



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

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**Date**

August 31, 2007

**Action Requested**

For Your Information

**To**

Members of the Judicial Council

**Deadline**

N/A

**From**

William C. Vickrey  
Administrative Director of the Courts

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**Subject**

Report from the  
Administrative Director of the Courts

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

## SUMMARY

(Page numbers next to the segment headings reference more detailed information, where provided.)

### National Recognition

**John Marshall Award Presented to Chief Justice George.** The Chief Justice was presented with the American Bar Association's John Marshall Award at its annual meeting dinner in San Francisco in August. The award recognizes outstanding work to improve the administration of justice.

### Legislation and Budget

Major legislative and budget issues have been omitted from this report as they will be addressed at the council's business meeting.

**AB 1108 Report to the Legislature.** In compliance with Assembly Bill 1108 (2003), a report was submitted to the Legislature on the implementation of California Family Code section 3041.5. This code section allows courts to order persons seeking custody of, or visitation with, a child in a custody proceeding to undergo drug or alcohol testing under specified circumstances. The study found that the legislation is being utilized conservatively when compared to how often the issue of substance abuse is raised in a courtroom or in a mediation session. Once a testing order is entered, compliance is high. If a test result comes back positive, it does not, in and of itself, result in loss of access to children. Overall, test results are considered with other factors to determine a custody and visitation schedule that is in the best interests and safety of the child.

### Judicial Council Activities

**The Commission for Impartial Courts** is the overarching name of the newly formed steering committee and four task forces appointed by Chief Justice George to address issues and challenges related to judicial impartiality including selection and retention, candidate campaign conduct and campaign finance, public information and education. Chaired by Associate Justice Ming Chin of the California Supreme Court, the initial meeting of the steering committee and the task forces will take place in September (page 12).

**Judicial Branch Planning.** Using stakeholder input from the June planning meeting, a revised operational plan was circulated for broad comment in August. The following groups have been invited to comment: APJs, PJs, appellate court clerks, court executive officers, advisory committee and task force leadership, and the State Bar leadership. In addition to offering revisions and or additions to plan proposals, respondents were asked to prioritize proposed objectives and desired outcomes and to rate the feasibility of accomplishing individual proposed outcomes over the period 2007–2010, given existing resources.

**Judicial Council Civil Jury Instructions (CACI)** were noted in the August opinion of the California Supreme Court in *Green .v. State of California* (2007 Cal. LEXIS 8910), holding that in a disability discrimination case the plaintiff-employee has the burden of proving he or she is a qualified individual with a disability, meaning that the plaintiff has the ability to perform the essential duties of the job. The intermediate appellate court had held that proof of inability to do the job was the employer's affirmative defense. In its opinion, the Supreme Court noted that instruction number 2540 had correctly allocated the burden to the plaintiff while advising that the question was disputed and under review.

**Judicial Council Criminal Jury Instructions (CALCRIM)** continue to earn the imprimatur of the appellate courts. For example, in an opinion published in August, Justice Roger Boren of the Second District in Los Angeles upheld CALCRIM 376 on Possession of Recently Stolen Property as Evidence of a Crime (*People v. O'Dell* (2007) 153 Cal.App.4th 1569). In explaining his reasons for rejecting the appellant's complaints about this instruction, Justice Boren said: "The difference between [CALJIC 2.15 and CALJIC 376] is that the CALCRIM instruction is easier to understand; it does not alter the underlying law in any way." Justice Gomes of the Fifth District reached the same conclusion a few days earlier in *People v. Solorzano* (153 Cal.App.4th 1026), noting that the two instructions were "constitutionally indistinguishable."

**Juvenile Dependency Court Stakeholder Focus Groups.** In August, focus groups and symposia were held with social workers, caregivers, parents, and youth exploring their perspective on the courts and participation in the court process. The findings will be used to brief the Blue Ribbon Commission on Children in Foster Care to assist in developing the commission's final report as well as in the AOC Center for Families, Children and the Courts' Court Improvement Project.

**Advisory Committee, Task Force, and Working Group Meetings** (page 9). The following committees met since the Judicial Council's last meeting in June:

- Appellate Advisory Committee
- Civil Assessments Working Group
- Civil and Small Claims Advisory Committee
- Collaborative Justice Courts Advisory Committee
- Court Executives Advisory Committee
  - Working Group on New Court Facilities Operational Impact
- Court Security Planning Committee
- Domestic Violence Practice and Procedure Task Force
- Emergency Response and Security Task Force
- Enterprise-Wide Administrative Infrastructure Governance Committee
- Personal Security Ad Hoc Advisory Committee
- Probate and Mental Health Advisory Committee
- Trial Court Budget Working Group
- Trial Court Presiding Judges Advisory Committee

- Joint Working Group on Jury Administration and Management (with the Court Executives Advisory Committee)
- Task Force for Criminal Justice Collaboration on Mental Health Issues
- Working Group on Judicial Pay and Benefits

### **Infrastructure Initiatives**

**Facilities.** To date, 113 facilities in 29 counties have been transferred or are included in executed transfer agreements. The new Merced courthouse opened in June. It is the first new court facility to be constructed in Merced County since 1950, and meets the Judicial Council's standards for the design of trial court facilities. The project was collaboratively funded, in part using a first-time capital appropriation from the judicial branch State Court Facilities Construction Fund. Justice Marvin Baxter delivered the dedication address.

As a result of the pending status of Senate Bill 145—the proposal to extend the completion date of facility transfers from June 30, 2007 to December 31, 2008—transfers of court facilities to the state remain on hold. Negotiations with the counties for all remaining facilities are continuing in preparation for the bill's passage. (Page 14.)

**Human Resources.** *Benefit Program for the Superior Courts of California.* A working group of four courts was formed to explore and recommend benefit options for the program. 2008 Health Benefits rates were made available in July. Currently, the program provides benefits to 28 courts. The Program provides benefit offerings for a medical, dental, vision, long term and short term disability, employee assistance, flexible spending accounts and life. *Judicial Branch Workers' Compensation Program.* This program supports 54 of the 58 trial courts. Proposed workers' compensation allocations for fiscal year 2007-08 were adopted by the Trial Court Budget Working Group. The program shows continuing cost savings for participating courts. Seminars addressing a transitional return-to-work were held in the AOC's San Francisco and Southern Region offices. (Page 14.)

**Technology.** A major milestone was accomplished on June 29 when the AOC and Deloitte Consulting signed an agreement to begin the development phase for V4. This phase of CCMS will include adding functionality for family law, juvenile dependency and delinquency; as well as building other judicial branch components such as statewide reporting, court interpreter and court reporter scheduling, and a wide ranging set of integration functionality with other justice partner applications.

A program to upgrade telecommunications infrastructure equipment in 39 courts by year-end is under way. Four courts (Madera, Plumas, Tulare, and Yolo), went live on the California Law Enforcement Telecommunications System.

A Request for Proposal was issued for the managed services currently provided at the California Courts Technology Center by Siemens Business Services.

The Appellate Court Case Management System is now installed in seven Courts of Appeal (First, Third, Fourth (Divisions 1, 2, and 3), Fifth, and Sixth Appellate Districts) and rollout is expected to be complete to all appellate courts and the Supreme Court by the end of 2007.

Additional courts will receive fiscal year 2007–2008 funding in the coming months for jury management systems.

Preparations are under way for platform and application upgrades for the Computer-Aided Facilities Management system.

The AOC initiated an effort to develop the California Courts Protective Order Registry, a centralized system for viewing protective and restraining orders and related information for the judicial branch, law enforcement, and other justice partners.

A new Limited English Proficiency subsection was added to the Serranus Web site in the Programs and Services section. (Page 15.)

### **Administrative Office of the Courts**

**Assigned Judges Program Orientation.** In July, the largest orientation to date for incoming judges to the program was conducted. (Page 17.)

**Assigned Judges Mentoring Proposal.** Assigned Judges Program staff met with the Trial Court Presiding Judges Advisory Committee to discuss a new proposal to provide training and a mentoring period for assigned judges who wish to learn a new case type. (Page 17.)

