

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**  
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San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Justice Richard D. Huffman, Chair  
Riverside Criminal Backlog Reduction Task Force

DATE: August 1, 2008

SUBJECT: Report of the Riverside Criminal Backlog Reduction  
Task Force (No Action Required)

Summary

This report was prepared with substantial assistance from Florence Prushan, formerly with the Administrative Office of the Courts (AOC), Southern Regional Office; Fred Miller from the AOC's Executive Office Programs Division; and John M. Greacen, our consultant on the Riverside project. The report is detailed and provides considerable information on the events that took place during Strike Force efforts in Riverside from July 2007 through June 2008. It also details the work done in an attempt to implement an improved criminal case management system in Riverside and notes the costs of the combined efforts. Finally, the report outlines some of the considerable challenges that the Superior Court of Riverside County faces in going forward with a new system and without the assistance provided by the Strike Force judges.

In summary, the problems facing the Riverside court, which led to the Strike Force efforts, arose from a combination of factors that created a criminal caseload the court could not handle in a timely manner with the system and resources then in place. Riverside County had experienced population growth far outpacing the statewide average. The court had not received any significant increase in judicial resources during that time, and the criminal case filings had grown dramatically.

The Riverside County District Attorney established and diligently enforced a very vigorous charging policy and a very restrictive policy on plea bargaining, often referring to concentrated criminal case settlement efforts as 'bake sales.' The prosecutor has reluctantly participated in court-organized settlement processes and voices concern about such activities. The prosecutor believes that post-information

plea bargaining for serious felonies is unlawful and has both the resources and determination to try large numbers of jury trials in order to enforce his charging and dispositional policies.

By way of example, in 2006–2007 the Riverside court tried 800 criminal jury trials (539 felonies and 261 misdemeanors). The numbers for 2007–2008 should approach 900. Nearby San Bernardino County, with a similar population, crime problem, and judicial resources, tried only a fraction of the number of criminal jury trials as compared to Riverside even though the caseload per judge in San Bernardino is higher than that in Riverside.

While raw numbers do not fully explain differences or problems, they do indicate that as of July 2007 the court simply could not try enough jury trials with its resources to address its crushing criminal caseload. The caseload had resulted in a near-total shutdown of civil trials.

Administrative Director of the Courts William C. Vickrey, Chief Deputy Director Ronald G. Overholt, and Sheila Calabro, director of the AOC Southern Regional Office, met with the Riverside judges before there were any discussions of actions to assist that court. As a result of that meeting, Mr. Vickrey realized that the Riverside court was in a state of crisis, that the court was struggling to keep up with its caseload, and that some help was necessary in order for that court to deal with its backlog of criminal and civil cases. He met with the Chief Justice and proposed a strike force concept as part of an effort to help the Riverside court deal with its criminal cases and potentially improve access for the public to civil trials. Mr. Vickrey has worked closely with those involved in the efforts to assist the Riverside court and has provided constant support for both the criminal and civil caseload issues.

The decision of Chief Justice Ronald M. George to provide the unprecedented level of assistance to Riverside without any additional funding provided to the branch was a recognition that not only was the criminal justice system in Riverside at a crisis point, but also that access to civil trials had been all but denied to the residents of that county.

The efforts described in this report were based upon a three-prong approach: (1) advocacy for more judicial resources, (2) a strike team of experienced criminal law judges to attack a backlog of ancient criminal cases, and (3) an effort to get the court and its justice partners to make changes in their approach to criminal case management.

The effort to get more judges for Riverside has been partially successful, but the state's budget difficulties have delayed full implementation of this part of the solution.

The Strike Force effort to attack the backlog and to aid the Riverside court in dealing with some of its ongoing caseload was a phenomenal success. The volunteer spirit of both active and retired judges from all parts of California was one of the finest examples of the judicial branch coming together to aid one of its courts that most of us have ever seen. The judges who participated with the Strike Force were outstanding criminal trial judges. Their absence from their home courts, as either active or retired judges, placed a significant burden on those courts, a burden those courts willingly accepted.

The Strike Force judges brought a high degree of professionalism to their tasks. They were greatly respected by attorneys on both sides of the cases, as well as by the court staff in Riverside. The Riverside court leadership was cooperative and worked diligently to provide space for the Strike Force and to facilitate its efforts to bring the oldest backlogged cases to trial.

Although some members of the local bench were either aloof or ambivalent about the Strike Force's presence, the leadership of the court and its separate divisions has participated diligently and in good faith in working to find an improved method of criminal case processing.

Special attention should also be given to the extraordinary efforts of Marcia Taylor, director of Appellate and Trial Court Judicial Services at the AOC, and Brad Campbell and staff of the Assigned Judges Program to ensure that the Strike Force was always fully staffed with top-notch judges. Obtaining experienced criminal law judges with sufficient available time to handle the complex cases given to the Strike Force was a challenge, to say the least. In addition, the program worked diligently to provide assigned judges to the Riverside court whenever there were vacancies due to retirements or vacations. Finding judges to staff desert courts in the summer was and is a challenge, but the program staff has been successful even in the face of difficult circumstances.

Turning then to the new model that is now being implemented, the report spells out the nature and principles of that model in considerable detail. The model thus far has been partially successful. How long that success will last is dependent upon a number of factors. Obviously, increased criminal case filings will affect the court's ability to timely process its calendar. Whether the court can adopt and implement uniform practices is unclear. The court will need to continue to put its experienced criminal judges into the key assignments of the system if it is to

develop the necessary levels of trust from attorneys and defendants to resolve those cases that should be resolved without trial at an early stage.

A continuing problem the Riverside court has faced and still faces is a culture of easy continuances. Ironically, both the public defender and the district attorney have urged the court to take a more restrictive view of requests for continuances. A review of the statistics for the first 19 weeks of the new case processing system has been disappointing in that the number of settlements has been much lower than anticipated and the number of continuances remains very high. Media reports indicate that the court still struggles with last-day criminal cases and has dismissed a number of cases for lack of available courtrooms.

Regional Administrative Director Sheila Calabro has carried the burden of working with the justice partners to keep discussions going as the court tries to implement a new case processing model. Staff members Florence Prushan and Scott Burritt of the AOC Southern Regional Office have devoted countless hours to facilitating the work of the Strike Force and the justice partners. We have also relied heavily on Fred Miller from the AOC and our consultant, John Greacen. They have done the hard work of analyzing the data and working with the Riverside court to help it develop a system that works for that court.

Finally, the decision of the Chief Justice to place Judge David S. Wesley, Superior Court of Los Angeles County, and Judge J. Richard Couzens (Ret.), Superior Court of Placer County, as leaders of the Strike Force effort assured the success of the program. Their leadership and extraordinary skill in the management of criminal case calendars contributed to the tremendous efficiency with which the Strike Force judges were able to deal with the backlogged cases. Not only did their leadership set a standard for the Strike Force judges, but they also demonstrated how a heavy criminal case calendar can be managed efficiently and professionally.

Judges Wesley and Couzens were also key participants in the discussions leading to the creation of and attempt to implement a new criminal case process for the Riverside courts.

We hope that the efforts of the Strike Force judges, AOC staff, consultants, the Riverside court leadership and staff, and the professionals who are the court's justice partners will help improve access to the courts for the residents of Riverside County. It must be said, however, that all the efforts of the branch, court, and justice partners will not solve the long-term needs of the Riverside court system unless the additional resources that have been advocated for by the Chief Justice and the Judicial Council can be provided.

We will continue to hold regular meetings with the Riverside court and its justice partners to help keep the new system on track and to work on solutions to any problems that are encountered in the process of its implementation.

### Introduction

In early 2007 the Superior Court of Riverside County's criminal case backlog had reached an unprecedented level. Chief Justice George, in communications with the court and the Riverside County District Attorney, expressed his concerns about the court's high volume of last-day criminal cases, which posed a constant risk of dismissal and a potential threat to public safety. In addition, because of the recurrence of last-day criminal cases, the court's ability to conduct civil trials had been seriously compromised. At that time only one department continued to regularly hear civil trials, and that was as a result of the district attorney's blanket challenge to a judge.

