

Keeping California Courts  
Fair and Accessible

ANNUAL REPORT VOLUME III 1998

*Year IN  
Review*

JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS



# Year in Review

Keeping California Courts Fair and Accessible



**JUDICIAL COUNCIL OF CALIFORNIA**

**CHIEF JUSTICE RONALD M. GEORGE, CHAIR**

**ADMINISTRATIVE OFFICE OF THE COURTS**

**WILLIAM C. VICKREY, DIRECTOR**

**Volume III  
Annual Report 1998\***

## **\*COMPANION PUBLICATIONS**

*Year in Review* is part of a three-volume set of annual report publications. It describes activities and achievements of the Judicial Council/Administrative Office of the Courts during 1997 as well as the challenges expected in 1998. ■ The *Court Statistics Report* provides detailed 10-year statistical caseload and trend data on a wide variety of court business. ■ *State Court Outlook* summarizes key trends, court workload issues, activities and achievements of the Judicial Council/Administrative Office of the Courts, and court business for California's appellate and trial courts. ■ All three volumes are published in the Spring and can be obtained by accessing the California Judicial Branch Web site ([www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)) or by calling the Judicial Council's Publications Hotline (415-904-5980 or 800-900-5980).

## YEAR IN REVIEW

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## Judicial Council Members

**Hon. Ronald M. George, Chair**  
*Chief Justice of California*

### SUPREME COURT

**Hon. Marvin R. Baxter**  
*Associate Justice of the Supreme Court*

### COURTS OF APPEAL

**Hon. Roger W. Boren**  
*Presiding Justice of the Court of Appeal  
Second Appellate District, Division Two*

**Hon. Carol A. Corrigan**  
*Associate Justice of the Court of Appeal  
First Appellate District, Division Three*

**Hon. Richard D. Huffman**  
*Associate Justice of the Court of Appeal  
Fourth Appellate District, Division One*

### TRIAL COURTS

#### SUPERIOR COURTS

**Hon. Paul Boland**  
*Judge of the Los Angeles County  
Superior Court*

**Hon. J. Richard Couzens**  
*Judge of the Placer County Superior  
and Municipal Courts*

**Hon. Lois Haight**  
*Judge of the Coordinated Trial Courts  
of Contra Costa County*

**Hon. Melinda A. Johnson**  
*Judge of the Ventura County Superior  
and Municipal Coordinated Courts*

**Hon. Kathryn D. Todd**  
*Judge of the Los Angeles County  
Superior Court*

### MUNICIPAL COURTS

**Hon. Albert Dover**  
*Judge of the Nevada County Courts*

**Hon. Brenda Harbin-Forte**  
*Judge of the Oakland-Piedmont-  
Emeryville Municipal Court*

**Hon. Ana Maria Luna**  
*Judge of the Southeast Municipal Court  
(Los Angeles)*

**Hon. Michael B. Orfield**  
*Judge of the San Diego Municipal Court*

**Hon. Eleanor Provost**  
*Judge of the Tuolumne County  
Municipal Court*

### LEGISLATURE

**Hon. John L. Burton**  
*Member of the Senate*

**Hon. Martha M. Escutia**  
*Member of the Assembly*

### STATE BAR

**Mr. Maurice Evans**  
*Chief Assistant  
Orange County District Attorney's Office*

**Mr. Sheldon H. Sloan**  
*Attorney at Law*

**Ms. Glenda Veasey**  
*Attorney at Law*

**Mr. Brian C. Walsh**  
*Attorney at Law*

### ADVISORY MEMBERS

**Ms. Sheila Gonzalez**  
*Executive Officer  
Ventura County Superior and  
Municipal Coordinated Courts*

**Hon. Dwayne Keyes**  
*President  
California Judges Association  
Judge of the Fresno County Courts*

**Mr. Joseph A. Lane**  
*Clerk of the Court of Appeal  
Second Appellate District*

**Mr. Stephen V. Love**  
*County Clerk/Executive Officer  
Santa Clara County Consolidated  
Courts*

**Mr. Ronald Overholt**  
*Executive Officer/Clerk  
Administratively Consolidated Trial  
Courts of Alameda County*

**Hon. Nori Anne Walla**  
*Commissioner  
Los Angeles Municipal Court*

### SECRETARY

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

Membership at June 1, 1998

## Judicial Council Committees

### INTERNAL COMMITTEES

- Executive and Planning
- Policy Coordination and Liaison
- Rules and Projects

### ADVISORY COMMITTEES

- Access and Fairness
- Administrative Presiding Justices
- Appellate
- Center for Judicial Education and Research Governing Committee
- Civil and Small Claims
- Court Administrators
- Court Interpreters
- Court Profiles
- Court Technology
- Criminal Law
- Family and Juvenile Law
- Traffic
- Trial Court Budget Commission
- Trial Court Coordination
- Trial Court Presiding Judges

### TASK FORCES, WORKING GROUPS, AND STEERING COMMITTEES

- Appellate Indigent Defense Oversight Advisory Committee
- Appellate Process
- Bench-Bar Pro Bono Project
- Complex Civil Litigation
- Court/Community Outreach
- Executive Legislative Action Network (ELAN)
- Jury Instructions
- Oversight Committee for the California Drug Court Project
- Probate and Mental Health
- Quality of Justice
- Steering Committee for the Statewide Community-Focused Court Planning Conference
- Trial Court Employees
- Trial Court Facilities

# Administrative Office of the Courts: Mission

## EXCELLENCE—LEADERSHIP—SERVICE

Under the direction of the Chief Justice and the Judicial Council, the Administrative Office of the Courts (AOC) shall serve the courts for the benefit of all Californians by advancing leadership and excellence in the administration of justice.

### Excellence

- Create programs and systems to make the court system more fair, accessible, and accountable.
- Advocate council policies for the fair, accessible, and effective administration of justice.
- Promote the personal and professional growth of AOC personnel through training, development, and recognition.

### Leadership

- Pursue the development and implementation of branchwide policies that are in the best interests of the public and the judicial branch.
- Develop performance goals for the judicial branch that encourage all in the branch to strive for excellence.
- Secure sufficient resources for the judicial branch so that wherever anyone is in the state, the court system can meet his or her needs.

### Service

- Provide excellent customer service in the areas of human resources, finance, and information systems.
- Provide comprehensive, relevant, and current education and training for judicial officers and court staff.
- Provide thorough, timely, and relevant legal services and policy and legal research for the council, the judicial branch, and the public to facilitate the development of policy.

## COMMON VALUES OF THE AOC

To earn and maintain the trust of the public, bar, judicial community, and court staff, the AOC will, without compromise:

### Public Service Values

- Adhere to the highest ethical standards of public service.
- Respect the dignity and integrity of all people.
- Seek solutions and honor commitments.
- Foster open communication and mutual support.

### Staff Values

- Encourage positive solutions, not negative reactions.
- Recognize that all members are responsible for the success of the team.
- Value diversity of strength, skill, background, approach, point of view, culture, race, sex, national origin, appearance, disability, age, sexual orientation, and socioeconomic status.
- Value questioning, innovation, and risk taking.

### Organizational Climate

- Celebrate superior individual and team efforts.
- Encourage courteous, honest, and open feedback.
- Recognize that teamwork among individuals, project teams, and units is essential.
- Inspire excellence.
- Lead by positive example.
- Recognize that each individual transaction should support the mission of the agency.
- Value creativity.

# Administrative Office of the Courts: Organization

## EXECUTIVE OFFICE

William C. Vickrey, Administrative Director of the Courts

Dennis Jones, Chief Deputy Director

### COUNCIL AND LEGAL SERVICES DIVISION

Michael Bergeisen

### EDUCATION DIVISION

Catherine S. Lowe

### TRIAL COURT SERVICES DIVISION

Kiri Torre

### OFFICE OF GOVERNMENTAL AFFAIRS

Ray LeBov

### FINANCE BUREAU

Martin Moshier

### HUMAN RESOURCES BUREAU

Judy Myers

### INFORMATION SYSTEMS BUREAU

Pat Yerian

### APPELLATE COURT SERVICES

Mary Carlos

### ADMINISTRATIVE SUPPORT

Tony Wernert

### OFFICE OF COURT SECURITY

Don Tamm

# 1

## Leading Justice Into the Future



The Judicial Council of California's long-range strategic plan for the state's judicial system, *Leading Justice Into the Future*, published in 1995, continues to guide the state courts. In addition to a broad vision for the future, the publication includes a detailed action plan for the council's advisory committees and the council's staff agency, the Administrative Office of the Courts (AOC).

The council's vision for the future of the state's court system was developed with significant involvement by judges and court administrators from across the state, as well as representatives of the State Bar, the Legislature, the executive branch, and the public.

The combined efforts of the courts and the council are making this vision a reality for all Californians. The following chapters summarize the progress made in 1997 toward the realization of this vision and point to the challenges that still lie ahead.

## Profile of the Judicial Council

Chaired by Chief Justice Ronald M. George, the Judicial Council of California adopts rules and provides policy direction to the courts, the Governor, and the Legislature concerning court practice, procedure, and administration. The council is dedicated to improving state court administration. “Our challenge,” said Chief Justice George in his 1997 State of the Judiciary Address to the State Bar, “is to remain true to the fundamental role of the judicial system in our society—providing fair and accessible justice for all—while taking full advantage of the opportunities available to us and remaining open to change and movement.”

The Judicial Council performs its constitutional and other functions with the support of the AOC, under the leadership of William C. Vickrey, Administrative Director of the Courts. The council also relies on the work of many specialized advisory committees and task forces. This group of more than 600 volunteers devotes time and expertise to the study of diverse aspects of the

practices and procedures governing California’s judicial system and makes recommendations to the council for improvements.

New judicial members of the council and its committees are selected by a nominating procedure that is designed to attract applicants from throughout the legal system. Diversity of experience, gender, ethnic background, and geography are among the guiding criteria for selection.

In accordance with the California Constitution, the Judicial Council is composed of 21 members headed by the Chief Justice. The Judicial Council also has 7 advisory members, including representatives of the California Judges Association and court administrators from all levels of courts. Staggered terms, with one-third of the council’s membership changing each year, ensure continuity while creating opportunities for new participation and input.

### INTERNAL COMMITTEES

Each member of the Judicial Council is appointed by the Chief Justice to serve on one of three internal committees, each with its distinct functions.

#### Executive and Planning Committee

- Directs and oversees the conduct of business as well as the operating procedures of the Judicial Council
- Oversees the implementation of the council’s long-range strategic plan
- Ensures that the judicial branch budget reflects the council’s annual objectives, statewide policies, and long-range strategic plan
- Serves as the nominating committee for vacancies on the council and its advisory committees





Judicial Council members and advisory members gathered for a February 1998 business meeting in San Francisco:

*Front row (from left):* Hon. Marvin R. Baxter, Hon. Kathryn D. Todd, Hon. Eleanor Provost, Hon. J. Richard Couzens, Chief Justice Ronald M. George, Hon. Nori Anne Walla, Ms. Glenda Veasey, and Mr. William C. Vickrey.

*Second row:* Hon. Melinda A. Johnson, Ms. Sheila Gonzalez, Hon. Lois Haight, Hon. Brenda Harbin-Forte, Hon. Albert Dover, and Mr. Brian C. Walsh.

*Third Row:* Hon. Dwayne Keyes, Hon. Richard D. Huffman, Hon. Michael B. Orfield, Hon. Roger W. Boren, Mr. Ronald Overholt, Hon. Carol A. Corrigan, and Mr. Maurice Evans.

*Last row:* Mr. Joseph A. Lane, Mr. Sheldon H. Sloan, Hon. Paul Boland, and Mr. Stephen V. Love.

Council members not pictured: Hon. Ana Maria Luna, Hon. John L. Burton, and Hon. Martha M. Escutia.

Hon. Richard D. Huffman, Chair, Executive and Planning Committee



Hon. Kathryn D. Todd, Vice-chair, Executive and Planning Committee



Hon. Marvin R. Baxter, Chair, Policy Coordination and Liaison Committee



Hon. Paul Boland, Vice-chair, Policy Coordination and Liaison Committee



Hon. Roger W. Boren, Chair, Rules and Projects Committee



Hon. J. Richard Couzens, Vice-chair, Rules and Projects Committee



### Policy Coordination and Liaison Committee

- Represents the council in discussions with other agencies and entities, such as the Legislature, the Governor's Office, and the State Bar

- Reviews and makes recommendations on council-sponsored legislation, reviews pending bills, determines the council's policy positions, and advocates those policy positions

### Rules and Projects Committee

- Directs and oversees the conduct of business and operating procedures of the advisory committees and task forces

- Directs and oversees the development and approval of the California Rules of Court, the California Standards of Judicial Administration, and Judicial Council forms

The reports and recommendations of the advisory committees generally are received by an internal committee and then forwarded to the Judicial Council with recommendations for action.

**"Judge" is a term that should always be equated with integrity, with fairness, with knowledge of the law, with the insistence that the scales of justice in fact be held at every level by people who care about it.**

*Governor Pete Wilson, February 1998, California Judicial Administration Conference*

### CRITICAL ROLE OF ADVISORY COMMITTEES AND TASK FORCES

Advisory committees are made up of diverse groups of judges, court administrators, attorneys, court support staff, legislators, public agency representatives, and the general public. The council's advisory committees oversee special topics and areas of law and make recommendations about those areas to the council. The Judicial Council relies on its advisory committees to keep abreast of issues and concerns confronting the judiciary and the courts so that it can develop appropriate solutions and responses on behalf of the judicial branch.

Task forces handle individual issues of major importance or complexity that do not fall under the jurisdiction of an advisory committee or that would interfere with the committee's ability to meet its primary objectives. Task forces report to an advisory committee or a council committee—which, in turn, makes recommendations to the full council (*see Chapter 3 for detailed descriptions of committees and task forces*).

## Strategic Plan for the Future

The Judicial Council's vision for the future of the California courts has been refined by the council since the publication in 1992 of *Leading Justice Into the Future*. In May 1997, the council adopted changes to the strategic plan that emphasize the council's commitment to the quality of justice and service to the public.

The Judicial Council implements the long-range plan at the state level by adopting policies, court rules, and standards of judicial administration, and by proposing legislation. At the local level, individual courts are encouraged to develop implementation plans that are consistent with the long-range plan and responsive to the needs of their communities. The courts and the Judicial Council are working together to make the vision for improved access and fairness a reality for the judicial system's primary constituents—the people of California.

### MISSION OF THE JUDICIAL COUNCIL

Under the leadership of the Chief Justice and in accordance with the California Constitution, the law, and the mission of the judiciary, the Judicial Council is responsible for setting the direction and providing the leadership for improving the quality and advancing the consistent, independent, impartial, and accessible administration of justice.

### JUDICIAL COUNCIL GOALS

The long-range strategic plan establishes five primary goals for the judicial branch, based on values important to the administration of justice in the state:

- Access, fairness, and diversity
- Independence and accountability
- Modernization
- Quality of justice and service to the public
- Education

For each of these goals, the plan sets out broad policy directions to guide council decision making and allocation of resources. The full text of the Judicial Council's long-range strategic plan, *Leading Justice Into the Future*, is available through the Online Bookshelf on the Judicial Branch of California Web site: [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov); by writing to the AOC's Public Information Office at 303 Second Street, South Tower, San Francisco, CA 94107; or by calling the AOC Publications Hotline at 415-904-5980 or 800-900-5980.

## State of the Judiciary Address

### CHIEF JUSTICE HAILS PASSAGE OF TRIAL COURT FUNDING ACT

In his second annual State of the Judiciary Address to the State Bar of California in September 1997, Chief Justice George applauded the California Legislature for passage of the trial court funding restructuring legislation that creates a stable, long-term funding solution for the California trial courts. "The enactment of state funding for the trial courts," he declared, "heralds a sea change in the administration of justice." Passage of the Lockyer-Isenberg Trial Court Funding Act of 1997 (Assem. Bill 233 [Escutia and Pringle]) was a long-awaited victory for the California trial courts (*see Chapter 2 for discussion of the act's provisions and implications*).

In addition, Chief Justice George cited the Legislature's passage of Senate Bill 513 (Lockyer and Pacheco; Stats. 1997, ch. 869), designed to enhance the system of representation in capital cases by reducing delays in appointing counsel and processing these cases. Among other

In his "State of the Judiciary" addresses to the bar, the bench, and *(below)* the California Legislature in February, the Chief Justice, flanked by Assembly Speaker Cruz M. Bustamante (*left*) and Senate President Pro Tem John Burton, praised legislators and Governor Pete Wilson for their "extraordinary contributions to the administration of justice" by their support of the Trial Court Funding Act, which took effect January 1, 1998. *The full text of the address is on the Judicial Branch of California Web site ([www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)). Photo by Maggie McGurk.*



provisions, this legislation expands the existing Office of the State Public Defender, creates the California Habeas Corpus Resource Center, and increases the rate of compensation for private counsel appointed in either direct appeal or habeas corpus proceedings. The Chief Justice also spoke about the council's creation of a task force on court/community outreach and pointed to other ongoing projects that will improve access to the courts.

## Community Outreach Program

Chief Justice Ronald M. George in 1997 completed his mission to exchange views with state judges and court staff across California. In Amador County, he and AOC Director William C. Vickrey met with numerous court officials, including retired judges (at left) Don Howard and Albert Wollenberg. Photo by Robert Levins, Daily Journal.

The Judicial Council's long-range strategic plan calls for the state judiciary to "increase public trust and understanding by emphasizing community outreach and education about the court system." Consistent with this policy direction, in April 1997 the Chief Justice appointed a Special Task Force on Court/Community Outreach (see Chapter 3).

Its charge is to lead the council's efforts in encouraging more collaboration between the courts and their communities and giving the public an effective means of participating in dialogue with the courts (see *Court/Community Outreach Hearings in Chapter 2*).

### CHIEF JUSTICE FULFILLS PLEDGE

By August 1997, Chief Justice George had fulfilled the pledge he made shortly after taking office (on May 1, 1996) to visit the trial and appellate courts in all of California's 58 counties. Two tribal courts were added to the list of courts visited. According to court officials, this was the first time a California Chief Justice had embarked on such a comprehensive tour of the state's judicial system. The Chief Justice's visits spanned the state, including two-judge courts in counties such as Alpine with a population under 1,100, as well as sprawling metropolitan areas such as Los Angeles with more than 400 judges.

At each court location, the Chief Justice—usually accompanied by William C. Vickrey, Administrative Director of the Courts, and Kiri Torre, Director of the AOC's Trial Court Services Division—listened to judges, court officials, and court support staff; gathered ideas and suggestions for maintaining and improving the justice system; and checked on the conditions of each court's facilities. The Chief Justice described these visits as an "invigorating and inspiring experience."

### OUTREACH EFFORTS CONTINUE

The Chief Justice has completed his initial tour of the counties, but he plans to continue making periodic visits to the state's courts. He is committed to continuing to reach out to the courts and the communities they serve and to stay in close contact with their needs and concerns.

Other members of the Judicial Council have begun making visits to the courts as well. This outreach effort is the first of its kind in the council's 70 years of existence. In 1997, council members





Judicial Council members traveled to courts around the state to stay informed about courts' needs and concerns. Yuba County received a visit from Hon. Roger W. Boren, Hon. Kathryn D. Todd, and Mr. Maurice Evans.

visited the following eight counties: Butte, Colusa, Los Angeles, Marin, Napa, Solano, Stanislaus, and Tehama. These visits are expanding council members' knowledge of the courts' needs and priorities, enhancing the council's ability to make informed policy decisions on behalf of the judicial branch, and improving communication about the council's activities.

The Chief Justice also continued to hold regular meetings with the legislative leadership; the Governor; members of the state and local bars, including representatives from the plaintiffs' and defendants' civil bar, prosecutors, criminal defense attorneys, and the Attorney General's office; and representatives from various community groups, county governments, and the press. The purpose of these meetings was to discuss issues of mutual concern.

