



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date	Action Requested
October 23, 2009	For Your Information
To	Deadline
Members of the Judicial Council	N/A
From	Contact
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Subject	
Report on Activities of the Administrative Office of the Courts	

The following information outlines *some* of the many activities taking place to further the Judicial Council's goals and agenda for the judicial branch. *(It does not address issues on which the council has been briefed through other information sources.)*

Issues and activities highlighted include the following:

- Legislative Update (*p.2*)
- Budget Update (*p.3*)
- Community Correction Initiatives (*p.5 and p.16*)
- Labor Relations Assistance for Courts (*p.5*)
- AOC Fact Check (*p.6*)
- Statewide Administrative Infrastructure Initiatives (*p.7 and p.19*)
- California Courts Technology Center Disaster Recovery Exercise (*p.8 and p.22*)
- Advisory Committee, Task Force, and Working Group Activities (*p.12 and p.14*)
- Branchwide Education and Training Programs (*p.12 and p.23*)
- New Judgeships and Vacancies (*p.5 and p.26*)
- *Attachments:* Resolutions adopted by the national Conference of Chief Justices and Conference of State Court Administrators

SUMMARY

*Please note: Page numbers next to summary items reference more detailed information.

Legislation

2009 was the first year of a two-year legislative session. While the 2009 regular session has concluded, a number of extraordinary sessions are still open. Governor Schwarzenegger had until October 11 to sign or veto all of the regular session bills that made it to his desk. Among those bills were five Judicial Council-sponsored bills, all of which were signed into law by the Governor. Those bills were:

AB 5 (Evans), which enacted a new procedural scheme for **electronic discovery** in civil cases;

AB 131 (Evans), which authorizes the Judicial Council to establish a statewide **cost-recovery program** to collect reimbursements from parents for the costs of providing counsel in dependency cases;

AB 938 (Committee on Judiciary), which requires that social workers and probation officers notify grandparents and other relatives when a child is removed from his or her parents and placed into **foster care**;

SB 319 (Harman), which permanently authorizes courts to impose monetary sanctions for failure to appear in response to a **jury summons** and decreases the amount of time that must elapse before a compliance action is initiated; and

SB 556 (Committee on Judiciary), which includes a number of provisions that clarify existing law pertaining to **court operations**.

In addition, three bills sponsored by the Judicial Council are still pending in the Legislature and eligible to be taken up next year as two-year bills. These bills are:

AB 12 (Beall and Bass), which would **extend foster care services** to dependent youth ages 18 to 21;

AB 663 (Jones), which would establish a pilot program to provide **interpreters to litigants in civil cases**; and

SB 377 (Corbett), which would authorize the establishment of an **additional 50 judgeships** for the trial courts.

In addition to these sponsored bills, the Judicial Council took positions of support or opposition on an additional 27 bills in 2009, including supporting:

AB 590 (Feuer), which creates a pilot project to provide **legal representation to indigent litigants in specified civil case types** including domestic violence, civil harassment, probate conservatorship, elder abuse, child custody matters in which one parent is seeking sole legal or physical custody, and housing-related cases, beginning July 2011, with the revenue from recently enacted increases to a number of miscellaneous civil court fees. The project and funding sunset June 30, 2017. The Judicial Council is responsible for selecting and awarding the funds to the selected pilots.

Budget

None of the enacted measures contained any further reductions to the judicial branch budget. Senate Bill 75, however, contained a number of technical clean-up measures affecting the branch. Among other things, it:

- Clarified that the \$10 **court security fee increase** that will provide courts with \$40 million in revenue to help offset budget cuts will be distributed in the same order of distribution as the rest of the court security fee;
- Included language suggested by CalPERs to ensure that the intent of the **court closure** legislation—that a furlough not impact a court employee's service credit or benefits for retirement purposes—be effectuated; and
- Clarified the circumstances under which **electronic recording** may be used. As revised, courts have the authority to use electronic recording equipment to monitor courtroom performance of subordinate judicial officers, hearing officers, and temporary judges.

Judicial Branch Budget Proposals for Fiscal Year 2010–2011: Following Judicial Council approval of budget proposals for submission to the executive branch for fiscal year 2010–2011, the state Department of Finance subsequently notified the AOC that no General Fund budget change proposals would be accepted for any agency due to the ongoing budget situation. As a result, a limited number of proposals were submitted in September, totaling \$61.396 million and largely comprised of facility-related requests utilizing special court facilities funds (non-General Fund).

Meeting with State Department of Finance Director: In October, a meeting was held with Department of Finance Director Mike Genest and his senior staff to discuss budget issues for the branch in the upcoming and future fiscal years, including the need to restore baseline budget

levels for the courts to avoid major challenges in maintaining critical services to the public over time. The need to maintain the courthouse construction and maintenance program as well as the development and completion of the statewide case management system also were discussed.

Meeting with the Governor: The Chief Justice and AOC leadership had a lengthy and productive meeting with the Governor, his Chief-of-Staff, and Director of Finance to discuss judicial branch budget issues, including the branch's facilities program.

Meetings with San Diego Legislative Delegation: Judicial and AOC representatives held the first in a series of meetings with legislators across the state to focus on judicial branch budget issues.

Judicial Branch Audit Program:

- Regular cycle comprehensive audit reports were issued for five superior courts: Butte, Fresno, Kings, Placer, and Tulare Counties.
- Audits were initiated in five other courts: Calaveras, Modoc, San Mateo, Tehama, and Trinity Counties.
- A special review report was issued for the Superior Court of Fresno County on sheriff department filings for security services.

Annual Financial Statements Submitted to the State Controller: The *Consolidated Annual Financial Reports* were sent to the State Controller's Office (SCO) in accordance with annual financial reporting requirements for state entities. This report is used by the SCO as part of the statewide report published several months after the close of each fiscal year.

Technical Assistance to the Superior Court of San Mateo County: At the court's request, due to a larger-than-anticipated budget shortfall, the AOC reviewed the court's financials for fiscal year 2008–2009 and budget projections for fiscal year 2009–2010, and provided suggestions for improving revenue projection methodology and expenditures.

Grant Awards

- **Adult Drug Court Grant:** The Collaborative Justice Program has been awarded \$196,000 from the Department of Justice, Bureau of Justice Assistance through the Adult Drug Court Discretionary Grant Program to develop a statewide collaborative justice court data collection system (*page 18*).
- **Juvenile Offending and Corrections Best Practices Initiative:** The AOC has been awarded \$500,000 in federal funds through an interagency agreement with the Corrections Standard Authority to assist with developing research-based programs to deal more effectively with issues of juvenile offending and correction (*page 17*).

Legislation, Grants, and Stimulus Monies Help Get Community Corrections Initiatives

Under Way: This project encompasses four initiatives designed to promote public safety by reducing recidivism among probationers and parolees:

1. Evidence-Based Probation Supervision program, enacted as part of the Budget Bill.
2. California Community Corrections Performance Incentives Act, enacted as part of the Budget Bill and as SB 678.
3. Parolee Reentry Court Program, enacted as part of the Corrections Reform package (SB 18 3X) and funded through the Budget Bill.
4. California Risk Assessment Pilot Project, a joint project of the AOC and Chief Probation Officers of California funded by the National Institute of Corrections and State Justice Institute.

AOC Scholar-in-Residence Roger Warren is spearheading this initiative with Regional Administrative Director Christine Patton guiding AOC oversight of the converging grant funding allocations and complex requirement guidelines (*page 16*).

Commission for Impartial Courts – Public Comments Received: The public comment period for the draft report ended July 10. Final recommendations and comments received will be presented to the Judicial Council at the December 15, 2009, meeting.

New Judgeships and Vacancies:

- The Governor made 14 new judicial appointments in September – Alameda (3), Contra Costa (1), Los Angeles (3), Sacramento (1), San Francisco (5), and Ventura (1).
- Additionally, 2 two new judgeships were created by converting a commissioner position from the following superior courts: Los Angeles (1), and Santa Barbara (1).
- Currently, there are 52 trial court judicial vacancies and 3 appellate court vacancies (*page 26*).

Kick-off Meeting of Senate Bill 56 (New Judgeships) Working Group: A newly-established working group comprising AOC and trial court representatives will focus on:

- Updating the Judicial Workload Assessment and the Resource Allocation Study models.
- Methodology, data, logistics, and timing of the update to the workload models.

Preliminary data collection will begin immediately with major components scheduled to begin before the end of the current fiscal year.

Assigned Judges Program Orientation for Newest Judges: Seventeen judges new to the Assigned Judges Program participated in an orientation on best practices, security, and online resources. There are 402 judges currently serving in the program.

Solano Judges Briefed on Assigned Judges Program: AOC staff were invited to address the court's judges on the Assigned Judges Program, which provides courts statewide with the service

equivalent of 164 judges annually. Information was provided on the program budget, general allocation assignments, vacancy coverage, subordinate judicial officer vacancy coverage, trial court backfill, vacation and medical coverage, reciprocal orders, appellate assignments, and disqualification matters.

Labor Relations Assistance for Courts: Forty-nine courts were represented at three regional forums addressing meet and confer discussions over court closures, furloughs, and layoffs; and recommendations on memoranda of understanding modifications during challenging fiscal times.