During this same period the Consumer Attorneys of California began to pursue legislation that would have allowed litigants in civil actions to file cases in, or transfer cases to, another court, if as a result of significant backlogs timely trials were delayed or denied. The Riverside County Bar Association, several local governmental agencies, and a number of Riverside judges expressed growing concern that the residents of Riverside County no longer had full access to the civil courts.

Efforts to determine the extent of the existing backlog of felony criminal cases initially proved difficult. Backlogged cases were defined as cases that exceeded the Judicial Council's standard of one year from filing to disposition. The initial list for the Robert Presley Hall of Justice in the city of Riverside contained 1,040 cases, 935 of which were felony cases. Backlogged cases from the Southwest and Larson courts were not included in the initial list. The average age of backlogged cases in Riverside was 27 months, and the median age was 20 months.

Information from the Riverside County Sheriff's Department showed that nearly 25 percent of jail inmates had been awaiting trial for more than one year. One hundred seventy-seven inmates had been awaiting trial for more than two years, 32 inmates were awaiting trial for more than four years, and in one case the delay was an astonishing eight years.

Historically there had been little communication among the justice system partners. No regularly scheduled meetings were held to discuss issues of mutual concern, and a joint Court Congestion Committee created to solve the many serious problems plaguing the Riverside County justice system had been ineffective.

The court's increasing criminal workload has developed over 20 years as a result of immense population growth in Riverside County. Between 1989 and 2006 California's population grew by more than 30 percent, while the population of Riverside County grew by more than 76 percent. During that same period the county received only three new judgeships, a 6.5 percent increase. Since 2001 felony filings have grown by 35 percent, misdemeanor filings by 17 percent.

In fiscal year 2005–2006 the court tried 712 jury trials, 484 felonies, and 228 misdemeanors. In 2006–2007 the court tried 800 jury trials, 539 felonies, and 261 misdemeanors. For 2007–2008 the number of jury trials is projected to approach 900. Clearly the court does not have the resources necessary to sustain this pace of jury trial activity, nor can increasing the number of trials be looked upon as an effective case management solution.

Chief Justice George and Mr. Vickrey vigorously advocated for the passage of Senate Bill 56 (Dunn), which created additional trial judge positions for California. From that legislation seven judges were authorized for Riverside in June 2007, seven additional judges in June 2008, and six judges in June 2009. Unfortunately, all but the first seven judgeships have been delayed because of budget constraints.

#### Actions Taken by Chief Justice George

In a letter to Presiding Judge Richard T. Fields and Riverside County District Attorney Rod Pacheco, the Chief Justice outlined strategic actions to address the serious issues facing Riverside County's justice system. His first priority was to assign to the superior court a team of both active and retired judges with extensive criminal trial experience to concentrate their efforts on the criminal case backlog. Judge David S. Wesley of the Superior Court of Los Angeles County was assigned to serve as supervising judge of the team.

The Chief Justice requested that the Judicial Council authorize the Superior Court of Riverside County to hire two to three retired commissioners on a temporary basis to hear matters appropriate for subordinate judicial officers where judges were currently hearing those cases.

The Chief Justice also asked Associate Justice Richard D. Huffman of the Court of Appeal, Fourth Appellate District, to convene a task force of court and criminal justice system partners to identify ways to improve the management of criminal cases and to develop and implement positive solutions for the Riverside County justice system.

Finally the Chief Justice authorized the Judicial Council and the AOC to provide technical assistance as needed. Sheila Calabro has coordinated professional and logistical support for the Task Force.

### *The Strike Force*

In July 2007 the Chief Justice appointed 28 active and retired judges from across the state to begin addressing the backlog of pending felony cases. This team of judges, who became known throughout the Riverside County justice system as the Strike Force, consisted of 12 full-time-equivalent judges who remained in the county and heard trials through the end of December 2007.

The AOC Office of Court Construction and Management worked with the court to address logistical and facility issues before the Strike Force could begin hearing cases. To provide a sufficient number of courtrooms, a jury box was constructed in a courtroom at the Corona Courthouse, and a training room in the Family Law Courthouse was converted into a courtroom and chambers. For logistical reasons it was desirable to have as many Strike Force judges as possible at the Hall of Justice. To help accommodate this, several Riverside judges volunteered to move to outlying courts for the duration of the Strike Force stay.

Experienced court clerks and court reporters were hired to support the Strike Force, and appropriate interpreter availability was coordinated through the AOC Southern Regional Office. Nine hundred additional jurors were summoned to ensure a sufficient number for both the Strike Force and the Riverside bench. Staff of the AOC's Assigned Judges Program was tasked with ensuring that all of the Strike Force slots were filled every day and with providing judges to "backfill" positions in the home courts of Strike Force members. Over the past 10 months, 39 judges from 22 counties have been part of the Strike Force.

The first planning meeting to address the criminal backlog reduction initiative was held on July 5, 2007. At that meeting the planning group set a timetable and decided that Strike Force trials would begin on August 14, 2007. The group also made the following decisions concerning the management of the backlogged felony cases selected for the initiative:

- The initiative would address the oldest felony cases pending in Riverside along with other felonies and misdemeanors trailing those cases.
- The age of a pending case was defined as the time from arraignment on the complaint, excluding time outside of the court's control.
- Cases eligible for the initiative were cases older than one year as of June 18, 2007, a randomly selected date. The oldest 127 cases from the list of 1,040 cases were designated for the initiative.

- An average trial time of 10 days was projected (70 of the 127 cases had trial estimates averaging 11.74 days).
- Trials of the oldest pending felony cases would take priority over other pending matters in the court. The Riverside bench was asked to adopt a practice allowing attorneys engaged in Strike Force trials to be released from other calendar obligations no later than 9:30 a.m.
- Judge David Wesley would serve as supervising master calendar judge for the initiative. Judge J. Richard Couzens would oversee day-to-day operations.

The following timetable was set for the initiative cases:

- Judge Wesley and Judge Couzens reviewed the case files for the 127 initiative cases, including cases trailing the lead cases, on July 15, 2007.
- A meeting devoted to planning the management of the initiative cases and involving the principals of the justice system partners was set for July 16, 2007.
- Before July 23, 2007, the 127 initiative cases were reset from the Riverside master calendar to the Strike Force master calendar.
- On July 23, 2007, Judge Wesley and Judge Couzens conducted a master calendar session during which they set firm, fixed trial dates for an initial group of cases from the calendar of the 127 oldest cases.
- Judge Wesley and Judge Couzens held a second master calendar session on August 13, 2007, to review the status of all cases previously set for trial and to set additional cases for trial.
- A briefing of all Strike Force judges was held following the master calendar session. The briefing focused on the role of the Strike Force judges, the management of cases, and logistical and reimbursement issues.
- Judge Wesley and Judge Couzens conducted all settlement efforts during the call of the master calendar, thereby allowing Strike Force judges to focus all their efforts on trying cases. If the parties indicated a willingness to settle a case before a Strike Force judge without trial, the case was returned to the Strike Force master calendar judge for resolution and sentencing.
- Trials commenced on August 14, 2007.

As discussions regarding implementation proceeded, it became clear that the four months originally envisioned for the program would not be enough to significantly reduce the backlog. Justice Huffman and Sheila Calabro requested that the Chief

Justice grant an extension from November 1, 2007, to December 31, 2007, and he did so.

A question that remained unresolved at this time was whether the initiative could accomplish a sufficient reduction of the felony case backlog by January 1, 2008, thereby giving the court the opportunity to adopt substantial changes for future criminal case processing. The consensus among the justice system partners was that a transition period during which a new case management process would be implemented and fine-tuned should be a priority. The Chief Justice agreed to the request by Justice Huffman for a further extension and authorized six full-time-equivalent judges to continue to work on the backlog through June 30, 2008.

Beginning with the first trials on August 14, 2007, and ending June 25, 2008, the Strike Force judges heard a total of 125 trials of cases that had been on the original list of the 127 oldest cases, along with other felonies and misdemeanors trailing those cases.

