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## California Supreme Court Releases Annual Workload Statistics

### *Court's Dispositions Increase*

San Francisco—The California Supreme Court today released its annual workload statistics for the period from September 1, 2005, through August 31, 2006, the official court year for statistical purposes.

Overall, the number of petitions for review, petitions for extraordinary writ or habeas corpus, and other matters acted upon by the Supreme Court during this period was somewhat higher than in the previous year.

The Supreme Court released the statistics following the usual interval in July and August during which the court does not regularly schedule oral argument, but opinions continue to be filed. The court resumed oral argument on September 5, 2006, in its courtroom in San Francisco.

Associate Justice Carol Corrigan was appointed to the court by Governor Arnold Schwarzenegger and was confirmed on January 4, 2006. Justice Corrigan served for 12 years on the Court of Appeal for the First Appellate District, and before that sat on the Alameda County courts for 7 years.

Until Justice Corrigan joined the court, the vacancy that had existed since Associate Justice Janice Rogers Brown left the court on June 30, 2005, was filled by Court of Appeal justices who, following the court's usual practice, were assigned to serve in individual cases. These assignments were made from a list of Court of Appeal justices compiled in alphabetical order.

The pro tempore justices participated fully in the work of the court in the cases to which they were appointed, but they were not assigned to draft initial opinions in cases before the court for review, thus affecting the number of matters that the court had available to schedule for oral argument.

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In addition, because of medical problems, two justices were unable to attend several oral argument sessions, although these justices did participate in the cases in which the parties stipulated to their participation without attendance at argument. A few cases were placed on later calendars if the parties did not stipulate.

**OPINIONS FILED**  
*Including Death Penalty Appeals and  
Related Habeas Corpus Petitions*

In the 2005–2006 court year, the Supreme Court filed opinions in a total of 103 cases, 20 fewer than were filed in the 2004–2005 court year, in part reflecting the vacancies and absences in the court’s membership. Of the court’s 103 opinions, 51 opinions involved civil cases, 29 opinions involved noncapital criminal cases, 21 opinions involved automatic appeals arising from judgments of death, and 2 opinions involved habeas corpus petitions relating to death penalty judgments.

The 21 opinions in death penalty appeals were 9 fewer than the previous year, but still 50 percent more than the number of death penalty appeals decided in the 2003-2004 court year, when 14 such opinions were filed.

In addition to the opinions filed in the 2005–2006 court year, the court acted by order upon 33 petitions for writ of habeas corpus relating to death penalty judgments, issuing an order to show cause on 1 petition, and issuing orders denying 32 petitions. This compares to 35 petitions for writ of habeas corpus handled by the court last year, including 3 in which an order to show cause issued.

The matter in which the court has issued an order to show cause likely will result in an opinion by the court in the future, usually after an evidentiary hearing has been held before a court-appointed referee and the court has considered the referee’s report and additional briefs filed by the parties, and has heard oral argument on specified claims.

When a petition for writ of habeas corpus is denied, the court does not issue an opinion and instead disposes of the matter by order. Nevertheless, even when no opinion results, the preparation and disposition of death-penalty-related habeas corpus petitions draws heavily upon the court’s resources, because the petitions in such cases frequently are very lengthy and complex and are analyzed in internal memoranda that often may run 100 or more pages in length.

## **PETITIONS FOR REVIEW**

### *Including Dispositions of Requests for Depublication*

In the 2005–2006 court year, the court disposed of almost 10,200 petitions for review, petitions in original proceedings, and actions arising out of State Bar Court disciplinary proceedings, approximately 925 more matters than were disposed of in the 2004–2005 court year.

Total filings in the court remained steady at approximately 9,300. Dispositions in original proceedings increased by approximately 12 percent to more than 3,620, in large part due to the dedication of additional resources to non-capital habeas corpus filings. These matters constitute a significant part of the court’s workload prior to a grant of review.

