Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date
February 21, 2008

To
Members of the Judicial Council

From
William C. Vickrey
Administrative Director of the Courts

Subject
Report from the
Administrative Director of the Courts

Action Requested
For Your Information

Deadline
N/A

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The following information highlights some of the many activities that have taken place since the last Judicial Council meeting in December 2007 to further the council's goals and agenda for the judicial branch.

SUMMARY

(Please Note: Page numbers next to summary items reference more detailed information.)

National

National Governors' Association Center for Best Practices: At an association meeting funded by the U.S. Department of Justice's Bureau of Justice Assistance, states met to discuss information exchange best practices and lessons learned. States included Alabama, Pennsylvania, New York, Washington, Wisconsin, and California. AOC Information Services Division Director Mark Dusman provided an update on California's data integration efforts.

Western States Court Leadership Academy: The academy is a collaborative program of the court systems of Arizona, California, and Utah, and the Institute for Court Management of the National Center for State Courts. This new and innovative approach is designed for local and statewide court leaders responsible for leading and managing the judicial system into the future. Top court leaders statewide have been invited to participate in the first academy to be held in September.

Legislation/Legislative Relations

State of the Judiciary Address: The 2008 address by Chief Justice Ronald M. George will be delivered to a joint session of the Legislature on Tuesday, March 25, 2008, at 3:30 p.m. at the State Capitol.

Bench-Bar Coalition (BBC) "Day in Sacramento": On Wednesday, March 26, the BBC will hold its first "Day in Sacramento" legislative visits at the State Capitol. Judicial Council participants will be notified of pre-event briefing sessions.

Report to the Legislature: Court Effectiveness in Conservatorship Case Processing: The Legislature enacted the Omnibus Conservatorship and Guardianship Reform Act of 2006 and Probate Code section 1458, directing the Judicial Council to report on the findings of a court study measuring effectiveness in conservatorship cases. The report was completed in December. Among the findings: 83 percent of conservatorships reviewed were bonded; 76.2 percent requiring accountings had completed reviews within 120 days of the due date; 41.4 percent had completed all required reviews within 120 days of the due date (an area in need of significant

improvement); the median total workload per year for each new filing of a conservatorship is currently 17.6 hours; and the total workload per year for each conservatorship case under the jurisdiction of the court is currently 12.1 hours (page 17).

Bills: Several bills have been introduced or identified as vehicles for the council's 2008 legislative priorities. The bills introduced this year, if fiscal, must be heard in the policy committee and reported out to the fiscal committee by April 18 (page 16).

> **AB 1491 (Jones):** Extends the deadline for **transfer of court facilities** from the county to the state to December 31, 2009.
>
> **AB 1826 (Beall):** Clarifies the appropriate **filing fees** to be charged for court proceedings involving the return of seized property or a seized weapon.
>
> **AB 1873 (Lieu):** Modifies **procedures in small claims** court cases by authorizing the small claims court to permit parties to appear by telephone or written declaration in its discretion.
>
> **AB 1876 (De Leon):** Addresses current funding deficiencies; brings courts up to the **court security funding** standard; and adopts a structure for appropriate security cost containment and accountability.
>
> **AB _____ (Evans): Court operations** bill to 1) clarify that temporary judges are not subordinate judicial officers (SJOs); 2) clarify responsibility for SJO relocation costs in response to credible threats of violence; 3) extend time for courts to submit to the Judicial Council amendments to local rules; 4) clarify that governmental entities are not exempt from civil jury fees or deposits intended to cover costs of jurors; and 5) update obsolete references in the trial preferences statute.
>
> **SB 1150 (Corbett):** Establishes the authority for the third set of the new 50 **judgeships**, funding for which is included in the Governor's budget.

Budget

Proposed Fiscal Year (FY) 2008–2009 Judicial Branch Budget: The Governor's proposed budget included a 10 percent General Fund reduction for the branch, totaling $246 million. Proposed new funding included $126 million for trial courts from the State Appropriations Limit adjustment; funding for new judgeships, probate reform, court facilities, further development and

implementation of the Phoenix system; and funding to support workload adjustments in the appellate system.

The Assembly Budget Subcommittee held a hearing to ascertain the impact of the Governor's proposed 10 percent reduction. Testimony was given on behalf of the judicial branch. The subcommittee did not take any action, however, the Assembly subsequently voted to delay implementation of 10 judgeships from 2007–2008 and the 50 for 2008–2009. A communication on this issue was sent to all trial and appellate court leaders.

A meeting was held with the Legislative Analyst's Office to provide an overview of, and discuss, the proposed FY 2008–2009 judicial branch budget, including the proposed 10 percent General Fund reduction. Meetings with Legislators and the Governor's Office are ongoing.

Statewide Administrative Infrastructure Services Funding Committee: The infrastructure committee reviewed staff recommendations on court requests received through a supplemental funding process approved by the Judicial Council in April 2006. The committee recommended, and the Administrative Director of the Courts approved, a total of $5.6 million for nine courts.

Expanded Investment Opportunity: Consistent with the existing investment policy approved by the Judicial Council, the State Treasurer's Office approved the investment of court funds in the Local [Governmental] Agency Investment Fund. This approach will provide a better return on longer and intermediate term investment of court funds, while maintaining a conservative approach to preservation of public funds overall, and will be in addition to current overnight sweeps used for all court funds to date.

Judicial Council Activities

Chief Justice/Judicial Council Liaison Meetings with Justice System Partners: The Chief Justice has established annual liaison meetings with key justice system partners. These meetings provide the opportunity to discuss issues of mutual interest, address concerns, and seek support from one another on key priorities. Judicial Council member Justice Marvin Baxter, Ron Overholt, Curt Child, other AOC staff, and I participate with the Chief Justice. The following liaison meetings were conducted in the first two months of the year:

- California State Association of Counties
- California State Sheriffs' Association
- Criminal Defense Bar
- Consumer Attorneys of California
- County Counsels' Association

Advisory Committee, Task Force, and Working Group Meetings (beginning on page 17). The following committees met since the Judicial Council's last meeting in December:

- Appellate Indigent Defense Oversight Advisory Committee
- Assigned Judges Program Advisory Committee
- Blue Ribbon Commission on Children in Foster Care
- Center for Judicial Education and Research (CJER) Governing Committee
- California Court Case Management System Oversight Committee
- Civil Jury Instructions Advisory Committee
- Commission for Impartial Courts
    - Task Force on Judicial Selection and Retention
    - Task Force on Public Information and Education
- Court Executives Advisory Committee
- Court Interpreters Advisory Panel
- Domestic Violence Practice and Procedure Task Force
- Mediator Qualifications Working Group
- Probate and Mental Health Advisory Committee
- Protective Orders Working Group
- Traffic Advisory Committee
- Trial Court Benefits Working Group
- Trial Court Budget Working Group
- Trial Court Presiding Judges Advisory Committee

Administrative Office of the Courts

AOC Executive Leadership Changes:

Dr. Diane E. Cowdrey assumed her new leadership role as Director of the Education Division in February. Diane has more than two decades of experience in the field of adult education and served as Director of Education for the Utah Administrative Office of the Courts since 1992.

Mark W. Dusman was appointed as Director of the Information Services Division in January. Mark joined the AOC in 1996 and has been an integral part of the Information Services leadership team as the division's role has evolved to become a major service provider to the trial and appellate courts.

We are fortunate to have individuals of Diane's and Mark's caliber working on behalf of the AOC and the branch.

Finally, ***Kim Davis***, Director of the Office of Court Construction and Management (OCCM) will relocate to Fresno this Spring. Following consultation with Kim, the AOC will seek a new director to lead the development of its facilities operations. Kim has provided outstanding leadership on the development of the facilities program for the branch. She will continue to work within the OCCM in its capital projects design and construction unit, from a Fresno satellite office where OCCM staff provide facilities maintenance and project management for the Central Valley area.

