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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Supreme Court Issues Annual Report on Workload Statistics for 2012–2013

Opinions and filings decrease

SAN FRANCISCO—The California Supreme Court today released its annual workload statistics for the period from September 1, 2012, through August 31, 2013, 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, 2013.

Overall, the number of opinions issued by the court decreased from 97 last court year to 87 in 2012–2013. During the same period, the total number of petitions for review and filings in original proceedings decreased to the lowest point in several years. The continuing impact of budget reductions to the judicial branch resulting in staff furloughs in the Supreme Court and the Courts of Appeal, substantial reductions in services, and reduced case filings throughout the branch are affecting the flow of cases throughout the system. Fiscal year statistics recently released documented the overall decrease in court filings ([Court Filings Decrease for Fiscal year 2011-2012](#) (Sept. 17, 2013)). Reductions in resources have slowed the processing of cases as well for many reasons, such as reduced Clerk’s Office hours and personnel, closed courtrooms and courthouses, and reduction in self-help assistance to unrepresented litigants.

OPINIONS FILED

Including Death Penalty Appeals and Related Habeas Corpus Petitions

In the 2012–2013 court year, the Supreme Court filed opinions in a total of 87 cases, of which 34 involved civil cases, 35 involved noncapital criminal cases, and 18 resolved automatic appeals

arising from judgments of death. The number of opinions filed in death penalty appeals was 9 fewer than the previous court year; the number of opinions in civil cases increased by 7; and the number of noncapital criminal cases decreased by 8. Overall, the number of opinions was 10 fewer than the year before and 1 more than in 2010–2011.

In addition to the opinions filed during the 2012–2013 court year, the court acted by order upon 18 petitions for writ of habeas corpus relating to death penalty judgments, 2 more than last year. The court issued an order to show cause in 1 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 1 habeas corpus petition 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.

In addition the court expended additional substantial resources on matters such as *Hollingsworth v. O'Connell (Brown)*, S211990 and *Dronenburg v. Brown*, S212172 (court ultimately denied petitions for a writ of mandate by order in cases seeking reinstatement of Proposition 8's bar against same-sex marriages following United States Supreme Court's opinion in *Hollingsworth v. Perry* (Jun. 26, 2013, No. 12-144) and *Fair Political Practices Commission v. Americans for Responsible Leadership*, S206407, in which the court transferred an appeal pending in the Court of Appeal to itself, and the stay pending appeal of an order by the trial court ordering the respondents to comply with the Commission's request for an audit, was vacated, and the appeal ultimately retransferred to the Court of Appeal following the respondent's providing the information requested by the Commission. In these instances, substantial resources of the court were focused on a time sensitive matter permitting the court to act expeditiously.

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 8,977 in 2011–2012 to 7,967, in 2012–2013, the lowest number in several years.

Overall, filings of petitions for review declined from 4,570, in 2011–2012 to 4,130, or 440 fewer filings in 2012–2013. Total filings in original proceedings fell by 460 from 3,452 in 2011–2012 to 2,992 in 2012–2013. The balance of total filings consisted of State Bar-related matters and death penalty matters. Filings in State Bar matters decreased by 88, as changes in bar procedures continued to affect the flow of matters arising from actions by the State Bar Court. Filings relating to rules, especially the Rules of Professional Conduct, consumed a substantial amount of time. The number of matters filed in the Supreme Court by individuals after their complaints to the State Bar had been rejected without action increased from 83 to 100.

Civil petitions for review decreased slightly from 1,173 to 1,098 and criminal petitions for review decreased from 3,395 to 3,032.

Original habeas corpus petitions in noncapital matters and petitions for review in these matters also decreased from last year. From last year to this year, filings of original petitions seeking noncapital habeas corpus relief fell from 2,986 to 2,568. Petitions for review in noncapital habeas corpus matters decreased from 421 last year to 298 this year. These matters still require a substantial proportion of staff and court time.

Dispositions Decrease

In the 2012–2013 court year, the court disposed of 8,113 petitions for review, petitions in original proceedings, and actions arising out of State Bar Court disciplinary proceedings. That amounts to 1,602 fewer matters than were disposed of in the 2011–2012 court year.

Disposition of petitions for review decreased by 453, from 4,563 to 4,110. The number of dispositions in original proceedings decreased by 980, from 4,147 in 2011–2012 to 3,167 in 2012–2013. The court must decide whether or not to grant a petition for review within 30 days, with a possible extension of an additional 60 days, or it loses jurisdiction and the matter is deemed denied. As has been the case for many years, the court did not lose jurisdiction in any matter governed by these time constraints.

Overall, the number of dispositions in noncapital-case original criminal habeas corpus petitions increased more than 10 percent, from 2,491 in 2001–2002 to nearly 2,748 during the 2012–2013 court year, further reducing the backlog in these matters.

A decrease occurred in attorney discipline dispositions, which fell from 950 in 2011–2012 to 790 in 2012–2013. 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. And, as note, the number of rule matters requiring close review by the court and extensive memoranda, also have increased.

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 2012–2013, 18 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 record low of 10 in 2007–2008. In contrast, depublication orders regularly exceeded 100 per year in the late 1980s and early 1990s.

In 2012–2013, the Supreme Court ordered publication of one Court of Appeal opinion, the same as 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 two special oral argument sessions, one at the University of California, Davis, School of Law on October 3, 2012, and another at the University of San Francisco School of Law on February 5, 2013. 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.

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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The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.