



**NEWS RELEASE**

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## **Supreme Court Issues Annual Report on Workload Statistics for 2011-2012**

### *Opinions Increase Slightly*

San Francisco—The California Supreme Court today released its annual workload statistics for the period from September 1, 2011, through August 31, 2012, the official court year for statistical purposes. The court releases these statistics following the usual interval in July and August during which the court does not regularly calendar oral argument. These figures are not the same as those released as part of the statistics report for the entire branch, which are based on the fiscal year. During the months in which no oral argument is held, the court continues to issue opinions in matters argued at the court's oral argument sessions in April, May and June, and to hold its regular weekly conferences at which it decides which cases to grant for review. The court resumed oral argument on September 4, 2012.

Overall, the number of opinions issued by the court increased from 86 last court year to 97 in 2011-2012. During the same period, the total number of petitions for review and filings in original proceedings decreased. This was the first full court year for Chief Justice Tani Cantil-Sakauye. Associate Justice Goodwin Liu joined the court on August 31, 2011, sitting for his first oral argument calendar six days later. Justice Liu filled a vacancy that had been created by the retirement of Justice Carlos Moreno at the end of February 2011; Court of Appeal justices served on assignment to fill Justice Moreno's seat for the cases heard during the balance of the 2010-2011 court year. The presence of a new permanent justice is reflected in the increase in the number of opinions filed.

The continuing impact of staff furloughs in the Supreme Court and the Courts of Appeal, and substantial budget reductions throughout the branch also may be affecting the flow of cases through the system. Staff at the Supreme Court and Courts of Appeal are in their fourth year of one day of furlough each month.

### **OPINIONS FILED**

#### *Including Death Penalty Appeals and Related Habeas Corpus Petitions*

In the 2011-2012 court year, the Supreme Court filed opinions in a total of 97 cases, of which 27 involved civil cases, 43 involved noncapital criminal cases, and 27 resolved automatic appeals arising from judgments of death. The number of opinions filed in death penalty appeals was one

more than had been filed in the previous court year; the number of opinions in civil cases decreased by 8; and the number of noncapital criminal cases increased by 20.

In addition to the opinions filed during the 2011-2012 court year, the court acted by order upon 16 petitions for writ of habeas corpus relating to death penalty judgments, 6 fewer than last year. The court issued an order to show cause in 3 of these matters for claims arising under *Atkins v. Virginia* (2002) 536 U.S. 304, in which the United States Supreme Court clarified that the federal Constitution bars the execution of mentally retarded individuals. The court dismissed another 5 habeas corpus petitions as moot.

When a petition for writ of habeas corpus is denied without the issuance of an order to show cause, the court does not issue an opinion and instead disposes of the matter by order. Nevertheless, even when no opinion results, the preparation of internal memoranda and the related disposition of death-penalty-related habeas corpus petitions draws heavily upon the court's resources, because the petitions and records in such cases frequently are very lengthy and complex and are analyzed in internal memoranda that often exceed 75 to 100 pages in length.

### **OVERALL FILINGS AND DISPOSITIONS**

Court staff prepare internal memoranda concerning 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. The process of deciding which matters are appropriate for Supreme Court review leading to a written opinion constitutes a significant part of the court's workload.

Total filings decreased from 10,144 in 2010-2011 to 8,977, in 2011-2012, the lowest number in several years.

Overall, filings of petitions for review declined from 4,910, in 2010-2011 to 4,570, or 340 fewer filings in 2011-2012. Total filings in original proceedings fell by 327 from 3,779 in 2010-2011 to 3,452 in 2011-2012. The balance of total filings consisted of State Bar-related matters and death penalty matters. Filings in State Bar matters decreased substantially, by approximately 500, due to changes in procedures relating to resignations, and in the State Bar's actions on its backlog of cases. The number of matters filed in the Supreme Court by individuals whose complaints to the State Bar had been rejected without action also decreased significantly due to changes in State Bar procedures reinstating internal review of these matters.

Civil petitions for review decreased slightly from 1,229 to 1,173. Criminal petitions for review decreased from 3,681 to 3,395.

Original habeas corpus petitions in noncapital matters and petitions for review in these matters have been one of the fastest growing areas in the court's workload over the past decade. Overall, the number of noncapital-case original criminal habeas corpus petitions has increased more than

48 percent, from 2,491 in 2001-2002 to nearly 3,700 during the 2011-2012 court year. From last year to this year, original petitions seeking noncapital habeas corpus relief fell from 3,315 to 2,986. Petitions for review in noncapital habeas corpus matters decreased from 544 last year to 421 this year—still approximately double the number of these filings a decade ago.

### **Dispositions Decrease**

In the 2011-2012 court year, the court disposed of 9,715 petitions for review, petitions in original proceedings, and actions arising out of State Bar Court disciplinary proceedings. That amounts to 839 fewer matters than were disposed of in the 2010-2011 court year.

Disposition of petitions for review decreased by 476, from 5,039 to 4,563. The number of dispositions in original proceedings increased, however, by more than 100, from 4,041 in 2010-2011 to 4,147 in 2011-2012.

A large decrease occurred in attorney discipline dispositions, which fell from 1,417 in 2010-2011 to 950 in 2011-2012, reflecting changes in state bar procedures that created a spike in these filings in the earlier period. Although most State Bar matters do not result in a substantial conference memorandum, the number and variety of matters in which such memoranda were provided has increased significantly over the past few years, and the court has granted review in several State Bar matters, as well as entered orders directing further review and analysis of a substantial number of matters submitted with disciplinary recommendations.

### **Publication and Depublication Orders**

Since 2001-2002, the *Court Statistics Report*, published by the Judicial Council of California, has included information concerning depublication and publication orders issued by the Supreme Court. In 2011-2012, 15 Court of Appeal opinions were ordered depublished by the Supreme Court. Since the 2002-2003 court year, the number of Court of Appeal opinions ordered depublished has ranged from a high of 25 in 2003-2004 to a previous record low of 10 in 2007-2008. In contrast, depublication orders regularly exceeded 100 per year in the late 1980s and early 1990s.

In 2011-2012, the Supreme Court ordered publication of one Court of Appeal opinion, a decrease of one from the previous year. 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; it is more likely to depublish without a specific request to do so.

## **OTHER INFORMATION**

In conformance with its practice in previous years, the court held a special oral argument session at the University of California Hastings College of the Law on September 7, 2011. For several years, as part of its outreach and education efforts, the court annually has heard oral argument at a location other than its courtrooms in San Francisco, Los Angeles, and Sacramento, and engaged local high school students and the public.

The court heard and/or issued opinions in two cases of statewide importance on an expedited basis during the court year. The first involved challenges to the termination of redevelopment agencies. (*California Redevelopment Association v. Matosantos* (2011) 53 Cal.4th 231.) The second involved redistricting following the implementation of an initiative measure giving that responsibility to a Citizen's Commission. (*Vandermost v. Bowen* (2012) 53 Cal.4th 421.)

### **BACKGROUND INFORMATION**

Beginning in 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 monitoring the pace of the court's work. Fiscal year figures are also separately developed and used for budgeting and other purposes.

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