**Batterer Intervention Systems Evaluation.** A bi-annual report to National Institute of Justice (NIJ) on Batterer Intervention Systems Evaluation was delivered in July. Under a grant from the NIJ, the AOC is conducting an evaluation of case processing in domestic violence cases in five California jurisdictions. This study is the largest of its kind ever conducted and will be finalized in March 2008.

**Statewide Education** (page 20).

**Case Flow Management.** A criminal caseflow management technical assistance project was conducted in the Santa Cruz Superior Court. Since the inception of this program in 2005, 19 technical assistance projects have been conducted in trial courts. In August, the fifth family law caseflow management technical assistance visit was conducted at the Superior Court of Ventura County. Technical assistance teams include John Greacen (consultant); a judge; a representative from court operations and administration or other staff member from another court; and an AOC staff member. Visits average three days of on-site work.

**Child and Family Services Review.** The AOC has been coordinating court participation in this major federal review of the state's child welfare system. In August, Justice Carlos Moreno, AOC executive leadership, California Department of Social Services Director David Wagner, and

other court and agency representatives met with Judge Stephen Rideout to discuss the review and court collaboration in the child welfare system. Four focus groups were held with court stakeholders in August, and results were presented at a statewide meeting.

**Civics Institute for Teachers.** The second year of this professional development program took place in August at California State University San Marcos in San Diego. The three days of professional development included educating 24 selected K-12 teachers from around the state on the role and operation of the court system. Participants explored models of existing court and law-related education curricula and programs, reviewed current K-12 California civics standards, and created unique lesson plans tailored for use in their own classrooms. The program was a collaboration between court staff and the university. The law-related education Web site "Courts in the Classroom," was well received. A follow-up day of the institute will include a visit to the Judicial Council meeting in October. [www.courtinfo.ca.gov/reference/cift.htm](http://www.courtinfo.ca.gov/reference/cift.htm)

**Court Appointed Special Advocates (CASA) Program Evaluation.** AOC staff, together with staff from the California CASA Association, began the third round of CASA program evaluations. Starting in 1999, staff began conducting onsite assessments of all programs to ensure compliance with both state and national requirements for CASA program operations contained in rule 5.655 of the California Rules of Court and the National CASA standards. Program evaluations include both a file review of children and volunteer records as well as interviews and focus groups with program staff, board members, volunteers, judicial officers, minors' attorneys, and social workers. CASA programs have now been established in 43 of the 58 counties in California. Standard evaluations occur at least every three years.

**Data Quality Control and Improvement.** Four new standard reports were issued on fundamental indicators of court operations to the trial courts. Ten-year trend and quarterly management reports have been updated providing courts with tools to evaluate changes in their caseload in the short-term and over time. The Class Action Data Collection Project outlined the impact of the Federal Class Action Fairness Act on class action filings in California.

**Enhanced Collections.** Meetings were initiated with the State Bar of California and collections master agreement vendors regarding the collection of monies owed on attorney related services. Data gathering is under way to implement requirements of AB 367. A recommendation was made to the Judicial Council for one-time monies to enable the Franchise Tax Board's Court-Ordered Debt Program. This would increase capability to accommodate statewide collection referrals. A proposal was presented to the Traffic Advisory Committee for a new rule for Trial by Declaration under Vehicle Code 40903.

**Family Court Case Tracking System (FACCTS).** This software program provides parties with a signed and filed restraining order at the time of hearing. During August, FACCTS was successfully interfaced with three additional courts. Expansion of screens to civil harassment, elder abuse and criminal cases is expected within the next several months. The program was developed in the Superior Courts of Solano and Santa Clara Counties and is due to roll out to additional courts and case types. The program produces a court order on Judicial Council

forms from the same data input as required for the production of a minute order. The court clerk can prepare and print the order on the mandatory Judicial Council forms as he or she prepares the minute order for the hearing. The order can then be submitted directly to the judge for signing, and the signed original filed. The efficacy of the program has been enhanced by its interface with the current case management systems in place in the Solano and Santa Clara courts so that all demographic data needed for the Judicial Council forms automatically populates the system.

**Family Resource Guidelines Project.** The drafting team of court representatives for this three-year project met for the first time in August. The guidelines project was initiated to address the need for additional resources in California family law courts. It builds upon the 2005 Family Law Caseflow Management project and is modeled after the National Council of Juvenile and Family Court Judges' *Resource Guidelines for Improving Court Practice in Child Abuse & Neglect Cases*. The guidelines will provide a model of resource allocation and administration that promote effective practices at all stages of family case processing. Additional designated groups of subject matter experts will be formed to propose major themes and identify pertinent background material. Judicial Council advisory committees and task forces will be consulted in the development of the guidelines.

**Judicial Administration Graduate Program.** Ken Torre, Executive Officer, Contra Costa Superior Court, has been selected as the Program Director for the California State University at Sacramento Judicial Administration Graduate Program, which is under development in partnership with the AOC. The inaugural class will comprise 26 students; 19 of whom are currently employed by trial courts throughout the state. The first class will be held in September at the AOC's Northern/Central Regional Office.

**Judicial Vacancy Report** (page 27).

**Media Handbook for California Court Professionals.** The Media Handbook is a comprehensive guide for court professionals who are responsible for media relations and public outreach in their courts. Now being mailed to California courts, the handbook is designed as a resource for California courts with programs to improve the public's understanding of and confidence in the courts. The publication includes practical advice for establishing a media program and creating media policies; how to effectively inform the public about the court's duties, programs, and activities; and how to handle high-profile cases and emergencies. [http://serranus.courtinfo.ca.gov/reference/aoc\\_periodicals.htm](http://serranus.courtinfo.ca.gov/reference/aoc_periodicals.htm)

**Medication/Treatment Refusal Hearings.** Staff is working with the Department of Mental Health to identify issues of mutual concern and to explore potential remedies concerning costs and other issues involving hearings for patients refusing to take prescribed psychotropic medications (page 31).

**Procedural Justice and Effective Court Practices in Small Claims Cases.** The AOC launched a research project to examine the perceptions of pro per litigants regarding procedural

justice and outcome fairness in small claims cases. Information to be evaluated includes: litigants knowledge of effective case presentation practices, their prior utilization of self-help centers and other forms of legal consultation when bringing their cases to court, and case outcome. The study will also examine the effects of litigants' demographic characteristics, fluency in English, and country of origin on their experiences in small claims.

**Resource Allocation Study.** The Resource Allocation Study Model uses estimates of trial court workload to compare against trial court budgets and assess funding gaps. For the third consecutive year, the Judicial Council will allocate a portion of the State Appropriations Limit funding to those courts with the greatest need for supplemental funding. For fiscal year 2007-08, approximately \$12 million will be allocated to courts with the greatest resource need.

**Riverside Criminal Backlog Reduction Program.** Judges on the backlog reduction team began their assignments on August 13 with an orientation and case management meeting in Riverside led by Justice Richard Huffman.

**Unified Court for Families Final Evaluation Report.** The Unified Court for Families Project released the final evaluation report in July 2007. The report highlights successful program components as well as some of the challenges experienced by the seven mentor courts in implementing local unification efforts. The data sources for the report include site visit notes, interviews with court personnel, and quarterly county reports. A description of each local initiative and their corresponding goals can be found in the document.

**Violence Against Women Education Project.** This is a grant funded initiative develops educational materials and programs and provides technical assistance in domestic violence, sexual assault, and stalking cases. During July and August, two updated publications were distributed: the *Adjudication of Sex Crimes Bench Book* and the *Judges Guide to Domestic Violence Cases*. Both publications are posted on Serranus.

**Web Services and Development** (page 20). The AOC is coordinating the reorganization and redesign of all AOC-maintained Web sites. Web sites include: the public information site: CourtInfo.ca.gov, the Center for Families, Children and the Courts Web Site, the Online Self-Help Center, Serranus, Education Portal, and COMET. The Law-Related Education Web site, "Courts in the Classroom" and accompanying Teacher's Resource Guide was finalized.

## Additional Detail on Summary Items

### Judicial Council Activities

**Appellate Advisory Committee.** The committee reviewed public comments received on proposals that were circulated for comment, and subsequently recommended ten proposals for adoption by the Judicial Council, including proposed amendments to the rules relating to record preparation in civil and criminal appeals, and a new rule establishing an application procedure for requests to file over-length briefs in capital appeals.

