



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date	Action Requested
June 7, 2007	Please Review
To	Deadline
Members of the Judicial Council	N/A
From	Contact
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Subject	
Judicial Council Site Visits to the Superior Courts of Alameda and Contra Costa Counties	

Courts Visited

Superior Court of Alameda County
Superior Court of Contra Costa County

Dates of Visit

March 27 and 28, 2007

Judicial Council Members Participating in Site Visits

Hon. Barbara J. Miller, Judge, Superior Court of Alameda County, Team Leader
Mr. Anthony P. Capozzi, Law Offices of Anthony Capozzi
Hon. Jamie A. Jacobs-May, Assistant Presiding Judge, Superior Court of Santa Clara County

Hon. Thomas M. Maddock, Judge, Superior Court of Contra Costa County
Hon. Dennis E. Murray, Presiding Judge, Superior Court of Tehama County
Ms. Barbara J. Parker, Chief Assistant City Attorney, Office of the City Attorney, Oakland
Hon. Nancy Wieben Stock, Presiding Judge, Superior Court of Orange County
Ms. Sharol Strickland, Executive Officer, Superior Court of Butte County
Hon. James Michael Welch, Judge, Superior Court of San Bernardino County

Administrative Office of the Courts Staff Participating in Site Visits

Mr. Ronald G. Overholt, Chief Deputy Director
Ms. Christine Patton, Regional Administrative Director, Bay Area/Northern Coastal Region
Ms. Althea Lowe-Thomas, Assistant Division Director, Bay Area/Northern Coastal Region
Ms. Kim Davis, Director, Office of Court Construction and Management
Ms. Marcia Taylor, Director, Appellate and Trial Court Judicial Services
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Ms. Pam Reynolds, Senior Court Services Analyst, Northern/Central Region
Ms. Susan Reeves, Court Services Analyst, Bay Area/Northern Coastal Region

Superior Court of Alameda County

Alameda County is located southeast of San Francisco County, with Contra Costa County to the north, Santa Clara County to the south, and San Joaquin County to the east. Alameda County was actually created in 1853 from parts of Santa Clara and Contra Costa Counties. Oakland has been the county seat since 1873. Today the county covers 737 square miles and has 14 incorporated cities and 5 unincorporated cities.

The population of Alameda County was 1,448,905 as of January 2005, making it the seventh largest county in the state. Nearly half the county's population resides in three cities: Oakland, Fremont, and Newark. The major population growth is currently coming from the Dublin-Livermore area, with minor growth in the Berkeley-Emeryville area. Alameda County currently has the highest sales tax rate in California, which is 8.75 percent.

The site visit to the Superior Court of Alameda County began at the Office of Information Technology in Oakland on March 27, 2007. Hon. Barbara J. Miller, Judge of the Superior Court of Alameda County and Judicial Council member; Hon. George C. Hernandez, Jr., Presiding Judge; and Ms. Pat Sweeten, Executive Officer, welcomed the Judicial Council team members and facilitated introductions. Judge Miller gave a preview of the visit, including the court

locations to be visited, a summary of issues facing the court, and a brief overview of some of the innovative court programs that would be highlighted. The group continued the discussion during an informal working lunch and later traveled to the Allen E. Broussard Justice Center in downtown Oakland for a tour. This facility will be discussed in greater detail under the Operational Issues section. At the end of the day, the Alameda court hosted a dinner for the Judicial Council attendees at a local restaurant.

Overview

The Superior Court of California, County of Alameda has 15 court locations, the Rene C. Davidson Courthouse, the Administration Building, the U.S. Post Office Building, the Wiley W. Manuel Courthouse, the Allen E. Broussard Justice Center, the Probation Center, and the Office of Information Technology, all in Oakland; the George E. McDonald Hall of Justice in Alameda; the Berkeley Courthouse; the John George Psychiatric Pavilion and the Juvenile Justice Center in San Leandro; the Hayward Hall of Justice and the West Winton Complex, Hayward; the Fremont Hall of Justice; and the Gale-Schenone Hall of Justice in Pleasanton. The bench is composed of 69 judges and 16 subordinate judicial officers, with approximately 900 support staff.

