



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date	Action Requested
December 15, 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:

- Budget (*p.2*)
- Criminal and Civil Justice System Partners Judicial Branch Efficiency Roundtables (*p. 2 & 17*)
- Launch of California Court Performance Measures (*p.4 & 19*)
- New Trial Court Web Resources (*p. 4*)
- Judicial Appointments and Vacancies (*p. 4 & 25*)
- Administrative Infrastructure Initiatives (*p. 5 & 13*)
- Advisory Committee, Task Force and Working Groups (*p. 8 & 11*)
- Highlights from the Study of California Class Action Litigation (*p.8 & 19*)
- Branchwide Judicial and Court Personnel Education Programs (*p. 9 & 20*)
- *Attachments:* --- Presentation to ABA on California Class Action Litigation Study

SUMMARY

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

Budget

Meeting with State Finance Director: A meeting was held with the Department of Finance Director Mike Genest and his senior staff to discuss budget issues in the upcoming budget year to ensure that there is full and open access to courts in FY 2010-11. Topics discussed included the need to restore one-time cuts in the current year budget, restore baseline funding, continue fee increases slated to sunset, address retiree healthcare costs and additional funding for court security, and also the need to remain committed to the statewide case management system and court infrastructure projects including courthouse construction.

Judicial Branch Efficiencies and Cost-Savings Roundtable Meetings: The AOC convened two meetings, one with criminal justice partners and one with the civil bar. The purpose of these one-day roundtable discussions was to identify common goals toward which our justice partners can work in concert with the Judicial Council and the courts, and to consider options and ideas for improved efficiencies in case procedures that may produce cost savings for the courts. (*Page 17*)

Legislative Staff Tours of Courthouses: Despite the recess, the Joint Legislative Budget Committee has been actively reviewing SB 1407 capital outlay projects in accordance with the provisions of SBx2 12 (Steinberg). AOC staff has worked to provide budget committee staff and staff of the Legislative Analyst's Office (LAO) with the necessary information to secure project approvals including conducting three, two-hour, in-person briefings for both groups and hosting site visits to five superior courts, affording opportunities to witness the deficient state of court facilities first-hand and get a better understanding the courts' day-to-day facility and operational needs. With the approval of 11 new construction projects this fall, the site visits and briefings have been effective tools in demonstrating to the Legislature the need to continue with new courthouse construction projects as envisioned by SB 1407.

Bench-Bar Coalition Meeting: More than 60 bench, bar and legal services leaders attended the Bench-Bar Coalition fall meeting, including 11 first-time participants. The meeting focus included the legislative outlook for 2010, enhancing Bench-Bar-Legal Services partnerships, and the role of Office of Governmental Affairs advocates.

Liaison Meetings Conducted by the Chief Justice: The Chief Justice and AOC leadership hosted liaison meetings with the California District Attorneys Association and the California Defense Counsel.

Judicial Branch Audit Program: A regular cycle comprehensive audit report was issued for the Superior Court of San Benito County, and an audit commenced for the Superior Court of Alpine County. The following special review reports also were issued: 1) Superior Court of San Mateo County: Audit Report on Budgeting Practices; and 2) monthly reports on Independent Project Oversight and Verification and Validation for the CCMS-V4 Development Project.

New Accounts Receivable Module Implemented: A new accounts receivable module has been implemented to allow the Property Management Accounting Unit to more effectively manage the large number of transactions related to new and transferring judicial branch facilities.

Voluntary Salary Waiver Program: For the month of November, a day of compensation was waived by 830 judges participating in the voluntary salary waiver program. 841 judges made a similar contribution in October. In addition, many judges made direct contributions to their courts.

Labor and Employee Relations: At the courts request, investigatory services were provided to four trial courts and negotiation services were provided to seven courts, relating to bargaining of a new MOU and/or revisions to current MOU language.

Superior Court Job Classification Analysis: The Superior Court of Contra Costa County requested AOC assistance in evaluating 28 positions in the court's human resources and finance groups. Recommendations were made on alignment of positions with appropriate classifications and work/duty reallocations; and new classification specifications were drafted for positions following the Uniform Classification Model for Trial Courts. The court will be implementing all the recommended changes.

Requests for Public Information and Records: In the past two months, the AOC's Office of Communications responded to approximately 1,200 requests for public information and records from both the public and the media. Increasingly requests are taking many hours of staff time in the communications office, finance, general counsel, and regional offices. The office expects requests to increase in 2010 because of the new public records act for the judicial branch, which will take effect January 1.

Recognition for Foster Care Commission and Leadership: Good news and well-deserved recognition for California, the Judicial Council, and Justice Moreno: the Casey Family Programs, the nation's largest operating foundation entirely focused on foster care, has awarded Justice Carlos R. Moreno the 2009 Ruth Massinga Award in the Kinship Caregiver

category. In addition to chairing the efforts of the Blue Ribbon Commission on Children in Foster Care, this month Justice Moreno will celebrate the formal adoption of his niece. The award recognizes a caregiver who provides in-home care for a family member and who has been a consistent voice in the call for support of kinship caregivers and youth in their care.

New Judgeships and Vacancies:

- Two new judgeships were created by converting a commissioner position from the following superior court: Sonoma (2)
- Currently, there are 65 trial court judicial vacancies and 3 appellate court vacancies. (*Page 25*)

Court Facilities:

531 of 533 courthouse facilities have now transferred. (*Page 5*)

Best Practices Initiatives

Ralph N. Kleps Award for Improvement in the Administration of the Courts: The 2008–2009 awards are being presented in ceremonies at the recipient courts by Judicial Council and AOC leadership, and a Kleps' committee member. This new model for the awards ceremony limits costs and has the advantage of allowing local courts to invite all justice system partners and staff involved in the development of the project.

Launch of the CalCourTools Program: Based on the National Center for State Courts CourTools initiative, the CalCourTools program customizes the performance measures to take into account California-specific benchmarks and standards of judicial administration. AOC subject matter experts are available to assist courts interpret the findings and take action to improve court operations. (*Page 19*)

New Trial Court Web Resources: Several new trial court Web resources have been made available. These include:

- A comprehensive trial court Web site user analysis, designs, templates for a “model” trial court Web site, and a listserv established for trial courts to exchange information about redesigns.
- The project was guided by 10 participating trial courts who took part in focus groups and workshops to arrive at decisions about the final designs.
- Html templates, a style guide, and other resources are available to all trial courts to use in future Web redesign projects. Twelve courts have requested templates.
- For more information, <http://serranus.courtinfo.ca.gov/programs/web/connect.htm>.

Violence Against Women Education Project Grant Award: The AOC received federal Recovery Act funds to improve practice and procedure in family violence cases involving both the state courts and in matters involving victims of family violence from tribal communities.

Families and Children

New Tribal Projects Unit Established: Effective November, and with grant funding, the Center for Families, Children & the Courts established the Tribal Projects Unit. This unit will focus on providing educational and technical assistance on the Indian Child Welfare Act and on family violence (domestic violence, sexual assault, dating violence and stalking).