Infrastructure Initiatives:

Regional Forums on Funding Statewide Infrastructure Technology Projects: Regional forums were held in Burbank, Sacramento, and San Francisco regarding the funding of state technology infrastructure and administrative services initiatives. These informational forums included detailed cost information and dialogue related to:

- The budget development process for administrative infrastructure projects (e.g., benefits, cost management).
- Detailed project cost information, available versus needed resources, possible methodologies for allocating costs, and implications for the supplemental funding process.
- Future funding and strategy options.
- Project updates on various technology initiatives, including the California Case Management System and Phoenix financial and human resources systems.

Facilities

Bonds: Discussions continue with legislative leadership on approaches to secure bond funding for the first phase of court facilities projects.

Public-Private Partnership (P3) for New Long Beach Court Building: Consultations began in mid-December with the Department of Finance and members of the Governor's office on comparing the costs and benefits of a P3 approach. The AOC reached an agreement with Los Angeles County on the buy-out of its equity in the existing court building. The AOC, with the assistance of the LA Superior Court, and the Project Advisory Group identified acceptable available sites for the new building. Chief Deputy Director Ron Overholt met with leaders of the City of Long Beach to seek their assistance in providing a site.

New Buildings and New Acquisitions: The Public Works Board approved title transfer of the Corcoran Courthouse in Kings County. The Board also approved site selection for the New San Bernardino Courthouse and the New Mammoth Lakes Courthouse in Mono County, and approved preliminary plans for the New Antioch Area Courthouse in Contra Costa County.

Technology (page 20)

California Information Technology Council: The AOC was represented at the quarterly meeting of state agency information technology managers to discuss statewide initiatives, including the Financial Information System for California (FI$Cal Project) and the 21st Century Project. Teresa Takai was introduced as the new state chief information officer, replacing Professor Clark Kelso.

California Department of Justice Bureau of Criminal Identification and Information Focus Group: The AOC participated in the group's three-day meeting on current and future technologies for mobile identification; the Cal-Photo application for booking photos; data integrity and the National Information Exchange Model exchange standard; and the DNA program status, which is being implemented in Los Angeles County.

Uniform Civil Fees System Update: This system supports the distribution and mandated reporting of uniform civil fees collected by the 58 Superior Courts. The total amount collected by the courts averages $45 million each month. Failure to distribute fees to the appropriate entities within 45 days after the end of the month would result in the state assessing a penalty of nearly $20,000 per day that distribution is late. In February, a six-month project update was completed to support the latest legislated fee revisions. Other

enhancements to help streamline daily operations and improve security included automatically uploading Bank of America account data, encrypting the bank account numbers, greater specificity for restricting various users access to system functionality, and eight new reports.

California Court Case Management System (CCMS): The project's lead courts: Sacramento, Orange, Ventura, San Diego, and Los Angeles Counties, and the AOC, and Deloitte Consulting continue to work on the design and development of CCMS-V4. The project is on schedule and will be ready for production in the courts by summer of 2010. The Oversight Committee approved additional releases to CCMS-V3 to better support the courts until CCMS-V4 is completed.

Data Exchange Standards: As part of the CCMS-V4 project, up to 125 interfaces servicing all case types are being developed to support courts as they transition to the new system. These interfaces will be based on data exchange standards compliant with the National Information Exchange Model. Joint application development focus group sessions to identify data requirements and high-level business processes for each exchange will continue into June.

E-Filing Solutions: A report has been published on the recommendations from a statewide electronic filing visioning session held in September 2007, and a new strategy has been developed to speed deployment and promote uniformity of e-filing solutions in the future.

Web Development: In support of the biannual update cycle for Rules of Court and Judicial Council Forms, 1,211 Rules of Court and 168 forms were published on the *Courtinfo* public Web site. In addition, a new section on public-private partnerships was published on the Office of Court Construction and Management section of the site. (http://www.courtinfo.ca.gov/programs/occm/ppp.htm)

Computer-Aided Facilities Management: System upgrade are under way for this Web-based program, which allows court personnel, AOC staff, and third-party contractors to access real-time data on building design, construction, operations, and maintenance.

Judicial Appointments and Vacancies: There have been 13 judicial appointments since January. Currently, the Courts of Appeal have 5 judicial vacancies and the trial courts have 49 judicial vacancies (page 31).

Judicial Demographic Data Relative to Gender and Race/Ethnicity: Government Code requires the AOC to collect and release aggregate demographic data relative to the ethnicity, race, and gender of justices and judges, by specific jurisdiction, on or before March 1 of each

year. Similar reporting obligations apply to the Governor and to the Commission on Judicial Nominees Evaluation of the State Bar of California. The AOC worked with trial court presiding judges and executive officers to collect this information. Although the time for justices and judges to provide information just closed on February 15, the AOC is still receiving information, which will be included in the report before it is finalized. The AOC is in the process of finalizing its report and analyzing the information received and will post the final report to the California Courts Web site by March 1. A preview of the unanalyzed information received as of February 20 is provided beginning on page 28, including year-to-year comparisons from 2007 to 2008.

Riverside Criminal Backlog Reduction Initiative: Seven superior court judges and nine retired assigned judges are assisting in the Riverside Criminal Backlog Reduction Task Force effort to provide six full-time-equivalent positions in the court to address backlogged criminal cases. Judges also are set to assist the civil bench at the Hawthorne School temporary court site by providing the equivalent of three full-time civil judges to serve through June 30. Justice Richard D. Huffman chairs the task force that is working to design a sustainable process for the management of felony cases in the county.

Criminal cases will be assigned to the newly-developed calendar model beginning in February. The new calendars will commence in March. Project staff have worked with the court to develop 13 criminal caseflow management reports that will help monitor the implementation of the new calendar system and provide a detailed evaluation.

Trial Court Research Attorney Pilot Project: The Superior Court of Lake County is the most recent court added to this program in which the Sacramento Superior Court's research attorneys assist active and assigned judges in small courts statewide that are without an attorney on staff. Fifteen courts are now receiving assistance.

Benefit Program for the Trial Courts: Following open enrollment, court participation in health plans increased by 5.15 percent; vision plan enrollment was up by 3.41 percent; and Flexible Spending Accounts increased by 13.36 percent.

The benefit program is being reviewed for ways to control costs of the self-funded health care plans administered by Blue Cross of California. Additionally, the Trial Court Benefits Working Group has begun the review process to determine whether the benefits program will require plan design changes for the 2009 benefits renewal (page 19).

Assigned Judges Wellness Initiative: An AOC initiative is under way to support the retention of active and retired assigned judges on the bench, by providing a health education model and early intervention plan designed for the judiciary. Major components include a peer review

group, a wellness newsletter, judicial wellness and group collegiality workshops, and the existing Judicial Officers' Assistance Program.

Presiding Judges White Paper on Domestic Violence Completed: This white paper provides guidelines, best practices, and clarification of the leadership role of the presiding judge in the administration of domestic violence cases. It will accompany the Domestic Violence Practice and Procedure Task Force Report as a support document to the task force proposals.

Data Audit Pilot Project: The AOC is working on developing and implementing protocols for the auditing and improvement of operational data reported by the trial courts. As the Judicial Council seeks to equalize public access to the trial courts and hold the courts accountable to specific performance standards, it is increasingly turning to operational data to measure workload, identify cost savings, ensure compliance with court orders, and monitor the caseload that is under the courts' jurisdiction. The credibility of these policy decisions depends on the credibility of the data on which the decisions are based (page 19).

State and Judicial Branch Audits: The AOC issued court audit reports for the following courts: Lassen, Mariposa, Mendocino, Orange, San Francisco, and Tuolumne.