**Civil Assessments Working Group.** The working group, made up of representatives from 18 courts and AOC staff, discussed policy recommendations on the permanent allocation of ongoing revenue shortfall, distribution of civil assessment revenue, uniformity of statewide civil assessment programs, and other related issues of concern to the courts. The recommendations will be presented to the council at its August meeting.

**Civil and Small Claims Advisory Committee.** The committee reviewed the public comments on circulated proposals. It will recommend 14 rules or forms proposals for adoption by the Judicial Council in October, including proposals relating to telephone appearances, procedures for addressing complaints about court-programs mediators, public access to court records, protecting private information in court records, requests for admission, and instructions about interpreters in small claims cases. The committee also is recommending four proposals for Judicial Council-sponsored legislation relating to civil and small claims procedures. It has approved updates to the *Deskbook on the Management of Complex Civil Litigation*, focusing on the class action section and adding revisions to the statutory, rule, and case law references throughout the *Deskbook*.

**Collaborative Justice Courts Advisory Committee.** The committee approved the allocation methodology for the Collaborative Justice Substance Abuse Focus Grant Program; local assistance grants in the DUI Court expansion project; and local assistance grants in the DUI prevention programs funded by the Office of Traffic Safety. Staff reported on the Youth Summit held at University of California, San Diego in June.

**Court Executives Advisory Committee (CEAC) Working Group on New Court Facilities Operational Impact.** Three court executives and four court officers have been appointed to this newly formed working group. The group was established to review the process for new court facility construction projects to allow for improved budget and planning-related coordination, and the sharing of institutional knowledge with other court executives as they begin new construction projects. The first meeting was held in August to identify priorities and begin developing a work plan. A second meeting is scheduled for September.

**Domestic Violence Practice and Procedure Task Force.** Task force working groups reviewed the comments on its draft guidelines and recommended practices. The review covered extensive

written comments, testimony from two public hearings, and summaries of suggestions made at the three regional court meetings held in Santa Rosa, Burlingame, and Torrance. The task force then met to make amendments as warranted. Proposals are pending relating to court leadership, judicial branch education, criminal procedure, restraining orders under the Domestic Violence Prevention Act, entry of orders into the Domestic Violence Restraining Order System, and firearms restrictions and relinquishment.

**Enterprise-Wide Administrative Infrastructure Governance Committee.** Chaired by Ron Overholt, with AOC and trial and appellate court membership, this committee has oversight and governance responsibility for the development and implementation of current as well as future statewide administrative infrastructure initiatives for the courts. The committee met to provide input and ideas on issues pertaining to current initiatives including the integration and tracking process for the budget and deployment schedule. Following upon recommendations from KPMG, the Gartner Group is working with staff to review business plans and amend as appropriate. Initial project budgets will result in a target budget for each court to plan for in reserves, pursuant to Judicial Council policy.

**Family and Juvenile Law Advisory Committee.** The committee reviewed related rules, forms, and legislation, and discussed the Judicial Council Operational Plan, California Case Management System, and Joint Working Group on Restraining Orders. The Family Subcommittee discussed updates on child support, self-represented litigants funding, resource guidelines for family court, access to visitation grant program initiatives, the domestic violence practice and procedures task force report. The Juvenile Subcommittee discussed the formation of a juvenile appellate working group, proposed juvenile legislation, issues in the California Department of Corrections and Rehabilitation Juvenile Justice Division, special immigration juvenile status, and services for children of migrant workers. They also received updates on the Adoption and Permanency Guide, the federal Child and Family Services Review, ABA Youth at Risk Commission, Court Appointed Counsel Advocate funding for 2008, the Blue Ribbon Commission on Foster Care, and the Delinquency Caseflow Management Workshops.

**Juvenile Delinquency Court Assessment Working Group.** The working group discussed recommendations derived from research findings from the Juvenile Delinquency Court Assessment (5 surveys, over 35 focus groups, and interviews). The final report is expected to be presented to the council in Spring 2008. Members viewed a presentation on the California Case Management System's process for developing V.4, including juvenile court.

**Probate Conservatorship Task Force.** The 60-day public comment period ended June 29 with 90 recommendations to improve the practice and management of probate conservatorship matters in the trial courts. The task force met to consider proposed committee responses to the public comments. Due to the large comment response and consideration of related new legislative statutes contained in AB 1727 and SB 800, the task force has extended the date to present its report to the Judicial Council to the October meeting.

**Probate and Mental Health Advisory Committee.** The committee reviewed public comments received on the nine proposals mandated by the Omnibus Conservatorship and Guardianship Reform Act of 2006, including a comprehensive package of rules requiring judicial officer and court probate staff education, establishing qualifications for probate court staff attorneys, and conservatorship and guardianship investigators, and establishing qualifications and continuing education for counsel appointed in conservatorships and guardianships. Other proposals include a mandatory statement of a conservatee's rights following establishment of a conservatorship, to be mailed to the conservatee and interested family members with the order appointing the conservator; and new standard and simplified schedules for use in conservatorship accountings. The committee also reviewed and approved for submission to the Judicial Council a package of court rules and forms to implement the Indian Child Welfare Act in probate guardianship proceedings involving Native American children.

**Task Force for Criminal Justice Collaboration on Mental Health Issues.** The Chief Justice approved plans to appoint this task force to be chaired by Justice Brad Hill, Associate Justice of the Court of Appeal, Fifth Appellate District. The task force is partially funded by the Council of State Governments and will focus on collaborating with representatives of the executive and legislative branches, as well as with representatives of key stakeholder and community organizations and local courts.

**Trial Court Budget Working Group.** The group took action on a proposal presented by the Workers' Compensation Oversight Committee with regard to \$486,676 in program savings from FY 2005–2006 and FY 2006–2007. They approved recommendations from the Civil Assessment Working Group to address ongoing issues related to civil assessments and the annual revenue shortfall to the Trial Court Trust Fund that will reach \$31 million in FY 2009–2010. Recommendations were made on allocations to courts (1) for non-security and security costs for new and transferring facilities from July 1, 2007 through September 30, 2008, and (2) to address increased costs in security for FY 2007–2008. Recommendations will be presented to the Judicial Council at its August meeting.

**Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Joint Working Group on Jury Administration and Management.** Five judges and five court officers have been appointed to the newly established working group formed to advance earlier efforts of the Joint Working Group on Jury Panel Size, Sanctions and Training. Its charge encompasses development of recommendations in the areas of juror utilization; jury summoning procedures; and sanctioning procedures for jurors who fail to appear. The charge also includes pursuing further implementation of the Model Juror Summons, and implementation of new jury management technologies to improve juror compliance. An initial meeting is scheduled for October.

**Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Statewide Business and Issues Meeting.** July meetings included breakout sessions on collaboration between the trial court presiding judge and court executive officer, "Tools for Difficult Conversations," and "Best Practices in Employee

Relations and Professional Development.” The advisory committees held individual and joint committee business meetings.

**Working Group on Judicial Pay and Benefits.** This working group convened for its inaugural meeting in August. Charged with helping to improve California's ability to attract and retain lawyers of the highest quality to serve as justices and judges, the members will advise, consult with, directly assist, and make recommendations to the Administrative Director of the Courts and Judicial Council on judicial compensation, retirement, and non-retirement benefits.

**Personal Security Ad Hoc Advisory Committee.** The committee met to conduct a final review of the Judicial Threat Survey data compiled from the statewide judges' survey earlier this year. The report was approved for publication in September. Other topics included the Opt-Out Program for judges to have their personal information removed from the Web and a legal review of judicial privacy protection issues.

**Emergency Response and Security Task Force.** This newly formed task force met for the first time in August. Chaired by Hon. Frederick Horn, Superior Court of Orange County, the task force will review the security and emergency planning functions throughout the branch in the next three years and report back to the Judicial Council on recommendations for long range planning. Membership is comprised of justices, judges, and senior court administrators.

**Commission for Impartial Courts.** The steering committee and four task forces have been appointed to address challenges and methods on how best to safeguard the right of all Californians to a highly qualified, impartial and accountable judiciary. The committee, which has been appointed for a two-year period and is being chaired by Supreme Court Associate Justice Ming Chin, will provide oversight to the four task forces. The 18-month task forces will address four key areas:

1. Judicial Selection and Retention;
2. Judicial Candidate Campaign Conduct;
3. Judicial Campaign Finance; and
4. Public Information and Education.