Juvenile Court Calendaring and Caseflow Management Grant Site Visits: With funding from the State Justice Institute, visits began in a limited number of juvenile courts to improve calendaring and caseflow management practices. The grant provides for an outside consultant to visit juvenile courts, meet with stakeholders, analyze the court's dependency and/or delinquency caseloads, and prepare recommendations to improve the practices. The first of four site visits took place in Placer County. Juvenile courts in Yolo, Fresno, and San Bernardino counties will be visited before the end of the fiscal year.

California Black-Brown Summit on Reentry: Staff attended meetings in Modesto, focusing on adult and juvenile reentry, substance abuse/mental health issues, family support, and cultural competency with a best practices presentation by the San Diego District Attorney's Office.

Court Appointed Special Advocates (CASA): Staff conducted evaluations of CASA programs in Santa Clara and Imperial Counties to ensure compliance with California Rules of Court and National CASA Standards. AOC staff also met with staff of the Northern California Intertribal CASA program and committee members developing new CASA programs in Shasta and Merced Counties.

Administrative Infrastructure Initiatives

Facilities (Page 13):

Transfer agreements for 531 of 533 facilities have been approved.

- Agreements for the remaining 2 facilities (Glen and Modoc Counties) are under negotiation and are expected to be completed 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: The SPWB approved eleven new courthouse projects under the new process established by SBx2 12 (continuous appropriation). AOC real estate staff are conducting market surveys for these new projects.

Two site selections approved: The SPWB also approved site selections for two SB 1407 projects: New Indio Juvenile and Family Courthouse in Riverside; and the Yuba City Courthouse in Sutter. Four SB 1407 projects have now received SPWB site selection approval.

Capital Projects:

Opening of Plumas Plumas/Sierra Regional Courthouse: The new Portola-Loyalton courthouse, a one-courtroom facility shared by the Superior Courts of Plumas and Sierra Counties opened on schedule on Tuesday, December 8, in spite of a foot and a half of snow on the ground. In the future both courts want to expand the case types heard at this courthouse and the services that can be offered to their customers. This courthouse is the first trial court completed start to finish by the AOC was completed on schedule and on budget.

- **In site selection/acquisition:** 21 projects, total value nearly \$3 billion. We are working with many counties and cities who have offered equity swaps, exchanges, and property donations for siting these projects.
- **In design:** 11 projects, total value of over \$1 billion.
- **In construction:** 2 projects, total value of over \$140 million.
- **In planning:** 20 projects. Planning staff have submitted funding requests for five of these new projects to the Joint Legislative Budget Committee, with the intent to submit for SPWB approval at its meeting on December 14, 2009.

Other SPWB Approvals: The board has authorized the sale of lease revenue bonds for the Fourth Appellate Courthouse District project.

Performance-Based Infrastructure (PBI) Project for New Long Beach Court Building: The AOC and the Superior Court of Los Angeles County heard presentations from the top three firms on their proposed plans for the design, construction, and maintenance of the new facility over the next 35 years. Proposals are expected to be completed in December, and final selection is scheduled for February 2010. Construction for this new facility is scheduled to begin in June 2010 with completion anticipated in late 2012.

Facility Modifications:

These include repairs and renovations costing between \$1,000 and \$2 million.

- ***In progress:*** 798 active facility modifications at a value of \$36.7 million.

Technology (Page 15):

California Case Management System (CCMS)

- **Executive and Legislative Branch Briefings:** As part of the effort to work more closely with the executive branch on the CCMS initiative and to ensure that all pertinent information is available to facilitate executive branch decisions on technology funding, State Chief Information Officer Teri Takai and her team and Assembly Member Audra Strickland will have separate meetings with Sheila Calabro and her team to be briefed in more detail on CCMS.
- **Federal Funding:** Further to an earlier report on the latest round of meetings with congressional and federal agency representatives in the effort to secure funding for CCMS, an additional meeting is being sought with Homeland Security Secretary Janet Napolitano.
- **V2:** V2 development environments were moved from Deloitte Consulting in Pennsylvania to the CCTC in Omaha, eliminating monthly hosting costs.
- **V3:** Release 10 is the last major release for CCMS V3 and includes two major components, the core V3 upgrade, and e-filing. Court testing of release R10 is scheduled for January by three courts. E-filing testing remains to be scheduled.
- **V4:** Work continues on the Request for Proposal process and ongoing negotiations with Deloitte regarding the V4 deployment contract. The Product Acceptance Test and stress test environment build out was completed in November.
 - CCMS-V4 will be delivered in fall 2010 and deployed to three early adopter courts. Initial deployment discussions have begun with the Superior Courts of San Diego, Ventura, and San Luis Obispo.
 - The courts, AOC, and Deloitte Consulting continue the extensive testing effort of the CCMS-V4 product. An effort is under way to standardize codes and configuration and deployment discussions have begun with the three early adopter courts.

Interim Case Management System - Sustain Justice Edition (SJE): Humboldt Court went live on the criminal system and interfaces.

California Courts Protective Order Registry: Originally planned to go live in January 2010, a revised launch date of April 2010 is necessary to accommodate improved architectural and technology center requirements. Interest in registry continues to be high in the courts; 32 courts are interested or have committed to participate.

Pilot Program for Traffic e-Citation, e-Filing: The AOC is leveraging the existing statewide infrastructure, including the CCMS-V4 data exchange standards and workflows, and working with the CHP to develop and deploy an electronic citation solution to four pilot courts (San Bernardino, Orange, Santa Clara, and Ventura). The AOC delivered the initial case data exchange technical specifications and conceptual architecture document to the CHP project team in November.

California Courts Technology Center: The new data network diversity project is a four-phased project to address issues in the current data center network infrastructure model that have surfaced as outages for courts using the center services.

Information Security Policy Framework: An initiative is under way to develop an Information Security Policy Framework for the Judicial Branch to provide a standard of practice to maintain the highest quality of information security.

National Activities

National Judicial Leadership Summit on the Protection of Children: A team representing the California juvenile court and child welfare system attended the Summit in Austin, Texas. Hon. Richard Huffman, Hon. Michael Nash and others joined teams from other states to plan dependency court improvement.

Highlights from the Study of California Class Action Litigation: Staff presented at the American Bar Association's 13th Annual Institute on Class Actions and released the second in its new series of reports to inform the court community about significant empirical trends in the California courts. The most recent AOC *DataPoints* publication summarizes findings from the Study of California Class Action litigation. (*Page 19*)

Advisory Committee, Task Force, and Working Groups -- (*beginning on page 11*): *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 October meeting:

1. Bench Bar Media Committee

2. Court Executives Advisory Committee and Conference of Court Executives
3. Court Technology Advisory Committee
4. Elkins Family Law Task Force
5. Family and Juvenile Law Advisory Committee
6. Governing Committee of the Center for Judicial Education and Research
7. Task Force for Criminal Justice Collaboration on Mental Health Issues
8. Trial Court Presiding Judges Advisory Committee Executive Committee

Education and Training Programs — since the October report (*beginning on page 20*): *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. Basic Felony Sentencing
2. Criminal Law Orientation
3. Dependency Law Overview
4. Design Workshop for Judicial Courses
5. Faculty Development Fundamentals for Institute for Court Management
6. Family Law Overview
7. Presiding Judge and Court Executive Management Program
8. Qualifying Judicial Ethics Training
9. Violence Against Women Education Project