AOC Internal Audit Services also participated in the Court Executives Advisory Committee Audit Program Working Group charged with improving the audit process for the courts. Recommendations presented to the committee in January have since been implemented or are in the process of implementation.

During the past two months, the SEIU has requested issued audit reports for 13 superior courts.

Developing National Conservatorship Performance Standards: A paper on developing conservatorship performance standards was submitted to the U.S. Senate Special Committee on Aging pursuant to its request for papers proposing actions to strengthen the country's guardianship system. The final report references the California courts' paper in its recommendations and includes it in the appendix.

Enhanced Collections: Consultants have been engaged to assist with establishing collection performance measures, benchmarks, and best practices as required under Assembly Bill 367. During this reporting period, six courts were assisted with their collections programs. Assistance is also being provided to the State Bar of California with their participation agreement for a private vendor to collect debt owed from the Lawyer Assistance Program and the Discipline program. The AOC continues to collaborate with the Franchise Tax Board's Court-Ordered Debt Program.

Presiding Judges and Court Executive Officers Regional Meetings: The AOC's regional offices sponsor quarterly meetings offering presiding judges and court executive officers an opportunity to plan and discuss topics of interest to their courts. Agendas are developed by presiding judge and executive officer subcommittees. Discussion topics varied by region but included alternative courts, Kleps awards, interpreters, and tracking judicial and court manager education (page 23).

HR Applicant Tracking System - Master Vendor Agreement: The AOC will be distributing a request for proposal to secure a statewide master vendor agreement for an applicant tracking system for courts. The master agreement will offer courts the option to automate online applications and recruitment processes until Phoenix HR can provide this service. Vendor selection is targeted for June 2008.

Labor and Employee Relations: During the reporting period, the AOC Labor and Employee Relations Unit assisted courts in concluding negotiations on new multi-year memoranda of understanding in the Superior Courts of Madera and Mariposa counties. Additionally, two position statements were filed with the Public Employment Relations Board in defense of unfair practice charges filed against the Superior Courts of Del Norte and Sonoma counties.

California Commission on Access to Justice: The Chief Justice and I participated in a meeting with representatives of the commission, led by co-chairs Judge Steve Austin from Contra Costa and private attorney Joseph Chairez from Orange County. The group discussed increasing pro bono by attorneys, in part through judicial support for pro bono; expanding the Equal Access Fund when the state is in better financial condition; and continuing to work collaboratively on language access. Discussion also focused on working with the Governor and Legislature to try to establish a pilot representation project to increase the amount of legal representation in critical civil cases.

AOC Trial Court Visitation Program: Twelve trial court judges and ten administrators from the Superior Court of San Diego visited the AOC to exchange information and ideas on trial court issues. The visitors are also observing the proceedings of the February council meeting. This outreach program was developed to foster a greater understanding of the work of the council and the AOC. Each program is tailored to suit the visiting court and, when possible, programs are scheduled in conjunction with Judicial Council meetings to allow visitors the opportunity to observe the council meeting and meet council members.

Court Administration Reference Manual Improvement: Executive officers and current and past superior court presiding judges have been asked to provide feedback on the manual to improve content and usability. The manual was developed as a resource to assist superior court

presiding judges and executive officers in carrying out their major administrative duties and responsibilities.

Mentally Ill Offenders: The AOC hosted a meeting of the Council on Mentally Ill Offenders, co-chaired by Secretary James Tilton of the California Department of Corrections and Rehabilitation and Dr. Stephen Mayberg, Director of the California Department of Mental Health. Following the meeting, council members visited the San Francisco Mental Health Court.

Drug Court Cost Study: The Drug Court Cost Self-Evaluation Tool, piloted by four courts, was launched statewide in February (page 20).

Domestic Violence Study: The AOC continues to collaborate with the Center for Court Innovation on a study to develop a comprehensive national picture of criminal domestic violence courts in the United States. The study will identify domestic violence court goals, policies, and practices; key differences across courts; common obstacles; and issues for future study. A survey of all identified domestic violence courts began in February. The court survey will be followed by a prosecutor survey to obtain more detailed information on victim services and prosecutorial strategies and goals.

Substance Abuse Focus Grant Funding Allocations: $1,174,478 was allocated to 48 counties to provide services to court users with substance abuse issues. Projects include educational and prevention programs, treatment, and incentives. A variety of collaborative justice courts are supported by the grant including adult drug court, dependency drug courts, juvenile drug courts, peer courts, domestic violence courts, and mental health courts.

Indian Child Welfare Act (ICWA) (page 22):

> ***ICWA Services:*** A memo describing the ICWA initiative services was mailed to all presiding judges of juvenile court divisions and all court executive officers offering resources to assist courts and agencies with ICWA compliance in juvenile, family, and probate cases.
>
> ***Consultation with the U.S. Department of Interior:*** The AOC responded to a call for comments from the U.S. Department of the Interior as part of its consultation process with tribes, state agencies, and other interested parties regarding proposed amendments to the regulations implementing the Indian Child Welfare Act.

Interstate Compact for the Placement of Children: The AOC is conducting an assessment of the court's role in dependency cases where the child is placed out of state. The assessment is

required by the federal Administration of Children and Families, and will be completed by June 2008 (page 22).

Child and Family Service Reviews: AOC attorneys and retired judicial officers joined the federal review of the child welfare system in California. In January, reviewers visited three counties, reviewing a sample of child welfare cases and analyzing the strengths and weaknesses of both the dependency court and child welfare agency process (page 22).

Access to Visitation Court Visits: Staff organized onsite technical assistance reviews and evaluations for several court-community parent education programs in Mendocino and Santa Clara. The programs are funded by federal Child and Visitation grants (page 23).

Legal Services Coordinating Committee: The committee reviewed results of three statewide planning sessions of legal services programs. Key priorities pertaining to the needs of the statewide legal services delivery system are: (1) retention and recruitment; (2) rural needs; (3) statewide support for organizational capacity and infrastructure; (4) local and regional collaboration and communication in serving clients; (5) eliminating barriers to services in the delivery system; (6) increasing law and system reform; and (7) issues relating to gaps in services in specific substantive areas or for certain client populations.

Dependency Court Self-Assessment: The Child Welfare Improvement Project concluded the pilot of its local dependency court self-assessment process in San Diego and Siskiyou counties in January. The self-assessment tool will serve as the centerpiece of court improvement efforts under the five-year strategic plan, and will help ensure continuity between local improvement efforts and statewide outcome measurements and reporting. Once the results from San Diego and Siskiyou are reviewed, any necessary modifications will be made to the process and a broader rollout will be implemented in the DRAFT counties.

C**ourt Appointed Special Advocates (CASA):** The AOC completed surveys and focus groups of CASA programs and judicial officers as part of a study of CASA services to dependency courts statewide. The AOC also conducted program evaluation site visits for CASA programs of San Joaquin, Monterey, Yolo, and Los Angeles counties to ensure compliance with California Rules of Court and National CASA standards.

University Partnerships: Discussions were initiated with Golden Gate University to develop a Master of Public Administration degree with a Judicial Administration concentration online degree.

