



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date	Action Requested
October 23, 2009	Please Review
To	Deadline
Members of the Judicial Council	N/A
From	Contact
Hon. Brad R. Hill, Team Leader	Ms. Susan Reeves
Ms. Christine Patton, Regional Administrative Director	Court Services Analyst Bay Area/Northern Coastal Regional Office 415-865-4601 phone 415-865-8795 fax susan.reeves@jud.ca.gov
Subject	
Judicial Council Site Visits to the Superior Courts of Monterey and Santa Clara Counties	

On June 3 and 4, 2009, members of the Judicial Council and AOC staff (listed below) visited the Superior Courts of Monterey and Santa Clara Counties.

Judicial Council Members Participating

Hon. Brad R. Hill, Associate Justice, Court of Appeal, Fifth Appellate District, Team Lead
Hon. Tani Cantil-Sakauye, Associate Justice, Court of Appeal, Third Appellate District
Hon. Kenneth K. So, Presiding Judge, Superior Court of San Diego County
Hon. George J. Abdallah, Jr., Judge, Superior Court of San Joaquin County
Hon. Thomas M. Maddock, Judge, Superior Court of Contra Costa County
Hon. Winifred Younge Smith, Judge, Superior Court of Alameda County
Hon. James Michael Welch, Judge, Superior Court of San Bernardino County
Hon. Lon F. Hurwitz, Commissioner, Superior Court of Orange County
Mr. Michael M. Roddy, Executive Officer, Superior Court of San Diego County

Administrative Office of the Courts Staff Participating

Mr. William C. Vickrey, Administrative Director of the Courts

Mr. Ronald G. Overholt, Chief Deputy Director

Ms. Christine Patton, Regional Administrative Director, Bay Area/Northern Coastal Region

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

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

Ms. Marcia Carlton, Assistant Director, Finance Division

Ms. Althea Lowe-Thomas, Assistant Director, Bay Area/Northern Coastal Region

Ms. Rona Rothenberg, Senior Manager, Office of Court Construction and Management

Mr. Edward Ellestad, Senior Security Coordinator, Office of Emergency Response and Security

Ms. Josely Yangco-Frona, Senior Administrative Coordinator, Executive Office Programs
Division

Superior Court of Santa Clara County

Once a rich agricultural area known as the “Valley of Heart’s Delight,” Santa Clara County is better known today as “Silicon Valley,” the birthplace of computer technology. It is located at the southern end of the San Francisco Bay and encompasses 1,312 square miles. Six counties surround Santa Clara—San Benito and Santa Cruz Counties to the south and southwest, Stanislaus and Merced Counties to the east and southeast, and Alameda and San Mateo Counties to the north and northwest, respectively.

Santa Clara County had an estimated population of 1,846,757 as of July 2008, nearly a 9.8 percent increase over July 2000. Fifteen incorporated cities are within Santa Clara County. San Jose is the largest city in the county and also in Northern California, with a population of approximately 940,000. Santa Clara County has one of the highest median family incomes in the United States and is a major employment center for the Bay Area, providing more than one-quarter of all jobs in the region. Minority populations, primarily Asians and Hispanics, comprise 60 percent of the total population of Santa Clara County.

Court Overview

The Superior Court of Santa Clara County has 14 court locations: the Downtown Superior Court and Old Historic Courthouse (civil), Hall of Justice East and West (criminal), Family Court, Juvenile Delinquency Court, Notre Dame Courthouse (self-help services, one of three centers), Ruff Drive Courthouse, and Terraine Courthouse (dependency and adult drug/mental health courts), all in San Jose; the Santa Clara Courthouse (traffic/small claims), Sunnyvale Courthouse (family law and felony criminal), Palo Alto Courthouse (criminal, traffic, small claims), South County Courthouse in Morgan Hill (all case types), and Los Gatos Courthouse (currently vacant as part of the funding plan to construct the new Family Justice Center in downtown San Jose). The Information Services Bureau and Records Information Center and the Court Administration

office are also located in San Jose. The bench is composed of 79 judges and 10 subordinate judicial officers, with approximately 890 support staff.

