



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

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| Date | Action Requested |
| August 14, 2009 | Please Review |
| To | Deadline |
| Members of the Judicial Council | N/A |
| From | Contact |
| Tani Cantil-Sakauye, Team Leader Jody Patel, Regional Administrative Director, Northern/Central Regional Office | Pam Reynolds, Senior Court Services Analyst Northern/Central Regional Office 916-263-1462 phone 916-263-1966 fax pam.reynolds@jud.ca.gov |
| Subject | |
| Judicial Council Site Visits to the Superior Courts of San Joaquin and Sacramento Counties | |

Courts Visited

Superior Court of San Joaquin County
Superior Court of Sacramento County

Dates of Visit

May 12–13, 2009

Judicial Council Members Participating in Site Visits

Hon. Tani Cantil-Sakauye, Associate Justice of the Court of Appeal, Third Appellate District,
Team Leader
Hon. George J. Abdallah, Jr., Judge, Superior Court of San Joaquin County
Hon. Thomas M. Maddock, Judge, Superior Court of Contra Costa County

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Hon. James Michael Welch, Judge, Superior Court of San Bernardino County

Hon. Winifred Younge Smith, Judge, Superior Court of Alameda County

Hon. Lon F. Hurwitz, Commissioner, Superior Court of Orange County

Mr. Raymond G. Aragon, Attorney at Law

Mr. Anthony P. Capozzi, Attorney at Law

Mr. Michael M. Roddy, Executive Officer, Superior Court of San Diego County

Administrative Office of the Courts Staff Participating in Site Visits

Ms. Jody Patel, Regional Administrative Director, Northern/Central Region

Dr. Diane E. Cowdrey, Director, Education Division/Center for Judicial Education and Research

Mr. Mark W. Dusman, Director, Information Services Division (San Joaquin visit)

Ms. Marcia M. Taylor, Director, Appellate and Trial Court Judicial Services Division

Mr. Lee Willoughby, Director, Office of Court Construction and Management (Sacramento visit)

Ms. Kimberly Pedersen, Assistant Director, Northern/Central Region

Ms. Marcia Carlton, Assistant Director, Finance Division

Mr. Bert S. Hirschfeld, Assistant Director, Office of Court Construction and Management (San Joaquin visit)

Mr. Malcolm Franklin, Senior Manager, Office of Emergency Response and Security

Ms. Pam Reynolds, Senior Court Services Analyst, Northern/Central Region

Mr. Joe Thims, Senior Security Coordinator, Office of Emergency Response and Security

Ms. Stefanie Elam, Executive Secretary, Northern/Central Region

Superior Court of San Joaquin County

The May 12, 2009, site visit to the Superior Court of San Joaquin County began with Presiding Judge William J. Murray, Jr., and Executive Officer Rosa Junqueiro welcoming the Judicial Council site visit team.

San Joaquin County is located in the Central Valley, with Sacramento County to the north, Amador and Calaveras Counties to the east, Stanislaus to the south, and Contra Costa and Alameda Counties to the east. The county covers 1,399 square miles and had a population of 670,990 as of July 2007, an increase of 19.1 percent between 2000 and 2007.

Overview

The Superior Court of San Joaquin County has six court locations. Three courts are in Stockton at the Main Courthouse, the Family Law Courthouse, and the Juvenile Justice Center. The three other courts are in the cities of Lodi, Manteca, and Tracy. The bench is composed of 32 judges, 4 subordinate officers, and approximately 360 support staff.

The visit began with Judge Murray showing the Judicial Council site visit team the preferred site for the court's new 30-courtroom downtown Stockton courthouse. Currently in the acquisition phase, the courthouse is scheduled to be completed in 2013. Judge Murray and Ms. Junqueiro gave a preview of the day's activities, and the site visit team took a guided tour of the Main Courthouse. The tour revealed several facility and security deficiencies that highlight the serious need for a new facility.

The day also included a tour of its recently opened (July 2008) Family Law Courthouse and the Manteca Branch facility. At a working lunch with judges, the court management team, and the site visit team, there was an opportunity to discuss the court's concerns and needs and to admire its achievements. The court expressed gratitude for the work of the litigation management team in obtaining a defense verdict in a recent case where the court was a named defendant in a civil suit that went to trial in Sacramento County.

Court Achievements

DUI Court and DUI Courtroom-to-School Program

Judge Richard Vlavianos reported that since January 2008, recidivism by DUI repeat offenders is down more than 60 percent, and there is a 50 percent increase in compliance with DMV program requirements for those attending DUI court. The court has also had a 90 percent increase in ignition interlocking devices (IID) installations, an increase of 36 installations per month since 2007. The court has a case manager that monitors IIDs for DUI court clients, and the court has found that IIDs are effective in reducing recidivism when effectively monitored.