Court Employees

10. AB 1058 Child Support Program
11. Americans With Disabilities Act & Access to the Courts (regional training for trial and appellate courts)
12. Appellate Judicial Attorneys Institute
13. Death Penalty Procedures (regional training)
14. Family Dispute Resolution (for Family Court Services managers, directors, supervisors, family court mediators and evaluators)
15. Institute for Court Management Program
16. New Laws Workshop (for court staff)
17. Labor Relations Forums
18. Teamwork and Collaboration Course
19. Trial Court Judicial Attorneys Institute

Tribal Projects Training

20. Accessing Justice Through State Courts: Barriers & Strategies

21. Indian Child Welfare Workgroup and Permanency and Curriculum subcommittees
22. American Indian Enhancement Team for the California Disproportionality Project

Broadcasts

23. Continuing the Dialogue: The Neuroscience and Psychology of Decision-Making
24. Introduction to Prison Abstracts (for court staff)
25. PJ/CEO Roundtable: Ethical Leadership in the Court
26. Preventing and Responding to Sexual Harassment (all new program for managers and supervisors)

Online Resources

27. Monthly Interactive Article and Quiz (for judges)
28. Electronic Newsletter on Foster Care Reform
29. Stopteendui.com

Publications

30. *Judicial Education Course Catalog* containing descriptions of more than 70 courses available for local delivery (also available on Serranus).

New Handbooks

31. On-Call Duty Binder for Judges

Updated Benchbooks

32. Discovery
33. After Trial
34. Search and Seizure

Additional Detail on Summary Items

Advisory Committees/Task Forces/Working Groups

Bench Bar Media Committee Meeting

- Identified and discussed critical issues involving media access, conflict resolution, and education initiatives involving the media, bench, and bar.
- The committee will propose recommendations to the Judicial Council regarding gag orders, orders to seal records, the use of cameras in the courtroom, and other media access issues.
- The committee expects to release its draft report in late 2010 for public comment.

Court Executives Advisory Committee and Conference of Court Executives

- Reviewed public comments on the draft rule of court on public access to court records,
- Heard an overview of the Community Corrections Project and the responsibilities the AOC has taken on in the area of criminal justice community corrections programs,
- Discussed Assembly oversight committee hearings, update on the Superior Court Executive Compensation Study.
- Reviewed the new Web access policy for the Serranus site.

Court Technology Advisory Committee

- Actions taken regarding e-business, electronic notification and the use of media for court records.
- Updated and approved committee work plan.
- CCMS update presented including details of the planned court deployments of the CCMS-V3 R10 electronic filing module in December. The CCMS-V4 update emphasized completion of the core application design, commencement of integration testing, and strategies for deployment planning and funding.
- Justices Chin and Bruiniers debriefed members on the national Court Technology Conference, including presentations by faculty from California courts and the AOC; and trends and court technology projects under way across the nation. The discussions served to illustrate the complexity of the CCMS project, how critical collaboration is to its success, and the growing role of technology in these challenging budget times.
- Rules and Policy Subcommittee approved two recommendations to CTAC regarding e-business and the modernization of court records:
 - Endorse the proposal to amend Code of Civil Procedures section 1010.6 and recommend that the Judicial Council sponsor it as legislation. The amendment would make the statute on electronic filing and service more flexible and effective. The statute currently authorizes service by the electronic transmission of documents, but not by providing notice to other parties that a document is served and providing a

hyperlink to the document. This proposal would authorize electronic service by providing notice and a hyperlink as well as by the electronic transmission of a document. The proposal would also clarify that all types of documents—not just notices and accompanying documents—may be served electronically. This proposal responds to changes in technology and the use of technology, filling a need not addressed by current law.

- Co-sponsor the proposal to amend Government Code §§ 68150 and 68151 and present to the Judicial Council for sponsorship. This proposal is to modernize court records by amending the noted Government Codes to authorize courts to create, maintain, and preserve records in any form, including paper, optical, electronic, magnetic, micrographic or photographic media or other technology provided that the form satisfies standards or guidelines.

Elkins Family Law Task Force

- Circulated for public comment over 100 draft recommendations from October 1 through December 4.
- Recommendations widely disseminated through e-mail and by member and staff attendance at meetings hosted by various organizations throughout the state.
- Held two public hearings (San Francisco and Los Angeles) to provide opportunities for the public to speak directly to the task force about the recommendations.

Family and Juvenile Law Advisory Committee

- Provide orientation for new members and discussed annual agenda process.
- Provided updates on the Protective Orders Forms Working Group, Beyond the Bench conference, and new tribal projects.
- Discussed Elkins Family Law Task Force recommendations and upcoming legislative and rule proposals.

Governing Committee of the Center for Judicial Education and Research

- Approved proposal for substantial change in the roles and structure of the Governing Committee, its education committees, and Education Division staff.
- Committee members indicated their preferences for assignment as liaisons to Judicial Council Advisory Committees and Task Forces.
- Received report from the Education Division Director with an update on the impact of budget reductions on education programs and progress on the development of alternative delivery of content from the cancelled live programs.
- Provided update on the Judicial Council's approval of committee's proposal to amend the education rules regarding education on domestic violence (Cal. Rules of Court, rule 10.464, adopted effective January 1, 2010).
- Provided orientation for new committee members.

Task Force for Criminal Justice Collaboration on Mental Health Issues

- Several task force members met with the Director of the California Department of Mental Health and directors of Napa, Patton, and Atascadero State Mental Hospitals regarding availability of in-patient treatment for individuals found incompetent to stand trial.

Trial Court Presiding Judges Advisory Committee Executive Committee

- Proposed recommendations for the Elkins Family Law Task Force,
- Reviewed public comments on the draft rule of court on public access to court records
- Discussed:
 - Allocation and funding practices for the assigned judges program in 2010
 - Strategies to help communicate with the Legislature in a united voice
 - Impact on court operations of current and future budget reductions,
 - Update of the Joint Working Group on Jury Administration and proposed efforts to advocate for the reduction of peremptory challenges and panel sizes
 - Resources for court self-assessment of Self-Help Centers
 - Federal stimulus funding available for certain probation services and reentry court programs

Administrative Office of the Courts

Administrative Infrastructure Initiatives

Facilities

Transfers:

- The Orange County Board of Supervisors approved the transfers of responsibility for the Laguna Hills and Irvine Storage facilities.
- The Ventura County Board of Supervisors approved the transfer of responsibility for the Juvenile Justice Center. With the transfer of this facility, all transfers of court facilities located in Ventura County have been completed.
- San Diego County Board of Supervisors also approved the transfer of the County Courthouse, Old Jail, and Stahlman block and is currently on the calendar for the December 14, 2009 SPWB meeting. The San Diego courthouse is the largest project that will be funded by SB 1407.

Lease Acquisition:

- 16 new leases and licenses have been executed.
- Ongoing work includes 61 lease transactions, for both revenue and expense leases.