Site Visit

The one-day site visit to the Superior Court of Santa Clara County took place on June 3, 2009, and began at the Court Administration office in downtown San Jose. Presiding Judge Jamie A. Jacobs-May was out of town and unable to attend the meeting; she welcomed the Judicial Council team members by video and advised that Assistant Presiding Judge Richard J. Loftus, Jr., and Chief Executive Officer David H. Yamasaki had graciously consented to host the visit on her behalf.

The Judicial Council was joined by the members of the court's executive committee. Mr. Yamasaki opened the meeting with a court-produced video history of Santa Clara County, an overview of the court and its communities, past and present. Judge Loftus then provided an overview of the day's planned activities, described the numerous awards and recognitions the court has won, and emphasized the importance of the new downtown San Jose Family Justice Center project. Judge Loftus also presented the bench's best practices, which guide such matters as bench-bar relations, bench collegiality, and judicial leadership. He described Santa Clara's bench as active participants in a variety of volunteer work and community outreach activities.

The focus of the meeting then turned to presentations from each of the collaborative justice courts. The presentations were followed by a working lunch in the Old Courthouse, which provided a forum for discussion of issues of importance to the court, including the Family Justice Center capital project, Family Treatment Court, and Guardian Access Partnership. The site visit ended with the council members' being invited to sit in on proceedings in Supervising Judge Katherine Lucero's Dependency Treatment Court and Judge Stephen V. Manley's Adult Drug Treatment and Mental Health Courts in the Terraine Courthouse. Both experiences were inspiring and reminded the council members of how important access to justice is to the people in local communities.

Court Achievements—Collaborative Justice Courts

The Superior Court of Santa Clara County has established a wide range of specialized courts that employ the principles of therapeutic and restorative justice to more effectively deal with the problems of certain target populations. These collaborative courts are characterized by a team approach that brings together resources from the court, law and justice agencies, and community organizations with the common goal of seeking alternatives to incarceration and reduction of recidivism among the target populations. The judges of the court have demonstrated vision and dedication in the design and establishment of the many unique collaborative justice courts that are highlighted below.

Juvenile Specialty Courts

Juvenile Delinquency Drug Court. Instituted in 1996, this court targets minors who are addicted to drugs and/or alcohol and have no history of violent behavior. The court involves minors and their families in an intensive multiagency effort to promote sobriety, rehabilitation, and community safety. Qualified minors enter the one-year program right after their disposition hearing, with sentence delayed for that one year. They must participate in a drug program, go to school regularly, have weekly drug tests, and return to court every other week. All successful participants have charges and fines dismissed and participate in a graduation celebration.

Juvenile Domestic/Family Violence Court. This specialized calendar was started in 1999 as a response to increasing rates of domestic violence in Santa Clara County. The court found that, on average, one-third of all homicides in the county resulted from domestic violence, and that between 20 and 30 percent of women who were murdered met their murderers in high school. This court represents a coordinated effort between the court, juvenile probation, the district attorney, the public defender, local law enforcement, and victim advocate agencies. To date, more than 500 cases have been assigned to this specialized court program, and it reports a high success rate of completion and reduced recidivism.

Court for the Individualized Treatment of Adolescents (CITA). Approximately two-thirds of all juvenile detention centers hold youth who are there only because they are awaiting some type of mental health treatment or services. The goals of CITA are to treat the underlying cause of these youths' criminal behavior; keep the community safe and decrease recidivism; hold juveniles accountable; and find solutions that are strength based, child centered, family focused, and culturally appropriate. The court accomplishes these goals through a comprehensive screening and assessment process, a nonadversarial and coordinated approach by a multidisciplinary team, and the provision of services to both the juveniles and their families. The court has so far graduated 87 juveniles; most of them remain in the community and are still involved in treatment. Judge Loftus showed a video of a program participant who was extremely positive about the program, saying it literally "changed my life."