The court received grant funding from the California Office of Traffic Safety (OTS) to establish a courtroom-to-schoolroom program. In this innovative program, sentencing occurs at the school on actual DUI cases. In the 2008–2009 school year, the program involved more than 10,000 students in 24 schools. In April 2009, the court received an Award of Excellence from the OTS for this program.

Proposition 36 Drug Court

In September 2008, as a result of a decrease in state funding, the court worked with its judicial system partners to redesign and implement a managed care model. Since that time, program completions are up 40 percent, terminations are down by 33 percent, and the court has 509 fewer violation of probation (VOP) charges and a resulting 31 percent reduction in the Prop. 36 VOP workload.

Homeless Court

Judge Barbara A. Kronlund reported that the court modeled its program after that of the Superior Court of San Diego County with the goal of clearing minor traffic and morals offenses without

threat of incarceration or fines. Court is held monthly at a local community services facility where substance abuse and mental health counseling is arranged by the shelter's caseworkers. On average, 35 cases are heard each month involving 12 defendants, and on average, 19 cases are resolved at their first appearance. Judge Kronlund reported that the deputy public defender assigned to this court has indicated a desire to continue this program despite the current fiscal situation.

New Family Law Facility

The court appreciates the efforts of the AOC in making this new facility a reality. Although the first floor was funded, its infrastructure could not be completed until the second floor was funded. Funds (from three new judgeships the court has yet to receive) advanced by the AOC completed the first floor and funded the first phase of the second floor. The facility has provided the court with much needed space. Additionally, the new facility has attorney/client conference rooms—something it did not have in the Main Courthouse. To brighten the public hallways, the court displays artwork created by local schoolchildren. The facility has 30,000 square feet of basement space where the court has consolidated all of its records into one location. The site visit team was very impressed with the way the court handles its records.

The court saved significant revenue by acquiring filing racks and furniture from the former tenant. The high-density filing storage racks, with an estimated value of \$1.5 million, were received at no cost, and office furniture valued at approximately \$100,000 was purchased for \$40,000.

California Court Case Management System (CCMS)

To alleviate difficulties in keeping statistical data current, the court implemented CCMS. The court appreciates the AOC's support and financial assistance in implementing the system. To fund CCMS, the court received \$3.1 million from the AOC and used \$482,000 of its Resource Allocation Study (RAS) augmentation. The court receives ongoing funding of \$292,000 for CCMS from the Enterprise-Wide Infrastructure Governance Committee. On April 7, 2008, the court implemented all case types of CCMS-V3 in all of its locations. The 10-month deployment process came in \$318,000 below budget, thanks to the hard work of the court's deployment team and the support received from the AOC and Deloitte Consulting. The court noted that its newer staff has been better able to adapt to CCMS than its more seasoned employees, who may be using a Web-based program for the first time.

The court expressed concern about CCMS's capturing Judicial Branch Statistical Information System (JBSIS) data accurately and the amount of time it took to correct this issue. However, it noted that the issue has been resolved and that as of July 2009, the data will be captured and reported.

Operational Issues

Facilities

San Joaquin is currently in the acquisition phase for a new downtown courthouse that will replace the existing 1963, 22-courtroom courthouse and nearby courtrooms in leased facilities. The court also is scheduled to have the Juvenile Justice Center renovated as a result of Senate Bill 1407 funding. The court asked that the Judicial Council communicate the importance of the new facility to the Legislature to ensure that funding continues for this project.

The court appreciates the AOC's action of permitting the use of local courthouse funds to replace the Manteca and Tracy modular units.

The site visit team was able to see firsthand several facility and security deficiencies in the Main Courthouse and the Manteca facility.

Main Courthouse Challenges

- There are no attorney/client interview rooms, so private conversations occur within earshot of other in-custody defendants.
- The jury assembly lounge is in the basement, and the court regularly receives complaints from jurors regarding the lack of natural lighting.
- In several courtrooms, the judge must enter and exit the bench by passing behind the witness stand.
- The judicial officer has no dedicated escape route in the event of an emergency. The AOC's Office of Emergency Response and Security is working with the court to address this deficiency.

Manteca Facility Challenges

- There is no jury assembly lounge; Manteca jurors wait either outside or in their cars.
- The courthouse consists of three 20-year-old modular units: two units are used for administrative functions and one unit is used for a courtroom. The courtroom handles misdemeanors and felonies.
- Only four holding cells are available, thus difficulties arise when defendants must be separated. Consequently, attorney interview rooms are often used as holding cells.
- The courtroom is not wheelchair accessible; in-custody defendants needing wheelchair access must be transferred to one of the other court facilities for proceedings.

The modular units at Manteca and Tracy are scheduled to be replaced using local courthouse construction funds. The court expressed a serious need for consolidation of the Manteca and Tracy facilities, and that issue is in the Immediate Needs category. The court expressed disappointment that these were not included in the initial SB 1407 projects; however, as mentioned earlier, the court has received two other major capital-outlay projects.

