



GOAL I: ACCESS, FAIRNESS, AND DIVERSITY

California's courts will treat everyone in a fair and just manner. All persons will have equal access to the courts and court proceedings and programs. Court procedures will be fair and understandable to court users. Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds. The makeup of California's judicial branch will reflect the diversity of the state's residents.

The following provides information related to the 2008-2011 Operational Plan objectives for **Goal I**. 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 I objectives, please return to the planning website to access the link to the Goal I survey. The survey will ask you to rank, as well as comment on, the current Goal I 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 I objectives for the *Operational Plan for California's Judicial Branch 2012-2015*.

Objective 1

Ensure that all court users are treated with dignity, respect, and concern for their rights and cultural backgrounds, without bias or appearance of bias, and are given an opportunity to be heard.

Where Have We Been?

Examples of work done to operationalize Objective 1:

Statewide Self-Help Services

- Funding was provided to enable 58 trial courts to deliver self-help assistance by establishing self-help centers. The centers, which are staffed and supervised by experienced attorneys help litigants prepare pleadings for court proceedings, understand how to present matters in court and how to follow orders after court.

Civil Mediation and Settlement Grant Program

- From 2008 through 2011, the Judicial Council awarded grants to support civil mediation and settlement programs for general civil cases and small claims, unlawful detainer, and civil harassment proceedings in 29 superior courts. Parties and attorneys who participate in these programs typically express very high satisfaction with their mediation experience and strongly agree that the mediator and the mediation process were fair. In addition to expanding the ADR options in the recipient courts, these programs have resulted in the development of best practices and materials that are available for use by other courts.

Training Mediators with Cultural Diversity

- The Superior Court of Los Angeles County used a Civil Mediation and Settlement Program Award to improve its mediation program for civil harassment cases by recruiting and training mediators from cultures and who speak languages that reflect the diversity of Los Angeles. The court recruited and trained 117 volunteer mediators, at least half of whom represent a diverse culture and/or speak at least one language other than English.

Mediation Training for Judicial Officers and Court Staff

- The Superior Court of Kern County used a Civil Mediation and Settlement Program grant to develop and present mediation trainings to 13 judicial officers and 55 court staff and reported that the programs increased the participants' awareness and understanding of mediation and of the court's ADR programs and made them better able to direct litigants to ADR programs.

- The Superior Court of Butte County used a grant to provide a 6-day mediation training program and a 3-day advanced mediation training program to judicial officers.

Reducing Delay, Court Workload, and Juror Requirements (through settlements)

- In the first 9 months of 2009, the Superior Court of San Francisco's asbestos settlement program (which was planned and implemented using Civil Mediation and Settlement Program Awards) is credited with more than doubling the number of asbestos cases settled in the prior three years combined, reducing the number of pending asbestos cases by 56%, reducing the average number of jurors sent to asbestos trials by 58%, and reducing the number of court days spent in trial of asbestos cases by 65%.
- During the first nine months of FY 2009-10, a Superior Court of Sacramento County mediation program (funded by a Civil Mediation and Settlement Program Award) resolved 681 unlawful detainer actions (88% settlement rate) and 493 small claims actions (82% settlement rate), resulting in an estimated saving of over 2,075 hours of judicial time.

JusticeCorps

- This project provides self-represented litigants with in-depth and specialized assistance from highly motivated and well-trained JusticeCorps members. This project has been expanded to courts throughout the state.

Binational Justice Project

- The Superior Court of Imperial County has signed agreements with Mexican authorities to permit enforcement of family court orders across the nation's border, a major step in an area where the United States and Mexico are joined by geography, commerce, and culture. The court also has partnered with Mexican agencies and law schools to help self-represented litigants.

Appellate Self-Help Clinic

- The Second Appellate District of the Court of Appeal sponsors the first formal state court clinic anywhere for unrepresented appellate litigants, in the courthouse, where people can drop in for assistance and reassurance. Clinic lawyers explain requirements, provide forms, and review paperwork. In appropriate cases they also recruit pro bono legal representation.