The Strike Force judges were able to provide valuable assistance to the court by hearing non–Strike Force cases when time permitted. They heard 83 trials from the master calendar, 295 preliminary hearings, 199 pleas, and various motions and other matters. Overall the Strike Force heard a total of 805 matters, which included cases from the Strike Force master calendar and the Riverside Hall of Justice master calendar and preliminary hearing calendars.

The total of 208 Strike Force and non–Strike Force trials resulted in 156 verdicts, 24 mistrials, and 28 pleas. When the Strike Force began, the oldest case on calendar was from 1994. As the Strike Force concludes its work, the oldest case on calendar is from 2004. Ten years of backlogged cases have been eliminated.

#### *Assigned Judges Program*

In July 2007, at the direction of the Chief Justice, staff in the AOC’s Assigned Judges Program began identifying potential active and retired judges to serve on the Strike Force. AOC staff developed a list of judges in the Assigned Judges Program with extensive criminal trial experience and expertise. The Chief Justice made the final selections, and staff contacted each judge to explain the details of assignments to the Strike Force.

Before an assignment was offered to an active judge, the presiding judge in the court was called to discuss the impact of the active judge’s absence and the assignment on the court. Where appropriate, assurances were given that the

Assigned Judges Program would provide a “backfill assignment”<sup>1</sup> in the court during the judge’s absence.

Assigned retired judges invited to serve were, where possible, assured that their “home court” assignment would be available to them once the Strike Force assignment was completed.

Staff from the program worked closely with Judge Wesley, Judge Couzens, and administrative staff from the court to coordinate court sites and specific assignment periods to fill the initial 12 assigned judicial positions from August 14, 2007, through November 2007. Subsequently six positions were filled from December 2007 through June 2008. In order to provide the full-time-equivalent positions, 19 active superior court judges and 20 retired assigned judges participated in the effort during various assignment periods. Fourteen courts provided judges for the Strike Force.

#### *Days Served and Cost*

Participating active and retired judges served a total of 1,592 days in the Superior Court of Riverside County as part of the Strike Force. Active superior court judges served 748 days, and retired assigned judges served 832 days. In addition, 12 judge days were devoted to training and organizational meetings.

Assigned judges provided 928 days of “backfill assignment” service to the home courts of judges who took part in the Strike Force. A total of 2,520 days of service by both active and assigned retired judges was provided.

The final cost of the Strike Force is estimated at \$1,488,517. Compensation for assigned retired judges, Strike Force, and backfill assignments is \$1,267,245. Air travel, ground transportation, lodging, and meals cost \$221,272.

#### *Exit Evaluations*

At the end of each assignment, staff from the Assigned Judges Program asked the judge to evaluate his or her experience. The program provided an exit evaluation designed to assess elements of the program such as administrative staff and support, court staff and support, the case management of the assigned court, and the judge’s experience with the prosecution, the public defender, the bar, and fellow members of the bench. Judges were asked to numerically rate their experiences from 1 to 4 (poor to outstanding) and to provide anecdotal information about their experiences. Slightly more than 50 percent of the judges responded in writing or verbally to the evaluation request.

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<sup>1</sup> A ‘backfill assignment’ provided a replacement judge to a court during the period that an active judge was assigned to the Superior Court of Riverside County.

Of those responding, the majority of the judges, active and retired, described the overall experience as one of the best professional opportunities of their judicial careers. The camaraderie and the opportunity to develop and hone trial skills were unparalleled. Most of the judges stated that the experience was an asset to their home courts. Many attributed the professional atmosphere to the leadership of Judges Wesley and Couzens. They appreciated the informal meetings and the overall level of professional dialogue conducted during the assignment period.

All of the assigned judges were complimentary of Riverside court staff. Judges stated that the staff was professional, accommodating, and excited to learn new case management and administrative models.

Settlement and plea bargaining were two consistent issues raised in the judges' comments throughout the Strike Force assignment period. Many felt that more flexibility is needed among the prosecutors and defense attorneys to adequately address the court's existing backlog and current calendar. Several expressed concern that some trials should not have gone forward, that the matters should have settled before trial.

Many assigned judges commented that the Riverside bench officers were somewhat aloof toward them, and some assigned judges did not feel welcomed in the court by the Riverside judges. A frequently expressed concern was the apparent control that the prosecutor's office had on the calendaring operation of the court. Several expressed the opinion that court leadership should more aggressively pursue the issue of case settlement and more tightly control the flow of trials. Several judges commented that the probation department was frequently delinquent in completing reports and that this caused further calendaring delays.

Overall, the assigned judges were gratified to have been asked to serve. However, judges commented that the experience was taxing both professionally and personally. Time spent away from family and friends and from their home courts came at a cost, but, as one judge commented, "I felt we really served the court well in addressing what backlogged cases we could, and I felt we came away from it as better judges."

#### *Use of Retired Commissioners*

The Assigned Judges Program assisted the Superior Court of Riverside County in the recruitment and administration of assigned retired commissioners. After the Judicial Council approved the initial request, the program worked with the court and the California Court Commissioners Association to recruit and assign qualified retired commissioners.

The Assigned Judges Program was in a unique position to assist the court in this effort as protocols exist for recruitment, applications, and screening of judicial officers statewide. Retired Southern California commissioners submitted a background questionnaire, a Commission on Judicial Performance release, and a presiding judge reference form to the Assigned Judges Program. Qualified candidates were then referred to the court for assignment. The program provided the court travel and compensation guidelines.

Eleven retired commissioners were assigned to the court to handle traffic, small claims, juvenile, family, drug court, probate, and criminal matters. From September 2007 to June 2008 retired commissioners served 257 days at the court. This allowed the court greater flexibility in the assignment of judges. The cost to the trial court for the commissioner assignments during this period is estimated at \$135,146. Use of retired commissioners has been requested through the next fiscal year.

In his letter of June 12, 2007, the Chief Justice requested that the Judicial Council authorize the Superior Court of Riverside County to temporarily hire two to three retired commissioners to hear matters appropriate for subordinate judicial officers that were currently being heard by judges. This would allow these judges to assist in resolving backlogged criminal cases, so, going forward, the criminal caseload would be more manageable.

In August 2007 the court requested permission to hire two retired commissioners through June 30, 2008, and certified that the court was able to fund the positions from its current reserve balance. The Judicial Council approved the request by circulating order effective August 24, 2007.

In June 2008 the court submitted a second request to extend the two existing commissioner positions, which were about to expire, and to add a third position. The court certified that it was able to fund the positions and requested that authorization be granted through June 30, 2009. That request was approved.

#### Justice Partners Task Force Initiative and Activities

With the assistance of the court and the AOC Southern Regional Office, Justice Huffman assembled the membership of the Riverside Criminal Backlog Reduction Task Force to review the current structure and performance of the county's criminal caseflow management process and to devise needed improvements. The role of the Strike Force was to provide immediate relief to the court by trying older pending cases. The role of the Task Force was to devise an improved criminal caseflow management process to alleviate the underlying problems that produced the current backlog.

Representatives of the following entities have participated as members of the Task Force: the court (including judges from all three court regions), the district attorney, the public defender, two conflict defense lawyer organizations, the county probation department, the county sheriff, the county counsel, the Riverside County Bar Association, and the AOC Southern Regional Office.

Justice Huffman convened the first meeting of the Task Force in July 2007. The Task Force was charged with implementing policies and procedures that would result in an improved case management plan for the court both now and into the future. Initial discussions at the meeting focused on plans for managing the Strike Force initiative cases.

At a second Task Force meeting in September 2007, the justice partners began discussions of a redesigned process for newly filed cases. Justice Huffman appointed a Working Group chaired by Sheila Calabro that included Presiding Judge Richard Fields, District Attorney Rod Pacheco, and the department head and/or chief deputy of each criminal justice agency, along with conflict defense panel attorneys. The services of John M. Greacen of Greacen Associates, LLC, had been retained by the AOC to assist the Task Force. Mr. Greacen and AOC court consulting staff have worked with the Task Force and its Working Group to analyze the existing Riverside criminal process, to provide alternative structural proposals for consideration by local officials, and to develop implementation plans to put the decisions of the Working Group and the Task Force into operation.