Capital Projects:

- Five additional SB 1407 courthouse projects were approved for funding authorization when the State Public Works Board met on December 14, 2009:
 - Kings – Hanford Courthouse – 12 courtrooms
 - El Dorado – Placerville – 6 courtrooms
 - Siskiyou – Yreka – 6 courtrooms
 - Mendocino – Ukiah – 9 courtrooms
 - Los Angeles – Glendale – 8 courtrooms

- The State Public Works Board (SPWB) authorized acceptance of real property through a transfer of title for four court facilities:
 - Clara Shortridge Foltz Criminal Justice Center and San Pedro Courthouse, Los Angeles
 - Marina Courthouse, Monterey
 - New Watsonville Courthouse, Santa Cruz

- The SPWB approved six more transfers on December 14, 2009:
 - Metropolitan Courthouse, Los Angeles County
 - Stanley Mosk County Courthouse, Los Angeles County
 - Van Nuys East Courthouse and Parking Structure, Los Angeles County
 - Kearny Mesa Traffic/Small Claims Courthouse, San Diego County
 - North County Regional Center Vista Center, San Diego County
 - San Diego County Courthouse, San Diego County

Implementation of Senate Bill 1407: SPWB approved six new courthouse projects under the new process established by SBx2 12 (continuous appropriation). The following projects are approved for scope, cost and schedule, site acquisition, and preliminary plans:

- Central San Diego courthouse – 71 courtrooms (the largest project to be funded by SB 1407)
- Los Angeles – Santa Clarita – 4 courtrooms
- Inyo – Independence – 2 courtrooms
- Tuolumne – Sonora – 5 courtrooms
- Kern – Delano – 3 courtrooms
- Merced – Los Banos – 2 courtrooms

AOC real estate staff are now conducting market surveys for these new projects.

- ***The Fourth District Court of Appeal building in Santa Ana*** has won an Award of Merit in the Government/Public category of California Construction's Best of 2009. It will appear in the December issue of the magazine, which is published by McGraw-Hill.

- ***New Madera Courthouse:*** Discussed as an informational item at the SPWB meeting, the board had no objections with the Department of Finance allowing the AOC to proceed with schematic design on Madera while site issues are being completed as scheduled, thus averting a potential delay of over one year.
- ***Tulare-Porterville Courthouse:*** Close of escrow for land acquisition scheduled for mid-December. Anticipated CM@Risk selection scheduled for the end of calendar year 2009.
- ***Riverside-Mid County Courthouse:*** Site closed escrow in November.

Facility Management: The Harbor Justice Center in Newport Beach became the first court facility in Orange County to transition to AOC management. The court occupies 84 percent of space in this 111,000 square foot facility.

Computer-Aided Facilities Management (CAFM): This Web-based program in use by the AOC allows court personnel, AOC staff, and third-party contractors to access real-time data on building design, construction, operations, and maintenance. 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. The sixth and final planned module of the suite, Real Property Management, is designed to aid lease and owned property administration, and is currently in development.

Risk Management:

- The AOC continues to assume growing responsibility for indoor air quality and hazardous material management evaluation tasks. In October, indoor air quality evaluations were completed at the San Francisco Hall of Justice and the 4th District Court of Appeal, and asbestos material management reviews were completed at Long Beach and Pomona Court buildings.
- Renewals of the Court business property and crime insurance programs also were completed, without a rate increase this year and with improved coverage grants in both programs. Since the program was first offered in 2007, 42 superior courts and 2 courts of appeal have insured their business property through the program, and crime insurance is provided to the AOC, the Supreme Court, all courts of appeal, and 42 superior courts.

Technology

California Courts Technology Center (CCTC): During the annual technology center freeze from December 21, 2009 through January 7, 2010, no changes can be made to systems and applications hosted in the CCTC, with the exceptions of emergency change requests.

CCTC Network Diversity Project –

- The new data network diversity project is a four-phased project to address issues in the current data center network infrastructure model that have surfaced as outages. The model is based on circuits from multiple regional network vendors that transport data between courts and data centers. Issues due to a lack of diversity, single access, and multiple vendors have surfaced as outages.
- The AOC, and the technology center vendor, SAIC, with AT&T identified a new infrastructure solution not available during last year's transition to address these problems. This project will be implemented in four phases, from migration to the new vendor at the CCTC Tempe facility to converting courts to updated circuits. Existing and new circuits can co-exist with no conflicts, eliminating any downtime. Planned completion dates are in the Q2–Q3 2010 timeframe.
- There will be no cost to the courts for the installation and migration; court testing support is required.

Court Case Management System (CCMS)

Product Development and Deployment: 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.

Outreach: CCMS Outreach Activities included product demonstrations and presentations to:

- Criminal Law Advisory Committee
- Presentation to Annual Presiding Judges Orientation and Court Management Program
- 13th Annual AB 1058 Training Conference
- AOC Assistant Division Director's
- CCMS demonstrations to Justice Chin at Orange Superior Court
- Chief Justice and Judicial Council visit to the CCMS project site at Deloitte Consulting, and CCMS-V3 demonstration at Orange Superior Court.

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.

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 development contract was awarded to 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 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 was rescheduled to April 2010 to accommodate architectural and technology center requirements. General availability is targeted for three months after the start of the pilot.

Technology Network Update

- *Technology Refresh* - This project is to refresh network technology in 45 courts to maintain network standards and emerging network needs for new enterprise applications.
- Eighteen courts have completed the network technology refresh; two courts declined participation, and two courts were put on hold, pending a change in the security monitoring program.
- Of the 45 courts, 18 contain a WI-Fi augmentation of their network infrastructure providing better public access to the Internet and flexibility for staff.
- Vendor partner AT&T, who provides security monitoring services for all courts participating in the program, no longer requires the courts to own their security appliances; instead they are provided as part of the service. The effect on the courts is a savings in maintenance costs on the equipment in question. This change was announced in early December and will be rolled out to a pilot group of courts in the next quarter.

Judicial Branch Efficiencies and Cost-Savings Roundtable Meetings:

Meeting Outcomes – Follow-up on earlier e-update to council members

Criminal Case Efficiencies and Cost Savings Meeting

- Chaired by Justice Steven Perren, Second District Court of Appeal, meeting participants included representatives of the trial courts, Department of Justice, prosecutors and defense attorneys, probation departments and county sheriffs. The group discussed several areas of common interest, and identified some proposals that would improve efficiencies in the system and warranted further exploration.
- There was significant discussion about expanding the use of video-conferencing in criminal cases, including appearances by defendants and attorneys. Sheriffs and prosecutors support further exploration of expanded use of this technology; the defense bar is generally opposed but agreed to consider limited expansion with defense consent.

- Participants shared the view that coordinated statewide electronic access to information can be a source of improved efficiencies for both courts and practitioners. Improved data sharing between the courts and all of their justice partner agencies would, for instance, allow probation officers to receive court orders sooner and to more expeditiously transmit their reports to the courts. Other participants described advantages of having electronic access to, for example, police reports, motions, and even the whole case file.
- Participants agreed to look at the specific low-level misdemeanor offenses to see whether they could be reclassified as either infractions or wobblettes.
- There was unified opposition to making substantive changes in the jury system. Participants discussed reducing the number of peremptory challenges and reducing the number of jurors in certain misdemeanor cases. Both prosecutors and defense representatives strongly opposed changes in the number of peremptory challenges in criminal cases. Too much is at stake, they argued, to give up this tool for efficiency's sake, and both the prosecution and defense regretted that they would not support this issue or consider being involved in further development of the proposal. Defense representatives strongly opposed reducing the number of jurors in misdemeanor cases.
- Staff will next bring smaller groups of the criminal justice partners together to continue developing those concepts on which there was agreement to continue exploring, e.g., improving day-to-day case processing practices; reclassification of some low level misdemeanors; expanded use of video appearances; and improved electronic access and data sharing.