Juvenile Drug Treatment Court. This court began as a pilot program in 1999 and currently has 65 juveniles in the program. This specialty court is an extensive collaborative effort between the Department of Alcohol and Drug Services (DADS), mental health and probation, the district attorney and public defender, and the court. The program combines traditional disposition with treatment goals and consists of four phases: (1) stabilization, orientation, and assessment; (2) family treatment focusing on sobriety, self-esteem, and improved communication with family members; (3) transition, which concentrates on peer relations, decisionmaking, and education/vocational issues; and (4) graduation, when the earlier phases are completed.

Dual Status Specialty Court. This specialty court helps determine whether the minors will be assigned to the delinquency or dependency system. Santa Clara's court was established in 1989

as a response to studies showing that minors of both systems have similar histories and risk factors. As products of their environment, children who were victims often become the victimizers. The dual status cases require an extensive level of collaboration (probation, district attorney, court) in their management, and each participant is assigned an individual team member. In many cases, success is measured when a minor transitions from delinquency to dependency.

Juvenile Dependency Drug Court. Juveniles are placed in Dependency Drug Court because their parents have drug problems. The court works with DADS to evaluate and treat the parents, who must sign a contract with the court for treatment and agree to be supervised by the court and social services. The goal is to provide the parents with the support and services they need in order to recover, move back to the community, and have a chance to gain custody of their children. The Santa Clara court was one of the first dependency courts in the United States to employ mediation in child protection cases. The court believes that dependency courts should be problem-solving courts.

Family Wellness Court for Infants and Toddlers. Santa Clara's Family Wellness Center has been funded since 2007 by a \$3.7 million grant from the federal Children's Bureau with matching funds from FIRST 5 of Santa Clara County for a combined grant stream of \$6.3 million over five years. This court focuses on the target population of pregnant women and mothers (with children up to three years of age), whose abuse of methamphetamine or other substances has placed their children in, or at risk of, out-of-home placement. After just over a year of operation, the Family Wellness Center has identified 99 cases involving a total of 165 children.

Adult Treatment Courts

These four courts were instituted by Judge Stephen V. Manley, the 2008 recipient of the Chief Justice's Award for Exemplary Service and Leadership. They use a collaborative model that involves all judges, agencies, and departments interacting with the court to assess, supervise, test, treat, and monitor all defendants who are substance abusers or mentally ill or who have co-occurring disorders, with the goal of reducing substance abuse and criminal behavior while protecting victims and public safety. It is estimated that the drug treatment and mental health courts alone save the state more than \$7 million, after deducting the court's \$3 million program operational cost.

Adult Drug Treatment Court. This court was instituted as a pilot project in 1995 and has achieved national recognition as one of the first and most successful courts of its type in the country. It was also a 1996 statewide Kleps Award recipient. This court is specifically designed and staffed to supervise nonviolent drug defendants who have been referred to a comprehensive and judicially monitored program of drug treatment and rehabilitation as an alternative to incarceration. At present, five judges are assigned to process nearly all of the court's adult drug

cases by means of a nonadversarial drug court model. The court has monitored 5,000 to 6,000 offenders and has achieved a 53 percent completion rate (the statewide average is 32 percent).

Adult Mental Health Court. This court began as a grant-funded pilot project in 1997 and became a permanent court program in 1999. To date it has served 1,600 clients and is now the largest of its kind in the country. The program accepts seriously mentally ill, dual diagnosis, low functioning/mentally challenged, brain damaged, terminally ill, and antisocial clients, as well as felons and misdemeanants. It provides assessment and referral to appropriate community resources. Defendants can enter the program from jail referrals or other judges' referrals by written protocol. The court, the first of its kind in California, has been featured in the *New York Times* and serves as a model for interested practitioners from around the nation.