Education and Training Programs were held on the following issues (beginning on page 24):

- Access to Visitation Workshop
- Beyond the Bench XVIII: Access and Fairness
- Broadcasts
  - Great Minds Series: Memory Loss and Aging Issues for Courts
  - Preventing and Responding to Sexual Harassment, for court staff, managers, and supervisors
  - Continuing the Dialogue Series: Untold Stories of the Civil Rights Movement and the Role of the California Courts
  - 3rd Tuesday Series: Observing and Assessing Staff Performance, for supervisors
  - California Courts News, monthly update
- Change Management Related to New Technology, Regional Trainings
- Court Clerk Training Institute
- Court Clerks Regional Training - Death Penalty Appeals
- Court Staff Regional Education - Trial by Jury
- Domestic Violence Programs
- El Dorado County Collaborative Workshop
- Emergency Preparedness Videoconference Training, for Appellate Staff
- Faculty Development for the Los Angeles Training Academy
- Fairness Training for the Judicial Nomination and Evaluation Commission
- Family Dispute Resolution Court Exchange Visits
- Family Law Conference 2008
- HR Professionals Regional Education - Workforce Planning
- HR Professionals Regional Education - HR and the Law
- Juvenile Dependency Court Mediation
- New Judge Orientation
- Real DUI Court in Schools Faculty Development Training
- Peer Court DUI Prevention Strategies Program
- Sacramento County Workshop on Title IV-E Compliance

- Tehama County Collaborative Training on the Indian Child Welfare Act, cultural case planning, and Native American cultures and family systems
- Trial Skills Training
- Winter Continuing Judicial Studies Program
- Workshop at the International Conference on Child and Family Maltreatment

New Online Courses: *Is It Hearsay?*, for judges, and *Employment Law*, for managers and supervisors.

Satellite Broadcast Infrastructure for the Courts: Two hundred and ninety-two satellite downlinks have been established in the trial and appellate courts for the purpose of judicial branch education and branch communications. During this reporting period, downlink sites were established in the following court locations: Alameda, Fresno, Kern (5 locations), San Bernardino (2 locations), and Santa Cruz. The AOC is completing the final set of installations requested by the courts, and will continue to provide support for new and renovated facilities as well as providing technical service to existing sites.

Additional Detail on Summary Items

Legislation

AB 1491 (Jones): Extends the deadline for transfer of court facilities from the county to the state to December 31, 2009. For facilities not transferred between the enactment of the bill and September 30, 2008, requires counties to pay, in addition to the county facility payment, an inflation adjustment calculated at the time of transfer (if the transfer agreement is executed by March 31, 2009), or an amount equal to the State Appropriations Limit (if the transfer agreement is executed between April 1, 2009 and the deadline). This urgency bill, co-sponsored by the California State Association of Counties, will be effective upon signing by the Governor.

AB 1826 (Beall): Clarifies the appropriate filing fees to be charged for court proceedings involving the return of seized property or a seized weapon. Because of an ambiguity in existing statutes, courts have not been uniformly assessing or collecting filing fees for these actions.

AB 1873 (Lieu): Modifies procedures in small claims court cases by authorizing the small claims court to permit parties to appear by telephone or written declaration in its discretion and upon a showing of good cause why the parties cannot appear at the hearing in person; imposing a postponement fee of $10 for the second or subsequent request to postpone the trial date before service; and, clarifying that fees for the enforcement of small claims judgments can be imposed in the same way as other civil judgments.

AB 1876 (De Leon): Introduced as a spot bill and co-sponsored by the Judicial Council and the California State Sheriffs' Association, AB 1876 will be the vehicle to address current funding deficiencies and bring courts up to the court security funding standard; adopt a structure for appropriate security cost containment and accountability; and ensure that after the funding deficiencies are addressed, court security costs will be limited by the year-to-year funding increase provided by the state appropriations limit. The council and sheriff's association continue to meet regularly to refine the language of this joint court security proposal.

AB _____ (Evans): Assembly Member Evans has agreed to author the court operations bill that will 1) revise the definition of subordinate judicial officer (SJO) in the Trial Court Employment Protection and Governance Act, without substantive change, to clarify that temporary judges are not SJOs; 2) clarify that the court and not a county is responsible for the relocation costs for subordinate judicial officers who are forced to relocate themselves or their families in response to credible threats of violence; 3) extend from 30 to 45 days the time when courts are required to submit to the Judicial Council amendments to local rules; 4) clarify that governmental entities are not exempt from paying civil jury fees or civil jury deposits which are intended to cover costs

of jurors, not expenses of the court; and 5) update obsolete references to "at issue memorandum" and "memorandum to set" in the trial preferences statute.

SB 1150 (Corbett): Establishes the authority for the third set of the new 50 judgeships. The funding for the new judges is included in the Governor's budget.

Report to the Legislature: Court Effectiveness in Conservatorship Case Processing: The report provides the results of a multiphase study examining caseload statistics, operational differences between courts, staffing needs, and practice recommendations, among other things. Findings are based on data collected in a three-court study of case practice and statistics, and a structured focus group process that developed time and staffing estimates related to conservatorship case processing. The report findings relate only to workload and operations prior to the Omnibus Act. Research to assess the impact of the Omnibus Act of 2006 on both performance and resource needs continues as part of a long-term research plan. Ongoing research will involve the continued collection of data for internal and court-wide audits and the incorporation of a new conservatorship case weight into the Resource Allocation Study model to take into account the resources necessary for statutory compliance with the Omnibus Act.

Judicial Council Activities

Blue Ribbon Commission on Children in Foster Care: The commission finalized its draft recommendations to be sent out for public comment in March. Final recommendations will be submitted to the Judicial Council in August.

Civil Jury Instructions Advisory Committee: The committee approved for circulation 58 new, revised, and revoked instructions and jury forms, which are posted for public comment through March 7, 2008. Major subject areas include malicious prosecution, defamation, and elder abuse.

Commission for Impartial Courts - Task Force on Judicial Selection and Retention: At the request of the task force, chaired by Associate Justice Ronald B. Robie, I provided background on judicial performance evaluation programs in other states, as part of the committee's discussions on judicial selection and election procedures.

Domestic Violence Practice and Procedure Task Force: The task force is presenting its final report to the Judicial Council.

Governing Committee of the Center for Judicial Education and Research (CJER): The committee discussed the education and training recording and reporting forms provided for judges and justices; approved the establishment of a Technology Education Consulting Group;

discussed criteria for determining education committee size; discussed proposed changes to the Education Committee Roles document; appointed members to vacant positions on education committees; appointed vice-chairs to several education committees; and confirmed Governing Committee liaisons to CJER education committees and Judicial Council advisory committees.

Probate and Mental Health Advisory Committee: The committee completed final revisions of three new and amended rules of court and a new and a revised Judicial Council form on the consent agenda for this meeting, for adoption effective March 1, 2008. The new form is designed for attorneys to certify that they meet the qualifications for court appointment in probate guardianships and conservatorships. The revised form and the new and revised rules of court are a response to a 2007 statute that changed the way that the graduated filing fee is collected in decedents' estates.

Protective Order Working Group: The working group consists of members of the Civil and Small Claims, Family and Juvenile, Criminal, and Probate and Mental Health Advisory Committees, as well as the Domestic Violence Practice and Procedure Task Force. It is charged with making recommendations to improve protective order forms, particularly addressing problems with the current forms and issues of consistency among the forms. Members reviewed the work of the Domestic Violence Practice and Procedure Task Force, and the Restraining and Protective Order Registry planning project. Three subcommittees were formed to address:
1) criminal forms, 2) domestic violence forms, and 3) civil harassment, elder abuse, and workplace violence forms. Subcommittees will submit proposals to the working group in May.

Probate and Mental Health Advisory Committee: : The committee finalized two new Judicial Council forms, for adoption effective April 1, 2008. The forms are designed for installment payment of traffic infraction bail or traffic violator school fees when requested by a defendant, without an appearance in court.

Trial Court Budget Working Group: The meeting included an orientation for new members and a presentation and discussion on the Dependency Representation, Administration, Funding, and Training (DRAFT) Program and other court-appointed counsel/dependency funding issues.

