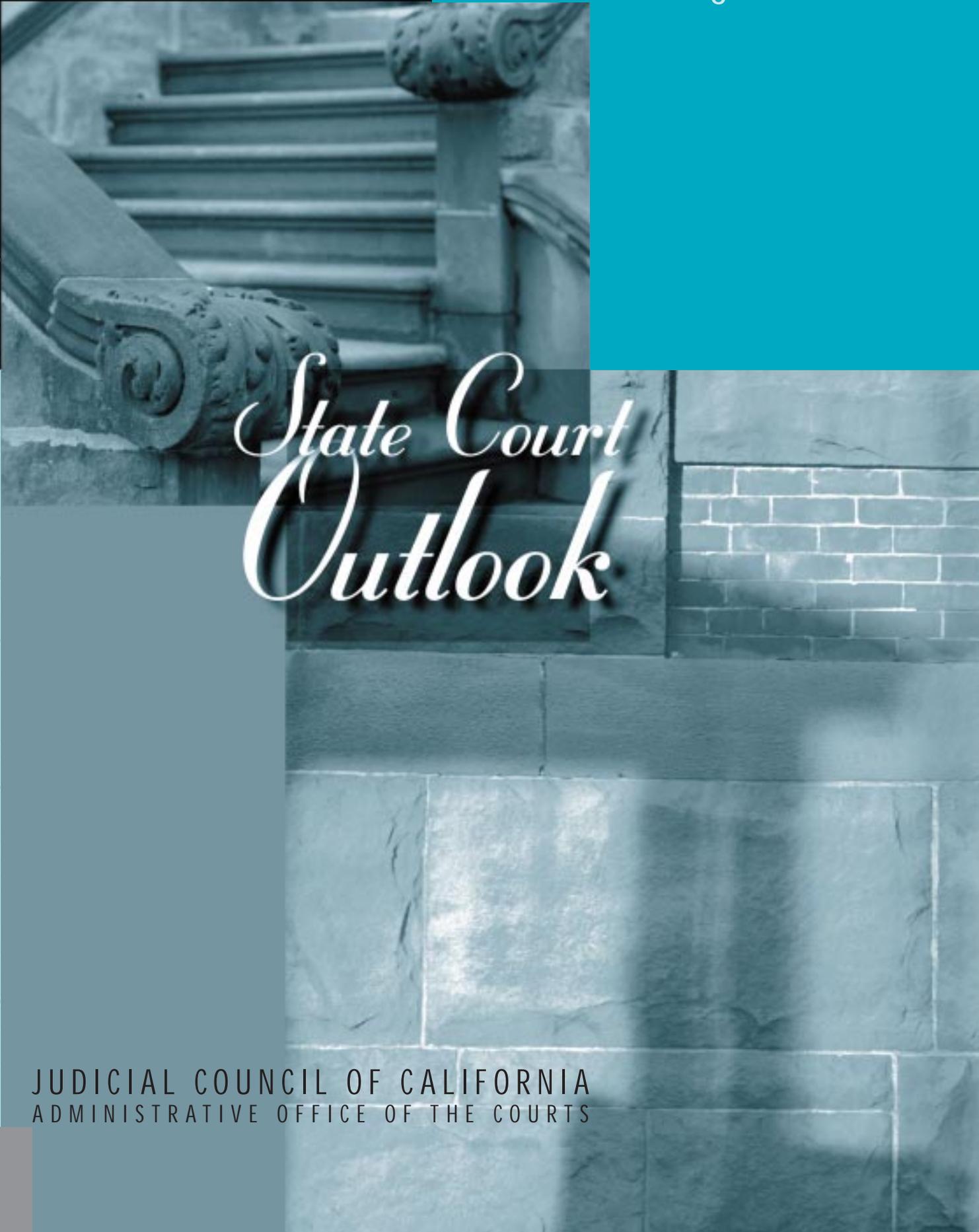


ANNUAL REPORT VOLUME II 1998

Building a Foundation
For Change



*State Court
Outlook*

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS

Most of the data in this publication was compiled from the 1997 Judicial Council Report on Court Statistics. The data in other 1998 Judicial Council publications may vary due to court submissions of amended statistical reports.

State Court Outlook

Building a Foundation for Change

JUDICIAL COUNCIL OF CALIFORNIA

CHIEF JUSTICE RONALD M. GEORGE, CHAIR

ADMINISTRATIVE OFFICE OF THE COURTS

WILLIAM C. VICKREY, ADMINISTRATIVE DIRECTOR
OF THE COURTS



Volume II
Annual Report 1998*

*COMPANION PUBLICATIONS

State Court Outlook is part of a three-volume set of annual report publications. It summarizes key trends, court workload issues, activities and achievements of the Judicial Council/Administrative Office of the Courts, and court business for California's appellate and trial courts. ■ The *Court Statistics Report* provides detailed 10-year statistical caseload and trend data on a wide variety of court business. This report includes some additional 1996–97 data and some revised data for 1995–96 due to court submissions of statistical reports. ■ *Year in Review* describes activities and achievements of the Judicial Council/Administrative Office of the Courts during 1997 as well as the challenges expected in 1998. ■ All three volumes are published in the Spring and can be obtained by accessing the California Judicial Branch Web site (www.courtinfo.ca.gov) or by calling the Judicial Council's Publications Hotline (415-904-5980 or 800-900-5980).

STATE COURT OUTLOOK

Published by the
Judicial Council of California
Administrative Office of the Courts
Public Information Office
303 Second Street
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San Francisco, CA 94107
www.courtinfo.ca.gov

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Printed on 100% recycled and
recyclable paper.

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The Judicial Council of California

Chaired by the Chief Justice, the Judicial Council of California makes recommendations regarding judicial policies to the courts, the Governor, and the Legislature concerning court practice, procedure, and administration. The council is dedicated to improving state court administration.

The council performs its constitutional and other functions with the support of its staff agency, the Administrative Office of the Courts (AOC), under the leadership of William C. Vickrey, Administrative Director of the Courts.

New members of the council and its committees are selected by a nominating procedure that is intended to attract applicants from throughout the legal system. Diversity of experience, gender, ethnic background, and geography are the guiding criteria for selection.

The 21 members of the council include 14 judges appointed by the Chief Justice (one associate justice of the Supreme Court, three judges of the Courts of Appeal, five superior court judges, and five municipal court judges); four attorney members appointed by the State Bar Board of Governors; and one member from each house of the Legislature. The council also has seven advisory members, including representatives of the California Judges Association and state court administrative associations.

Staggered terms, with one-third of the council's membership changing each year, ensure continuity while creating opportunities for new participation and input.

The Judicial Council's long-range strategic plan for the California judicial system, *Leading Justice Into the Future*, contains a detailed action plan for the council's advisory committees and the AOC. The plan, which is updated annually, addresses the council's vision that the judiciary be responsible for managing the judicial system to ensure the fair administration of justice across the state. At the same time, the plan encourages a decentralized system where individual courts manage their own operations and resources.

The plan is implemented at the council level through the activities of its committees, the council, and the AOC. Individual courts are encouraged to support the council's plan and goals in their own local planning activities.