The task forces are charged with evaluating and making recommendations to the steering committee on possible modifications to California's existing judicial selection, retention, and removal processes; better regulation of and positively influencing the campaign conduct of judicial candidates; judicial campaign finance reform objectives; and improving public understanding of the role and decision-making processes of the judiciary, voter access to accurate and unbiased information about the qualifications of judicial candidates, and public trust in the California judiciary.

The steering committee and task force membership body consists of 83 individuals representing a large and diverse range of legal, public and private sector interests. The initial meeting of the steering committee and all four task forces will take place September 10 and 11. The

Commission is being supported by Hon. Roger K. Warren (ret.), AOC Scholar-in-Residence, who previously headed up work in this field through the National Center for State Courts, and Project Director, Chris Patton, AOC Regional Administrative Director.

**Riverside Criminal Backlog Reduction Program.** On July 25, the Chief Justice assigned a team of experienced active and retired judges to serve in the Superior Court of Riverside County for a period of four months, (August through November), as part of an overall effort to assist the court in reducing case processing delays. Twelve judges will be assigned at all times during the period to handle the backlog of criminal cases. This additional complement of 12 judges brings the total number of assigned judges in Riverside to between 30 and 35 judges each day.

The first meeting of the task force took place on July 16. Participants worked out logistics for the strike team and laid the foundation for the development of long-term strategies to avoid a backlog of criminal cases in the future. The justice partners appointed members to serve on a management team to address operational concerns that come up as a result of the strike team or task force work.

Judges on the backlog reduction team began their assignments on August 13 with an orientation and case management meeting in Riverside led by Justice Richard Huffman and Judges David Wesley and Richard Couzens. Every effort has been made to backfill judicial positions in the home courts of the active judges serving in Riverside.

## Infrastructure Initiatives

### Facilities

#### **Milestone Events**

- Fresno juvenile delinquency courthouse groundbreaking ceremony (May).
- Merced courthouse ribbon cutting (June). This is the first new court facility to be constructed in Merced County since 1950. The new courthouse meets the Judicial Council's standards for the design of trial court facilities by providing secure hallways for the public, judicial officers, and staff and separate hallways and holding areas for in-custody defendants. The project was collaboratively funded by the county, court, and state, using county courthouse construction funds, civil assessments, court funds, and a first-time capital appropriation from the judicial branch State Court Facilities Construction Fund. The state contributed just over \$3 million from the Fund toward the completion of the courthouse. As a result, the courthouse was completed and transferred to the state upon completion.
- Amador courthouse move-in (June).
- Court of Appeal, Fifth Appellate District (Fresno County) courthouse completion (August).
- Court of Appeal, Fourth Appellate District (Orange County) new courthouse groundbreaking ceremony scheduled for October.

### Human Resources

**Judicial Branch Workers' Compensation Program.** Proposed workers' compensation allocations for fiscal year 2007–08 were adopted by the Trial Court Budget Working Group, along with an expenditure of \$400,000 to create an ergonomic assessment training program. Training will be done on-site at each court utilizing the court as part of the practical training and will be rolled out at each of the 54 member-courts.

Transitional Return to Work Seminars were held in the AOC's Bay Area/Northern Central Regional Office and Southern Regional Office. This seminar provided court participants with a tool kit that could be modified by each court to address their specific needs and challenges. The tool kit approach was a departure from prior seminars and due to the positive response will be leveraged again in future seminars.

**Benefit Program for the Superior Court of California.** 2008 Health Benefit rates were released in July. This year, the rates included consultant fees distributed over the medical, dental, and vision plans. A working group of four courts (Superior Courts of Placer, Riverside, Shasta and Tulare Counties) was formed to work with the AOC as the program administrator. The group will explore and recommend benefit options for the program. The four courts represented in the working group participate in the self-funded medical program.

**Labor and Employee Relations.** AOC labor negotiators continue to assist courts with meet and confer over memoranda of understanding, labor relations rules and/or personnel policies. In August, the Del Norte County Superior Court finalized a new agreement with its court reporters' bargaining unit, agreeing to a four-year deal through 2011.

Analysis and guidance is being provided on proposed revisions to the Judicial Branch Human Resources Policies and Procedures Manual. The AOC is currently working on several policy initiatives including revisions to the internal complaint/discrimination/harassment prevention policy, the injury and illness prevention program, the leave and non-industrial disability policy, and a fitness for duty policy.

## **Technology**

**Court Telecommunications "Refresh" Program Begins.** A program was initiated to upgrade telecommunications infrastructure equipment in 39 courts. The project, scheduled to be completed in the first quarter of 2008, replaces outdated equipment and augments the information security architecture designed for the branch. The new platforms being rolled out support the evolving network and communication needs of the courts, including enhanced secure access to the California Courts Technology Center, local initiatives such as IP-based telephony systems, videoconferencing, and new physical security monitoring systems. As court upgrades are completed, third-party network security monitoring is put into place to help secure court data. Currently, 50 courts have completed telecommunications upgrades and established 24/7 security monitoring of their networks. The telecommunications infrastructure provides the framework for managing judicial branch technology resources in the courts.

**California Courts Technology Center Managed Services – Request for Proposal.** The AOC issued a Request for Proposal for the managed services currently provided at the Technology Center by Siemens Business Services. The initial term of the contract with Siemens was for three years, with the option for two, two-year renewals. The AOC exercised the first of the two-year renewals, which expires in October 2008. The process includes representatives from courts of various sizes; and reflects all three regions, as well as current and perspective users of different services. The new contract will be realigned to follow industry best practices, focusing on services by service area or "service tower," which includes data center services, desktop and local servers, data network management, help desk, and an overarching cross-functional or service area layer. All shared services facilities must be on-shore. Members of the working team will participate in bidder proposal review, bidder presentations, proposal evaluation, and vendor recommendation. Proposals are due by September 20. The winning provider will be selected in January 2008. A six-month transition is planned.

**California Court Case Management System (CCMS).** Lead courts, AOC, and Deloitte Consulting began the design and development of version 4 of the case management system (CCMS-V4). This phase will include family law, juvenile dependency and delinquency, plus integration of the current V2 and V3 functionality. V4 will also include statewide reporting, court interpreter and court reporter scheduling, and standardized integration with justice partner

applications. Development of CCMS-V4 is projected to be completed by February 2010. The AOC is currently preparing to 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 the V4 system.

**Appellate Court Case Management System.** This system is now installed in seven Courts of Appeal (First, Third, Fourth (Divisions 1, 2, and 3), Fifth, and Sixth Appellate Districts). To complete the process, rollouts are scheduled for September and December 2007 for the Second Appellate District and Supreme Court, respectively. The system streamlines the tracking and maintenance of cases by providing Web-based, centralized support for case management, administration, updates, backups, and security, and replaces two systems, one used by the Courts of Appeal, the other by the Supreme Court.

**Jury Management Systems.** Additional courts will receive fiscal year 2007–2008 funding in the coming months. Since 2000–2001, the AOC has funded 120 projects totaling \$9.9 million for courts to upgrade their jury management systems. Projects range from replacing a court's entire jury system to projects such as Interactive Voice Response and Web solutions that allow jurors to access information about their jury service via the Web or by phone.

**Computer-Aided Facilities Management.** 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. Preparations are under way for a platform upgrade for the system. At the same time, the application will be upgraded to version nine. These upgrades will improve performance and increase functionality to the current application. The system provides real estate administration, project management, reactive maintenance, and portfolio oversight functions for courts that transfer to the state. Other functions will be added. The courts' own facilities management staffs will be able to help plan annual repairs and renovations, report maintenance problems, and track project progress.

## **Data Integration**

**California Law Enforcement Telecommunications System (CLETS).** The California Law Enforcement Telecommunications System is a communications network that provides both inquiry and update access to various databases within California, other states on a national level, and federal databases sponsored by the FBI. Heavily utilized by law enforcement entities, other criminal justice agencies may also apply for and receive access privileges. In this period, four courts went live on CLETS with access via the Technology Center (Madera, Plumas, Tulare, and Yolo.) Fresno and Orange courts are pending implementation in 2007. The AOC and the Monterey Court completed applications for system access through the center. Sonoma's application is pending approval by the Department of Justice in September.