Innovative Programs

The Superior Court of Alameda County presented the Judicial Council site team with highlights of many innovative programs that the court has implemented or hopes to develop. Those programs included:

Restraining/Protective Order Database. In collaboration with the State Department of Justice and the Alameda County Information Technology Division, the court's Office of Information Technology developed a comprehensive database system capable of capturing, retaining, imaging, and sending restraining and protective orders. This system electronically transmits initial and modified restraining order information to the Domestic Violence Restraining Order System (DVROS), meeting the 24-hour deadline for submission. Local law enforcement officers can access the orders at any time through the Automated Warrant System (AWS) and the California Law Enforcement Telecommunications System (CLETS) and can view the images through a link with the county Criminal Records Information Management System (CRIMS). Prior to transmission of the orders, the court Restraining/ Protective Order (RPO) Unit conducts quality checks to ensure that all information is correctly noted and imaged. Judicial officers also have the ability to query imaged orders through the courts' Decision Support Operations Management Information System (DOMAIN), which also allows the orders to be imprinted with the judges' electronic signature and printed for parties. This program has already improved the ability for law enforcement agencies to access restraining order information in a timely manner and has experienced a 14 percent increase in the volume of orders processed. The number of restraining orders currently being captured in Alameda County through the RPO program totals approximately 1,300 per month.

Community Courts. The Superior Court in Alameda County has been successfully building on the concept of community courts as a way to reach out to community residents. Community court programs include:

- **Stand Down**—Veterans assistance through social services, providing counseling and other needed services. The court presence at Stand Down provides opportunities for veterans to clear up court-related matters that they might not have been able to handle on their own.
- **Homeless/Caring Court**—Alameda has conducted its Homeless/Caring Court for one and one-half years, offering the homeless population an opportunity to clear up court-related business. The court promotes community trust by providing courtroom settings held in local community facilities that homeless individuals would be more likely to visit. Fourteen counties have reported establishing some form of homeless/caring court. Court collaborative interactions with representatives from the public defender and district attorney's office have made both the Stand Down and Homeless/Caring Court programs successful.
- **Clean Slate Program**—In partnership with pro bono assistance from the East Bay Community Services Law Center, the court established special sessions held bimonthly that involve processing petitions to release from penalties and dismiss eligible charges under Penal Code section 1203.4. Statewide interest in the Clean Slate court has resulted in representatives from the Attorney General and state Senate attending court sessions. Judicial involvement in the program is paramount, and the court recommended that this program be made available statewide.

Expanding Language Access. The court is very aware of the growing need to provide assistance and services to non-English-speaking citizens as more than 36 percent of Alameda County residents speak a language other than English at home. The court has sought or suggested several ways to accomplish this goal. The court contracted with Language 411 for a two-year program to translate signage into eight languages. The Administrative Office of the Courts awarded the court a \$13,000 grant to provide a cultural competency training program for court staff. The pilot training began in March 2007 and included 52 bilingual employees with a bilingual manual. The court is also seeking a \$30,000 grant for signage, media communication, and training and deployment of bilingual assistance staff. The local community college is also working on language assistance for the court.

The court suggested some areas where the state could provide assistance:

- Bilingual glossaries
- Language access planning and funding
- Multilingual signage

Operational Issues

Civil Direct Calendaring. The court plans to implement Civil Direct Calendaring effective July 1, 2007. Cases will be assigned to 1 of 12 direct calendar departments regardless of geographical location. Each court will receive randomly selected cases. In addition, two overflow trial departments will be established. The court still needs to address facility issues and challenges posed under Code of Civil Procedure section 170.6.

Complex Civil Litigation. The court recently added a second complex litigation department. One department now receives odd-numbered cases; the other receives even-numbered cases. Each department currently has approximately 150 cases, however, many are consolidated with three or more others. The court reported that 90 percent of the cases settle and that a substantial amount of research is provided for these complex matters. Many of these cases are high profile and garner media interest.

