



### **GOAL III: MODERNIZATION OF MANAGEMENT AND ADMINISTRATION**

*Justice will be administered by a highly qualified judicial and executive leadership team in a fair, timely, efficient, and effective manner by using modern management*

*practices that implement and sustain innovative ideas and effective practices.*

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The following provides information related to the 2008-2011 Operational Plan objectives for **Goal III**. This material provides a glimpse of where we have been and where we are going as a branch. With respect to **Where We Have Been**, you will see examples of work demonstrating branch efforts to operationalize each objective. These are samples of work and do not represent the full breadth of all projects and work performed related to each objective. Rather, we intend this snapshot of “where we have been” to help inform your survey responses as we draft new objectives going forward (*e.g., How have we met each objective? Does the objective give the proper guidance for the work to be performed? Is more work needed in this goal area?*). The information was gathered from reports, discussions, and subject matter experts in the early phases of the current planning process and provides a sampling of work with regard to each objective. With respect to **Where We Are Going**, this information identifies challenges facing the branch as well as possible focus points as we move forward.

After reviewing the material below related to the Goal III objectives, please return to the planning website to access the link to the Goal III survey. The survey will ask you to rank, as well as comment on, the current Goal III objectives. This ranking exercise was conducted by the Judicial Council at its 2011 Planning Meeting, and serves as a means to spark discussion and critical thinking about the breadth and utility of the current plan. Your feedback will be used at the March 2012 planning meeting to begin to shape the new Goal III objectives for the *Operational Plan for California’s Judicial Branch 2012-2015*.

## Part A. Trial and Appellate Court Management

### Objective 1

*Develop and implement methods to attract, recruit, and retain a highly qualified and motivated judicial branch workforce that reflects California's diverse population.*

### *Where Have We Been?*

Examples of work done to operationalize Objective 1:

#### **NeoGov**

- A master contract with a recruiting software system, whereby courts can automate recruitment, selection, testing, certification, and applicant tracking functions, while realizing significant court cost savings.

#### **AOC HR maintains the Uniform Model Classification Model Plan (UMCP)**

- For trial courts to promote consistency in the classifications used for employees. A survey was administered in 2009 to determine if the UMCP needed to be updated and it was decided that the current UMCP was satisfactory.

#### **Classification and Compensation Services**

- AOC HR Division's Classification and Compensation Unit completed 17 classification and compensation studies with the trial courts.
- The unit expanded the geographic pay regions from a structure that identified nine cities as belonging to any pay region, to a structure that encompasses all of California.

#### **Code of Ethics**

- The Court Executives Advisory Committee recommended changes to address court executive officer ethics training and revisions to the Code of Ethics for judicial branch court employees of California were adopted by the Judicial Council in October, 2009. Amendments to California Rules of Court, rule 10.743 were adopted in 2010.

#### **Local Court Example**

##### **Court Clerk Career Progression Opportunity Program**

###### *Superior Court of Butte County*

- A self-directed program that enables clerks to be promoted to the advanced-journey level. The heart of the program, a structured certification process, tests an employee's technical skills and reviews the employee's work habits and interpersonal behaviors.

## **Objective 2**

*Evaluate and improve management techniques, allocation of funds, internal operations, and services; support the sharing of effective management practices branch wide.*

### *Where Have We Been?*

Examples of work done to operationalize Objective 2:

#### **California Rule of Court 5.505: Juvenile Dependency Performance Measures**

- Establishes outcome measures for dependency court based on federal and state standards mandates for hearing timeliness and permanency. Reporting of measures optional until adequate case management systems are available.
- Piloted collecting, analyzing and reporting performance measures in three volunteer courts: Inyo, Orange, and Santa Clara.
- In partnership with UC Berkeley, created and produced individual reports for all dependency courts on safety and permanency outcomes. Reports are updated every quarter.

#### **Development of comprehensive management reports for juvenile, family, and collaborative justice courts**

- In collaboration with court partners, developed over 100 management reports for the use of the courts. These reports are tied to the core elements of CCMS but can also be used in other environments.
- In collaboration with the State Justice Institute and the National Council of Juvenile and Family Court Judges, created comprehensive outcome measures for juvenile delinquency court and juvenile dependency drug court.