Families and Children

Partnership with Department of Child Support Services (DCSS) (page 18): The AOC participated, by invitation, in a:

- **Strategic Planning Work Group** charged with developing the strategic plan for the DCSS for the next four years as it works to manage the more than 1.7 million child support cases in the California court system; and
- **DCSS Medical Support Work Group** to ensure compliance with new federal regulations requiring parents to provide medical support for children.

Recognition for Native American Tribal Program: The AOC received a Certificate of Appreciation from the Tribal STAR Program in recognition of the grant-funded tribal summit: *Starting the Dialogue: Domestic Violence, Sexual Assault, Stalking, and Teen Dating Violence*. The project was designed to enhance access to and improve the administration of justice for Native American victims of family violence.

Elder Abuse and Neglect Initiative: With funding support from the Archstone Foundation, staff presented information to participants on the Senior Peer Counseling Elder Court Support Program, which is being implemented at Contra Costa County's Elder Protection Court.

Court Appointed Special Advocate (CASA) Programs: Staff conducted program evaluations of CASA programs in San Francisco, Siskiyou, Humboldt, and Del Norte Counties to ensure compliance with the California Rules of Court and National CASA Standards.

Dependency Counsel Client Evaluations: To improve compliance with practice guidelines, consistency among providers, and quality representation, the AOC has begun implementation of court-appointed counsel client evaluations (page 18).

DUI Court Expansion: This program, funded through the Office of Traffic Safety has been completed. All participating superior courts (Butte, El Dorado, Orange, Shasta, and Sonoma) will continue the program on a local level. Funded for two years, the program had a high rate of success; surveys indicate that of 500 clients participating only four recidivated.

Judicial Review and Technical Assistance for Courts:

- AOC attorneys provided training to the federal/state team of reviewers that conducted a title IV–E audit of foster care cases.
- As part of the technical assistance program for all courts, the AOC also conducted courtesy reviews of juvenile court files for compliance with title IV–E of the Social Security Act and implementing state laws, regulations, and rules of court in the Superior Court of Amador County.

AOC Responds through FactCheck: A FactCheck document was placed on the Serranus Web site to:

- Clarify misinformation and provide context on complex judicial branch, Judicial Council, and AOC decisions or events that are sometimes misinterpreted.
- Identify staff who are able to provide additional information or answer specific questions from justices, judges, and other court leaders.

Administrative Infrastructure Initiatives

Facilities (*page 19*):

504 Building Transfers Completed, with the remaining 8 counties to transfer by December 31, 2009. The State Public Works Board (SPWB) authorized acceptance of real property through a transfer of title for 10 court facilities.

Implementation of Senate Bill 1407:

- ***Architects selected for 13 projects:*** Completed and announced the selection of architecture/engineering firms for 13 new courthouse projects.
- ***Two site selections approved:*** SPWB approved site selections for the new Woodland Courthouse in Yolo County and the North Butte County Courthouse in Chico.
- AOC real estate staff have developed short lists and undertaken due diligence on the remaining 13 projects that received funding authorization. Market surveys are now being conducted for six additional projects.

Capital Projects:

- ***In site selection/acquisition:*** 15 projects, total value nearly \$2.2 billion. The AOC is working with many counties and cities who have offered equity swaps, exchanges, and

property donations. All site selections and acquisitions for projects funded under SB 1732 have been approved.

- ***In design:*** 10 projects, valued at over \$1 billion.
- ***In construction:*** 3 projects, valued at over \$140 million.
- ***In planning:*** 26 projects. The AOC has submitted funding requests for six new projects to the Joint Legislative Budget Committee, with the intent to submit for SPWB approval in November.
- ***Implementation workshop for courts:*** The AOC convened a workshop targeted to the 12 trial courts for which a construction project is in the site selection phase or beyond in order to improve the process for current and future construction projects.

State Public Works Board Approvals:

- **Site acquisitions** for the following new courthouses: Calaveras, Stockton, Porterville, and Long Beach.
- **Preliminary plans** for the following new courthouses: Susanville, San Bernardino.

Performance-Based Infrastructure Project for New Long Beach Court Building:

- ***Property Exchange:*** Long Beach City Council approved the Property Exchange Agreement, in which title to the existing court building is conveyed to the City in exchange for the six-acre site for the new building plus a financial contribution from the City to the court building project.
- ***Proposal Phase:*** Proposals from the three teams competing to design, build, operate and maintain the new superior court building in downtown Long Beach are due October 26. The financing and commercial portion of the proposals will follow in late November. Final selection will be made mid-January.

Facility Modifications:

- ***In progress:*** more than **800 projects** valued at over \$42 million.

Facility Maintenance: During the recent heavy rains, on **one day**, the Customer Service Center received **172 calls** for assistance from courts.

Technology (page 20):

Disaster Recovery Exercise - California Courts Technology Center: With more than 100 participants from the courts, the AOC, and vendor/service providers, the center successfully completed its fifth annual disaster recovery exercise over the Labor Day weekend.

California Court Case Management System:

- ***Savings from Consultant Knowledge Transfer to the AOC:*** Maintenance and support of CCMS-V2 transitioned from Deloitte Consulting to the AOC. By assuming internal responsibility for supporting the application, an overall savings over the projected life cycle of V2 is estimated at \$4.98 million.
- ***CCMS-4 Testing and Standardization:*** The courts, AOC, and Deloitte Consulting began an extensive testing effort of the CCMS-V4 product. An effort also is under way to determine where the branch can benefit by standardizing items in CCMS-V4.
- ***Federal Funding Outreach:*** As part of the extensive outreach efforts with justice partners and seeking potential federal funds, the U.S. Department of Homeland Security visited the AOC to view and discuss potential use of CCMS components such as the statewide portal and the data exchanges.

E-Exchange/Filing and Smart Forms Program:

- This program, focused on the statewide implementation of e-filing in the courts, issued a Request for Information to better understand current services and revenue models of e-filing service providers in establishing criteria for what should be included in a branch-owned e-filing portal.
- A recommended business model and implementation strategy will be completed in spring 2010.
- A limited number of pilot projects for electronic/smart forms also were initiated.

Pilot Program for Traffic e-Citation, e-Filing: The AOC is leveraging existing statewide infrastructure, including the CCMS-V4 data exchange standards and workflows, and working with the California Highway Patrol, to develop and deploy an electronic citation solution to four pilot courts (San Bernardino, Orange, Santa Clara, and Ventura). The project scope was developed and approved, and work commenced on conceptual network and security requirements.

Phoenix Fiscal and Human Resources Management Systems:

Fiscal System

- ***Completing Rollout for Phoenix Fiscal Program:*** As the last of the 58 trials court to be brought onto the Phoenix Financial System beginning in July, completion of the phased rollout is anticipated by the end of the 2009–2010 fiscal year.
- ***Increasing Procurement Accountability:*** A purchase order release program was initiated to enable courts to select a specific scenario for reviewing and approving internal purchase orders, thereby meeting individual court requirements and ensuring checks and balances to meet *Trial Court Financial Policies and Procedures* requirements. Training

materials are under development and enhancements are being made to associated purchase activity reports. To date, 18 courts have requested this enhancement. The San Francisco Superior Court was the first to rollout the new process in October.

- ***Improving Accounting Performance:*** A weeklong series of basic accounting classes for court staff who perform the day-to-day accounting tasks is under development and will be offered in 2010. The classes will provide instruction specific to court business with an emphasis on governmental accounting.

Human Resources System

- ***Maintenance and Operations Stabilization:*** Currently operating in six courts, the Phoenix System is being revamped to create a more stable Human Capital Management system for enhanced flexibility and automation. The AOC and the trial courts have collaborated on various system blueprints such as wage statements, history timesheet maintenance, and benefits programming redesign. Anticipated benefits include reduced configuration requirements for the rollout the system to the remaining courts.
- ***HR System Implementation for San Bernardino Courts:*** The AOC initiated deployment activities in August. Phoenix System Payroll activities will commence in June 2010.

Improving Customer Service with Computer-Aided Facilities Management: Additional modules were implemented for this Web program that allows court personnel, AOC staff, and third-party contractors to access real-time data on building design, construction, operations, and maintenance. A new automated data upload tool streamlines data integration on facility modifications and has reduced the time needed for data entry by 45 percent.

Uniform Civil Fees Management: Over 50,000 updates were made to support legislated changes for distribution and mandated reporting of uniform civil fees collected by all 58 superior courts, an average of \$45 million per month.

California Courts Protective Order Registry: Thirty-two superior courts attended informational AOC Webinars on this registry that will provide statewide access to a centralized system for viewing restraining and protective orders for the judicial branch and law enforcement as well as a gateway for sending order records to the Department of Justice system. The pilot program will be launched in Santa Clara, Orange, Marin, and Santa Cruz in 2010.

Judicial Branch Statistical Information System Web Portal: Development and testing of the site is completed. Deployment of the site to the trial courts began in October.

National Activities

Conference of Chief Justices and Conference of State Court Administrators Annual Conference: National state court leaders endorsed resolutions in support of the following issues:

- Compliance with Family Law Related International Treaties;
- Allocation of Federal Drug Court Funds Through the Highest Judicial Authority of States and Territories;
- Consideration of State Policies and Principles of Federalism with Regard to Reforming Health Care Liability Systems;
- Effective Judicial Governance and a Culture of Transparency and Accountability;
- Court Fee Intercept Legislation in the United States Congress;
- Increased Federal Funding for the Legal Services Corporation; and
- Collection of Data on Adult Guardianship, Adult Conservatorship, and Elder Abuse Cases by All States (*see attachment*).