An informational letter-writing program—which began with the Judicial Council's November 1996 meeting—is still going strong. After each council business meeting, groups of council members send letters to all judges, court administrators, the State Bar, and local bar groups summarizing council decisions, providing information of special interest, and strengthening communication with participants in the justice system. In addition, the Chief Justice and other council members write columns on key topics in *Court News*, the

bimonthly newsletter for judges and court staff published by the AOC.

## Enhancing Public Access and Service Through Technology

In February 1996, the Judicial Council established the Judicial Branch of California Web site as a service to the bench, court staff, the bar, and the general public ([www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)).

Since its creation, the judicial branch Web site, which is maintained by the AOC, has been redesigned to augment its features and to enhance accessibility and effectiveness. The Web site provides the public with information about all levels of the California court system, as well as about many aspects of trial court services. The full text of “slip opinions” of the California Supreme Court and Courts of Appeal that have been certified or ordered published also are posted and continuously updated. The Web site serves as a point of access to the Web sites of California trial courts and Courts of Appeal. In addition, publications produced by the Judicial Council and information about council activities to improve state court administration are available to the public online.

In 1997, the calendars of the California Supreme Court and the Court of Appeal for the Fourth Appellate District, Division One (San Diego) became available on the judicial branch



The Judicial Council's Judicial Branch of California Web site has been ranked among the top 5 percent of all state and local government Web sites in the United States.

Web site. Minutes are posted for these courts, as well as for the Second (Los Angeles), Fourth (San Diego), and Fifth (Fresno) Districts. Plans are under way to post the minutes and calendars of other Courts of Appeal as well.

Lycos, the nation's oldest and most prestigious Web site directory, has ranked the Judicial Branch of California Web site among the top 5 percent of all state and local government Web sites in the United States. During the first week of February 1998, the judicial branch site placed fourth among the top 25 sites in Lycos's overall rating, which considers both content and design criteria.

The Judicial Council has also created a limited-access Web site called Serranus, named after California's first Chief Justice, to serve as an information resource for judges, court managers, and other judicial branch personnel. Serranus includes, for instance, up-to-date electronic versions of judicial benchguides, information on educational programs developed to meet the needs of judicial branch personnel, and agendas and minutes of the Judicial Council.

## Public Comments Invited

The Judicial Council regularly seeks comments from people and organizations interested in proposed changes to the California Rules of Court, the California Standards of Judicial Administration, and Judicial Council forms. The comment process is vitally important to the council's decision making; proposals are frequently revised based on the comments received, and these comments become part of the public record of the council's action. Those interested in providing comments should request a comment package and submit their comments in writing to the AOC, or they may use the online form for electronic submission through the Judicial Branch of California Web site at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov). ■

## 1997 Milestones

1997 was an important year for the Judicial Council and the state court system. Here are some of the major achievements, the details of which can be found in Chapter 2.

Enactment of the landmark Lockyer-Ishenberg Trial Court Funding Act of 1997 was a long-awaited victory for the California trial courts. This trial court funding restructuring legislation gives the state full responsibility for funding eligible trial court operations costs.

With the passage of Assembly Bill 1818 in 1996, the courts received, effective January 1, 1997, 21 new trial court judgeships and 5 new appellate court judgeships—the first new judgeships created in nearly a decade. Effective January 1, 1998, 40 additional judgeships were approved, subject to future appropriation.

The Legislature passed Senate Bill 513 to enhance the system of representation in capital cases by reducing delays in appointing counsel and in processing these cases.

The Judicial Council received all trial court coordination plans for fiscal years 1997–98 through 1998–99, and by April 1998, all of the state's 58 counties had council-approved coordination plans as required by law.

In April, the Special Task Force on Court/Community Outreach was appointed to lead the council's efforts to strengthen collaboration between the courts and their communities. The task force invited the public to attend all of its business meetings held throughout the state in 1997, and a public comment period was scheduled at each meeting.

The Complex Litigation Task Force was appointed as a step toward improving the quality of decision making in complex cases, including business and commercial disputes.

The third Judicial Council–sponsored Statewide Conference on Family Violence and the Courts was held in January; more than 350 representatives from 45 counties exchanged ideas on how to address family violence cases more effectively.

The Family and Juvenile Law Advisory Committee worked for legislation to implement a recently established federal program (Title IV-D) that provides funding to the states to improve the collection of child support. These efforts contributed to the passage of Assembly Bill 1058, which provides an expedited process in the courts for families involved in child support cases, effective January 1, 1997.

The council published the *Court Improvement Project Report*, which contains 27 recommendations for improving the way child abuse and neglect, or dependency, cases are processed in the courts. The council adopted an implementation plan for these recommendations, which the AOC is currently executing.

The Court Improvement Project got a boost when 500 juvenile court judges, court administrators, child welfare professionals, and community leaders—including representatives of the Hoopa, Washoe, and Karok Tribes—met to focus on improving juvenile dependency courts, which adjudicate cases involving child abuse and neglect.

In May, Chief Justice George asked California's presiding justices and judges to make fairness education focusing on race, ethnicity, gender, disabilities, and sexual orientation available to all judicial officers by July 30, 1998, and to all court employees by the end of 1999.

The Judicial Council identified as a high priority for 1997–98 improving access for pro per litigants—people who represent themselves in court—and established the Pro Per Center Program. Trial courts in five counties are developing pilot programs in fiscal year 1997–98 to establish or enhance pro per centers in their counties.

Chief Justice George fulfilled his promise to visit the trial and appellate courts in all of California's 58 counties, adding two tribal courts to the list—the first time a California Chief Justice had embarked on such a comprehensive tour.

In the first such effort in the Judicial Council's 70-year history, council members visited courts to improve their knowledge of the courts' needs and priorities and to enhance the council's ability to make informed policy decisions.

After each Judicial Council business meeting, council members sent letters to all judges and court administrators and to the State Bar summarizing council decisions and providing information of special interest.

In May, the Judicial Council adopted changes to its long-range strategic plan that emphasize the council's commitment to the quality of justice and service to the public.

In 1997, 12 court programs were selected to receive the council's prestigious Ralph N. Kleps Award for Improvement in the Administration of the Courts.

Lycos, the nation's oldest and most admired Web site directory, ranked the council's Judicial Branch of California Web site among the top 5 percent of all state and local government Web sites in the United States.



The courts and the Judicial Council are working together to improve court access and fairness for all residents of California.



# 2

## Ensuring Equal Access to Justice



California's trial courts are experiencing a fundamental and dramatic restructuring brought about by the passage of the landmark trial court funding legislation in September 1997. The Lockyer-Isenberg Trial Court Funding Act of 1997 (Assem. Bill 233 [Escutia and Pringle]) gives the state full responsibility for funding eligible trial court operations costs. "Obtaining a stable and adequate source of funding for our courts is without doubt one of the most important reforms in the California justice system in the 20th century," said Chief Justice Ronald M. George in his second annual State of the Judiciary Address to the State Bar of California in Fall 1997.

## IN MEMORIAM

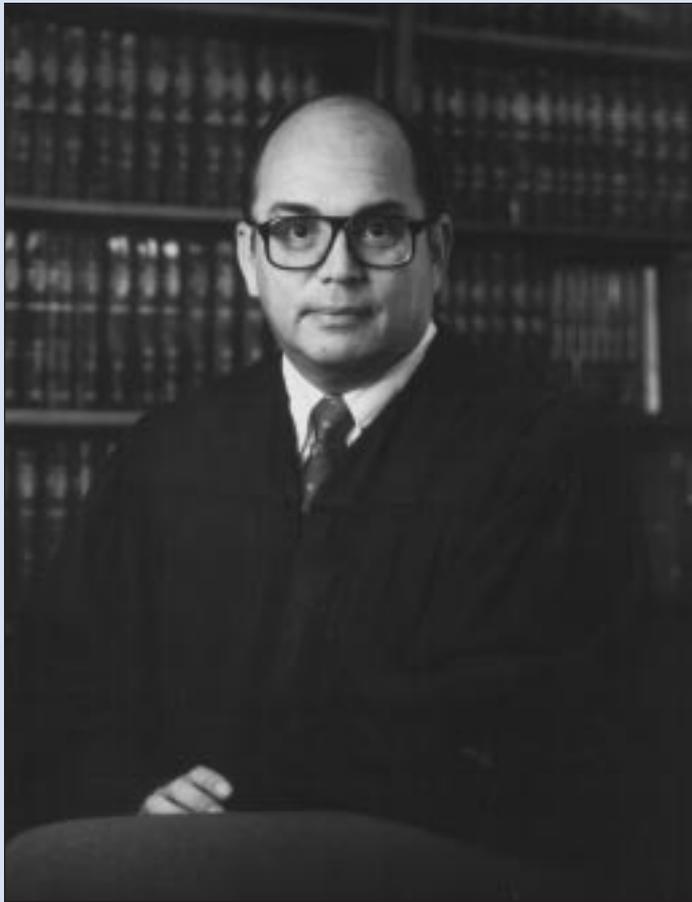
*Judge Benjamin Aranda III, distinguished community leader, Judicial Council member since September 1997, and leader of the council's fairness and access initiatives, died in January 1998. He was perhaps most well known in California's court community for his service as founding chair of the council's Access and Fairness Advisory Committee (1994–97), which spearheaded efforts to promote fairness in the California courts for racial and ethnic minorities and persons with disabilities. The committee also was charged with implementing recommendations designed to eliminate gender bias in the courts.*

*Here are excerpts from an editorial by Douglas G. Carnahan, a South Bay Municipal Court commissioner (Los Angeles County), published in the Daily Journal following the death of Judge Aranda.*

### *Spirit of Excellence*

#### **Judge Benjamin Aranda Built an Unsurpassable Legacy**

We like to think of our important judges living long lives and dispensing wisdom from the bench into years of a golden age. We think of Oliver W. Holmes, on the Supreme Court into his 90s, of Hugo Black, and of Learned Hand. Yet of course this is sadly not always so. It was not so in the case of Judge Benjamin Aranda III, who died on January 28 at the age of 58.



Ben died in harness, at least. He was flying to Nashville to receive the Spirit of Excellence Award from the American Bar Association. For all his achievements, in life and in the law, he was a remarkably unprepossessing man. He was not shy about revealing his accomplishments (his biography in the *Courts and Judges Handbook* goes on for a full two columns of closely spaced type), but he was not boastful. His personality was well grounded in family and religion. He had 11 children, 4 of them adopted.

This is what is inspiring about Ben Aranda: how a fully charged life can make a difference on the bench and how groundedness in one's own roots makes for wisdom and integrity in a judge.

Like any vigorous judge, Ben had his detractors. But he had a concept of himself as a man and as a judge that was easily capable of withstanding criticism and that enabled him to do what was right as he saw the right. He was fearless, which is about the best quality you can have in a judge. And he was talented. He was a remarkably facile and fluent writer, for instance, and served several long stints as a justice pro tem on the Court of Appeal, where he did all his own work uncomplainingly. He was a tireless worker in assuring free access to the courts for the disabled, and he was in the forefront of the move to educate judges and lawyers about racial, ethnic, and gender bias. He was a strong advocate for increased minority representation in the bench and bar. The people of Michigan, and of Michoacan, his ancestors, would be proud of him. We who are left behind are proud of him as well.

## Historic Trial Court Funding Act

By consolidating trial court funding decisions at the state level, the Trial Court Funding Act of 1997 did away with the bifurcated system under which courts were subjected to two separate budget processes—at the county and the state level. “The funding act alleviates the disparities that existed under the former funding system by enhancing the state’s ability to address the operating needs of the courts and to provide basic and constitutionally mandated services to the public,” said William C. Vickrey, Administrative Director of the Courts.

### UNIFICATION

Proposition 220—which authorized the voluntary unification of the superior and municipal courts in a county to create a unified superior court upon affirmative votes by a majority of its superior court and a majority of its municipal court judges—was approved by voters in the June 1998 statewide election.

### NEXT STEP: MORE WORK LIES AHEAD

With state funding secured, the next step is to work to improve the infrastructure of California’s judicial system. In his 1997 State of the Judiciary Address, Chief Justice George emphasized that the quest to improve the judicial system must continue unabated. “We must press for improved funding,” he said, “to ensure that the new system accomplishes the goals that we have set.” Moreover, he stated, the court system must use its newfound freedom from day-to-day financial uncertainty to redirect its energies toward improving public access and providing quality services throughout the judicial system.

### Key Provisions of Assembly Bill 233

Effective January 1, 1998, were these key provisions of the funding legislation and related bills:

- Consolidate court funding at the state level, to be appropriated by the Legislature and allocated by the Judicial Council
- Cap counties’ financial responsibility based on the fiscal year 1994–95 level
- Require the state to fund all future growth in court operations costs
- Authorize the creation of 40 new judgeships, subject to future appropriation
- Require the state to provide 100 percent funding for court operations in the 20 smallest counties beginning on July 1, 1998
- Raise a number of civil court fees to support trial court operations

### Resource Manual

In December 1997, the Administrative Office of the Courts (AOC) published *Ensuring Equal Access to Justice: The Lockyer-Isenberg Trial Court Funding Act of 1997 Resource Manual* to help familiarize the state’s judges, court administrators, and county executives with the historic new law. In addition to providing the full text of the funding act and related measures, this exhaustive resource binder includes commentaries on the funding law and questions and answers about its implementation. The manual was sent to all trial court presiding judges, executive court officers, county administrators, members of the Judicial Council, chairs of Judicial Council committees, and the council’s Trial Court Budget Commission. Portions of the manual are available on the Judicial Branch of California Web site ([www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)).

## New Judgeships

Effective January 1, 1997, the courts received much-needed relief in the form of 21 new trial court judgeships and 5 new appellate court judgeships—the first new judgeships created in nearly a decade. The new judgeships were authorized with passage of Assembly Bill 1818 by the Legislature in 1996. Effective January 1, 1998, 40 additional judgeships were added, subject to future appropriation.

## “Three-Strikes” Report

During 1997, the Research and Planning unit of the AOC’s Council and Legal Services Division worked on compiling data for a new study on the “three strikes and you’re out” law. This report, to be released in 1998, will provide a comprehensive analysis of the impact of the three-strikes law on California trial courts. The study analyzes data from the year before the 1994 enactment of three strikes through fiscal year 1995–96. General findings of the upcoming study indicate that most courts have experienced increased numbers of felony trials and higher trial rates since the three-strikes law took effect. The council’s Criminal Law Advisory Committee is serving in an advisory capacity for the study.

## Trial Court Coordination Progress

The term “trial court coordination” refers to the sharing of administrative and judicial resources among the municipal and superior courts—under a countywide structure or a Judicial Council–approved alternative structure—in order to increase the courts’ efficiency. The Judicial Council’s position is that, in an era of diminishing resources, it cannot afford to allocate additional funding, new judgeships, or judicial assignments to courts that would not have needed them had they maximized their existing resources.

### PLANS APPROVED STATEWIDE

By November 1996, trial courts in all 58 counties had a coordination plan approved by the Judicial Council for fiscal years 1995–96 through 1996–97. The coordination plans for fiscal years 1997–98 through 1998–99 were submitted to the Judicial Council by July 1, 1997. By September 1997, all plans had been received, and by April 1998, all of the state’s 58 counties had approved coordination plans, as required by law. All counties

also have countywide technology implementation plans that will enable trial courts to make planned and thoughtful decisions about technology purchases and functions.

### IMPLEMENTATION REVIEW AND INCENTIVES

The major focus of the Judicial Council has been completion of a statewide review of progress in trial court coordination implementation, review and approval of the new coordination plans for fiscal years 1997–98 through 1998–99, and creation of incentives for coordination.

A preliminary report, prepared by the Trial Court Coordination Advisory Committee in August 1997, presented a procedure for reviewing progress in trial court coordination and also incentive proposals related to trial court funding, new judgeships, and the assignment of judges. The final report was approved at the Judicial Council’s February 1998 meeting.

The 1997 legislation restructuring trial court funding will further trial court coordination efforts. A direct effect will be the set-aside of specific funds for trial court coordination–related incentives. An indirect effect will be the assistance state funding can give the trial courts as they implement programs promoting coordination.



Superior and municipal courts that share administrative and judicial resources are reaping impressive cost savings and efficiency gains.

## Court/Community Outreach Hearings

To fulfill their constitutional role, the state's courts must be accessible to all Californians. The courts are aware that outreach efforts can result in greater public confidence in the justice system and, in turn, more confidence in government as a whole. To advance its charge to lead the judiciary in reaching out to the public and making the courts more accessible, the Judicial Council's Special Task Force on Court/Community Outreach invited the public to attend all of its business meetings held throughout the state in 1997. A public comment period was scheduled at each meeting (*see Task Force Highlights in Chapter 3*).

In Summer 1998, the task force will present its final report to the Judicial Council, including a resource handbook on court/community outreach programs. In addition, the task force plans to oversee training workshops for court personnel in Fall 1998.



Unification of the San Francisco Trial Courts could mean that Hon. George P. Colbert would handle family court matters as well as the traffic cases he currently adjudicates.

## Improving Access and Enhancing Assistance for Families

In keeping with the long-term goal of improving proceedings affecting families and providing access for unrepresented and low- or middle-income persons, the Judicial Council has promoted and supported a number of programs.

### CHILD SUPPORT CASES: AB 1058

The Judicial Council's Family and Juvenile Law Advisory Committee, along with selected members of the Governor's Task Force on Child Support, worked for legislation to implement a recently established federal program (Title IV-D) that provides funding to the states to improve the collection of child support. These efforts helped bring the passage of Assembly Bill 1058, which expedites the court process to make it more accessible and cost-effective for families involved in child support cases.

This law established the Child Support Commissioner and Family Law Facilitator program, a major effort by California to provide judicial officers and support staff to handle child support cases being enforced by the district attorney and to guide families involved in those cases. The Judicial Council administers this program, adopting rules and forms, setting minimum standards for the Office of the Family Law Facilitator, and in other ways ensuring successful implementation of the program. Specifically,



To help children who must accompany their parents to the courtroom, San Francisco's second children's waiting room opened in the civil courthouse in January 1998, thanks to private donations, volunteers, and the advocacy of the San Francisco Women Lawyers Alliance and the Northern California Service League.

the council establishes minimum educational and training requirements for commissioners and other court personnel and serves as a clearinghouse for information needed by facilitators and commissioners. In addition, the Judicial Council is responsible for distributing approximately \$38 million that has been appropriated to run the program.

In September 1997, the Judicial Council held a comprehensive, three-day training workshop on Title IV-D and AB 1058 for child support commissioners and family law facilitators.

### STATEWIDE FAMILY VIOLENCE PREVENTION CONFERENCES

The third Judicial Council–sponsored Statewide Conference on Family Violence and the Courts was held in January 1997 in Oakland. More than 350 representatives from 45 counties exchanged ideas on how to address family violence cases more effectively and learned how the latest efforts could assist them. The conference convened county teams composed of judges and prosecutors, as well as representatives from domestic violence groups, probation departments, social workers,

police officers, and other professionals who deal with family violence issues.

The fourth council-sponsored family violence conference, in February 1998 in Sacramento, featured panels and workshops on batterer intervention programs, the impact of family violence on children, probation's response to family violence, and legislation and case law updates. Local coordinating councils on family violence prevention also reported on their activities.

The formation of family violence prevention coordinating councils in nearly every county—one of the most important goals of the 1994 inaugural conference—will lead the court communities in a coordinated response to this serious problem.

### SELF-REPRESENTED (PRO PER) LITIGANTS

California courts, like others nationwide, have seen an increasing number of self-represented (or pro per) litigants, especially in family law matters. For the 1997–98 fiscal year, the Judicial Council has identified improving access for pro per litigants as a high priority. One of the council's initiatives in this area is the Pro Per Center program.

In June 1997, the AOC contracted with trial courts in five counties to develop pilot programs in fiscal year 1997–98 to establish or enhance pro per centers in their counties. The contracts provide each of the five counties with a \$25,000 one-year seed grant to develop materials that will help other courts in the state to implement similar programs.



Ventura County's Self-Help Legal Access Center, a modern effort to aid pro per litigants who must maneuver through court proceedings without an attorney, is one of a handful of such centers set up by California courts. The Judicial Council awarded funds to five counties to develop pro per models for the rest of the state.