Civil Efficiencies and Cost Savings Meeting

- Chaired by Justice Richard Aldrich, Second District Court of Appeal, meeting participants included representatives from the trial courts, the plaintiffs bar and the defense bar.
- Plaintiffs and defense bar representatives agreed to discuss further with their members a number of fee proposals, e.g.:
 - Imposing a filing fee on each plaintiff in multi-party cases, similar to that which is imposed currently on defendants;
 - Increasing the filing fee for pro hac vice appearances;
 - Increasing the fee for summary judgment motions;
 - Increasing complex litigation fees; and
 - Increasing the fee for telephone appearances, a portion of which would go to court operations.
- In addition, representatives identified several other potential civil reforms for further discussion to see if they might be able to achieve consensus on some of these issues, including:
 - Streamlining discovery;
 - Revisiting permitting partial summary judgment motions; and

- Rather than change jurisdictional limits for limited cases, consider instead designating cases as simplified, regular, or complex irrespective of amount in controversy, with streamlined processes and earlier dates for simple cases.
- The civil efficiencies group also identified some areas that have been referred to the Civil and Small Claims Advisory Committee for further study, including development of an expedited jury trial program (modeled after Summary Jury Trial program in South Carolina), and reducing unnecessary court appearances.

Highlights from the Study of California Class Action Litigation: The report found that:

- Although unlimited civil filings declined by almost 20% between 2000 and 2005, class action filings increased by over 60 %;
- Employment and business tort cases were the most frequently filed class action case types representing about one half of the total class action filings;
- The claim basis of employment class actions focused primarily on Labor Code Section 1194 although a growing number of cases used Labor Code Section 512;
- A plurality of cases filed as class action settle (33 %) although another 29 percent are dismissed with and without prejudice;
- The federal Class Action Fairness Act appeared to result in a slight decline in the number of class action filings in California.
- <http://www.courtinfo.ca.gov/reference/documents/datapoints-classactionlit.pdf>

Best Practices Initiatives

Launch of the CalCourTools Program: The CalCourTools performance metrics are grouped into three broad categories include:

- Caseflow management, including measures of:
 - Clearance Rate
 - Time to Disposition
 - Age of Active Pending Caseload
 - Data Quality and Case File Integrity
- Court management, including measures of:
 - Effective use of jurors
 - Collection of monetary fines & fees
- Court culture surveys, including:
 - Survey of access and fairness;
 - Survey of employee satisfaction.

For more information, see: <http://serranus.courtinfo.ca.gov/programs/courtresearch/cct.htm>

Education Programs

Judicial Education

Basic Felony Sentencing: A one-and-a-half-day course designed for all criminal law judges and those seeking to meet rule of court requirements pertaining to an experienced judge changing assignments. This course begins with single-count felony/probationary sentencing concepts and then explores more complex sentencing issues that arise in multiple-count or multiple-case sentencing.

Criminal Law Orientation: This course, designed to meet the education requirements pertaining to a judge's or subordinate judicial officer's primary assignment, addresses procedural and substantive law governing criminal cases from arraignment through post-trial, and focuses on common, problematic issues confronting the courts and practical solutions.

Dependency Law Overview: This four-and-a-half-day program provided mandated education credit for new and experienced judges and subordinate judicial officers new to or returning to a dependency law assignment.

Design Workshop for Judicial Courses: This curriculum included design, methods development, and technology for judges in juvenile and family assignments and mediators preparing education programs for the winter and spring.

Family Law Overview: A four-and-a-half-day program provided mandated education for new and experienced judges and subordinate judicial officers new or returning to a family law assignment.

Presiding Judge and Court Executive Management Program: The annual two-and-a-half-day program offered a unique opportunity for court leadership to discuss and reflect on their individual and collective leadership responsibilities. Over 70 participants attended this year's institute. The program addressed how to handle difficult conversations, respective roles and responsibilities, and local and statewide technology and fiscal management. Other program areas included learning about the Commission on Judicial Performance and roundtable discussions about how to effectively lead in the current economic climate.

Qualifying Judicial Ethics Training: Core ethics classes were held in the three regions.

Court Employees

AB 1058 Child Support Program: This annual training for child support commissioners, family law facilitators, court clerks, paralegals and accounting and administrative staff was attended by 375 people, including staff from the California Department of Child Support Services and local child support agencies. Attendance meets mandatory training requirements for Child Support Commissioners, Family Law Facilitators and Court Clerks. Grant funding covered the conference costs.

Appellate Judicial Attorneys Institute: The two-day program provided mandated education for appellate judicial attorneys. Course offerings included sessions Neuroscience and the Empirical Psychology of Decision-making and Fairness.

Death Penalty Procedures (*for legal and office counter clerks, and court managers and supervisors*): A one-day regional session with course topics 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.

Family Dispute Resolution: The AOC provided mandatory training for 240 Family Court Services family mediators and evaluators, and their managers, directors, and supervisors at six regional locations. A segment of each training focused on the Elkins Family Law Task Force and its recommendations. These trainings incorporated numerous cost saving measures to minimize training expense, travel costs, and time away from court.

Institute for Court Management (ICM) Program: In 2009, eight classes were offered to over 200 court and AOC personnel. As part of a consortium agreement with ICM and six other states, the AOC was able to bring these national educational courses to California. The following courses were offered this year:

- Fundamental Issues of Caseflow Management
- Court Performance Standards: CourTools
- Managing Court Financial Resources
- Purposes and Responsibilities of Courts

Faculty Development Fundamentals for ICM Courses: This two-part course covered the basics of design, development, and delivery for faculty who will be offering ICM courses for trial and appellate court participants.

Labor Relations Forums: Forty-nine courts were represented at three regional labor relations forums. Topics included court closure days, furloughs and layoffs; budget

update; legal update and review of the new statute governing responses to Requests for Information; a legislative update; and a discussion with courts that have modified their MOUs prior to expiration due to the budget crisis.

New Laws Workshops:

- Co-sponsored by the AOC and the California Court Association Legislation Committee since 2005, these workshops are designed to provide assistance to trial court staff with the development of court procedures necessary to implement newly-enacted laws that directly affect trial court operations.
- Instead of meeting in three in-person, all-day sessions around the state, the workshops incorporated Web-Ex technology, online videos, and teleconferencing to reach more courts statewide, while minimizing travel and training costs to the superior courts and the entire judicial branch. Fifty-five courts and an estimated 900 court staff participated in the nine Web cast sessions over the two-day period.
- The nine 60-minute "Webinars," covered newly-enacted legislation in three broad areas: (1) civil law and small claims courts; (2) criminal and traffic laws; and (3) new family, juvenile, and probate-related laws. During the Webinars, the workshop faculty fielded questions on the new laws that were submitted in advance by court staff. The faculty also provided immediate responses to questions and issues raised during the sessions by the workshop participants.