Executive Session for State Court Leaders in the 21st Century: As a member of this committee convened by the Harvard University Kennedy School of Government, sessions are focused on the role of state judiciaries as instruments of democratic governance. The Executive Session is seeking to both develop and answer the questions that U.S. state courts will face in the foreseeable future. Specifically, it is pushing to clarify what role the leaders of state courts should play in defining and establishing the role of the courts they lead. At the third meeting, discussions continued to focus on institutional independence and governance in the state courts, reengineering the courts, cross-branch collaboration and fair trials.

State Courts' Technology Conference: AOC presentations at this conference, hosted by the National Center for State Courts, focused on the "California Courts Technology Center/Shared Services – A Five-Year Perspective with Lessons Learned," and "The California Judicial Branch Roadmap to Statewide Integration," co-presented by the AOC and the Ventura court.

National Drug Court Coordinators Roundtable Discussion: The AOC participated in a national meeting attended by state drug court coordinators throughout the country. Topics included federal funding and statewide coordination of drug and other collaborative justice/problem-solving courts.

National Portrait of Domestic Violence Courts: The AOC is working with New York's Center for Court Innovation to finish this extensive study, which has been submitted to the National Institute of Justice for peer review.

Advisory Committee, Task Force, and Working Groups — *(beginning on page 14):*

Advisory committees will hold only one in-person meeting per year until the fiscal situation improves. Other meetings will be convened using video- or audio-conferencing.

The following committees met since the Judicial Council's August meeting:

1. Access and Fairness Advisory Committee
2. Appellate Advisory Committee
3. Appellate Indigent Defense Oversight Advisory Committee
4. Center for Judicial Education and Research (CJER) Governing Committee
5. Court Interpreters Panel
6. Criminal Advisory Committee
7. Criminal Justice Collaboration Task Force on Mental Health Issues
8. Elkins Family Law Task Force
9. Probate and Mental Health Advisory Committee
10. SB 56 (Judgeships) Working Group
11. Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee Statewide Business Meeting

Education and Training Programs — since the August report *(beginning on page 23)*

In light of the branch's fiscal challenges, many education programs are being scheduled for every other year or are being limited in scope. The AOC is working to make additional programs available through the use of online and other media/delivery methods.

Judicial Education

1. Appellate Justices Institute
2. Orientation Program for New Judges (two, week-long classes)
3. Faculty Development Fundamentals
4. Violence Against Women Education Project (for judges)

Court Employees

5. Beyond Lexis: Legal Research (for appellate staff)
6. Death Penalty Procedures (regional trainings for court manager and supervisors and personnel)
7. Investigations (for court HR professionals regional training)
8. Probate Conservatorship and Guardianship Institute (for probate investigators)
9. Training Fundamentals: Adult Learning Styles (for the California Courts Association)
10. Faculty Development Fundamentals (for court employees)
11. Court Appointed Special Advocates Training
12. Family Dispute Resolution (for Family Court Services managers, directors, supervisors, family mediators and evaluators)
13. Indian Child Welfare Act Initiative (for probation officers)

14. AOC and the Courts, Building Positive and Collaborative Relationships (AOC employees)

Broadcasts

15. Ethical Leadership in the Courts (for presiding judges and court executive officers)
16. *Third Tuesday of the Month*
 - Addressing Skills Deficiencies; Documenting Performance; Stages of Group Development; Summations (for managers and supervisors)
 - Everyday Court Practices: File Stamping and Exhibits (for court staff)
17. Indian Child Welfare Act Initiative (for probation officers)

Online Resources

18. Appellate Staff Continuing Education
19. Court Clerk Training Institute Manuals
20. Domestic Violence Restraining Orders (for judges)
21. Monthly Interactive Article and Quiz (for judges)
22. Presiding Judge/Court Executive Officer Manual
23. Preliminary Hearings (for judges)

Publications

24. Blue Ribbon Commission on Children in Foster Care Newsletter
25. Updated and Revised Benchbook: Small Claims Court and Consumer Law
26. Updated and Revised Bench Handbook: Child Victim Witness
- Updated and Revised Benchguides:
 27. Adoptions
 28. Custody and Visitation
 29. Probation Revocation
 30. Preliminary Hearings

Video Production

31. *California Courts News Series* (for the public and the courts)
32. Conservatorship Institute (for probate investigators)
33. Employee Assistance Program (for managers & supervisors)
34. *Great Minds Series* (for judges)
35. New Laws Workshop (for court administrators)
36. Qualifying Judicial Ethics (for faculty/judges)
37. Ten Minute Mentor Series (online exercises for judges)
38. *Korematsu v. United States* (4th District Court of Appeal Session for broadcast by the California Channel as part of the court's public outreach efforts)
39. Commission on Judicial Appointments Hearing

Additional Detail on Summary Items

Advisory Committees/Task Forces/Working Groups

Access and Fairness Advisory Committee

- Reviewed draft model for prospective grand juror questionnaire.
- Finalized draft recommendation to the CJER Fairness Education Committee to incorporate transgender issues into its Sexual Orientation Fairness and Cultural Competency curricula.
- Reviewed draft rule of court relating to pronoun usage for transgender litigants.
- Reviewed the status of and further action needed on the:
 - The Gender Fairness Study;
 - Proposed amendments to two rules of court relating to the administration of programs for court-appointed temporary judges that are intended to promote equal access and nondiscrimination in recruitment, selection, and appointment;
 - Reference guide for judicial officers to assist them in addressing issues relating to lesbian, gay, bisexual, and transgender youth in the court system.
 - Diversity Tool Kit for courts and judicial officers; and
 - Bench officer reference guide containing recommendations or guidelines to assist judicial officers in managing “in-session” requests for accommodations.

Appellate Advisory Committee

Discussed proposals for possible circulation for public comment in Winter 2009, including:

- Amending rules regarding timeliness of filings to reflect recent case law regarding documents mailed from custodial institutions; and
- Adopting rules authorizing the Court of Appeal, Second Appellate District, to implement an e-filing pilot project.

Appellate Indigent Defense Oversight Advisory Committee

- The committee, which meets quarterly to audit the work of individual attorneys and review work performed by the appellate projects, audited 140 compensation claims paid during the period April 1 through June 30, 2009. Thirteen adjustment letters, one confirming adjustment letter, and six commendation letters were sent to panel attorneys as a result of the audit.

Center for Judicial Education and Research (CJER) Governing Committee

- Appointed education committee chairs and members to 18 committees.
- Received a progress report on the analysis and recommendations on roles of the Governing Committee, education committees, and education committee staff for final presentation in November.

Court Interpreters Advisory Panel

- Approved two policy recommendations for Judicial Council consideration:
 1. Requiring court interpreter certification and registration test candidates to pay the full market rate cost of taking their examinations
 2. Delegating authority to the Administrative Director of the Courts to set future testing fees.

Criminal Law Advisory Committee

- Reviewed court closure legislation and considered ways to mitigate the impact of the closures on the rights of criminal defendants.
- Met with representatives of the Chief Probation Officers of California to develop a new rule of court to govern inter-county probation transfers under Penal Code section 1203.9.

Criminal Justice Collaboration Task Force on Mental Health Issues

- Reviewed draft report recommendations on: early intervention; court-based responses; re-entry; co-occurring disorders; and juvenile issues and strategies.
- Chief Justice Ronald M. George extended the term of the task force until December 2010.

Elkins Family Law Task Force Recommendations and Public Hearings

- More than 100 draft recommendations were released for public comment. Recommendations are drawn from a comprehensive review of family law proceedings.
- Public hearing held in San Francisco and scheduled for Los Angeles (October 27).
- Recommendations address 21 different topics, including the right to present live testimony at hearings; expanding legal representation; caseflow management; contested child custody; children's voices; minor's counsel; domestic violence; enhancing mechanisms to handle perjury; judicial branch education; and leadership, accountability, and resources. See <http://www.courtinfo.ca.gov/jc/tflists/elkins.htm>.

Probate and Mental Health Advisory Committee

- Voted to recommend to the Judicial Council a joint proposal with the Civil and Small Claims Advisory Committee regarding compromise of minors' claims, settlement of actions involving minors and persons with disabilities, and disposition of judgments in favor of minors and persons with disabilities.

Trial Court Presiding Judges Advisory Committee

- Discussed issues related to vexatious litigants, including revisions to the California Code of Civil Procedure, sections 391–391.8, and to state forms MC-700 through MC-704:
 - Updating the statutes and forms to reflect that a vexatious litigant with or without an attorney is subject to a prefiling order as well as to change “pro per” to “self-represented litigant.”

- Updating the applicable statute to reflect that the statewide vexatious litigant list be distributed monthly.
- Clarifying “merit” on the MC-701 (Request and Order to File New Litigation) by asking the litigant to provide a statement of fact, issue of fairness, and remedies sought by the litigation.
- Creating CCP §391.8, which would define the procedure for removal from the statewide list by outlining changed circumstances and what ends of justice would be served by removal; and creating a Request for Removal form.

Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee Statewide Business Meeting

- Topics included:
 - Courtroom security related to testifying criminal defendants;
 - Court Closure Toolkit; available on the Serranus Web site;
 - Legal and ethical implications of judicial officer decisions regarding participation in court closures;
 - Amending the government code regarding court case records management; and
 - Third party use of court facilities.

Administrative Office of the Courts

Community Corrections Project

Evidence-Based Probation Supervision Program:

- Provides a \$45 million appropriation of federal Byrne Justice Assistance Grant funds to the California Emergency Management Agency to be distributed in the form of grants to county probation departments for the purpose of providing evidence-based supervision of felony offenders.
- Includes an appropriation of \$424,000 to the AOC to provide technical assistance to probation departments in implementing these grants.

California Community Corrections Performance Incentives Act:

- Creates a state fund consisting of up to 50% of the state savings resulting from reductions in felony probation revocation and recidivism rates.
- The fund is to be administered by the AOC and distributed to county probation departments based on their success in reducing revocation and recidivism rates among felony probationers under their supervision.
- Distributed funds must be used by probation departments to implement “community corrections programs” i.e., evidence-based felony probation supervision services implemented with the advice of a county-based Community Corrections Partnership.

- In consultation with Chief Probation Officers of California, the AOC is required to define specific outcome-based measures, submit quarterly statistical reports to the Department of Finance, and submit annual reports on the effectiveness of the county community corrections programs to the Governor and Legislature.
- The Judicial Council is required to consider modifications to the Criminal Rules of Court, and of other judicial branch policies, procedures, and programs affecting felony probation services, that would support the purposes of the Act.

Parolee Reentry Court Program:

- The Budget Bill provides \$10 million to the Judicial Council to create parolee reentry court programs based on key components of drug and collaborative courts.
- As part of the Parole Reentry Accountability Program, parolees with a history of substance abuse or mental illness who violate a condition of parole may be referred by a parole officer to a reentry court program.
- If the court admits the parolee into the program, the court has exclusive authority over the parolee's supervision.
- The Judicial Council is to submit an evaluation of the effectiveness of the program in reducing parolee recidivism and revocation to the Governor and Legislature in three years.

California Risk Assessment Pilot Project:

- The project was launched in June to explore use by the courts of actuarial risk/needs assessment instruments to reduce recidivism and probation revocations among 18-25 year old offenders placed on felony probation.
- In September, the project planning committee, chaired by Justice Tricia Bigelow, selected the first two pilot sites, Napa and San Francisco counties. Four other pilot sites will be selected later.
- Recidivism and revocation rates of participating offenders will be tracked for up to three years and compared to rates of similar offenders not participating in the project.

Best Practices Initiatives

Juvenile Offending and Correction Best Practices Initiative: The AOC has been awarded \$500,000 in federal funds through an interagency agreement with the Corrections Standards Authority to assist with its Best Practices Approach Initiative. The goal of this project is to assist probation departments, courts, and other delinquency stakeholders in their use of research-based programs to deal with the issues of juvenile offending and correction. This three-year project will produce (1) a catalog of existing practices, (2) policy briefs, (3) trainings and other education opportunities, and (4) intensive technical assistance to three jurisdictions.

Sharing Best Practices on Enhanced Collections:

- Presentation on statewide collection activities at the California Revenue Officers Association conference.
- Assistance provided to the California National Center for the Victims of Crime and the North Carolina Office of the State Auditor on court-related accounts receivables and to California's efforts to improve the collection of court-ordered debt.
- Presentation on the "Collection of Fees and Fines" provided to the Judicial Delegation from the Republic of Macedonia, hosted by the Judicial Council.

Adult Drug Court Grant: Over a two-year period, this program will collect information on current systems being utilized in California and other states; establish a multi-agency project working group; develop recommendations for the data collection system; pilot test a prototype and initiate statewide implementation of the system to measure outcomes, recidivism, etc.

Families and Children

Partnership with Department of Child Support Services (DCSS):

Strategic Planning Workgroup: The group discussed department goals for the next four years, focusing on increasing the performance of local child support agencies in meeting the five federal performance measures, including improving establishing parentage and support orders and the percentage of collections, and also ways to meet the needs of the public through more cost effective means.

Medical Support Workgroup: The purpose of the workgroup is to review and make recommendations about California statutes that insure compliance with new federal regulations requiring parents to provide medical support for children. The group, comprised of representatives from the DCSS, the local child support agency, and the AOC, has discussed issues regarding the requirement for accessibility of medical services, "cash medical" in cases where health insurance is not available, and the "reasonable cost" standard. The group recognized the need for court discretion to take into account exceptional circumstances.

Dependency Counsel Client Evaluations: In an effort to improve compliance with practice guidelines, consistency among providers, and quality representation, staff has begun implementation of court-appointed counsel client evaluations. The evaluation process was initiated in Los Angeles, where over 40,000 parent and child clients are represented by attorneys directly contracted by the AOC. Evaluation results are being analyzed.

Administrative Infrastructure Initiatives

Facilities:

Senate Bill 1407:

- The Joint Legislative Budget Committee (JLBC) is reviewing funding requests for six new courthouses:
 1. San Diego – Central San Diego – 71 courtrooms
 2. Los Angeles – Santa Clarita – 4 courtrooms
 3. Inyo – Independence – 2 courtrooms
 4. Tuolumne – Sonora – 5 courtrooms
 5. Kern – Delano – 3 courtrooms
 6. Merced – Los Banos – 2 courtrooms
- The judicial branch is requesting Acquisition and Preliminary Plans funding of \$73.3 million for these six projects, which have a combined total estimated project cost of \$895.1 million.
- Staff is meeting in October with JLBC and the Legislative Analyst's Office staff to discuss any questions. After JLBC review and concurrence, the funding requests will be submitted to the State Public Works Board (SPWB) for approval in the fall.

Court Facility Transfers:

The SPWB authorized acceptance of real property through a transfer of title for the following facilities:

1. Corning Courthouse – Tehama County
2. Delano North Kern Courthouse – Kern County
3. Shafter Wasco Courthouse – Kern County
4. Ridgecrest Division B Courthouse – Kern County
5. Taft Courthouse – Kern County
6. Glendale Courthouse – Los Angeles County
7. Calexico Courthouse – Imperial County
8. Monrovia Training Center – Los Angeles County
9. Gordon D. Schaber Courthouse – Sacramento County
10. Winterhaven Courthouse – Imperial County

Historic Courthouses: The Colusa Historic Courthouse Memorandum of Understanding (MOU) and Alpine Historic Courthouse MOU were signed.

Lease Acquisition:

- 22 new leases and licenses have been executed.

- Ongoing work includes lease negotiations for 42 locations with an estimated total rent obligation of approximately \$30 million.
- The AOC is undertaking new market surveys in support of lease negotiations on a portfolio-wide basis. Event licensing is also being refined.

Capital Projects:

- ***New Madera Courthouse:*** The acquisition agreement approved in June by SPWB imposed conditions requiring a delay on the release of design funds. In September, the AOC received approval from the Department of Finance to re-request release of design funds at the November SPWB meeting.
- ***Riverside-Mid-County Courthouse:*** CM@Risk partner Gilbane Building Company was selected.
- ***San Benito-Hollister Courthouse:*** CM@Risk partner Kitchell CEM was selected.
- ***San Joaquin-Stockton Courthouse:*** CM@Risk partner Turner Construction was selected.
- ***Tulare-Porterville Courthouse:*** RFQ for CM@Risk partner was released.
- ***Capital Projects Implementation Workshop:*** The workshop was designed to assist the trial courts in planning and preparing for their new facilities and included topics on the planning, design, and construction process; design standards; furniture, fixtures, and fixed equipment; educational tools; technology; security; funding; and cost responsibility matrix.

Technology:

Interim Case Management System—Sustain Justice Edition: Selected by the courts prior to conversion to the California Court Case Management System (CCMS), this system is currently operating in 10 courts hosted at the California Courts Technology Center (CCTC). Five courts use the system locally (i.e., a system not based at the CCTC), for a total of 15 courts in 48 court locations statewide. Recent activities include installation of FY 2009-2010 fee increases, deployment of the Franchise Tax Board court-ordered debt collection interface for Tulare and Merced courts, systems upgrades for the Humboldt, Merced and Plumas courts.

California Court Case Management System:

Product Development and Deployment:

- **CCMS-V4** will be delivered in late 2010 and deployed to a minimum of two early adopter courts. Initial deployment activities have begun and include preparations with the Superior Courts of San Diego and Ventura and initial discussions with their justice partners.

- Integration testing for the core CCMS-V4 product began in September, and will continue through mid-January 2010.
- Court, AOC, and Deloitte Consulting staff began writing test scripts in March 2009; the final sets of scripts were completed in August. To ensure depth of product testing, the team wrote approximately 1,300 business scenarios each comprised of 5-30 test scripts for a total of approximately 18,000 test scripts. Each business process and requirement is mapped to specific test scripts to ensure thoroughness.
- The Standardization and Configuration working group continues to define the level of statewide standardization for each configurable area in the application. Examples of configurable areas include case history, minute codes, security levels, and accounting.
- Maintenance and support of **CCMS-V2**, the case management system for criminal and traffic case types in the Fresno court, transitioned from Deloitte Consulting to the AOC. Knowledge transfer classes were completed in July 2009. Significant projects during the transition include the AOC team's first functional release to correct critical issues in Judicial Branch Statistical Information System reports in October.