Dispositions of State Bar Court matters also grew by 68 percent to approximately 970, based primarily upon a large increase in the number of resignations submitted. The greater number of resignations appears to have been based upon an increase in the fee for inactive members and changes to the “scaling provisions” permitting active members to pay a lower fee.

The court staff prepares internal memoranda with regard to each petition for review and original matter, except various uncontested State Bar Court proceedings, and the justices consider these requests and the related internal memoranda at weekly conferences held throughout the year. It is common for the court to review and act upon more than 250 petitions at a weekly conference.

Beginning in 2001–2002, the *Court Statistics Report* issued by the Judicial Council of California has included information concerning depublication and publication orders issued by the Supreme Court. In the 2005–2006 court year, 18 Court of Appeal opinions were ordered depublished by the Supreme Court, compared to 17 in 2004–2005, 25 in 2003–2004, and 13 in 2002–2003. The number of opinions ordered depublished has declined to 25 or fewer per year since the court year 2000–2001 from totals regularly exceeding 100 per year in the late 1980’s and early 1990’s.

In the 2005–2006 court year, the Supreme Court ordered 6 Court of Appeal opinions published. The number of opinions ordered published depends in large part upon the number of requests to publish received by the Supreme Court. The court rarely orders publication of a Court of Appeal opinion without such a request, but it more often may depublish without a specific request to do so.

In other areas affecting the Supreme Court’s workload, the committee appointed by the court to consider the standards for publication of Court of Appeal opinions publicly circulated a draft of proposed changes to the standards late last year. In response to the

comments received, it made substantial changes to its proposal and, with the court's approval, recirculated the amended version for additional public comment. The committee is in the process of finalizing its report to the Court and expects to present its recommendations to the court before the end of the calendar year.

Various changes to the Code of Judicial Ethics were adopted by the court based upon recommendations submitted by the Supreme Court Committee on the Code of Judicial Ethics. In addition, the court solicited nominations to start the process of creating a pool of judges and justices from which the court will select individuals to serve as special masters in Commission on Judicial Performance proceedings. The jurists selected for the pool will be provided with specialized training on judicial disciplinary proceedings through the Center for Judicial Education and Research, the education arm of the Administrative Office of the Courts.

## **BACKGROUND INFORMATION**

Since 1996, the California Supreme Court has issued statistics utilizing a reporting period of September 1 through August 31. The court designated this period as the official court year for statistical purposes after determining that this period best corresponds with the flow of the court's opinion production and facilitates consistency in the pace of the court's work.

Although the court does not schedule oral argument in July and August, the court continues to hold weekly conferences during those months on petitions seeking review, but concentrates on completing and filing opinions in cases that have been argued through the June oral argument calendar, and begins the process of preparing calendar memoranda for future oral argument sessions.

The court carefully monitors its internal processes to ensure that it is able to process the matters before it fairly, efficiently, and effectively. When necessary, because of pending external deadlines or other good cause, the court may expedite the handling of particular civil and criminal matters in which review has been granted. Death penalty appeals, which under the Constitution automatically are filed directly in the Supreme Court without an intervening review in the Court of Appeal, as well as related habeas corpus proceedings, present distinctive workload problems for the court.

The court has a constitutional obligation to ensure that defendants in criminal cases have adequate legal assistance in their appeals, including those involving judgments of death. Death penalty matters are lengthy and complex, and high standards have been set for the appointment of counsel at both the trial and the appellate level.

The court continues to work closely with the Habeas Corpus Resource Center, the Office of State Public Defender, and the California Appellate Project to improve training and resources so as to encourage and prepare additional qualified counsel to agree to accept appointments in these matters.

In addition, the Supreme Court's Capital Central Staff, created four years ago to assist the court in preparing memoranda in matters arising out of capital appeals and related habeas corpus petitions, has continued to perform well. Motions in such matters are being handled more expeditiously and consistently, and the staff has assisted the court in increasing the number of death penalty automatic appeals and death-penalty-related habeas corpus petitions disposed of in recent years. The court intends to seek additional personnel for the staff in view of the continuing heavy demands upon court resources arising out of these matters.

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