Judicial Council Members

Hon. Ronald M. George, Chair
Chief Justice of California

SUPREME COURT

Hon. Marvin R. Baxter
Associate Justice of the Supreme Court

COURTS OF APPEAL

Hon. Roger W. Boren
*Presiding Justice of the Court of Appeal
Second Appellate District, Division Two*

Hon. Carol A. Corrigan
*Associate Justice of the Court of Appeal
First Appellate District, Division Three*

Hon. Richard D. Huffman
*Associate Justice of the Court of Appeal
Fourth Appellate District, Division One*

TRIAL COURTS

SUPERIOR COURTS

Hon. Paul Boland
*Judge of the Los Angeles County
Superior Court*

Hon. J. Richard Couzens
*Judge of the Placer County Superior
and Municipal Courts*

Hon. Lois Haight
*Judge of the Coordinated Trial Courts
of Contra Costa County*

Hon. Melinda A. Johnson
*Judge of the Ventura County Superior
and Municipal Coordinated Courts*

Hon. Kathryn D. Todd
*Judge of the Los Angeles County
Superior Court*

MUNICIPAL COURTS

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Judge of the Nevada County Courts

Hon. Brenda Harbin-Forte
*Judge of the Oakland-Piedmont-
Emeryville Municipal Court*

Hon. Ana Maria Luna
*Judge of the Southeast Municipal Court
(Los Angeles)*

Hon. Michael B. Orfield
Judge of the San Diego Municipal Court

Hon. Eleanor Provost
*Judge of the Tuolumne County
Municipal Court*

LEGISLATURE

Hon. John L. Burton
Member of the Senate

Hon. Martha M. Escutia
Member of the Assembly

STATE BAR

Mr. Maurice Evans
*Chief Assistant
Orange County District Attorney's Office*

Mr. Sheldon H. Sloan
Attorney at Law

Ms. Glenda Veasey
Attorney at Law

Mr. Brian C. Walsh
Attorney at Law

ADVISORY MEMBERS

Ms. Sheila Gonzalez
*Executive Officer
Ventura County Superior and
Municipal Coordinated Courts*

Hon. Dwayne Keyes
*President
California Judges Association
Judge of the Fresno County Courts*

Mr. Joseph A. Lane
*Clerk of the Court of Appeal
Second Appellate District*

Mr. Stephen V. Love
*County Clerk/Executive Officer
Santa Clara County Consolidated
Courts*

Mr. Ronald Overholt
*Executive Officer/Clerk
Administratively Consolidated Trial
Courts of Alameda County*

Hon. Nori Anne Walla
*Commissioner
Los Angeles Municipal Court*

SECRETARY

Mr. William C. Vickrey
Administrative Director of the Courts

Judicial Council Committees

INTERNAL COMMITTEES

- Executive and Planning
- Policy Coordination and Liaison
- Rules and Projects

ADVISORY COMMITTEES

- Access and Fairness
- Administrative Presiding Justices
- Appellate
- Center for Judicial Education and Research Governing Committee
- Civil and Small Claims
- Court Administrators
- Court Interpreters
- Court Profiles
- Court Technology
- Criminal Law
- Family and Juvenile Law
- Traffic
- Trial Court Budget Commission
- Trial Court Coordination
- Trial Court Presiding Judges

TASK FORCES, WORKING GROUPS, AND STEERING COMMITTEES

- Appellate Indigent Defense Oversight Advisory Committee
- Appellate Process
- Bench-Bar Pro Bono Project
- Complex Civil Litigation
- Court/Community Outreach
- Executive Legislative Action Network (ELAN)
- Jury Instructions
- Oversight Committee for the California Drug Court Project
- Probate and Mental Health
- Quality of Justice
- Steering Committee for the Statewide Community-Focused Court Planning Conference
- Trial Court Employees
- Trial Court Facilities

Administrative Office of the Courts: Mission

EXCELLENCE—LEADERSHIP—SERVICE

Under the direction of the Chief Justice and the Judicial Council, the Administrative Office of the Courts (AOC) shall serve the courts for the benefit of all Californians by advancing leadership and excellence in the administration of justice.

Excellence

- Create programs and systems to make the court system more fair, accessible, and accountable.
- Advocate council policies for the fair, accessible, and effective administration of justice.
- Promote the personal and professional growth of AOC personnel through training, development, and recognition.

Leadership

- Pursue the development and implementation of branchwide policies that are in the best interests of the public and the judicial branch.
- Develop performance goals for the judicial branch that encourage all in the branch to strive for excellence.
- Secure sufficient resources for the judicial branch so that wherever anyone is in the state, the court system can meet his or her needs.

Service

- Provide excellent customer service in the areas of human resources, finance, and information systems.
- Provide comprehensive, relevant, and current education and training for judicial officers and court staff.
- Provide thorough, timely, and relevant legal services and policy and legal research for the council, the judicial branch, and the public to facilitate the development of policy.

COMMON VALUES OF THE AOC

To earn and maintain the trust of the public, bar, judicial community, and court staff, the AOC will, without compromise:

Public Service Values

- Adhere to the highest ethical standards of public service.
- Respect the dignity and integrity of all people.
- Seek solutions and honor commitments.
- Foster open communication and mutual support.

Staff Values

- Encourage positive solutions, not negative reactions.
- Recognize that all members are responsible for the success of the team.
- Value diversity of strength, skill, background, approach, point of view, culture, race, sex, national origin, appearance, disability, age, sexual orientation, and socioeconomic status.
- Value questioning, innovation, and risk taking.

Organizational Climate

- Celebrate superior individual and team efforts.
- Encourage courteous, honest, and open feedback.
- Recognize that teamwork among individuals, project teams, and units is essential.
- Inspire excellence.
- Lead by positive example.
- Recognize that each individual transaction should support the mission of the agency.
- Value creativity.