The first task of the Working Group was to agree on guiding principles that would provide the structure and organization for a new criminal case management process. It was difficult for the justice partners to reach an accord, but ultimately they agreed to the following 15 guiding principles:

1. The court's Criminal Law Advisory Committee will recommend countywide policy for all criminal law courts to the presiding judge. The chair of the Criminal Law Advisory Committee will be responsible for meeting with all justice partners on criminal policy matters.
2. A new criminal case management model will be applied consistently in all three court locations.
3. A two-track case management system with a revised criminal case management process will initially run in parallel with a separate backlog calendar.
4. The case resolution process will be "front loaded."
5. Continuances will be limited at all stages of the process.
6. There is an expectation that trials will take place when scheduled.

7. Senior court staff will be assigned as criminal case coordinators to support the supervising criminal judges' caseflow and calendar management functions in the Riverside, Murrieta, and Indio courthouses.
8. Vertical calendar departments (VCDs) will preside over all calendar appearances in felony cases assigned to that department except when the case is referred to the pre-preliminary hearing conference department (PPCD), when a lengthy preliminary hearing or lengthy motion is sent by the VCD judge to a separate department for hearing, or when the case is referred to the master calendar department for trial assignment when all parties have announced ready in the VCD. VCDs will structure their calendars to accommodate arraignments on complaints, felony settlement conferences, preliminary hearings, arraignments on informations, motions, and trial readiness conferences and to ensure the predictability of hearings involving witnesses.
9. Early and complete discovery, including the defendant's rap sheet, will be available to both the prosecution and defense.
10. Pre-plea probation reports will be provided prior to sentencing upon request of the bench officer.
11. The Superior Court of Riverside County, after consultation with all justice partners, shall establish a pre-preliminary conference department (PPCD), which will be staffed by experienced prosecutors, public defenders, and conflict defense attorneys with authority to resolve cases. The purpose of the PPCD is to allow experienced counsel from both sides the opportunity to discuss with a judicial officer the just resolution in a given case. The PPCD judge shall not be the judge to preside over the trial or preliminary hearing, nor shall he or she rule on any procedural or legal issues related to the case. If a matter does not resolve at the PPCD, the case shall proceed to preliminary hearing and trial. There shall be no further plea bargaining prohibited by law. If thereafter the parties wish to engage in case resolution discussions with the court, the matter shall be returned to the same PPCD judge. It is anticipated by all parties that the best offer by the prosecution in the case will be made at the PPCD and that subsequent courts will not engage in settlement discussions that will undercut the PPCD offer of either party. The parties may at any time enter into a stipulated plea agreement. This policy does not prohibit the court from exercising its inherent authority to give an indicated sentence based on consideration of the factors in aggravation and mitigation and the facts of the case if the defendant pleads to all charges and allegations.
12. The process will provide the opportunity for defense attorneys to meet with their clients to discuss settlement offers, so clients have adequate time to consider the offer prior to appearing in the pre-preliminary hearing

- conference court. The Sheriff's Department will bring prisoners to the jail nearest the courthouse a day early for this purpose when necessary.
13. Time waivers for preliminary hearings will be limited.
  14. Calendar proceedings should not interfere with attorneys' trial obligations.
  15. A prescreening system for jurors is available to judges for use at their discretion.

### New Case Management Model

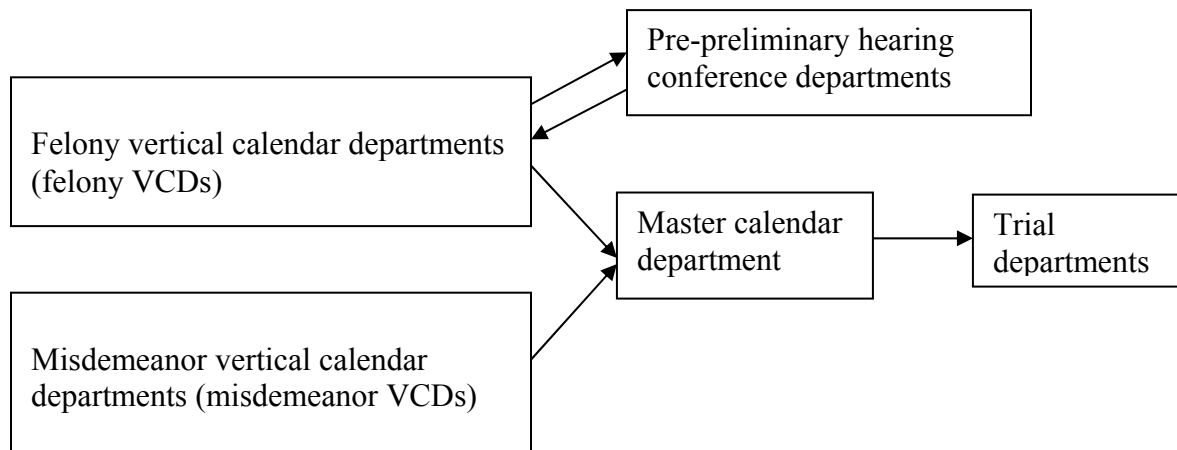
The Task Force converted these guiding principles into an operating model. The process involved the following steps:

- The consultants provided an analysis of the current Riverside criminal caseflow process. Based on that analysis, the partners agreed that the current process entailed too many appearances that wasted the time of the court and the attorneys, who could better use their time to prepare their cases for resolution or trial. Cases need to be “front loaded”—resolved earlier rather than later. Because the criminal justice partners had focused all of their energies on the master calendar in the Hall of Justice, many felony cases had stagnated in the preliminary hearing departments.
- The consultants provided a series of alternative structural models for the Working Group's consideration based on their knowledge of case processing in other California courts.
- After considering the alternative models, the Working Group agreed on the key components of a model that would be best suited to address the criminal case processing problems faced in Riverside County.
- The consultants tested the feasibility of the model by visiting all three regional courthouses to discuss the model with judges, court staff, prosecutors, and defense counsel and obtained estimates of the numbers of each type of department needed in that region to implement the model. Input from the court, along with the experience derived from other courts using similar models, were used to perform a “sizing” analysis to determine whether the court had the resources needed to staff the model adequately.
- Based on the consultants' sizing analysis, the Working Group refined its initial model. The sizing analysis pointed out the need to shift the jurisdictional boundaries of the Southwest Justice Center in Murrieta to move some of its criminal filings to the Hall of Justice in Riverside. Southwest Justice Center judges were handling a disproportionately large share of the criminal cases in the county. The Southwest Justice Center could not accommodate additional judges. The only alternative was to shift some of the criminal workload to a court division with greater resources.

- All Riverside judges met and discussed the resulting model with the consultants, ultimately voting to accept all but three of the Working Group’s original proposals.<sup>2</sup>
- The consultants developed an implementation plan for putting the agreed-upon model into operation.
- The Working Group further modified the model as a result of their decisions on the implementation plan.
- The Working Group created a small Justice Partners Subcommittee that met weekly to work out operational details and made recommendations to the Task Force for significant changes to the model and the implementation plan.
- The Working Group continued to meet monthly as the plan was implemented to make needed adjustments.

Basic Understandings Underlying the New Criminal Case Processing Model

The criminal case management model ultimately adopted by the Working Group, and implemented by the court, is depicted below:



*Vertical calendar departments (VCDs)*

Vertical calendar departments were established for both felony and misdemeanor cases.

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<sup>2</sup> The court rejected the proposals to create a countywide supervising criminal judge, to create dedicated misdemeanor departments that would be responsible for both pretrial and trial proceedings in misdemeanor cases, and to require that trial judges return criminal cases for sentencing to the pretrial department that had initially given an indicated sentence when the defendant decided to plead guilty at the time of trial. The justice partners ultimately agreed to a compromise of this third principle, which recognized that the parties could enter a stipulation to an agreed sentence at any time in any court or ask any judge for an indicated sentence based on a plea to all charges and allegations.

A felony vertical calendar department (felony VCD) would preside over all calendar appearances in felony cases assigned to that department except when the case was referred to the PPCD, when a lengthy preliminary hearing or lengthy motion was sent by the felony VCD judge to a separate department for hearing, or when the case was referred to the master calendar department for trial assignment after all parties had announced ready in the felony VCD.