Parolee Re-Entry Court. This court was started in May 2009 with 95 parolees admitted to the program. Ten participants have since graduated, 3 were returned to prison for new offenses, and 62 remain in the treatment program. The court estimates that the program saves the state \$3.5 million per year by avoiding the costs of reincarcerating parolees who participate in Re-Entry Court.

Veterans Court. This recently established specialty court is a collaboration with the Veterans Administration, which has an office at the court. The court currently has 60 active clients. Clients are referred by criminal bench officers, jail dorm programs, mental health departments, housing providers, and DADS.

Family Treatment Court

This specialized court was started in 2002 and is intended to assist parents who are involved in child custody and visitation disputes and who have drug and/or alcohol abuse problems that create barriers to increased access to their children. The Family Treatment Court includes resource specialists who refer eligible clients to local substance abuse treatment providers. Two former program participants addressed the council members and told of their experiences. Both joined the program voluntarily, were able to achieve sobriety, and were allowed more time with their children after they were divorced.

Probate Court—Guardianships

The Guardian Access Partnership (GAP) is a collaboration between the court, the local bar association, and the community. The program's clients are primarily self-represented litigants. The court uses all volunteers and therefore has no program costs. The court trains attorneys in probate and guardianship matters so that they can, in turn, assist the litigants with services. Services are free or available for a modest fee on a sliding scale based on means.

Operational Issues: Facilities

Chief Executive Officer David Yamasaki offered an overview of the proposed downtown San Jose Family Justice Center, a project ranked in the critical-need priority group of the Trial Court Capital-Outlay Plan. This new 193,000-square-foot, 20-courtroom facility is currently estimated at a total cost of \$191 million. The state's share of the costs is estimated at \$44 million, to come from funds authorized under the Senate Bill 1407 court construction program. Local county government is supportive of the new Family Justice Center and is a partner in planning the funding and financing of the project.

At present, the Santa Clara County court has nine facilities (six leased) in close proximity to one another in downtown San Jose. The new courthouse will replace the multiple leased locations, which are undersized and lack adequate security for in-custody defendants. It will also consolidate operations for the family courts and greatly improve public access.

Superior Court of Monterey County

Discovered by Spanish explorers in 1542, Monterey derives its name from the Spanish words "monte" and "rey," literally meaning "king of the forest." Monterey was the site of California's first constitutional convention in 1849 and was one of the original California counties created in 1850 at the time of statehood. Monterey County is situated along California's Central Coast 115 miles south of San Francisco and encompasses a total of 3,771 square miles—3,322 square miles in land area and an additional 449 square miles in water. It is bordered on the west by the Pacific Ocean and surrounded by five counties—Santa Cruz to the north, San Luis Obispo to the south, and San Benito, Fresno, and Kings Counties to the east.

Monterey County had an estimated population of 429,083 as of July 2008, a nearly 6.4 percent increase over July 2000. Twelve cities and towns are within the county; Salinas is the county seat and largest municipality with a population of approximately 150,000. In 2007 Monterey County's median family income was approximately \$57,000, slightly lower than California's average. The county has a strong local economy and grows more produce than any other location in the United States. Minority populations, primarily of Hispanic or Latino origin, comprise over 50 percent of the county's total population.

Court Overview

The Superior Court of Monterey County has seven court locations: the Salinas Courthouse, the Modular Building/Jury Commissioner's Office, and the Juvenile Delinquency and Juvenile Dependency Courts—all in Salinas—and the Monterey, King City, and Marina Courthouses. The bench is composed of 18 judges and 2 subordinate judicial officers, with approximately 234 support staff.