Teamwork and Collaboration: This two-hour course on collaboration and teamwork for appellate court managers, supervisors, and staff focused on improving communication skills and increasing understanding of the impact of miscommunication.

Trial Court Judicial Attorneys Institute: This two-day program provided mandated continuing education credit for trial court judicial attorneys. Courses included civil, criminal, employment and constitutional law updates, first time course offerings in family and probate law, courses addressing the current economy on foreclosure and bankruptcy issues, dissolution of partnerships and small corporations, and a forum for peer discussion on helping judges serve justice.

Tribal Projects Training

Accessing Justice through State Courts -- Barriers & Strategies: Staff presented a workshop in San Diego at a national conference that seeks to promote strategies for tribal and state agencies to address violence committed against American Indian and Alaskan Native women in P.L. 280 states.

Indian Child Welfare (ICWA) Workgroup: Staff participated in the working group meeting and as well meetings of the Permanency and Curriculum subcommittees.

American Indian Enhancement Team for the California Disproportionality Project: Staff served as volunteer faculty for this collaboration with the Casey Family Programs, the Annie E. Casey Foundation, and the California Department of Social Services to support the work of California counties and the state in eliminating racial disproportionality and disparities in child welfare. The initiative, which began in July 2008, will continue through the end of the fiscal year.

Broadcasts

Continuing the Dialogue; the Neuroscience and Psychology of Decision-Making: The creation of this broadcast was made possible by a grant from the National Center for State Courts. Twelve experts discussed emerging and well-settled research in neuroscience and social psychology, describing how unconscious processes may affect decisions. The show specifically reviewed the latest neurological and neuropsychological research that uses Magnetic Resonance Imaging (MRI's) to show how the brain reacts when different images are presented.

Introduction to Prison Abstracts (*for court staff*): This revised two-hour broadcast for managers and supervisors on Preventing and Responding to Sexual Harassment now includes eight new vignettes and new interactive exercises

PJ/CEO Roundtable: Ethical Leadership in the Court: A 45-minute encore presentation where court leaders from around California identified and explored ethical issues of concern to presiding judges and court executive officers and analyzed implications for the fair administration of justice and effective management of the courts.

Online Resources

Electronic Newsletter on Foster Care Reform: The first two issues of Foster Care Reform Update – a Briefing for County and Statewide Collaborations, an electronic newsletter, were launched by the AOC's Center for Families, Children & the Courts. *FCR Update* highlights the work of local Blue Ribbon Commissions on Foster Care, and other activities related to implementing the state Commission recommendations. <http://www.courtinfo.ca.gov/jc/tflists/brc-newsletter0909.htm>

Stopteendui.com: A Web site designed to educate teens and parents about the dangers of substance use and driving under the influence, received nearly 2500 hits over the last two

months. Staff partnered with the California Office of Traffic Safety to develop the site. <http://www.stopteendui.com>

Publications

The first edition of the *Judicial Education Course Catalog* containing descriptions of more than 70 courses available for local delivery was mailed to courts. These courses reflect the hard work of the Education Committees in developing curricula and will provide cost-effective and convenient educational opportunities during these times of financial crisis. The catalog is also available on the Serranus website.

On-Call Duty Binder for Judges summarizes duties when acting on requests for search warrants and emergency protective orders and reviewing probable cause declarations after warrantless arrests, while serving as on-call magistrate on nights and weekends.

2009 Cumulative update to California Judges Benchbook, Search and Seizure (2nd ed): features new case developments through August 2009, including the 2008–2009 term of the U.S. Supreme Court; it also covers legislation through 2008.

JUDICIAL VACANCY REPORT

Number of Judgeships Authorized, Filled and Vacant as of November **30, 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	1643	1528	65	50*	1535	108
All Courts	65	1755	1637	118		1644	111

*Authorized January 1, 2008, 50 new (AB 159) judgeships are added. However, the funding for these 50 new (AB 159) judgeships has been deferred and has not yet been provided.

***As of October 31, 2009

New Vacancies that occurred in November 2009

APPELLATE COURTS

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
Second Appellate District, Division Eight	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			

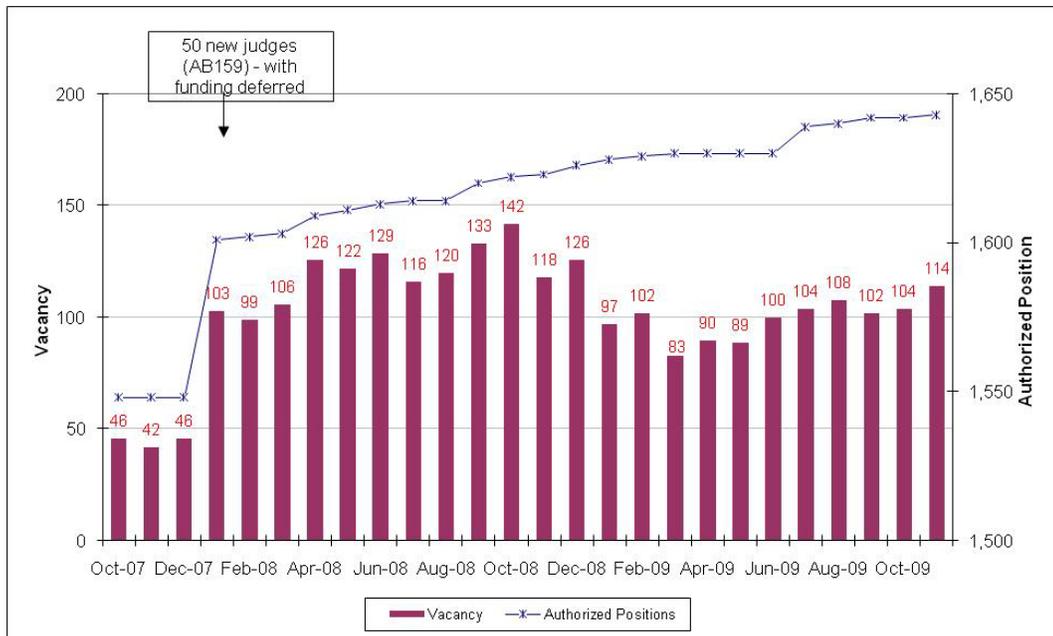
SUPERIOR COURTS

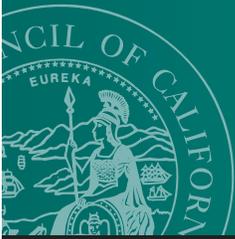
County	Vacancies	Reason for Vacancy	Judge to be Replaced or New Position	Last Day In Office or Effective Date of New Position
Alameda	1	Deceased	Hon. Barbara J. Miller	11/06/09
Contra Costa	1	Elevated	Hon. Terence L. Bruiniers	07/29/09
Imperial	1	Dis Retirement	Hon. Annie M. Gutierrez	07/10/08
Kern	2	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
Lake	1	Retirement	Hon. Arthur H. Mann	11/02/09
Los Angeles	16	Retirement	Hon. Brett Carroll Klein	11/30/09
Los Angeles		Retirement	Hon. Bob T. Hight	10/31/09
Los Angeles		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
Merced	1	Retirement	Hon. Frank Dougherty	11/24/09
Monterey	4	Retirement	Hon. Jonathan R. Price	11/14/09