Federal Funding Outreach

- The AOC hosted a two-day visit with attendees from the Department of Homeland Security's (DHS) US-VISIT Program to discuss CCMS and justice partner data exchanges. The meeting provided an overview and history of CCMS, explanation of branchwide technology projects, the technical architecture and features, data elements and exchanges, a product demonstration. The session concluded with brainstorming on how the AOC can partner with DHS.

Additional CCMS Outreach Activities included project status, data sharing, and product demonstrations with presentations to:

- San Diego Justice Partners;
- Ventura Justice Partners;
- Superior Courts of Orange, Sacramento, and Ventura Counties; and
- Judicial delegation from Moldova.

Computer-Aided Facilities Management: There are currently over 1,200 CAFM users, largely in the courts. Five modules are now in production: Portfolio Management, Asset Management, Demand Maintenance, Planned Maintenance, and Project Management.

E-Exchange Program:

- In conjunction with the user acceptance testing of CCMS-V3 Release 10, the AOC is working with the courts and e-filing service providers to plan for deployment of e-filing, in addition to developing a center of excellence to provide planning and deployment tools.

- In response to recommendations from the Court Technology Advisory Committee, which will be presented to the Judicial Council for consideration in early 2010, the AOC initiated work on two additional project tracks—standardizing e-filing provider services, and smart forms. The AOC has partnered with the National Center for State Courts to assist in both efforts.

Disaster Recovery Exercise - California Courts Technology Center:

- With more than 100 participants from the courts, AOC, and vendors/service providers, the California Courts Technology Center completed its annual disaster recovery exercise over the Labor Day weekend, successfully demonstrating that infrastructure, network services, and applications could be safely and securely backed-up, redirected, and restored at its secondary location in Omaha, Nebraska. This was the fifth year that the exercise was conducted, and the first year with the new shared services vendor, SAIC and Infocrossing.
- Nine superior courts and one appellate court volunteered to participate in testing: the Superior Courts of Fresno, Imperial, Merced, Monterey, Sacramento, San Benito, San Joaquin, San Luis Obispo, and Ventura Counties; and the Sixth Appellate District in San Jose.

California Courts Protective Order Registry:

- At the direction of the Judicial Council, with the recommendation of the Domestic Violence Task Force, the AOC initiated the California Courts Protective Order Registry project.
- A contract for development was awarded to the Blackstone Technology Group in June. To facilitate communication, the AOC added Web pages to the Serranus and public Web sites. The development team presented at the regional meetings of presiding judges and court executive officers in July.
- Blackstone Technologies demonstrated an early proof-of-concept utilizing the AOC integration services backbone infrastructure. The pilot launch planned for January 2010 will be rescheduled to accommodate architectural and technology center requirements. General availability is targeted for three months after the start of the pilot. Information Services is addressing these impacts to minimize the delay.

Education Programs

Judicial Education

Appellate Justices Institute: A two-day program that provided for 12.5 hours of continuing education credit as required by California Rule of Court 10.461 for Supreme Court and Court of Appeal justices. Courses included a substantive law update, California courts in the age of the self-represented litigant, the challenge of appellate opinion writing and the traditional judicial biography series. There was also a special presentation on “Lincoln—Darwin at 200” co-sponsored by George Mason University.

New Appellate Justices Orientation: This half-day course satisfies the content-based educational requirement for new Court of Appeal justices under CRC Rule 10.461. The curriculum covered the role and philosophy of being an appellate justice, the relationship of the Court of Appeal to the trial courts, working with colleagues, preparing the opinion and internal case management, judicial ethics, oral argument, post-argument, writs and standards of review, and supervision responsibilities and management.

Criminal Law Institute: This two-day program focused on substantive law, procedural law, best judicial practices, and innovations in the criminal courtroom. The institute provided 12.75 hours of continuing judicial education for judges and commissioners under California Rules of Court 10.462(d)(1). It also fulfills the expectation of California Rules of Court 10.462(c)(4) for experienced judges new or returning to a criminal assignment to complete a course in that primary assignment within six months.

Faculty Development Fundamentals: With a goal of expanding trained faculty availability at the local court level, participating trial court judges and commissioners focused on adult learning, design principles, development, and delivery techniques for courses intended for trial and appellate court and AOC audiences.

Court Employees

Probate Conservatorship and Guardianship Institute: Approximately 80 probate court investigators from the trial courts attended a three day institute. Topics included safety in the field, guardianship investigations, impact of domestic violence on children, autism, undue influence, end of life issues (legal and social perspectives), elder abuse, interviewing techniques, terminating guardianships, conservatorships, best practices, and decision making and cultural issues.

Death Penalty Procedures: A one-day regional session for courtroom, legal, and office counter clerks and a separate session for managers and supervisors offered courses on the definition of a capital case, timelines, the redaction process, sealing documents, the contents of a clerk's transcript, and preparing and correcting records.

Human Resources Investigations: Two day-long regional sessions for human resource professionals in trial and appellate courts offered courses on situations requiring investigations, steps of an investigation, elements of an investigative report, issues to consider once an investigation is complete, and anti-retaliation strategies.

Beyond Lexis: Legal Research: Four 90-minute videoconference training sessions provided an introduction to legal research on the Web for judicial assistants and staff in the appellate courts. The training addressed finding citations, best sources for general judicial branch information, search engines, and a practical overview of online legal research tools other than Lexis.

Families and Children

Court Appointed Special Advocate (CASA) Grant Program: Sixty CASA volunteers and staff from 10 counties attended the Southern California CASA Regional Training. Topics included legislative and legal updates, family finding and permanency, court report writing, and fundraising in difficult times. AOC staff also presented a session on the Blue Ribbon Commission's permanency recommendations and implications for CASA practice.

Family Dispute Resolution: Mandatory training provided for Family Court Services managers, directors, supervisors, family mediators and evaluators in three regional locations.

Indian Child Welfare Act Initiative - Probation Officer Training: Staff conducted training in Merced County for probation officers on the background and purpose of the Indian Child Welfare Act (ICWA), the legal requirements of Senate Bill 678 (Ducheny; Stats. 2006, ch. 838), the application of ICWA to delinquency cases, cultural case planning in ICWA cases, and Native American cultures and family systems.

Violence Against Women Education Project: A two-part program was delivered by the Violence Against Women Education Project and CJER on Issues of Science and Social Science in Domestic Violence Cases. The first component focused on the effects of domestic violence on children, and the second concerned the science of aging and its impact on elder abuse cases. The program was taped and will be delivered again as a *Great Minds* broadcast, distributed on DVD, and posted on the Serranus Web site.

AOC Employees

AOC and the Courts, Building Positive and Collaborative Relationships: Three regional sessions offered information on the role, history, and structure of the AOC and the courts, interactions and perceptions between the AOC and the courts, and best practices for building positive and collaborative relationships. Faculty includes AOC regional administrative directors and local court executive officers. This program will be offered quarterly.

Publications

Blue Ribbon Commission on Children in Foster Care Newsletter:

- The first issue of "Foster Care Reform Update: A Briefing for County and Statewide Collaborations" was launched in September.
- This bi-monthly update will focus on statewide and county-level foster care reform efforts, with the goal of being a vehicle for sharing information, ideas, and inspiration.
- Over the next three years, this update will assist implementation of the commission's recommendations, which are designed to reduce the need for foster care, help California's overstressed juvenile dependency courts do a better job of safeguarding children, and improve the foster care system.
- To view the newsletter online: <http://www.courtinfo.ca.gov/jc/tflists/brc-newsletter0909.htm>

Broadcasts

Ethical Leadership in the Court (Presiding Judge and Court Executive Officer Roundtable): This satellite broadcast featured panelists Justice Brad Hill, Justice Judith McConnell, Judge Heather Morse, and retired Court Executive Officer Stephen Cascioppo, speaking ethics and court leadership. During the broadcast, court leaders from around California identified and explored ethical issues of concern to presiding judges and court executive officers, analyzed implications for the fair administration of justice and the effective management of the courts.

JUDICIAL VACANCY REPORTNumber of Judgeships Authorized, Filled and Vacant as of **October 19, 2009**

TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS					
		Authorized	Filled	Vacant	Vacant (AB 159 positions)	<i>Filled(Last Month)</i>	<i>Vacant(Last Month)</i>
Supreme Court	1	7	7	0	0	7	0
Courts of Appeal	6	105	102	3	0	102	3
Superior Courts	58	1642	1540	52**	50*	1532	108
All Courts	65	1754	1649	105		1641	111

*Authorized January 1, 2008, 50 new (AB 159) judgeships are added. However, funding for these positions has been deferred.

** In September 2009, 2 new judgeships were created by converting a commissioner position from the following Superior Courts: Los Angeles (1) and Santa Barbara (1).