To ensure that all people entering the court system are treated with respect, the Chief Justice asked state courts to offer fairness education to judges and staff.

## Improving Juvenile Justice

Juvenile dependency courts have also been a major focus of Judicial Council activity during 1997. The projects described here continue the council's efforts, begun in 1996, marking the first time in California history that the juvenile courts have been studied in such a comprehensive manner.

### COURT IMPROVEMENT PROJECT

In 1997, the Judicial Council's Family and Juvenile Law Advisory Committee completed the two-year assessment phase of its juvenile Court Improvement Project. This project examines statewide court practices and procedures that relate to children and the state's child welfare and juvenile justice systems. A special emphasis is abused and neglected children who are placed out of the home. The council's objective is to determine how the court system can improve the handling of these sensitive cases.

The *Court Improvement Project Report*, which was published in April 1997, contains 27 recommendations for improving the way child abuse and

neglect, or dependency, cases are processed in the courts. An implementation plan for these recommendations was adopted by the council at its October 1997 meeting. The AOC is currently executing the plan.

### BEYOND THE BENCH CONFERENCE

The Court Improvement Project got a boost at the ninth annual *Beyond the Bench* conference held December 10–12, 1997, in San Francisco. Chief Justice George, who spoke at the conference, had

invited the presiding judges of all superior and consolidated courts in each of California's 58 counties to attend. Five hundred juvenile court judges, court administrators, child welfare professionals, and community leaders—including representatives of the Hoopa, Washoe, and Karok Tribes—met to focus on improving juvenile dependency courts, which adjudicate cases involving child abuse and neglect.



San Diego Superior Court's Assistant Executive Officer Pat Sweeten (left) and Executive Officer Kenneth Martone (right) accepted the Ralph N. Kleps Award from Chief Justice George. The award, the Judicial Council's tribute to courts that have displayed excellence in court administration, was one of twelve 1997 awards presented to courts. *Photo by Wei Chang.*

## Celebrating Court Excellence

Courts throughout the state continue to develop creative programs to improve their efficiency and service to the public, even in the face of severe resource shortages. Every year since 1991, the Judicial Council has honored innovative programs with a Ralph N. Kleps Award for Improvement in the Administration of the Courts, named for the first Administrative Director of the California courts.

In 1997, 12 court programs were selected to receive the prestigious Kleps Award from a field of 31 nominations (for a listing of the courts honored in 1997 and descriptions of the winning court programs, see 1998 annual report companion publication *State Court Outlook*).

## Racial and Ethnic Fairness in the Courts: Final Report

In January 1997, the *Final Report of the California Judicial Council Advisory Committee on Racial and Ethnic Bias in the Courts* was published and distributed to court personnel. This report, prepared by the predecessor and now subcommittee to the Access and Fairness Advisory Committee, recommends ways of eliminating barriers to equal access to the California court system for minority groups and women. This is the fourth and last in a series of interim reports that have represented the unanimous findings and conclusions of the 26 members of the advisory committee—a racially, politically, and philosophically diverse group of prominent jurists and lawyers from different regions of the state.

In August 1997, the Judicial Council approved phase II of the advisory committee's plan for implementing recommendations contained in the racial and ethnic bias report.

## Judicial Fairness Training

Courts are providing fairness education for judges and staff to help ensure that people entering the court system are uniformly treated with respect and fairness and that the courts' services are understandable and accessible. These efforts will better equip judges and court staff to be sensitive to and to handle the needs of court users who have varied backgrounds and who bring a wide range of traditions and expectations to the courts.

In May 1997, Chief Justice George asked California's presiding justices and judges to lead efforts in fairness training for their colleagues and staff. "As the institution expressly charged with rendering justice," the Chief Justice stated, "we must serve as a model for fairness in every facet of our operations."

Specifically, the Chief Justice asked the presiding judges to offer broad-based courses on fairness issues related to race, ethnicity, gender, disabilities, and sexual orientation and to make them available to all judges by June 30, 1998, and to all court employees by the end of 1999. The Chief Justice also asked the judges to take advantage of the resources available through the Judicial Council's AOC and to identify and establish plans to address the needs of the people served by their individual courts.

In accordance with the Chief Justice's initiative for fairness education branchwide by the year 2000, a fairness curriculum and videotape were developed by the Center for Judicial Education and Research (CJER), the AOC's Education Division, and made available to every jurisdiction by March 1998. The course focuses on four central elements of fairness: gender, race/ethnicity, sexual orientation, and disability. The video includes an administrative track as well as an in-depth appellate court roundtable discussion of the issues. Faculty training for instructors covering the curriculum and videotape package was offered in Spring 1998.

## Judicial Branch Education

At a strategic planning meeting in June 1997, the Governing Committee of the Center for Judicial Education and Research (CJER) and other participants reached consensus on the following goals and educational plan for California's judicial branch: (1) comprehensive education plan and standards, (2) curriculum-based planning, (3) skills-based programs, (4) alternative delivery, (5) fairness/diversity training, and (6) management training.

In October 1997, the Judicial Council adopted the Long-Range Plan for Judicial Branch Education, as recommended by the governing committee. The plan, which integrates judicial and court staff educational activities, followed the council's decision, effective January 1, 1997, to approve joint governance for judicial branch education.

## Improving Decision Making in Complex Cases

In August 1997—following the recommendation of the Judicial Council's Business Court Study Task Force—the Complex Litigation Task Force was appointed as a step toward improving the quality of decision making in complex cases, including business and commercial disputes. The task force assembles a group of judges and attorneys with impressive experience in such cases (*see Chapter 3 for more on the work of the task force*). ■

# 3

## Committee Reports



**I**n 1997, Judicial Council advisory committees and task forces reached significant milestones along the road to fulfilling the Judicial Council's goals of improving access, fairness, diversity, and modernization in the state courts and strengthening judicial independence and the quality of judicial officers and court personnel. These goals were outlined in the council's long-range strategic plan (*described in Chapter 1*). Thirty-three committees and task forces worked on critical court administration issues, conducted studies, prepared reports to the Legislature, and implemented new legislation. Following are summaries of their activities during the year.

## Trial Court Budget Commission

The Judicial Council reviewed the role, responsibilities, and membership of its **Trial Court Budget Commission** (TCBC), a Judicial Council advisory committee, following enactment of Assembly Bill 233, the Lockyer-Isenberg Trial Court Funding Act of 1997. The landmark law, which makes the state responsible for funding the state trial courts, is the year's most momentous achievement (*see Chapter 2 for key provisions*).

The TCBC, comprising judges and court executives from the trial courts, was established in 1992 to oversee the trial court budgeting process,

which includes budget building and fund allocation. The commission makes recommendations to the council on critical budget and policy issues affecting California's 174 trial courts. The TCBC developed a uniform format for courts to use in formulating and submitting budget requests, as well as a system of comparative statistics and performance measures to assist the commission in evaluating court requests.

The TCBC is prepared to meet the new challenges presented by the consolidated funding system that the Trial Court Funding Act created. The commission is now responsible for developing budgets and allocating trial court funding under a single-source, state-funded system. These roles are being handled in accordance with the Judicial Council's revised rules of court and budget policies and procedures.

At a public meeting in February 1998, the Judicial Council adopted new rules of court governing the membership and operations of the TCBC in accordance with the Trial Court Funding



The Trial Court Funding Act includes \$29.6 million to improve court security, which had been compromised by inadequate funding.

Act. The structure and functions of the commission are now as follows:

**Membership:** Commission members, like all advisory committee members, make decisions in the best interests of the public and the court system. Commission membership, which has been reduced from 32 to 24 members, comprises 16 trial court judges and 8 trial court executive officers.

**Budget requests:** The commission evaluates the incremental budget requests of the trial courts and makes prioritized recommendations to the Judicial Council.

**Funding allocation:** The commission recommends to the Judicial Council allocation of state funding to the trial courts based on specified criteria.

**Funding reallocation:** The commission makes recommendations to the Judicial Council on reallocation of funds during the current fiscal year for specified purposes.

**Annual report on trial courts:** The commission submits an annual report to the Judicial Council on the fiscal state of the trial courts.

**Specific funds:** The Trial Court Funding Act created a one-quarter percent reserve fund in the trial court budget specifically for rewarding trial courts that have coordinated their judicial and administrative resources. The Judicial Council, working in tandem with the TCBC and the **Trial Court Coordination Advisory Committee**, now is developing a policy to govern allocation of this fund. The act also addressed many other court



Steven Szalay (*center*) and the California State Association of Counties that he heads received the Judicial Council's Special Recognition Award for significant contributions to the success of the Lockyer-Isenberg Trial Court Funding Act of 1997. State Senator Bill Lockyer and Diane Cummins, State Department of Finance Deputy Director (*not pictured*), also accepted awards presented by Chief Justice Ronald M. George (*left*) and William C. Vickrey, Administrative Director of the Courts.

operations and budgeting issues. To allocate funds under Judicial Council direction, the act created the Judicial Administration Efficiency and Modernization Fund. The Administrative Office of the Courts (AOC) distributed to the trial courts in late 1997 a resource manual about Assembly Bill 233 containing a comprehensive description and explanation of the act, as well as questions and answers about its implementation. As required by the act, the **Task Force on Court Facilities** and the **Task Force on Trial Court Employees** were established in early 1998. Anticipated future action includes Assembly Bill 233 cleanup legislation and development of rules of court setting forth the decentralized management structure for the trial courts.

### TRIAL COURT COORDINATION PLANS

Trial courts that are coordinated share their administrative and judicial resources among the municipal and superior courts with the goal of increasing efficiency. The Judicial Council is required by law to approve the courts' coordination structures following review by its **Trial Court Coordination Advisory Committee**. Before the year began, trial courts in all 58 counties had a council-approved coordination plan for fiscal years 1995–96 through 1996–97. The courts' coordination plans for fiscal years 1997–98 to 1998–99 were due to the Judicial Council by July 1, 1997. During the year, the advisory committee completed its review of the plans from all 58 counties. By April 1998, all 58 counties had their coordination plans approved. In addition, each trial court system was assessed to determine its progress in implementing the coordination mandates. The Judicial Council also approved the committee's recommendations for incentives based on coordination progress, most notably, pay parity mandates. Finally, all 58 counties now have developed countywide technology implementation plans that will be the trial courts' foundation for sound decisions about technology acquisition and use.

A key activity during 1997 was the development of methods to monitor the courts' compliance with the deadlines set forth in the approved coordination plans. The advisory committee also completed a statewide review of the progress of trial court coordination around the state and developed incentives to spur courts' coordination efforts. The committee's preliminary report in August included a new procedure for conducting progress reviews and proposed incentives related to the distribution of trial court funding, new judgeships, and the assignment of judges. The final report was presented to the Judicial Council in February 1998 for approval.



Judge John A. Flaherty (Ret.),  
Chair, Trial Court  
Coordination  
Advisory  
Committee



The Trial Court Coordination Advisory Committee deliberated on many issues, including the committee's role following passage of Proposition 220. Left to right are Judge William J. Howatt, Jr. (San Diego County); the AOC's Jennifer Tachera; Judge Jaime R. Corral (Los Angeles County); Judge Bonnie Lewman (Alameda County); Mr. Harvey E. Solomon (Justice Management Institute); and Judge Heather D. Morse (Santa Cruz County). Photo by David Berkman.



A new Judicial Council task force is studying how to improve and maintain adequate court facilities around the state.

## Evaluating Judicial Need

A study by the **Court Profiles Advisory Committee** led to the authorization of 40 new judgeships in 1997. The committee worked with the Trial Court Coordination Advisory Committee, the Trial Court Presiding Judges and Court Administrators Advisory Committees, and the Trial Court Budget Commission to develop a uniform policy for considering factors in evaluating judicial need. The committee submitted to the Judicial Council in February 1998 final judicial needs recommendations for the next legislative session.

## Trial Court Coordination Update

Trial court coordination was established in California by the Trial Court Realignment and Efficiency Act of 1991 (Assem. Bill 1297), which was signed into law on June 30, 1991. Over the years, courts throughout the state have worked toward achieving the coordination goals described in the California Rules of Court and Standards of Judicial Administration.

A significant recent development related to coordination is the passage of Proposition 220 (or Senate Constitutional Amendment 4). Placed on the June 2, 1998, primary election ballot and passed by a 64 percent majority of voters statewide, Prop. 220 provides for the voluntary, not mandatory, unification of the superior and municipal courts of a California county into one countywide superior court in order to improve service to the public and increase flexibility for the courts. It permits a majority of the superior court judges and a majority of municipal court judges within a county to vote to create a “unified” or single superior court. Since Prop. 220’s passage, the majority of counties have taken an affirmative vote for unification.

According to the rules of court for certifying voting actions, the Judicial Council’s Executive and Planning Committee or the county registrar of voters certifies the courts’ voting actions (*for updates on unified counties, see the Judicial Branch of California Web site, [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)*).

As a result of Prop. 220, the Judicial Council has relieved the trial courts in counties that it has certified as unified of any future obligation to submit trial court coordination plans, coordination progress reports, or progress assessment information to the Trial Court Coordination Advisory Committee (TCCAC), which the council previously required.



A study by the Court Profiles Advisory Committee led the Legislature to authorize 40 new judgeships in 1997.

## Training for Judges, Court Personnel

The **Governing Committee of the Center for Judicial Education and Research** (CJER) in 1997 updated training programs for incoming presiding judges, assistant presiding judges, and their court administrators. Areas of emphasis included fundamental and statutory duties of the court's management team, the court's role in the community, executive-level fiscal and employment responsibilities, and enhancement of leadership capabilities.

### CURRICULA EXPANDED

Development of curriculum-based programs and fairness training for all court employees continued through 1997, while separate curricula on domestic violence issues and on ethics were completed. In addition, the management curriculum for the benefit of judges and senior court executives was expanded to include a course on court budgeting. Ongoing comprehensive education programs will continue to be provided to judges and court employees in 1998.

### JUDICIAL EDUCATION ON DOMESTIC VIOLENCE

Under the direction of a curriculum planning committee, the division developed new written student materials and a teacher's guide on domestic violence issues, designed for training new judges or judges new to a domestic violence assignment. The curriculum was piloted during 1998 at the B. E. Witkin Judicial College, and the materials and guide will also be used in regional and local programs. A video on the dynamics of domestic violence and their relevance to judicial decisions accompanies the curriculum. The division will develop additional curricula on domestic violence issues in court management, family law, criminal law, and juvenile law, as well as a component for court employees.

## Working for Greater Access and Fairness

The **Access and Fairness Advisory Committee**, the successor to the Racial and Ethnic Bias in the Courts Advisory Committee, is responsible for implementing the recommendations of what has become its subcommittee. Significant strides were made in 1997. The **Court Interpreters Advisory Panel** also contributed greatly to progress in improving access and fairness in the courts.

### GENDER FAIRNESS

Pilot programs in sexual harassment awareness and prevention were started in all courts. The Access and Fairness Advisory Committee also conducted a roundtable discussion on issues related to child care for court employees and began developing implementation plans. Recommendations for expanding services for non-English-speaking litigants in family and domestic violence matters also were submitted to the **Family and Juvenile Law Advisory Committee**. A brochure for bench officers on avoiding even the appearance of bias was prepared and distributed to court staff and judicial officers.

### ACCESS FOR PERSONS WITH DISABILITIES

The Access and Fairness Advisory Committee's final report regarding Americans With Disabilities Act (ADA) issues was distributed to all California courts. The committee is at work on a preliminary survey to identify the following information regarding persons with disabilities:

- Judicial and nonjudicial court personnel with disabilities
- Court-related needs of all persons with disabilities
- Existence of ADA coordinator positions in the courts
- Completion of ADA self-evaluation plans
- Completion of ADA transition plans



Hon. Ernest  
Borunda, Chair,  
Governing  
Committee of the  
Center for Judicial  
Education and  
Research

In conjunction with CJER, the Access and Fairness Advisory Committee developed an educational video on rule 989.3 of the California Rules of Court to educate court personnel about barriers to court access faced by persons with disabilities. The committee also distributed a newsletter and is producing a teaching manual on ADA issues.

### RACIAL AND ETHNIC FAIRNESS

In January 1997, the final report of the Advisory Committee on Racial and Ethnic Bias in the Courts (now the **Subcommittee on Racial and Ethnic Fairness**) was published and distributed to court personnel. In addition, the Access and Fairness Advisory Committee completed phase I of implementation of the recommendations in the report. At its August 1997 meeting, the council approved phase II of the advisory committee's implementation plan. The council has directed the committee to proceed with the implementation goals that are expected to be completed by the end of fiscal year 1998-99. Activities in 1998 include a roundtable discussion on women of color and the justice system and, in conjunction with the National Indian Justice Center, a two-day conference on issues affecting Native Americans.



The council's Access and Fairness Advisory Committee scheduled a conference in April 1998 to explore Native American legal issues.

### SEXUAL ORIENTATION FAIRNESS

Issues and problems pertaining to sexual orientation fairness in the courts were identified during the year through roundtable discussions and focus groups. The committee began development of a survey of court employees, judges, attorneys, and members of the gay and lesbian communities and completed a videotape to be used in CJER's training programs as part of a model for judicial education sensitivity training.

### INTERPRETING FOR THE DEAF AND HEARING IMPAIRED

The **Access and Fairness Advisory Committee** is developing guidelines for ongoing review and approval of qualified agencies that administer tests for certifying court interpreters for the deaf and hearing impaired.

### COURT INTERPRETERS: SPOKEN LANGUAGE PROGRAM

In 1996, the Judicial Council adopted the recommendations of the **Court Interpreters Advisory Panel** to establish guidelines and procedures for determining good cause for the use of noncertified court interpreters in criminal and juvenile proceedings. Guidelines and procedures are also being developed for civil proceedings. Standards and requirements for interpreter proficiency, continuing education, and certification and renewal were completed in 1997. In addition, the panel conducted workshops for trial court personnel responsible for coordination of interpreter services. Ongoing regional workshops will continue to be offered in 1998.

In 1998, the panel will work on approval of certifying entities for Spanish and other designated languages and will develop standards and requirements for discipline, as well as standards of professional conduct, for court interpreters. Along with developing programs for interpreter recruitment, training, and continuing education, the panel is reviewing existing standards of judicial



The Court Interpreters Advisory Panel meets regularly to discuss issues pertaining to the recruitment and retention of certified interpreters in its effort to increase the number of qualified interpreters in California. Panel members shown (left to right) are Sara Krauthamer and Olivia Johnston, court interpreters; Michael A. Tozzi, Executive Officer (Stanislaus County); and Kerri Keenan, Assistant Court Administrator (Kings County). Photo by Penny Davis.

administration to determine the need for interpreters in particular cases and to ensure that interpreters understand technical terminology. The panel is also developing procedures for qualifying an interpreter in a language not designated by the Judicial Council.

## Improving Court Proceedings Involving Children, Families

The **Family and Juvenile Law Advisory Committee** worked diligently in 1997 to improve court proceedings involving children and families. With the assistance of the National Center for State Courts, the committee completed a comprehensive needs assessment of the juvenile dependency system. The assessment report, with recommendations for improvement and an implementation plan, was submitted to the Judicial Council. In response to the report by the juvenile Court Improvement Project, the Center for Children and

the Courts was established within the Council and Legal Services Division of the AOC. The center published *Children and Families Before the Court*, a newsletter with statewide circulation, containing case law, legislation updates, and other crucial information for courts and court-related agencies on juvenile and family court issues.

### FAMILY VIOLENCE PREVENTION PROGRAM

Statewide standards for applications, hearings, and dispositions for temporary restraining orders

for victims of domestic violence were prepared and adopted. The committee and AOC staff revised an instruction manual on obtaining restraining orders and developed legislation and changes to court rules and forms to expand the use of temporary restraining orders to juvenile delinquency hearings. Legislation on this issue was introduced in January 1998. Another highlight was the second annual Statewide Conference on Family Violence and the Courts, which brought together judges, district attorneys, probation officers, social workers, and victim advocates.