Monterey		Retirement	Hon. Richard M. Curtis	10/30/09
Monterey		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	2	Retirement	Hon. Christopher J. Sheldon	10/23/09
Riverside		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
San Joaquin	2	Retirement	Hon. Thomas M. Harrington	11/27/09
San Joaquin		Retirement	Hon. F. Clark Sueyres, Jr.	11/01/09
San Mateo	1	Retirement	Hon. Carl W. Holm	10/31/09
Santa Barbara	2	Converted	New Position	09/20/09
Santa Barbara		Converted	New Position	07/01/09
Santa Clara	7	Retirement	Hon. Jack Komar	10/31/09
Santa Clara		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	2	Converted	New Position	10/25/09
Sonoma		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	65			
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	115			

Number of Judgeships Authorized, Filled and Vacant as of the End of Each Month, from October 2007 through November 2009								
Month	Superior Court				Court of Appeal			
	Authorized	Filled	Vacancy	Vacancy Rate	Authorized	Filled	Vacancy	Vacancy Rate
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%
Oct-09	1,642	1,538	104	6.3%	105	102	3	2.9%
Nov-09	1,643	1,529	114	6.9%	105	102	3	2.9%





HIGHLIGHTS FROM THE STUDY OF CALIFORNIA CLASS ACTION LITIGATION

By Hilary Hehman

DataPoints is produced by the AOC Office of Court Research to inform the court community about empirical trends in the California judicial branch.

For additional information on class action litigation in California:

www.courtinfo.ca.gov/reference/caclassactlit.htm



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Class action lawsuits are often the focus of policy and practice discussions due to their controversial nature and impact on court workload. Unfortunately, even basic information on class action litigation in California is difficult to acquire because data specific to these cases are not collected in trial court case management systems.

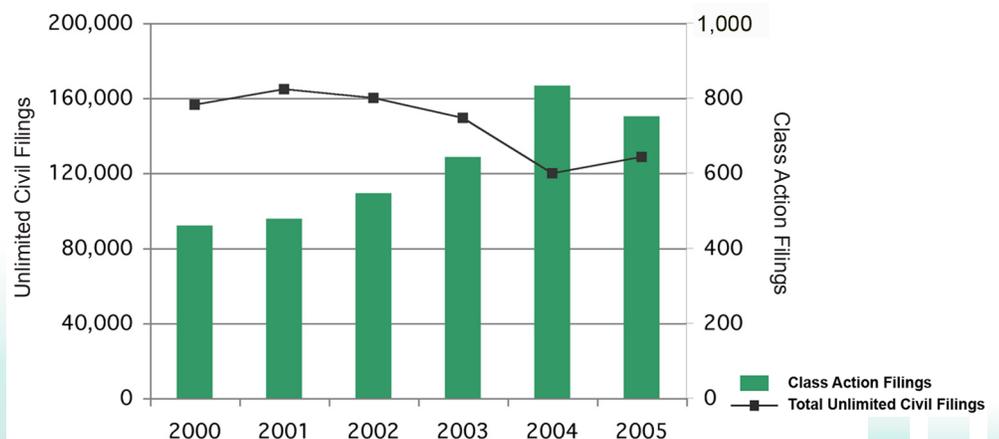
The Office of Court Research initiated the Study of California Class Action Litigation to overcome this lack of data and contribute to a more rounded dialogue about class action litigation and its effect on the court system. Through the study, data from over 1,500 class action cases filed between 2000 and mid-2006 were compiled through case-file review, resulting in the most comprehensive examination of California class action litigation to date.

This release of DataPoints provides highlights from the first interim report on class action litigation. Further detail about the Study of California Class Action Litigation and the full report on which this summary is based can be found at www.courtinfo.ca.gov/reference/caclassactlit.htm.

Filings Analysis

Study courts reported a total of 3,711 class action cases filed between 2000 and 2005. Filings steadily increased by 81% in the first five years of the study. However, the number of filings fell 9.8% between 2004 and 2005, which may be attributable to changes instituted by the Class Action Fairness Act of 2005. It will be necessary to update the data for the ensuing years to determine if the filings decline continued after 2005.

Figure 1. While total unlimited civil filings declined during the study period, the subset of class action filings increased by 63 percent



The increase in the number of class action cases filed from 2000 to 2005 stands in sharp contrast to the trend in unlimited civil filings during the same period, which show an overall decrease. Total unlimited civil filings decreased 17.8% between 2000 and 2005 in comparison to the 63.3% increase in class action filings.

Case Type Analysis

Employment and business tort cases are the most frequently filed class action case types in California, comprising more than half of all cases reviewed. Employment cases represented a yearly average of 29.3% of all class actions cases. Business tort cases represented a yearly average of 27.4% of filings during the same period.

Employment filings showed the most growth, increasing by 313.8% between 2000 and 2005. In contrast, business torts filings increased during the first two years of the study before declining in 2002.

Primary Claim Base Analysis

As part of the case-file review, the data collection captured the claims listed in the block caption on the face of each class action complaint. These claim bases list any statutory violations and other foundations for suit and offer a means of analyzing the general statutory base or legal theory at play in the case.

Over half of employment cases cited violations of the California Labor Code relating to overtime pay and general wage violations. On average, 31.5% of the cases referred to violations of the California Labor Code Section 1194 and 20.7% referred to a generalized wage violation. The analysis also shows that usage of California Labor Code Section 512 relating to meal and rest breaks greatly increased in 2003 following the successful use of this claim base in a series of cases against Wal-Mart Stores starting in 2002. 10.5% of employment class action cited this code section as a primary claim base in 2003 in comparison to zero in 2002.

