Landmark legislation (Senate Bill 2160) in 2000 increased legal representation for abused and neglected children, giving them a voice in court. Funding is needed to ensure appropriate compensation levels for court-appointed counsel in these cases. CFCC will help implement the bill.
- ◆ The council's eighth annual statewide Conference on Family Violence was held to strengthen California's unique family/domestic violence coordinating councils and improve domestic violence case processing.
- ◆ Courts continue to seek resources to help them comply with more demanding legislative mandates and stringent state and federal regulations requiring augmented services in all areas of family and juvenile delinquency and dependency case processing.

PROBATION

- ◆ A new Probation Services Task Force was created to assess programs, services, organizational structures, and funding related to probation services provided by counties to the courts.

DEATH PENALTY

- ◆ The shortage of capital defense attorneys available to provide quality representation for people on death row remains acute. Many efforts are under way, with the assistance of the Habeas Corpus Resource Center, Office of the State Public Defender, and California Appellate Project, to remedy this persistent problem.

The public turns to the state's courts for solutions to an ever broadening range of disputes affecting their lives and their families. The demand for court-linked services continues to grow each year, and more people than ever cannot afford attorneys to help them.