#### **Judicial Officer and Staff Workload in the Courts**

- Office of Court Research, Center for Families, Children & the Courts and the National Center for State Courts conducted a comprehensive workload study in the local courts. Results include caseload measures and judicial officer positions required to allocate workload equitably across case types. Mandated report to the legislature on judicial officer needs in the family and juvenile courts.

#### **Juvenile Delinquency Caseflow Management**

- Published Juvenile Delinquency Court Assessment 2008 a comprehensive research study of how superior courts in California handle delinquency matters. Included in the study were findings and recommendations regarding calendaring and caseflow management gathered

through the Delinquency Court Caseflow Management Project. Because caseflow was a priority, funding was sought. A State Justice Institute grant was received to provide in-depth technical assistance on juvenile dependency and delinquency court caseflow in four courts: San Bernardino (delinquency only), Fresno (dependency only), Yolo, and Placer.

### **Dependency Representation, Administration, Funding and Technical Assistance (DRAFT) program expansion**

- DRAFT program expanded from 10 to 20 local courts. DRAFT uses local court involvement, caseload metrics, and ongoing monitoring in contracting directly with dependency counsel and providing a consistent level of service to all member courts.

### **Listserv Central**

- Offers communication among 19 communities of practice in the courts by offering group email discussion; provides companion web pages on Serranus for posting resource materials. *Civil and Small Claims Advisory Committee SB 857 Working Group*: The Court Executives Advisory Committee partnered with the Civil and Small Claims Advisory Committee SB 857 Working Group to provide input and advice to staff in the development of a master agreement for telephonic appearances, which will set a statewide uniform fee for the service. The project included drafting rules of court to implement the new statutory provisions, as well as developing a master agreement to hire vendors for telephonic appearances.

### **Improved Fee Waiver Procedures and Forms**

- In 2008, new fee waiver legislation sponsored by the Judicial Council was enacted, with the goal of balancing the court's fiscal responsibility with the need to ensure access to justice for those without the means to pay court fees. The proposed legislation, developed by the Fee Waiver Working Group, provided a system for granting initial fee waivers and for later recovering fees in appropriate circumstances. In 2009, the Judicial Council adopted a set of plain language forms and revised rules of court developed by the Civil and Small Claims Advisory Committee to implement the new fee waiver provisions.

### **Improved Protective Order Procedures and Forms**

- In 2010, the Judicial Council adopted a rule—recommended by the Civil and Small Claims and the Family and Juvenile Law Advisory Committees—that expressly provides that the information on the CLETS Information form is confidential and clarifies who has access to the information on that form. Also in 2010, Assembly Bill 1596 was enacted; this Judicial

Council–sponsored legislation resulted in the comprehensive revision of all the protective order statutes to create greater consistency in practices and procedures, eliminate unnecessary statutory differences, fill in procedural gaps, and generally improve the statutes. In 2011, the council revised the forms used in protective order proceedings to reflect the newly enacted legislation and to provide improved access and more efficient operations in proceedings involving requests for protective orders.

### **Local Court Example**

#### **Collaborative Information Services (IS) Program**

*Superior Courts of Butte and Glenn Counties*

- This project allows small courts to maximize limited IS funding and technical support, resulting in a stable and reliable system—essential to the courts’ core work and service to the public.

#### **Objective 3**

*Improve safety, security— including disaster preparedness—at all court locations for all court users, judicial officers, and staff.*

#### *Where Have We Been?*

Examples of work done to operationalize Objective 3:

#### **Continuity of Operations Program (COOP)**

- The AOC Office of Emergency Response and Security developed the Continuity of Operations Program (COOP) for the courts and the AOC. A documented plan was developed for each court and AOC divisions that provides detailed information on continuing essential functions following emergencies of any size.

#### **Court Security**

- The amount of funding for sheriffs' was increased from \$485 million to \$497.8 which includes new funding of \$10.7 million reflecting an inflation factor of 2.2 percent to address the proposed court security costs in 2011-2012. The increased amount also reflects \$2.5 million for additional security costs associated with the parole revocation hearing workload.

## **Ad Hoc Court Security Realignment Working Group**

- The Ad Hoc Court Security Realignment Working Group met with representatives of the administration and the Department of Finance, the California State Sheriffs' Association, and the California State Association of Counties to discuss the Governor's court security funding realignment proposal which provides funds from the judicial branch budget, to the counties solely for court security purposes.