Site Visit

The one-day site visit to the Superior Court of Monterey County took place on June 4, 2009, and began at the Monterey Courthouse. Presiding Judge Adrienne M. Grover welcomed the Judicial Council team members and facilitated introductions. Judge Grover outlined the court's commitment to access as the overarching theme for the day. Executive Officer Connie Mazzei also welcomed members and gave an overview of court programs, which are highlighted below. The Judicial Council was given a presentation about and tour of the Monterey Self-Help Center, which opened in March 2008. The center has had an overwhelming response and is currently assisting an average of 1,400 self-represented litigants each month. The group then traveled east to the National Steinbeck Center, located in the historic Old Town section of Salinas, where they engaged in lively discussion with the court's executive committee. Of primary interest and concern to the court was updated information on the State Budget and potential court closures. The local Blue Ribbon Committee on Children in Foster Care also gave a brief presentation of their program during the lunch break. The site visit concluded with a tour of the Salinas Courthouse complex.

Court Achievements

Court-Directed Mediation Programs

In 2005, the Court-Directed Mediation Program was created in collaboration with the Monterey County Bar Association and the Monterey College of Law Mandell-Gisnet Center for Conflict Management. The goal was to address the court's growing small claims caseload, reduce costs of litigation for the court and litigants, improve litigant satisfaction with the judicial system, and establish partnerships with other courts and local dispute resolution providers. The program currently provides mediation for small claims, civil, and unlawful detainer.

In the Civil Court-Directed Mediation Program, 17 volunteer attorney mediators each conduct one to two mediations per month. They provide pro bono mediation services for clients who otherwise would not be able to afford private mediation. In the first 18 months, 76 percent of the 103 cases were successfully mediated. In the subsequent two years, 327 cases have been referred to mediation; however, no success rate statistics are available at this time.

The Small Claims/Unlawful Detainer Mediation Program was started in 2008 with a grant from the Administrative Office of the Courts (AOC) but at present is jointly funded by the Monterey court and the Monterey College of Law. It is staffed by local college students and community members who are trained by the law school. Local attorneys volunteer their time to supervise the student mediators. Since inception, of the 160 cases that have been mediated, 130 have settled, an 81 percent success rate. In addition, by settling these 130 cases, the court estimates it has saved more than \$44,000 in court operational costs.

The Community Mediation Project is a pilot program and the first of its kind in California. The pilot is currently funded by AOC grants and matching court funds. The goal of this program is to

find new ways to mediate certain neighbor and land use disputes as they can have a high emotional component with potential for escalating into criminal filings or actions. (This project was inspired by a six-year neighborhood easement dispute that ultimately resulted in the death of one of the parties.) One volunteer, an assistant district attorney, explained how the experience of mediating often-heated disputes among neighbors provided hope to both parties and personally served to enrich his own perspective as a prosecutor. The program, a collaborative effort between the court, county and city governments, the local bar, and Monterey College of Law, incorporates restorative and team mediation concepts.

Justice Partner Access Web Site (JPAW)

JPAW expands the ability of the Superior Court of Monterey County to share pertinent court case information with local and state justice partners, private attorneys, and the general public while maintaining appropriate levels of security and confidentiality. JPAW provides anytime/anywhere access to case information, court calendars, and minute orders. It also contains booking fee, warrant recall, order to register, and other reports, which the court's justice partners find useful. Development of this Web site earned the Monterey County court a Kleps Award in 2007.

Electronic Probable Cause Declarations (ePCD)

Leveraging the court's investment in the JPAW infrastructure, the ePCD project automates the workflow of the probable cause declarations process. It allows for online submission, tracking, and review of probable cause declarations by all involved agencies. The arresting law enforcement agencies now have the ability to submit their declarations online, thereby allowing them to be simultaneously available to the jail and to the duty judge. The duty judge can electronically review and respond to the declarations, either accepting or denying the declaration or requesting further information from the arresting officer. In turn, the arresting officer has the ability to electronically respond to the duty judge's request for information. Access to the ePCD system is available anytime from anywhere over a secure Internet connection.

