



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

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## MEMORANDUM

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Date	Action Requested
September 22, 2008	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	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 San Benito and Santa Cruz Counties	

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On June 11–12, 2008, members of the Judicial Council and AOC staff—as listed below—visited the Superior Courts of San Benito and Santa Cruz Counties.

### Judicial Council Members Participating

Hon. Brad R. Hill, Associate Justice, Court of Appeal, Fifth Appellate District, Team Lead  
Hon. Jamie A. Jacobs-May, Assistant Presiding Judge, Superior Court of Santa Clara County  
Hon. Thomas M. Maddock, Judge, Superior Court of Contra Costa County  
Hon. James Michael Welch, Judge, Superior Court of San Bernardino County  
Hon. Nancy Wieben Stock, Presiding Judge, Superior Court of Orange County  
Mr. Raymond G. Aragon, Attorney at Law  
Mr. Anthony P. Capozzi, Attorney at Law, Law Offices of Anthony Capozzi  
Ms. Deena Fawcett, Clerk/Administrator, Court of Appeal, Third Appellate District  
Mr. Michael D. Planet, Executive Officer, Superior Court of Ventura County

### Administrative Office of the Courts Staff Participating

Mr. Ronald G. Overholt, Chief Deputy Director  
Ms. Christine Patton, Regional Administrative Director, Bay Area/Northern Coastal Region

Mr. Ernesto V. Fuentes, Director, Human Resources Division  
Mr. Stephen Nash, Director and Chief Financial Officer, Finance Division  
Ms. Marcia Taylor, Director, Appellate and Trial Court Judicial Services Division  
Ms. Marcia Caballin, Assistant Director, Finance Division  
Ms. Jeanne Caughell, Assistant Director, Human Resources Division  
Mr. Burt Hirschfeld, Assistant Director, Office of Court Construction and Management  
Ms. Althea Lowe-Thomas, Assistant Director, Bay Area/Northern Coastal Region  
Mr. Malcolm Franklin, Senior Manager, Emergency Response and Security (ERS)  
Ms. Rona Rothenberg, Manager, Office of Court Construction and Management  
Ms. Marlene Smith, Supervising Court Services Analyst, Executive Office Programs Division  
Ms. Susan Reeves, Court Services Analyst, Bay Area/Northern Coastal Region

#### Superior Court of Santa Cruz County

The one-day site visit to the Superior Court of Santa Cruz County took place June 11, 2008, and began at the new courthouse in Watsonville. Presiding Judge Robert B. Atack and Executive Officer Alex Calvo welcomed the Judicial Council team members and made introductions.

Santa Cruz County is situated at the top of Monterey Bay with San Mateo County to the north, Santa Clara County to the east, and Monterey and San Benito Counties to the south. Santa Cruz County is 445 square miles and had a population of 249,705 as of July 2006, representing a decrease of 2.3 percent between 2000 and 2006. Four incorporated cities are within Santa Cruz County. Santa Cruz is the largest with a population of 54,282. Watsonville has a population of 46,159, Scotts Valley has 11,385, and Capitola has 10,033. The State of California owns and maintains 42,334 acres of parks in the coastal and mountainous areas of the county.

#### **Court Overview**

The Superior Court of Santa Cruz County has one location in the city of Santa Cruz, the Main Courthouse. The Juvenile Delinquency Court is located in the Santa Cruz Mountains near the town of Felton. An old single courtroom in Watsonville has been replaced with a new four-courtroom courthouse, which opened in April 2008. Countywide, there are 10 judges, 4 subordinate judicial officers, and approximately 160 support staff (45 in Watsonville and 115 in Santa Cruz).

Members of the court's management team joined Presiding Judge Atack and Executive Officer Calvo during morning presentations and discussions with the site visit participants. The morning session included an overview of the court, discussion of the court's three-year "Strategic Initiatives and Vision" document, and a presentation by Judge Atack of the court's innovative civil mediation practices. The group also received a tour of the new Watsonville facility, featuring the self-help center and a demonstration of the court's advanced audiovisual capability in two of the courtrooms.

An informal working lunch provided a forum for small group discussions of issues of importance to the bench, including the technology features available in the new Watsonville courtrooms, the court's Judicial Mediation Program, and the state's budget prospects for fiscal year 2008–2009. After lunch, the site visit participants traveled 18 miles to the Santa Cruz main court facilities downtown and viewed one of the smaller courtrooms and the jury assembly trailer.

### **Court Achievements**

The Superior Court of Santa Cruz County presented the Judicial Council site team with highlights of many accomplishments and innovative programs that the court has implemented or hopes to develop, as follows.

#### **Watsonville Self-Help Center**

The new self-help center in Watsonville was started with self-help grants from the AOC's Center for Families, Children & the Courts and with a Regional Opportunity Award from the Bay Area/Northern Coastal Regional Office. The center manager is an attorney and former family law facilitator with the Superior Court of Santa Clara County. She not only manages the self-help center, but also the law library, family law facilitator services, and small claims mediation programs.