Criminal Departments. The court has 85 trial departments with half committed to criminal matters. Because of the number of homicide cases pending and going to trial, departments assigned to the criminal team usually hear long trials, with several cases waiting to be assigned. In the drug court program, defendants can be referred to New Bridge or Delancey Street for evaluation and other rehabilitative services. Under Proposition 63, funds have been established for mental health workers/researchers.

Facilities. The court provided a tour of the Allen E. Broussard Justice Center located in Oakland. The facility is shared on one side with City of Oakland occupants that include Oakland Police Department divisions and staff. This court facility is under a 50-year lease entered into by the county in 1958. Over the years, county departments, including the public defender, have moved out of the facility, and now only the court remains, with nine bench officers presiding over civil, traffic, and juvenile cases. The facility is dated and areas of deferred maintenance are of great concern. The court is working with OCCM to determine options for relocation or repairs.

The court and county are also considering the construction of a new Dublin facility planned as a shared-use courthouse, which would include probation, public defender, and district attorney's offices near the current county jail located in the eastern area of the county.

The new \$176 million Juvenile Justice Center, located in San Leandro, held a grand opening ceremony on February 27, 2007, and was scheduled for occupancy by the court in early April. The Juvenile Justice Center, a collaborative effort between the county and the courts, is a shared facility consisting of probation department, district attorney, public defender, and behavioral health care services offices in a combined facility that houses four juvenile courtrooms. Access to dental care, exercise area, basketball courts, and psychological services are part of what is offered to juvenile detainees at this facility. Four judicial officers will be moving from the Allen E. Broussard facility into the Juvenile Justice Center.

Superior Court of Contra Costa County

Contra Costa County is located east of San Francisco County, with Solano County to the north, Alameda County to the south, and San Joaquin and Sacramento Counties to the east and northeast, respectively. Contra Costa County was one of the original counties of California, created in 1850 at the time of statehood. Martinez is the county seat. The county covers 719 square miles and has 19 incorporated cities, 4 unincorporated cities, and 23 census-designated places (CDPs).

The population of Contra Costa County was 1,017,787 as of January 2005. Currently the major area of growth is along the Highway 680 corridor through Martinez, Concord, Pleasant Hill, Walnut Creek, Danville, San Ramon, and Alamo. The high quality of public schools has attracted a large influx of families with children and above-average incomes. Office square footage also has increased substantially over the past several years.

The site visit to the Superior Court of Contra Costa County began with a welcome reception at the Family Law Center on March 28, 2008. Judge Thomas Maddock, Superior Court of Contra Costa County and Judicial Council member; Presiding Judge Terence Bruiniers and Mr. Ken Torre, Executive Officer, greeted the Judicial Council team members and facilitated introductions. The site team met in the Peter L. Spinetta Family Law Center that is home to all family law-related courtrooms and clerks' offices in Martinez. The court has made every effort to ensure that the facility is accessible, convenient, and user-friendly. Staff provides assistance and information about specific forms and procedures and are able to refer a client to a trained family law facilitator if needed. The center also provides mediation for child custody and visitation matters. The Family Law Center has been very successful and has received enthusiastic public response.

The group toured the A. F. Bray Building, which houses a jury assembly room and the criminal departments. The court pointed out that there are some security concerns in that several large courthouse windows face the street, allowing unobstructed views into judicial chambers. Afterwards the group was treated to a number of presentations highlighting some interesting court projects (described below) and then toured the nearby Wakefield Taylor Courthouse. Completed in 1933, this National Historic Site houses courtrooms and clerks' offices for civil, probate, criminal, and juvenile cases. The tour was followed by a working lunch, with the Judicial Council members being joined by nearly all the court's judges and commissioners. The court's Information Technology group took the opportunity to demonstrate their e-filing application as well as the Automated Regional Information Exchange System (ARIES).