### CHILD SUPPORT PROGRAM

A plan for improving child support establishment and enforcement—including implementation of the Child Support Commissioner and Family Law Facilitator program under Assembly Bill 1058—was developed. The committee coordinated the 50 commissioners participating in the program who hear federal Title IV-D child support enforcement matters. It also completed recommendations for changing legislation and relevant Judicial Council rules and forms (*see discussion of AB 1058 in Chapter 2*).

A Judicial Council committee evaluated juvenile court procedures in all 58 counties and helped the courts comply with federal and state mandates.



### HELP FOR PRO PER LITIGANTS

In accordance with two of the Judicial Council's goals (Access, Fairness, and Diversity; Quality of Justice and Service to the Public), the AOC contracted with trial courts in five counties (Alameda, Sacramento, San Diego, Santa Clara, and Ventura) to develop pilot programs establishing or enhancing pro per centers in their counties in fiscal year 1997-98. The need of self-represented litigants for help is especially great in family law matters. One-year seed grants of \$25,000 each were awarded to develop materials and procedures that will assist other courts throughout the state in implementing similar programs. Copies of all materials developed with grant funding were submitted at the end of the grant period on June 30, 1998, and a final report to the Judicial Council evaluating the pilot programs' accomplishments for the purpose of further planning is under way in mid-1998.

### JUVENILE COURT PROGRAM

With funding from the California State Department of Social Services, the Judicial Review and Technical Assistance (JRTA) project evaluated juvenile court procedures in all 58 counties and provided technical and legal assistance to ensure the courts' compliance with federal and state mandates. Under the JRTA project, four court improvement studies were launched in 12 counties. The project has saved counties millions in federal foster care dollars by improving compliance with Title IV-E of the Social Security Act. In addition, attorneys representing children and lay advocates in dependency, family law, adoption, and related proceedings received training from the Child Advocacy Training and Court Improvement Projects.

The Family and Juvenile Law Advisory Committee also held a three-day statewide conference, Beyond the Bench IX, that focused on child welfare issues and the Court Improvement Project. Teams from 54 counties attended the conference, and each participating county developed a local court improvement action plan. In addition, staff drafted

model local rules for juvenile courts, provided legal and technical assistance to juvenile court judicial officers, developed binders on county profiles and model pleadings, and established a library containing Title IV-E and study topic resources.

### **COORDINATION OF CASES AFFECTING CHILDREN**

The committee worked in 1997 to enact legislation that removed sunset clauses for implementation of Family Assessment Intervention and Resource (FAIR) Centers. In addition, \$150,000 in grant funds was obtained from the Bureau of Justice Assistance to implement a pilot FAIR Center in California. The committee is conducting an ongoing assessment and study of juvenile and family court organization and coordination models.

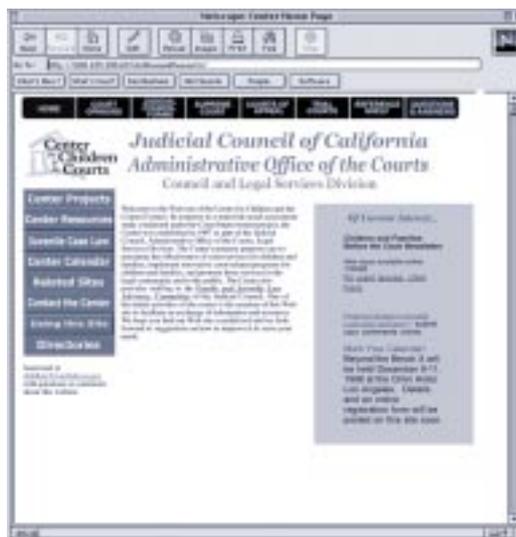
### **FAMILY AND JUVENILE TECHNOLOGY IMPROVEMENTS**

The committee developed a Children and the Courts Web site, which was completed in June 1998. In addition, work is under way to develop a computer linkup with all juvenile courts in the state. The primary focus of this effort is to expand informational resources that can be transmitted electronically among the family and juvenile courts and the AOC's Center for Children and the Courts.

### **THE CENTER FOR CHILDREN AND THE COURTS**

The Center for Children and the Courts was established by the AOC's Court Improvement Project, which is responsible for designing and implementing improvements to the state's juvenile court system. In 1997, the center assisted the Family and Juvenile Law Advisory Committee by preparing reports; providing legal and policy support; drafting new and revised rules, standards, and forms; developing legislative proposals; and reviewing pending legislation and consulting with the AOC's Office of Governmental Affairs to assist in the development of appropriate Judicial Council positions on specific bills. The center also drafted and

negotiated contracts with the California Department of Social Services for funding of Assembly Bill 1058 programs and a survey on child support guidelines. Staff made presentations throughout the state to court administrators and other personnel on Assembly Bill 1058 implementation issues. In addition, staff worked to ensure that the concerns of the state's district attorneys regarding child support issues are being addressed in new Judicial Council forms and court procedures. In ongoing training and informational mailings, staff also provided information and analysis to commissioners and facilitators on child support, welfare reform, and family law legislation.



The Judicial Council's new Web site for the Center for Children and the Courts ([www.courtinfo.ca.gov/childrenandthecourts/](http://www.courtinfo.ca.gov/childrenandthecourts/)) facilitates exchange of information and resources among California's juvenile courts.

Hon. Thomas M.  
Cecil, Chair, Court  
Technology  
Advisory  
Committee



### CHILD ADVOCACY TRAINING (CAT) PROJECT

The Child Advocacy Training (CAT) project will provide statewide training for court-appointed attorneys and advocates for children and child victims in juvenile dependency, family law, adoption, and related cases. Staff held two brain development symposia and four child advocacy training programs during the year. The project is funded by the U.S. Department of Justice Office of Criminal Justice Planning.

### FAMILY VIOLENCE PROJECT

Staff planned and held the annual statewide conference on family violence prevention and served as liaison to the CJER program planning committee on family law issues and advised the committee on development of its domestic violence curriculum.

### COURT IMPROVEMENT PROJECT

Project staff completed a statewide needs assessment of court practices and procedures relating to children and youth in California's child welfare and juvenile justice system, with a special focus on abused and neglected children placed out of the home. In addition, staff submitted to the Judicial Council a comprehensive assessment report and a three-year implementation plan. Statewide court improvement implementation was launched at the Beyond the Bench IX conference.

### COURT-APPOINTED SPECIAL ADVOCATE (CASA) GRANT PROGRAM

Staff administered current grants to Court-Appointed Special Advocate (CASA) programs and sent out requests for proposals for 1998 grants. The project encourages the development of local CASA programs to assist abused and neglected children who are the subject of judicial proceedings.

## Modernizing California Courts

In 1997, the Court Technology Advisory Committee (CTC) investigated court technology topics identified in the Judicial Council's report on the national fact-finding trip undertaken during the year. Subjects of study included the National Center for State Courts' Courtroom 21, imaging technology, courtroom data capture, video arraignment, technology collaboration with the bar, technology for drug treatment and supervision records, and domestic violence matters.

### REVISED STRATEGIC PLAN

In September 1997, the **Court Technology Advisory Committee** (CTC) began to revise its strategic plan for court technology. The plan was adopted by the committee in March 1998 and forwarded to the Judicial Council for approval. Designed to serve as a coherent, structured, and authoritative statement of technology objectives for the judicial branch, the plan assists the AOC by laying a foundation for implementation efforts and gives the courts a framework within which to develop consistent local technology plans. It also gives the Legislature a context for assessing funding requests.



The council's Court Technology Advisory Committee has developed a strategic plan designed to help the state's court system achieve its modernization goals.

### REVIEW OF FUNDING REQUESTS

Aided by trial court experts, the CTC in fiscal year 1997–98 reviewed \$80 million in trial court funding requests for technology projects, 61 percent of which were for case management systems. The committee approved approximately \$71 million of the total amount requested.

### TECHNOLOGY ASSISTANCE GRANTS

At the end of 1997, the CTC allocated approximately \$3.6 million to the trial courts to remedy year 2000 problems and to address other urgent needs. Funds were allocated to 57 counties primarily to correct problems with case management systems.

### CASE MANAGEMENT SYSTEM EVALUATION

In May 1997, the CTC published an evaluation of case management systems (CMSs) used in California trial courts. A CMS evaluation task force was formed with 21 court administrators and management information system (MIS) volunteers from 16 counties. The evaluation measures 15 products against an ideal CMS, with particular attention to accounting and financial features, reporting capabilities, courtroom use, and connectivity to other justice system entities.

### CALIFORNIA JUDICIAL NETWORK

In May 1997, work began on the infrastructure for a CTC-sponsored telecommunications network that would link all the trial courts to the existing wide-area network used by the AOC and the appellate courts. The objective of the expanded network, designated the California Judicial Network, was to test low-cost technology that could enable the courts to securely exchange e-mail and associated attachments. Initial connectivity was provided by Virtual Private Network technology over the Internet and by dial-up connections using Cisco routers.



The incompatibility of current court technology systems makes it impossible for most courts to communicate and to collect workload data effectively. The Judicial Council's Court Technology Advisory Committee is developing uniform data standards to change that.

### ELECTRONIC FILING

In the appellate arena, the CTC provided funds to the Superior Court of the Consolidated/Coordinated Superior and Municipal Courts of Riverside County to develop a CD-ROM template for creating an electronic version of the record on appeal. In addition, the committee is monitoring other electronic filing projects in the First and Fourth Districts of the Court of Appeal.

In the trial court arena, the CTC's Telecommunications Subcommittee drafted a rule of court authorizing pilot-project courts to modify electronic versions of mandatory Judicial Council forms by excising material not relevant to particular transactions. The Judicial Council approved the rule in April 1998. The subcommittee also drafted functional standards for electronic filing that were distributed for public comment in June 1998.

### ACCESS TO ELECTRONIC RECORDS

Early in 1997, the CTC received Judicial Council approval to circulate for public comment a proposed rule on electronic access to court records. The proposal provided that “any record that a judicial branch agency makes available to the public shall be made available electronically, to the extent that the agency has determined that it has sufficient resources to do so.” Comments were received on privacy interests in court records, particularly in family law cases; legal restrictions on dissemination of certain data in criminal case files; and problems with implementation. In light of the comments, the committee scaled back the proposal to apply only to trial court pilot projects for certain types of civil cases. The revised proposal states that courts participating in the pilot project would apply the policies set out in the rule and report back to the CTC after a two-year period. After evaluating the results of the projects, the committee would make further recommendations to the Judicial Council for rules governing electronic access to court records. The revised proposal was distributed for public comment in Summer 1998.

Also in 1997, the **Court Administrators Advisory Committee’s Subcommittee on Statistical Reporting** examined the courts’ current case-related statistical reporting system with the goal of recommending a plan for modernizing both the data itself and the data collection system. The committee held focus groups with court management to identify broad information needs and organized court staff workgroups to define the case management system information standards to meet those

needs. The proposed standards were circulated for comment, then approved by the Judicial Council in June 1998. Implementation of the standards is scheduled to begin in Fall 1998.

### VIDEO TECHNOLOGY REPORT

The CTC submitted a *Report on the Application of Video Technology in the California Courts* to the Judicial Council in August 1997. The report found that only 10 counties had video installations. While the courts using video were enthusiastic about the technology, other courts were slow to adopt it. The report recommended that courts be encouraged to more fully utilize the potential of video technology by employing it not only for arraignments, its customary application, but also for other hearings and for administrative purposes.



Judicial Council committees are finding ways to expand access to the courts and service to the public through improved technology, case management, and court procedures and practices.

## Improving Criminal and Civil Law

The **Criminal Law Advisory Committee** advised the Research and Planning unit of the AOC's Council and Legal Services Division, which conducted an extensive new three-strikes study. The final report, a comprehensive analysis of the impact of the three-strikes law on California trial courts, is expected to be released in 1998 (*see box in Chapter 2*).

During 1997, the committee developed a new form designed to help ensure that restitution to crime victims is ordered in every case and to make it easier for victims to enforce restitution orders. The committee will continue to work on procedures and forms to further the enforcement of such restitution.

The committee also developed a rule to implement the Criminal Convictions Records Act. Adopted by the Judicial Council effective July 1, 1998, this rule requires courts to certify records of criminal convictions and submit them to the Department of Justice. These records will be entered into a database that can generate documents for use in proving prior convictions in court. The committee also reviewed proposed legislation in criminal law and procedure and made recommendations to the council. In 1998, the committee plans to study the impact of Code of Civil Procedure section 237 on the courts. This statute requires that information about jurors be sealed after the verdict in a criminal case. The committee also plans to update the abstract of judgment forms.

### CIVIL AND SMALL CLAIMS ADVISORY COMMITTEE

In 1997, the **Civil and Small Claims Advisory Committee** was active in proposing and amending rules of court and forms. Major projects of this committee are summarized here.

#### Delay Reduction Program

The committee developed and sponsored cleanup legislation needed to clarify laws relating to civil case management and to improve courts' ability to meet applicable case-processing time standards. The committee also continued to provide technical assistance to courts in implementing delay reduction programs and to incorporate into CJER programs training in delay reduction.

#### General Case Management Program

Data collection began in 1997 for legislatively mandated studies on Strategic Lawsuits Against Public Participation (SLAPP), suits filed to prevent the exercise of certain rights, such as the right to demonstrate, and on the impact of sanctions motions under Code of Civil Procedure section 128.7. The findings of these studies were to be completed by mid-1998. Law Revision Commission proposals on appeals from administrative hearings were considered and rejected during the year, as was a proposed revision to Code of Civil Procedure section 170.6 that was presented to the **Trial Court Presiding Judges Advisory Committee**. The development of possible revisions to summary judgment procedures is on hold pending legislative action on the summary judgment statute.

#### Small Claims Procedure

The committee (1) developed a standard for deciding submitted small claims cases; (2) amended an existing form to clarify when the judgment may be enforced and to clarify the judgment debtor's obligation to complete the *Judgment Debtor's Statement of Assets* form; (3) developed a



The Judicial Council has ranked the development of uniform, user-friendly court forms high on its agenda.

new form that orders a judgment debtor to appear and explain why the *Judgment Debtor's Statement of Assets* form was not completed and to answer questions about income and assets; and (4) amended several forms to clarify that the time to appeal a denial of a motion to vacate the judgment runs from hand delivery or mailing of the denial. In addition, several forms were amended to conform to statutory changes in small claims law and to make technical changes.

After conducting a statewide survey in 1996 and in accordance with the recommendation on small claims improvement projects in the council's long-range strategic plan, the committee obtained authorization to produce a videotape for training small claims temporary judges. The survey revealed that 83 percent of respondents (87 out of 110 municipal courts responded) used temporary judges to hear small claims cases, but only 50 percent provided a formal training program for these judges. Small claims cases represented 44 percent of all municipal court filings.

The committee also obtained authorization to produce a small claims Web page in cooperation with San Mateo County, the president of the Small Claims Advisors Association, and the Department of Consumer Affairs.

### REVISION OF APPELLATE COURT RULES

The **Appellate Advisory Committee** received authority and resources to rewrite the appellate court rules (Cal. Rules of Court, rules 1–80). The project will undertake the first comprehensive revision of these rules since their adoption in 1943. An editorial review panel has been constituted to propose revisions to the full committee.

Also during 1997, the committee obtained council approval of numerous revisions to existing appellate rules to comply with legislative changes and to improve appellate and trial court administration of appeals.

## Updating Traffic Administration

The **Traffic Advisory Committee** organized a statewide, two-day traffic adjudication workshop in 1997 for more than 100 judicial officers, law enforcement officials, and others interested in traffic safety. The workshop promoted traffic safety through an exchange of information among attendees.

The committee proposed a new rule and devised forms for trials by written declaration. Courts have noted that for bail-forfeitable offenses, trials by written declaration are more efficient and cost-effective for all parties—courts, law enforcement agencies, and defendants—than formal court trials. Currently trials by written declaration fall under local court rules, and several courts do not have rules for these trials. The committee wrote and circulated for comment forms and a rule for trial by written declaration in expectation of the passage of Judicial Council–sponsored legislation giving the council the authority to adopt them.

In 1997, the committee also proposed amendments to two existing rules. An amendment adopted by the Judicial Council to rule 1034 of the California Rules of Court formally expanded the committee's mission to include the nontraffic bail-forfeitable offenses formerly in the bail schedules for boating, forestry, fish and game, public utilities, and other licensing. Rule 851 was amended to allow traffic violator school as pretrial diversion for certain traffic violations.

As part of its mission to identify traffic administration issues confronting the courts, the committee recommended removal of administrative pro se license sanctions from the courts to the Department of Motor Vehicles.

The committee also gathered data on implementation of Vehicle Code section 16028 on mandatory insurance. The committee's findings were reported to the Legislature in 1998.



Hon. Joyce  
Kennard, Chair,  
Appellate Advisory  
Committee

## Task Force Highlights

### SPECIAL TASK FORCE ON COURT/COMMUNITY OUTREACH

The Special Task Force on Court/Community Outreach was established in April 1997 to implement the Judicial Council's goal of encouraging collaboration between the courts and their communities, as well as the development of community-focused courts. Chief Justice George named to the task force 26 individuals with diverse backgrounds and professional experiences from communities and organizations across the state. Among the issues being studied by the task force are effective court outreach programs under way in California and around the nation, areas of need in California, and agencies or groups with which the Judicial Council could collaborate.

### STEERING COMMITTEE FOR THE STATEWIDE COMMUNITY-FOCUSED COURT PLANNING CONFERENCE

In April 1997, Chief Justice George appointed the Steering Committee for the Statewide Community-Focused Court Planning Conference, which is chaired by San Diego Superior Court Judge Judith McConnell. The conference is supported in part by a grant from the State Justice Institute. With the theme "Courts and Their Communities: Local Planning and the Renewal of Public Trust and Confidence," California's first Statewide Community-Focused Court Planning Conference in May 1998 brought together in Long Beach teams of 430 court, bar, local government, and public leaders from 54 counties. The steering committee was formed to organize the conference as part of the Judicial Council's goal of improving local court planning and fostering the public's understanding about and support for the state's courts. The committee oversaw development of the agenda, hired conference consultants, identified in-court planning consultants, retained a project evaluation consultant, and

helped ensure broad participation by seeking statewide formation of county teams.

### BENCH-BAR PRO BONO PROJECT ADVISORY COMMITTEE

The six-person Bench-Bar Pro Bono Project Advisory Committee comprises representatives named by the Judicial Council, the State Bar, and the California Judges Association (CJA). The committee was established in 1996 to provide input to the bench and the bar on methods for increasing pro bono activity by attorneys. The loss in recent years of federal funding for programs providing legal services to California's poor has had a dramatic impact on California courts. The goals of the joint pro bono project are to educate the bar and the judiciary about the crisis in legal services funding, to develop proposals to deal with the growing numbers of pro per litigants, to address ways the judiciary can encourage pro bono work, and to study other models for systemic changes to streamline legal services cases. Judges are already improving access to the judicial system at the local, regional, and statewide levels. The committee intends to promote these efforts and to educate more judges about possible model projects and activities.

To pursue these goals, the committee worked with the State Bar's Office of Legal Services to produce a reference guide entitled *Judicial "Equal Access" Activities: Examples and Contact Names*. This publication was sent to every California judge and commissioner, along with a letter from the Chief Justice encouraging judges to be more involved in promoting pro bono services. The committee also is considering offering access workshops at judicial conferences, as well as a clearinghouse of materials on model projects. The committee began work in 1998 to establish an annual award honoring a California judge who has improved access to the judicial system for poor or low-income persons. The proposal was adopted by CJA and the State Bar in 1997 and by the Judicial Council in 1998.



Hon. Veronica S. McBeth, Chair, Special Task Force on Court/Community Outreach



Hon. Judith McConnell, Chair, Steering Committee for the Statewide Community-Focused Court Planning Conference

### OVERSIGHT COMMITTEE FOR THE CALIFORNIA DRUG COURT PROJECT

This task force was created in 1996 to oversee the California Drug Court Project, which encourages the development of drug courts in the state by providing funding and professional support. More than 60 jurisdictions across the state now operate drug courts.