Felony VCDs would structure their calendars to accommodate arraignments on complaints, felony settlement conferences, preliminary hearings, arraignments on information, hearings on motions, and trial readiness conferences. Preliminary hearings were set for the mornings to ensure that they were given sufficient time on the VCD calendars. Arraignments on complaints and informations were set for 3:30 p.m., and all other matters were set from 1:30 to 3:30 p.m.

Existing drug and domestic violence courts were recognized as special-purpose VCDs; all other felony cases were assigned systematically to the remaining general-purpose felony VCDs.

Two general-purpose felony VCDs were established in the Larson Justice Center in Indio, two in the Southwest Justice Center in Murrieta, and three in the Hall of Justice in the city of Riverside. Existing drug courts in all three courthouses were designated as drug court VCDs, and the domestic violence court in the Hall of Justice was designated as a domestic violence VCD. The other two courthouses handled domestic violence cases within the general-purpose VCDs.

Two misdemeanor vertical calendar departments (misdemeanor VCDs) were established at the Hall of Justice and one each in the Larson and Southwest Justice Centers. Misdemeanor cases were assigned to these departments for purposes of conducting arraignments on the complaint, hearings on motions, and all other pretrial hearings. Cases would be referred to the master calendar department for trial assignment when all parties had announced ready in the misdemeanor VCD.

Dedicated teams of prosecutors, public defenders, and conflict defense counsel were assigned to each VCD. Prosecutors assigned to VCDs would handle all cases not assigned within the Office of the District Attorney to specialized prosecutorial teams. Prosecutors from those teams would handle those cases in the VCDs. The contract defense attorney organizations received special funding from Riverside County to provide full staffing coverage to the VCDs and PPCDs.

Early and complete discovery, including the defendant's rap sheet, was to be made available to both prosecution and defense.

The probation department would provide abbreviated pre-plea probation reports. These reports would be supplemented prior to sentencing only in unusual circumstances.

*Pre-preliminary hearing conference departments (PPCDs)*

The purpose of the PPCD was to give experienced counsel from both sides the opportunity to discuss with a judicial officer the just resolution of a given case.

The PPCD judge would not be the judge presiding over the trial or preliminary hearing, nor would he or she rule on any procedural or legal issues related to the case.

If a matter did not resolve in the PPCD, the case would proceed to preliminary hearing and trial. There would be no further plea bargaining if it was prohibited by law under Penal Code section 1192.7. If thereafter the parties wished to engage in case resolution discussions with the court, the matter would be returned to the same PPCD judge.

The PPCD concept has not worked out as the group had hoped. Very few cases were referred to the PPCDs. As will be discussed later, the court will abandon the PPCD concept and seek to accomplish criminal caseflow management through the VCD courts.

*The Two-Track Case Management Process—Distinguishing Backlog from New Structure Cases*

The Working Group agreed to create two separate criminal case management tracks—a backlog track and a new structure track. All Working Group members agreed that priority would be given to trial of new structure track cases. This would ensure that maximum court and attorney resources would be applied to the resolution of cases within the new structure. Once the new structure process was running smoothly, the partners anticipated that cases from the backlog track would be assigned for trial to new structure trial departments that would have trial time available because the new structure would resolve more cases earlier in the process.

Nineteen trial departments were designated for trial of new structure cases. Five departments were assigned to try backlog cases. Until new structure cases matured to the trial stage, new structure trial judges would try cases assigned to the backlog track.

All felony cases that had an information arraignment prior to March 17, 2008, which was the date for implementation of the new criminal case processing structure, were assigned to the backlog track. Although they were technically

assigned to the master calendar department in the Hall of Justice in the city of Riverside, the backlog cases that had been filed in the Larson and Southwest Justice Centers continued to be managed by the master calendar judges in those courthouses until they were ready for trial. The Hall of Justice master calendar judge was to make all trial assignments for backlog track cases.

All other felony cases were assigned to the new structure and to one of the VCDs for pretrial processing. The partners realized that because cases had been allowed to stagnate in the preliminary hearing departments, some new structure cases would actually be older than some of the cases assigned to the backlog track. The court staff assigned backlog cases a different case type designation, so that subsequent statistical reports are able to report their status independently of the status of the new structure felony cases.

As of March 17, 2008, 4,054 felony cases were assigned to the new structure track and 2,271 felony cases were assigned to the backlog track. Court staff soon realized that many cases had initially been incorrectly designated. Several hundred cases were reassigned during the first few weeks of the new caseflow management regime. Consequently, the baseline number for the new structure cases is not a reliable indicator of the actual number of new structure cases as of March 17, 2008.

According to the model, misdemeanor cases that had already been referred to a master calendar for trial would be assigned to the backlog track. All other pending misdemeanor cases would be assigned to the new structure track. Although this process was followed during the implementation process, court staff did not assign a different case type designation to the backlog misdemeanor cases, so it is not possible to track their status separately from the status of all other pending misdemeanor cases.

#### *Criminal caseflow management reports*

The consultants worked with the court's operations and information technology staff to define a series of 19 standard criminal caseflow management reports. While the original hope was that these reports would be available to monitor the initial implementation of the new case management structure, the court did not have the resources needed to program them on that time schedule. The consultants and staff identified 5 of the 19 reports as having the highest priority. The court information technology staff began producing those reports in June 2008. They are now provided to the presiding judge weekly. The availability of regular criminal case management statistics that provide an overview of felony and misdemeanor caseflow throughout the court is a major, very positive, development for Riverside County.

The presiding judge has appointed a court committee to review the entire set of 19 reports and to decide how they will be prepared and to whom they will be distributed.

#### Major Changes Made to the Model

Six major changes were made to the model before or during implementation:

1. The cases that could be assigned to the PPCD without the consent of all parties were limited to a list of roughly 30 less serious felony offenses. This list was originally designed for an early case resolution department in the Superior Court of Los Angeles. The objective of the limitation was to permit an atmosphere of trust to develop with respect to these less serious cases. The list of eligible cases could be expanded as trust grew. The consultants analyzed a representative set of pending cases and concluded that the PPCD-eligible cases constituted slightly more than half of all felony cases filed.
2. The probation department, with the consent of the other justice partners, ceased preparing pre-plea probation reports in all felony cases. Such reports are now prepared only if requested by a judge in a particular case.
3. The sheriff found that bringing in-custody defendants to the jail nearest the courthouse the day before a hearing was not feasible. The criminal defense attorneys assured the Working Group that this arrangement was not a component critical to the success of the new criminal caseflow model.
4. Arraignments were moved from 3:30 p.m. to 1:30 p.m., and all other afternoon hearings were set to follow the arraignments. The partners recognized that a VCD judge could allow matters other than preliminary hearings to be heard in the mornings at the request of counsel if he or she had available time. Subsequent hearings in such cases would be set at their regular time in the afternoon.
5. Judge Helios Hernandez II, Hall of Justice master calendar judge, obtained the agreement of the justice partners to create a trailing calendar for a subset of 200 backlog track cases that would be given priority for trial. One hundred of the cases would be from the Hall of Justice, and 50 would be from each of the other two regions. Trial dates for all other backlog cases would be set back 90 days in recognition of the reality that the priority trials would take at least that long to be tried. The consultants, assisted by the AOC Office of Court Research in San Francisco, developed a list of the 200 highest-priority backlog cases based on a prioritizing algorithm that gave equal weight to age of case, number of codefendants, and in-custody status of at least one of the codefendants. In mid-June 2008, master calendar trial calls were conducted in all three regional courthouses to establish a queue for trying these highest-priority backlog cases. In each region, Judge Couzens assisted with these calendars.