The center, which is staffed Monday–Thursday each week, is a collaborative partnership with the Superior Court of San Benito County to provide legal information, referrals, and assistance to members of both communities. The center manager travels to the San Benito court in Hollister every Monday to offer services to self-represented litigants there. She finds that the clients of the two courts are quite different, with the San Benito clients needing more small claims assistance.

Staff at the center can help members of the public with family law, guardianship, restraining order, landlord/tenant, conservatorship/elder abuse, name change, and other legal issues. These same self-help services are offered at the Santa Cruz courthouse on Tuesdays and Thursdays each week. The court offers phone, e-mail, and drop-in assistance. In the past, approximately 1,320 clients were served per year, but in fiscal year 2007–2008 nearly 7,900 people were served between Santa Cruz and Watsonville, six times more than in the previous year. The number of people served is expected to again rise next fiscal year as the Watsonville court will have been open for a full year.

#### **Community Access Court (Night Court)**

Many courts throughout California operate traffic court sessions during the evening hours as a way of increasing access for court users who find it challenging to attend court during the day. In Santa Cruz, the court has taken the idea of increased access even further by instituting monthly night court sessions that allow court users to attend hearings for a wide variety of case types not typically held at night in other jurisdictions. The Community Access Court is held one Thursday evening a month in Santa Cruz and one Tuesday evening a month in Watsonville. Each

evening's calendar includes traffic and minor violations, family law, small claims, teen court, hearings for the Department of Child Support Services, and coparenting workshops. Child care is provided, and the judges and the public are very enthusiastic about the program.

### **Mediation Programs**

Judge Attack gave a presentation on the Judicial Mediation Program practiced at the court. The court believes strongly in attempting to mediate conflicts to a successful resolution before going to trial. As part of the court's mediation program, selected judges receive training from the Straus Institute for Dispute Resolution at Pepperdine University School of Law and are assigned to work with attorneys and clients to reach settlement in a timely manner before trial. The judges in the mediation program dedicate one four-day week each month to working with parties to mediate their cases. Both judges and attorneys like the program, and the court has fewer civil cases going to trial.

The court has also adopted a Small Claims Mediation Program where parties mediate their disputes on the day of their hearing, before appearing in front of a judicial officer. Professional mediators from the Conflict Resolution Center of Santa Cruz County work with the parties to identify the issues that are most important for each side and to find practical resolutions. Each mediated agreement contains a clause that allows the agreement to be converted to a judgment in the event one of the parties defaults on the terms of the settlement.

### **Technology**

Technology is extremely important to the Santa Cruz court. The court is one of six in the state on both the Phoenix Human Resources and Financial Systems (formerly CHRIS and CARS respectively). It is also very involved in the small court consortium that is working with Deloitte Consulting on developing the next phase of the California Court Case Management System, CCMS-V4. The assistant presiding judge represents the court on the project and travels to southern California weekly. Santa Cruz hopes to be one of the early adopters of CCMS-V4.

In designing the new Watsonville Courthouse, the court worked closely with consultants from the National Center for State Courts' Center for Legal and Court Technology (formerly the Courtroom 21 Project)—an organization that seeks to improve the administration of justice through the use of appropriate technology—to create a state-of-the-art court facility that would be adaptable to changes in technology and the environment. Each courtroom is outfitted with enhanced evidence presentation devices, assistive and foreign language interpretation technologies, and video projection equipment. A centralized audiovisual system allows for control of all the rooms from a master location. The audio system can carry conference calls into the courtroom in lieu of a Polycom and offers better sound quality. Jury instructions appear in PowerPoint on the screen and via audio so jurors can read and listen at the same time. Juror services will soon be expanded when the court implements interactive voice and Web response systems in the next few months. The Center for Legal and Court Technology also selected the

court to host a national two-day course called “Basic Court A/V Training and Certification,” which will take place at the Watsonville court toward the end of October 2008.

### **Strategic Planning**

Last year Santa Cruz created a three-year court strategic plan that provides direction to the court. This working document evolves and is updated as projects are completed. The document covers a variety of topics, from facilities and technology to staffing. The court’s overall vision: “By the year 2017, the Superior Court of Santa Cruz will be the best court in the country.”

### **Operational Issues**

#### **Facilities**

The court is very pleased with the new Watsonville facility, a shared-use building that replaces the former one-courtroom courthouse that served Watsonville residents for more than 50 years. The project began in 1999 and was ultimately financed by the court, city, and county. Two courtrooms operating in trailers in the main courthouse in Santa Cruz were moved to Watsonville, expanding the types of cases able to be heard and offering better service to the public. The new attorney-client meeting rooms are receiving many positive comments, and the court has been thanked repeatedly for providing the much needed privacy.