**Data Exchange Standards.** Work has begun on the development of data exchange specifications for all case types in preparation for CCMS V4 exchange development.

**Data Integration Services.** The AOC initiated an effort to develop the California Courts Protective Order Registry, a centralized system for viewing protective and restraining orders and related information for the judicial branch, law enforcement, and other justice partners. For the initial phase, the AOC has partnered with MTG Management Consultants. Twenty-two trial courts have been interviewed to identify current court practices and systems used to capture and make available protective and restraining order information and images. User work groups are scheduled to meet in late August to prepare requirements for implementing a statewide solution usable by all courts. This registry will utilize the Integration Services Backbone.

The AOC has submitted a grant proposal to the Edward Byrne Memorial Byrne Discretionary Grants Program (a federal competitive grant program administered through the U.S. Department of Justice) for \$1.4 million for the design and development of a proof-of-concept for the protective order registry. Separately, the California Office of Emergency Services awarded the AOC a \$1 million grant for the deployment of the registry to the trial courts.

**E-Filing.** Courts around the state are in various stages of preparation of deployment of e-filing solutions.

- Ventura is the proof-of-concept court for the California Case Management System electronic (e-)filing module and has a proposed go-live date of October 2007. Sacramento, Orange, San Diego, and San Joaquin courts have plans to implement e-filing following Ventura court.
- In August, the Fresno court began using a software product that enables it to update its DMV abstracts directly into the DMV system.
- A Request for Proposal is being pursued to create statewide vendor contracts with electronic filing service providers that would standardize the user experience by allowing them to use the same vendor for e-filing in all CCMS, V3 e-filing courts.
- A day-long visioning session on September 12 will help develop a strategic plan to implement uniform, standardized electronic filing services statewide. Participants will include judges, court executives, and leaders from other stakeholder agencies.

## Administrative Office of the Courts

### Assigned Judges Program

**Orientation.** The largest orientation to date for incoming judges to the program took place in July. Twenty-one judges were provided with details about the administrative and jurisdictional issues of the program. A "Best Practices Panel" was led by retired Judges Sylvia Husing and Robert Barclay. The judges also participated in computer lab sessions that offered an overview of LexisNexis and Serranus resources. These incoming judges brought the program's total number of participants to 350, the highest since 2003.

**Mentoring Proposal.** Staff met with the Trial Court Presiding Judges Advisory Committee to discuss a new proposal to provide training and a mentoring period for assigned judges who wish

to learn a new case type. Initial training will focus on juvenile and family law cases, currently the areas in which there is the greatest need. For an assigned judge wishing to learn a new case type, a volunteer court would provide an active mentoring judge for a period before and after the assigned judge's attendance at the AOC's overview course in that particular case type. The proposal was met with enthusiasm, and the Superior Courts of Fresno, Los Angeles, Orange, Riverside, Sacramento, and Santa Clara Counties expressed interest in volunteering the services of a mentoring judge.

### **Case Flow Management**

***Criminal Caseflow Management.*** Since the inception of this program for developing effective practices in caseflow management in 2005, 19 technical assistance projects have been conducted in trial courts, a series of statewide workshops held, and work conducted with the trial courts on the development of criminal caseflow operational measures and workload reports for incorporation into California Courts Case Management System. In July and August, the 19th technical assistance project was conducted in the Santa Cruz Superior Court. Additionally, representatives from the superior courts of Fresno, Lake, Orange, San Luis Obispo, Santa Clara, Ventura, and Yolo Counties continued to work on the development of 26 management reports that will be incorporated into a standardized reporting package on the case management system to provide trial court leaders with meaningful data about their criminal operations.

These same project courts are participating in the testing of a limited number of criminal operational measures, including: (1) age of pending active caseload; (2) time to disposition; (3) time to completion or waiver of preliminary hearing; and (4) average number of appearances per case.

***Family Law Caseflow Management Technical Assistance.*** In August, the fifth family law caseflow management technical assistance visit was conducted at the Superior Court of Ventura County. These visits are initiated by the court to provide practical assistance in assessing current caseflow and applying strategies for more effective case management. Visits build on workshops held in November 2005, where teams from 37 superior courts developed action plans to improve the management of family cases in their courts. Technical assistance teams include John Greacen (consultant); a judge; a representative from court operations and administration or other staff member from another court; and an AOC staff member. Visits average three days of on-site work in each court and report to the court.

### **Data Quality Control and Improvement**

***Case Management Reports.*** The AOC develops and distributes standard reports on fundamental indicators of court operations to the trial courts. new standard reports were issued on (1) time to disposition; (2) case aging; and (3) trial disposition. Where the data reported to the AOC is credible, the reports provide court administrators with information on essential measures of workload and performance in their court. Where the data reported are suspect, these reports

highlight specific areas where trial court administrators need to focus on the improvement of the quality of reported data.

[http://serranus.courtinfo.ca.gov/programs/courtresearch/documents/jbsis\\_time2disp07.xls](http://serranus.courtinfo.ca.gov/programs/courtresearch/documents/jbsis_time2disp07.xls)

[http://serranus.courtinfo.ca.gov/programs/courtresearch/documents/jbsis\\_aging\\_0607.xls](http://serranus.courtinfo.ca.gov/programs/courtresearch/documents/jbsis_aging_0607.xls)

**Updated Trend Reports.** Final reporting data for fiscal year 2005–06 has been appended to the 10-Year trend reports, providing courts with a tool to evaluate changes in their caseload over time. Quarterly management reports have also been updated allowing courts to evaluate near-term trends in filings, dispositions, and caseload clearance.

[http://serranus.courtinfo.ca.gov/programs/courtresearch/documents/jbsis\\_std\\_0607.xls](http://serranus.courtinfo.ca.gov/programs/courtresearch/documents/jbsis_std_0607.xls)

[http://serranus.courtinfo.ca.gov/programs/courtresearch/documents/q3\\_0607.xls#Quarterly Management report!A1](http://serranus.courtinfo.ca.gov/programs/courtresearch/documents/q3_0607.xls#Quarterly%20Management%20report!A1)

**Class Action Data Collection Project.** A report based on a random sample of over 1,000 class action filings in the largest superior courts in the state (Alameda, Los Angeles, Orange, San Francisco, and San Bernardino), outlined the impact of the Federal Class Action Fairness Act in California. The project was undertaken in collaboration with the University of California, Hastings College of the Law, and the Federal Judicial Center.

**Enhanced Collections.** Meetings were initiated with the State Bar of California and collections master agreement vendors regarding the collection of monies owed on attorney discipline orders, debts owed as a result of attorney treatment programs, and restitution to the Client Security Fund, a State Bar fund that compensates clients for losses caused by lawyer misconduct.

Upon the signing of AB 367, data gathering began to establish performance measures, benchmarks, and best practices pertaining to collections, as required under this new statute. In collaboration with the Franchise Tax Board's Court-Ordered Debt Program, a recommendation was made to the Judicial Council to support the program request for a one-time appropriation of \$1.5 million from the Court Collection Account. The appropriation will cover a project deficit enabling the debt program to continue their new technology project to increase capability to accommodate statewide collection referrals from all 58 courts and counties. A proposal was presented to the Traffic Advisory Committee for a new rule for Trial by Declaration under Vehicle Code 40903.

Five courts were assisted with their collections programs.

**Local Assistance for DUI Courts.** DUI projects funded by the Office of Traffic Safety completed key milestones. The "DUI Court in the Schools" prevention and legal education project was launched by developing a request for proposal for local assistance grants for participating courts and convening an advisory group of local courts, justice system partners, and DUI prevention organizations. The DUI court expansion project awarded two-year local assistance grants totaling \$2.5 million to five courts to implement DUI courts using the drug court model.

## **Web Services and Development**

***Enterprise Content Management.*** The AOC posted an intent to award notice for the Enterprise Content Management System. This system encompasses document management, Web content management, learning content management, and digital asset management and collaboration software. Negotiations are under way with the selected company, EMC.