Funding of \$500,000 from the Office of Criminal Justice Planning (OCJP) was allocated to trial courts in fiscal year 1996–97 based on recommendations from the task force, as part of OCJP’s Anti-Drug Abuse Program, to support new or expanding drug courts in California. The second-year grant of \$1 million from OCJP also was allocated to trial courts, based on recommendations from the task force for fiscal year 1997–98. These grants have allowed the Judicial Council to provide more than 50 mini-grant awards to drug courts.

During 1997, the committee developed proposed guidelines for the revised Penal Code section 1000.5, Guidelines for Diversion Drug Court Programs (Cal. Standards of Jud. Admin., § 36). These guidelines were sent out for comment statewide,

then approved, effective January 1, 1998, by the council in November 1997.

The committee has worked with American University to establish objective criteria for assessing the effectiveness of drug court programs in California and was awarded a \$300,000 grant to provide a statewide mechanism for evaluation. In addition, the committee is working with other state agencies to advocate increased resources for drug courts.

The committee also is creating a handbook to guide California trial courts in implementing, expanding, and evaluating drug courts. The outline for the handbook will be submitted to the Judicial Council for adoption in 1999.

Finding additional funding sources for the support of innovative drug court programs and standardizing automation that allows accurate data collection and meaningful evaluation that is readily and fully realized are the task force’s primary challenges in 1998.

### COMPLEX LITIGATION TASK FORCE

The Complex Litigation Task Force was appointed in August 1997 to accomplish the following tasks:

- Develop for adoption, if necessary, a definition of a complex civil case
- Prepare guidelines for identifying a complex civil case
- Prepare a manual to help state court judges identify and handle complex cases more efficiently and equitably
- Recommend appropriate amendments to statutes and California Rules of Court to permit flexible management of complex civil cases, including but not limited to business and commercial disputes
- Oversee establishment of a pilot program that is responsive to users of the court system in appropriate urban counties and that focuses resources in a complex litigation division
- Recommend actions to widely implement activities shown by the pilot program to be effective

Judge Rudolph R. Loncke teaches Sacramento middle-school students about the justice system, part of a program established by the council’s Special Task Force on Court/Community Outreach to bring lawyers and judges into classrooms.



- Recommend an appropriate oversight body charged with ongoing responsibility for monitoring complex litigation programs in the California courts and recommending improvements to such programs to the Judicial Council or an advisory committee

- Develop jointly with the Center for Judicial Education and Research specialized curricula relating to complex civil cases and recommendations on who should attend training classes and how often

The task force has begun to analyze the large volume of written work on complex litigation. Challenges for 1998 include defining a complex case, preparing an initial draft of a manual on complex litigation, and laying the groundwork for a pilot program.

### TASK FORCE ON JURY INSTRUCTIONS

This task force was established in 1997 to draft jury instructions that state the law accurately and are understandable to jurors. The group has begun writing instructions, which will be circulated for comment when completed.

### TASK FORCE ON PROBATE AND MENTAL HEALTH

The Task Force on Probate and Mental Health was formed in 1996 to assist the Judicial Council on probate and mental health issues, which have undergone numerous changes in recent years, particularly from new legislative measures. In its first year, the task force drafted proposed changes to virtually all the legal forms used in the administration of decedents' estates, guardianships, and conservatorships. The council in 1997 approved more than 60 new and revised forms for use in probate proceedings.

The task force also advised the council on legislation affecting probate and mental health proceedings and tackled reform of forms and of rules of probate procedures, as well as needed actions on mental health issues. The task force began work



on proposed uniform statewide probate rules and will revise the *Handbook for Conservators*.

In addition, the AOC staffs the following two task forces appointed by the Governor.

### TASK FORCE ON COURT FACILITIES

The Task Force on Court Facilities, created in 1997 by Assembly Bill 233, is charged with identifying needs related to trial and appellate court facilities, and options and recommendations for funding court facility maintenance, improvement, and expansion, including the specific responsibilities of each entity of government.

### TASK FORCE ON TRIAL COURT EMPLOYEES

The Task Force on Trial Court Employees was established in January 1998 pursuant to Assembly Bill 233. Its charge is to recommend an appropriate system of employment and governance for employees of the trial courts.

The Judicial Council created a task force to improve the quality of decision making in complex litigation, including business and commercial disputes.

### APPELLATE INDIGENT DEFENSE OVERSIGHT ADVISORY COMMITTEE

The formal charge approved by the administrative presiding justices for this task force contains specific goals, including the development of recommendations to:

- Ensure adequate assistance of counsel to indigent defendants
- Make effective and efficient use of state resources
- Increase uniformity and implement state-wide practices where possible
- Develop guidelines for review of compensation claims
- Monitor and review the payment of such claims



Many efforts have been made—and more are under way—to make jury service a more convenient and rewarding experience.

The task force also makes other recommendations requested by the Chief Justice or the **Administrative Presiding Justices Advisory Committee**.

The oversight committee meets quarterly in San Francisco to audit claims from appointed counsel. In addition, the committee currently is developing a program for assigning blocks of cases to attorneys by bid for a fixed fee in lieu of single appointments on an hourly fee for service. It has established a standard level of assistance of 2.4 hours per case to private counsel accepting appointments on an independent basis and is continuing the long-term project of establishing standard levels of assistance for cases appointed on an assisted basis.

### APPELLATE PROCESS TASK FORCE

The Chief Justice appointed the Appellate Process Task Force in April 1997 to examine how appellate courts do their work and to determine what changes may be necessary for the appellate courts to render timely justice in the future without adding additional resources. Appellate caseload is growing steadily at the rate of 5 to 6 percent each year. In appointing the task force, the Chief Justice recognized that adding resources, especially judicial resources, to keep pace with workload may not always be possible or even desirable.

This task force was directed to review the constitutional requirements, statutory provisions, and rules of court governing the operation of appellate courts and to evaluate court organizational structures, workflows, and technological innovations that affect their work. The task force will make recommendations to the Judicial Council for revising the courts' functions, structure, and workflow to enhance the efficiency of the appellate process. The scope of the examination encompasses appellate jurisdiction and mandatory and discretionary review, including the use of writs in lieu of appeals for specified cases, the requirement for written opinions with reasons stated in every case, and

requirements for publication of opinions. Alternative types of dispositions, alternative appellate processes, different timetables for different types of appeals, the use of subordinate judicial officers, and the use or elimination of divisions are some of the structural changes being assessed.

The task force is composed of appellate court justices from each court, judicial staff attorneys, an appellate court clerk, and members of the appellate bar. Its three subcommittees will examine jurisdiction, case management, and court operations. An interim report is due to the Chief Justice in November 1998, and a final report is due a year later. ■



In 1998, a task force will recommend to the Judicial Council methods for enhancing the efficiency of California's appellate court process.



# 4

## AOC Activities



William C. Vickrey, Administrative Director  
of the Courts



Dennis B. Jones, Chief Deputy Director

The year 1997 emerged as one of the most rewarding in the history of the Administrative Office of the Courts (AOC), the staff agency responsible for carrying out Judicial Council policies in the area of state court administration. Under its director, William C. Vickrey, the AOC continued to assist California courts not only in meeting the challenges of inadequate resources and larger and ever more complex caseloads, but also in developing far-reaching, innovative solutions to these and other problems the courts confront in today's challenging social and economic environment. The key activities of the AOC's seven divisions and bureaus—Council and Legal Services, Education, Trial Court Services, Finance, Human Resources, Information Systems, and the Office of Governmental Affairs are summarized here, along with the functions of Appellate Court Services, the Administrative Support Unit, and the Office of Court Security.

Michael Bergeisen,  
General Counsel



## Council and Legal Services Division

The Council and Legal Services (CALs) Division works to improve the administration of justice in California under the direction of the Judicial Council by providing policy planning, research, legal advice and counsel, communication assistance, and council secretariat services. The division provides advice and services to the Chief Justice of California, the Administrative Director of the Courts, the Judicial Council, the trial and appellate courts, and the AOC. CALs comprises the Legal Services section, which includes House Counsel, Rules and Legislation, the Center for Children and the Courts, and Judicial Council Committee Support, and the Judicial Council Services section, which encompasses Research and Planning, the Public Information Office, and Secretariat and Conference Services.

### LEGAL SERVICES

This section performs counsel and research services for the Chief Justice, the Judicial Council, the appellate courts, and internal AOC departments on a variety of legal issues, including employment,

judicial administration, and general legal matters. Staff also oversees litigation involving the council, the appellate and trial courts, and the AOC; serves as legal staff for council programs and committees; handles the criminal change of venue program, provides legal services for the coordination of civil actions; handles prelitigation claims, and is responsible for revising the council's legal forms and drafting California Rules of Court (*new and amended forms, rules, and standards are listed in the Appendix*).

### New Rules, Legislative Proposals, Research

During 1997, Legal Services staff drafted new rules and legislative proposals for all advisory committees and supervised outside counsel in handling more than 15 lawsuits. Prompt legal advice and legal opinions were provided to other AOC divisions throughout the year, as well as guidance and legal research for the courts and counties regarding the minimum standards for court facilitators and commissioners.

In response to new legislation, this group provided guidance and research on funding and implementation issues for the counties and courts and negotiated contracts with the California Department of Social Services for funding for legislative programs and a survey on child support guidelines. Staff also drafted rules of court and court forms to conform to new legislation.

Another highlight in 1997 was the submission of the final report to the Judicial Council of the ad hoc Advisory Committee on Racial and Ethnic Bias in the Courts. Staff undertook extensive work with various organizations, such as the California Judges Association, the State Bar Rules Committee, and the Judicial Council's Civil and Small Claims Advisory Committee, on the development and implementation of rule 302 of the California Rules of Court. This rule preempts local court rules and authorizes the council to determine the form and format of specific court procedures to make them uniform throughout the state.

## Court Rules and Forms

The California Constitution gives the Judicial Council various powers to improve the administration of justice, including the authority to adopt California Rules of Court that are not inconsistent with statute. The rules, which concern court administration, practice, or procedure, have the force of law. The council also makes recommendations to the courts through the California Standards of Judicial Administration. Standards recommend practices and procedures, express goals that courts and judges are urged to try to attain, and state guidelines for discretionary action. The council also adopts mandatory court forms and approves other forms for optional use. Use of approved forms is not mandatory, but these forms must be accepted by all courts in appropriate cases. The Appendix of this publication contains a complete list of new and amended rules and forms for 1997.

### **Family Law, Bias, Access, Business Court Issues**

The Legal Services section served as staff liaison to the Center for Judicial Education (CJER) program planning committee for family law issues, for development of a domestic violence curriculum, and for the mandated fairness training program. In addition, staff helped to organize the program for the annual meeting in May of the National Consortium on Racial and Ethnic Bias and distributed to state courts an implementation report on gender bias recommendations. Staff also produced, in collaboration with CJER, *Obstacle Courts*, an educational video about access to the courts for persons with disabilities. Legal counsel and services were provided to the council's Business Court Study Task Force, which produced the publication *Final Report of the California Judicial Council Business Court Study Task Force*, and to the State Bar Outreach Program, which sponsored seminars about diversity on the bench.

### **JUDICIAL COUNCIL SERVICES**

The Judicial Council Services section has several missions: to provide comprehensive research and planning services to the council, to provide logistical support for the council and its committees, to coordinate communications between the courts and the council, and to inform the public about the judicial system.

### **Research and Planning**

The work of the Research and Planning unit is concentrated in three areas: research in judicial administration; strategic planning for the Judicial Council, the AOC, and the trial courts; and access to legal and court administration information through the Judicial Administration Library.

### **Research Staff**

This group identifies the important legal, legislative, socioeconomic, and administrative issues affecting the courts and the justice system as a

## **Criminal Change of Venue**

**In 1997, the Council and Legal Services Division provided administrative assistance to the trial courts in four criminal cases in which a change of venue was granted. All were felonies. The Administrative Office of the Courts has assisted in change of venue motions since 1972 (Cal. Rules of Court, rules 840–844). Although no statute or rule requires the AOC to assist trial courts in civil cases when a change of venue motion is granted, assistance is given at the request of the judge granting the motion or of the presiding judge.**

whole; conducts timely quantitative and qualitative analyses of these issues to help the council and its committees to improve the administration of justice; provides extensive research support for projects in other units, divisions, and bureaus in the AOC; and monitors federal, state, and private grant-funding organizations and distributes court-related grant information to the council, the courts, and AOC staff.

During 1997, staff completed studies on alternative dispute resolution, voir dire (the questioning of prospective jurors), judicial salaries, and the impact of changes in the California Rules of Court on media access to the courtroom. A handbook for judges and court clerks on implementing the new rule of court on media access was developed and distributed to all trial courts.

In addition, the staff completed the Death Penalty Law Clerk Program, a study designed to determine whether employing law clerks specially trained in death penalty cases would increase the fairness and efficiency of the trial process and reduce the likelihood of reversible error.

The Research group also was instrumental in creating the Judicial Branch of California Web site and greatly enhancing the value and utility of the content. Page views of the site increased from 100,000 to more than 350,000 a month by year's end.

### **Planning Staff**

The Planning group provides strategic planning support to the council, the AOC, and the trial courts. During 1997, the staff led the AOC planning



The Public Information Office organizes Judicial Council exhibits at the annual conferences of the bench and the bar, like this one at the 1997 State Bar Annual Meeting in San Diego, highlighting council programs to improve the state's justice system.

team in organizing the Judicial Council's March Planning Workshop. The council's strategic plan was updated, published, and distributed to the California trial courts and courts nationwide. Plans also were made in 1997 for the 1998 Statewide Community-Focused Court Planning Conference, the first step in extending strategic planning to the trial courts. In addition, this group served as staff to the newly created Special Task Force on Court/Community Outreach, which will finalize its report to the council on the status of outreach activities in state courts in 1998.

### **Judicial Administration Library**

The Judicial Administration Library provides the council, AOC staff, and the broader communities of the trial courts and the public with accessible data and information relating to judicial administration through a central electronic and hard-copy collection. Opened in March 1997, the library is a repository for legal and judicial administration collections previously held by individual divisions and bureaus throughout the AOC. It also contains CALS legal opinions; materials for Judicial Council business, issues, and planning meetings; and minutes from council and advisory committee meetings. Online catalogs have been created to

allow access to the book, report, and journal collections, the council meeting materials, and the legal opinions. As a state depository for the State Justice Institute (SJI), the library also collects and catalogs materials produced under nationwide grants from SJI and provides for public access to these materials.

### **Public Information Office**

The Public Information Office (PIO) continued during 1997 to improve public understanding of the courts and to share with state courts important news about Judicial Council programs.

### **Media Relations**

During 1997, PIO responded to hundreds of media requests for assistance with news stories about state courts and court administration and calls from members of the public on a variety of topics. The office sought to educate the press and public about key judicial branch issues and Judicial Council programs through an active media relations program. Meetings were held with editorial boards on important issues, and news releases were issued regularly on Judicial Council actions, new Supreme Court policies and procedures, and official actions of the Commission on Judicial Appointments. News releases are posted promptly on the Judicial Branch of California Web site, facilitating the public's access to information about the courts.

### **Publications**

To provide information to the public on the Judicial Council's activities and major projects, PIO developed and maintained information kits containing fact sheets on major council activities. More than 100 information kits were distributed each month; the fact sheets will also be available on the council's Web site by mid-1998.

The publication *Year in Review* was inaugurated in 1997 to summarize for the public, the media, the courts, and other interested groups the council's major projects and initiatives for the

previous year. This publication and its two companion volumes, the *Court Statistics Report* and *State Court Outlook*, constitute the annual report for the Judicial Council and the AOC. The *Court Statistics Report* combines all court workload statistics in one easy reference, while *State Court Outlook* is a projection of key trends and activities for the coming year. Among other publications produced by PIO are the bimonthly newsletter, *Court News*, which in 1997 began running columns written on a rotating basis by members of the Judicial Council. A special publication prepared during 1997, *Ensuring Equal Access to Justice: The Lockyer-Isenberg Trial Court Funding Act of 1997 Resource Manual*, summarizes and analyzes the provisions of the legislation for courts, counties, and legislators.

### Bar Relations

The office developed and staffed an information booth at the State Bar annual meeting in San Diego. Approximately 250 to 300 attorneys and judges visited the Judicial Council booth, picking up more than 400 pounds of materials about the work of the council and the AOC.

### Secretariat and Conference Services

During 1997, more than 300 meetings were arranged for the Judicial Council and its advisory committees. Laptop computers were provided to council members and committee chairs to improve communications and efficiency between staff and



More than 250 meetings were arranged for Judicial Council members and staff during 1997. Administrative Director of the Courts Bill Vickrey explains provisions of the new trial court funding legislation to court executives at one of four regional meetings on this topic.

the council. This section prepared Judicial Council appointment and reappointment orders and letters for the candidates selected in the 1997-98 Judicial Council and advisory committee nominations process. The format, accuracy, and comprehensiveness of minutes of Judicial Council business meetings were also improved. Staff developed an internal manual of Judicial Council report guidelines explaining how an item is placed on the council's agenda and how a council report is drafted.

## Education Division

The Center for Judicial Education and Research (CJER), the AOC Education Division, serves as the Judicial Council's educational resource for the entire judicial branch. The division offers a comprehensive statewide educational program to judges and judicial branch staff at both the trial and appellate court levels. The division also provides technical support to the Supreme Court, the Judicial Council, and other advisory committees.

Educational policy is guided by the Governing Committee of the Center for Judicial Education and Research. The Governing Committee, a group of judges and court administrators that is diverse in ethnicity, geography, and gender, constitutes an advisory committee to the Judicial Council. Its charge is to establish educational policy and coordinate program and product development for the judicial branch.

This division provides 75 programs a year, taking most "on the road" to make them more accessible to the courts and to minimize time off the bench and away from the office. Approximately 3,500 participants a year attend CJER programs. CJER maintains an audio- and videotape library used by 2,300 judicial officers each year. CJER also publishes a variety of benchbooks, benchguides, and other educational aids for judges and court administrators. Thirty benchbooks and



Catherine S. Lowe,  
Director, Education  
Division

## Appellate Court Services

Appellate Court Services, which reports to the AOC's Executive Office, accomplished many important tasks during 1997:

- Provided staff services and analysis to the Appellate Process Task Force, which is charged with examining how the appellate courts do their work and recommending to the Chief Justice improvements to the appellate process.
- Provided staff support to the Administrative Presiding Justices Advisory Committee, the Judicial Retention Election Task Force, the Appellate Mediation Task Force, and the Appellate Indigent Defense Oversight Advisory Committee.
- Facilitated a joint meeting of administrative presiding justices and presiding justices to discuss strategic planning for 1999–2000.
- Began development and implementation of the California Habeas Corpus Resource Center under Senate Bill 813.
- Continued staff development for the Appellate Indigent Defense Oversight Advisory Committee's 31d Subcommittee pilot project to offer blocks of court-appointed counsel cases to attorneys under a fixed-fee bid system in lieu of an hourly fee-for-service arrangement, and for a subcommittee developing standards for assistance by the appellate projects in court-appointed counsel cases.
- Participated in the development and presentation of the Appellate Management Institute (21 people trained), Appellate Continuing Studies Program (96 people trained), and Appellate Employment Seminar (22 people trained) for Court of Appeal staff training.
- Streamlined procedures to expedite processing of court staff training requests. Nearly 150 appellate court staff members have benefited from training and educational seminars outside of the programs provided by the AOC Education Division.
- Prepared and facilitated a one-day training in Public Utility Commission writs for Court of Appeal attorneys.
- Improved turnaround time for court-appointed counsel claims.
- Signed 15,283 claims for payment of \$30.8 million to court-appointed counsel in the Courts of Appeal.

benchguides are provided to the judiciary and updated regularly. Six have been converted to CD-ROM. All benchguides will be available in electronic format by 1999. Other “alternative delivery” methods include real-time audio, video- and audiotaping of live programs, and distribution of tapes through lending libraries throughout the state. All products are copyrighted by the Judicial Council and are to be used for educational purposes for the judicial branch.