The Santa Cruz Main Courthouse was designed and built in the 1960s and is definitely showing its age. It is considered functional but not at a very high level. It is very spread out, has poor technology and acoustics, and offers unique security challenges. The court would like to consolidate its Santa Cruz operations into fewer facilities to improve efficiency. The court has formed an internal committee to develop ways to deal with the shortcomings and make improvements to the court at low cost.

#### **Security**

Security in the Watsonville court is much improved over that in the Santa Cruz court, even offering secured judges’ parking underneath the building. In Santa Cruz, judges’ chamber entrances open onto major hallways used for prisoner transport. The jury assembly room is a triple-wide trailer with no security. The main entrance does have screening equipment, but it’s wedged into a corner. The clerks’ offices and traffic courtroom are not behind perimeter screening. Sixteen exterior entrances are alarmed but still create security concerns. There are cameras, but as there is no master control room, they are not normally monitored, with the exception of the clerk’s office. Emergency Response and Security has been working with the court on a duress alarm system and will review the situation again to determine if it can offer any low-cost solutions.

## **Budget**

The Santa Cruz court has been making adjustments wherever possible in preparation for the expected budget reduction. The infrastructure is much improved and the management team believes it is in a good position to weather a brief storm. For the past several years they have reorganized operations and management staff, without filling vacant and retired positions. In the past there were multiple assistant executive officers—now there's only one. Reducing the number of window locations for the public is an example of how the court is trying to streamline functions. The court is looking at cross-training staff to perform data entry for traffic citations, which would be done at the juvenile facility by clerks during less busy periods.

## Superior Court of San Benito County

A one-day site visit to the Superior Court of San Benito County was held at the San Benito Courthouse on June 12, 2008. San Benito County is a landlocked county located at the southern end of the Santa Clara Valley with just two incorporated cities, Hollister and Mission San Juan Bautista. It was created in 1874 from a portion of eastern Monterey County and was further expanded in 1887 when the state Legislature added portions of Fresno and Merced Counties. It encompasses 1,396 square miles or 893,440 acres, of which 14 percent is owned by the state.

The population of San Benito is just under 58,000, with approximately 60 percent of the citizens residing in Hollister. Despite a building moratorium, the countywide population increased 8 percent from 2000 to 2006. The building moratorium is scheduled to be lifted by January 2009, and a few large-scale developments are currently under consideration in San Benito County, which if fully realized, could significantly increase the court's caseload.

## **Court Overview**

The Superior Court of San Benito County is served by 2 judges, 1 half-time commissioner, and about 32 support staff in two locations, both in the town of Hollister. The council visitors were greeted by Presiding Judge Harry J. Tobias, Judge Steven R. Sanders, and Executive Officer Gil Solorio. Introductions were followed by an overview of the court and a discussion of the court's accomplishments and future challenges. The Judicial Council site visit team toured the current courthouse, which is a shared-use building, walked across the street to the small family law center, and then went under a tunnel to one of the potential sites for a new downtown courthouse. The team enjoyed a lunch prepared by the recently retired agricultural commissioner for San Benito County.

## **Court Achievements**

### **New Staff and Equipment/Technology**

San Benito was originally identified as one of the top 10 most underfunded courts in the state. In FY 2007–2008, the court received new funding of nearly \$300,000, due in part to the Resource Allocation Study (RAS) and increased state appropriation limit (SAL). As a result, San Benito

was able to make fundamental improvements to its operations by hiring its first-ever court manager and fiscal manager, as well as filling longstanding clerk vacancies, increasing training opportunities, and upgrading court equipment and technology. Individually and collectively, these improvements add a significantly higher level of expertise and accountability previously unavailable to the court. The two new manager positions also provide an excellent opportunity for succession planning.

### **Library Partnership Program**

San Benito was one of four counties participating in the Kleps Award-winning Regional Court and Library Partnership program, along with Santa Clara, Santa Cruz, and Monterey. 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 trust and confidence in and understanding of 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.

### **Self-Help Partnership**

San Benito is very appreciative that it has been able to partner with Santa Cruz in establishing regional self-help services. Before the program, county residents had limited opportunities to access self-help assistance; now they have two locations for accessing self-help services during any given week: the Family Services Center in Hollister on Mondays and the self-help center in the new Watsonville courthouse, Monday-Friday. Since October 2007, more than 260 residents of San Benito County have used self-help services in either Hollister or Watsonville. As of July 2008, the regional self-help program expanded to add small claims legal advisor services. During the initial month of July, the small claims legal advisor recorded an impressive 390 percent increase in assistance to the public as compared to prior average monthly service levels.