Administrative Office of the Courts: Organization

EXECUTIVE OFFICE

William Vickrey, Administrative Director of the Courts

Dennis Jones, Chief Deputy Director

COUNCIL AND LEGAL SERVICES DIVISION

Michael Bergeisen

EDUCATION DIVISION

Cathy Lowe

TRIAL COURT SERVICES DIVISION

Kiri Torre

OFFICE OF GOVERNMENTAL AFFAIRS

Ray LeBov

FINANCE BUREAU

Martin Moshier

HUMAN RESOURCES BUREAU

Judy Myers

INFORMATION SYSTEMS BUREAU

Pat Yerian

APPELLATE COURT SERVICES

Mary Carlos

ADMINISTRATIVE SUPPORT

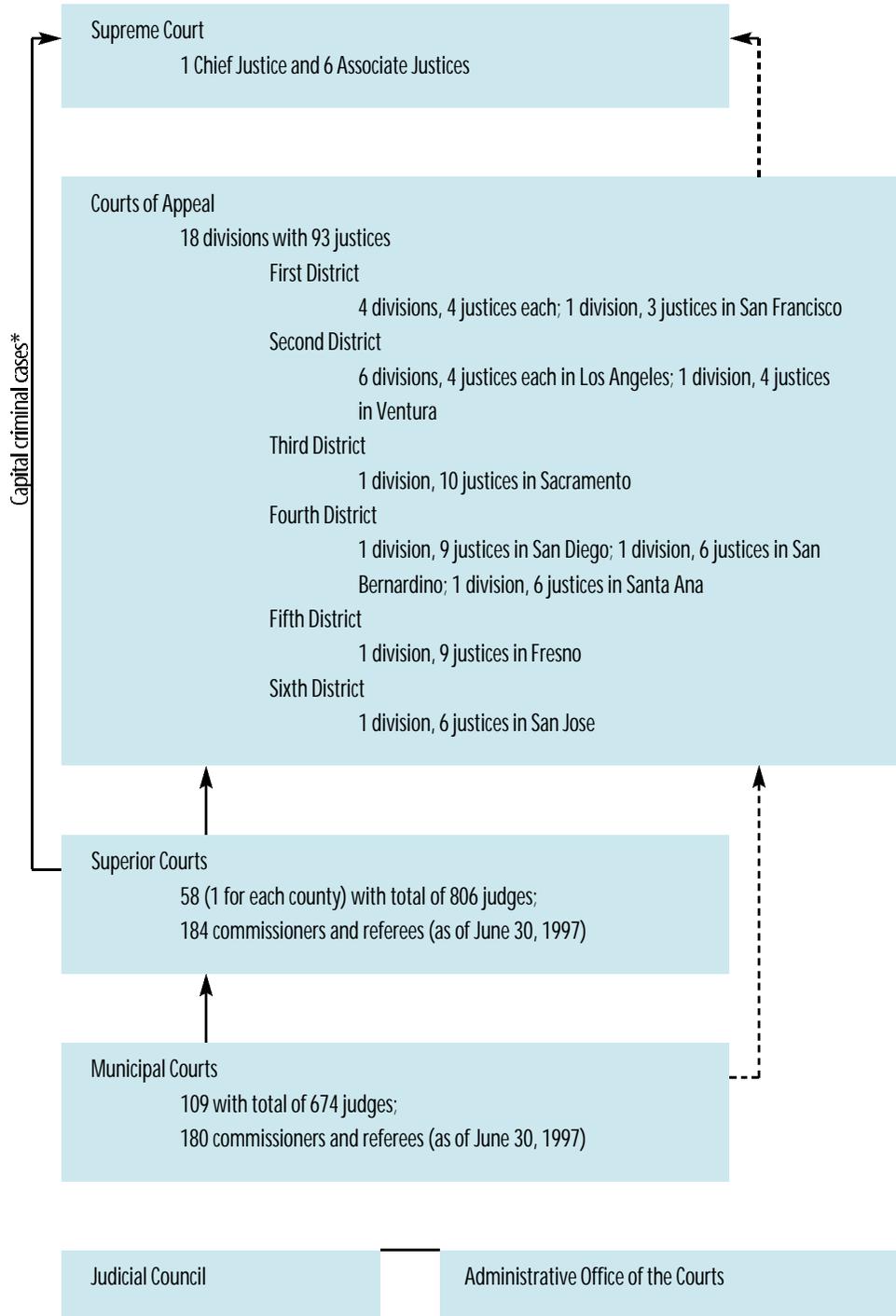
Tony Wernert

OFFICE OF COURT SECURITY

Don Tamm

California Court System

As of April 1, 1998
(unless otherwise noted)



* Death penalty cases are automatically appealed from the superior court directly to the Supreme Court.

Line of Appeal

Line of Discretionary Review

California's judicial authority is vested by its state Constitution in a Supreme Court, Courts of Appeal, superior courts, and municipal courts. The superior and municipal courts are the trial courts; the Supreme Court and Courts of Appeal are appellate courts that primarily review decisions of the trial courts.

As of April 1, 1998, the California judicial system consists of 174 courts and 1,580 authorized judgeships—1,480 trial court judgeships, 93 appellate justices, and 7 Supreme Court justices. (The number of Supreme Court justices has remained the same since 1879.)

1

Overview

“Obtaining a stable and adequate source of funding for our courts is without doubt one of the most important reforms in the California justice system in the 20th century.”

—Chief Justice Ronald M. George

1997 State of the Judiciary Address

The achievement of major, longtime Judicial Council goals in 1997 will help establish the foundation upon which our court system can build to meet the challenges of the next century. Enactment of the historic trial court funding restructuring legislation in September 1997 was a long-awaited reform for the California trial courts. This legislation, the Lockyer-Isenberg Trial Court Funding Act of 1997, gives the state full responsibility for funding eligible trial court operations costs. Earlier in the year, the courts received some much-needed relief with the Legislature’s creation of 21 new trial court judgeships and five new appellate court judgeships (effective January 1, 1997)—the first new judgeships authorized in nearly a decade.

The California judicial system—the largest in the nation, larger than even the federal judiciary—is coping with a web of pressures and challenges. The number and complexity of case filings continues to rise; in fiscal year 1995–96, more than 9 million

cases were filed in our state courts. The “three strikes” law continues to have a noticeable impact on court workload, especially in the superior courts, which have experienced an increase in resource-intensive criminal jury trials. Another challenge is the growing number of self-represented (pro per) litigants, especially in family law matters. These litigants require more time from judges and court staff because most are not familiar with court forms and procedures. In addition, our increasingly diverse, multicultural society confronts California courts with ongoing change and evolving demands.

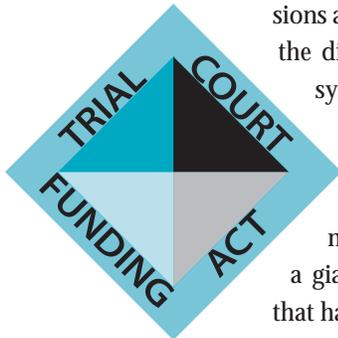
Landmark Trial Court Funding Bill Enacted

In the Fall of 1997, the California Legislature approved and Governor Pete Wilson signed the Lockyer-Isenberg Trial Court Funding Act of 1997 (Assem. Bill 233; Stats. 1997, ch. 850), which makes the state responsible for funding the trial courts. Prior to enactment of the Trial Court Funding Act, California's trial courts were funded under a bifurcated system in which counties shared funding obligations with the state. Under this system, public services varied from county to county as courts tried to cope with funding shortages from state and local sources.

With the consolidation of all funding decisions at the state level, the funding act will alleviate the disparities that existed under the bifurcated system by enhancing the state's ability to address the operating needs of the courts and to provide basic and constitutionally mandated services to the public. Enactment of the trial court funding legislation was a giant stride toward solving a major problem that has plagued the judiciary and imperiled equal access to justice.

After years of seeking an effective financing system for the state courts, leaders of California's bench and bar hailed the passage of this landmark legislation that creates a stable, long-term funding solution for the trial courts. "We have finally realized our long-awaited goal for assumption—by the state—of the major responsibility for funding our trial courts," said Chief Justice Ronald M. George.

The Trial Court Funding Act, which went into effect January 1, 1998, was authored by Assembly Members Martha Escutia and Curt Pringle. (*The Special Trial Court Funding Report includes a summary of the bill, key provisions, implementation issues, the Trial Court Budget Commission's new challenges, and a discussion of the effect that inadequate funding had on public access and services.*)



Trial Courts

Trial court filings constitute most of the filings in our state courts. In fiscal year 1995–96, there were approximately 9.08 million case filings in all the state courts, 99.6 percent of which were trial court filings (approximately 9.04 million). This represents a slight (2 percent) increase in filings in the municipal and superior courts over the prior year. However, trial court filings in 1995–96 were still 33 percent higher than they were two decades ago.

CRIMINAL CASES

In 1995–96, both criminal filings in superior courts and felony filings in municipal courts decreased slightly, consistent with the declining rate of crime in California. In the superior courts, however, the number of resource-intensive criminal jury trials continued to climb, which many courts attribute to the "three strikes" law. This law continued to generate a noticeable impact on judicial and administrative workload for criminal cases in many trial courts.

In keeping with the rapid proliferation and success of drug courts in California and throughout the country, to date over 30 counties in our state have drug treatment courts. Moreover, the Administrative Office of the Courts estimates that there are more than 60 California drug courts either in existence, being planned, or under discussion.

For the first time in six years, traffic infraction filings increased—to 4.94 million filings in 1995–96, a 4 percent increase over the previous year. Although traffic cases frequently require only a small amount of time from judges, they demand substantial time from court staff.

CIVIL CASES

In 1995–96 civil filings in the superior courts increased 8 percent over the prior year. Family-related cases skyrocketed, continuing a trend of dramatic increases in these filings over the past two decades.

While the overall rate of violent crime has been dropping in recent years, domestic violence continues to be a horrifying epidemic in California and throughout the country. A growing number of courts in California have created special divisions to handle family violence cases. Additionally, nearly all 58 counties have formed family violence prevention coordinating councils.

There was a slight decrease in juvenile dependency filings in 1995–96; however, these filings have increased 195 percent during the past two decades. Juvenile delinquency cases, on the other hand, continue to rise. In 1995–96, juvenile delinquency filings rose 4 percent from the prior year, continuing a decade of increases in these cases.

ACHIEVEMENTS

Enactment of the trial court funding restructuring legislation in 1997 has provided a long-term funding solution for the trial courts and represents a significant reform. The Legislature's creation of 21 new judgeships—authorized by Assembly Bill 1818 (Baca) (Stats. 1997, ch. 262)—has also provided much-needed relief to the trial courts.

Among other achievements, the superior courts have continued to improve their case-processing time in civil cases despite concerns regarding resources diverted to handle three-strike (criminal) cases. There have also been significant milestones reached by the trial courts in the area of court coordination. In addition, in 1996 and 1997 a number of trial courts were honored with the prestigious Kleps Award, presented annually since 1991 for innovative programs that improve court administration and service to the public.



Photo: Kiri Torre.

Mono County Courthouse.

Appellate Courts

In 1995–96, the state appellate courts, which include the California Supreme Court and the Courts of Appeal, reported record-high filings.