Trial Court Presiding Judges and Court Executives Advisory Committees Statewide Business Meetings: The joint business meeting included finance and budget updates, legislative priorities for the upcoming year, and a panel discussion with court leaders on strike preparedness. The advisory committees held individual business meetings and covered topics including crisis communication planning, court staff retirements costs, and court interpreters. Members were asked to provide input on the latest draft of the branch's 2008-2010 Operational Plan. The Operational Plan Working Groups within each committee submitted comments for consideration by the Judicial Council Executive and Planning Committee.

Court Executives Advisory Committee PJ and CEO Rules and Roles Analysis Working Group: Updates to the rules have been a long-standing priority given the many trial court organizational and administrative changes that have occurred as a result trial court unification. The working group is charged with outlining areas for improvement in the current rules.

Working Group on Qualifications of Mediators in Court-Connected Mediation Programs for Civil Cases: The working group is developing a proposal for model mediator qualification standards. Members are drawn from the Civil and Small Claims Advisory Committee and also others with expertise in the administration of court-connected alternative dispute resolution programs and mediator training.

Administrative Office of the Courts

Benefit Program for the Superior Court of California: The benefit program is being reviewed for ways to control costs of the self-funded health care plans administered by Blue Cross of California. Blue Cross Preferred Provider Option (PPO High and Low) and Blue Cross Exclusive Provider Option (EPO Low) fall within the survey norms. The EPO High is a richer benefit plan than most health plans provided by other government agencies. These plans were benchmarked against the National Employer Survey to determine how they compare to plans provided by other governmental agencies.

Changes to the self-funded plans prescription drug benefit are being considered and a decision will be made by the end of February.

Data Audit Pilot Project: Currently, no systematic process exists to audit the accuracy and validity of the data submitted to the AOC by courts, particularly to evaluate and review courts' operational data. The AOC has launched the Data Audit Pilot Project to fill this void.

To date, the pilot project has:

- Conducted an extensive case file review of over 500 cases in two trial courts to test for the consistency and accuracy of information between case files, the court's case management system, and the operational data reported to the AOC;
- Worked with another trial court to validate and revise existing statistical reports, and created a series of new reports that enable the court to collect a more comprehensive set of operational data; and
- Commenced work in an additional court to assess the accuracy and validity of information in CCMS-V3, and the quality of data being reported to the AOC.

Drug Court Cost Study: The Drug Court Cost Self-Evaluation Tool was developed by the AOC in partnership with Northwest Professional Consortium Research as part of a long-term drug court cost study originally funded by a grant from the U.S. Department of Justice. The web-based tool allows drug courts to easily gather data and cost information to evaluate its program and outcome costs. Individual drug courts will receive their own site-specific results and a comparison across drug courts will provide the information needed to help determine promising practices. The evaluation tool has been piloted by four drug courts, and their feedback has been incorporated. The official launch of the statewide project is February 2008, with trainings scheduled for April and May.

Infrastructure Initiatives:

California Court Case Management System (CCMS): The CCMS lead courts: Sacramento, Orange, Ventura, San Diego, and Los Angeles Counties, and the AOC, and Deloitte Consulting continue to work on the design and development of CCMS-V4. The project is on schedule and will be ready for production in the courts by summer of 2010. A key component of CCMS-V4 is the realization of the "Venue Transparency" concept, which is the ability to electronically create, view, update or exchange trial court case information and associated documentation across local court jurisdictional boundaries within legal and security limits. Practical examples of venue transparency in action would be the ability to electronically look up or transfer cases across jurisdictions, payment of fees and fines at any court location in the state for any case, electronic filing of all case types, paper on demand and a single statewide public access internet portal.

The lead courts continue to identify enhancements to CCMS-V3 functionality based on their experience using the application over the last year. The current challenge is to determine which of the enhancements will be included in the next release. In January, the Oversight Committee approved additional releases to CCMS-V3 to better support the courts until CCMS-V4 is completed. The San Joaquin Superior Court is in the final stages of preparation for deployment and will begin using CCMS-V3 in March 2008.

The AOC is working with consultants to develop and issue a request for proposal for deployment of CCMS-V4 to all 58 counties. Deployment planning activities will begin in 2008 and will involve identifying and preparing several courts to be early adopters of CCMS-V4.

Statewide Court Management Systems

Computer-Aided Facilities Management (CAFM): This Web-based program allows court personnel, AOC staff, and third-party contractors to access real-time data on building design, construction, operations, and maintenance. CAFM provides real estate administration, project

management, reactive maintenance, and portfolio oversight functions for courts that transfer to the state. It also automates transferred facilities for repairs and renovations, and enables courts to track maintenance issues through completion.

A layered security model has been implemented for the current application, which is consistent with branchwide enterprise architecture. System performance has improved two-fold with completion of a database archiving project. Additionally, a new production environment has been installed into the California Courts Technology Center to support the future CAFM application and platform. Requirements gathering for the Office of Court Construction and Management's Portfolio and Facilities Operations units are under way and prototyping of the portfolio module is complete.

Supreme Court – Court-Appointed Counsel System: This system supports Supreme Court staff in processing payment requests for court-appointed counsel working on automatic appeals of capital cases for indigent appellants. Five system modules were implemented in January. These modules process attorney withdrawals from cases; attorney post-appointment requests to convert from a time and costs billing basis to a fixed fee basis; attorney status report due date tracking; Capital Record Form for Accuracy tracking; Capital Record Form for Completeness tracking; Appellants Opening Brief and Respondents Brief calculations and notifications, and 15 new reports to assist the Supreme Court with records management.

Data Integration

Data Exchange Standards: As part of the CCMS-V4 project, up to 125 interfaces servicing all case types are being developed to support courts as they transition to CCMS. These interfaces will be based on data exchange standards compliant with the National Information Exchange Model. Joint Application Development or focus group sessions are under way to identify data requirements and high-level business processes for each exchange. These standards will be used to configure the interfaces into the Integration Services Backbone, and will be available to courts and the state, and local and commercial partners as CCMS-V4 is deployed.

E-Filing: Ventura is the proof-of-concept court for CCMS e-filing, with a proposed go-live date in the third quarter of 2008, followed by Sacramento, Orange, and San Diego. The e-filing team is developing a strategy for creating statewide contracts with e-filing vendors to promote uniformity in e-filing across California and to speed-up deployment of services. The e-filing program, in conjunction with council's Court Technology Advisory Committee, is exploring converting Judicial Council forms into web-enabled "smart forms," to increase the courts' abilities to integrate with partners and provide e-filing services.

Phoenix Trust Accounting Interfaces: In support of the initial deployment of Trust Accounting in three superior courts, the Integration Services Backbone is providing the means of transporting the relevant case management data from four legacy case management systems to the Phoenix SAP system.

Indian Child Welfare Act (ICWA) Initiative: A memo describing the ICWA initiative services was mailed to all presiding judges of juvenile court divisions and all court executive officers, offering resources to assist local courts and agencies with ICWA compliance in juvenile, family, and probate cases. Information also was provided on a Web link to the new rules and forms implementing Senate Bill 678 (Ducheny; Stats. 2006, ch. 838), which codified the ICWA requirements into state law, in addition to offering a tool that local courts could use to assess their compliance with ICWA and request assistance from the AOC.

Consultation with the U.S. Department of Interior: The Department, as part of its consultation process with tribes, state agencies, and other interested parties, solicited comments on proposed amendments to the regulations implementing the Indian Child Welfare Act. The AOC submitted comments on the regulations noticing process, which, if followed, will be of great assistance to state courts and local agencies trying to implement ICWA and comply with its requirements.