APPELLATE COURTS

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
Second Appellate District	1	Retirement	Hon. Candace D. Cooper	12/31/08
Third Appellate District	2	Retirement	Hon. Rodney Davis	02/16/09
Third Appellate District		Retirement	Hon. Fred K. Morrison	01/31/09
TOTAL VACANCIES	3			

SUPERIOR COURTS

County	Vacancies	Reason for Vacancy	Judge to be Replaced or New Position	Last Day In Office or Effective Date of New Position
Contra Costa	1	Elevated	Hon. Terence L. Bruiniers	07/29/09
Imperial	1	Dis Retirement	Hon. Annie M. Gutierrez	07/10/08

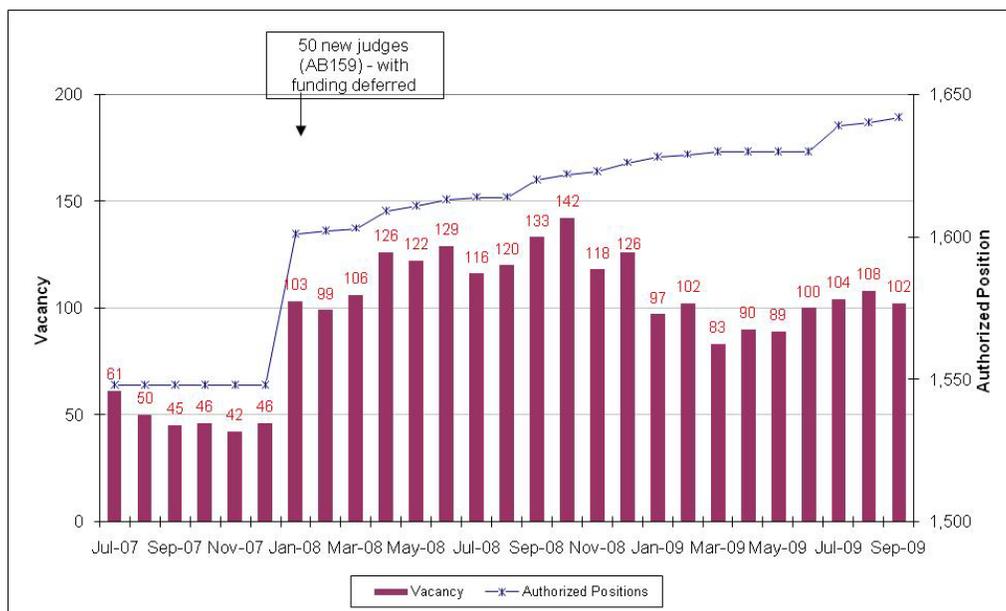
Kern	2	Retirement	Hon. Arthur E. Wallace	07/31/09
Kern		Retirement	Hon. Charles B. Pfister	05/31/09
Kings	2	Retirement	Hon. Peter M. Schultz	05/11/09
Kings		Retirement	Hon. Louis F. Bissig	03/31/09
Los Angeles	14	Retirement	Hon. Judith C. Chirlin	09/30/09
Los Angeles		Converted**	New Position	09/17/09
Los Angeles		Retirement	Hon. Josh M. Fredricks	09/12/09
Los Angeles		Converted	New Position	07/27/09
Los Angeles		Converted	New Position	07/21/09
Los Angeles		Converted	New Position	07/21/09
Los Angeles		Retirement	Hon. John P. Farrell	07/07/09
Los Angeles		Converted	New Position	07/06/09
Los Angeles		Elevated	Hon. Victoria Gerrard Chaney	06/30/09
Los Angeles		Retirement	Hon. Aviva K. Bobb	06/08/09
Los Angeles		Resigned	Hon. Alice C. Hill	06/04/09
Los Angeles		Deceased	Hon. Charles W. Stoll	04/08/09
Los Angeles		Retirement	Hon. Robert P. O'Neill	04/05/09
Los Angeles		Converted	New Position	03/31/09
Monterey	2	Retirement	Hon. Robert A. O'Farrell	07/31/09
Monterey		Retirement	Hon. Gary E. Meyer	07/31/08
Orange	5	Retirement	Hon. Daniel J. Didier	10/12/09
Orange		Retirement	Hon. Robert Byron Hutson	07/30/09
Orange		Converted	New Position	07/07/09
Orange		Converted	New Position	07/01/09
Orange		Retirement	Hon. James H. Poole	05/31/09
Riverside	1	Converted	New Position	11/06/08
Sacramento	3	Retirement	Hon. Michael T. Garcia	05/31/09
Sacramento		Retirement	Hon. Richard H. Gilmour	03/31/09
Sacramento		Retirement	Hon. Thomas M. Cecil	02/01/09

San Bernardino	1	Retirement	Hon. John P. Wade	09/30/09
San Diego	3	Retirement	Hon. Michael B. Orfield	08/21/09
San Diego		Dis Retirement	Hon. John L. Davidson	06/26/09
San Diego		Retirement	Hon. Timothy W. Tower	03/31/09
San Francisco	1	Retirement	Hon. David L. Ballati	08/11/09
Santa Barbara	2	Converted**	New Position	09/20/09
Santa Barbara		Converted	New Position	07/01/09
Santa Clara	6	Retirement	Hon. Alden E. Danner	09/30/09
Santa Clara		Retirement	Hon. Rodney J. Stafford	09/30/09
Santa Clara		Retirement	Hon. Catherine A. Gallagher	07/31/09
Santa Clara		Retirement	Hon. Paul C. Cole	07/31/09
Santa Clara		Retirement	Hon. Leslie C. Nichols	05/31/09
Santa Clara		Retirement	Hon. Jean High Wetenkamp	03/31/09
Solano	2	Converted	New Position	09/23/08
Solano		Converted	New Position	09/23/08
Sonoma	1	Retirement	Hon. Knoel L. Owen	07/31/09
Stanislaus	1	Retirement	Hon. David G. Vander Wall	04/10/09
Tulare	1	Converted	New Position	07/01/09
Ventura	3	Deceased	Hon. Douglas W. Daily	05/02/09
Ventura		Retirement	Hon. Kenneth W. Riley	01/11/09
Ventura		(SB 56)	New Position	01/01/07
SUBTOTAL	52			
Butte	1	(AB 159)*	New Position	1/1/2008
Contra Costa	1	(AB 159)*	New Position	1/1/2008
Del Norte	1	(AB 159)*	New Position	1/1/2008
Fresno	4	(AB 159)*	New Positions	1/1/2008
Kern	3	(AB 159)*	New Positions	1/1/2008
Kings	1	(AB 159)*	New Position	1/1/2008

Los Angeles	1	(AB 159)*	New Position	1/1/2008
Madera	1	(AB 159)*	New Position	1/1/2008
Merced	2	(AB 159)*	New Positions	1/1/2008
Monterey	1	(AB 159)*	New Position	1/1/2008
Orange	1	(AB 159)*	New Position	1/1/2008
Placer	2	(AB 159)*	New Positions	1/1/2008
Riverside	7	(AB 159)*	New Positions	1/1/2008
Sacramento	6	(AB 159)*	New Positions	1/1/2008
San Bernardino	7	(AB 159)*	New Positions	1/1/2008
San Joaquin	3	(AB 159)*	New Positions	1/1/2008
Shasta	1	(AB 159)*	New Position	1/1/2008
Solano	1	(AB 159)*	New Position	1/1/2008
Sonoma	1	(AB 159)*	New Position	1/1/2008
Stanislaus	2	(AB 159)*	New Positions	1/1/2008
Tulare	2	(AB 159)*	New Positions	1/1/2008
Yolo	1	(AB 159)*	New Position	1/1/2008
TOTAL VACANCIES	102			

Number of Judgeships Authorized, Filled and Vacant as of the End of Each Month, from July 2007 through September 2009

Month	Superior Court				Court of Appeal			
	Authorized	Filled	Vacancy	Vacancy Rate	Authorized	Filled	Vacancy	Vacancy Rate
Jul-07	1,548	1,487	61	3.9%	105	105	0	0.0%
Aug-07	1,548	1,498	50	3.2%	105	104	1	1.0%
Sep-07	1,548	1,503	45	2.9%	105	102	3	2.9%
Oct-07	1,548	1,502	46	3.0%	105	101	4	3.8%
Nov-07	1,548	1,506	42	2.7%	105	101	4	3.8%
Dec-07	1,548	1,502	46	3.0%	105	101	4	3.8%
Jan-08	1,601	1,498	103	6.4%	105	100	5	4.8%
Feb-08	1,602	1,503	99	6.2%	105	100	5	4.8%
Mar-08	1,603	1,497	106	6.6%	105	100	5	4.8%
Apr-08	1,609	1,483	126	7.8%	105	101	4	3.8%
May-08	1,611	1,489	122	7.6%	105	101	4	3.8%
Jun-08	1,613	1,484	129	8.0%	105	103	2	1.9%
Jul-08	1,614	1,498	116	7.2%	105	102	3	2.9%
Aug-08	1,614	1,494	120	7.4%	105	102	3	2.9%
Sep-08	1,620	1,487	133	8.2%	105	101	4	3.8%
Oct-08	1,622	1,480	142	8.8%	105	101	4	3.8%
Nov-08	1,623	1,505	118	7.3%	105	100	5	4.8%
Dec-08	1,626	1,500	126	7.7%	105	100	5	4.8%
Jan-09	1,628	1,531	97	6.0%	105	98	7	6.7%
Feb-09	1,629	1,527	102	6.3%	105	96	9	8.6%
Mar-09	1,630	1,547	83	5.1%	105	96	9	8.6%
Apr-09	1,630	1,540	90	5.5%	105	96	9	8.6%
May-09	1,630	1,541	89	5.5%	105	96	9	8.6%
Jun-09	1,630	1,530	100	6.1%	105	100	5	4.8%
Jul-09	1,639	1,535	104	6.3%	105	101	4	3.8%
Aug-09	1,640	1,532	108	6.6%	105	102	3	2.9%
Sep-09	1,642	1,540	102	6.2%	105	102	3	2.9%



CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

- Resolution 1** In Support of Resources Needed to Facilitate Compliance with Family Law Related International Treaties
- Resolution 2** To Encourage Appointment of State Points of Contact to Facilitate Compliance with Family Law Related International Treaties
- Resolution 3** Urging Federal Funding Entities to Allocate Drug Court Funds Through The Highest Judicial Authority of States and Territories
- Resolution 7** Urging the United States Congress to Consider State Policies and Principles of Federalism with Regard to Reforming Health Care Liability Systems
- Resolution 8** In Support of Effective Judicial Governance and a Culture of Transparency and Accountability
- Resolution 10** In Support of the Court Fee Intercept Legislation in the United States Congress
- Resolution 11** In Support of Increased Federal Funding for the Legal Services Corporation
- Resolution 14** Encouraging Collection of Data on Adult Guardianship, Adult Conservatorship, and Elder Abuse Cases by All States

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 1

**In Support of Resources Needed to Facilitate Compliance with Family Law Related
International Treaties**

WHEREAS, in our expanding global society international treaties are needed to facilitate cooperation and communication among countries and the recognition and enforcement of foreign decrees and judgments; and

WHEREAS, the United States is currently a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction and the 1993 Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption (Adoption Convention) and is considering ratification of other family law related international treaties; and

WHEREAS, with the recent implementation of the Adoption Convention and the anticipated ratification of additional family law related international treaties, resources and a formalized structure are needed to support judges and court personnel as they endeavor to comply with treaty obligations; and

WHEREAS, such resources could include: (1) the development of a body of information regarding the treaties that is readily available to judges and court personnel; (2) sponsorship of national training opportunities for the state points of contact; and (3) the development of a dedicated website within the National Center for State Courts (NCSC) website for resource material;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators encourage the United States Department of State to work with the Conferences and the NCSC to provide state courts with the resources needed to comply with their obligations under the 1980 Hague Convention on the Civil Aspects of International Child Abduction, the 1993 Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption and other family law related international treaties.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 2

**To Encourage Appointment of State Points of Contact to Facilitate Compliance with
Family Law Related International Treaties**

WHEREAS, in our expanding global society international treaties are needed to facilitate cooperation and communication among countries and the recognition and enforcement of foreign decrees and judgments; and

WHEREAS, the United States is currently a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Abduction Convention) and the 1993 Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption and is considering ratification of other family law related international treaties; and

WHEREAS, the Hague Conference on Private International Law (HCPIL) has called for each party to the Abduction Convention to establish a judicial network to facilitate application of the Convention and dissemination of information about the Convention; and

WHEREAS, the United States Department of State has appointed three judges to be liaisons on the Abduction Convention and has inquired about the possibility of designating liaisons in each of the 50 states, the District of Columbia, and the territories to develop expertise on the Convention and facilitate compliance with its terms; and

WHEREAS, state court points of contact have been designated for other policy areas such as child welfare, child support, and problem solving courts, and these points of contact have duties similar to those described above for the international judicial network;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators encourage each member to appoint an individual in the administrative office of the courts and/or a judge to serve as the point(s) of contact for family related international treaties.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 3

Urging Federal Funding Entities to Allocate Drug Court Funds Through the Highest Judicial Authority of States and Territories

WHEREAS, drug courts have proven to be the most effective strategy for reducing drug use and criminal recidivism among criminal offenders with substance abuse and addiction and reuniting families broken by drug dependency; and

WHEREAS, the Bureau of Justice Assistance, the Office of Juvenile Justice Programs, the Center for Substance Abuse Treatment and the Substance Abuse and Mental Health Services Administration have in the past supported local drug court operations via direct competitive grants; and

WHEREAS, in 2000 the Conference of Chief Justices and the Conference of State Court Administrators adopted a joint resolution in support of the advancement of problem-solving courts; and

WHEREAS, through the efforts of the National Association of Drug Court Professionals (NADCP), the National Drug Court Institute, the National Center for State Courts and others, drug court research has resulted in many areas of consensus regarding the best practices for drug courts; and

WHEREAS, the associated State Drug Court Coordinators are responsible for overseeing the implementation of these best practices at the state level in each of the states and territories; and

WHEREAS, the State Drug Court Coordinators recently met and unanimously recommended that federal funds be increased and allocated in a new way to best achieve effective, cost-efficient and fair drug courts; and

WHEREAS, federal funding directed on a formula basis to a state-level drug court oversight entity designated by the highest judicial authority of the state or territory will allow states and territories to achieve the following goals:

- They will be able to implement and ensure adherence to operational standards for all drug courts;
- They will be able to monitor compliance with evidence based and best practices;
- They will be better able to plan the growth and expansion of drug courts;
- They will be better able to provide equal access in all parts of their state or

- territory;
- They will be better able to protect the due process and equal protection rights of drug court participants;
 - They will be better able to gather data to inform future policy, funding and research initiatives;
 - Drug courts will be more accountable for their operations and use of funds; and
 - Federal funds will be more efficiently used.

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators:

1. Request an opportunity to meet with the administrators of the appropriate federal agencies for the purpose of advancing the merits of drug courts and other problem solving courts, encouraging the expansion of drug courts and other problem solving courts, and seeking the administrators' active support for increased federal funding; and
2. Support the \$250 million federal funding initiative of the NADCP; and
3. Encourage federal funding entities to identify and set aside a portion of appropriated funds for training, technical assistance, and research, and designate the majority of the funds for allocation to the states and territories for the maintenance, establishment, expansion and enhancement of local drug courts; and
4. Strongly encourage these federal entities to require the highest judicial authority of each state and territory to designate a state-level drug court oversight entity as a single point of contact for funding drug courts, and then to allocate the operational funds to the states and territories through these points of contact.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 7

**Urging the United States Congress to Consider State Policies and Principles of
Federalism with Regard to Reforming Health Care Liability Systems**

WHEREAS, the Conference of Chief Justices and Conference of State Court Administrators, in fulfilling their leadership role for state judicial systems, have traditionally taken positions to defend against proposed policies that threaten principles of federalism or that seek to preempt proper state court authority; and

WHEREAS, both Houses of the U.S. Congress, in an effort to establish national policies on health care access and medical cost containment, are considering legislative proposals, such as the Medical Care Access Protection Act of 2009 (S. 45) and the Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2009 (H.R. 1086), to create uniform national mandates with respect to “health care lawsuits” in state and federal courts; and

WHEREAS, the above-described legislative proposals would, if enacted, federalize in significant ways many state policies and practices, as provided in both statutory and common law, including provisions to: (1) require state courts to impose a Federal Rule of Civil Procedure Rule 11-type sanction upon attorneys and law firms in certain circumstances; (2) dictate the content of jury instructions on damages; (3) limit contingency fees for claimant attorneys; and (4) institute uniform qualifications for persons to testify as experts in health care lawsuits; and

WHEREAS, these legislative proposals to regulate important features of personal injury lawsuits should defer to state courts and legislatures which are better situated to determine and control the impact of reform within their own communities;

NOW, THEREFORE, BE IT RESOLVED that the Conferences urge Congress, during its consideration of the above described legislation, to be mindful of the principles of federalism and particularly of the fact that state constitutions vest state supreme courts with responsibilities and authority over the procedures employed in state courts and the admission and discipline of attorneys and that the proposed legislation may create conflicts with state constitutional provisions; and

BE IT FURTHER RESOLVED that the Conferences urge that a federalism assessment of proposed legislation regulating health care be included in every Congressional committee and conference report.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 8

In Support of Effective Judicial Governance and a Culture of Transparency and Accountability

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators understand the relationship between judicial independence and accountability and recognize that accountability and transparency are critical to judicial governance and to the preservation and strengthening of an independent judiciary; and

WHEREAS, the Conferences adopted *Resolution II, In Support of Principles of Effective Judicial Governance and Accountability*, which identifies the core elements of judicial accountability for state court systems; and

WHEREAS, these core elements are critical to judicial governance to ensure courts have the capacity to manage their own affairs by virtue of being closest to the issues and in the best position to make decisions necessary for ensuring the highest level of public service; and

WHEREAS, state courts cannot achieve effective governance without the capacity to manage their own affairs and develop and implement policies and practices in certain core areas critical to administering the courts; and

WHEREAS, the Conferences have repeatedly expressed strong commitment to the pursuit of accountability and transparency in the conduct of state and local court operations and in overall judicial branch affairs; and

WHEREAS, judicial accountability can foster an environment in which other branches of government and the public understand the judiciary's role and are less likely to interfere with the judiciary's ability to govern itself; and