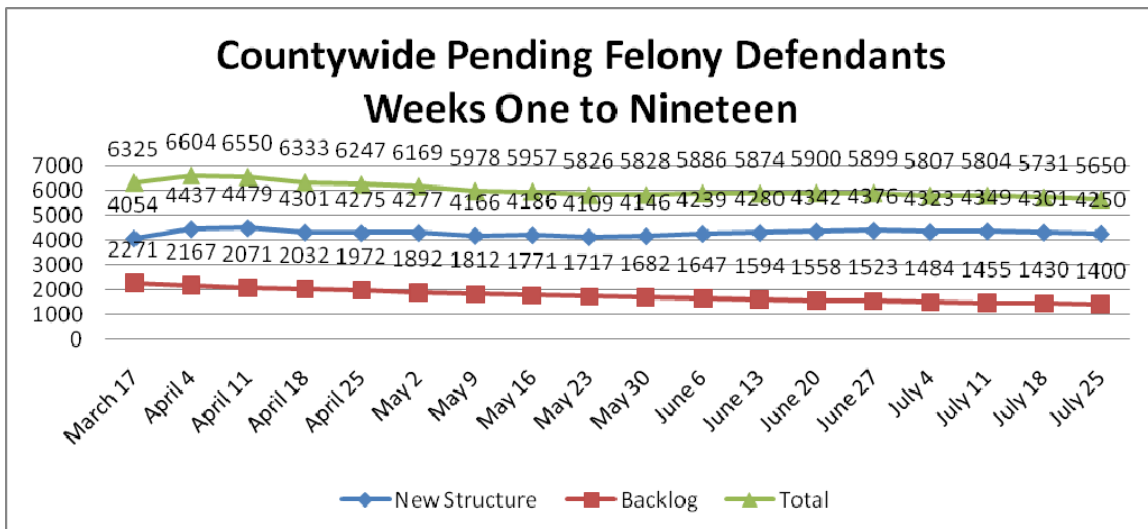
- Based on the data presented below, the court—after consulting with its justice partners—decided in late June to convert the PPCDs to additional VCDs in each region. The PPCDs were not being used as anticipated. The VCDs had proved to be effective in resolving cases. Providing additional VCD resources offered the possibility of even more effective early case resolution. This change resulted in four general-purpose VCDs in the Hall of Justice and three general-purpose VCDs in each of the other two courthouses. The conversion of PPCDs to VCDs was set to take place on Monday, August 4 in the Larson and Southwest Justice Centers and on Monday, August 18 in the Hall of Justice.

Initial Results of the Task Force’s Criminal Caseflow Improvement Efforts

Beginning on the date of implementation, March 17, 2008, court staff regularly compiled data on the effectiveness of the new criminal case management structure. The data through July 25, 2008, is presented below.

*Pending felony caseload*

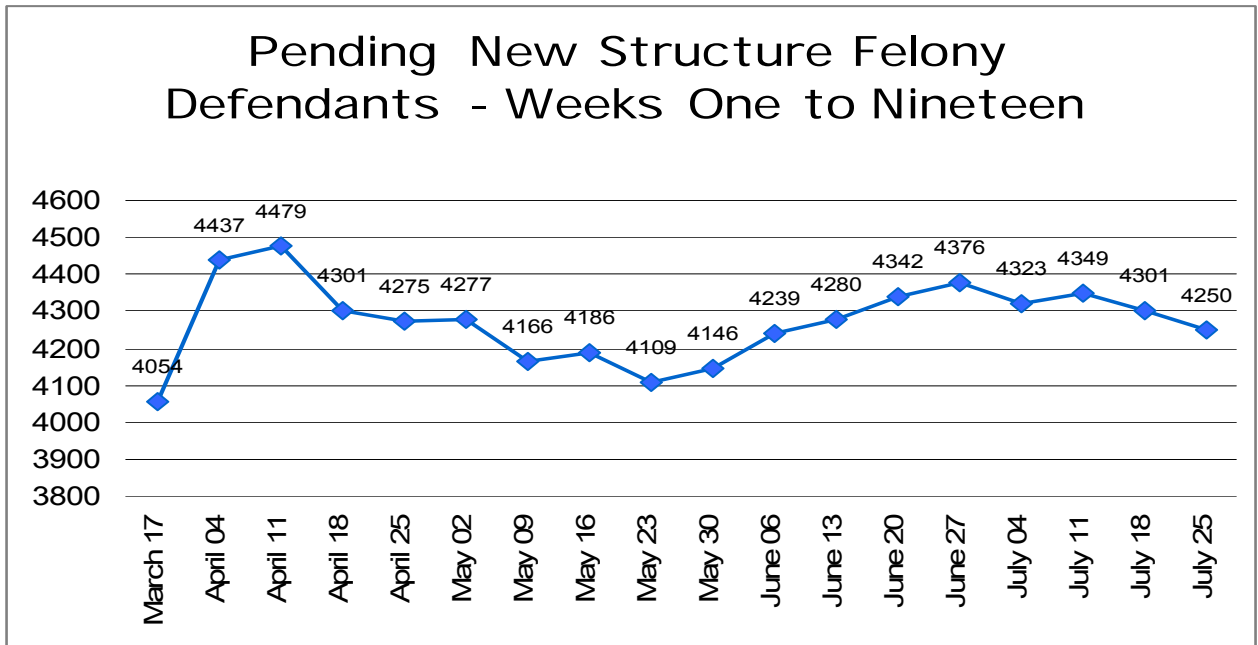
The primary indicator used by the court and its consultants to determine the effectiveness of the new case management structure is the number of pending felony defendants countywide and in each region. The chart below shows that the total of pending felony defendants declined by 675 (11 percent) from the beginning of the new process to July 25, 19 weeks later. It declined by 954 cases (14 percent) from the peak in week 2, after which the judges, attorneys, and staff resolved all early implementation issues.



Cases in the backlog track showed the most dramatic reduction—871 cases (38 percent)—over the course of the program’s first 19 weeks. Pending backlog cases fell in all three regions of Riverside County. The partners do not expect this

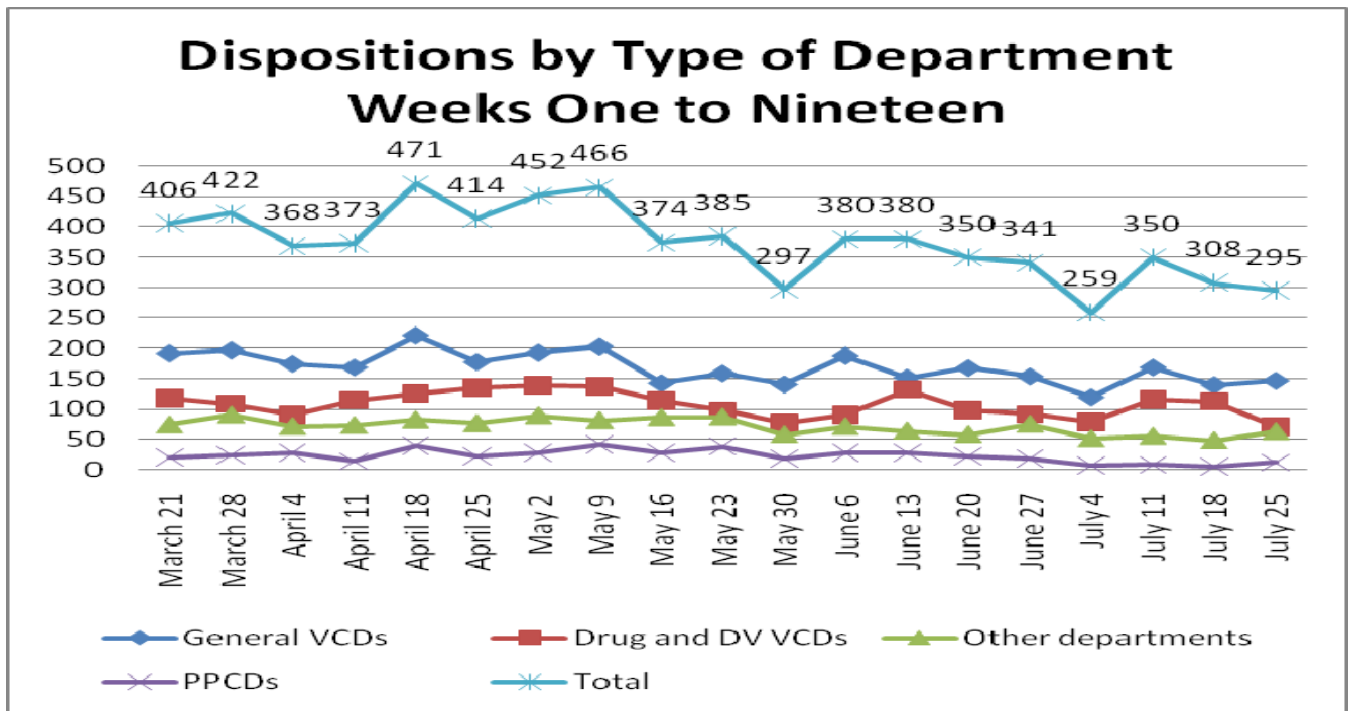
dramatic reduction to continue. New structure cases are maturing for trial and will consume the resources of 19 of the 24<sup>3</sup> available criminal trial judges.