Figure 2. Employment

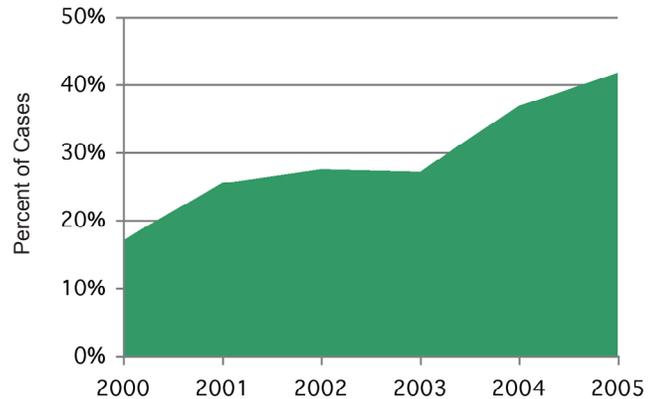
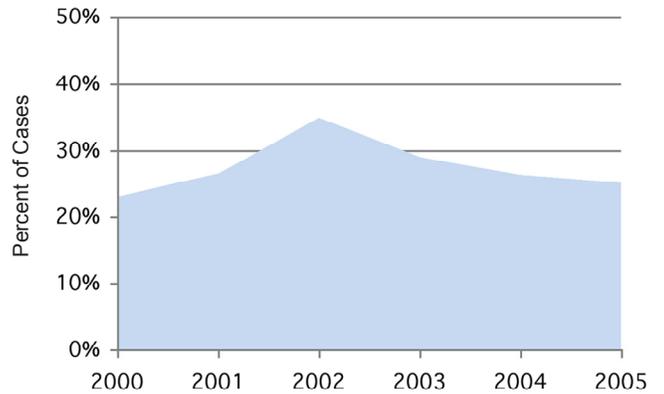
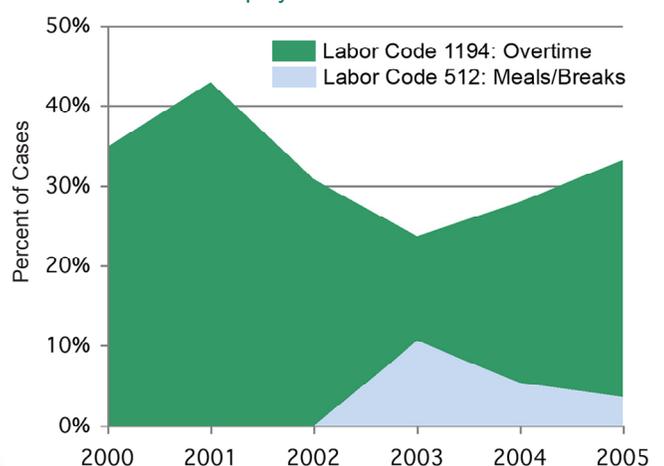


Figure 3. Business Torts



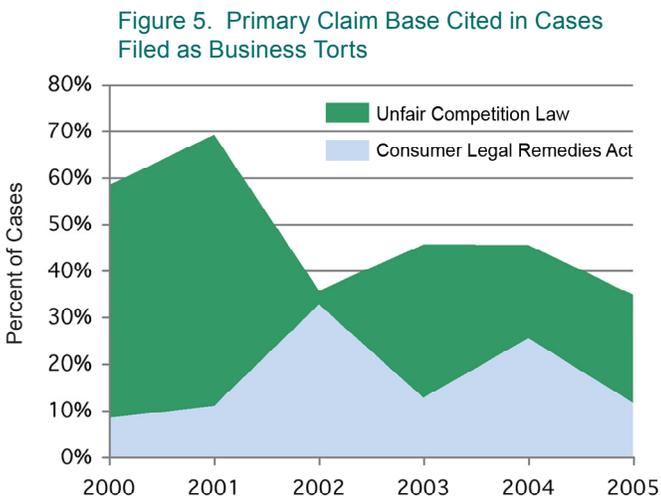
Combined, Employment and Business Tort cases represent over half of all class action cases filed in the study courts

Figure 4. Primary Claim Base Cited in Cases Filed as Employment



The California Business and Professions Code Section 17200 et seq., also known as the Unfair Competition Law (UCL) was the most commonly-cited claim base in class action cases filed as business tort. On average, the UCL was used in 45.6% of all business tort cases filed in the study sample. This percentage reached a peak in 2001 wherein 69.1% of all business torts filed cited the UCL as the primary claim base of the suit.

Use of the Unfair Competition Law decreased sharply in 2002 and again between 2004 and 2005 after California Proposition 64 changed the law to include more stringent standing requirements for suit. Although Proposition 64, passed in 2004, was intended to curb the use of the UCL, it appears that Attorney General action against the misuse of the UCL in 2004 actually led to a substantial decline in its use prior to the passage of Proposition 64. Plaintiffs appear to have substituted the Consumers Legal Remedies Act as the primary claim base for the UCL in 2002 and 2004.



Disposition Analysis

Table 1. Frequency of Dispositions for all Disposed Class Action Cases in the Sample

Dispositions	n	% of Total Dispositions
Settlement	413	31.9%
Dismissed with prejudice	217	16.8%
Dismissed without prejudice	163	12.6%
Coordinated	141	10.9%
Removed to federal court	121	9.4%
Consolidated with another case	120	9.3%
Summary judgment for defendant	50	3.9%
Transferred	40	3.1%
Other disposition	12	0.9%
Trial verdict	9	0.7%
Stayed	6	0.5%
Interlocutory appeal	2	0.2%
All Disposed Cases	1,294	100.0%

Settlements were the most common type of disposition in study cases, representing 31.9% of all dispositions in cases filed as class actions. However, the settlement rate skyrockets to 89.2% if the disposition analysis is confined to cases that had a certified class. Class action cases rarely proceed through trial to a verdict. Only 9 study cases ended in a verdict after trial and only 2 of these reached verdicts with a certified class. Overall, it is extremely uncommon for certified class actions to reach a trial verdict in California.

Construction defect, employment, and securities litigation class actions have the highest settlement rate with percentages that are well above the overall average for all casetypes combined.

31.9% of cases filed as class actions in the study settled.

89.2% of the cases that had a certified class settled.

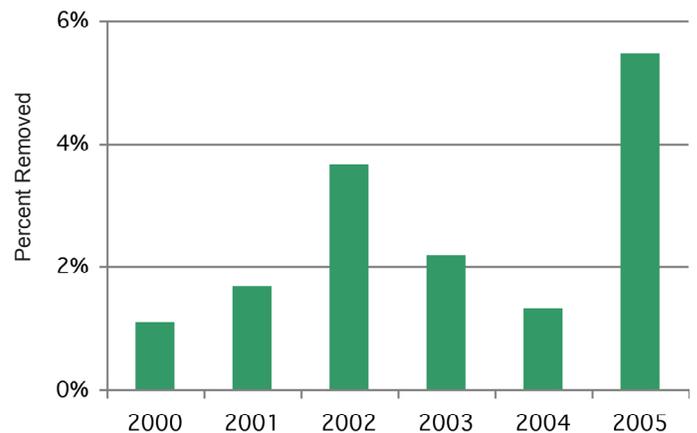
Impact of Class Action Fairness Act

41 cases were permanently removed to federal court in 2005 after CAFA took effect as compared to only 11 cases removed in 2004. The overall removal rate in California prior to CAFA was 6.6%. Post-CAFA, this removal rate increased to 19.2%. However, the post-CAFA removal rate increase does not significantly affect the class action caseload in California as the absolute number of cases removed to federal court remains low as a percentage of the statewide total.

The study also highlights that class action litigation does not lend itself to a traditional trend and long-term behavior analysis that is common for other types of litigation, for several reasons. First, class actions are relatively rare, and a small change in absolute numbers in this area translates to a large variation in the overall percentage in an analysis. Second, the field of class action practitioners is small and active which cultivates rapid change in the data as attorneys chase the latest successful claims, case outcomes, or litigation strategies.

Lastly, the trends and tendencies that do exist in class action data often exist on a local level, and a statewide analysis of class action data can obscure some of the more interesting behavior.

Figure 6. Cases permanently removed to federal court, as a percent of yearly class action filings



Business intelligence is the merger of data and analysis in support of organizational goals. The Office of Court Research produces business intelligence for the California judicial branch to inform strategic planning, policy development, and program evaluation. For more information, visit us at www.courtinfo.ca.gov/reference/resandstats.htm.

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