***Judicial Branch Web Redesign Project.*** The AOC is coordinating the reorganization and redesign of all AOC-maintained Web sites. The project has two primary goals: 1) to improve information design throughout the sites so that users can more easily and intuitively find the information and resources they are looking for and 2) to create a more unified look and feel across all AOC-maintained Web sites, both public and court-facing. Web sites impacted by this redesign include: CourtInfo.ca.gov, CFCC Web Site, Online Self-Help Center, Serranus, Education Portal, and COMET. <http://serranus.courtinfo.ca.gov/programs/web/redesign.htm>

***Law-Related Education Web Site.*** This Web site was developed in response to the mandate from the Community-Focused Court Planning Implementation Committee to develop materials for outreach and education about the judicial system. The Beta version of the site including the Teacher's Resource Guide was finalized. The site draws on actual, landmark cases that involved children and presents these cases in graphic novel format—essentially as comics. It then links these stories to the underlying principles of civics education including separation of powers, the role of the courts, and the balance between individual rights and social welfare. <http://www2.courtinfo.ca.gov/lre2/CourtsLRE/index.html>

***Web Services.*** A new Limited English Proficiency subsection was added to Serranus Web site in the Programs and Services section of the site. An interactive application was created on the Self-Help section of the CourtInfo Web site to help victims of abuse find the appropriate resource for help. Visitors to the site answer a set of questions until the correct resource is determined and displayed. An online help system or wizard was created that will assist authors of California Rules of Court correctly style documents for automated conversion into HTML.

## **Statewide Education**

***Institute for New Court Professionals.*** The AOC hosted a week-long training event for newly appointed family dispute resolution mediators and evaluators. This annual training provides the new court employees and contract mediators and evaluators with 20 of the 40 hours required by rule of court, and supplements what the local trial courts provide as immediate orientation and training when the new staff person is hired. In addition, the institute provides 12 hours of advanced domestic violence training, also required by rule of court. Fifty-seven professionals from 23 courts attended the training. The curriculum covered topics on child custody and visitation including relevant family codes and rules of court, ethics, mediator skills, and domestic violence.

**Dispute Resolution Training for Family Law Facilitators.** The AOC sponsored 23 family law facilitators attendance at the Straus Institute for Dispute Resolution Mediation Workshops at Pepperdine University. The objectives of sponsoring these scholarships were to (1) have a group of family law facilitators with knowledge of the mediation process to assist the AOC in developing policy regarding encouraging child support mediation as a core facilitator activity; (2) assist in the development and implementation of pilot child support mediation programs in local family law facilitator offices; and (3) provide panelists/presenters for outreach and training programs. Two attorneys from the AOC's AB 1058 program and one attorney from the Department of Child Support Services also attended the training to inform the administration of the Federal Office of Child Support Enforcement section 1115 grant obtained last year. Through this grant, pilot demonstration projects in the San Diego and Riverside courts have been funded to enable staff from both the courts facilitator programs and the local child support agencies to conduct mediation in the establishment and modification of support orders in government child support cases.

**Executive Director Training for Court Appointed Special Advocates (CASA).** Twenty-five executive directors and program managers from county and tribal CASA programs, and two tribal court staff interested in developing tribal CASA programs, attended a training for new CASA executive directors. Training included presentations on CASA's role in the dependency system, nonprofit management, leadership, dependency law, and building a strong relationship with the Department of Social Services.

**California Bench-Bar Biannual Conference.** Planning continues for the 2007 California Bench Bar Biannual Conference, a collaborative event of the Judicial Council, the California Judges Association, and the State Bar of California. In addition to each organization's separate events, the three organizations have collaboratively planned several educational and social events. The opening plenary session has been finalized to focus on procedural fairness.

Examples of Judicial Council educational programs planned for the conference include:

- Causation: The Structure of Scientific Argument
- Memory Loss in Elders: Medical Causes and Legal Consequences
- Batterer Intervention Programs: What We Know and What We Need to Know
- Sexually Violent Predators: The Science of Recidivism and Propensity
- Recent U.S. Supreme Court Cases: Review of Actions and Most Effective Strategies for Achieving Successful Results
- Questioning Children In and Out of Court
- Effective Use of Trial Graphics – What Lawyers Should Know about What Judges and Jurors Expect

Examples of education programs developed collaboratively with the bench and bar include:

- Marital Settlement Agreements: The Nuts and Bolts of Sealing the Deal
- Future of Family Law Courts and the Trial Setting Orders

- Case Management in Family Law
- Civility in the Contemporary Practice of Law
- Civil Writ Practice in the Court of Appeal
- Bias Attorneys and Judges Face in Real Life Situations
- Sentencing in California in a Post *Cunningham* World

Some key non-educational activities include:

- Judicial Council Leadership Recognition Luncheon
- Bench-Bar luncheon of the JC, CJA, and State Bar
- State Bar luncheon
- CJA dinner
- State Bar Annual Meeting Supper Club

### **Manager, Supervisor, and Court Personnel Education**

**Automated Business Practices Curriculum Development Workgroup.** The Court Personnel Education Committee established a new workgroup to begin curriculum development for the growing area of automated business practices. The workgroup includes members from the trial courts, the AOC Phoenix and California Case Management System project teams, and AOC Education Specialists. In August, members participated in an initial meeting to begin to identify appropriate target audiences.

**Court Clerk Training Institute Summer Program.** Over 200 court clerks attended seven week-long courses offered during a two-week period in July. Courses included Juvenile Dependency (new this year), Civil Counter, Family Counter, Criminal Felony Office, Criminal Courtroom Misdemeanors/Infractions, Criminal Courtroom Felony, Traffic Counter, and Courtroom.

**Death Penalty Appeals Courses:** Twenty-nine court clerks who handle death penalty cases in 16 trial courts attended the second offering of this two-day course in August. Staff collaborated with Supreme Court and trial court faculty to determine content. Additional programs are scheduled in October and December.

**Juvenile Dependency Mediators Curriculum.** Court juvenile dependency mediators from 14 counties met to begin work on a curriculum to meet mandatory training required by California Rule of Court 5.518. A curriculum will be presented at the Beyond the Bench conference in December. Following recommendations of both the Pew Commission and the 2005 CIP Reassessment to improve dependency in California through the support of its core service providers, the group began developing a strategic plan for dependency mediation.

**Workforce Planning for Trial Court Executive Teams.** Staff worked with Buck Consultants to develop curriculum and materials for a new series of courses for trial court executive teams.

The courses focus on workforce planning is part of a continuation of an earlier AOC succession planning initiative. Initial courses are scheduled for November.

## **Judicial Education**

**The Practical Judge Broadcast: *From Blakely to Black, Cunningham (and Back): The California Sentencing Saga Continues.*** During this live August broadcast, faculty discussed the California Supreme Court cases that brought some stability to the constitutional and statutory issues surrounding the imposition of the upper term in criminal cases. In the two decisions (*People v. Black* and *People v. Sandoval*), the court provided specific ways to address upper terms imposed before the recent amendments to Penal Code section 1170(b) and potential ways to address future cases not expressly covered by those amendments.

**The Practical Judge Broadcast: *Search and Seizure Practice.*** Faculty for this live August broadcast explored recent issues in the area of Fourth Amendment search and seizure law, including the constitutionality of suspicion-less searches of probationers and parolees, reasonableness of entry based upon consent in the face of an objection by another occupant, constitutionality of detention based upon an anonymous tip, and the Fourth Amendment rights of a passenger in a stopped vehicle.

**Non-professional Probate Conservator and Guardian Self-Help Program.** The AOC worked in partnership with self-help professionals from the private sector and the trial courts to develop the curricula for three courses: (1) guardianship of the person, (2) conservatorship of the person, and (3) guardianship/conservatorship of the estate. This content is in response to Probate Code section 1457, which tasks the Judicial Council of California with developing a self-help educational program for nonprofessionals who propose to become probate conservators or guardians.

## **Use of Technology in Education**

**Moodle Training.** Moodle is a Web-based software application that enables individuals and groups to quickly and easily create and participate in online courses, meetings, and other activities that involve learning, information sharing, and collaboration. Staff assisted numerous groups in learning about and establishing Moodle sites to facilitate their ongoing work. Some of the sites established include:

**Court Security Education Committee.** Site created for posting court security educational materials that can be accessed by CJER instructors, committee members and eventually members of the California Judiciary.

