

Invested in Justice

California's court system
is undergoing an
historic transformation.

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The *1999 Judicial Council Annual Report* summarizes key trends, court workload issues, activities and achievements of the judicial branch for calendar year 1998, and court business for California's appellate and trial courts during fiscal year 1997–1998. ▼ A companion publication, the *Court Statistics Report*, provides detailed 10-year statistical caseload and trend data on a wide variety of court business. This report includes some additional 1997–1998 data and some revised data for 1996–1997 due to court submissions of statistical reports.

California Courts Web Site ▼ The California Rules of Court and Judicial Council forms are posted on the California Courts Web site: www.courtinfo.ca.gov. The site also provides the California Supreme Court calendars, minutes, and internal practices and procedures; appellate court opinions; and links to state trial courts and government organizations and to federal courts and agencies.

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Message from the Chief Justice and Administrative Director

Dear Friend of the Court:

It is a pleasure to provide our Annual Report summarizing the courts' major developments and activities in 1998. Indeed, 1998 was a year of tremendous reform and advance for our judicial system.

State funding of the trial courts, the most significant reform of our courts in this century, began on January 1. It was only through the creativity and cooperation of the legislative, judicial, and executive branches, local governments, and bar groups that this new funding system was brought to life. The same creativity and cooperation were evident throughout 1998 as state funding was implemented.

Clearly, this first year of state funding involved a demanding transition. Nonetheless, we are ahead of schedule because of the dedicated efforts of judges, court executives, and staff. Many challenges remain to be addressed. Hard decisions still must be made, and systems improved or created in order to ensure that budgets are under control, court operations are efficient and accountable, and funding is adequate and reliable. Fortunately, our judges, court executives, and staff, as talented and committed as any in the world, are up to the task.

Last year brought other significant and beneficial changes in the administration of justice. Most notable was the voters' approval in June of Proposition 220, which permits trial courts in a county to unify. By year-end, most courts—50 of our 58 counties—did unify. It already is apparent that unification has led to more efficient court operations and thus to more responsive service to the public.

Jury system reforms also moved ahead last year, particularly measures to provide better treatment for jurors. Our success and our continuing efforts in this area are described in this Annual Report.

In order to support California's very large and unique court system and to continue to improve the service and quality of justice it provides to all residents, the Governor

Many challenges remain to be addressed. Hard decisions still must be made, and systems improved or created in order to ensure that budgets are under control, court operations are efficient and accountable, and funding is adequate and reliable.

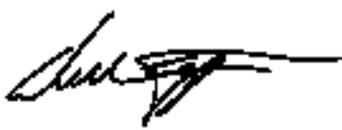
approved budget change proposals of \$64.4 million for the trial courts in fiscal year 1999–2000. The council's recommendation includes funds for court operations, new technology, jury reform, and other measures to improve access to the courts.

All of us in the judicial branch feel a great sense of accomplishment about the many reforms completed and changes achieved in 1998. With the participation and support of the legislative and executive branches—indeed, of all interested Californians—we are confident that our efforts to enhance our court system and the administration of justice will continue their rapid progression in 1999.

Sincerely,



Ronald M. George
Chief Justice of California



William C. Vickrey
Administrative Director of the Courts



Ronald M. George



William C. Vickrey

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nactment of a long-sought state court funding plan and the voters' passage of a constitutional amendment permitting voluntary court unification are the most significant changes transforming the California court system as the 20th century comes to a close. The Judicial Council's quest, backed by a broad coalition of

judicial and legislative leaders, is to ensure that the state court system uses its emerging

Fulfilling the Promise of Reform

freedom from financial uncertainty to redirect its energies toward providing high-quality, consistent services throughout the state. Despite stumbling blocks during the current transition period, the new funding law, combined with trial court unification, is helping to reduce the long-term costs of court operations and has begun to promote stability as well as equal access and fairness—and ultimately greater public confidence and trust—in the trial courts.

Achievements

▲ **Trial court funding:** The Lockyer-Isenberg Trial Court Funding Act of 1997, which took effect January 1, 1998, gave the state full responsibility for funding trial court operations. The Judicial Council worked closely with counties and the legislative and executive branches to implement the first year of state trial court funding, including the passage of legislation to resolve cash flow and other transitional issues.

▲ **Trial court unification:** The passage of Proposition 220 (SCA 4) in June 1998 permits the unification of the state's superior and municipal courts into countywide superior court systems if approved by the majority of a county's judges. The new system will provide easier access to court records and more efficient handling of court cases, allow more flexibility in case assignments, and save taxpayer dollars. *By December 31, 1998, 50 of the state's 58 counties voted to unify their trial courts into a single countywide superior court.*

"The history of inadequate and uncertain funding of ten has substantially hobbled the ability of courts to serve the public but now that this top priority has been achieved, the Judicial Council's goal is to ensure the law fulfills its promise."

—Chief Justice Ronald M. George

▲ **Jury reform:** Legislation and other actions to increase citizen participation in the jury system remain a top Judicial Council priority (*see page 8 for a more detailed report*).

▲ **Access and fairness:** The California court system has a long history of programs to improve fairness. The courts are modifying policies, practices, and procedures and are striving to remove architectural and communication barriers to equal access for minorities, women, and persons with disabilities. Fairness education, which was made available to all judicial officers and court staff and has been incorporated into all Center for Judicial Education and Research education programs, is helping courts become more sensitive to the needs of people from diverse backgrounds. The council's Access and Fairness Advisory Committee is conducting a large-scale survey on issues affecting the gay and lesbian communities and has created a special task force of judges and court staff from around the state to develop new ways for the courts and their communities to work together.

▲ **Improving justice for children and families:**

■ **Juvenile court.** Changes to juvenile court practices and procedures relating to abused and neglected children are being implemented in response to the council's comprehensive two-year state-wide needs assessment of juvenile courts. The council's Center for Children and the Courts is designed to maximize the effectiveness of court services for children and families, implement innovative court-related programs, and promote those services in the legal community and to the public. Under the center's Child Support Project, the council oversees and administers the Child Support Commissioner and Family Law Facilitator program. The purpose of the project is twofold: first, to provide an expedited process for child support cases in the courts; and second, to establish the office of the family law facilitator in each of the county courts to provide education, information, and assistance to parents with child support issues, especially parents who are not represented by counsel. (See *Juvenile Dependency*, page 16).