### FAIRNESS

In 1997, the Education Division devoted significant resources to expanding its judicial fairness curriculum to include course materials on gender, race, ethnicity, sexual orientation, disability, and administrative issues. The division produced a video for the fairness curriculum, as well as for the *Ethics for Court Employees* curriculum, the domestic violence curriculum, and a tape to commemorate the completion of the Chief Justice's historic visits to the state's 58 counties (*see Chapter 1*). A video on appellate court security will be completed in 1998.

### NEW JUDGES

Curricula were completed in 1997 for the New Judicial Officers Orientation Program, all elective courses at the B. E. Witkin Judicial College, computer skills training, and administrative courses on organizational change, managing technology, leadership, and budgeting.

The division released the following benchguides on CD-ROM in May 1998: *Right to Counsel*, *Bail and OR (Own Recognizance) Release*, *Deferred Entry of Judgment/Diversion*, *Competence to Stand Trial*, *Misdemeanor Arraignment*, and *Felony Arraignment and Pleas*.

### **NEW APPELLATE PROGRAMS, RESOURCE LIAISONS**

Three new appellate education programs were established, two for appellate court staff and one for orientation of new appellate court justices. In addition, a CJER Governing Committee liaison was assigned to each Judicial Council advisory committee as a resource and consultant on educational matters.

### **ADMINISTRATIVE TRAINING**

The Administrative Education section of the division provided 11 separate courses in the 1997–98 program year, some repeated many times, for staff and judges in both the trial and appellate courts. These courses ranged from two days to three weeks in length. In addition, Administrative Education provided technical assistance to courts in the form of written materials, a library of videotapes, and training staff to teach ethics in local courts. A curriculum for a new program on courts and community relations was piloted in June.

## **Trial Court Services Division**

The Trial Court Services Division provides support services to the Chief Justice in the assignment of retired judges to relieve workload congestion and to the trial courts in crucial program areas such as trial court coordination of judicial and administrative resources; state funding of the trial courts; court interpreter recruitment, certification, and continuing education; assessment of judgeship needs in the trial courts; family court services training and education, research and evaluation, standards development, and planning and implementation; consultative assistance to trial courts on a regional basis; analysis of the impact of pending legislation; and analysis of issues related to traffic and other minor offenses. The division is divided into four primary service units: Regional Court Services, Court Program Services, Statewide Office of Family Court Services, and Trial Court Funding Services. Each unit administers and provides a myriad of programs and services for the trial courts, playing a critical role in the development and implementation of trial court policy, as promulgated by the Judicial Council and influenced by the Legislature.

### **TRIAL COURT FUNDING**

The division sponsored orientation briefings and workshops on the Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233) for trial court presiding judges and court administrators. Five regional workshops on implementation issues also were held for county and court representatives. Staff conducted a survey of the courts of all 58 counties on the bill's implementation issues and developed a comprehensive "questions and answers" document on key provisions of the bill, with input from the Department of Finance, the California State Association of Counties, and the AOC's Council and Legal Services Division. This



Kiri Torre, Director,  
Trial Court Services  
Division

document is part of *Ensuring Equal Access to Justice: The Lockyer-Isenberg Trial Court Funding Act of 1997 Resource Manual*.

### COURT INTERPRETERS PROGRAM

The goal of the Court Interpreters Advisory Panel is to improve the quality of interpreting services and increase the number of qualified interpreters in the trial courts. The division, with guidance from this panel, recommended a testing entity, which the council approved, to administer examinations for court interpreter certification in Arabic, Cantonese, Japanese, Korean, Portuguese, Spanish, Tagalog, and Vietnamese, as well as English fluency exams for registered interpreters. To increase the number of qualified court interpreters, the division helped the panel establish an outreach and recruitment plan.

Another activity completed in 1997 was an ethics and orientation workshop for certified court interpreters and registered interpreters. A rule of court governing interpreted proceedings and a professional code of conduct for court interpreters was circulated for comment. The division, in conjunction with the panel, also approved more than 100 continuing education courses, bringing the total of courses offered to approximately 650.

In 1998, the division will conduct a study to address issues related to interpreter compensation, working conditions, retention of qualified interpreters, interpreter needs of the rural courts, and regional delivery of interpreter services.

### DRUG COURT PROGRAM

Funding from the California Office of Criminal Justice Planning was secured and administered through the Oversight Committee for the California Drug Court Project. A series of mini-grants that were awarded to trial courts for drug court projects totaled \$1 million. The following courts were awarded grants: Alameda County Superior Court and Oakland-Piedmont-Emeryville Municipal Court; Butte County Courts; Bay Municipal



Among those attending the national training conference co-sponsored by the AOC were (left to right) Judge Donald E. Shaver (Stanislaus County); Retired Judge Jeffery S. Tauber (Virginia), President of the National Association of Drug Court Professionals; and Judge Harlan G. Grossman (Contra Costa County).

Court (Contra Costa County); El Dorado County Unified Courts; Fresno County Courts; Humboldt Superior and Municipal Court; Bakersfield Municipal Court (Kern County); Orange Superior and South Orange Municipal Courts; Consolidated/Coordinated Superior and Municipal Courts of Riverside County; San Bernardino Superior and Municipal Courts; North County Municipal Court (San Diego County); Unified Trial Courts of San Joaquin County; Santa Clara County Consolidated Courts; Sonoma County Courts; Stanislaus County Municipal Court; Trinity County Courts; Tulare County Superior Court, Juvenile Division, and Tulare Municipal Court; West District Court (Los Angeles County Superior Court); and Yolo County Superior/Municipal Courts.

The division co-sponsored a national training conference in California in conjunction with the National Association of Drug Court Professionals. In addition, the division coordinated a one-day regional workshop for Bay Area judges, law enforcement agencies, and service providers for the Bay Area Regional Drug Court Network.

### REGIONAL COURT ASSISTANCE OUTREACH

A pilot strategic planning workshop for the Northern Region Court Administrators was held in 1997, and the division plans to repeat the program in other regions of the state. Quarterly meetings of

the Northern, Central, and Bay Region courts also provided opportunities to share ideas, expertise, and information among the courts. In addition, a two-day workshop was presented for the Trial Court Presiding Judges and Court Administrators Advisory Committees on the topic of Trial Court Performance Standards (TCPS). The National Center for State Courts and the Bureau of Justice Assistance of the U.S. Justice Department undertook the TCPS project to enable the courts of general jurisdiction to conduct self-assessment and self-improvement programs. The division is working toward implementing trial court performance standards in participating trial courts.

### **TRAINING AND CONTINUING EDUCATION**

A statewide management training and orientation session for family court services directors in the trial courts was organized by the division, and staff designed the curriculum for the training. Training also was provided for new mediators and child custody evaluators. The annual Retired Judges Institute was held for those retired judges serving on assignment in the courts, in collaboration with the Center for Judicial Education and Research (CJER).

### **COURT OUTREACH**

The Trial Court Services Division planned and facilitated several efforts aimed at improving court access and communication.

- The Judicial Council completed outreach visits to the trial courts in eight counties with the coordination and assistance of division staff.

- Staff participated in the California Judicial Administration Conference (CJAC) Planning Committee site visits to a majority of the courts that applied for the Judicial Council's annual Ralph N. Kleps Awards. The awards honor court innovations that significantly improve the administration of justice and can be replicated in other courts.

- To improve access for persons representing themselves, or pro per litigants, a pro per center

pilot program was developed with the trial courts in five counties.

- Staff completed training for court-connected child custody evaluators on domestic violence issues and prepared an information packet for pro per litigants on the impact of divorce on children.

- Staff attended regional meetings of family court services directors, visited trial courts, and distributed a newsletter, in addition to participating in regularly scheduled statewide meetings of administrators. In addition, in late 1997, the statewide office began assessing whether local family court services directors were interested in a new computer network that would facilitate communication and dialogue among themselves and with the statewide office.

### **CHILD CUSTODY EVALUATORS— RULES AND STANDARDS**

A rule of court was drafted prescribing curriculum and training standards for court-appointed child custody evaluators in domestic violence cases. Standards were also drafted for court-connected child custody mediations, standards of practice for child custody evaluators, and standards for supervised visitation. These rules and standards are being reviewed and will be circulated for comment in 1998 for council consideration in January 1999.

### **DOMESTIC VIOLENCE ISSUES**

Protocols were developed for family court services cases involving domestic violence. The unit provides ongoing consultation on the development and evaluation of the Orange County Domestic Violence Prevention Program. Staff has worked on coordinating standards of practice and protocols for domestic violence with those governing custody mediators and evaluators.

Also in 1997, staff designed a curriculum and provided consultation—including lectures, education, and training regarding domestic violence—to a broad range of audiences, including local bench

officers, public and private child custody evaluators, and mediators. In late 1997, the division organized a three-day training for court-based child custody evaluators.

### **COURT PROFILES PROJECT**

Working through the Court Profiles Advisory Committee, in concert with the AOC's Office of Governmental Affairs, staff helped secure legislation for 21 new judgeship positions that have been filled. Additionally, 40 new positions were authorized and will be filled upon approval of funding by the Legislature.

### **TRAFFIC**

The Annual Bail Schedule was revised, in accordance with legislative amendments, and subsequently published and distributed statewide to trial courts, law enforcement, and other interested entities. In addition, the traffic forms were revised for automated traffic enforcement. These forms were circulated for statewide comment in 1997 before implementation.

### **RESEARCH AND DISSERTATION GRANT PROGRAMS**

Grant funds were administered in areas of family law that need further study and that bring new issues to the forefront of court policy and procedures. In addition, grants were issued for programs that support and motivate scholarship in research areas that contribute to the knowledge base for family court services.

### **UNIFORM STATISTICAL REPORTING SYSTEM**

The division provided, via seven ongoing databases, statewide statistical research regarding clients, issues, and case outcomes in family court services. Data from this program were widely disseminated through several media, including the Internet, AOC publications, workshops, and news releases.

## **Finance Bureau**

The Business Services, Budget, and Accounting units of the Finance Bureau provide to the judicial branch and the trial courts an integrated program of budget planning, asset management, accounting, procurement, contract management, and facility coordination.

### **TRIAL COURT FUNDING**

In 1997, the Finance Bureau began implementation of state trial court funding under the Lockyer-Isenberg Trial Court Funding Act of 1997. This effort included developing drafts of *State Trial Court Funding Rules and Procedures* for circulation and comment. The bureau also held, in conjunction with the Trial Court Services Division and the Office of Governmental Affairs, numerous regional workshops on state trial court funding for trial court judges and executives, as well as for county officials.

The bureau worked closely throughout the year with the Trial Court Budget Commission and the trial courts to resolve significant cash flow problems in the courts brought about by the failure of Assembly Bill 2553. The bureau also coordinated with the State Controller's Office to make certain emergency distributions to the courts. In one instance, a Finance Bureau employee drove to Sacramento to retrieve a check and deposit it into a county bank account so that a court's payroll could be met the following day.



**Martin Moshier,**  
Director, Finance  
Bureau

## COURT FACILITIES

Progress continued on the AOC's renovated building at San Francisco's Civic Center, in anticipation of the agency's relocation in early 1999. The bureau retained a consultant for the Court Facilities Project to begin cataloging all court facilities in California in order to assess their condition and usefulness. In addition, the bureau helped establish the Task Force on Court Facilities, as required by the Trial Court Funding Act of 1997, to determine appropriate ownership, maintenance, and funding of court facilities.

Other activities during the year included the improvement of monthly budget reports for the AOC director and assistant directors, and the launching of a management audit by KPMG Peat Marwick LLP to assist the bureau in developing modernized procedures for financial transactions and to improve management quality.

AOC staffers celebrated the good news about trial court funding legislation with a skit. Left to right are Cynthia Passon (Executive Office), Elizabeth Howard (Appellate Services), and Carl Gibbs (Administrative Support).



## Human Resources Bureau

The Human Resources Bureau provides a complete range of personnel services to state judicial branch agencies, including recruitment, classification and compensation, pay and benefits administration, personnel policy development, employer-employee relations, and risk management. The bureau also provides benefit administration services for municipal court judges.

### IMPROVING SERVICES

In 1997, the bureau took a number of steps to expand outreach efforts to courts. It conducted a customer service focus group, made more frequent court visits, and assisted in the development of and training for a new performance appraisal system in the Fourth District of the Court of Appeal. The bureau also strengthened outreach to AOC management and staff through focus groups, regular "brown bag" open forums, establishment of an AOC Resource Center, production of an informational brochure of bureau services and contacts for easy reference, and publication of a quarterly newsletter to provide regular updates on human resources-related services and policies.

### MODERNIZING PROCEDURES

The bureau cross-trained pay and benefits specialists in handling both AOC and court staff issues, implemented the Delta Dental Eligibility Software System, improved workers' compensation processing, revised and updated leave policies, and created new databases for the Personnel Management unit, including personnel action request (PAR), applicant, and fingerprint tracking. The bureau also reorganized its own structure; updated the *Policy and*



Judy Myers,  
Director, Human  
Resources Bureau

*Procedures Manual*; resolved backlogged Leave Accounting System and disability cases; and developed a desk manual of standard procedures for human resources support staff in areas such as recruitment procedures and memo distribution. The bureau modernized its practices by using special software (PeopleSoft modules) to develop and deliver customized position status reports to appellate courts and AOC management and to automate AOC training records and reports. Job openings were advertised and supplemental questionnaires distributed on the Internet.

### **IMPROVING RECRUITMENT, TRAINING, AND RISK MANAGEMENT PROGRAMS**

During 1997, the bureau conducted 144 recruitments and completed a branchwide salary survey and phase I of the court classification study. It also continued to support AOC's performance management system with quarterly workshops and individual guidance to supervisors and managers. Human resources staff implemented the management/supervisory training program, developed AOC employee training curricula and supporting policy, presented sexual harassment prevention training to 75 AOC employees (with a total of 225 AOC employees trained since 1996), and presented a retirement workshop to approximately 50 AOC employees.

Human resources staff developed and presented training in issues related to workers' compensation, the Americans With Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and Pregnancy Disability Leave (PDL). The bureau also conducted Employee Assistance Program (EAP) workshops for judicial branch managers and workshops on dealing with medical emergencies in the workplace. In addition, the bureau coordinated emergency evacuation procedures and CPR and first aid training, standardized emergency procedures, and organized Health and Fitness Day 1997 and Health Fair 1997.

Also in 1997, the bureau resolved 25 workers' compensation claims and developed a resource manual to include forms and sample letters to comply with ADA, FMLA, CFRA, PDL, and workers' compensation rules. It evaluated, addressed, and resolved 47 permanent and temporary accommodation claims.

The bureau identified and purchased standardized, ergonomically designed equipment and furniture; conducted 38 ergonomic evaluations; and developed a standard reporting procedure for ergonomic issues.

In the area of employment law, human resources staff co-presented to justices of the Second District of the Court of Appeal the workshop *Justices as Employers*.

## **Office of Court Security**

**The Office of Court Security establishes and coordinates programs providing security to the staff and public serving and using the appellate court systems of the State of California. Upon request, it also assists the state trial courts.**

**The office provides professional personnel, training, and state-of-the-art equipment in what has been called a model program for state appellate courts. June 1998 will conclude the first two years of the new security program for the appellate court system and the AOC. Services are provided through coordination of the bailiffs of the Supreme Court and through service contracts with the California Highway Patrol and a private security firm. These personnel, stationed at court sites throughout the state, serve the AOC and the Commission on Judicial Performance as well.**

**In 1997, the office also implemented technology to tighten the physical security of the AOC office building in which the Supreme Court and First District of the Court of Appeal are located.**

## IMPLEMENTING THE TRIAL COURT FUNDING ACT

To assist in implementation of the Trial Court Funding Act, the Human Resources Bureau conducted a statewide solicitation for nominations to the Task Force on Trial Court Employees and completed a workplan for the task force.

## Information Systems Bureau

The Information Systems Bureau provides systems analysis and database design and coding, testing, and implementation of distributed client/server systems, Web systems, and stand-alone client systems. The bureau is composed of four

The Information Systems Bureau supports statewide judicial branch technology. From left are Michael Campos, Henry Dominguez, and Hank Herbert.



units: Technology Policy and Planning, Information and Records Management, Information Systems Development and Support, and Technical and User Support. In addition to the services it provides to the AOC and appellate courts, the bureau supports coordination of judicial branch technology statewide. Following is a summary of the bureau's key activities during 1997.

### TECHNOLOGY POLICY AND PLANNING

The Technology Policy and Planning unit supports the Court Technology Advisory Committee (CTC) and implements CTC objectives for which funding is available. For this reporting period, significant staff time was required to organize and process the \$81 million in trial court requests for the funding of technology projects; the allocation of \$3.6 million to trial courts to resolve year 2000 problems and meet other urgent needs; the definition of the California Judicial Network project from project planning through procurement, configuration, installation, and testing; the drafting of rules and standards on electronic filing and access to electronic records; and the evaluation of case management systems. The unit has also provided staff support to the Technology Committee of the Complex Civil Litigation Task Force.

Responsibility for the development and maintenance of the Judicial Branch of California and Serranus Web sites also lies with this unit. Major additions to the judicial branch site in 1997 included all of the California Rules of Court and Judicial Council forms. Other notable additions were Web pages on California Drug Courts, the Center for Children and the Courts, and improved dynamic maps. Work was begun on a special section on Small Claims Courts that is scheduled for release in Summer 1998. A plan for an AOC Intranet was also developed and its initial objectives implemented.



Pat Yerian,  
Director,  
Information  
Systems Bureau

## Administrative Support Unit

The Administrative Support Unit provides a wide range of editorial, graphic design, administrative, reception, copy, and mail services to the Judicial Council and the AOC.

### EDITING/DESIGN

The Editing/Design group designs, edits, and produces print and electronic publications for the agency. The editors review a variety of legal and other documents, including Judicial Council reports and minutes, rules of court, legal forms, circulating orders, fact sheets, brochures, conference materials, and other informational publications. They also maintain editorial style guides for the agency and serve as production coordinators for complex print publications.

The graphic designers use their original designs and state-of-the-art graphics software to produce books, newsletters, brochures, and presentation materials. They have also designed and continue to help maintain the judicial branch's Web site.

In 1997 the group edited 75,000 pages of manuscript and handled 300 design jobs. Publications included:

- *Leading Justice Into the Future*, the Judicial Council's long-range strategic plan
- *Photographing, Recording, and Broadcasting in the Courtroom: Guidelines for Judicial Officers*
- *Ensuring Equal Access to Justice: The Lockyer-Isenberg Trial Court Funding Act of 1997 Resource Manual*
- *Supreme Court Practices and Procedures* updates
- *State Court Outlook, Court Statistics Report*, and *Year in Review* (the Judicial Council's three-volume annual report)
- *Court News*
- *Programs and People*, a compendium of AOC activities and staff

### ADMINISTRATIVE SERVICES/RECEPTION

The Administrative Services/Reception group manages the Judicial Information System, the AOC's primary source for mailing addresses, phone numbers, and biographies of all California judges; produces and updates the *Roster of the California Judiciary*; manages agency mailing lists; enters data for the Court Appointed Counsel Program; maintains an automated hotline to process requests for AOC publications; offers clerical support to other AOC units; and provides reception service for the agency. In 1997 the group:

- handled 22,000 phone calls
- processed 46,000 data entries for court-appointed counsel cases
- responded to 2,500 mailing label and mailing list requests
- provided 500 hours of word processing help to various AOC units
- provided 1,000 hours of clerical assistance to other units

### COPY/MAIL

The Copy/Mail group provides copying, binding, collation, mail, and transportation services to the Judicial Council and the AOC. The group serves as a copy center for agency documents, using high-speed black-and-white and color copiers and a variety of binding techniques; processes all incoming and outgoing mail; drives council members, judges, and visiting dignitaries to and from airports and meeting sites; and sets up conference and meeting rooms as needed. In 1997 the group:

- made 14,000,000 copies (5,000 copy requests)
- processed 1,500,000 incoming and outgoing pieces of mail
- sent out \$400,000 of regular and UPS mail
- transported 1,000 judges and other visitors

## INFORMATION AND RECORDS MANAGEMENT

The Information and Records Management unit completed and circulated for comment the draft data standards for case-related data to be included in the Judicial Branch Statistical Information System (JBSIS). Judicial Records Management Standards also were updated to reflect current rules of court and operating procedures. The statewide and county-by-county workload statistics were published in the Judicial Council's *Court Statistics Report*. Other major projects included a workflow analysis project in the First District of the Court of Appeal and an evaluation of records management procedures in the AOC Executive Office.