Overall Security Concerns

- Stockton, the county seat for San Joaquin County, was ranked the fifth most dangerous American city by *Forbes* magazine in April 2009.
- The Main Courthouse was designed to accommodate 88 in-custody defendants, yet the court regularly has between 160–200 in-custody defendants in the holding cells.
- There is no secured parking for judges at any of the court facilities, and judicial parking is clearly viewable to the public.
- Since 2001, the court has had four stabbings and six escapes or attempted escapes, and a judge was accosted in a courthouse corridor by a dissatisfied litigant. Two of these incidents have occurred in the past five months. Recently, and the subject of national press coverage, a judge was stabbed in court by an in-custody defendant. A detective in the courtroom shot and killed the defendant.
- There are no separate secured hallways; therefore, in-custody defendants are escorted in the same open areas occupied by victims, witnesses, family members, jurors, and the general public.

Underresourced Court

As a result of its underresourced level, the San Joaquin court was one of four courts that did not receive a one-time reduction in funding for fiscal year 2008–2009. The court shared with the Judicial Council site visit team that according to the RAS model, it should have 446 allocated positions; however, it has only 361 positions. The difference equates to a 19 percent staffing shortage. Additionally, it has several vacant positions because of the current fiscal situation, further exacerbating the issue.

The court asked the Judicial Council to reevaluate the allocation of resources, especially as it relates to those courts that are severely underresourced. The court noted that it is important to address these courts resource levels as soon as is practical.

Felony Filing Complexity and Increases

Since fiscal year 1998–1999, the court has seen a 26.9 percent increase in the number of felony filings. The court has 46 pending homicide cases involving 80 defendants. There are also 27 special circumstance cases; 3 are death penalty cases. Because of the heavy caseload, one judge hears only sexually violent predator cases.

Judgeship Needs

The court reported that the county has had a 91 percent increase in population between 1980 and 2007; however, during this time the court received only 3 new judgeships. The court has received 6 judgeships out of the initial 100 judgeships that have been allocated, but 3 judgeships have not yet been funded by the Legislature. Further, the court was scheduled to receive 3

additional judgeships through Senate Bill 1150, which did not pass the Legislature. The court noted that it is in the top five courts in terms of judicial need.

Superior Court of Sacramento County

The May 13, 2009, site visit to the Superior Court of Sacramento County began with a video welcome from Presiding Judge James M. Mize who was not able to be there in person. Assistant Presiding Judge David W. Abbott and Executive Officer Dennis B. Jones greeted the Judicial Council site visit team and facilitated introductions.

Sacramento County is situated with Placer and Sutter Counties to the north, San Joaquin County to the south, El Dorado and Amador Counties to the east, and Solano County to the west. The county covers 966 square miles and had a population of 1,386,667 as of July 2007, a 13.3 percent increase since 2000.

Overview

The Superior Court of Sacramento County has five court locations, all located within the city of Sacramento: the Gordon D. Schaber Courthouse, the William R. Ridgeway Family Relations Courthouse, the Carol Miller Justice Center, the Juvenile Courthouse, and the Lorenzo Patiño Hall of Justice. The bench is composed of 66 judges and 13 subordinate judicial officers; the court has approximately 884 support staff.

Mr. Jones previewed the day's activities, and the site visit team toured the Gordon D. Schaber Courthouse. The tour highlighted the security deficiencies of the facility. A number of judges joined the site visit team for a working lunch wherein the judges presented summaries of a few of their special court programs and fielded questions from the site visit team. The team members had an opportunity to further discuss the court's concerns and the ways the Judicial Council can assist the court.

Court Achievements

Criminal Case Processing

Judge Laurie M. Earl discussed the "home court" process used for all criminal cases. A home court handles all aspects of a case, beginning with arraignment. The process provides for a case to be handled by one of four home courts until it is assigned to a department for an evidentiary hearing. The home courts settle 96 percent of all criminal cases before trial and of those, 83 percent are settled before assignment out for a preliminary hearing. The court also has a dedicated probation officer in the home courts to act as a court liaison to probation to resolve cases in a timely manner.

Violation of Probation In-Lieu Court

Judge Jaime R. Roman reported that this court began as a suggestion by the district attorney as a way to more effectively process cases. When the district attorney files a petition to violate probation (VOP) in lieu of a new criminal filing, the petition is assigned to the VOP court. Because of courtroom space limitations, this calendar is heard in the evenings. This court began on January 14, 2008, and from July to December 2008, it received 1,400 new cases, with 52 percent disposed of at first appearance and 91 percent disposed of by the third appearance. The program relieves major congestion in the felony home courts.