The number of pending new structure felonies has grown by 5 percent since the beginning of the program but has dropped by 5 percent from the peak in week 3. We believe that the increase from May 23 to June 27 is attributable to higher numbers of new felony filings and the assignment of commissioners and assigned judges to the VCD calendars when the judges in those departments were transferred or took leave.



The contribution of the various types of court departments to felony case dispositions is shown in the next chart. General-purpose VCDs and specialized VCDs were the most productive departments in resolving cases. The PPCDs were the least productive.

<sup>3</sup> This complement of trial judges will only be present if the Assigned Judges Program in San Francisco is able to fill all Riverside judicial vacancies—both long term and temporary—with assigned judges. The AOC has committed to do its best to achieve this result.



*Pending misdemeanor caseload*

Pending misdemeanors are virtually unchanged since the beginning of the new structure for felony cases. The new case management structure made no change to the court’s existing process for resolving misdemeanor cases.

*Other indicators*

Court staff has collected data on numbers of preliminary hearings set, heard, and continued in the general-purpose VCDs and on the numbers and percentages of cases resolved during those hearings. Although the data differ significantly from region to region, they show that the numbers and percentages of preliminary hearings actually held as scheduled are increasing over time.

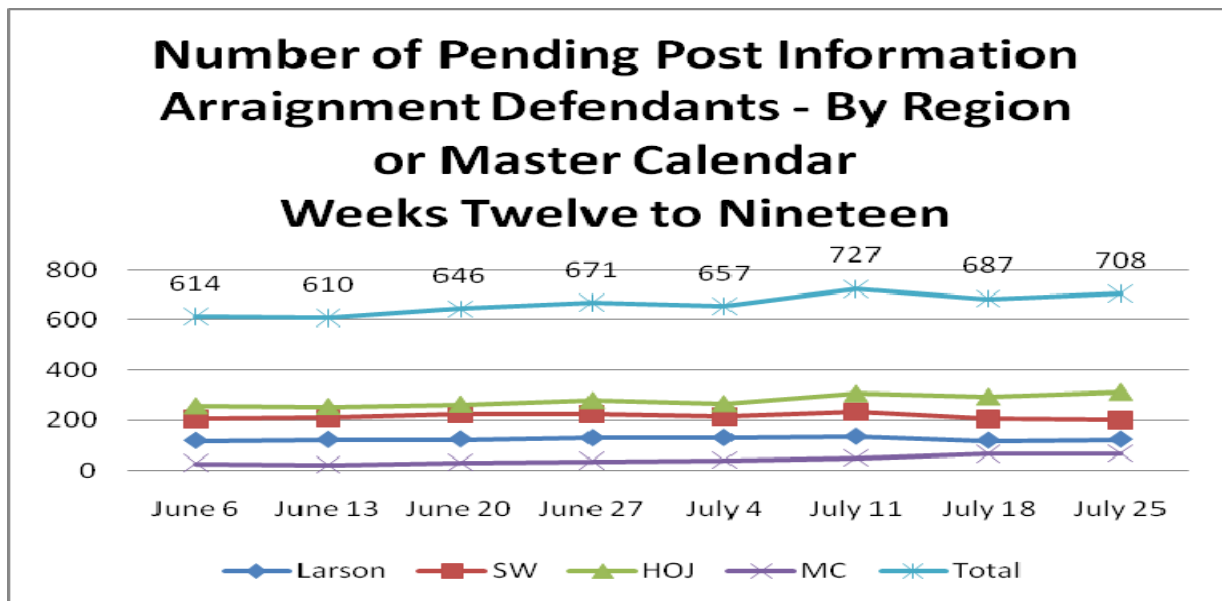
Data for felony settlement conferences held in the general-purpose VCDs show that the VCD judges have not increased their rates of case dispositions during these hearings and have increased—not decreased—the numbers of hearings continued. Assignment of an additional judge in each region to VCD duties may lead to a change in these trends.

Data showed that the PPCDs were significantly underused. The case management model assumed that each PPCD judge would hear 150 cases per week for a total of 450 cases per week countywide. Over the first 13 weeks of the new structure, PPCDs averaged 107 cases per week countywide—less than 25 percent of the workload anticipated. Their effectiveness in resolving cases varied from week to week from a high of 50 percent to a low of 25 percent. Over the first 13 weeks the

rate of case resolution in the PPCDs averaged 33 percent, less than half of the 75 percent disposition rate on which the case management model had been sized.

Finally, although the Riverside County criminal justice system appears to be resolving more felony cases earlier in their life under the new structure, it is still readying more cases for trial than the court has the capacity to try. The court’s data shows that information arraignments have been held in a total of 1199 new structure felony cases over the course of the first 19 weeks of the new program. That averages 63 information arraignments per week. As noted earlier, the court has only 19 departments assigned to trial of new structure cases, which include misdemeanors as well as felonies. The number of cases that are presumptively being readied for trial is therefore more than three time the court’s trial capacity.

The brighter side of the picture is that 491 of these post-information arraignment cases have already been resolved, leaving only 708 of them currently pending. And the number of new structure cases in this category has actually decreased over the past three weeks. While the partners are concerned about the large number of cases headed for trial, they remain hopeful that most of them will settle before their trial date.



The new structure inherited many cases that had languished in the pretrial process. Although the number of older cases has been dropping each week, the general-purpose VCDs had 303 felonies older than one year (the Judicial Council’s time standard for resolving all felony cases) and 469 felonies older than 90 days without a preliminary hearing as of July 25.

### Ongoing Challenges Facing the Riverside Court

With the departure of the Strike Force, the Riverside court must once again shoulder the entire burden of processing its criminal cases. The court's success will depend on its ability to address successfully the following continuing issues that it faces:

#### *Continuity of assignment of the strongest criminal judges to VCDs*

The success of the new model requires that the court assign its best criminal judges to the VCD departments. Ninety to 95 percent of criminal cases must be resolved in those departments. The presiding judge reassigned a number of VCD and master calendar judges less than three months into the new structure. Commissioners and assigned judges have been assigned to cover VCDs when the regular judge is on leave. These decisions temporarily undercut the effectiveness of the new structure. The presiding judge needs to ensure that VCD judges remain in their assignments and are accountable for the performance of their departments. He and the master calendar judges need to make sure that senior criminal judges cover VCDs when the regularly assigned judge is on vacation, attending training, or absent for some other reason.

#### *The continuing practice of freely available continuances*

The Riverside court has, for years, operated within a culture of freely available continuances. Lawyers are accustomed to stipulating to requests from opposing counsel to postpone proceedings as a matter of courtesy. When those lawyers become judges they are conditioned to this practice. This is not a phenomenon unique to Riverside County. In fact, the literature on rural courts in America is replete with acknowledgment of these sorts of courtesy arrangements among the members of the bar.

During the past year, the court has begun requiring written Penal Code section 1050 motions to support requests for continuances in criminal cases. But the judges, for the most part, continue to find good cause in most requests. This observation is substantiated through data collected by the court indicating that more than 50 percent of hearings are continued. A few judges have embraced the principle that continuances should be granted only as exceptions and not as the ordinary way of conducting court business. Most Riverside judges, including several in leadership positions, continue to believe that an attorney is entitled to one, two, or more continuances of every court event.

Interestingly, the district attorney and the public defender both urge the court to change this policy and to deny most continuance requests—including requests submitted by attorneys from their respective offices. For the most part their urging has not changed the practices of their staff or the judges to the extent that is

required to change the culture to one where the participants expect that a case event will take place on the scheduled date.