SUPREME COURT OF CALIFORNIA

During fiscal year 1995–96, filings in the Supreme Court reached an all-time high of 6,838—an 8 percent increase over the previous year. Most of the Supreme Court's filings were petitions for review arising from decisions of the Courts of Appeal. The high court also received 1,803 original proceedings, representing a 15 percent increase from the prior year. Thirty death penalty appeals were filed as well as 33 petitions for writs of habeas corpus related to capital appeals. In 1995–96, the Supreme Court issued 102 written opinions, 5 percent more than the court filed the prior year.

The Supreme Court has taken numerous steps to streamline internal operating procedures and has sought to make its work more accessible to the public through improving press and public access to opinions and other information concerning the high court.

The high court also continues to be concerned about delays in handling death penalty appeals, which come to the court automatically from a judgment of death rendered in superior court. The primary causes of delay in these appeals has been difficulty in recruiting qualified counsel and the length of time consumed in certifying the record on appeal. The Supreme Court has been implementing measures to address both problems. (See “Achievements” below for discussion of legislation passed to address the problem of delay in death penalty appeals.)

Achievements

The California Supreme Court has made strides in enhancing public access and service through technology. In February 1996, the high court became the first appellate court in California to launch a Web site. This link between the Supreme Court and the bench, the bar, and the public provides access to the court's opinions and information concerning membership and qualifications, original jurisdiction and authority, practices and procedures, policies and guidelines for automatic appeals, forthcoming filings, the court's oral argument calendar, and weekly summaries of cases accepted for review by the high court.

The Supreme Court has also revised many of its internal operating procedures and has taken a wide variety of steps to improve its processing of cases.

In addition, a number of innovative steps have been taken over the past several years to attract additional qualified counsel to represent indigent appellants in death penalty appeals—perhaps the most significant of which was the passage of Senate Bill 513 (Lockyer and Pacheco) (Stats. 1997, ch. 869) in the Fall of 1997. This legislation is designed to enhance the system of representation in capital cases by reducing delays in the appointment of counsel and in the processing of these cases. Effective January 1, 1998, this legislation, among other provisions, expands the existing Office of the State Public Defender; creates the California Habeas

Resource Center, which will represent inmates in state and federal capital habeas corpus proceedings and provide support for private counsel handling habeas corpus petitions; increases the rate of compensation for private counsel appointed in either direct appeal or habeas corpus proceedings from \$98 to \$125 per allowable hour; and raises the amount authorized for habeas corpus investigative expenses to a maximum of \$25,000.

Another recent piece of legislation, Assembly Bill 195 (Morrow) (Stats. 1996, ch. 1086), addresses delays in record certification by shifting some of the responsibility for completing and correcting the record to trial attorneys and trial judges during, and immediately following, trial, rather than waiting until the trial is completed and placing the entire burden on the appellate lawyer.

COURTS OF APPEAL

Workload data for the Courts of Appeal for the 1996–97 fiscal year was available for this report. During that period, total filings in the Courts of Appeal reached a record high of 25,760, a 9 percent increase over total filings in the previous year. There were 8,879 original proceedings filed in 1996–97—a 10 percent increase over the prior year. Juvenile original proceedings decreased 8 percent from the previous year.

The Courts of Appeal have generated an overwhelming increase in their disposition of cases to help keep pace with the increase in filings. In 1996–97, there were 13,928 dispositions by written opinion, a 10 percent increase over the prior year. Dispositions by written opinion have increased continually and dramatically over the past two decades.

The number of pending fully briefed appeals continues to grow. These appeals, in which all legal briefs have been filed but decisions have not yet been rendered, have increased at an annual rate of between 3 and 13 percent since 1990. In 1996–97, these appeals increased 4 percent from the prior year.



Achievements

Effective January 1, 1997, AB 1818 authorized five new appellate judgeships, bringing the total number of justices to 93. Although the new judgeships provided much-needed assistance, filings of records of appeal per authorized justice have continued to rise—from 125 per authorized justice in 1987–88 to 182 per authorized justice in 1996–97.

In May 1997, in response to the ever-increasing volume of cases in the Courts of Appeal, Chief Justice George appointed the Appellate Process Task Force to offer recommendations on changes that may be necessary for the appellate courts to render timely justice in the future without continual infusion of additional resources.

In 1996, progress was made toward improving appellate court administration with the completion of phase II of the Administrative Presiding Justices Advisory Committee's Resources Study. In addition, the Judicial Council adopted modernized rules, recommended by its Appellate Advisory Committee, that govern the format of appellate briefs.

In 1996, the Fourth District Court of Appeal, Division Two (San Bernardino) was presented the prestigious Kleps Award by the Judicial Council for its Volunteer Attorney Mediator Appellate Settlement Program.

A number of appellate districts have also advanced technologically. For instance, in 1997 the Third Appellate District (Sacramento) and the Fourth Appellate District, Division One (San Diego) became the first Courts of Appeal to launch Web sites. The First Appellate District (San Francisco) followed suit in early 1998, and a Web site for the Fifth Appellate District (Fresno) is expected in the Spring of 1998. Additionally, in 1997 the First Appellate District provided a direct Internet link to receive e-mail messages from the public.

Judicial Council

The Judicial Council of California makes judicial policy recommendations to the courts, the Governor, and the Legislature. With the enactment of trial court funding reform in 1997, California has recognized its essential responsibility to ensure that there is equal access to justice throughout the state. Now that a secure and stable funding source has been established, the courts can better focus on other statewide needs, such as technology and modernization, to improve court administration. The Judicial Council is continuing its work to ensure access, fairness, and diversity; to improve public service; and to consolidate and streamline court operations.



IMPROVING ACCESS, FAIRNESS, AND DIVERSITY

The Judicial Council's Access and Fairness Advisory Committee is charged with monitoring issues related to access and fairness in the state judicial system, consistent with the council's long-range goals. The advisory committee's five subcommittees address racial and ethnic fairness, gender fairness, access for persons with disabilities, and sexual orientation fairness, as well as education and implementation concerns. The advisory committee completed a number of significant projects in 1996–97 and is hard at work on additional projects in 1997–98.

California currently has 1,055 certified court interpreters, and while the overall pool of interpreters has increased in recent years, a critical need for more interpreters exists in many areas of the state. Numerous strides toward alleviating this situation were made in 1997 by the council and its Court Interpreters Advisory Panel. Additionally, with enactment of the trial court funding restructuring legislation, the council has assumed responsibility for implementing a state-funded interpreters program.

FOCUSING ON FAMILY-RELATED CASES

Meeting the needs of families and children is a priority for the Judicial Council. The council's



Family and Juvenile Law Advisory Committee directed a number of vital programs in 1996 and 1997, including the following: Juvenile Court Improvement Project, "Beyond the Bench" conferences, Court-Appointed Special Advocate grant program, Child Advocacy Training Project, and the Judicial Review and Technical Assistance project.

In addition, the advisory committee's work helped to achieve passage of Assembly Bill 1058 (Speier) (Stats. 1997, ch. 957), the most significant aspect of which is its establishment of the Child Support Commissioner and Family Law Facilitator Program.

Other measures to assist families include the Pro Per Center Pilot Program, an initiative to improve access for self-represented litigants, as well as the Judicial Council-sponsored family violence prevention conferences. The council's Statewide Office of Family Court Services continues to assist in the coordination of child custody mediation and family conciliation services in family courts throughout California. The annual child custody mediation caseload has skyrocketed during the last decade.

IMPROVING PUBLIC ACCESS AND SERVICE

The Judicial Council is committed to improving both the public's access to the courts and the courts' service to the public. The council continues to work actively toward enhancing access and service through technology, community outreach, and jury system improvements.

During 1996 and 1997, numerous technological advances to enhance public service and access to the courts through the Internet and World

Wide Web were achieved. The Judicial Branch of California Web site was implemented in February 1996 and has been redesigned and enhanced since that time. This Web site was recently ranked among the top 5 percent of all state and local government Web sites in the country by Lycos, the nation's oldest and most prestigious Web site directory.

In April 1997, Chief Justice George appointed the Special Task Force on Court/Community Outreach, which is working to determine how courts can reach out to communities and become more accessible to the public. By August 1997, the Chief Justice had fulfilled his pledge to visit the trial and appellate courts in all 58 counties throughout California, adding two tribal courts to the list.