Interstate Compact for the Placement of Children: State courts are required to assess their role, responsibilities, and effectiveness in the interstate placement of children, and must implement improvements to develop the best strategy to expedite those placements. The AOC is required to conduct an assessment of the compact by June 30, 2008. Staff is examining state and federal laws, current strengths and challenges of interstate placement, legal and practical barriers that may prevent timely and thorough judicial decision-making, and current court practices. The project will develop strategies for improvement to help courts expedite the process for interstate cases.

Child and Family Service Reviews: The Federal Child and Family Services Review is a form of federal oversight of state performance in child protective cases. During this reporting period, AOC staff worked with the California Department of Social Services to recruit reviewers (including four AOC attorneys and AOC Judge-in-Residence Leonard Edwards), for onsite reviews and state-level stakeholder meetings. The review took place in February. The purpose of the stakeholder meetings was to discuss California's performance in child welfare during the period of review from October 2006 until the present date. Nine judicial officers, five CASA directors, the Executive Director of California CASA, and CFCC staff participated in stakeholder meetings.

Access to Visitation Court Site Visits: The Access to Visitation Grant Program manager attended two court-based parent education workshop classes provided by the counties of Mendocino and Santa Clara. The visits are part of the strategic plan to undertake a broad-based review of supervised visitation and parent education services being provided by the courts and their local subcontractor agencies to identify best practices. The YWCA of Santa Clara County is currently being funded by a grant from the Child Abuse Council to offer coached supervised visits in addition to parenting classes.

Presiding Judges and Court Executive Officers Regional Meetings:

Bay Area Northern/Coastal Region. The meeting was attended by 14 of the 16 courts in the region. The agenda included discussion on the impact of new Rules of Court concerning temporary judge assignments and criminal continuances; the 2008–2009 Ralph N. Kleps award program including presentations by two Kleps award winning courts; testimonials from former graduates of San Francisco's youth drug program who are now working as interns assisting self-help litigants in the community; and the new Judicial Administration Graduate Program. Issues updates were provided by the Chief Deputy Director, the Office of Governmental Affairs, the Office of Court Construction and Management, and the Finance Division.

Northern/Central Region. The meeting was attended by 28 of the 31 courts in the region. The agenda included discussion of the development, implementation and challenges of alternative courts; the benefits and challenges of night courts; the Ralph N. Kleps award program; the organizational structure for the Office of Court Construction and Management; and the Judicial Administration Graduate Program. The courts also received updates from the Administrative Director of the Courts, Chief Deputy Director, the Office of Governmental Affairs, and the Finance Division.

Southern Region. The meeting was attended by 10 of the 11 trial courts in the region. Discussions included strategies to improve jury yield; ways to optimize limited interpreter resources; a discussion on court models to provide judicial and court manager education, including demonstrations of systems used to track education; the Judicial Administration Master's Certificate program; and the Kleps Award program The Superior Court of Los Angeles County provided a program overview of JusticeCorps. Hon. Richard D. Huffman, Associate Justice of the Court of Appeal, Fourth Appellate District, updated attendees on the status of the Riverside Criminal Backlog Reduction Initiative. Updates were also given by the Administrative Director of the Courts, Chief Deputy Director, the Office of Governmental Affairs, the Finance Division. Representatives of the Second and Fourth Appellate Districts, Judicial Council members, CJER Governing Committee Chair Hon. Ronald B. Robie, Associate Justice of the Court

of Appeal, Third Appellate District, and Vice-chair Hon. Robert L. Dondero, Judge of the Superior Court of San Francisco County also participated.

Education and Training Programs:

Access to Visitation Standards Training: A two-day training was provided for 42 court and community grant recipients on Uniform Standards of Practice for Providers of Supervised Visitation to ensure compliance with Family Code. Participants included Access to Visitation Grant Program grantees and their respective Family Court Services director/manager, court subcontractor project managers and providers, and other professional providers of supervised visitation.

Beyond the Bench XVIII: Access and Fairness: Over 1,100 juvenile dependency and delinquency professionals attended this annual statewide conference in December 2007. This multidisciplinary conference featured "Forty Years After *In re Gault*," a Fred Friendly seminar which focused on the rights of juveniles in delinquency court. Participants had the opportunity to see a one-woman play, *Someone's Somebody*, about the true-life struggles and triumphs of a former foster child. The conference also offered 40 workshops and 4 symposia on juvenile justice, child abuse and neglect, mental health, substance abuse, education, and community engagement.

Change Management Related to New Technology, Regional Trainings: Designed to help managers and supervisors successfully plan for change during the transition to new business technology, course topics included the predictable impact of change, basic principles to effectively implement change, identification of impacts and resistance, and proactive steps managers and supervisors can take to prepare for change.

Court Clerk Training Institute: The institute consists of two separate one-week programs and was attended by 210 courtroom and legal process clerks. The program provided an ethics presentation, a team building activity, and procedural courses relating to civil counter filing, family law counter filing, traffic courtroom, criminal courtroom (felony and misdemeanors), felony criminal office, and juvenile dependency office.

Domestic Violence Programs*:* The Domestic Violence Judicial Institute was attended by 66 judicial officers. Twenty-nine judicial officers attended the domestic violence course on criminal procedure and immigration issues as part of the Continuing Judicial Studies Program.

El Dorado County Collaborative Workshop: This workshop addressed permanency planning and compliance with the Indian Child Welfare Act. In attendance were judicial officers,

probation officers, social workers, and other professionals working with youth in foster care placements or at risk of entering foster care.

Emergency Preparedness, Videoconference Training for Appellate Staff: This first-time offering of videoconference training for appellate court staff, facilitated six, 90-minute training sessions for appellate staff.

Faculty Development for the Los Angeles Training Academy: Sixteen participants from LA, Ventura, San Luis Obispo, and Orange County courts participated in a four-day program covering course design and presentation skills.

Family Dispute Resolution Court Exchange Visits*:* The AOC is overseeing a project to facilitate collaboration among Family Dispute Resolution (FDR) programs across the state. Inspired in part by the Judicial Council's court visits, the project involves a grouping of three courts hosting visits and sharing information about their programs. One of the emerging changes in many of the FDR departments is the inclusion of Probate Investigations Units within Family Court Services. All three courts offer their orientation program online as a way to provide parties with access to important information while minimizing the impact of the court process on their lives. Finally, all three courts have developed specific services targeting the special needs of unrepresented parties and those impacted by domestic violence. For example, Marin has instituted a program combining the services of the mediator and facilitator to address child support issues that may otherwise prevent mediated agreements. Sonoma and San Mateo have domestic violence calendars to which mediators are assigned and provide same day mediations. One immediate administrative change encouraged and supported by this peer review process will significantly assist court users impacted by domestic violence.

Family Law Conference 2008: Co-sponsored by the AOC and the Legal Aid Association of California, this mandatory continuing legal education event features training on a range of family law topics affecting low-income clients, such as: child support, child custody evaluations, how to divide the marital home, enforcement of orders, bankruptcy, immigration issues, limited scope representation, pension benefits, and move away cases. Court-based self-help center staff met at the Los Angeles Stanley Mosk courthouse to see the court's new family law self-help center, and to discuss best practices relating to handling pension and property issues in family law matters.

HR and the Law, Regional Trainings: Four day-long regional sessions were attended by 110 court human resources staff. Course topics included required workplace posters, employee leaves, discrimination and harassment, privacy in the workplace, personnel record keeping, employee discipline, and employment termination.

Juvenile Dependency Court Mediation: The AOC gathered 20 dependency mediators from 13 counties to discuss national trends in dependency mediation, strategic planning for dependency mediation in California, and curriculum needs for training mediators in dependency cases. Attendees reviewed the core curriculum framework for dependency mediation drafted by a committee of dependency mediators and AOC staff in accordance with California Rule of Court, Rule 5.518. Comments were incorporated into the draft framework and will be used to guide the development of the curriculum in 2008.

