



# NEWS RELEASE

Release Number: 74

Release Date: October 7, 2006

JUDICIAL COUNCIL OF  
CALIFORNIA  
ADMINISTRATIVE OFFICE  
OF THE COURTS  
Public Information Office  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
www.courtinfo.ca.gov

415-865-7740

Lynn Holton  
Public Information Officer

## **Chief Justice Reports on Judicial Branch Accomplishments, Notes Future Challenges**

### ***State's top jurist cites bar's strong support for courts In key address at State Bar Annual Meeting***

Monterey—In his 11th annual State of the Judiciary Address to the State Bar of California's Annual Meeting, Chief Justice Ronald M. George today highlighted important accomplishments during the past year aimed at improving access to justice. He also called upon California lawyers to continue to help ensure that the state's judicial system remains strong, objective, and independent.

The Chief Justice, who celebrated his 10th anniversary in office last May, noted that three important goals were achieved this past year through the actions of the Legislature and Governor, with the assistance of the bench and bar, the Judicial Council and its committees, and the Administrative Office of the Courts.

The first major accomplishment provides 50 new judgeships to be distributed on the basis of judicial needs statewide. A study showed more than 350 new judicial positions are justified, and this first group of judges will help meet the most urgent needs.

The 50 new positions represent the first installment of the judicial system's initiative to seek a total of 150 new judgeships from its sister branches over three years to meet the most pressing needs of the public. "Judgeship shortages decrease the public's access to courts, foster an unstable business climate, and create enormous backlogs in the fastest growing parts of our state, delaying timely justice."

The Judicial Council will seek an additional 50 judges during the next fiscal year, and will sponsor a bill to permit conversion of 161 commissioner positions to judgeships over a period of several years. Conversion would occur when the position becomes vacant and no longer is needed for subordinate judicial work.

(over)

A second major initiative will increase judicial compensation by 8.5 percent. This increase is important to attracting and retaining experienced judges on the bench to serve Californians.

“We should not be losing experienced judges because they cannot afford to stay on the bench,” Chief Justice George stated. Judges today regularly preside over matters in which the public lawyers appearing before them are paid a higher salary than the judge, he noted.

The third major accomplishment this year was the passage of new legislation that will facilitate the transfer of court facilities from county to state ownership. Under the oversight of the judicial branch, building plans and projects can proceed more quickly to cure some of the serious seismic and other deficiencies that endanger all those who come to the courthouse.

It is estimated that in Los Angeles, half the population visits a courthouse each year “as a litigant in a small claims or other proceeding, or as a witness or juror, to obtain documents, to resolve a family law dispute, or to pay a citation,” the Chief Justice observed.

“The condition of many courthouses in California is dangerous to the judges, staff, lawyers, litigants, jurors, and other members of the public who enter their doors,” he continued. “Whether it is a lack of security that results in prisoners being transferred through public areas, or insufficient weapons screening, or buildings that are a threat in a moderate earthquake or are infested with mold and vermin, such conditions are unacceptable.”

### **Chief Justice Lauds State Bar Initiatives**

The state’s top jurist also commended outgoing State Bar President Jim Heiting and incoming State Bar president Sheldon Sloan for initiating important programs to advance the bench and bar’s shared goals of improving service to the public.

“Jim Heiting was a major catalyst in creating the Pipeline Project, aimed at increasing the presence of all segments of California’s diverse population on the bench and in the bar, especially those groups that traditionally have not fully participated,” the Chief Justice said. One of the Judicial Council’s priorities is to enhance the diversity of the bench and bar to better reflect the communities served by the courts.

Chief Justice George also praised Mr. Sloan’s initiative to increase civility in the practice of law: “We risk undermining the fundamental principles of our profession, and our ability to advance the rule of law effectively, if the focus turns primarily to profit at the expense of professional duties and responsibilities.”

### **Supreme Court Seeks Qualified Counsel for Capital Appeals**

Reporting on the Supreme Court, Chief Justice George urged attorneys who are qualified to seek an appointment to death penalty appeals or habeas corpus cases.

“We continue to make progress in reducing the number of appellants in death penalty cases who are awaiting the appointment of counsel,” the Chief Justice told the bar. “The court still needs additional counsel not only for appeals, but also for related habeas corpus proceedings.”

In cooperation with the Habeas Corpus Resource Center and the California Appellate Project, the court has created a program offering special supervision for large firms willing to take these cases. The program is designed to provide targeted assistance to enable firms to handle capital appeals effectively and efficiently.

Although we have increased attorney fees in capital case proceedings, “during the last legislative session we were unsuccessful in raising the statutory limit on payment for investigative expenses in habeas corpus proceedings,” the Chief Justice noted. “The court will renew its request to change the \$25,000 cap to give us more flexibility in setting the reimbursement level in these matters.”

### **Potential Threats to the Independence of the Judiciary**

“Increasingly contentious and partisan judicial elections are on the rise,” the Chief Justice declared, adding that this development and others “have the potential to undermine the ability of courts to perform their historic and constitutional functions.”

Chief Justice George described an initiative measure on the South Dakota ballot known as “Jail4Judges” that would eliminate judicial immunity for judges upon a finding of abuse of judicial discretion made by special grand juries. The measure would also subject judges to civil and criminal sanctions for their decisions.

Although this type of measure has not been successful in California, it is one of a number of troubling developments “that have the potential to undermine the ability of courts to perform their historic and constitutional functions.”

“In November, the Judicial Council is convening a national conference on judicial elections, and we anticipate it will result in a plan for action in the future,” the Chief Justice reported. “Such a plan...will look to the bar to provide collaborative assistance and strong support to keep our courts as free as possible of inappropriate partisan politics and influence and maintain the rule of law as a cornerstone of our democracy.”

In closing, Chief Justice George thanked the State Bar for its help “in enhancing the fair and accessible system of justice that we are privileged to have in our state.”

*The full text of the Chief Justice’s 2006 State of the Judiciary Address to the State Bar of California is available on the California Courts Web site at [http://www.courtinfo.ca.gov/reference/1\\_2speeches.htm](http://www.courtinfo.ca.gov/reference/1_2speeches.htm) .*

#