■ **New standards.** The council adopted new California Rules of Court and Standards of Judicial Administration for court-connected child custody mediation, court-ordered evaluation, and supervised visitation. These changes establish case-processing and administrative guidelines, requirements for staff training, assistance and education for litigants, and support for the judicial decision-making process.

Many state court facilities need urgent attention. A task force is studying needs and remedies statewide.

■ **Visitation Grant Program.** The Statewide Office of Family Court Services administers a federally funded program of grants to the courts for greater access to visitation for nonresidential parents with their children. The program

emphasizes parent education, counseling for children, and supervised visitation.

▲ **Drug courts:** "Drug treatment courts" are a proven alternative to traditional criminal prosecution for drug-related offenses and for reducing recidivism. The Oversight Committee for California Drug Court Project was established to oversee the grant application process and make recommendations to the Judicial Council regarding the allocation of federal funds provided by the program. The council approved 36 drug courts as recipients of 1998–1999 federal mini-grant awards totaling

Continued on page 6

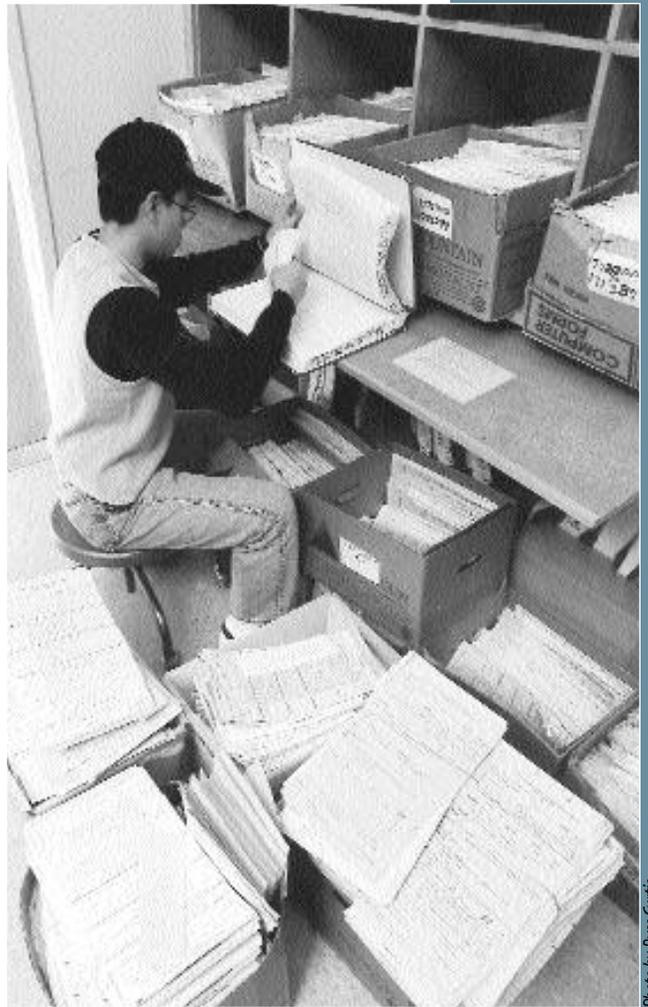


Photo by Russ Curtis

"There is nothing more fundamental to access to justice than ensuring that participants in court cases are able to understand the proceedings and accurately express their views."

—William C. Vickrey, *Administrative Director of the Courts*

\$1,035,675. In a precedent-setting initiative, the state Drug Court Partnership Act provided \$4 million for treatment and adjudication of participants in drug courts, the use of which is to be determined jointly by the Judicial Council and the Department of Drug and Alcohol Programs.

▲ **Court facilities:** Providing suitable and necessary court facilities is required by law. A statewide interbranch task force created by the Trial Court Funding Act is now studying court facilities, one of the critical funding needs of the state judicial branch. As part of this comprehensive study, the task force will determine court construction standards and evaluate all court facilities against the standards. This effort will lead to a comprehensive list of facility requirements and to recommendations for funding and ownership.

With nearly 400 court locations, over 1,900 judicial officers, and over 17,000 employees serving more than 32 million people, the California court system is one of the largest in the world.

Challenges

▲ **Non-English speakers:** The Judicial Council is reviewing a study and recommendations on court interpreter compensation designed to increase the number of qualified interpreters who provide services that are mandated by the state Constitution. In addition, under new legislation the council will conduct a one-year pilot project to provide a qualified interpreter to parties in child custody proceedings.

▲ **Access and fairness:** California courts continue to struggle to accommodate persons with disabilities and to improve access for all minorities and women. Surveys show that public confidence in the courts has slipped. The courts are developing ways to eliminate barriers to equal access in order to restore public confidence in the rule of law.

▲ **Self-represented litigants:** California courts have seen a dramatic increase in the number of pro per litigants (people who represent themselves in court). The courts receive an estimated 2,000 to 5,000 calls a month from people requesting instruction and procedural information. Not only do pro per litigants consume a significant amount of court resources, the litigants find themselves disadvantaged in court due to unfamiliarity with court procedures, forms, and their rights.

▲ **Court facilities and security:** Many California courts do not have dignified, well-functioning facilities such as waiting rooms for children, witnesses, victims, and jurors that provide adequate safety for the public and court staff. Violence and threats of violence have increased markedly in recent years, yet bailiff services, weapons detection screening, and other essential security systems are lacking in many courts.



Photo by Russ Curtis

Special devices to assist the hearing-impaired are among the ways courts are improving accessibility for persons with disabilities.



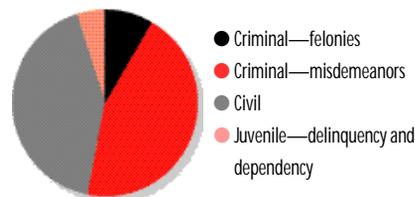
Photo by Russ Curtis

State courts have dissimilar and often antiquated technology systems—many are not even integrated within their own counties—hampering their ability to gather vital information and communicate with one another.