Finally, the site team toured the court's new centralized storage facility just a few blocks from the Martinez courthouses. This site, in newly leased space, is the storage area for all court documents, as well as trial evidence and exhibits. In the very near future, this space will also

house a new training facility that the court will be able to share with neighboring courts. Retired Judge Gregory M. Caskey has been hired as director of education and training, and he is currently working to ready the new location.

Overview

The Superior Court of California, County of Contra Costa has 10 court locations, the A. F Bray Building, the Wakefield Taylor Courthouse, the Peter L. Spinetta Family Law Center, the Court Annex, the Superior Court-Executive Office, and Juvenile Hall in Martinez; and the Superior Court buildings located in Concord, Pittsburg, Richmond, and Walnut Creek. There is also a new court records retention facility in Martinez. The bench is composed of 33 judges and 12 subordinate judicial officers, with approximately 392 support staff.

Innovative Programs

The Superior Court of California, County of Contra Costa takes pride in providing leading-edge programs of benefit to the court and its users. Innovative programs already in place or development stages that the court shared with the Judicial Council site team included:

Art in the Courthouse. Members of the public visiting the court often experience a wide range of emotional reactions when faced with an adversarial process. The court considered ways to refocus those emotions. As a result, the Art-in-the-Courthouse project committee was established. Local artists enter into agreements to display their work in courthouse locations, including terms regarding moving the exhibits from one location to another. The efforts made by the court resulted in partnering with the local bar association, community organizations, city and county organizations, and various 501 nonprofits. A fundraising effort sponsored by the bar and the East Bay Community Foundation is focused on purchasing a sculpture for the plaza of the Family Law Center. The court committee approves all exhibits.

Benefits of displaying artwork have inspired positive comments from the public and staff about the art pieces, generated an increase in visibility of the participating artists' work, and provided an opportunity for the court to collaborate with other interested city and county government organizations. Although the artwork is prominently displayed on walls throughout the court facilities and the agreements include no court provided insurance policies, none of the pieces have been vandalized or altered by court patrons. Currently, 100 pieces of art are displayed in six court facilities.

The Family Law Expansion Program (FLEP). This program was instituted by the administration of the Superior Court of Contra Costa County on January 1, 2006, and was based on the Superior Court of San Diego County model. FLEP provides self-represented litigants with help obtaining forms and preparing for family law hearings. Through a series of self-help processes, the court established "pro per calendar days," allowing litigants to walk out with their orders. Staff provides assistance with forms and processed information, and a triage team concept provides assistance to clients representing themselves. Instituting the process required

additional higher-level clerks (Clerk IVs), facilitators, and calendar clerks, but as a result, the court provides a beneficial support mechanism for the self-represented community and has expedited court hearings.

The court made the distinction between typical services used by lawyers and by self-represented litigants. Providing Tentative Rulings (TR) has affected the number of contested calendar cases, with approximately 60 percent settled since the TR program was initiated. The vast majority, about 99 percent, of contested rulings are handled by attorneys who access the court's Web site and print hard copies. Additional methods to access TRs include calling in for recorded rulings; faxing or calling or e-mailing the courtroom clerk for the response. In an effort to provide more access for self-represented litigants, the court is considering ways to offer TR responses to self-represented litigants in the future via a logon feature.

Four judicial officers handle the family law calendars, supported by one research attorney, who is assigned to all judges. With FLEP in place, the judicial officers have all the information they need to post tentative rulings, including DissoMaster results, orders to show cause, filed proofs of service and child support orders. FLEP has created an environment that lessens some of the more time-consuming and burdensome elements of the assignment. In alignment with Judicial Council recommendations that this assignment carry a three-year tenure, the supervising judge for family law has voluntarily asked that his two-year term be extended at least another year.

Electronic Filing (e-filing). Contra Costa's director of information technology provided a demonstration of the e-filing system, which is currently mandated for complex litigation cases only. Filing parties sign up with an electronic filing service provider that electronically files and serves pleadings and other court documents into the court's electronic filing module for clerk review. The filing party can send comments regarding the filing to the clerk. At this stage the pleadings are file stamped, fees accessed, and accepted in part or in whole or rejected in whole.