### **Operational Issues**

#### **Facilities**

As a historically underfunded court, San Benito has many facilities issues. The current courthouse is a two-story, 21,000-square-foot facility, of which the court occupies 53 percent and the county occupies 47 percent. Due to its shared-use status, the courthouse provides just 11,000 square feet for all judicial services, including two courtrooms and one hearing room. The inadequacy of this space is compounded because court and county offices are mixed together throughout the building floor plan, resulting in daily scenarios where county employees walk through court offices and records space to access other building areas.

The court is a short distance from Hollister City Hall and the board of supervisors' chambers, two locations sporadically used for grand juries or other large cases. The new self-help center is across the street from the court in leased space once occupied by a former law office. In addition

to serving as a court annex for family law mediation and for family law walk-ins on Tuesdays and Thursdays, the building serves as office space for the court's finance staff. A hearing room at the county's Juvenile Hall is used once a week for juvenile delinquency matters.

The San Benito court's new Replacement Courthouse project is in the Immediate Need Group in the Judicial Council's *Trial Court Capital-Outlay Plan* and was funded for site acquisition in the Budget Act of FY 2007–2008. The Office of Court Construction and Management (OCCM) currently is working with the court and community on site selection and design and are investigating two potential sites.

The downtown John C. Fremont School site, located across the street from the existing courthouse, is the community's preferred location. Although just three acres, it is expandable to four acres with the addition of a nearby multiple-level parking garage, which is itself expandable. Because this site potentially has seismic issues, a geologic study is necessary before the site selection process can be completed. Seismic test results are tentatively expected in October 2008. The alternate site is near the county jail on Flynn Road, approximately 2.5 miles north of the existing courthouse location.

The new courthouse would cost an estimated \$32 million, have a total of 41,500 square feet, and include three courtrooms; it could potentially include a fourth courtroom if warranted in the future. The addition of approximately 29,000 square feet over the current square footage will provide the court numerous basic features that have never been available before in San Benito County: holding cells, a jury assembly room, and perimeter security.

### **Security**

Security is of prime importance at the San Benito court. For example, the criminal courtroom is less than six feet from the public entrance to the court facility. The court currently has just one bailiff and adds two security people when inmates are transported to the courthouse. As previously mentioned, the court does not have any holding cells for the inmates. Although funded by the Judicial Council for perimeter security, the court has no entrance screening equipment because of lack of space. Similarly, the leased office space across the street does not have any security to monitor self-help services and mediation.

Some security issues are generated by the building's design. For example, the public can indirectly access the court's space from many locations inside the building. This is because many county offices have back or side doors that lead directly into court space. There are no holding cells, so impromptu holding cells are created inside a transport van or bus parked in an exposed alley adjacent to the courthouse. Also, defendants of varying degrees of dangerousness are regularly escorted through employee hallways, staff offices, and even a judge's chambers in order to prevent interaction with the public when they enter the courtroom.

The court has been working with the county and the AOC's Emergency Response and Security unit for more than a year to create a single point of entry into the courthouse. Until recently, the county was willing to assist with a renovation of the courthouse to effect this change. Unfortunately the county has now reduced the scope of the planned upgrade of the facility because of the prohibitive cost and the progress being made on site acquisition for the new courthouse. However, the county has indicated it is still willing to discuss the feasibility of establishing an alternate inmate entryway into the criminal courtroom.

On a positive note, since the Judicial Council site visit, ERS has arranged for nearly \$130,000 to be released for the court to hire additional personnel to enhance the court's security. This funding was originally to be released *only* on completion of a building renovation that established a single-point entry, but because of the space constrictions and the need for better security, an exception was made. Since the court received notification of the available funds, the executive officer has met with the judges and the sheriff's office to discuss possible applications of this unanticipated funding.

### **Judgeships**

San Benito has two judges and one half-time AB 1058 commissioner, with no new judgeships projected through FY 2009–2010. San Benito is one of the busiest courts in the state in terms of number of cases per judge because it is the largest population court that has only two judges. The Assigned Judges Program is essential to San Benito's judicial services. Currently, Presiding Judge Tobias handles all civil and juvenile cases, while Judge Sanders handles all criminal cases—sometimes more than 200 cases per day. Despite administrative and financial issues, the executive officer is researching the possibility of adding limited night court services.

### **Personnel and Benefits**

Although the court finds it very difficult to recruit new experienced employees, RAS funding has helped offset that difficulty. The court has modified its ongoing human resources functions and its recruitment process in an effort to provide a work environment that is appealing but still provides accuracy, efficiency, and accountability.

In a recent development, San Benito is anticipating the need for a new employee health insurance program as the AOC-sponsored program will be ending in December 2009. The court is already in discussions with alternate vendors. Although the court has the option to wait until January 2010 to transition to a new health insurance program, it is targeting January 2009 as the preferred transition date. The court expressed confidence that with the help of the AOC it will be able to make the transition smoothly.