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FACT SHEET

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Trial Court Unification

In 1998 California voters passed a constitutional amendment that provided for voluntary unification of the superior and municipal courts in each county into a single, countywide trial court system. By January 2001, all 58 California counties had voted to unify their municipal and superior court operations.

History

The unification concept can be traced to 1906, when Roscoe Pound, dean of the Harvard Law School, called the American court system archaic in its multiplicity of courts, preservation of concurrent jurisdictions, and waste of judicial power. At the national level, the American Bar Association led the move toward unification. In California, the concept surfaced in 1992, when then-Senator Bill Lockyer introduced Senate Constitutional Amendment 3, which failed in the California Legislature. Senator Lockyer introduced Senate Constitutional Amendment 4 during the 1995–1996 Legislative Session. Discussions with the Judicial Council resulted in substantial amendments to SCA 4, including one to authorize the trial courts of individual counties to decide locally whether to unify rather than mandate statewide unification. Unlike SCA 3, SCA 4 allowed courts to determine the best means of managing their own court systems. The California Legislature passed SCA 4 in June 1996. As a proposed constitutional amendment, the measure had to appear on the statewide ballot and receive a majority vote to take effect.

The California voters passed SCA 4, as Proposition 220, on June 2, 1998, and it became effective the following day. It provided for voluntary unification of the superior and municipal courts in California's counties if a majority of the superior court judges and a majority of the municipal court judges within a county voted to create a unified superior court.

Key Findings

In November 2000, the Administrative Office of the Courts released the results of a study on the initial impacts of trial court unification. The analysis—based on the 53 trial courts that were unified as of April 1999, when the study was commissioned—

focused on the initial changes and successes of unification and its remaining challenges. The results indicated that:

- Many courts had improved services to the public through reallocation of judicial and staff resources.
- Court operations were generally becoming more efficient as courts reorganized administrative operations along functional rather than jurisdictional lines and eliminated the duplication inherent in the former two-tier system.
- Some courts had expanded programs, such as drug courts, domestic violence courts, and services to juveniles, and had expanded their hours of service and improved their filing and payment procedures.
- Improved court calendars and case management practices had reduced backlogs and improved case disposition time in some courts.
- Judges were hearing a wider range of cases than before unification.
- Local rules, policies, and procedures were being standardized to support the countywide structure of court operations.
- Limitations in court technology and facilities were increasingly apparent as courts—now larger and more complex organizations—strove to deliver services throughout their counties.

Key Provisions of Proposition 220

In addition to providing a local option for merging municipal courts into the superior court of each county, the proposition:

- Established an appellate division in each unified superior court to hear matters formerly heard within the superior court's appellate jurisdiction;
- Required any newly appointed judge of a unified superior court to have been a member of the State Bar for at least the 10 years immediately preceding appointment; and
- Provided for the countywide election of superior court judges of the unified courts, except as modified to meet federal Voting Rights Act requirements.

Among other changes affecting judges and court administration under unification:

- Municipal court judgeships were “abolished,” and the municipal court judges became superior court judges; their terms were not affected by unification.
- Municipal court judges who became superior court judges through unification were exempt from the constitutional prerequisite of State Bar membership and/or service as a judge in the 10 years just prior to becoming a superior court judge.

Trial Court Unification

Page 3 of 3

- Officers, employees, facilities, records, and pending matters in the municipal court became those of the unified superior court, unless otherwise provided by statute.
- Under the legislation implementing unification, cases that previously were heard in municipal court were identified by case classification. Civil cases that would have been heard in municipal court were identified as limited civil cases, and criminal cases that would have been tried in municipal court were identified as misdemeanor or infraction cases.

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Additional resources:

Reports and publications, www.courts.ca.gov/7790.htm