The pleadings can be viewed or printed from open or public access terminals at no charge. No juvenile or family law documents are available on the public access site. In general, the court struggles between providing maximum public access while still maintaining privacy and confidentiality. Care is taken to redact information such as dates of birth and social security numbers from documents and minutes.

Presiding Judge Bruiniers advised that as more courts move to the California Court Case Management System (CCMS), the use of e-filing will increase. The court is expecting CCMS V4 to have the courtroom interface necessary for order processing.

ARIES. The court gave a presentation on the ARIES project, which integrates criminal justice data systems in the area. This initiative started with the Contra Costa Sheriff's Office in late 1998 and has now grown to encompass more than 56 enforcement agencies in Alameda, Contra Costa, and Solano Counties. San Francisco, San Mateo, and Santa Clara will join the program in 2007, bringing the total number of participating enforcement agencies to 94 by year's end. In

addition to county agencies, the system includes the California Highway Patrol and Bay Area Rapid Transit Police.

One ARIES project includes providing real-time jail data to law enforcement agencies, the courts, prosecutors, public defenders, and probation departments. Mug shot servers show who is in jail currently. Another project is the Integrated Law Enforcement Records Management System (RMS), which connects all RMS databases in the county. This is an Oracle XML-based system similar to e-filing, which allows the user to access data on Web pages. It's affectionately called "Google for Cops."

ARIES has been a tremendous help with protective order processing and review. The court takes all 13 types of protective orders to the sheriff's night shift staff, who enter the information into the RMS, which transmits to the state Department of Justice. ARIES reads the RMS in real time and allows the judges to review protective orders for a protected or restrained person or case number to see what they have done previously. The sheriff's night shift staff also scans the protective orders into another server, which enables users to page through the actual documents as PDF files while ARIES links the RMS with the document server.

In the very near future, ARIES will make online probable cause declarations available. This application is intended to (1) make it easier and faster for law enforcement to create probable cause declarations for on-view arrests, (2) enable the duty judge to review and act on the declarations more rapidly and conveniently, and (3) keep jail staff informed on the status of all declarations. A password-protected area will be hosted on the sheriff's Web site and will enable secure communication to be provided between law enforcement and the judges. Duty judges will be able to view probable cause documents from within the court or through a secure, encrypted connection from their homes. They will have a countywide view and can see the status and time urgency of all probable cause declarations from all agencies. Judges should be receiving training with this application shortly.

Operational Issues

The Superior Court of Contra Costa is a changing and dynamic court, and it faces many of the challenges that other courts are struggling with.

Facilities. The court is in the process of transferring court buildings to state ownership and control and hopes to have this completed by the end of this year. It will still need to deal with the years of deferred maintenance that the county has been unable to address because of its own budget limitations. The site has been selected and funding for preliminary drawings was received in this year's budget for a new courtroom, East County Justice Center in Pittsburg. Funds for working drawings are expected to be approved in the FY 2007–2008 budget and construction funding in FY 2008–2009. If all goes according to plan, construction should be completed in mid-2010. This facility will have 7 courtrooms, with the ability to expand to 10, and will include family and juvenile services.

Staffing. With more than 400 court employees, the court is struggling with some of the responsibilities of recruiting, training, and retaining quality staff in a changing workplace. Approximately two-thirds of Contra Costa judges have been appointed since January 1998, and within the next two years, about three-quarters of judges will have been on the bench 10 years or less. The court anticipates receiving one new authorized judicial position this year.

Technology. The court recognizes that its existing case management systems cannot provide accurate and timely data and do not contain the functionality necessary to manage the court's business as it grows. The court is preparing for the transition to the CCMS.

Security. The court pointed out that some courtroom chambers in the A. F. Bray Building have non-bullet-resistant glass windows facing private residences or the public street level. The court is working with the AOC Emergency Response and Security unit on a major security project to replace windows in the A. F. Bray Building with bullet-resistant glass.