In its continuing efforts to improve California's jury system, the Judicial Council took steps in 1996 and 1997 to implement approved recommendations made by the Blue Ribbon Commission on Jury System Improvement in May 1996.

IMPROVING COURT ADMINISTRATION THROUGH TECHNOLOGY

The Judicial Council's long-range strategic plan calls for modernization of judicial administration practices and specifies areas in which technology can be used to achieve this goal. Traditionally, the Judicial Council's Administrative Office of the Courts (AOC) has focused its technology efforts on meeting the needs of the council and the appellate courts; however, in recent years, the AOC has assumed greater responsibility for the application of technology in the state's trial courts. Some of the council's recent technology projects have focused on planning, communications, and case-management systems.

CELEBRATING COURT EXCELLENCE

Every year since 1991, the Judicial Council has recognized court programs that improve efficiency and public service with a Ralph N. Kleps Improvement in the Administration of the Courts Award—

named for the first Administrative Director of the California courts. In 1997, 12 court programs were selected to receive the Kleps Award; in 1996, 8 programs received this prestigious award. (See Chapter 4 for descriptions of the winning programs.)

KEY LEGISLATION

The Judicial Council sponsors and supports legislation that promises to advance court reform goals outlined in its long-range strategic plan. Enactment of the historic trial court funding legislation in 1997 was a long-awaited reform. Other key court-related legislation that passed in the 1997 legislative session included bills in the areas of criminal procedure, juvenile delinquency, family law and domestic violence, fine and forfeitures, and court administration. (See *Legislative Report for details.*)

LONG-RANGE PLANNING: FOCUSING ON IMPLEMENTATION

Leading Justice into the Future, the Judicial Council's long-range strategic plan for the California judicial

system, contains a detailed action plan for the council's advisory committees and the AOC. In May 1997, the council adopted

changes to the strategic plan that emphasize the council's commitment to the quality of justice and service to the public.

At the Judicial Council's 1997 Planning Workshop, the council assessed the progress that has been made since the planning process was first formally initiated in 1992. In 1997, the council shifted its focus from plan creation to plan implementation by defining and determining the relative importance of specific objectives. In May 1998, this new focus on plan implementation will reach a milestone when the council sponsors the first Statewide Community-Focused Court Planning Conference.

In 1998 and beyond, our judicial system is continuing to meet the challenges it faces with the cooperation and collaboration of the state courts and the Judicial Council, which is strategically planning for the future and working to improve access to the courts for all Californians. ■

DEMOGRAPHIC TRENDS AFFECTING THE STATE COURTS

Immigration has transformed California into the world's largest multicultural society. While the ever-increasing diversity of California's population represents a great strength and resource, this melting pot presents additional challenges for our judicial system. More than 200 languages are spoken in our state, and individuals from every corner of the globe bring with them different perceptions and expectations about the administration of justice. While great strides have been made (see Chapter 4), for many Californians language and cultural barriers frustrate their access to justice.

The expanding diversity of our state's population has also resulted in an increased need for court interpreters and an increased demand for services, including the provision of informational materials and signage in varied formats for those who cannot read, speak, see, or otherwise communicate in written English.

Many of our state courts are experiencing an increase in the number of people who use the court system. This trend is likely to continue given that California is expected to experience tremendous overall population growth during the next decade. The California Department of Finance recently projected population to the year 2008. These projections reveal an estimated 24 percent increase in our state's general population from 32.1 million people in 1995 to 39.8 million people in the year 2008.



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Trial Court Funding Act of 1997

Chief Justice George celebrated the passage of the trial court funding restructuring legislation—“the jewel in the crown”—in his 1997 State of the Judiciary Address. “The enactment of state funding for the trial courts,” he declared, “heralds a sea change in the administration of justice.” With this landmark legislation, elected officials have given California’s trial courts the funding they need to maintain and improve services to the public.

Chief Justice George was quick to add that more work lies ahead. “The quest to improve our system must continue unabated,” he stated. “We must press for improved funding to ensure that the new system accomplishes the goals that we have set.” Moreover, he said that the court system must use its newfound freedom from day-to-day financial uncertainty to redirect its energies toward improving public access to the courts and providing quality services throughout our judicial system.



Governor Pete Wilson signed the Lockyer-Isenberg Trial Court Funding Act of 1997 on October 10. In attendance at the signing ceremony were (left to right) Steve Szalay, Executive Director, California State Association of Counties (CSAC); Assembly Member Martha Escutia; Jerry Eaves, San Bernardino County Board of Supervisors; Senator Bill Lockyer; Dwight Stenbakken, League of California Cities; Ray LeBov, Director, Office of Governmental Affairs, Administrative Office of the Courts; and Rubin Lopez, Legislative Representative, CSAC.

Under the new legislation, 1998 is a transition year, during which planning is under way for the full implementation of state trial court funding (*see page 12*). With enactment of the trial court funding bill achieved, the Judicial Council can focus on those critical areas where funding is most urgently needed and can make funding decisions in the best interests of the entire court system.

By consolidating all funding decisions at the state level, the Trial Court Funding Act does away with the bifurcated system under which courts were subjected to two separate budget processes—at the

county and the state level. Significantly, the funding act will alleviate the disparities that existed under the bifurcated funding system by enhancing the state's ability to address the operating needs of the courts and to provide basic and constitutionally mandated services to the public. With state funding secured, the next step is to go about the business of improving the infrastructure of our judicial system.



Summary

The Lockyer-Isenberg Trial Court Funding Act of 1997 (Assem. Bill 233 [Escutia and Pringle]) is summarized below. Effective January 1, 1998, this historic legislation:

- Provides that the state assume full responsibility for funding trial court operations,* beginning with the 1997–98 fiscal year, in a single trial court funding budget. Beginning in fiscal year 1998–99, it requires the Judicial Council to allocate the full trial court funding budget to the courts in four installments—on July 15, October 15, January 15, and April 15.

- Requires the Judicial Council to submit an annual trial court budget to the Governor for inclusion in the state budget that meets the needs of all trial courts in a manner that promotes equal access to the courts statewide.

- Provides that counties annually pay to the state the level of funding they contributed to the courts in fiscal year 1994–95. Beginning in fiscal year 1998–99, the state will provide local governments additional relief of approximately \$350 million.

* Gov. Code, § 77003 and Cal. Rules of Court, rule 810 define “trial court operations” to include judicial officers’ salaries and benefits, jury services, court reporting services, interpreter services, alternative dispute resolution, noncriminal court-appointed counsel, court security, information technology, staffing and operating expenses, and other indirect costs. Excluded are facilities-related costs, criminal indigent defense, probation, pretrial release, and other court-related costs.

Key Provisions

The trial court funding legislation’s key provisions:

- Consolidate all court funding at the state level, to be appropriated by the Legislature and allocated by the Judicial Council;
- Cap counties’ financial responsibility based on the fiscal year 1994–95 level;
- Require the state to fund all future growth in court operations costs;
- Authorize the creation of 40 new judgeships, contingent on an appropriation to be made in future legislation;
- Require the state to provide 100 percent funding for court operations in the 20 smallest counties beginning on July 1, 1998; and
- Raise a number of civil court fees to generate approximately \$87 million annually to support trial court operations.

THE LOCKYER-ISENBERG TRIAL COURT FUNDING ACT OF 1997

AB 233 (ESCUTIA AND PRINGLE)



- Establishes a mechanism for the counties and the courts to seek an adjustment to the base county contribution to correct errors and inequities that may result from the use of fiscal year 1994–95 as the base year. Also allows for an adjustment of these amounts to reflect the moneys that counties contributed to court funding between July 1, 1997, and December 31, 1997.

- Requires counties to continue funding court facilities and those court-related costs that are outside the statutory definition of court operations, such as indigent defense, pretrial release, and probation costs.

- Adjusts various civil fees, which will result in an estimated additional \$87 million annually to support trial court operations.

- Provides that growth in revenues from fines over the amount collected in fiscal year 1994–95 will be split between the counties and the Trial Court Improvement Fund. This fund will address emergency needs of the courts; provide funding for statewide improvement projects, including automation and other needs; and reward court coordination efforts.