### **Objective 4**

*Uphold the integrity of court orders, protect court user safety, and improve public understanding of compliance requirements; improve the collection of fines, fees, and forfeitures statewide.*

### *Where Have We Been?*

Examples of work done to operationalize Objective 4:

#### **The Dependency Counsel Reimbursement Project**

- Working group (consisting of members of the Trial Court Budget Working Group and Family and Juvenile Law Advisory Committee) creating guidelines for: assessing the ability of parents to pay a portion of dependency counsel costs; collecting the reimbursements and remitting the administrative costs to the local courts; and providing the remainder of the funds to local courts or contractors for dependency counsel costs.

#### **Enhanced Collections Project**

- A serious effort to improve the collection of debt by providing tools, best practices, performance measures, and technical assistance began a few years ago, overseen by the Enhanced Collections unit in the Southern Regional Office. In 2010, 38 courts and counties received assistance with establishing or improving their collection programs, with on-site assistance to three programs. A quick reference tool for judicial officers was developed to assist them in determining fines, fees, penalties, and assessments. A revised collection reporting template, 27 best practices, and statewide performance measures and benchmarks were provided to improve tracking of and reporting on delinquent debt.

## Local Court Example

### **ACTION (After Criminal Traffic Infraction One-Stop Network) Center**

*Superior Court of Fresno County*

- Provides offenders with knowledge and information necessary to comply with their court orders, thereby improving the efficiency and effectiveness of court proceedings.

## **Part B. Trial and Appellate Case Management**

### **Objective 5**

*Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.*

### *Where Have We Been?*

Examples of work done to operationalize Objective 5:

#### **Expedited Jury Trials**

- Legislation and Rules: The Expedited Jury Trial Act (Assem. Bill 2284), which was enacted effective January 1, 2011, established a new expedited jury trial (EJT) process for civil cases that provides an alternative, streamlined method for handling these cases. The voluntary expedited jury trial procedure developed by the Small Civil Cases Working Group of the Civil and Small Claims Advisory Committee makes possible shorter, more efficient trials and conserves judicial resources. The Judicial Council supported this legislation and adopted rules implementing the new statutes. The working group is continuing to identify cost-saving and efficiency measures to be recommended in the future.

#### **Voir Dire Legislation**

- A working group composed of members of the Civil and Small Claims Advisory Committee and attorney organizations collaborated in reviewing a legislative proposal and developing alternatives that resulted in changes to the voir dire statute and the law governing additur and remittitur. The compromise language was reflected in AB 1403 enacted in 2011. The group will continue to work on issues relating to the voir dire process.

#### **Telephone Appearances**

- To implement SB 857 (the 2010 budget trailer bill), the Judicial Council in 2011 adopted uniform, statewide telephone appearance fees and a master agreement for vendors of

telephone appearance services. The legislation enables the trial courts to receive \$20 for every telephone appearance made in civil cases, except for calls subject to a fee waiver. The Court Executives Advisory Committee partnered with the Civil and Small Claims Advisory Committee to form the SB 857 working group that provided input and advice in developing the proposals for the uniform fees and a master agreement for telephonic appearance services.

### **Video Conferencing for Oral Argument in the Appellate Division**

- The Trial Court Presiding Judges Advisory Committee co-sponsored with the Appellate Advisory Committee a proposal to amend Cal. Rules of Court, rules 8.885 and 8.929 to address the need for a local or state rule regarding video conferencing for oral arguments in the superior court's appellate division. The amended rule was approved by the Judicial Council in 2009 and became effective January 1, 2010.

### **New Appellate Division Rules and Forms**

- The Appellate Advisory Committee proposed a complete revision of the all of the rules for the superior court appellate division to (1) eliminate outdated rule language; (2) update the remaining language; (3) reflect current practices; (4) fill in gaps in the rules; (5) improve the record preparation process; and (6) place the rules in a more logical order. In addition, to assist litigants, particularly self-represented litigants, in these proceedings, the committee recommended a complete package of new forms for civil and criminal appeals and writ proceedings in the appellate divisions. The new rules and forms were approved by the Judicial Council in 2008 and became effective January 1, 2009.

### **E-Filing and E-Service**

- The Court Technology Advisory Committee developed legislation, rules, and form proposals between 2008 and 2011 that provide a more effective legal framework for parties to e-file and e-serve documents in the trial and appellate courts. Senate Bill 1274, which was Judicial Council-sponsored legislation introduced in 2010, expanded the methods by which documents may be served electronically. The new forms adopted by the Judicial Council provide a ready means for parties to consent to electronic service, provide proofs of electronic service, and serve proposed orders electronically. The new rules include rules authorizing appellate e-filing and e-service for the first time.