New Self-Help Guardianship Course: Probate Code 1457 requires the Judicial Council to develop a short educational program to assist those who may seek appointment as nonprofessional conservators or guardians. The Probate and Mental Health Education Committee, with the AOC, developed the self-help guardianship course. The pilot class was held at the San Bernardino County Superior Court in January.

Real DUI Court in Schools Project*:*

The ***Real DUI Court in Schools Handbook*** and **supplemental drug refusal skills curriculum** was completed and disseminated to teams from nine implementation courts during a two-day training session. Court teams included judicial officers, attorneys (public defenders and district attorneys), local sheriff departments, and representatives from drug prevention programs and the California Office of Education.

In addition, a **live broadcast of DUI trial and sentencing hearings** was broadcast on the California Channel in February. Middle and High School students around the state viewed San Joaquin's sentencing program, *Choices & Consequences*, via cable television and Web cast. The Honorable Richard A. Vlavianos presided over the hearings and facilitated the education component that followed.

The **pilot Web site for the Peer Court DUI Prevention Strategies curriculum** went live in February (http://128.121.119.37/). The Web site will be used by the grantee peer courts, and youth and parent participants of the program. The site is also being evaluated for its effectiveness as a supplemental tool in educating youth and their parents on the dangers of DUI and substance abuse.

Sacramento County Workshop on Title IV-E Compliance: This workshop addressed federal child protection legislation, federal and state legal requirements related to foster care, report and case planning requirements, new legislation related to the education of foster care children, and new juvenile rules and forms.

Substance Abuse Training: A meeting was held with representatives from the Northern Academy of the University of California, Center for Human Services to coordinate substance abuse training in Butte, Trinity, Lake, and Tehama counties. These counties received targeted grants to increase the well-being of, and improve permanency outcomes for, children affected by methamphetamine or other substance abuse.

Tehama County Collaborative Training on the Indian Child Welfare Act (ICWA): This workshop addressed Senate Bill 678, application of ICWA to delinquency and dependency cases, cultural case planning in ICWA cases, and Native American cultures and family systems. In attendance were judicial officers, probation officers, social workers, and other professionals working with children in the child welfare and delinquency systems.

Trial by Jury, Regional Trainings: Two regional sessions were conducted for 58 court staff (courtroom clerks, legal process clerks, managers and supervisors); an additional session is scheduled in April. Designed for court employees and non-lawyers, course topics included key elements of criminal conduct, common defenses, criminal and non-criminal conduct, explanations of felonies, misdemeanors and infractions, and jury instructions.

Trial Skills Training: The AOC worked with the National Institute for Trial Advocacy, Hofstra University, and the California Social Work Education Center to develop an interdisciplinary Trial Skills Training. This one-day program focused participants on understanding roles and ethical obligations, distinguishing case assessment from developing legal case theory, and practicing the basic skills attorneys and social workers need for direct and cross examination in contested dependency proceedings. These trainings will be offered to all child welfare professionals in the DRAFT counties.

Winter Continuing Judicial Studies Program (CJSP): Two hundred and seventy-five judges and commissioners new to an assignment or returning to an assignment took overview courses in civil, criminal, family, juvenile delinquency, juvenile dependency, and probate law. Experienced judges and commissioners chose from the following courses: Death Penalty Trials, Domestic Violence: Criminal Procedure and Immigration Issues, Evidence Issues, Excellence in Judging, Fact-Finding and Decision-Making, and Trials. A faculty development workshop also was offered.

Broadcasts:

– Continuing the Dialogue program: ***Untold Stories of the Civil Rights Movement*** highlighted common misconceptions about the civil rights movement and the role of the California courts in the struggle for civil rights in America. In honor of Dr. Martin Luther King's birthday, the program sought to reveal truths about the civil rights movement that few people know. The program included interviews with judges, attorneys, professors, and witnesses, including

Professor Charles Ogletree, retired judge Leonard Edwards, and civil rights activist and singer Pete Seeger.

– ***Preventing and Responding to Sexual Harassment***, for managers and supervisors, met the mandate of California Government Code section 12950.1. Additional broadcasts included, *Sexual Harassment Awareness and Prevention*, for court personnel and *Observing and Assessing Staff Performance*, for managers and supervisors.

– Great Minds Series, ***Memory Loss and Aging***, focused on the causes of memory loss and the types of issues that come before the courts due to the resulting vulnerabilities.

– ***Sexual Harassment Prevention for Staff***, two-hour compliance training on how to prevent sexual harassment in the workplace.

– 3rd Tuesday Series, ***Observing and Assessing Staff Performance,*** to assist supervisors in establishing, reviewing, or improving the methods used to observe and assess staff performance.

Judicial Demographic Data Relative to Gender and Race/Ethnicity: The total number of justices and judges stated on the charts reflects those currently sitting on the bench as of February 1, 2008. For the Courts of Appeal, it does not include justices who have been appointed, but not yet confirmed. In addition, the reduction of total appellate court positions reflects currently vacant positions. For the trial courts, the total number of judges reflects those judges who have taken their oaths of office as February 1, 2008.

The changes in percentages from 2007 to 2008 in both gender and race/ethnicity may be the result of more than one factor, including: (1) new judicial appointments; (2) judicial retirements; and (3) newly-acquired information from judges who were sitting on the bench before February 1, 2007, but who did not provide information for the March 1, 2007, report.

See charts with demographic breakdowns on the following pages:

Gender

Court	Female		Male		Total	
	N	%	N	%	N	%
Supreme Court						
2007	3	*42.9%*	4	*57.1%*	7	*100.0%*
2008	3	*42.9%*	4	*57.1%*	7	*100.0%*
Courts of Appeal						
2007	32	*30.5%*	73	*69.5%*	105	*100.0%*
2008	29	*29.0%*	71	*71.0%*	100	*100.0%*
Trial Courts						
2007	398	*26.8%*	1,088	*73.2%*	1,486	*100.0%*
2008	421	*28.1%*	1075	*71.9%*	1,496	*100.0%*
Total						
2007	**433**	***27.1%***	**1,165**	***72.9%***	**1,598**	***100.0%***
2008	**453**	***28.3%***	**1,150**	***71.7%***	**1,603**	***100.0%***

Race/Ethnicity*

Court	American Indian or Alaska Native Only		Asian Only		Black or African American Only		Hispanic or Latino Only		Pacific Islander Only	
	N	%	N	%	N	%	N	%	N	%
Supreme Court										
2007	0	0.0%	1	14.3%	0	0.0%	1	14.3%	0	0.0%
2008	0	*0.0%*	1	*14.3%*	0	*0.0%*	1	*14.3%*	0	*0.0%*
Courts of Appeal										
2007	0	*0.0%*	3	*2.9%*	3	*2.9%*	3	*2.9%*	0	*0.0%*
2008	0	*0.0%*	3	*3.0%*	3	*3.0%*	3	*3.0%*	0	*0.0%*
Trial Courts										
2007	2	*0.1%*	66	*4.4%*	68	*4.6%*	96	*6.5%*	2	*0.1%*
2008	2	*0.1%*	67	*4.5%*	73	*4.9%*	103	*6.9%*	2	*0.1%*
Total										
2007	**2**	***0.1%***	**70**	***4.4%***	**71**	***4.4%***	**100**	***6.3%***	**2**	***0.1%***
2008	**2**	***0.1%***	**71**	***4.4%***	**76**	***4.7%***	**107**	***6.7%***	**2**	***0.1%***