## INFORMATION SYSTEMS DEVELOPMENT AND SUPPORT

This unit initiated development of new systems for the Court Appointed Counsel Program, Assigned Judges Program, and Judicial Information System (JIS) and also implemented the InMagic library system for the AOC. Other projects included the continuing implementation of Oracle Government Financials software for the AOC and appellate courts; upgrade of the PeopleSoft human resources information system and installation of the Position Management module to allow more efficient tracking of agency positions; and implementation of FORECOURT case management systems in the First and Sixth Districts of the Court of Appeal. Also in development are requirements for the Supreme Court case management system, enhancement of the trial court financial consolidation systems, and implementation of a pilot system for trial court budget development.

## TECHNICAL AND USER SUPPORT

In 1997 this group launched the AOC's migration to the Windows 95 operating system and installed 250 new computers in the AOC and in the First, Fourth, and Sixth Districts of the Court of Appeal. Within the AOC, a help desk for resolving user problems was implemented and the Technical Support and User Liaison Committee was formed to oversee computer-related issues at the AOC. This group also published a disaster recovery plan for use in the AOC and the appellate courts. Work is progressing on the development of the new computer suite, cabling infrastructure design, and specifications for the Hiram W. Johnson State Office Building, which will house the AOC, and the California State Office Building, which will house the Supreme Court and the First District of the Court of Appeal. In addition, the group deployed laptop computers and trained Judicial Council members and advisory committee chairs in electronic communication and sharing of documents.



Children of AOC and Supreme Court staff learned about career opportunities in the judicial branch during "Take Our Children to Work Day."

Ray LeBov,  
Director, Office of  
Governmental  
Affairs



## Office of Governmental Affairs

The Office of Governmental Affairs (OGA) promotes and maintains positive relations with the legislative and executive branches and advocates on legislative matters on behalf of the Judicial Council. During 1997, the office had numerous accomplishments consistent with its mission.

In the area of legislation, the office tracked, monitored, and analyzed approximately 800 bills of interest to the courts and provided staffing assistance to the council's Policy Coordination and Liaison Committee. Staffing responsibilities primarily focus on developing council positions on approximately 15 percent of the bills followed. The office advocated council positions on bills before the legislative and executive branches through participating in legislative hearings, negotiating with legislators and their staff, forming coalitions with other advocacy groups, sending position letters, providing information to legisla-

tive and executive branch fiscal staff, and more. On budget matters, the office coordinated advocacy on the judicial branch and trial court funding budgets, including securing the passage of the Lockyer-Isenberg Trial Court Funding Act (Assembly Bill 233 [Escutia and Pringle]).

The office also administered programs to enhance interbranch communications and relations, including the Day-on-the-Bench program and the Judicial-Legislative-Executive Forum and through regular meetings with legislators and their staff. For the third year, staff participated in the Chief Justice's liaison meetings with legal and other court-related organizations.

Internal projects included refining procedures for developing fiscal impact statements on proposed legislation affecting the courts and creating a tracking system to more effectively monitor AOC compliance with legislative directives and responsibilities. ■



Each year, the Office of Governmental Affairs arranges a Judicial-Legislative-Executive Forum in Sacramento where legislators and their staffs and officials of the executive branch learn more about Judicial Council issues and concerns. *Photo by Maggie Mc Gurk.*

## Administrative Office of the Courts: 1997 Workload Highlights

### COUNCIL AND LEGAL SERVICES DIVISION

- Amended 118 rules of court and standards of judicial administration.
- Amended 133 Judicial Council forms.
- Answered approximately 100 legal questions per month.
- Issued more than 100 news releases.
- Responded to nearly 4,000 phone calls: more than 300 calls per month from the media and the public.
- Produced the three-volume annual report, *Year in Review, Court Statistics Report, State Court Outlook*; 6 issues of *Court News*; special legislative updates; special reports on racial and ethnic bias in the courts, access for people with disabilities, the impact of the "three-strikes" law; and a booklet on gender fairness issues.
- Catalogued more than 5,000 Judicial Council items and judicial administration reference materials in the library during the year and currently 40 to 80 new items each month.
- Provided comprehensive private, federal, and state grant information to the trial courts.
- Provided research support for projects in other units, divisions, and bureaus of the AOC.

- Booked 4,600 reservations (50 percent at significant discounts) for 20 advisory committees and 20 task forces.

- Planned approximately 300 meetings and conferences for 15 committees, 10 task forces, and numerous subcommittees and working groups.

### EDUCATION DIVISION

- Provided 75 judicial education programs across the state, attended by approximately 3,500 participants.

- Served 2,300 judicial officers who accessed CJER's video- and audiotape library.

- Continuously updated 30 benchbooks and benchguides, which are being converted to CD-ROM.

- Developed Fairness in the Workplace curriculum, including videos and other materials, for training of all judicial branch employees.

- Established new appellate education programs for new justices and for court staff.

- Trained 2,000 court administrators and staff through the Administrative Education unit.

- Developed the New Judicial Officers Orientation Program.

### TRIAL COURT SERVICES DIVISION

- Held five regional workshops on trial court funding (Assembly Bill 233) implementation issues for county and court representatives.

- Conducted a survey of the courts of all 58 counties on the trial court funding bill's implementation issues.

- Analyzed more than 5,000 requests for judicial assistance through the Assigned Judges Program, providing 21,837 days of assistance to courts with vacancies due to illness or other absences, as well as to those with congested calendars.

- Approved more than 100 continuing education courses for court interpreters.

- Conducted three regional training programs, one statewide educational institute, and two statewide directors' meetings, for more than 1,000 family court mediators, counselors, and bench officers.

- Coordinated drafting, comment, and Judicial Council adoption of standards of practice for supervised visitation providers, and drafting and comment on three rules of court related to mediation, evaluation, and domestic violence training curricula for family court service professionals.

- Completed recruitment for position of Statewide Office of Family

Court Services Coordinator for Special Services, Standards, and Programs.

- Provided technical assistance in the area of family violence to the Family Law Subcommittee of the Family and Juvenile Law Advisory Committee.

- Provided expert consultation to a CJER committee developing curriculum for training new judges on domestic violence issues.

- Provided research and program development consultation to local family court mediators and bench officers.

- Conducted statewide training, as mandated by Senate Bill 1995, for court-employed child custody counselors in domestic violence issues.

- Provided consultation and information to professional groups and community agencies engaged in developing and implementing training in domestic violence for private practice-based child custody evaluators, as mandated by Senate Bill 1995.

- Disbursed funding to five pro per assistance centers as pilot projects.

- Conducted research on the father's role in parenting children and the impact of parent education on subsequent child custody and visitation litigation.

*Continued on page 56*

### 1997 Workload Highlights *Continued*

- Provided grant support for research in family law.

- Developed the research model for evaluating a new domestic violence restraining order program in Orange County.

#### OFFICE OF GOVERNMENTAL AFFAIRS

- Analyzed and monitored approximately 800 bills affecting the judiciary in the 1997–98 legislative session.

- Advocated Judicial Council positions on legislation, including council-sponsored bills, and more than 70 bills sponsored by other organizations.

- Coordinated 28 Day-on-the-Bench visits, in which legislators visited with judges in their local courts.

- Provided regular updates on key issues to all trial and appellate courts during the legislative session.

- Held the third annual Judicial-Legislative-Executive Forum, to which 120 legislators, 8 constitutional officers, and executive branch and legislative staff were invited.

#### FINANCE BUREAU

- Prepared and administered a \$1.7 billion judicial branch budget.

- Provided oversight for the JC/AOC space in the new Civic Center building to be occupied in early 1999.

- Coordinated and processed \$15 million in assigned judges' claims.

- Ordered 32,200 reams of paper.

- Installed a new phone line each week.

- Processed and paid 12,000 travel claims.

#### HUMAN RESOURCES BUREAU

- Completed 144 recruitments for the AOC and appellate courts.

- Administered benefits to 674 municipal court judges.

- Resolved 25 to 30 workers' compensation claims and published a resource manual in compliance with leave laws such as the FMLA and the ADA.

- Completed classification and compensation studies that resulted in 43 new or revised classifications and salary range adjustments for 63 classifications.

- Administered the pay and benefits program for 1,347 judicial branch employees.

- Expanded outreach efforts to courts and the AOC through customer service focus groups, court visits, "brown bag" forums, and publications.

- Modernized procedures through increased cross-training of staff, improved policies and processes, and enhanced use of automated systems such as PeopleSoft modules and the Internet.

- Strengthened staff development efforts by supporting the performance management system, implementing a management/supervisory training program, developing an employee training program, and providing training about sexual harassment and other topics to managers and staff.

- Developed a workplan for the Task Force on Trial Court Employees and solicited nominations for task force members.

#### INFORMATION SYSTEMS BUREAU

- Processed approximately 10,000 trial court statistical reporting forms; this information was eventually published in the *Court Statistics Report*.

- Answered more than 4,500 calls to the help desk from AOC staff.

- Provided training to more than 1,440 AOC users and also to Judicial Council members and advisory committee chairs through the User Support and Training unit.

- Supported the Judicial Branch of California Web site, which attracted more than 100,000 page views a month by the end of the year. The most frequently accessed pages were court opinions, Judicial Council forms, and job openings.

- Maintained in its records management system 2,000 boxes containing 6 million sheets, or 35 tons, of paper.

- Responded to 200 requests from the courts for statistical information about the trial and appellate courts.

- Worked with 90 court staff members to develop, propose, and circulate for review case-related information standards for the new Judicial Branch Statistical Information System (JBSIS).

- Installed 250 new personal computers in the AOC and appellate courts.

## New and Amended California Rules of Court and Standards of Judicial Administration

During calendar year 1997, the Judicial Council made the changes described here to the California Rules of Court, the California Standards of Judicial Administration, and Judicial Council forms. Within each grouping, rules and standards are arranged in order of their effective dates.

### APPELLATE RULES

Effective January 31, 1997, the council amended the following rule:

■ **Rule 33(e). Transcript from electronic recording.** Repealed in accordance with the decision in *California Court Reporters Association et al. v. Judicial Council of California et al.* (see addi-

*tional amendments under Trial Court Rules and Standards*).

Effective March 1, 1997, the council adopted the following rules:

■ **Rules 39.50–39.57. Death penalty cases.** Renumbering of former rule 39.5 as new rules 39.50–39.57 to complement Assembly Bill 195 (Morrow), which established new procedures to expedite certification of the record in death penalty cases.

Effective May 16, 1997, the council amended the following rules:

■ **Rules 39.54 and 39.55. Certification of the record in death penalty cases.** Amended to correct a drafting error.

Effective July 1, 1997, the council amended or adopted the following rules:

■ **Rules 14, 978, and 979. Additional briefs, publication, and depublication.** Amended to require that applicants seeking to oppose or support the granting of a petition for

review, or requesting publication or depublication of an opinion, state the nature of their interest.

■ **Rules 16(b) and 105(f). Copy of brief for trial judge.** Amended to clarify that a copy of the appellate brief served on the clerk for delivery to the trial judge need not be kept in the court file.

■ **Rule 28(e). Form of petition.** Amended to specify that only the copies of a petition for review that are filed with the Supreme Court need to include a copy of the Court of Appeal's decision.

■ **Rule 33.6. Sealing juror-identifying information in the record on appeal.** Adopted to establish the procedure for sealing juror information in the record on appeal, as required by Code of Civil Procedure section 237.

■ **Rule 55. Preservation of record in Court of Appeal.** Amended to allow appellate courts to store records in forms other than paper.

Effective January 1, 1998, the council amended or adopted the following rules:

■ **Rules 22 and 22.1. Oral argument in the Supreme Court and Court of Appeal.** Repealed rule 22 and adopted new rules 22 and 22.1 to establish the time limits, order, and number of counsel in oral argument in the Supreme Court and the Court of Appeal. Consistent with the Supreme Court's recently adopted policy, rule 22 provides that only one attorney may argue for each side in the Supreme Court, except in capital appeals or with the permission of the court.

■ **Rule 29.5. Questions of state law certified by federal appellate courts and other courts.** Establishes a procedure for the California Supreme Court to answer questions of state law certified to it by the U.S. Supreme Court, a U.S. Court of Appeals, or the court of last resort of any state, territory, or commonwealth. Federal courts may certify questions of state law to the highest court for a definitive answer in more than 40 states. With the adoption of this rule, all states in the Ninth Circuit now have a procedure for answering questions of state law from federal courts or courts of other states.

■ **Rule 39.1A. Appeals from orders or judgments terminating parental rights.**

Amended to remove the January 1, 1998, sunset clause; this rule provides procedures for appeals in cases terminating parental rights. Originally enacted as an experimental statewide pilot project, but in four years of experience with the rule it has proved a useful step toward timely permanency for children and families.

■ **Rule 39.1B. Special rule for orders setting a hearing under Welfare and Institutions Code section 366.26.** Amended to clarify procedures relating to appellate review of orders setting a hearing under section 366.26. Provides that writ petitions filed under rule 39.1B be handled in conformance with standard writ practice and procedure, unless otherwise specified in the rule. Also specifies that, absent exceptional circumstances, the appellate court will review the petition for extraordinary writ and decide it on the merits by written opinion.

■ **Rule 39.3. Appeal from juvenile court denial of authorization for abortion without parental consent.** Repealed to conform to California Supreme Court decision in *American Academy of Pediatrics v. Lungren* (1997) 16 Cal.4th 307, overturning the parental consent to abortion statute.

■ **Rule 40(f). Definitions.** Amended to require that all documents and briefs filed in an appeal be served on all parties, and that proofs of service include the name of each party represented by each attorney served.

■ **Rule 58(a). Review of Public Utilities Commission cases.** Amended to recognize a statutory change that allows parties to petition for review of "adjudicatory" decisions of the Public Utilities Commission in the Court of Appeal (Stats. 1996, ch. 855, amending Pub. Util. Code, §1759). "Nonadjudicatory" decisions will still be reviewed only by the Supreme Court.

## TRIAL COURT RULES AND STANDARDS

Effective January 31, 1997, the council amended the following rules:

■ **Rules 891, 892, and 980.3. Electronic recording.** Amended in accordance with the decision in *California Court Reporters Association et al. v. Judicial Council of California et al.* Rule 891 was amended to provide that the rule is adopted solely to effectuate the statutory mandate of Government Code section 68086; rule 892(b), (c), and (d) were amended to limit their applicability to municipal court proceedings; and rule 980.3 (verbatim recording) was repealed (*see also amendment of rule 33(e) under Appellate Rules*).

Effective July 1, 1997, the council amended or adopted the following rules and standards:

■ **Rules 202.5 and 504. Service of papers when party's address is unknown.** Adopted to facilitate delivery of notices or other papers to the clerk of the court or the judge for a party whose residence is unknown.

■ **Rules 301, 302, 303, 311, 312, 313, 342, 359, and 379. Civil law and motion rules.** Amended rules 301, 303, 311, 313, 359, and 379. New rules 302, 312, and 342 relate to the form and filing of papers, pleadings, summary judgment, preliminary injunctions and bonds, and ex parte applications and orders. New rule 302 gives preemptive effect to Judicial Council rules in the areas of form and format of papers, motions, demurrers, discovery, pleadings, preliminary injunctions and bonds, and ex parte applications and orders. All existing local rules in these areas will be void.

■ **Rule 860. Granting excuses from jury service.** Adopted to require jury commissioners to apply the standards regarding hardship excuses. The substance of this rule was in former section 4.5 of the Standards of Judicial Administration.

■ **Rule 2008(e)(5). Service of papers by facsimile transmission.** Adopted to state that service of papers by fax is ineffective if the transmission does not fully conform to the rule or

include a facsimile transmission cover sheet as provided in rule 2009.

■ **Standard 4.5. Juror complaints.** Repealed former section 4.5 of the Standards of Judicial Administration (Granting excuses from jury service) and replaced it with a new section 4.5 (Juror complaints), which recommends that each court establish a reasonable mechanism for receiving and responding to juror complaints.

■ **Standard 4.6. Accuracy of master jury list.** Adopted to recommend that the jury commissioner use the National Change of Address System or other comparable means to update juror lists.

■ **Standard 8.9. Trial management standards.** Adopted to set forth trial management standards designed to reduce burdens on the jury.

Effective August 21, 1997, the council adopted the following rule:

■ **Rule 302.5. Exemption from rule 302 relating to blue-back requirement.** Allows Los Angeles Superior Court to continue to enforce its local blue-back requirement on all court filings generated by attorneys. The rule will remain in effect until June 30, 1998.

Effective January 1, 1998, the council amended or adopted the following rules and standards:

■ **Rule 201. Forms and papers.** Amended to not apply to forms for juvenile dependency proceedings produced by the California Department of Social Services Child Welfare Systems Case Management System.

■ **Rule 240 and Standard 23. Parental consent.** Repealed to conform to the 1997 California Supreme Court decision overturning the parental consent to abortion statute.

■ **Rule 428(b). Criteria affecting imposition of enhancements.** Amended to remove a phrase limiting the aggravating factors a court may consider in deciding what term to impose for an enhancement. The California Supreme Court's

decision in *People v. Hall* (1994) 8 Cal.4th 950 invalidated the limitation to factors relating directly to the fact giving rise to the enhancement.

■ **Rule 850. Uniform bail and penalty schedules.** Amended the schedules that are authorized under rule 850 to bring them into conformance with new legislation. Language also added to the schedules' preface to indicate that, except as otherwise required by statute, courts have discretion to suspend the minimum fine under Penal Code section 1203b. Deleted the mandatory appearance for speeding infractions of 26 miles per hour or more above the speed limit.

■ **Rule 851. Eligibility criteria for attending traffic violator school.** Amended to correct an unintended exclusion of commercial drivers from attending traffic violator schools for certain otherwise eligible violations.

■ **Rule 982.7. Small claims forms.** Amended to add *Application and Order to Appear for Examination* (SC-134) to the list of mandatory small claims forms.

■ **Rule 996. Judicial Branch Statistical Information System (JBSIS).** Adopted to establish the JBSIS and to require courts to collect and report to the Judicial Council the information set forth in the *JBSIS Manual*, subject to the availability of adequate funding of case management systems, by January 1, 2000.

■ **Rules 2201–2210. Court employee labor relations.** Adopted by the Judicial Council in April 1997. Thereafter, the Legislature passed and the Governor signed Assembly Bill 1438 (Escutia; Stats. 1997, ch. 857), which recognizes these rules of court, affirms that they have the full force and effect of law, and provides that they shall be maintained in their present form. Trial court employees are given the right to meet and confer in good faith with trial courts on matters over which the court, rather than the county, has authority, relating to employment conditions and employer-employee relations. The rules also identify matters about which the court and court

employees are not required to meet and confer, and they address other related issues.

■ **Standards 1 and 1.4. Court's duty to prohibit bias.** Standard 1 is amended to specify that the court's obligation to refrain from and prohibit biased conduct includes but is not limited to bias based on disability, gender, race, religion, ethnicity, and sexual orientation; to expand representation on local fairness committees to include representatives and individuals from minority, women's, gay, and lesbian organizations, and organizations of persons with disabilities; and to broaden the scope of fairness education programs and the development of informal complaint procedures in the local courts. Standard 1.4 is adopted to recommend that each court develop policies and procedures to eliminate barriers to job performance and full participation in court programs or activities by qualified employees with known disabilities.

■ **Standard 4.2. Guidelines for reimbursement of costs in change of venue cases—criminal cases.** Technical and nonsubstantive changes were made to clarify this standard. In addition, subdivision (e)(4), which provided for reimbursement for the costs of salaries and benefits for regular county or court employees in unusual situations, was repealed because of inconsistency with Penal Code section 1037(c), which prohibits reimbursing a county to which venue is changed for normal salaries, overhead, and other expenses that would have been incurred in the county in any event.