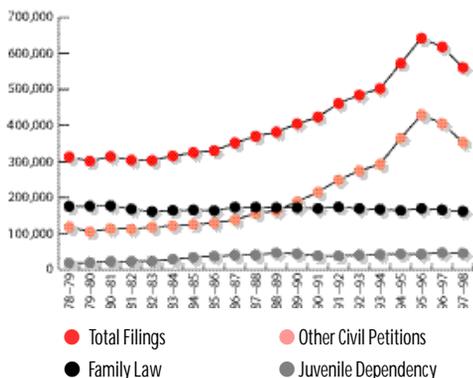
CALIFORNIA TRIAL COURT FACTS

- **Judgeships:** Among the nation's five most populous states, California ranks next to the bottom in number of judges per 100,000 population, a ratio that has barely changed over the past two decades.
- **Court facilities:** Seventy percent of California's court space was constructed before 1970.
- **Drug courts:** Of the 48 states with drug courts, the greatest number are in California, where 85 drug courts are operating in 38 counties.
- **Y2K:** In California, 32 courts have urgent year 2000 (Y2K) problems to resolve. The total amount of the courts' year 2000 technology needs is \$19 million.
- **Court interpreters:** California is the most linguistically diverse state in the nation: 224 languages and innumerable dialects are spoken. To date, however, court interpreter certification programs exist for only eight languages.
- **Court-ordered child custody mediation:** The caseload in child custody mediation has skyrocketed from 49,500 cases in 1987 to nearly 84,000 cases in 1996.
- **Juvenile dependents:** The number of children who have become dependents of the courts because of abuse or neglect has risen 100 percent in the last 20 years. Substance abuse is a factor in at least 70 percent of these cases.
- **Fastest growing cases:** More than 8.5 million cases were filed in 1997–1998. Among the fastest growing types of cases are criminal felonies and juvenile dependency, which have risen 144 percent and 150 percent respectively since 1978–1979.

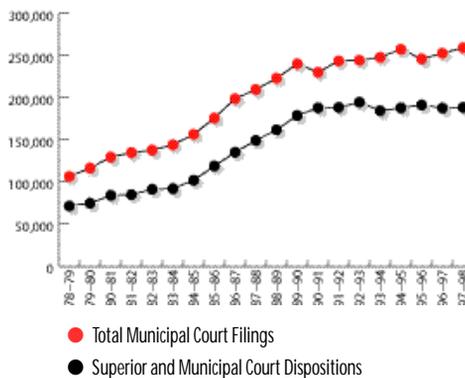
Caseload Composition 1997–1998



Domestic-Related Filings 1978–1979 to 1997–1998



Trial Court Felony Filings and Dispositions 1978–1979 to 1997–1998





he Judicial Council's Blue Ribbon Commission on Jury System Improvement reported in 1996 that "the jury system in California is on the brink of collapse." While a number of the commission's recommendations have been implemented, there is more to be done. An inefficient jury system has disturbing ramifications for participatory democracy and jury verdicts. The public is rendering its own judgment by refusing to show up for jury duty when called. Low juror turnout is the biggest problem the jury system faces because this can create juries that are less representative of the community and cause the burdens of jury service to be concentrated among

relatively few citizens. At both the state and local levels, judicial leaders and attorneys believe that correcting this problem is one of the court system's highest priorities. "All too often, jury

duty is greeted not with enthusiasm, but rather with irritation or neglect. At the same time, excluded groups and classes, including women, racial minorities, and persons with disabilities, have historically and ardently sought inclusion in jury pools," stated the Chief Justice in his 1998 "State of the Judiciary" address. "We owe them—and every citizen—a system that honors and recognizes their fulfillment of this important duty, a system that provides litigants with a representative cross-section of the community."

Justice for Jurors

Achievements in Jury Reform

▲ **One-day/one-trial law:** A bill requiring all trial courts to adopt a one-day/one-trial jury system by January 2000 was signed into law in 1998. Unless a court can establish a need for an exemption, the one-day/one-trial rule specifies that prospective jurors need appear only for one day if not selected for a trial, or for the duration of the trial if chosen, in order to satisfy their jury obligation for a year. As of January 1999, 24 California counties report that they have implemented one-day/one-trial jury systems.

▲ **New task force:** A new Judicial Council Task Force on Jury System Improvements, composed of judges, lawyers, court administrators, and representatives of community groups, was created to provide guidance to the council on implementing reforms. Over a three-year period, the group will conduct a pilot project to improve utilization and management of jurors' time through screening of jurors prior to their arrival at the courthouse. In addition, the task force will study other ways to improve statewide jury operations, including the one-step summons process, a statewide jury list, and a jury orientation video and handbook.

▲ **Responsiveness to jurors:** The Judicial Council adopted new California Standards of Judicial Administration that recommend court guidelines for receiving and responding to juror complaints, updating juror lists, and reducing burdens on jurors during lengthy trials.

▲ **Jury instructions:** Jurors are often confused by the legalese of complex jury instructions. A council task force is drafting criminal and civil jury instructions that are understandable to jurors. Representatives from a wide spectrum of the justice system community serve on this task force.

*"Juror service is everyone's civic duty, but citizens shouldn't have to pay out of pocket to perform it."
—Los Angeles Times, August 4, 1998*



Photo by Russ Curtis

Jury facilities, such as this jury deliberation room that doubles as a file room, send messages about society's commitment to the jury system and respect for individual jurors.

Challenges

▲ **Increased compensation:** The current jury fee of \$5 a day—one of the lowest in the nation—is inadequate, especially in an era when trials can last for weeks or months. It does not come close to covering the cost of transportation to the courthouse, parking,

adequate meals, or child care. The council recommends that the daily fee for jury service be \$40 per day after the first day (and \$50 per day after the thirtieth day).

▲ **Child care:** Reasonable child-care options must be made available to jurors. Existing court facilities were not designed to accommodate on-site child care, so jurors must generally rely on private providers. The Task Force on Jury System Improvements is looking at this issue along with 60 other recommendations to improve jury service.

—*Final Report of the Blue Ribbon Commission on Jury System Improvement*

▲ **Improved jury facilities:** The facilities made available to jurors communicate powerful messages about the court system's commitment to the jury system and respect for individual jurors. Jurors should not be expected to wait for hours at a time in facilities that all too often are uncomfortable, unclean, antiquated, and even unsafe.