- Directs the Judicial Council to adopt rules of court that ensure a decentralized system of trial court management.

- Establishes a task force on the status of trial court employees and a task force on trial court facilities to make recommendations to the Judicial Council and the Legislature on appropriate means for addressing related issues.

- Establishes the Civil Delay Reduction Program, a team of retired judges assigned by the Chief Justice to assist courts in reducing or eliminating delay in civil cases.

- Creates the Judicial Administration Efficiency and Modernization Fund—subject to legislative appropriation—to promote court unification. The Judicial Council may use this fund to promote increased access, efficiency, and effectiveness in trial courts that have unified to the fullest extent permitted by law—including the provision

of support for education programs, improved technology, enhanced judicial benefits and educational sabbaticals, and improved legal research assistance to judges.

- Provides that the Judicial Council may authorize a trial court that has fully implemented court coordination under rule 991 of the California Rules of Court to carry unexpended funds over from one fiscal year to the next.

- Authorizes municipal court judges to receive pay equivalent to that of superior court judges when the former are cross-assigned by the Chief Justice pursuant to both a Judicial Council–approved coordination plan and a Judicial Council–certified, uniform county- or regionwide system for case assignment that maximizes existing judicial resources.



Outdoor walkway,
San Bernardino
County Government
Center.

Implementing Trial Court Funding

Now that the Lockyer-Isenberg Trial Court Funding Act of 1997 has been enacted, issues remain regarding the implementation of this historic law.

KEY ISSUES FOR 1997–98 FISCAL YEAR

The budget for each court is the budget allocated by the Judicial Council based on the appropriation approved in the fiscal year 1997–98 State Budget Act. Implementation issues include:

- In total, counties will contribute the entire amount of funding they paid in the 1994–95 fiscal year to support courts (\$890 million statewide) and remit to the state the amount in revenues from criminal fines, plus half the growth in such revenues over the 1994–95 fiscal year level (\$292 million statewide, plus half the growth).

- For the first half of the 1997–98 fiscal year, counties will remain responsible for paying court costs above the available state funding allocation. Beginning January 1, 1998, counties may seek a credit against their base funding requirement for the amount they spent on court operations costs through December 31, 1997, up to the county's total obligation.

- For the first half of the 1997–98 fiscal year, counties continue to remit revenues from criminal fines to the state. Beginning January 1, 1998, counties may take a credit against their base requirement for the amount remitted through December 31, 1997.

- After January 1, 1998, the Judicial Council will allocate the remainder of the trial court funding budget. The funds are to be deposited into the local trial court operations fund of each county.

- Beginning January 1, 1998, courts may charge increased amounts for civil fees to ensure collection of sufficient revenues to support the court operations budget.

KEY ISSUES FOR 1998–99 FISCAL YEAR

- The budget for the courts will be the budget adopted by the Legislature for trial court funding and allocated by the Judicial Council.

- Trial court funding will be allocated by the Judicial Council in four installments: on July 15, or within 10 days of state budget enactment; on October 15; on January 15; and on April 15.

- The counties' base obligation to the state will be reduced from \$890 million to \$605 million, with the obligation of the 20 smallest counties (populations under 70,000) reduced to zero.

- The counties' criminal revenue obligation to the state will be reduced from \$292 million to \$226 million. This includes a transfer of certain traffic fine revenues to cities and relief for five counties that historically sent the state more in revenues collected than they received in state funding to support the courts.

Policies Promoted by Trial Court Funding Restructuring

The Lockyer-Isenberg Trial Court Funding Act of 1997:

- Provides a stable, consistent funding source for the trial courts.
- Promotes fiscal responsibility and accountability by the trial courts in managing scarce resources in the most efficient and effective manner.
- Recognizes that the state is primarily responsible for trial court funding, thereby enabling the courts, the state, and the counties to engage in long-term planning.
- Enhances equal access to justice by removing disparities resulting from the varying ability of individual counties to address the operating needs of the courts and to provide basic and constitutionally mandated services.
- Provides significant financial relief in all 58 counties, which is desperately needed to allow the counties to redirect scarce local resources to other critical programs that serve their constituents.

Trial Court Budget Commission: Prepared to Meet New Challenges

The Trial Court Budget Commission (TCBC), an advisory committee to the Judicial Council, makes recommendations to the council on critical budget and policy issues that affect California's trial courts. The TCBC was established in 1992 to oversee the trial court budgeting process—budget building and fund allocation. The TCBC, comprised of judges and court executives from the trial courts, developed a uniform format for courts to use in formulating and submitting budget requests as well as a system of comparative statistics and performance measures to assist the TCBC in evaluating the requests.

Prior to the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997—the landmark law that makes the state responsible for funding the state trial courts—California's trial courts were funded under a bifurcated system in which counties shared funding obligations with the state. At the time the TCBC was created, some county governments provided more money to support courts than others. A number of counties were in dire financial circumstances. As a result, some courts were struggling to keep their doors open. Over the years, the TCBC has succeeded in streamlining the reporting of expenditures and revenues across the state.

The TCBC is prepared to meet its new challenges under the consolidated funding system ushered in by the Trial Court Funding Act. The TCBC is now responsible for developing budgets and allocating trial court funding under a single-source, state-funded system. This is being handled in accordance with the Judicial Council's recently revised rules of court and budget policies and procedures.

At a public meeting in February 1998, the Judicial Council adopted new rules of court governing

the membership and operations of the TCBC in accordance with the Trial Court Funding Act. The commission is now structured and functions as follows:

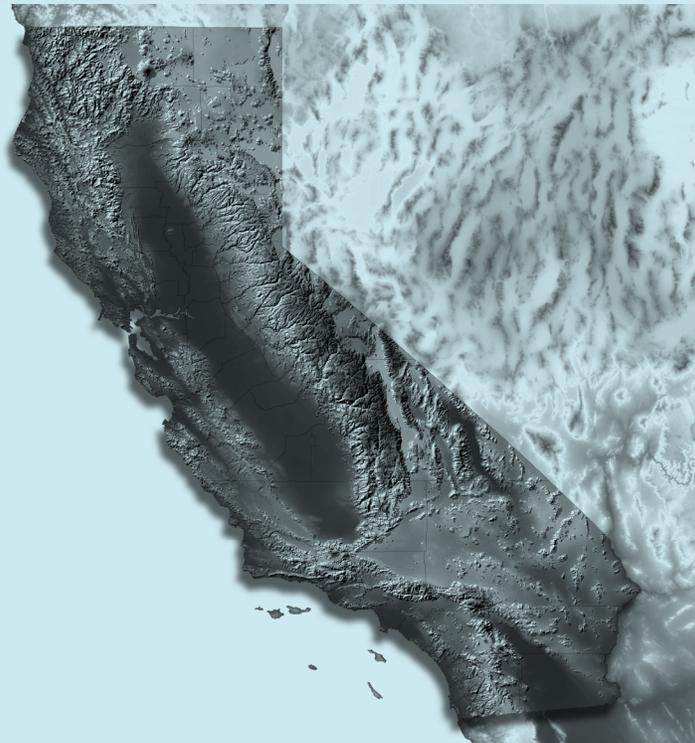
- **Membership:** Commission members, like all advisory committee members, make decisions in the best interests of the public and the court system. The commission is reduced from 32 to 24 members, comprised of 16 trial court judges and 8 trial court executive officers.

- **Budget requests:** The commission evaluates the incremental budget requests of the trial courts and makes prioritized recommendations to the Judicial Council.

- **Funding allocation:** The commission recommends allocation of state trial court funding to the Judicial Council based on specified criteria.

- **Funding reallocation:** The commission makes recommendations to the Judicial Council on reallocation of funds during the current fiscal year for specified purposes.

- **Annual report on trial courts:** The commission submits an annual report to the Judicial Council on the fiscal state of the trial courts.



Inadequate Funding Took Its Toll: Public Access and Services Suffered

The lack of adequate court funding has had a dramatic impact on the courts' ability to provide equal access as well as fair and effective services to the public. Under California's bifurcated funding system—in which counties shared funding obligations with the state—public services varied from county to county as courts attempted to deal with funding shortages from state and local sources.