Youth Court Summit

- Co-sponsored with the California Association of Youth Courts, the annual Youth Court Summit brings together youth involved with youth courts and the juvenile justice system,

judges, and justice system partners to develop strategies to improve outcomes for justice system involved youth, through empowerment, peer court involvement, knowledge of the justice system, and increased tolerance of diversity among youth. The Summit was held on college campuses, including UC San Diego, UC Davis, California State University at Long Beach, and Chapman University with approximately 150 participants annually.

Elkins Family Law Task Force

- The Judicial Council established a statewide task force to improve access to equal justice for court users involved in family law proceedings. The Elkins Task Force submitted a report with over 200 recommendations, which were all accepted by the council. The legislature adopted many of the recommendations for statutory changes and an implementation task force has been appointed to follow up on the recommendations.

Right to Testify in Family Law Hearings

- AB 939 is supported by the Judicial Council, includes provision that parties in family law proceedings have the right to present live testimony at hearings.

California Courts Online Self Help Center

- Self Help website updated and expanded to over 4,000 pages of information on court processes and legal matters where many people represent themselves. The site is fully translated into Spanish and includes videos and interactive forms.

Informational Videos for the Public

- The Sacramento Superior court, in collaboration with the Monterey, Stanislaus and Solano Superior courts and the AOC, developed videos for the public explaining the small claims and unlawful detainer process and how matters can be resolved in mediation and court hearings. The AOC also completed videos on juvenile delinquency and appellate court for the public.

Customer Service and Training for Judges

- The AOC's CJER Division develops and delivers multiple education programs and products on customer service and cultural sensitivity to all judicial branch audiences, including but not limited to the *Continuing the Dialog* broadcast series for judges, the *May I Help You?* broadcast series for court staff, as well as an extensive series of judicial education programming on cultural sensitivity and implicit bias.
- The Qualifying Ethics series for judicial officers.

- Ethics and Fairness comprises one half of the week-long mandatory New Judge Orientation program.
- Provide a wide array of online and video resources to assist litigants in understanding the court system and describing what to expect when going to court in various case types.
- Publish online newsletters addressing family violence concerns of judicial officers, and supporting local Blue Ribbon Commissions on Children in Foster Care, and implementation of recommendations of Elkins Family Law Task Force.

Developed and Distributed the ADA Guide on Rule 1.100: “Providing Disability Accommodations While Court Is In Session.”

- Collaboration with the Judicial Council Access and Fairness Advisory Committee and the Judicial Branch ADA Resources, Education Division.

Objective 2

Identify and eliminate barriers to court access at all levels of service; ensure interactions with the court are understandable, convenient, and perceived as fair.

Where Have We Been?

Examples of work done to operationalize Objective 2:

California Blue Ribbon Commission on Children in Foster Care

- The commission completed its study in 2008. It documented a severely underresourced system in which children and families often were not afforded meaningful participation in court proceedings that determined where and with whom children would live. Seventy-nine recommendations were submitted to the Judicial Council which accepted them all. The council directed the Administrative Office of the Courts to start implementing 26 that are entirely within the purview of the courts.

Tribal Projects Unit

- This unit of the AOCs’ Center for Families, Children and the Courts acts as a liaison between the state justice system and the tribal communities and justice systems in California in order to improve the California Native American community’s access to justice and strengthen the working relationship between the state and tribal justice systems.

Improving Access to Alternative Dispute Resolution (ADR) Programs

- Information about ADR, including the common types and benefits of court-connected ADR programs and links to superior courts' ADR web pages is accessible on the California Courts website.
- The Superior Court of Los Angeles County used a Civil Mediation and Settlement Program Award to develop videos to explain and demonstrate the features and potential benefits of mediation, arbitration, neutral evaluation, and settlement conferences. The videos are accessible on the California Courts website and are linked to from many superior courts' websites.