FACTS ABOUT THE CALIFORNIA JURY SYSTEM

- Last year, approximately 10 million Californians were summoned to jury duty, but only 12 percent actually served.
- In some counties, the response rate to jury summonses has dipped as low as 6 percent, forcing the same people to serve repeatedly. Los Angeles County reports that roughly half of the 4 million people who were sent jury affidavits in recent years did not respond.
- The most common hardship excuse is the personal obligation to care for one's children. In some counties, 60 percent of the hardship cases involve lack of child care.
- Many employers do not pay their workers for time spent on jury duty and some actively discourage their employees from serving.

Jury Trials: Top Five Counties 1997–1998

County	Total dispositions by jury trial
Los Angeles	4,318
San Diego	1,585
Orange	1,310
Sacramento	588
Santa Clara	553

During fiscal year 1997–1998, there were 14,705 dispositions by jury trial statewide in California.



The Judicial Council's court system budget change proposals for fiscal year 1999–2000 are designed to help the California courts modernize their operations to meet critical 21st century challenges, solve problems of inadequate court security and facilities that compromise public safety and access, carry out reforms needed to bolster jury service, and create enough qualified court interpreters to accommodate the state's language diversity. Courts represent less than 2 percent of the state's General Fund expenditures, a small level of funding that is needed to ensure equal access for all citizens.

Improving equal access to the courts for all Californians is the chief intent of the Trial Court Funding Act of 1997. That is why the act authorizes the state to fund all California courts, the Legislature to appropriate the funding, and the Judicial Council to allocate it in a manner that

Invested in Justice

promotes efficiency and effectiveness in court resource management and practices.

The council's prudent budget proposal for 1999–2000 addresses courts' caseload growth during the transition from county to state funding, the issues of juvenile dependency, domestic violence, and inadequate court technology, and other critical needs. It also reflects the judiciary's long-range plan to improve fairness and diversity throughout the court system.

Trial court budget change proposals: \$64.4 million

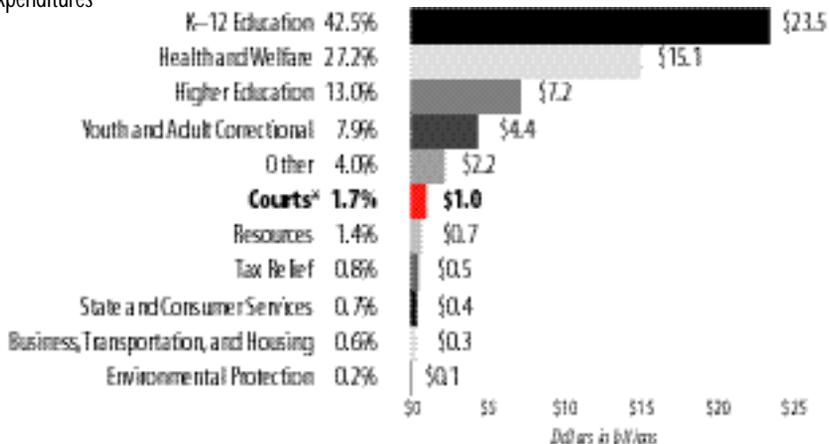
- ▲ \$52.6 million for trial court operations, including funds for previously negotiated trial court employee salary increases, jury reform measures, court security, increased public access to courts, case processing, and county/state transition responsibilities.

- ▲ \$1.8 million for the Court Interpreters Program to fund projected interpreter costs due to growth in workload.

- ▲ \$10 million to implement the Judicial Administration Efficiency and Modernization Fund.

Spending for Courts Less Than for Other Budget Categories

1998–1999 General Fund Expenditures



*Includes funding for trial courts, Supreme Court and appellate courts Administrative Office of the Courts, Habeas Corpus Resource Center, and General Fund contributions for Judges' Retirement System.

Source: California Department of Finance

Budget change proposals for the Supreme Court, Courts of Appeal, and Judicial Council: \$20.5 million

▲ \$2.6 million for the Supreme Court to help the court handle increased civil and criminal petitions and record certification matters in death penalty appeals.

▲ \$10 million for the six state Courts of Appeal to assist them in handling rising civil and criminal caseloads, an increasing number of writs, and caseload growth in the Court-Appointed Counsel Program.

▲ \$5.3 million for the Judicial Council, which includes funding for numerous programs to improve the administration of justice in California courts, including new support for trial courts to implement funding changes and additional funding for family violence programs, jury reform, technology initiatives, facility operations, and grant programs.

▲ \$2.6 million for the Habeas Corpus

The Judicial Council's fiscal year 1999–2000 funding request would help California's court system become one of the best in the world and all for less than 2 percent of the state's General Fund expenditures.

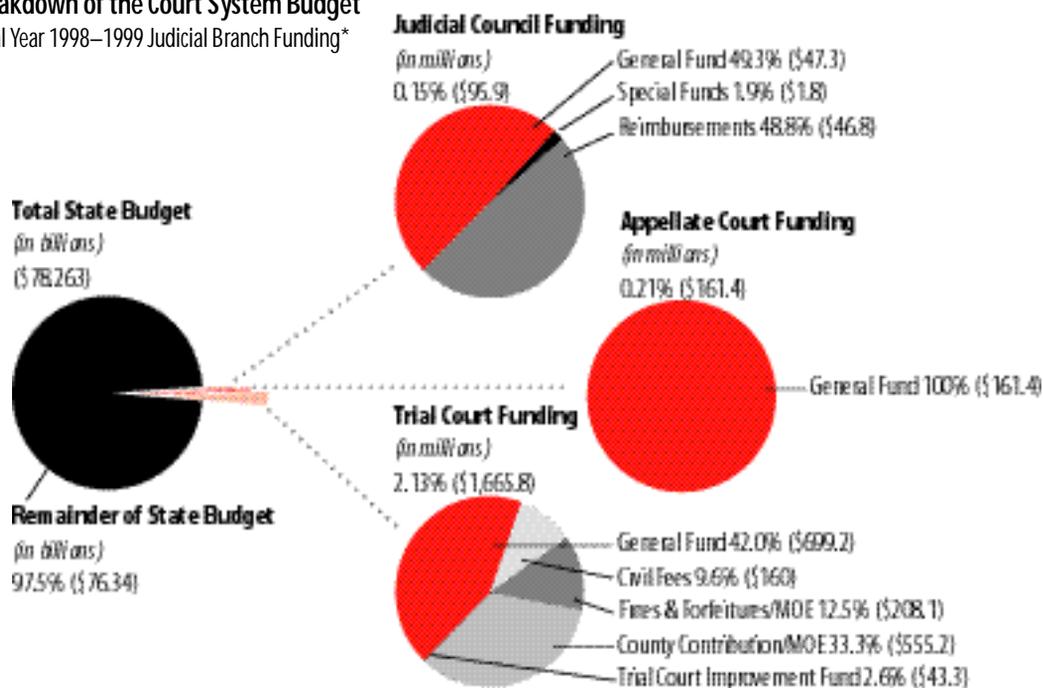
Resource Center for grant-funded programs and training (*see Appellate Court, page 12*).