Library Partnership Program

Monterey was one of four superior courts participating in another Kleps Award-winning program, the Regional Court and Library Partnership program, along with the Superior Courts of Santa Clara, Santa Cruz, and San Benito Counties. The program was designed to help public librarians better understand the court system, teach them about available legal self-help services on the Internet, develop a continuing court-library partnership, extend self-help services to a wider population, and strengthen the public's understanding of and trust and confidence in the courts. Librarians comment that they are much better prepared to help users find appropriate information about legal issues and that they use the resource materials provided by the courts every day.

Juvenile Drug Court

The Superior Court of Monterey County and Monterey County Probation operate the first licensed Seven Challenges program in California, established in March 2006. Developed by Dr. Robert Schwebel, The Seven Challenges is a nationally recognized program specifically for adolescents with drug problems. The program provides services to youth throughout Monterey County who may or may not be on probation. This evidence-based program is designed to motivate participants to make a sincere decision and commitment to change and supports their success in implementing the desired changes. The program simultaneously helps young people address their drug problems as well as overcome their co-occurring situational or psychological problems. It is funded by the court, justice partners, and a Collaborative Justice Courts Substance Abuse Focus Grant from the AOC.

Online Grand Jury Applications

The court recently developed an online application process for community volunteers wishing to serve on the Monterey County Civil Grand Jury. This project not only streamlines the application process and encourages participation during the recruitment period but also enables the court to automatically compile the demographics on applicants and those appointed to serve on the grand jury.

Operational Issues

Facilities

North Wing Court Facility. In September 2006, because of asbestos concerns that arose during a county remodeling project in the North Wing court facility, the court was evacuated and moved into trailers and space in the East and West Wings. After the North Wing was completely gutted and the asbestos problem abated, the remodel construction began in late 2007. The renovated courthouse is proposed to be a 97,346-square-foot facility that will accommodate 11 criminal courtrooms, provide office space for 150 court personnel, sheriff's department holding cells and offices, a sally port for in-custody entrance, and a loading bay. The county is funding the construction of the \$64 million remodel project scheduled to be completed in February 2010, with the court responsible for replacement of furnishings, AV and IT equipment, cabling, and other miscellaneous costs.

South Monterey County Courthouse. This project is ranked in the immediate-need project priority group of the Trial Court Capital-Outlay Plan and is one of the highest priority capital-outlay projects for the judicial branch. The total cost for this 47,200-square-foot courthouse is estimated at \$65.2 million and is scheduled for construction midpoint in spring 2014. Several local municipalities (Soledad, King City, and Gonzalez) may be able to offer available sites for consideration at the time initial project funding is achieved.

The proposed new facility will be a full-service courthouse serving the residents of southern Monterey County, replacing the King City Courthouse, and reducing caseload and overcrowding

at the Monterey and Salinas Courthouses. In addition to returning civil and small claims processing to the southern part of the county, the new courthouse will expand court services by increasing judicial proceedings capacity and adding a third courtroom to accommodate one new judgeship. The new courthouse will include a self-help center, jury assembly room, children's waiting room, and alternate dispute resolution center. The facility will provide adequately sized in-custody holding cells and accommodate proceedings in cases from Soledad State Prison instead of 50 miles away at the Salinas Courthouse.

Finance/Budget

The Superior Court of Monterey County has made extensive improvements to court operations and services in the past several years with the assistance of new RAS (Resource Allocation Study) funding. Now that it, like all trial courts, is faced with unprecedented budget reductions, the court is severely challenged to maintain this new high level of services. The court is meeting these challenges with innovative operational changes and working to bring more automation into work processes when feasible and affordable.

Succession Planning

The Monterey County court may be facing retirement of more than half of its experienced court managers in the next 7 to 10 years. Court leadership is acutely aware of the need to encourage professional growth to ensure that employees are prepared for new roles as opportunities arise. The court is undertaking a courtwide internal training program and is planning to roll out a comprehensive orientation training program that introduces the court organization to new employees so they can better understand the services provided by the court, its role in the community, and its position in the larger state court environment.