■ **Standard 8.8. Education on jury selection and treatment of jurors.** Amended to encourage CJER to provide educational materials for judicial officers, court administrators, and jury staff on the treatment of jurors; to recommend that presiding judges ensure that all court employees who interact with jurors are properly trained; and to recommend that judges who conduct jury trials be trained on the conduct of voir dire and the treatment of jurors.

■ **Standard 34. Court records management standards.** Amended the standards that are recommended under section 34 to make technical corrections.

■ **Standard 36. Guidelines for diversion drug court programs.** Adopted to provide criteria by which the AOC can evaluate the impact of the drug court grant program and to assist courts in developing and administering pre-plea drug courts in compliance with Penal Code section 1000.5.

## JUVENILE LAW RULES AND STANDARDS

Effective July 1, 1997, the council amended or adopted the following rules and standards:

■ **Rules 1401, 1423, 1450, 1456, 1458–1463, and 1465. Juvenile court proceedings.** Amended to conform to recent statutory changes and to clarify procedures.

■ **Standard 24.5. Resource guidelines for child abuse and neglect cases.** Adopted to encourage judges and courts to implement the resource guidelines of the National Council of Juvenile and Family Court Judges.

■ **Standards 25.4 and 25.5. Judicial education on juvenile dependency.** Adopted to provide for basic and continuing education of juvenile dependency hearing officers.

Effective January 1, 1998, the council amended or adopted the following rules:

■ **Rule 1401. Definitions; construction of terms.** Amended to add the definitions of the phrases “court-ordered services,” “court-ordered treatment program,” and “initial removal” in the juvenile court rules.

■ **Rule 1402. Juvenile dependency proceedings.** Amended to permit nonsubstantive variances for forms generated by the California Department of Social Services’ new statewide computerized case management system.

■ **Rule 1421. Granting immunity to witnesses.** Amended to conform to recent statutory

changes in court processes related to witness immunity. Clarifies that testimony or other information compelled under a court order, or information derived therefrom, may not be used against a witness in any criminal case, including any juvenile court proceeding under Welfare and Institutions Code section 602.

■ **Rules 1422, 1440–1447, and 1470–1478. Juvenile court proceedings.** Amended rule 1422, repealed rules 1440–1447 and 1470–1478, and adopted new rules 1440–1447 and 1470–1476 to clarify and simplify procedures applicable to initial hearings in dependency and delinquency cases.

■ **Rule 1466. Grounds for detention; factors to consider and findings.** Amended to conform to recent statutory changes in court processes related to foster care review hearings and guardianship hearings. The change provides for court review of a previously ordered permanent plan every 12 rather than 18 months and allows this review to be combined with a 6-month review.

■ **Rules 1487, 1488, and 1493. Delinquency procedures.** Amended to conform delinquency proceedings to recent statutory changes in procedures to be followed when an offense may be found to be either a felony or a misdemeanor. Added the provision that, when an offense may be found to be either a felony or a misdemeanor, a court shall consider which description shall apply, shall declare on the record that it has made such a consideration, and shall state its determination.

■ **Rule 1496. Six-month review hearing.** Amended to conform to recent changes by the Legislature to the related statute, Welfare and Institutions Code section 11404.1; changes include reducing from 18 to 12 months the time between permanency review hearings subsequent to the court’s adopting a permanency plan.

### FAMILY LAW RULES AND STANDARDS

Effective July 1, 1997, the council adopted the following rules:

■ **Rules 1280, 1280.1, 1280.2, 1280.3, and 1280.4. Child support enforcement.** Adopted to implement Assembly Bill 1058 (Speier; Stats. 1996, ch. 957).

Effective January 1, 1998, the council amended the following rule and adopted the following standard:

■ **Rule 1276. Use of interstate forms.** Amended to allow the use of federally mandated interstate forms in California courts.

■ **Standard 26.2. Uniform standards of practice for providers of supervised visitation.** Adopted to comply with Family Code section 3200. Provides the first statewide framework for providers of supervised visitation, encompassing the areas mandated in the statute: qualifications, experience, and education; safety and security procedures; conflicts of interest; maintenance and disclosure of records; confidentiality; delineation of terms and conditions; procedures for termination; and legal responsibilities and obligations for providers of supervised visitation.

### JUDICIAL COUNCIL ADVISORY COMMITTEE RULES

Effective July 1, 1997, the council amended the following rule:

■ **Rule 1020(e). Membership appointments.** Amended to specify that terms of advisory committee members begin on November 1 and end on October 31 (instead of January 1 and December 31).

Effective January 1, 1998, the council amended the following rule:

■ **Rule 1034. Traffic Advisory Committee.** Amended to accurately reflect the committee's function, duties, and membership. Added provision on the committee's responsibility relating to nontraffic violations, as set forth in the fish and

game, boating, forestry, public utilities, parks and recreation, and business licensing bail schedules. Rule updated to reflect that the committee's membership includes representatives of the California Highway Patrol, Department of Motor Vehicles, and Office of Traffic Safety.

## New and Revised Judicial Council Legal Forms

During calendar year 1997, the Judicial Council made changes to ten categories of Judicial Council forms.

### CIVIL HARASSMENT

Effective January 1, 1998, the council added or revised these civil harassment forms to conform to statute and to delete outdated references:

1. Approved the new *Application and Order for Reissuance of Order to Show Cause* (CH-125) for optional use.
2. Revised the following forms for optional use:
  - *Petition for Injunction Prohibiting Harassment* (CH-100)
  - *Response to Petition for Injunction Prohibiting Harassment* (CH-110)
  - *Order to Show Cause and Temporary Restraining Order (CLETS)* (CH-120)
  - *Proof of Personal Service (Harassment)* (CH-130)
  - *Proof of Service by Mail (Harassment)* (CH-131)
  - *Order After Hearing on Petition for Injunction Prohibiting Harassment (CLETS)* (CH-140)

### CRIMINAL LAW

Effective January 1, 1998, the council adopted the form *Order for Restitution to Crime Victim* (CR-110) to implement recent statutory amendments concerning restitution to victims of crime.

## DOMESTIC VIOLENCE

Effective July 1, 1997, the council amended the following forms to conform to statutory changes and to increase the courts' effectiveness in administering domestic violence cases:

- *Instruction Booklet for Obtaining Restraining Orders to Prohibit Domestic Violence* (1296(A))
- *Emergency Protective Order (CLETS)* (1295.90)

Effective January 1, 1998, the council amended the mandatory *Emergency Protective Order (CLETS)* (1295.90) to include the word "stalking" in items 3 and 10.

## FAMILY LAW

Effective July 1, 1997, the council adopted the following new and amended forms primarily to implement Assembly Bill 1058 (Speier; Stats. 1996, ch. 957):

- *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support* (1285.30)
- *Information Sheet—Simplified Way to Change Child, Spousal, or Family Support* (1285.31)
- *Responsive Declaration to Motion for Simplified Modification of Order for Child, Spousal, or Family Support* (1285.32)
- *Information Sheet—How to Oppose a Request to Change Child, Spousal, or Family Support* (1285.33)
- *Declaration of Support Arrearage* (1285.62)
- *Attachment to Declaration of Support Arrearage* (1285.625)
- *Ex Parte Application for Wage and Earnings Assignment Order* (1285.65)
- *Declaration and Request for Order and Order (Support Enforcement and Earnings Assignment) (Governmental)* (1298.04)
- *Order After Hearing (Governmental)* (1298.07)

- *Statement for Registration of Foreign Support Order (Governmental)* 1298.30

- *Summons and Complaint, or Supplemental Complaint Regarding Parental Obligations and Statement of Rights and Responsibilities (Governmental)* (1299.01)

- *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)* (1299.04)

- *Information Sheet for Service of Process (Governmental)* (1299.05)

- *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment (Governmental)* (1299.07)

- *Request to Enter Default Judgment (Governmental)* (1299.10)

- *Judgment Regarding Parental Obligations (Governmental)* (1299.13)

- *Notice of Entry of Judgment and Certificate of Service by Mail (Governmental)* (1299.16)

- *Declaration for Amended Proposed Judgment (Governmental)* (1299.17)

- *Notice and Motion to Cancel (Set Aside) Support Order Based on Presumed Income and Proposed Answer (Governmental)* (1299.19)

- *Stipulation and Order (Governmental)* (1299.22)

- *Notice of Wage and Earnings Assignment (Governmental)* (1299.25)

- *Request for Hearing Regarding Notice of Wage and Earnings Assignment (Governmental)* (1299.28)

- *Request for Judicial Determination of Support Arrearages (Governmental)* (1299.40)

- *Notice of Opposition and Notice of Motion on Claim of Exemption (Governmental)* (1299.43)

- *Order Determining Claim of Exemption or Third Party Claim (Governmental)* (1299.46)

- *Notice to District Attorney of Intent to Take Independent Action to Enforce Support Order (Governmental)* (1299.49)

- *Response of District Attorney to Notice of Intent to Take Independent Action to Enforce Support Order (Governmental)* (1299.52)

Effective January 1, 1998, the council made technical amendments to the following forms:

- *Responsive Declaration to Motion for Simplified Modification of Order for Child, Spousal, or Family Support* (1285.32)

- *Ex Parte Application for Wage and Earnings Assignment Order* (1285.65)

- *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations and Statement of Rights and Responsibilities (Governmental)* (1299.01)

- *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment (Governmental)* (1299.07)

- *Judgment Regarding Parental Obligations (Governmental)* (1299.13)

- *Declaration for Amended Proposed Judgment (Governmental)* (1299.17)

- *Stipulation and Order (Governmental)* (1299.22)

- *Notice of Wage and Earnings Assignment (Governmental)* (1299.25)

- *Notice of Opposition and Notice of Motion on Claim of Exemption (Governmental)* (1299.43)

## FORM INTERROGATORIES

Effective January 1, 1998, the council amended the following forms to give the propounding party the option of inserting its own definition of “incident” where the action arises from conduct or a series of events occurring over a period of time:

- *Form Interrogatories* (FI-120)

- *Form Interrogatories—Economic Litigation* (FI-129)

## GENERAL LEGAL

Effective February 1, 1997, the council amended the following forms to implement Assembly Bill

2667 (Davis; Stats. 1996, ch. 888) concerning applications by litigants to proceed in forma pauperis:

- *Application for Waiver of Court Fees and Costs (In Forma Pauperis)* (982(a)(17))

- *Information Sheet on Waiver of Court Fees and Costs (In Forma Pauperis)* (982(a)(A))

Effective July 1, 1997, the council amended the following forms:

- *Order on Application for Waiver of Court Fees and Costs* (982(a)(18)) and *Order on Application for Waiver of Additional Court Fees and Costs* (982(a)(18.1)) by replacing provisions in item 3d with a provision authorizing the examination of the litigant’s financial status no sooner than four months from the date of the order waiving court fees and costs or additional court fees and costs and only once in any four-month period.

- *Information Sheet on Waiver of Court Fees and Costs* (982(a)(A)) to reflect 1997 increases in the federal poverty guidelines.

Effective September 1, 1997, the council amended *Earnings Withholding Order (Wage Garnishment)* form 982.5(2) to reflect the September 1, 1997, increase in the federal minimum wage, to \$5.15 per hour. Used by levying officers in wage garnishment cases, the form is given to employers to instruct them about how much money may be legally withheld from an employee’s wages, and the amount to be withheld is based on the federal minimum wage.

## JUVENILE LAW

Effective July 1, 1997, the council renamed the form *Conviction of Another Child’s Death* (JV-125) to *Caused Another Child’s Death* (JV-125) and revised the form to conform to recent statutory changes to Welfare and Institutions Code section 300(f).

Effective January 1, 1998, the council made changes in the following forms:

- Revised *Waiver of Rights* (JV-190) and *Order for Prisoner's Appearance at Hearing* (JV-450) to define terms and to conform to recent statutory changes.

- Repealed forms AB-100–AB-130 to conform to the recent decision by the California Supreme Court overturning the parental consent to abortion statute.

- Approved two new forms for optional use in appellate review under rule 39.1B: *Denial of Petition* (JV-826) and *Notice of Action* (JV-828).

- Amended the *Notice of Intent to File Writ Petition and Request for Record, Rule 39.1B* (JV-820) to conform to the requirement under rule 39.1B(f) that an adult party sign the form.

## PROBATE PROCEEDINGS

Effective January 1, 1998, the council approved for optional use the new form *Attachment Requesting Special Orders Regarding Dementia* (GC-313).

Effective January 1, 1998, the council revoked the following forms:

- *Petition for Probate (for deaths before January 1, 1985)* (DE-110)

- *Proof of Subscribing Witness* (DE-130)

- *Creditor's Claim* (DE-170)

- *Proof of Service by Mail of Order Appointing Guardian or Conservator* (GC-030)

Effective January 1, 1998, the council revised the following forms:

- *Petition for Probate* (DE-111)

- *Notice of Hearing* (DE-120)

- *Notice of Petition to Administer Estate* (DE-121)

- *Citation (Probate) and Proof of Service* (DE-122)

- *Summons (and Proof of Service)* (DE-125)

- *Proof of Subscribing Witness* (DE-131)

- *Proof of Holographic Instrument* (DE-135)

- *Order for Probate* (DE-140)

- *Duties and Liabilities of Personal Representative (and Acknowledgment of Receipt)* (DE-147)

- *Letters* (DE-150)

- *Request for Special Notice* [same as GC-035] (DE-154)

- *Notice of Administration to Creditors* (DE-157)

- *Inventory and Appraisal* [same as GC-040] (DE-160)

- *Inventory and Appraisal Attachment* [same as GC-041] (DE-161)

- *Notice of Proposed Action (Objection—Consent)* (DE-165)

- *Waiver of Notice of Proposed Action (and Revocation of Waiver)* (DE-166)

- *Creditor's Claim* (DE-172)

- *Allowance or Rejection of Creditor's Claim* (DE-174)

- *Order Prescribing Notice* [same as GC-022] (DE-200)

- *Spousal Property Petition* (DE-221)

- *Spousal Property Order* (DE-226)

- *Report of Sale and Petition for Order Confirming Sale of Real Property* [same as GC-060] (DE-260)

- *Order Confirming Sale of Real Property* [same as GC-065] (DE-265)

- *Ex Parte Petition for Authority to Sell Securities and Order* [same as GC-070] (DE-270)

- *Ex Parte Petition for Approval of Sale of Personal Property and Order* [same as GC-075] (DE-275)

- *Affidavit re Real Property of Small Value (\$20,000 or Less)* (DE-305)

- *Petition to Determine Succession to Real Property (Estates \$100,000 or Less)* (DE-310)

- *Order Determining Succession to Real Property (Estates \$100,000 or Less)* (DE-315)

- *Notice of Hearing—Guardianship or Conservatorship* (GC-020)

- *Order Dispensing With Notice—Guardianship or Conservatorship* (GC-021)

■ *Order Prescribing Notice* [same as DE-200] (GC-022)

■ *Request for Special Notice* [same as DE-154] (GC-035)

■ *Inventory and Appraisal* [same as DE-160] (GC-040)

■ *Inventory and Appraisal Attachment* [same as DE-161] (GC-041)

■ *Report of Sale and Petition for Order Confirming Sale of Real Property* [same as DE-260] (GC-060)

■ *Order Confirming Sale of Real Property* [same as DE-265] (GC-065)

■ *Ex Parte Petition for Authority to Sell Securities and Order* [same as DE-270] (GC-070)

■ *Ex Parte Petition for Approval of Sale of Personal Property and Order* [same as DE-275] (GC-075)

■ *Petition for Appointment of Temporary Guardian or Conservator* (GC-110)

■ *Order Appointing Temporary Guardian or Conservator* (GC-140)

■ *Letters of Temporary Guardianship or Conservatorship* (GC-150)

■ *Petition for Appointment of Guardian of Minor* (GC-210)

■ *Consent of Guardian, Nomination, and Waiver of Notice* (GC-211)

■ *Order Appointing Guardian of Minor* (GC-240)

■ *Letters of Guardianship* (GC-250)

■ *Petition for Appointment of Probate Conservator* (GC-310)

■ *Attachment Requesting Special Orders Regarding Dementia* (GC-313)

■ *Citation for Conservatorship and Proof of Service* (GC-320)

■ *Order Appointing Court Investigator (Probate Conservatorship)* (GC-330)

■ *Declaration on Medical Inability to Attend Court Hearing* (GC-335)

■ *Order Appointing Probate Conservator* (GC-340)

■ *Duties of Conservator and Acknowledgment of Receipt of Handbook* (GC-348)

■ *Letters of Conservatorship* (GC-350)

■ *Petition for Exclusive Authority to Give Consent for Medical Treatment* (GC-380)

■ *Order Authorizing Conservator to Give Consent for Medical Treatment* (GC-385)

## SMALL CLAIMS

Effective January 1, 1998, the council amended the following forms for mandatory use in small claims court:

■ *Plaintiff's Claim and Order to Defendant* (SC-100)

■ *Defendant's Claim and Order to Plaintiff* (SC-120)

■ *Notice of Entry of Judgment* (SC-130)

■ *Judgment Debtor's Statement of Assets* (SC-133)

■ *Information for the Plaintiff* (SC-150)

Effective January 1, 1998, the council adopted new form *Application and Order to Appear for Examination* (SC-134) for mandatory use in small claims court to order the judgment debtor to appear and explain why the *Judgment Debtor's Statement of Assets* form was not completed as required by Code of Civil Procedure section 116.830 and to answer questions about income and assets.

## TRAFFIC

Effective May 16, 1997, the council adopted for statewide use *Notice to Appear—Automated Traffic Enforcement* (CR-115) to implement legislation that permits local law enforcement agencies to use an “automated enforcement system” to issue citations for traffic signal violations at intersections and railroad crossings (Stats. 1995, ch. 922).

## Coordination of Multicourt Civil Actions

Coordination of civil actions is a procedural device used to join separate actions for all purposes. The actions must be pending in different courts and must share common questions of fact or law. The purpose of coordination is to avoid multiple trials and inconsistent results and to promote the efficient use of judicial resources. The coordination statute is contained in Code of Civil Procedure sections 404–404.8 and is accompanied by rules 1501–1550 of the California Rules of Court.

When a petition for coordination is received, the Chair of the Judicial Council assigns a judge to determine whether the included actions should be joined according to standards specified in Code of Civil Procedure section 404.1. If coordination is granted, the Chair assigns a judge to hear and determine the actions as required by Code of Civil Procedure section 404.3(a) and rule 1540. In selecting a site for the coordination motion and trial assignments, the geographical convenience for parties, witnesses, and counsel is balanced and the administrative needs of the courts are considered.

As of December 31, 1997, 3,298 petitions were received for the coordination of civil actions since the inception of the coordination statute in 1974. In 1997, 29 petitions were received, 59 fewer than in 1996.

The 29 petitions received during 1997 may be characterized as follows:

### INCLUDED ACTIONS

The 29 petitions included 65 individual actions. Of the 65 actions, 62 were pending in superior courts and 3 in municipal courts. Sixteen petitions involved only 2 pending actions. Four petitions included 3 actions, and 9 petitions included more than 3 actions.

### SUBJECT MATTER

The 29 petitions involved the following subject areas:

Personal injury .....	6
Commercial.....	12
Real property.....	0
Construction .....	2
Public law .....	6
Fire.....	0
Other.....	3
TOTAL .....	29

### DISPOSITIONS

Of the 29 petitions, 10 were granted, 9 were denied, and 1 was withdrawn. Nine petitions were still pending as of December 31, 1997.

Urgency legislation signed into law effective September 21, 1996, changed the procedures for coordinating civil actions under Code of Civil Procedure section 404 et seq. The new procedures now allow a party to make a motion to transfer and consolidate noncomplex actions directly to a judge in the trial court in which one of the actions is pending, rather than to the Chair of the Judicial Council. However, requests to coordinate complex actions must still be made by petition to the Judicial Council. ■