Budget Ties Into Judicial Council Strategic Plan

The council's budget request directly reflects the major goals of the state court system outlined in the council's Long-Range Strategic Plan:

- ▲ Improve access, fairness, and diversity in the judicial branch;
- ▲ Protect the independence of judicial decision making;
- ▲ Modernize judicial administrative practices;
- ▲ Provide services to the public that meet their needs and enhance their understanding of the judicial branch; and
- ▲ Achieve the goals of the Judicial Council through judicial branch education and professional development.

Breakdown of the Court System Budget Fiscal Year 1998–1999 Judicial Branch Funding*



*Excludes Judges' Retirement System, Commission on Judicial Performance, and Habeas Corpus Resource Center.

Source: Administrative Office of the Courts



California's appellate courts are (1) the Supreme Court, the state's highest court with seven justices (six associate justices and one Chief Justice) whose decisions are binding on all of the state's courts, and (2) the Courts of Appeal, the intermediate courts of review with six appellate districts and 93 justices. The combined filings of these courts totaled 33,707 in fiscal year 1997–1998.

The California Constitution requires the Supreme Court to review all death penalty cases (also called automatic appeals) and gives the court discretion to grant review of decisions of the Courts of Appeal, which are decided by three-judge panels

California Appellate Court Report

and arise out of the cases handled by 1,480 trial judges. The appellate courts help to ensure that the law is interpreted and applied correctly and uniformly and provide for the ongoing development of the law through written opinions that guide the lower courts and the public. During 1997–1998, the Supreme Court and Courts of Appeal reported a combined total of 13,807 written opinions.

Challenges

Existing resources in the Supreme Court and the Courts of Appeal are being severely stressed as caseloads and case backlogs continue their upward climb.

Supreme Court Workload

▲ In 1997–1998, 5,619 petitions for review, 2,541 original proceedings, 33 death penalty appeals, 48 habeas related to automatic appeals, and 419 attorney discipline proceedings were filed.

▲ Filings of original matters jumped 15 percent in 1995–1996, 14 percent in 1996–1997, and 24 percent in 1997–1998.

Counsel for Indigent Defendants on Death Row

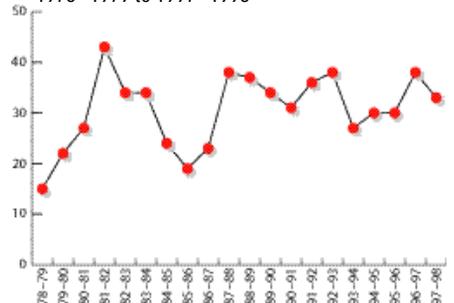
▲ Currently there is a three-to-four-year delay in making appointments of counsel in death penalty appeals because of the lack of lawyers qualified, willing, and able to take these time-consuming cases.

▲ Death penalty appeals and related proceedings continue to require additional resources: As of December 31, 1998, 517 prisoners sat on the state's death row—159 without attorneys to handle their appeals.

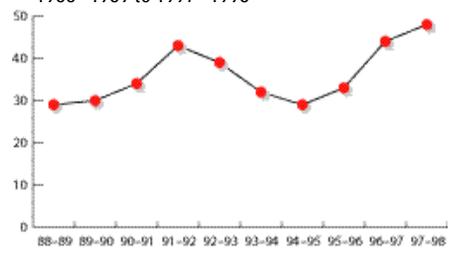
Courts of Appeal Workload

▲ The number of pending fully briefed appeals in the Courts of Appeal, a measure of the courts' ability to keep pace with case backlog, fell slightly in 1997–1998 to 5,936 from 6,220 the previous fiscal year.

Death Penalty Filings
1978–1979 to 1997–1998



Habeas Corpus Petitions* Related to
Death Penalty Appeals
1988–1989 to 1997–1998



*Challenging confinement.

▲ Juvenile original proceedings have almost doubled since 1995 when a new rule of court took effect that establishes a fast-track schedule for these cases to speed permanent placement of children who have been neglected or abused.

Achievements

Automatic Appeals, Related Habeas Corpus Proceedings

In response to legislation designed to improve the handling of death penalty appeals, the Supreme Court undertook a comprehensive review and revision of its standards and guidelines governing the duties and payment of appointed counsel in these cases. The legislation, which took effect on January 1, 1998:

▲ Provides funds to enable the Supreme Court to increase compensation and investigation expenses for counsel appointed to represent indigent defendants in death penalty appeals and related habeas corpus proceedings.

▲ Requires appointment of separate counsel for the direct appeal and related habeas corpus proceedings unless the defendant and counsel agree to a single attorney providing representation for both matters.

▲ Creates the California Habeas Corpus Resource Center to help provide representation in habeas corpus proceedings by a trained group of attorneys experienced in these matters, who also will be available to assist private counsel appointed by the court in these proceedings.

▲ Requires the Supreme Court and the Judicial Council to adopt a court rule that establishes minimum qualifications for counsel eligible for appointment to represent inmates in death penalty cases on direct appeal or for habeas corpus and related proceedings.

Training Opportunities, New Procedures, Processes, Web Access

▲ The Supreme Court has increased training opportunities for attorneys interested in, and appointed to, represent death penalty case defendants and has extended recruitment efforts.