WHEREAS, judiciaries need performance standards and measures that provide a balanced view of court performance in terms of prompt and efficient case administration, public access and service, equity and fairness, and effective and efficient management; and

WHEREAS, well-conceived and practical court performance measures, such as the *CourTools* and the *Appellate CourTools* developed by the National Center for State Courts (NCSC), are increasingly valued not only as tools for incremental quality improvements of court programs and services, but also as the means for major policy reform and organizational transformation; and

WHEREAS, state court leaders have a duty to hold their organizations accountable to the public and their inter-branch partners by instituting a set of empirical measures and a program of ongoing assessment of court outcomes with wide publication of the results of those assessments; and

WHEREAS, court performance measurement is the evaluation of overall systems and programs, rather than individual judicial performance, and encompasses both a quantitative and qualitative assessment of court effectiveness; and

WHEREAS, it is important that state court leaders share outcome data in a public manner by publishing the results of their performance measurements so the public can make judgments about the effectiveness of state court systems; and

WHEREAS, although state court systems are working successfully in many different contexts to advance accountability and transparency, court performance measurement is one area in which state courts need to do better; and

WHEREAS, the Conference of State Court Administrators prepared a white paper entitled *Promoting a Culture of Transparency and Accountability: Court System Performance Measures*, which examined available performance measurement tools, best practices, and lessons learned;

NOW, THEREFORE, BE IT RESOLVED that to create and sustain a court culture of accountability and transparency the Conferences urge:

- Chief justices and state court administrators to assume a leadership role, regardless of their court system organizational structure, to promote and enact performance measurement systems; and
- State courts to adopt policies requiring performance measurement; and
- State courts to develop the automated capacity to collect, report, and analyze the data necessary to support performance management; and
- State courts to measure their courts' performance and publish those measures on their courts' websites, in annual reports, at budget hearings and other public meetings to improve understanding of the judicial branch; and
- State courts to use their performance results to educate the legislative and executive branches of government; and
- NCSC to serve as the clearinghouse for state performance measures and management solutions provided by the states via its website, including an implementation manual to assist state courts with performance measurements; and
- State courts to collaborate with NCSC to encourage the use of consistent methodologies necessary for comparability; and
- State courts to share their information, methodologies, and results with one another and with NCSC in an effort to learn from these shared experiences and improve performance and management; and
- NCSC and the National Association for Court Management to continue their encouragement of the use of performance measures and the publication of data in educational programs for future court leaders.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 10

**In Support of the Court Fee Intercept Legislation in the United States
Congress**

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize that allowing court-ordered penalties, fines, fees, restitution and surcharges to be ignored diminishes public respect for the rule of law and that it is in the interest of the courts that their orders be honored; and

WHEREAS, significant amounts of court-imposed penalties, fines, fees, restitution and surcharges are not paid; and

WHEREAS, the United States Treasury Offset Program allows for the federal income tax refund interception of federal tax debt, Temporary Assistance to Needy Families (TANF) child support debt, federal agency non-tax debt, non-TANF child support debt and state tax debt (other than child support); and

WHEREAS, collection of court-imposed obligations through a tax refund intercept would be among the most accurate, least intrusive and least burdensome methods to satisfy these debts; and

WHEREAS, collection of such debts through a tax refund intercept mechanism would contribute to the public trust and confidence in the courts; and

WHEREAS, Reps. Davis (D-AL) and Paulsen (R-MN) have introduced legislation (H.R. 1956) in the United States Congress to allow for the interception of federal income tax refunds for payment of such debts; and

WHEREAS, the legislation has received support from a broad-based coalition of public interest groups such as the National Association for Court Management, National Association of Counties, Mothers Against Drunk Driving, Government Finance Officers Association, National Center for Victims of Crime and the American Probation and Parole Association;

NOW, THEREFORE, BE IT RESOLVED that the Conferences support legislation to add conforming language to federal statutes that will enable the states to intercept federal tax refunds for payment of obligations under legally enforceable court orders.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 11

In Support of Increased Federal Funding For the Legal Services Corporation

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators have worked steadfastly to maintain access to justice as a cornerstone of our legal system; and

WHEREAS, the Legal Services Corporation (LSC) was established in 1974 by bipartisan vote of the United States Congress to meet the access to justice needs of those excluded from the legal system because of the unavailability of legal resources; and

WHEREAS, the LSC is a critical component of the national access to justice system through its funding of nonprofit organizations that provide legal services in every state and territory; and

WHEREAS, the number of individuals in need of legal services has dramatically risen due, in part, to increased unemployment, foreclosures, debt problems, and difficulties accessing medical care as a result of the current financial crisis; and

WHEREAS, *Documenting the Justice Gap in America* indicates that, in 2005, even before the current economic crisis, half of those who applied for services from LSC grantees were turned away due to a lack of resources; and

WHEREAS, the current economic crisis is greatly restricting state and local capacity to support programs that provide legal services, including a very dramatic reduction in funding available from Interest on Lawyer Trust Accounts due to a substantial decline in interest paid on lawyers' trust accounts which is used to fund local legal services programs; and

WHEREAS, the federal 2009 LSC budget is significantly lower than the inflation-adjusted 1995 appropriation, and although the President's 2010 budget proposes increased LSC funding, LSC funding will remain more than \$140 million less than its inflation-adjusted 1995 appropriation;

NOW, THEREFORE, BE IT RESOLVED that the Conferences support increased federal funding on a continuing basis for LSC to better meet the demand for legal services and to ensure access to justice for all.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 14

**Encouraging Collection of Data on Adult Guardianship, Adult
Conservatorship, and Elder Abuse Cases by All States**

WHEREAS, the number of vulnerable elderly persons will increase rapidly over the next twenty years; and

WHEREAS, this demographic trend is likely to result in a substantial increase in the number of cases intended to protect vulnerable elderly persons including guardianship, conservatorship, and elder abuse proceedings; and

WHEREAS, most state court systems are not currently able to determine the number of guardianship, conservatorship, and elder abuse cases that are filed, pending, and closed each year; and

WHEREAS, timely, accurate, and complete data on the number of guardianship, conservatorship, and elder abuse cases is essential in determining the policies, procedures, approaches, and resources needed to address these cases effectively and in measuring how the courts are performing in these cases; and

WHEREAS, the National Center for State Court's Court Statistics Project overseen by a Committee of the Conference of State Court Administrators has developed the attached standard definitions applicable to guardianship, conservatorship, and elder abuse proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Conferences urge each state court system to collect and report the number of guardianship, conservatorship, and elder abuse cases that are filed, pending, and concluded each year.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

Guardianship–Adult: Probate/Estate cases that include cases involving the establishment of or a controversy over the relation existing between a person (guardian) and an adult (ward). *Note: The guardian is lawfully invested with the power and charged with the duty of caring for and managing the affairs of an adult (ward) who is considered by the court to be incapable of caring for himself/herself.*

Conservatorship/Trusteeship: Probate/Estate cases that include cases involving the establishment of, or a controversy over: 1) the relation existing between a person (conservator) and another person (ward) or 2) the legal possession of real or personal property held by one person (trustee) for the benefit of another.

Note: The conservator is lawfully invested with the power and charged with the duty of taking care of the property of another person (ward) who is considered by the court as incapable of managing his or her own affairs. When states cannot distinguish the person from property (guardianship from conservatorship in the above terms) they report their caseload here.

Probate/Estate–Other: Cases that include the establishment of guardianships, conservatorships, and trusteeships; the administration of estates of deceased persons who died testate or intestate, including the settling of legal disputes concerning wills. Use this case type for Probate/Estate cases of unknown specificity, when Probate/Estate cases are not attributable to one of the other previously defined Probate/Estate case types, or when all Probate/Estate cases are reported as a single case type. As distinguished from:

Probate/Wills/Intestate: Probate/Estate cases that include cases involving: 1) the determination of whether a will is a valid instrument; 2) the statutory method of establishing its proper execution; and 3) the determination, in the absence of a will, of the disposition of the decedent's estate. Court actions providing for estate administration, appointment of executors, inheritances, and so forth should be included in this category.

The data requested are the various categories of Incoming, Outgoing, and Pending cases outlined in the *Guide*. You can see these as the column headings on this web page: http://www.ncscstatsguide.org/civil_caseload.php

Elder Abuse: Criminal cases involving offenses committed against an elderly person. Seven types of offenses are usually included: physical abuse, sexual abuse, psychological abuse, neglect, abandonment and isolation, financial or fiduciary abuse, and self-neglect. Physical abuse is generally defined as improper use of physical force that may or does result in bodily harm, injury, physical pain, or restraint of an individual. Sexual abuse is any non-consensual sexual touching or contact with an elderly person or a person who is incapable of giving consent (e.g., a mentally disabled individual). Psychological abuse is the intentional or reckless infliction of psychological pain, injury, suffering, or distress through verbal or nonverbal acts. Neglect is the failure to provide for the care and treatment or safety of an elder. Abandonment is the desertion of an elderly person by an individual responsible for providing care or by a person with physical custody of an elder. Financial or fiduciary abuse is the illegal or improper use of an elder's funds, property, or assets, or the conversion or misappropriation of such property, for uses other than for the elder. Self-neglect is behavior of an elderly person that threatens his/her own health or safety.