Community Outreach

Every two years the court conducts community-based organization training for more than 75 individuals representing over 40 organizations. The court is also working with the Sacramento Hmong Mediation Council (SHMC) to bridge the gap between cultural mediation and the court process. This will consist of both the court and the SHMC providing overviews and training on their individual processes.

In July 2008, the court used the National Center for State Courts' CourTools Access and Fairness Survey to hear from its court users. The court reviewed the results of the survey with the site visit team and showcased the redesign of its Web site, a byproduct of the survey. The court will survey court users again in July 2009 and hopes to see improvements in the use of its Web site and overall satisfaction with the court.

California Court Case Management System (CCMS)

The court has implemented CCMS-V3 for both civil and probate case types. The implementation of CCMS has allowed the court to eliminate paper files for all civil cases filed after November 5, 2007, and all active probate cases. Electronic access has positively changed the expectations for attorneys, litigants, and the media. The court requested that the Judicial Council continue to make it easier for courts to convert to e-filing and e-business by supporting the Court Technology Advisory Committee's efforts in this area.

The court believes that CCMS has been a positive force for collaboration that was not previously seen among the core courts that are working on the system's development.

Operational Issues at the Gordon D. Schaber Courthouse

The main courthouse, the Gordon D. Schaber Courthouse, built in 1965, does not meet the current needs of the court. A new downtown criminal courthouse is one of the approved 41 projects funded by Senate Bill 1407. Once completed, the new courthouse will provide 35 courtrooms. The court indicated that it needs to have 49 criminal courtrooms; once the new facility is built, the court will still need to have two criminal courthouses and two inmate transfer

processes. The court will be working with the Office of Court Construction and Management to evaluate the ability to have all criminal courtrooms in the new facility.

Main courthouse challenges:

- Approximately 400–500 jurors are summoned to the courthouse each day. However, the jury assembly room can hold only 146, so the court must often use a public mezzanine area to accommodate an additional 166 jurors. This results in inefficiency as more staff is required in this area to call jurors to courtrooms.
- There are only 350 juror parking spaces so many jurors arrive as early as 7 a.m. to ensure a parking space.
- There are only two attorney-client conference rooms for 37 trial departments.
- The court has only 11 juror deliberation rooms; thus, on numerous occasions, courtrooms are used for deliberations.
- No courtrooms are ADA compliant for witnesses and judges. Only five courtrooms are ADA compliant for jurors.
- Security concerns:
 - There are no dedicated, secured corridors; judges and staff walk down the same corridors as in-custody defendants.
 - In-custody defendants must cross a public hallway to access courtrooms on the east side of the facility because the secured elevator is located on the west side of the facility.
 - The secured elevator goes only to the fourth floor of the six-floor court. As a result, in-custody defendants are transported to the fifth-floor courtrooms via stairs, public elevators, and public hallways, exposing them to the general public, jurors, victims, and witnesses.

Fiscal Situation

While the court has tried to effectively address allocation reductions by reducing staffing through attrition and leaving positions vacant, it is still facing a significant shortfall for fiscal year 2009–2010. It has withdrawn pay increases scheduled for July 1, 2009, for all unrepresented employees and is negotiating with its unions for similar concessions for represented employees. If it is unable to achieve concessions from the unions, the alternative is to lay off up to 80 employees.

The court is working with the sheriff's department to reduce security costs in light of anticipated security funding shortfalls. Justice system partner reductions are jeopardizing the continuance of a domestic violence home court, potentially reducing disposition options for juvenile matters and removing the District Attorney's Office from traffic infraction court. These reductions will significantly affect access to justice for Sacramento County residents.

In order to reduce expenditures, the court developed a partnership with the county law library and moved the civil self-help center from the court to the law library to ensure that this vital program continues for court users.

Juvenile Court

Judge Kenneth G. Peterson reported that the court has seen an increase in juvenile dependency filings. The 59 percent increase since fiscal year 2004–2005 is attributed to the recent deaths of children in Child Protective Services care and a resulting grand jury investigation. In the first two quarters of fiscal year 2008–2009, 1,342 petitions were filed, and the court projects 3,250 petitions for the year. The court has five subordinate judicial officers to hear dependency cases. The court has also seen a substantial turnover in court-appointed counsel, resulting in an additional burden on the court.

In the area of juvenile delinquency, the court asked the site visit team to consider developing procedures for dealing with juveniles who are incompetent to stand trial. These cases tend to linger as courts have difficulty addressing the issue.

Judgeship Needs

The court has received 11 judgeships out of the initial 100 judgeships that have been allocated; however, 6 judgeships have not been funded by the Legislature. Additionally, it was scheduled to receive 5 judgeships through Senate Bill 1150, which did not pass the Legislature. The court still needs these judgeships, so in the interim, it uses judges from the Assigned Judges Program. However, the court does not receive funding for the requisite staffing needed for the assigned judges.