▲ The court adopted new procedures designed to provide counsel with more notice of the filing dates of the court's written opinions.

▲ The Judicial Council's Appellate Advisory Committee undertook the first major overhaul of the California Rules of Court governing appellate procedures in more than half a century. A draft of the proposed revisions has been circulated for comment, and revision of the rules will be completed in 1999–2000.

▲ Court of Appeal justices from each appellate district, as well as judicial staff attorneys, an appellate court clerk, and members of the appellate bar, have joined the Judicial Council's Appellate Process Task Force, appointed by the Chief Justice. This group is studying substantive changes in Court of Appeal processes, such as the use of mandatory docketing statements, and distribution of workload and resources among the Courts of Appeal.

FACTS ABOUT THE APPELLATE COURTS

Supreme Court

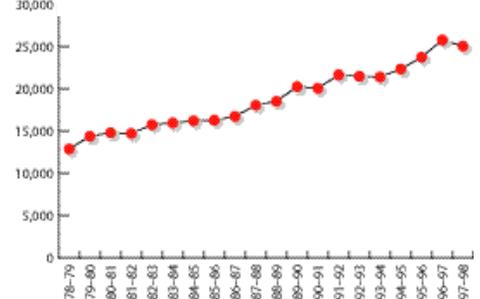
- The Supreme Court's caseload has increased 134 percent in the past 20 years.
- Filings in 1997–1998 rose to a record high of 8,660. The court has experienced sustained criminal caseload increases since 1994–1995. Civil caseload has almost doubled since 1988–1989.

Courts of Appeal

- The statewide average number of written opinions per justice is 153 per year.
- Filings in the Courts of Appeal have increased steadily. In 1997–1998, contested matters totaled 25,047, an increase of 95 percent over the past 20 years.
- The Courts of Appeal disposed of 14,238 cases by written opinion in 1997–1998.

Courts of Appeal, Total Filings

1978–1979 to 1997–1998





California's sprawling court system extends over 158,000 square miles and is larger and more complex than the court systems of many countries. But California courts as a whole lag behind the private sector and other government agencies

in the application of modern technology. They also lag behind in meeting the public's grow-

Court Technology Lags Behind

ing expectations of efficiency. For these reasons, modernization of court technology is one of the top priorities of the judicial branch.

Achievements

▲ **Strategic Plan:** The Strategic Plan for Court Technology, which identifies statewide goals in five areas—planning, technology infrastructure, court management systems, information, and communications—serves as a technology master plan for the California court system. It is available at www.courtinfo.ca.gov/reference/.

▲ **Electronic records:** A standard of judicial administration was adopted by the council, effective January 1, 1999, to encourage trial courts to provide access to their electronic records. It also provides the courts with general policy guidelines.

▲ **Electronic filing:** A standard of judicial administration was adopted by the council, effective January 1, 1999, outlining specifications for electronic filing.

▲ Rule 981.5 of the California Rules of Court allows courts on a pilot basis to modify certain mandatory Judicial Council forms for electronically generating only the data relevant to a particular transaction.

▲ **Case management:** Rule 996 of the California Rules of Court requires that by January 1, 2000, subject to adequate funding, each trial court develop, upgrade, replace, or procure automated case management systems needed to meet or exceed data collection and reporting requirements prescribed by the Judicial Branch Statistical Information System's (JBSIS) data standards.

▲ **Data standards:** The JBSIS data standards were adopted to replace the 30-year-old system that trial courts used to report their case-related data and to permit the automated collection of these statistics.

▲ **Training:** Most counties have been trained in the application of JBSIS standards. Five major case management system vendors in California participated in the training. Together with the courts, the vendors are working to implement the standards. Additionally, county and court information technology staff in those courts have received detailed training on the implementation aspects of the standards.

▲ **The California Courts Web site:** Redesigned in October 1998, the user-friendly, accessible site (www.courtinfo.ca.gov) is attracting more users with up-to-the-minute Supreme Court and Court of Appeal opinions, a search feature, and helpful references for the courts and public.

"We've begun to keep manual records on probation and fine payments that extend to the year 2000. Frankly, we're afraid to put them in the computer system because nothing we have is year 2000 compatible."

*—Alex Aikman, Court Executive,
Superior Court of California, County of El Dorado*

Challenges

▲ **Funding to remedy year 2000 (Y2K) problems:** Funding was expected in the State Budget for fiscal year 1998–1999 as part of the Judicial Administration Efficiency and Modernization Fund, but was disapproved. Alternative funding possibilities are being vigorously pursued to ensure that trial courts can maintain critical services and avoid harmful consequences arising from the courts' inability to share data with public safety and welfare agencies.

Technology holds the promise of increased efficiency in information management, case processing, and judicial decision making; the resulting efficiency savings will reduce the cost of justice.

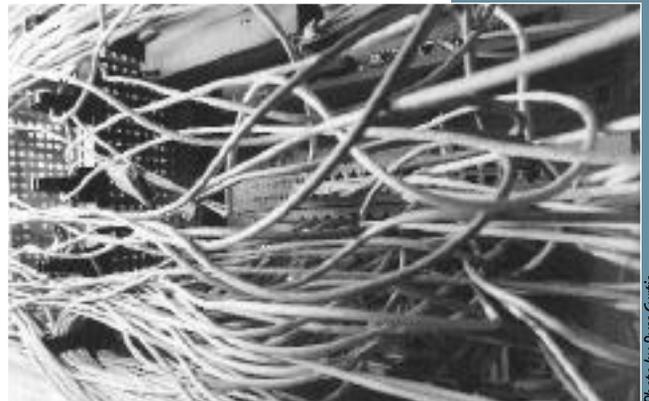
—*Justice in the Balance—2020*

cost savings in procurement, development, and maintenance of costly technology assets. Although this money was not appropriated, the Judicial Council's Court Technology Advisory Committee and the Administrative Office of the Courts are renewing efforts to obtain this critical funding.

▲ **Electronic filing:** Implementing specifications for electronic filing is essential if courts are to manage their workloads more efficiently. Technical standards, such as those that might be established through eXtensible Markup Language (XML), must be investigated and tested to implement electronic filing throughout the state.