**Presiding Judges and Court Executives Orientation.** Pre-conference Web site created for 2007 Presiding Judges Orientation and Court Management Program, to be held in November. Participants can review and download conference materials.

**Supervising Judges Institute.** Pre-conference Web site created for 2007 Supervising Judges Institute to be held in October. Participants can review and download conference materials.

**California Peer Court DUI Prevention Strategies Program.** Site created to assist peer court coordinators in collaborating and sharing best practices regarding DUI prevention. Site provides a forum for peer court coordinators to share their concerns with the AOC, the program's evaluator PRA and web developer Black Crow. Participants can ask questions, make comments, and share information that may aid in our program implementation and evaluation. The ultimate goal is to enhance communication among the program's stakeholders to collaboratively achieve awareness among teens and parents/guardians regarding the consequences of DUIs through an innovative curriculum and Web site.

**Online Education Resources.** Staff continue to work with a variety of individuals to increase online resources for the judicial branch:

*Daily Journal* Articles and Quizzes edited by Judge Alex Ricciardulli, eligible for both MCLE and judicial branch education credit, published on July 23 and Aug 23.  
<http://serranus.courtinfo.ca.gov/education/ricc.htm>.

*Death Penalty Appeals Manual*, developed by the Supreme Court Clerk's Office Automatic Appeals Unit, posted as a downloadable resource for trial court staff.  
[http://www.courtinfo.ca.gov/comet/html/resource\\_center/dpmanual.htm](http://www.courtinfo.ca.gov/comet/html/resource_center/dpmanual.htm).

Seven new manuals from the summer 2007 Court Clerks Training Institute (CCTI), posted as downloadable resources for trial court staff.  
[http://www.courtinfo.ca.gov/comet/html/programs/ccti/ccti\\_courses.htm](http://www.courtinfo.ca.gov/comet/html/programs/ccti/ccti_courses.htm).

**Publications and Resources.** Work completed in July and August included:

- 2007 Edition of Electronic Benchguides.
- 2007 supplement to the Search and Seizure Benchbook.
- 2007 Supplement to Trial volume of Civil Proceedings Benchbooks.
- 2007 edition of Small Claims Benchbook.

### **Video Production**

In July and August work included:

- New Court Professionals Mediation Training "Interviews From 30 Years of Mediation;"
- New Judge Orientation vignettes for online training;
- New Judicial Branch Employee Orientation video

**Minimum Education Requirements and Expectations.** The rules adopted by the Judicial Council on minimum education requirements and expectations for trial court judges, subordinate judicial officers, and court personnel, require judges to record and report their participation on forms provided by the council. As directed, staff developed and presented to the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee two formats of the individual education recording and reporting form. One format is manual; the other automated. The presiding judge determines which format will be used in his or her court.

### **Education Technology Infrastructure**

**AOC-TV Satellite Television Infrastructure.** Staff continues to add to the number of downlink sites at court locations across the state to support delivery of education and communication. Currently there are 273 satellite downlink sites in 203 trial court, appellate court, and AOC facilities. In July and August, satellite downlink sites were added at the request of the courts in the following locations:

- Orange County—New installation completed in Orange, Westminster, Newport Beach, and Irvine.
- Amador County—New installation completed in Jackson.
- Merced County—New installation completed in Merced.

New installations have been scheduled for the following locations:

- Siskiyou County—New installation in Yreka scheduled for August/September.
- Orange County—Completed site surveys and preparing for new installation in Santa Ana and Fullerton

**Videoconferencing Implemented on the AOC and Appellate Court Wide Area Network Infrastructure.** The AOC continues to collaborate with the Courts of Appeal to create a reliable network-based approach for current administrative uses of videoconferencing; enable the AOC to move forward with plans to deliver distance education for appellate court staff; and provide cost-effective future expansion of the use of videoconferencing as needed.

At each appellate court location, staff have upgraded the infrastructure and installed advanced equipment to increase the reliability of videoconference technology and reduce the associated transmission costs and dependency on public telephone service providers. Only the Fifth District is currently without videoconferencing capability pending the completion of the new facility in Fresno.

In San Francisco, recently completed upgrades have provided remote, centralized management of software and hardware equipment; shared telephone service provided transmission resources for all off-network calling; and expanded use of multiple-site calling capabilities. In July, the AOC and the Courts of Appeal Systems Administrators successfully participated in the first 9-site multi-point videoconference call.

**Court training rooms.** The AOC continues to work with local courts to enhance their training rooms. Recent work included 14 trial court facilities in 7 counties. Each court received additional audiovisual presentation equipment in July and August to enable them to: (1) improve their reception of education and training delivered at a distance by CJER, (2) enhance the learning environments in local training rooms, and (3) encourage sharing of those rooms with neighboring courts. These improved training spaces will benefit participants by increasing access to statewide education and enabling more effective delivery of education developed locally or regionally.

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS  
JUDICIAL VACANCY REPORT (8011)**

Number of Judgeships Authorized, Filled and Vacant as of July 31, 2007

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	104	1	105	0
Superior Courts	58	1548	1493	55	1499	49
All Courts	65	1660	1604	56	1611	49

**JUDICIAL VACANCIES: APPELLATE COURTS**

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
First Appellate District, Division Three	1	Retirement	Hon. Joanne C. Parrilli	07/31/07
<b>TOTAL VACANCIES</b>	1			

**JUDICIAL VACANCIES: SUPERIOR COURTS**

County	Vacancies	Reason for Vacancy	Judge to be Replaced	Last Day In Office
Alameda	2	Retirement	Hon. Robert Fairwell	03/31/07
Alameda		Retirement	Hon. Ronald M. Sabraw	03/14/07

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Butte	1	Newly created position	Vacancy	06/01/07
Contra Costa	2	Retirement	Hon. Peter L. Spinetta	06/09/07
Contra Costa		Newly created position	Vacancy	06/01/07
El Dorado	1	Retirement	Hon. Eddie T. Keller	07/27/07
Fresno	1	Newly created position	Vacancy	06/01/07
Kern	1	Retirement	Hon. Romero J. Moench	06/30/07
Los Angeles	9	Retirement	Hon. Lois Anderson Smaltz	07/31/07
Los Angeles		Retirement	Hon. Richard P. Neidorf	07/09/07
Los Angeles		Retirement	Hon. Richard W. Lyman, Jr.	07/09/07
Los Angeles		Retirement	Hon. Alice E. Alton	06/20/07
Los Angeles		Retirement	Hon. James Allen Bascue	06/01/07
Los Angeles		Newly created position	Vacancy	06/01/07
Los Angeles		Newly created position	Vacancy	06/01/07
Los Angeles		Retirement	Hon. Jon M. Mayeda	05/30/07
Los Angeles		Retirement	Hon. Bernard J. Kamins	05/15/07
Madera	2	Newly created position	Vacancy	06/01/07
Madera		Newly created position	Vacancy	06/01/07
Merced	2	Newly created position	Vacancy	06/01/07
Merced		Newly created	Vacancy	06/01/07

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		position		
Monterey	2	Newly created position	Vacancy	06/01/07
Monterey		Retirement	Hon. Michael S. Fields	04/30/07
Napa	1	Dis Retirement	Hon. Ronald T. L. Young	04/26/07
Nevada	1	Retirement	Hon. Albert Perry Dover	02/19/07
Orange	2	Retirement	Hon. Jonathan H. Cannon	07/16/07
Orange		Newly created position	Vacancy	06/01/07
Riverside	4	Newly created position	Vacancy	06/01/07
Riverside		Newly created position	Vacancy	06/01/07
Riverside		Newly created position	Vacancy	06/01/07
Riverside		Newly created position	Vacancy	06/01/07
Sacramento	1	Newly created position	Vacancy	06/01/07
San Bernardino	3	Newly created position	Vacancy	06/01/07
San Bernardino		Newly created position	Vacancy	06/01/07
San Bernardino		Newly created position	Vacancy	06/01/07
San Diego	2	Retirement	Hon. Janet I. Kintner	03/20/07
San Diego		Retirement	Hon. Thomas C. Hendrix	03/15/07