## **Management of Collections Cases**

- Adoption of Cal. Rules of Court, rules 3.740 and 3.741: The Collections Cases Working Group composed of members of the Civil and Small Claims Advisory Committee and other interested entities developed new rules for simplified, expeditious management of collections cases. The Judicial Council adopted the rules for management of collections cases effective July 1, 2008.

## **Appeals and Writ Proceedings in Juvenile Cases**

- The Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee developed a proposal to revise the rules governing appeals and writs in juvenile cases to delete duplicate provisions, consolidate provisions addressing the same subject, fill gaps in the rules, and make several substantive changes in the rules and to make corresponding changes to several forms. The new rules and forms were approved by the Judicial Council in 2009 and became effective January 1, 2010.

## **E-Discovery: Legislation and Rules**

- The Civil and Small Claims Advisory Committee developed legislation concerning the discovery of electronically stored information that resulted in the Electronic Discovery Act of 2009, the most significant amendment to the civil discovery law in California since the 1980s. This legislation was jointly sponsored by the Judicial Council, California Defense Counsel, and the Consumer Attorneys of California. In 2012, the council will be sponsoring clean-up legislation in this area. These actions modernize discovery procedures to address the discovery of electronically stored information in all civil cases. The council has also revised forms to implement the new legislation.

## **Local Court Examples**

### **Electronic Legal File (ELF)**

#### *Superior Court of Orange County*

- This easy-to-use application integrates all the court's case management systems into one program (ELF). The court is now able to process the cases on its calendar more speedily and skillfully, demonstrating respect for court users' time and promoting public trust.

### **Four-Court Regional Appellate Division**

#### *Superior Courts of Lassen, Modoc, Plumas, and Sierra Counties*

- This project consolidates administrative functions from four courts into a central appellate processing center and uses standardized forms and a comprehensive appeals processing and procedures manual developed through the project, videoconferencing, and Web-based solutions to maximize limited court resources. This was in direct response to the successes of the four court regional appellate project and the statewide implementation of their best practice.

### **Electronic Writ Processing Program**

#### *Court of Appeal, Fifth Appellate District*

- First system in California to automate the distribution and disposition of cases in the appellate courts. The program allows Court of Appeal justices, research attorneys, and clerks to work collaboratively on the court’s original proceedings, eliminating the need for paper files. Justices and staff have the ability to receive, review, research, track case status, communicate with each other, and electronically cast their votes on these cases from any location. The project has improved caseload processing times and increased the number of dispositions per month. It saves judicial and staff time without compromising the integrity of the process.

### *Where Are We Going?*

The information in this section was provided by the same subject matter experts who provided examples of work related to objectives outlined above. The “Current Conditions” outline the challenges and realities faced by the branch and society more generally. The “Future Considerations” provides a sampling of thoughts regarding trends and opportunities to consider in drafting objectives and outcomes for the next three year operational plan.

## **Current Conditions**

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### **State and National Economic Conditions**

- Budget reductions to the Judicial Branch
  - Downsizing of workforce
  - Reductions in services and programs
  - Reductions in technological solutions

## **Centralized Functions/Management**

- Differentiate between something “centrally provided” (i.e., trial court employee benefits program administration, labor union negotiation services, litigation management) and something “centralized as authorized by statute” (i.e., Judicial Council certification of court interpreters, management of court facilities.)

## **Future Considerations**

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### **Secure Stable Funding for the Judicial Branch**

- Develop immediate and long-term solutions via partnerships with:
  - Government and non-government leaders; attorneys and bar leaders; Chamber of Commerce and business leaders; court users and the public

### **Focus on What Areas will be Consolidated and What will be Postponed**

- Reengineer court processes and procedures to leverage and maximize workforce and resources
- Develop standard rules of court, new or improved forms, best practice recommendations, and legislation to implement and improve practice and procedures in all court venues

### **Technology/the Web**

- Focus on improving all judicial branch web properties
- Implement a channel for sharing information
- Develop technological solutions to respond to public use and expectations
- Increase availability of electronic filing and access to trial and appellate court records

*Please return to <http://www.courts.ca.gov/jbplanning.htm> to access the Goal III survey link.  
Thank you.*