▲ **California Judicial Network (CJN):** The Judicial Council is testing the feasibility of providing secure e-mail and file transfer over the Internet as the first step in establishing a statewide telecommunications network for the judicial branch.

▲ **Model case management systems:** Funding was also expected in fiscal year 1998–1999 to begin development of systems that can provide courts with the means to provide essential services in a timely fashion; collect and process reliable information; and offer opportunities for



According to experts, California's courts stand at a critical crossroads in the use of technology. Decisions made today will set the course for the next two decades.

Photo by Russ Curtis

FACTS ABOUT CALIFORNIA COURT TECHNOLOGY

- Hardware, operating systems, and software platforms vary widely, both from county to county and within individual court systems. Lack of consistent standards impacts the ability of each court to share information and communicate within the court and with external agencies.
- In excess of 55 separate case management systems are installed in the state. Many face critical year 2000 problems, are incompatible with other installed systems, or have serious functional issues.
- Many courts face a critical need to install financial management systems so that they are able to provide accurate and timely data for appropriate accounting and planning.
- Staffing levels of information technology professionals vary widely in the countywide court systems. Approximately 20 countywide court systems have little or no technical support staff available to them.
- The trial courts have identified technology needs of more than \$90 million for fiscal year 1999–2000.



Children need to have the legal issues surrounding their care decided promptly. Federal and state laws are structured to provide strict timelines for court involvement with the goals of protecting children and achieving permanent and stable living situations for them. The laws require that social service agencies make reasonable efforts to provide effective services to parents in order to maintain or reunify court-dependent children with parents, but when that goal cannot be safely achieved in a timely fashion, the court must change focus and work to establish a stable and permanent alternative home for a child. These cases represent an acute problem for

the courts not only because of historically rising caseloads, but because high-risk, complex cases are commonplace. The majority of families dealing with abuse or neglect issues are facing multiple

complex problems, including issues such as substance abuse and domestic violence. These families require extreme amounts of court time and services. More than 100,000 children are under juvenile court jurisdiction due to abuse or neglect, and the courts remain understaffed judicially and administratively.

With the assistance of the justice system community, the Judicial Council is committed to improving court proceedings that affect children and families. Currently the council is implementing recommended changes from the *Court Improvement Project Report*, a report summarizing the project's comprehensive statewide assessment of the courts' handling of abuse and neglect proceedings and making recommendations for improvement.

Juvenile Dependency

Achievements

▲ **Representing children:** The Court-Appointed Special Advocate (CASA) program, a statewide grant program administered by the Judicial Council, recruits, trains, and supervises volunteers who represent children in complex dependency court proceedings. In 1998 the council obtained an increase in the amount of money available to the CASA program from \$500,000 to \$1.3 million. As a result of these grants, the number of California counties with CASA programs has grown from 12 to 35.

“Child welfare proceedings are arguably the most important cases that judges engage in on the bench . . . judges and courts have an awesome responsibility over these children's lives.”

*—Hon. Leonard P. Edwards, Judge,
Superior Court of California, County of Santa Clara*

▲ **Grants:** Grants totaling \$750,000 were made by the council to local courts for court improvement projects through December 1999 in a variety of subject areas, including alternative dispute resolution—mediation and family-group conferencing.

▲ **Information sharing:** The *Journal of the Center for Children and the Courts* was created to publish the full spectrum of viewpoints on important issues affecting children, families, and their interplay with courts, and the Center for Children and the Courts Web site (www.courtinfo.ca.gov/programs/childrenandthecourts/) was expanded to facilitate a statewide exchange of information and resources.

▲ **Team approach:** Collaborating with the California Department of Social Services, the Judicial Review and Technical Assistance (JRTA) project is designed to bring about change in local courts and improve compliance with Title IV-E of the Social Security Act. Each year, JRTA staff visit virtually every dependency court in California. In 1998 the JRTA team completed four studies targeted at improving abuse and neglect proceedings.

▲ **First juvenile dependency drug court:** The trial courts continue to implement innovative programs to improve access to justice. In 1998, the San Diego juvenile court instituted the first juvenile dependency drug court in California.

Challenges

▲ **Increased judicial oversight responsibilities:** The Adoption and Safe Families Act of 1997 and other state and federal laws designed to achieve more timely decisions and stronger safeguards for abused and neglected children include new provisions that require state courts to oversee child welfare cases more rigorously than ever before and place new demands on already strained court resources. State compliance with the law is a condition of state eligibility for funding for public child welfare agencies.

▲ **Counsel needed:** Statutory changes require counsel to handle more aspects of each dependency case. The vast majority of the case law in juvenile dependency has been developed in the 1990s following significant changes in federal and state laws made in the 1980s. These statutory changes require more hearings and intensive judicial oversight, as well as increased representation responsibilities for counsel.

▲ **Access restricted:** Access to justice is compromised due to lack of staffing and technology resources. Los Angeles County has an online resource service for families in the dependency court system. This type of service, if replicated, would reduce unnecessary court delays.