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San Joaquin	1	Newly created position	Vacancy	06/01/07
Santa Barbara	1	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
Shasta	1	Newly created position	Vacancy	06/01/07
Solano	2	Retirement	Hon. Richard 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
Tulare	2	Retirement	Hon. Ronald M. Couillard	07/02/07
Tulare		Newly created position	Vacancy	06/01/07
Ventura	3	Retirement	Hon. Barry B. Klopfer	06/30/07
Ventura		Retirement	Hon. Steven Hintz	06/25/07
Ventura		Newly created position	Vacancy	06/01/07
Yolo	1	Retirement	Hon. Donna M. Petre	05/14/07
<b>TOTAL VACANCIES</b>	<b>55</b>			



Judicial Council of California

Administrative Office of the Courts

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RONALD M. GEORGE  
Chief Justice of California  
Chair of the Judicial Council

WILLIAM C. VICKREY  
Administrative Director of the Courts

RONALD G. OVERHOLT  
Chief Deputy Director

July 26, 2007

Mr. Michael C. Genest, Director  
California Department of Finance  
915 L Street  
Sacramento, California 95814

Update: Medication/Treatment Refusal Hearings

Dear Mr. ~~Genest~~ *Mike*:

Attached is updated information concerning our earlier discussions about issues, including costs, related to medication/treatment refusal hearings. Our staff has been engaged in conversations with staff at the Department of Mental Health to identify issues of mutual concern and to explore potential remedies.

A briefing summary is attached, and we will continue to provide updates to you as new information becomes available.

Sincerely,

William C. Vickrey  
Administrative Director of the Courts

## Update: Medication/Treatment Refusal Hearings

### Background

Starting in April 2007, staff members from the Administrative Office of the Courts (AOC) and the Department of Mental Health (DMH) have engaged in ongoing conversations concerning costs and other issues related to medication/treatment refusal hearings. These hearings involve patients remanded by the courts to state mental hospitals as incompetent to stand trial (IST) under Penal Code section 1370 or not guilty by reason of insanity (NGI) under Penal Code section 1026. Hearings are required when, for a variety of possible reasons, a patient refuses to take prescribed psychotropic medications. Several issues have been identified and explored during the conversations between the AOC and DMH. A summary of these issues follows.

- DMH reports that there are frequent psychiatric staff shortages at hospitals and delays or disruptions in patient care when it becomes necessary to hold medication/treatment refusal hearings in the patient's county of original jurisdiction and away from the state hospital or local county where the patient is in physical custody. DMH is interested in exploring ways to more efficiently use psychiatric staff by reducing the number of court hearings held away from the county where the hospital is located.

Transport of patients also results in increased risk to hospital and transport staff as well as patient deterioration because of lack of medication.

- Hearings that occur away from the state mental hospitals typically require the patient and psychiatrist to travel to jurisdictions or courts in counties other than where the patient is housed and treated.

DMH staff reports that attendees at off-site, county-of-original-jurisdiction medication/treatment refusal hearings typically include the patient, local district attorney, public defender or defense counsel (local), and one state psychiatrist. Transportation costs, including transport of the patient and psychiatrist, are paid by the county with jurisdiction over the case. The salary-related costs of the state psychiatrist are paid by DMH.

- A statewide census, as of March 30, 2007, showed that there are 1,020 IST patients and 1,206 NGI patients systemwide.
- Two types of hearings have been identified as being of particular concern: *Qawi* and *Sell* hearings. The names *Qawi* and *Sell* refer to court decisions in which it was determined that patients may have the right to refuse medication under certain circumstances (see Attachment A). The *Qawi* decision (32 Cal.4th 1, 81 P.3d 224) pertains to NGI patients, and *Sell* (*Sell v. United States* (2003) 539 U.S. 166) to IST patients. The frequency and need for court hearings is not predictable

as hearings may be required whenever a patient refuses medication.

- During calendar year 2006, there were 149 hearings under *Qawi* and *Sell*, of which 140 involved patients at Atascadero State Hospital.
- Other hearings, such as the biannual review hearings for IST patients and NGI patients, typically do not occur at the hospitals. While this issue is of some concern, the medication/treatment refusal hearing issues are of greater concern. Typically, a public defender or defense counsel attends these hearings, but the district attorney does not.

### **Remediation Options**

The following options have been identified for further discussion.

1. Explore the feasibility of developing protocols or best practices related to sentencing or standing orders from the courts of original jurisdiction, including orders made at the time of sentencing that address issues of current and future refusal of medications for a defined period of time. This remedy is favored by DMH.
  - AOC will determine legal and procedural feasibility.
  - DMH recommends that the orders be in effect for a period of one year and be reviewed annually. One option may be to develop a Judicial Council standardized form if such orders are identified as a best practice to ensure consistency in procedure and practice.
2. Explore development of a cadre of judges from the assigned judges program to handle medication/treatment refusal hearings.
  - Determine if hearings should be held at the state hospital site.
  - Determine what additional resources would be necessary for assigned judges to conduct hearings either at a superior court facility nearest to where the state hospital is located or at the hospital.
  - Identify whether and what type of specialized training might be required for assigned judges conducting medication/treatment refusal hearings.
  - Identify funding and staffing requirements to develop and support such an assigned judges program.
  - Determine if issues of concern for justice system partners need to be addressed.
3. Explore the feasibility of using videoconferencing technology to conduct medication/treatment refusal hearings.
  - Background:
    - Videoconferencing is available at the state hospitals but has been minimally used.

- DMH reports that only one jurisdiction (Los Angeles) has used videoconferencing, on a limited basis, as an alternative to in-person hearings.
  - Reports indicate that there are technical difficulties related to equipment installation, use, and technical support problems at both the court and hospital sites.
  - Identified barriers to videoconferencing:
    - Attorney and judicial officer objections to conducting hearings using videoconferencing technology;
    - Defense attorney resistance based on protection of legal rights concerns (specifically cited by staff at Patton State Hospital);
    - Equipment or accessibility issues;
    - Limited or nonexistent technical support; and
    - Lack of experience or training in use of videoconferencing technology (courts, hospitals, attorneys).
4. Explore changing jurisdictional authority for the patient to the county in which the hospital is located and the patient is housed.
- The increase in medication/treatment refusal hearings could significantly affect specific courts and counties, including San Luis Obispo County where Atascadero State Hospital is located.
  - Increased county and court costs would include impacts on local county resources, including transportation, public defender, and local sheriff or security personnel costs. There would likely be additional court-related costs such as those for judicial officer, court staffing, and administration. However, this option would, in all likelihood, reduce staffing issues related to the use of state hospital psychiatrists.
  - This option would require further study to determine legal and legislative implications.

### Next Steps

AOC staff will continue discussions with DMH staff to explore ways to resolve issues related to medication/treatment refusal hearings. In the meantime, AOC staff will continue to meet internally with key staff and advisors in an effort to address the issues raised by DMH. AOC staff will:

1. Explore the potential use of sentencing orders as a way to reduce hearings outside the hospital setting or away from the county in which the state mental hospital is located. Staff will:
  - Survey local courts and counties for responses to this proposal; and
  - Discuss options with the Criminal Law Advisory Committee and its lead staff.
2. Meet with key staff of the Appellate and Trial Court Judicial Services Division of the AOC to explore options related to recruiting and training retired judges to serve as hearing officers for medication/treatment refusal hearings and to identify

related cost and resource issues. Staff will identify possible barriers and remedies related to this proposal.

- 3. Continue exploration of the use of videoconferencing technology for conducting medication/treatment refusal hearings. Staff will identify:
  - o Jurisdictions most likely to be affected;
  - o Sites experienced with videoconferencing capabilities (courts, hospitals, etc.) and determine the feasibility of using this technology for medication/treatment refusal hearings;
  - o Potential barriers and objections of justice system partners;
  - o Options for addressing barriers; and
  - o Legal considerations.
  
- 4. Temporarily postpone further exploration of jurisdictional change options pending exploration of sentencing and videoconferencing options.
  - o Potential barriers and objections from justice system partners and the potential impact on some local courts require more study before moving forward in exploring this option.
  - o This option will require legal and possibly legislative analysis prior to implementation.