Collaborative Justice Courts

- Collaborative justice courts and use of collaborative court principles expanded to more than 450 courts in 56 jurisdictions, with more than half of court jurisdictions having 5 or more types of collaborative courts. Emerging and expanding court models included DUI courts, elder courts, veterans courts, reentry courts, and girls or boys courts for high risk youth in juvenile court.

Use of the Terminology Chart

- Chart on the appropriate language to use when describing persons with disabilities developed by the Judicial Branch ADA Resources, Education Division.

Updated Publication of *Disability Etiquette: Interacting with Persons with Disabilities*

- Collaboration with the Judicial Council Access and Fairness Advisory Committee and the Judicial Branch ADA Resources, Education Division.

Objective 3

Ensure that persons with disabilities have access to court facilities and services.

Where Have We Been?

Examples of work done to operationalize Objective 3:

Elder Court Project

- Funded by the Archstone Foundation, the project provided judicial education programs in the area of elder abuse, identified promising practices for case processing in elder law, including elder courts, and sponsored regional court roundtables on elder courts in Ventura, Fresno, and Contra Costa.

- (e.g., The Superior Court of Contra Costa County delivers the highest quality of justice and services by assigning the same knowledgeable judge to address all legal issues on the same day—there is no need of multiple court appearances in different courts. The court meets special needs of each individual and offer assistance with social services.)

Task Force for Criminal Justice Collaboration on Mental Health Issues

- A statewide task force to improve access to justice for court users with mental health issues that are involved with the criminal justice system. The task force submitted a report to the Judicial Council April 2011 with 137 recommendations regarding court and criminal justice system processing of cases involving persons with mental illness. The implementation task force was appointed by December 31, 2011 to follow up on the recommendations.

Revised and amended Rule 1.100

- Ensures that persons with disabilities have access to court facilities, services and programs. Collaboration with the Judicial Council Access and Fairness Advisory Committee and the Judicial Branch ADA Resources, Education Division.

Revised and updated form MC-410

- Allow persons with disabilities to request an accommodation for a disability. Collaboration with the Judicial Council Access and Fairness Advisory Committee and the Judicial Branch ADA Resources, Education Division.

Objective 4

Expand the availability of legal assistance, advice, and representation for litigants with limited financial resources.

Where Have We Been?

Examples of work done to operationalize Objective 4:

Facilitating Self-Represented Litigants' Participation in Alternative Dispute Resolution (ADR) Programs

- Judicial Council grants funded 10 superior court pilot projects to help self-represented litigants participate effectively in mediation and settlement programs for limited civil cases and small claims, unlawful detainer, and civil harassment proceedings. These projects

produced videos and other materials that are suitable or adaptable for use by courts throughout the state.

Resolving Your Small Claims and Unlawful Detainer Case in the California Courts (Superior Court of Monterey, Sacramento Solano, and Stanislaus Counties)

- A collaboration of courts funded by Judicial Council grants developed videos, in three languages (English, Spanish and Russian), to help self-represented litigants participate in mediation and settlement programs for small claims and unlawful detainer actions. DVDs of the videos have been made available to courts and justice partners throughout the state.

Sargent Shriver Civil Counsel Act

- Pilot projects selected by the Judicial Council are funded to provide representation to low-income parties on critical legal issues affecting basic human needs. The pilot projects will be operated by legal services nonprofit corporations working in collaboration with their local superior courts.

Pro Bono Toolkit

- A pro bono toolkit was developed to help judicial officers appropriately encourage attorneys to provide pro bono representation.

Research on Limited Scope Representation

- As part of Elkins Family Law Task Force, surveyed attorneys on their provision of limited scope assistance and barriers to providing that assistance and held focus groups with litigants regarding their needs for services.

Objective 5

Increase qualified interpreter services in mandated court proceedings and seek to expand services to additional court venues; increase the availability of language-assistance services to all court users.

Where Have We Been?