Court	White Only		Some Other Race Only		More Than One Race		Information Not Provided		Total	
	N	%	N	%	N	%	N	%	N	%
Supreme Court										
2007	4	57.1%	0	0.0%	1	14.3%	0	0.0%	7	100.0%
2008	4	*57.1%*	0	*0.0%*	1	*14.3%*	0	*0.0%*	7	*100.0%*
Courts of Appeal										
2007	86	*81.9%*	0	*0.0%*	9	*8.6%*	1	*1.0%*	105	*100.0%*
2008	82	*82.0%*	0	*0.0%*	8	*8.0%*	1	*1.0%*	100	*100.0%*
Trial Courts										
2007	1,030	*69.3%*	3	*0.2%*	61	*4.1%*	158	*10.6%*	1,486	*100.0%*
2008	1072	*71.7%*	7	*0.5%*	63	*4.2%*	107	*7.2%*	1,496	*100.0%*
Total										
2007	**1120**	***70.1%***	**3**	***0.2%***	**71**	***4.4%***	**159**	***9.9%***	**1598**	***100.0%***
2008	**1158**	***72.2%***	**7**	***0.4%***	**72**	***4.5%***	**108**	***6.7%***	**1603**	***100.0%***

NEW JUDICIAL APPOINTMENTS

Name	Date Appointed	Court to Which Appointed	Position Filled[1]	Previous Position[2]
Martin J. Jenkins	01/25/08	Court of Appeal, First District Court	Replace retired Justice Joanne Parrilli	Federal Judge
Rogelio G. Delgado	01/25/08	Superior Court, Los Angeles	Replace retired Judge Haley J. Fromholtz	Deputy District Attorney
Kathleen O. Diesman	01/25/08	Superior Court, Los Angeles	Replace retired Judge Charles L. Peven	Deputy District Attorney
Louis M. Meisinger	01/25/08	Superior Court, Los Angeles	Replace retired Judge Bradford L. Andrews	Attorney
Mark E. Windham	01/25/08	Superior Court, Los Angeles	Replace retired Judge Andria K. Richey	Head Deputy District Attorney
Michael B. Donner	01/25/08	Superior Court, Riverside	New Judicial Position (SB 56)	Private
Anthony R. Villalobos	01/25/08	Superior Court, Riverside	New Judicial Position (SB 56)	Deputy District Attorney
Gerrit W. Wood	01/25/08	Superior Court, Sacramento	Replace retired Judge Talmadge Jones	Senior Trial Attorney
Miriam Ivy Morton	01/27/08	Superior Court, San Bernardino	Replace retired Judge Paul M. Bryant	Juvenile Court Officer
Katherine A. Bacal	01/25/08	Superior Court, San Diego	Replace retired Judge Thomas C. Hendrix	Private
William C. Gentry, Jr.	02/06/08	Superior Court, San Diego	Replace retired Judge Christine Pate	Deputy District Attorney
Lucy H. Koh	01/25/08	Superior Court, Santa Clara	Replace disability retired Judge Randolf Rice	Private
Gary M. Johnson	01/25/08	Superior Court, Tulare	Replace retired Judge Ronald Couillard	Private

[1]Newly created position or to fill vacancy (if vacancy, to succeed what judge).
[2]Elevated (from what court), private practice, etc.

JUDICIAL VACANCY REPORT

Number of Judgeships Authorized, Filled and Vacant as of **February 19, 2008**

TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS				
		Authorized	Filled	Vacant	*Filled(Last Month)*	*Vacant(Last Month)*
Supreme Court	1	7	7	0	*7*	*0*
Courts of Appeal	6	105	100	5	*100*	*5*
Superior Courts	58	1548	1506	42	*1499*	*49*
All Courts	65	1660	1613	47	*1606*	*54*

JUDICIAL VACANCIES: APPELLATE COURTS

Appellate District	**Vacancies**	**Reason for Vacancy**	**Justice to be Replaced**	**Last Day In Office**
First Appellate District, Division Three	2	Retirement	Hon. Joanne C. Parrilli*	07/31/07
First Appellate District, Division Five		Disability Retirement	Hon. Linda Marino Gemello	01/04/08
Second Appellate District, Division One	3	Retirement	Hon. Vaino H. Spencer	08/31/07
Second Appellate District, Division Seven		Retirement	Hon. Earl Johnson, Jr.	10/17/07
Second Appellate District, Division Eight		Deceased	Hon. Paul Boland	09/04/07
TOTAL VACANCIES	5			

*This position could be filled by Federal Judge Martin J. Jenkins after confirmation hearing on April 4, 2008.

JUDICIAL VACANCIES: SUPERIOR COURTS

County	Vacancies	Reason for Vacancy	Judge to be Replaced	Last Day In Office
Alameda	1	Retirement	Hon. Carlos G. Ynostroza	01/23/08
Butte	1	Newly created position	Vacancy*	06/01/07
Colusa	1	Retirement	Hon. S. William Abel	01/05/08
El Dorado	1	Retirement	Hon. Eddie T. Keller	07/27/07
Fresno	2	Retirement	Hon. Gary S. Austin	10/11/07
Fresno		Newly created position	Vacancy*	06/01/07
Kern	3	Retirement	Hon. James M. Stuart	01/08/08
Kern		Retirement	Hon. Frank Allen Hoover	12/11/07
Kern		Retirement	Hon. Charles P. McNutt	09/09/07
Los Angeles	1	Retirement	Hon. Alan S. Kalkin	02/18/08
Madera	1	Newly created position	Vacancy*	06/01/07
Merced	1	Newly created position	Vacancy*	06/01/07
Monterey	1	Removed	Hon. Jose A. Velasquez	04/25/07
Orange	3	Retirement	Hon. Hugh Michael Brenner	10/07/07
Orange		Retirement	Hon. Jonathan H. Cannon	07/16/07
Orange		Newly created position	Vacancy*	06/01/07
Riverside	4	Retirement	Hon. Dallas S. Holmes	12/03/07
Riverside		Retirement	Hon. Harry Morgan Dougherty	11/04/07
Riverside		Removed	Hon. Robert George Spitzer	10/02/07
Riverside		Retirement	Hon. Lawrence W. Fry	08/08/07
San Diego	5	Retirement	Hon. Marguerite L. Wagner	12/06/07
San Diego		Retirement	Hon. Larrie R. Brainard	10/01/07
San Diego		To Fed Court	Hon. Janis L. Sammartino	09/20/07
San Diego		Retirement	Hon. Lillian Y. Lim	08/01/07

San Diego		Retirement	Hon. Janet I. Kintner	03/20/07
San Francisco	1	Retirement	Hon. John J. Conway	11/02/07
Santa Barbara	2	Retirement	Hon. Rodney S. Melville	10/12/07
Santa Barbara		Removed	Hon. Diana R. Hall	12/14/06
Santa Clara	2	Retirement	Hon. Ronald T. Lisk	01/31/07
Santa Clara		Retirement	Hon. Charles J. Cory	01/31/07
Santa Cruz	1	Retirement	Hon. Robert B. Yonts, Jr.	01/24/07
Solano	2	Retirement	Hon. R. Michael Smith	06/04/07
Solano		Retirement	Hon. Michael E. Nail	06/01/07
Sonoma	1	Newly created position	Vacancy*	06/01/07
Stanislaus	3	Newly created position	Vacancy*	06/01/07
Stanislaus		Newly created position	Vacancy*	06/01/07
Stanislaus		Newly created position	Vacancy*	06/01/07
Sutter	1	Term Ended	Hon. Robert H. Damron	10/23/07
Ventura	3	Retirement	Hon. Herbert Curtis III	10/17/07
Ventura		Retirement	Hon. Thomas J. Hutchins	08/30/07
Ventura		Newly created position	Vacancy*	06/01/07
Yolo	1	Retirement	Hon. Donna M. Petre	05/14/07
TOTAL VACANCIES	42			

*Filling of the remaining 10 newly created positions, authorized effective June 1, 2007, has been postponed by the Legislature.