Courts in affluent counties fared much better than courts in less affluent counties because not all counties were able or willing to provide the amount of additional funding needed to support courts within their boundaries. This meant that justice was not available equally to all residents of the state.

In his 1997 State of the Judiciary Address, Chief Justice George remarked about what he witnessed during his visits to the courts in each of the state's 58 counties (*see Chapter 4, "Chief Justice's Outreach Efforts"*). "At courthouse after courthouse," he said, "I heard stories of woefully inadequate facilities, insufficient staff, unavailable interpreter services, and antiquated information-processing systems incapable of meeting current court needs." Indeed, even the safety of the public and court personnel has been jeopardized by inadequate court security systems compromised by insufficient and unstable funding (*see page 17*).

Despite fewer resources in the face of greater demands, California's courts—with assistance from the Judicial Council—have responded with innovative programs to meet funding shortages and workload challenges (*see Chapter 4*).

Moreover, the Lockyer-Isenberg Trial Court Funding Act of 1997, effective January 1, 1998, will go a long way toward meeting the critical needs of the courts and will enable them to dramatically improve public services. The restructuring of trial court funding will also enhance equal access to justice by removing the disparities that resulted from the counties' varying ability to address the operating needs of the courts and to provide basic and constitutionally mandated services. Of course, not all funding problems of the trial courts can be remedied in a single year; rather, it will take several years under the new funding system to achieve equality of access to justice.

The examples that follow illustrate the detrimental effect that widespread inadequacy of funding has had on every conceivable area of court operations and public service and underscore how critical it was to obtain state funding of the trial courts. ***The following data reflects conditions in the state courts as of August 1997:***

■ Reduced hours of service to the public and staff layoffs

In many court locations, staffing levels dropped below those needed to serve the public, and additional cuts often were threatened if a solution was not achieved. For example, Tuolumne, San Luis Obispo, Sierra, and San Benito counties faced reducing hours of public access and cutting service programs. Butte County was severely understaffed, having the lowest staff-to-judges ratio in the state. Madera County desperately needed funding for new positions; no positions had been added in 18 years. Personnel and the public suffered because of the resulting backlog of work.

"This [the Lockyer-Isenberg Trial Court Funding Act of 1997] represents the most meaningful reform of the California judicial system in this century. The state has recognized its essential responsibility to ensure that there is equal access to a quality judicial system statewide."

—Senate President Pro Tempore
Bill Lockyer

■ **Child custody evaluation services severely compromised**

Most courts lacked the financial resources to provide comprehensive child custody evaluation services. Estimates from the *Fall 1996 California Snapshot Study*, conducted by the Statewide Office of Family Court Services (FCS), show that annually in only about 1,000 of the over 100,000 incoming FCS cases statewide were comprehensive court-based evaluations conducted.

■ **Delays in mandatory family court mediations**

The high demand for mediation services (*see Chapter 4, page 71*) in the face of extremely limited resources meant that mandatory mediations, in some courts, were being delayed for months. Mediations must occur before a case subject to mediation can be brought before the court for final adjudication. Delays pose an increased risk for victims of abuse and neglect who remain in potentially life-threatening situations.

■ **Delays in juvenile placement**

Juveniles in high-risk home environments were forced to remain at risk because of unprecedented delays in bringing such matters to court. Large backlogs of dependency cases meant that many children waited years for permanency (*see Chapter 2, page 36*).

■ **Lack of qualified interpreters compromised access to justice**

Access to justice for people who do not speak English was imperiled because of the lack of qualified interpreters, particularly in rural counties. For example, Imperial County was not able to find adequate interpreters for their courts because of their inability to match pay rates in neighboring counties, such as San Diego. Without interpreters, non-English-speaking individuals do not have guidance to understand

and deal with the complex and fast-paced legal system. (*See also Chapter 4: “Interpreters.”*)

■ **Infrastructure of courts’ automation systems verged on collapse**

Many courts’ automation systems could not be upgraded to meet basic needs, and existing systems were overtaxed and verged on complete breakdown, virtually denying access to public information. For example, Napa, San Bernardino, and Plumas counties could not make needed technological improvements. Orange County was falling behind in technology and faced a more expensive upgrade in the future unless the equipment was maintained.

■ **Closure of branch courts severely reduced access to justice**

County-imposed budget cuts resulted in the temporary closure of branch courts. These closures, in turn, severely reduced access to justice for residents of outlying areas as well as increasing numbers of elderly and immobile individuals. For example, courts in Trinity, Shasta, and Plumas counties faced closure. (*See also “Court Closures Averted,” this page.*)

■ **Services for self-represented litigants virtually unavailable**

Services for the increasing number of self-represented (pro per) litigants (*see Chapter 2*) were virtually unavailable. Moreover, the poor, who need advocacy most, took the brunt of any cutbacks in service to the public.

■ **Timely dispositions of probate matters not guaranteed**

Delays in bringing these cases to resolution in courts left surviving family members in an unacceptable state of limbo.

Court Closures Averted

An extreme example of the disparate impact that California’s bifurcated funding structure had on the trial courts was the near closure of numerous counties’ trial courts in 1997.

On Valentine’s Day 1997, the Judicial Council voted to allocate \$826,200 in emergency funding to delay the closure of trial courts in 16 counties, which would have been forced to close their doors to the public at the end of February. By the end of March, trial courts in eight other counties were also at risk of closure without additional funding. Trial courts in 27 additional counties faced closure by the end of April.

These closures and others were averted with the Governor’s signing of Senate Bill 21 (Lockyer) (Stats. 1997, ch. 3) on March 4, 1997. The measure provided \$290.5 million to fund court operations through the 1996–97 fiscal year.

■ Therapeutic courts jeopardized

Without special outside funding, “therapeutic” courts (e.g., drug, domestic violence, and teen) were jeopardized, leaving only punitive means for addressing the complex problems of these individuals. For example, Placer County’s innovative court programs—drug court, DUI court, and peer court—could not be funded entirely through the county and could not be expanded without more funding.

■ Alternative dispute resolution programs reduced or eliminated

Alternative dispute resolution programs—which are less costly because they divert cases from the legal system—were cut back or eliminated because of reduced resources. The directors of Family Court Services programs across the state pointed to the need for resources to prepare clients, provide more time for mediation, and put safeguards in place in high-risk situations.

■ Resources unavailable to address growing caseloads

The caseloads in California’s trial courts have continued to grow. For example, in fiscal year 1995–96, total trial court filings reached more than 9 million cases, resource-intensive criminal jury trials in superior courts continued to climb, and family-related cases continued to skyrocket (*see Chapter 2*).

■ Courtroom security at risk

Inadequate and unstable funding compromised courts’ security systems, endangering the safety of the public and court personnel (*see page 17*). ■

Technology Is Not a Luxury

Technology is critically necessary to provide the public with accessible, user-friendly courts. It is not a luxury. Antiquated and inefficient court technology may only serve to increase public frustration and diminish respect for our system of justice. Disparities in services from court to court and county to county that resulted from the bifurcated trial court funding system have exacerbated concerns that equal justice is not available to all citizens.

Courts in different counties have been in different stages of automation and innovation. Indeed, because of insufficient and unstable funding, too often court technology systems throughout California have not been upgraded to meet basic needs and existing systems have been over-taxed. Incompatible systems have made courts incapable of providing the basic information required by all three branches of government in planning for the needs of our justice system, and opportunities for more efficient management of workload have been foregone because funds were not available to modernize existing systems.

Despite inadequate and unstable funding, California’s courts, with assistance from the Judicial Council, have responded with innovative programs to enhance efficiency and modernize both the trial and appellate courts (*see Chapter 4*).

EFFECT OF TRIAL COURT FUNDING ACT

Enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997 gives the Judicial Council an opportunity to tie funding of trial court technology projects to statewide standards—to the extent that moneys are available to the council to allocate for particular projects. These standards are almost certain to be functional—or related to the capabilities that a system will be expected to have—rather than technical standards concerned with the specific hardware and software required to implement functional expectations. Functional standards set performance objectives that normally can be implemented using a variety of hardware and software configurations.