Examples of work done to operationalize Objective 5:

Enhancing Court Interpreter Testing Program and Interpreter Career-Entry Pipeline

- Conducted a systematic review of the entire testing program, which resulted in the adoption of the National Center for State Courts (NCSC) Consortium language certification exams,

which has saved substantial financial resources; reciprocity increased California’s master list of certified and registered interpreters by 4% .

- Developed new certification exams in Punjabi and Khmer;
- Developed nationally recognized guidelines for the use of Deaf Intermediary Interpreters in the courts.

Domestic Violence-Family Law Interpreter Program

- Provides assistance to trial courts by funding interpreter service for litigants with limited English proficiency in cases where domestic violence or elder abuse protective orders have been issued or are being sought and in general family law cases.

Limited English Proficiency (LEP) plans

- Plans to serve persons with Limited English Proficiency were developed by all trial courts as well as the AOC. These plans include provision of interpreters as well as a wide range of services ranging from court forms and bilingual websites to increasing numbers of bilingual staff.

Objective 6

Promote a state judiciary and judicial branch workforce that reflects California’s diverse population.

Where Have We Been?

Examples of work done to accomplish Objective 6 are provided below:

Pathways to Achieving Judicial Diversity in the California Courts

- The Judicial Council’s Access and Fairness Advisory Committee published a judicial diversity toolkit which is intended to encourage and support judicial branch judicial diversity initiatives.

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

State and National Economic Conditions

- Budget reductions to the judicial branch
 - Court Closures
 - Delays in Court Proceedings
 - Staff Reductions
 - Court cuts can hit poorest and most vulnerable disproportionately
- Poverty Increasing
 - Increase in child poverty
 - Increase in homelessness
 - Increase in home foreclosures

Demographics

- No one ethnic or racial group makes up the majority of California population
- California has the largest population of foreign-born LEP
- Increasing elderly population
- Access to people with disabilities

Language Issue

- Federal Department of Justice guidance on the application of Title VI to provide full language access
- Forecast 40 percent LEP (Limited English Proficient) in this state; number 1 state in LEP; 1/4 California students English Language Learners; 20 percent or more in need of language access; school system is the model for how to serve ELL (Languages services); largest immigrant population in the country

Tribal Courts

- Increasing number of tribal courts
- state court/tribal court jurisdictional issues

Criminal Justice Realignment Trends

- State of California justice system realignment strategies

- Encourage the use of more efficient case processing strategies, including alternative sentencing; add collaborative justice to ensure greater access to the most vulnerable

Future Considerations

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
 - Partner with key judicial system stakeholders to promote the viability of the justice system through stable funding
 - Educate policy makers about the crisis and impact to the public
 - Communicate impacts of budget cuts to the branch and users
 - Explore additional funding opportunities for branch revenue

Self-Help Centers

- Leverage and build upon the strength of self-help centers and services
- Develop partnerships with volunteer programs that can support the work of the centers.

Representation for Low Income Persons

- Sustain programs such as the Sargent Shriver Civil Counsel Act
- Continue to research mechanisms to identify litigants who qualify for free or low-cost legal representation and address proper referrals of those litigants

Language Access

- Expanded access through use of remote technology, calendaring, batching, etc.
- Expanded access through use of bilingual specialists (trained bilingual staff, volunteers, interpreter candidates) to be used in appropriate locations outside of court proceedings
- Promote culture shift so that language and language issues are a factor of all court planning
- Shift from focus on just court interpreters – look at full spectrum of services
- Need to move toward model where court functions address language needs (particularly Spanish) at every point in the court

Access Through Technology

- Stakeholders expectation for use of technology to access courts

- Use of technology to share and implement best practices on how to serve the public – including low income and LEP identify cases where litigants need more than self-help
- Avoid causing any unnecessary barriers through technology
- Web and smart phone – provide more access
- Reenergize websites
- Continue to develop document assembly programs (DAP) that allow litigants to complete court forms in a simple manner and allow them to be efiled.

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