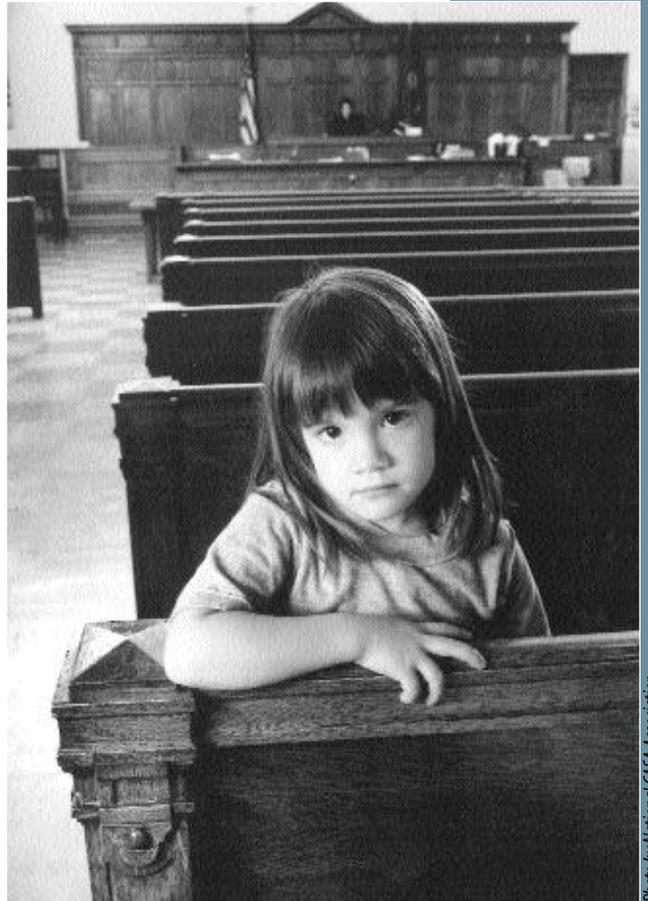


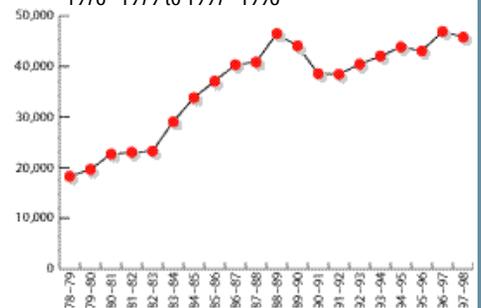
Photo by National CASA Association

Although more than 100,000 California children are under juvenile court jurisdiction because of parental abuse or neglect, the courts remain understaffed and underfunded.

FACTS ABOUT JUVENILE DEPENDENCY

- Total filings have risen 150 percent over the past 20 years, from 18,295 to 45,762 in 1997–1998.
- More than 104,097 California children were in foster care in 1997—about one-fifth of all foster children in the whole United States.
- Substance abuse is a factor in at least 70 percent of these cases.
- In some counties, 50 percent of children in foster care had changes in placement three or more times.
- The average time children stay in the foster care system is 20 months.
- About 51 percent of foster children are reunited with their families.

Total Dependency Filings
1978–1979 to 1997–1998





he Judicial Council is chiefly concerned with improving access and fairness and improving public service and court administration in California. Among its current top priorities is the implementation of long-awaited trial court funding reforms achieved with the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997. Assisting the counties in the transition to unification of their trial courts and leading the judicial branch's efforts to reform the jury system are two other key undertakings.

In addition to these programs and others described throughout this Annual Report, the council, with the assistance of the Administrative Office of the Courts (AOC) and the involvement of courts across the state, is pursuing a variety of duties

and responsibilities defined by the state Constitution as well as numerous statutes and legis-

Profile of the Judicial Council

lation whose aim is to ensure that California has the best possible court system in the world. *Following is a small sampling of the Judicial Council's varied activities:*

- ▲ *Provides* policy direction to the California court system;
- ▲ *Surveys* the condition of business in state courts and makes appropriate recommendations to the Governor, the Legislature, and the courts on ways to improve the administration of justice;
- ▲ *Adopts* rules of court administration, practice, and procedure;
- ▲ *Drafts* legal forms;
- ▲ *Plans* budget requests for the courts and oversees execution of court system budget;
- ▲ *Supports* courts in the areas of unification, delay reduction, technical assistance, mediation, and many other programs;
- ▲ *Submits* legislative proposals on behalf of the court system;
- ▲ *Expedites* judicial business and equalizes the work of judges;
- ▲ *Provides*, at the request of the Chief Justice, temporary assigned judicial officers to assist trial and appellate courts;
- ▲ *Coordinates* civil actions pending in different courts and sharing common questions of fact to avoid multiple trials and inconsistency of results and to use resources more efficiently;
- ▲ *Carries out* special projects and studies to improve court administration;
- ▲ *Provides* assistance to courts before and after a change of venue is granted in a criminal case (and sometimes in a civil case);
- ▲ *Administers* the Court-Appointed Counsel Program to provide defense services for indigent appellants;
- ▲ *Provides* judicial and management training and education to state court judges and staff;
- ▲ *Oversees* court system funding requests and allocations, trial management improvement, statistical reporting, research and development of technical improvements, and data processing techniques; and
- ▲ *Assists* counties in implementing mandatory child custody mediation laws.

The Judicial Council works through advisory committees whose members are drawn from a diverse group of more than 600 volunteer judges, court administrators, attorneys, court support staff, legislators, public agency representatives, and the general public to examine special areas of law and make recommendations.

FACTS ABOUT THE JUDICIAL COUNCIL

- The Judicial Council is the state constitutional agency that provides policy direction to the courts, the Governor, and the Legislature concerning court practice, procedure, and administration.
- The council oversees the largest court system in the United States.
- The 21 members of the council, chaired by the Chief Justice, include 14 judges appointed by the Chief Justice from all court levels; four attorney members appointed by the State Bar Board of Governors; and one member from each house of the Legislature. The council also has six advisory members, including representatives of the California Judges Association and state court administrator organizations.
- Staggered terms, with one-third of the council's membership changing each year, are aimed at broadening participation from throughout the state judicial branch.
- The council's Long-Range Strategic Plan for the state's judicial system outlines an action plan for the council's advisory committees and the AOC. Individual courts implement the plan in ways that meet local needs.



Photo by Russ Curtis

Judicial Council members and advisory members gathered for a February 1999 business meeting in Berkeley:

Front row (from left): Hon. Steven E. Jahr, Hon. Ronald L. Taylor, Ms. Sheila Gonzalez, Chief Justice Ronald M. George, Ms. Glenda Veasey, Hon. Marvin R. Baxter, Hon. Brenda Harbin-Forte, and Hon. Melinda A. Johnson.

Middle row: Hon. William M. Wunderlich, Hon. James Allen Bascue, Hon. J. Richard Couzens, Hon. Ana Maria Luna, Mr. Sheldon H. Sloan, Mr. Joseph A. Lane, Hon. David L. Haet, Hon. Adam Schiff, and Mr. William C. Vickrey.

Third row: Mr. Stephen V. Love, Hon. Paul Boland, Mr. Frederick "Fritz" Ohlrich, Hon. Michael B. Orfield, Hon. Carol A. Corrigan, Mr. Maurice Evans, Hon. Richard D. Huffman, and Mr. Michael Case.

Council members not pictured: Hon. Richard D. Aldrich, Hon. Albert Dover, and Hon. Sheila James Kuehl.