Until the court's judicial leadership fully appreciates the costs of wasted time and multiple settings of the same proceeding—to the criminal process and to the court, attorney, law enforcement officer, victim, and witness—and aggressively advocates a policy of denying most continuance requests, the new structure will be only modestly effective.

*The difficulty of maintaining courtwide consistency in criminal case management practices*

The Riverside court culture also includes a long-standing resistance to courtwide policy development. The judges, by and large, resent being told how to set their calendars and how to manage their cases from a centralized office in Riverside. The judges in Indio and Murrieta instinctively assert their independence from policy directives issuing from Riverside.

It is difficult in this environment for the court to accomplish the goal of uniform criminal caseload management practices adopted by the Task Force and endorsed formally by the court. Court staff understands the value of countywide consistency and champion it at every opportunity; however, they lack the power to implement their recommendations. Consistent countywide criminal practice requires determined leadership from the presiding judge, the supervising judges in Indio and Murrieta, and the criminal master calendar judges to overcome this long-established centrifugal force within the Riverside court,

*Weaknesses in internal court communications*

The court has experienced a number of communication lapses during the first four months of the new structure. In one instance, judges in Indio continued a setting policy for more than a month after the presiding judge had concurred with a policy that the Justice Partners subcommittee had unanimously recommended. In another example, a number of death penalty cases were reassigned without notice to the attorneys or on the record. Dissemination of data about the progress of the new structure is sporadic. The presiding judge and the court's new executive officer need to reexamine its internal communications practices and mechanisms.

*Judicial leadership within the criminal adjudication process*

Every criminal judge in Riverside County must assume a leadership role in his or her own courtroom. It is the judge who is ultimately responsible for the fairness of criminal dispositions and the appropriateness of criminal sentences. In a county with a conservative electorate and a politically powerful district attorney, it is easy for individual judges, and the bench as a whole, to become too deferential to the prosecution. The Strike Force judges brought to Riverside County a posture of

judicial independence recognized by the attorneys as different from the approach traditionally assumed by the county's own judges. It is not yet clear that the Riverside judges have benefited from that example.

*Exercise of prosecutorial discretion*

The district attorney does not acknowledge his responsibility to limit the criminal cases filed or the criminal cases taken to trial to the judicial resources available within Riverside County. He takes the view that it is the court's responsibility to provide judges and courtrooms to try every charge in every case. This posture inevitably leads to dismissals of last-day cases. Last-day dismissals are, by their nature, arbitrary. They do not reflect a measured assessment of the relative importance to public safety of all criminal offenses brought to the attention of the prosecution.

As noted earlier, the court in the past went to every length to avoid last-day case dismissals—to an extent that distorted its overall criminal process and crippled its ability to hear general civil cases. The court has now accepted the need to dismiss last-day cases when the caseload overwhelms its resources. This change in the court's willingness to dismiss criminal cases shifts the responsibility for the exercise of discretion in criminal charging to the district attorney—where it belongs. It is not yet clear how he will respond.

*Court monitoring of the age of its pending criminal cases*

The Strike Force tried all of Riverside's oldest pending felony cases. As it leaves, there are no cases on the master calendar older than four years. Even though the court is still far from complying with the Judicial Council's one-year felony time-to-disposition standard, the Strike Force's accomplishment has been significant. The court needs to pay continuing attention to the age of its pending felony and misdemeanor cases, giving priority to the resolution or trial of the oldest matters, so that its caseload currency does not deteriorate. The consultants have worked with court staff to define regular management reports that will identify older pending criminal cases. It is up to the court to produce and disseminate those reports on a regular basis and to take action in individual cases to ensure that they do not take the place of the old cases tried by the Strike Force.

Formal Evaluation of the New Criminal Caseflow Improvement Process

The AOC has engaged the National Center for State Courts to conduct a formal evaluation of the effectiveness of Riverside County's new criminal case management structure. The National Center will provide a progress report based on the results from the first six months of the process and a final report based on the results of the first year of the program.

### Civil Trial Program

In October 2007, Presiding Judge Richard Fields and Assistant Presiding Judge Thomas H. Cahraman met with Justice Huffman and Sheila Calabro. The court was deeply concerned about the virtual shutdown of the civil trial courts, a situation that had existed for some time, and was seeking a way to allow some civil trials to move forward. Judge Fields and Judge Cahraman asked if assigning two or three retired judges with civil experience to those trials could be considered.

As noted earlier in this report, the Consumer Attorneys of California were pursuing legislation (introduced as Senate Bill 1630 [Corbett]) that would have allowed civil actions to be filed in, or transferred to, an alternative court for trial if the delay or denial of trial was the result of a significant backlog of civil cases. The judicial branch's leadership was concerned about the impact of this legislation on courts statewide; the judiciary would have no way to ensure the equitable distribution of court work among the 58 California trial courts.

Justice Huffman agreed to support the court's request for three retired civil judges based on the backlog of five-year civil cases and the court's inability to hear civil trials as a result of the criminal backlog. The judges would be assigned for six months starting January 1, 2008, through June 30, 2008. Court staff located an elementary school that was soon to be vacated, and with the assistance of the AOC Office of Court Construction and Management, a six-month license agreement was entered into between the Superior Court of Riverside County and the Riverside Unified School District.

Between December 27, 2007, when the court assumed occupancy of the Hawthorne Elementary School, and January 14, 2008, when the first trials began, eight classrooms were converted into three courtrooms, judges' chambers, a jury assembly room, and jury deliberation rooms. The court employed innovative solutions in building out the space. All the construction was modular and can be removed and reused elsewhere.

Staff of the Assigned Judges Program worked with the court to provide three judicial assignment positions for the civil trial effort scheduled from January 2008 through June 2008. Assigned retired judges provided 366 days of service during this period. The estimated cost is \$261,745.

The three full-time-equivalent assigned judges conducted a total of 26 civil jury trials and 48 court trials at the Hawthorne Elementary School from January through June 2008. The Riverside Superior Court conducted 11 civil jury trials and 6 court trials during this same time period.

The program began with a focus on the oldest cases and priority cases. There were 227 active civil cases that had been pending for 54 months or longer. As of June 30, 2008, 171 cases had been adjudicated as follows: 48 judgments were entered, 64 dismissals were filed, and 59 settlement agreements were executed. The remaining 56 cases either have been set for trial or have future hearing dates.

At the same time, 625 active civil cases had been pending for two years or longer and had previously set trial dates from January 2, 2008, to July 25, 2008. As of July 25, 2008, 353 cases had been adjudicated as follows: 106 judgments were entered, 154 dismissals were filed, and 93 settlement agreements were executed. The remaining 272 cases either have been set for trial or have future hearing dates.

On April 21, 2008, Justice Huffman, Judge Fields, Judge Cahraman, and court and AOC staff met with members of the Consumer Attorneys of California and California Defense Counsel. Discussions focused on the early success of the civil trial program at the Hawthorne School, the proposed establishment of ongoing bench-bar meetings, and several promising ideas, including possible mediation and other volunteer efforts to help foster the settlement of civil cases. Based on the meeting outcome, Senate Bill 1630 has been withdrawn.

On June 5, 2008, Senator Ellen Corbett—sponsor of the legislation—met with Judge Fields and court and AOC staff for a tour of the Hawthorne School site to observe firsthand retired judges hearing civil trials. Before the tour began, they met to discuss the trial program at the Hawthorne School and the results of the program so far, the establishment of a new partnership with the Riverside County Bar, and efforts designed to alleviate the backlog and ensure ongoing access to the civil courts for the residents of Riverside County.

The court's license agreement with the Riverside Unified School District has been renewed for another year. Additional space has been obtained at the site and will be used for mediation and attorney conference rooms. A courthouse in Palm Springs, which has been closed for several years, is in the process of being refurbished and is scheduled to reopen with three courtrooms in September 2008. An additional courtroom will be sited in leased space in Palm Springs and devoted to civil matters. The Assigned Judges Program will continue to assist the civil effort by providing three retired civil judges for the Hawthorne School in Riverside and one retired civil judge for the Palm Springs civil courtroom during fiscal year 2008–2009.