The trial court funding legislation requires the Judicial Council to set aside 1 percent of the annual state appropriation for trial courts (one-quarter of which is for statewide projects/programs) in the Trial Court Improvement Fund (*see page 11*). In addition, the funding legislation establishes a Judicial Administration Efficiency and Modernization Fund (*see page 11*). Based upon appropriations/allocations to the modernization fund, the Judicial Council may approve expenditures in unified courts for improved technology to promote access, efficiency, and security.

“With all that we expect the courts to do, a secure and stable funding source is a fundamental requirement. Now that AB 233 has passed, the courts can better focus on other statewide needs, such as technology and modernization.”

—Senator John Burton



Courtroom Security at Risk

Pervasive community violence is an unfortunate fact of life. That threat, sadly, has invaded our courthouses and appears to be growing.

While most court security–related incidents in the past occurred in criminal court, a greater number of these incidents are taking place in family courts, bringing this threat even closer to home. There have been murders, suicides, and gunshot wounds in domestic dispute settings. In addition, courts have been the target of arson, explosions, and bomb threats. There also have been numerous death threats to judges and court staff throughout the state. These incidents reflect the unfortunate fact that courts are increasingly becoming the target of people's growing anger, frustration, and dissatisfaction with the justice system.

In the face of increasing threats of violence, it is especially disquieting and reckless that inadequate and unstable funding compromised courts' security systems, endangering the safety of the public and court personnel.

Here are a few examples of security concerns reported by the state courts as of August 1997:

- In a medium-sized county court, metal detectors had been purchased but no funds were available for installation. Since January 1997, 104 knives and a 40-caliber clip for a semiautomatic weapon had been confiscated in this court's family law division. In another courtroom, a spectator was relieved of a handgun. There was no way of telling how many weapons had been allowed in the courtroom undetected. This same county did not have enough bailiffs to staff the courtroom and, without funding, existing bailiffs would have been laid off.
- A large county cited the cost of providing adequate security as their most immediate problem without trial court funding. The county budget would have been \$1.4 million short just for bailiff services. Moreover, if state funding had not come through, the county would have run out of the money allotted for maintaining bailiff services by April 1998.
- A small county reported that it was not able to expand its security system to include perimeter security. This has been an issue for many courts.

ENHANCING SECURITY

The Lockyer-Isenberg Trial Court Funding Act of 1997 makes funding for court security (and any new operating costs) a matter between the judiciary and the state Legislature. The proposed trial court funding budget for fiscal year 1998–99 includes \$50 million additional funding to address increased workload in the courts. That amount includes \$29.6 million to provide increased court security.

Growing awareness of court security issues and efforts to enhance preparedness are ongoing. In April 1998, the California State Sheriffs' Association will hold a statewide Court Security Conference. This conference, which is for judges, court administrators, and law enforcement professionals, will feature the latest in security equipment and information from experts. The topics to be covered will include judicial protection, high-profile trials, subversive groups, and the media.



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Figure 1—Special Report

FY 1997–98 Judicial Branch Funding

Excludes Judges Retirement System and Commission on Judicial Performance

The State Judicial Branch and Trial Court Budget is 2.66% of the State Budget. (Funding in Billions)

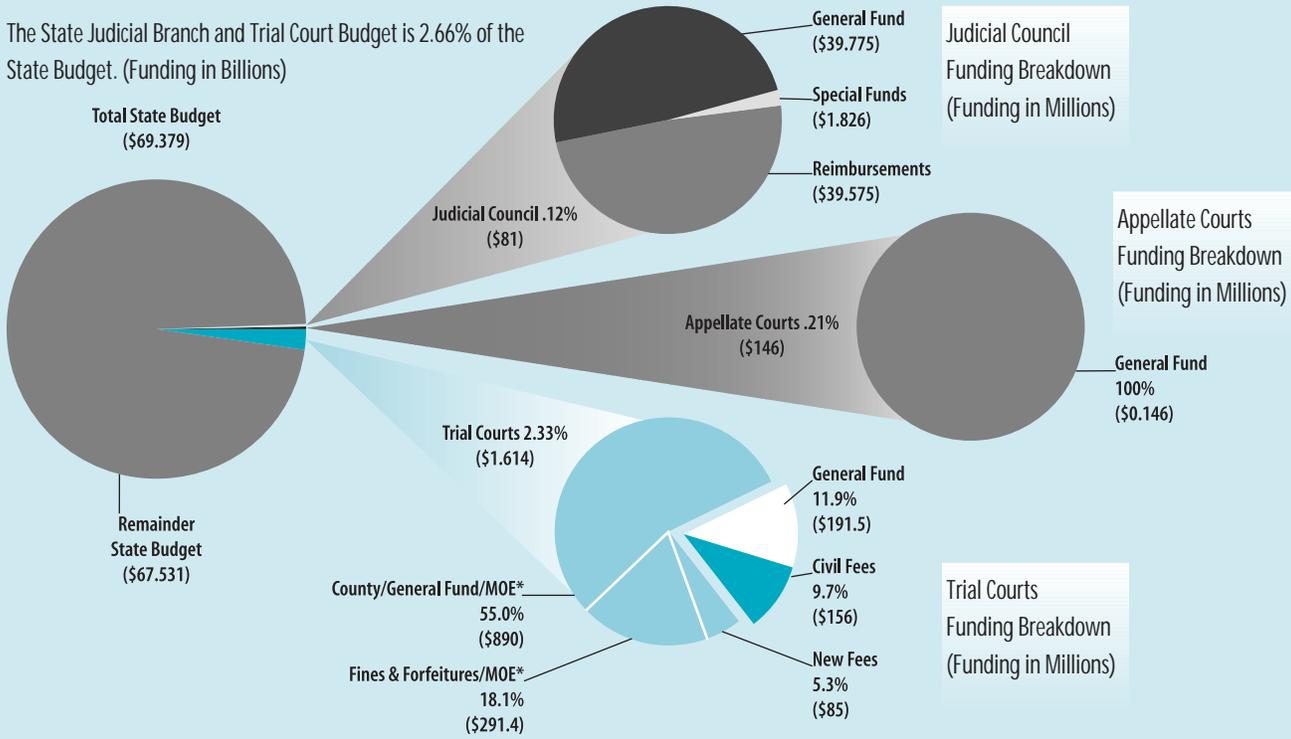
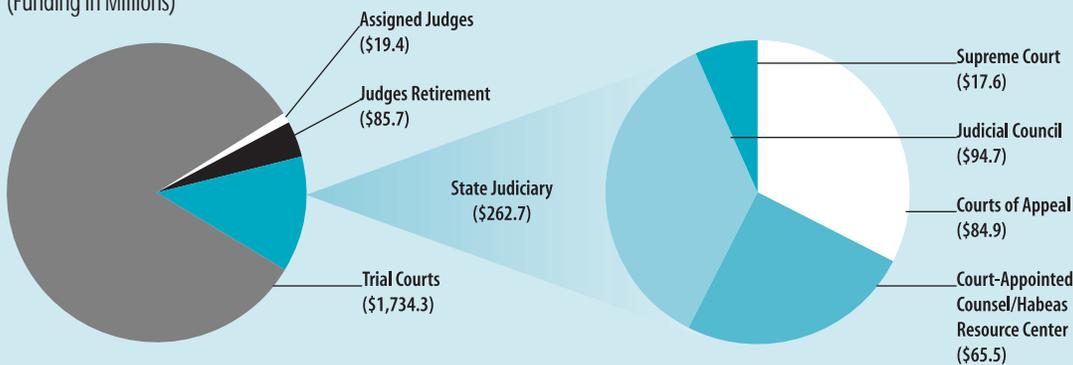


Figure 2—Special Report

Proposed FY 1998–99 Judicial Branch Budget, All Funds

Total Budget \$2,102.1

(Funding in Millions)



* Maintenance of Effort (MOE) is the amount that counties are required to remit to the state every year for support of the trial courts. This amount is equal to county expenditures for the courts and county fine and forfeiture receipts for fiscal year 1994–95. Thus, counties are required to maintain the effort that they made in 1994–95.