

## **A Brief History of the Judicial Article of the California Constitution**

The California Constitution is a living document. Originally drafted in 1849, redrafted in 1879, and subsequently amended significantly on several occasions, the judicial article of the Constitution serves as the foundation of the varied and important work of our state's judicial branch. In 1926 the Judicial Council was established through constitutional amendment, and in 1934 the system by which appellate justices were established was changed through the amendment process. A major reorganization of the courts of limited jurisdiction was carried out in 1950. In 1960 and 1966 significant revisions of the judicial article were made based on activity by the council and the California Constitutional Revision Commission, among others.

Since 1966 there have been only single-issue revisions to the article. For example, justice courts were eliminated in 1994, and in 1998 a plan for the unification of the municipal and superior courts by local option was adopted.

In the mid-1980s the State Bar began conversations about potential changes to the judicial article, and in the early 1990s both the presiding judges of the trial courts and the Judicial Council considered potential amendments to the judicial article. In response to the renewed interest in revising the article, the Judicial Council sponsored a series of education sessions on the topic in the mid-1990s. It has since continued the discussion with regard to specific aspects of the article, internally and among its committees.

On a national level, policy discussions have newly turned to the questions of how to preserve judicial neutrality in the face of increasingly competitive and expensive elections, how to find the appropriate balance with regard to protecting political speech of elected judges, and how courts can continue to serve the public under growing financial constraints.

The work that we are undertaking today in considering reforms to article VI is not new, and the proposed amendments are not set in stone. The purpose of this workshop is to consider the risks and opportunities associated with updating the judicial article of the California Constitution. These updates are intended to reflect the reality of today's courtroom and to prepare us for what lies ahead for California's judiciary. Thank you for offering your time, perspective, and expertise as we undertake this ambitious task.