Reports and Recommendations

FEBRUARY 27, 2004
SAN FRANCISCO, CALIFORNIA

JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL COUNCIL OF CALIFORNIA MEETING (FEBRUARY 27, 2004 SAN FRANCISCO, CA) - REPORTS AND RECOMMENDATIONS

DATE LOANED	BORROWER'S NAME	DATE RETURNED
5.20.04	Ahmoi Kim (51684)	5/24/04
6/3/08	S. Chang	
	DEMCO 32-220	

Agenda revised 2/27. No new items added. Items reordered

JUDICIAL COUNCIL MEETING
Administrative Office of the Courts
San Francisco, California
February 27, 2004
8:00 a.m.–2:20 p.m.

AGENDA

8 00–8 15 a m **Public Comment Related to Trial Court Budget Issues***
[Subject to requests]
*If no public comment, agenda items may be advanced

8 15–8 20 a m **Approval of Minutes of December 5, 2003**
[Minutes Tab]

8 20–8 40 a m **Judicial Council Committee Presentations**
Executive and Planning Committee
Hon. Richard D Huffman, Chair
Policy Coordination and Liaison Committee
Hon Marvin R Baxter, Chair
Rules and Projects Committee
Hon Norman L Epstein, Chair
[Council Committee Reports Tab]

Consent Agenda (Tabs 1–3)

(If you wish to request that any item be moved from the Consent Agenda to the Discussion Agenda please notify Sonya Smith at 415-865-7653 at least 48 hours before the meeting)

Item 1 **Annual Report of Trial Court Expenditures for Fiscal Year 2002–2003 (Action Required)**

Staff. Mr Stephen Nash, Finance Division

AOC staff recommends that the council approve the annual report to the Legislature on prior year trial court expenditures, as reported in the Quarterly Financial Statements for fiscal year 2002–2003

Item 2 **Internal Audit Services Charter Approval (Action Required)**

Staff Mr John A Judnick, Finance Division

AOC staff recommends that the council approve the Internal Audit Services Charter Internal audit organizations are required to be an independent appraisal activity within organizations That independence is acknowledged and approved through the Internal Audit Services Charter.

Item 3 **Child Support Commissioner and Family Law Facilitator Midyear Funding Reallocation for Fiscal Year 2003–2004 (Action Required)**

Staff Mr Michael Wright
Center for Families, Children & the Courts

The Judicial Council is required to allocate non–trial court funding annually to local courts for the child support commissioner and family law facilitator program Under an established procedure contained in the standard agreement with each superior court, the Judicial Council redistributes at midyear any unallocated funds and funds from courts that are projected not to spend their full grants to other courts that have a documented need for additional funds The funds for this program are provided by a cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council Two-thirds of these funds are federal funds and the remaining one-third state General Funds (non–trial court funding)

Discussion Agenda (Tabs 4–11)

Item 11
8 40–9 40 p m

Access to Electronic Court Records: Interim Rule to Allow Trial Courts to Provide Internet Access to Electronic Court Records in Selected Criminal Cases (adopt Cal. Rules of Court, rule 2073.5) (Action Required)

AOC staff recommends the adoption of interim rule 2073 5, which would allow courts to post criminal case records on the Internet in a high-publicity case under specified circumstances Rule 2073 currently allows courts to provide remote (i e . Internet) access to all electronic court records in civil cases, but not in criminal cases, because of privacy concerns. However, in high-publicity criminal cases, the use of the Internet may be appropriate, as it will significantly ease burdens on court staff and most information in the court file is already widely disseminated through the media The rule would become effective immediately upon approval by the Judicial Council and would be in affect only until the end of the year, at which time the council could consider whether to adopt a permanent rule

Presentation (15 minutes)
Speakers. Ms Melissa Johnson, Office of the General Counsel
Mr Joshua Weinstein, Office of the General Counsel
Discussion/Council Action (45 minutes)

Item 7
9 40–10 00 a m

Juvenile Law: Responsibilities of Children's Counsel in Delinquency Proceedings (adopt Cal. Rules of Court, rule 1479) (Action Required)

The Family and Juvenile Law Advisory Committee recommends adoption of a rule that would clarify the extent of a child's counsel's responsibilities in delinquency proceedings By consolidating relevant statutory provisions, the rule helps to ensure protection of the child's interest at every stage of the proceedings

Presentation (10 minutes)

Speakers. Hon Susan D Huguenor
Superior Court of San Diego County
Co-chair, Family and Juvenile Law Advisory Committee
Ms Diane Nunn
Center for Families, Children & the Courts
Ms. Audrey Evje
Center for Families, Children & the Courts
Ms. Melissa Ardaiz
Center for Families, Children & the Courts
Discussion/Council Action (10 minutes)

Item 5
10 00–10 20 a m

Early Mediation Pilot Programs: Evaluation Report and Recommendations (Action Required)

As part of the legislation establishing the Early Mediation Pilot Programs, Code of Civil Procedure section 1742 requires the Judicial Council to submit a report to the Legislature and Governor on these pilot programs The council is asked to approve the report that was prepared to fulfill that statutory mandate, for submission to the Legislature and Governor. Based on the benefits of the pilot programs outlined in the report, the council is also asked to support the continuation of early mediation programs as part of the core operations in the existing pilot courts, support the expansion of such programs to other courts based on those courts' needs, and direct the Civil and Small Claims Advisory Committee and staff to take actions to encourage and support the expansion of such programs

Presentation (10 minutes)
Speakers Mr Michael Bergeisen, Office of the General Counsel
Ms. Heather Anderson, Office of the General Counsel
Mr. Ron Pi, Executive Office Programs
Discussion/Council Action (10 minutes)

Item 6
10 20–10 40 a m

Report of the Task Force on Self-Represented Litigants and Statewide Action Plan (Action Required)

The Task Force on Self-Represented Litigants recommends that the council approve the Statewide Action Plan for Self-Represented Litigants The task force was created by the Judicial Council to make recommendations to the council on how to respond to the growing number of unrepresented litigants, who are having a great impact on the court system The task force was charged with reviewing current activities and developing a Statewide Action Plan with recommendations for the future to assist the council in efficiently and effectively implementing its goals of increasing access to the courts and improving the quality of justice and service to the public

Presentation (10 minutes)
Speaker Hon Kathleen E O'Leary
Court of Appeal, Fourth Appellate District
Discussion/Council Action (10 minutes)

10 40–10 55 a m **BREAK**

Item 4
10 55–12 25 a m **Facilities Planning: *Trial Court Five-Year Capital Outlay Plan* (Action Required)**

The council will review staff recommendations and discuss project prioritization for proposed capital projects for the trial courts The council will be asked to approve a ranked list of projects to be submitted to the Department of Finance, to approve application of FY 2004–2005 funds to ten demonstration projects, to approve submittal of a budget request for FY 2005–2006, and to direct staff to develop a broad range of financing alternatives for discussion at a future council meeting

Presentation (60 minutes)
Speakers Ms Kim Davis
Office of Court Construction and Management
Mr Robert Emerson
Office of Court Construction and Management
Discussion/Council Action (30 minutes)

12 25–12 55 p m **LUNCH BREAK**

Item 8
12 55 a m –1 45 p m **Budget Status Report on Fiscal Years 2003–2004, 2004–2005, and 2005–2006 (Action Required)**

AOC staff will provide information on budget issues affecting the judicial branch and recommend that the Judicial Council approve budget change proposal priorities for fiscal year 2005–2006. Among the multiyear funding issues discussed will be shortfalls in fee revenues and the State Court Facilities Construction Fund loan, the Judges' Retirement System I deficiency, the Trial Court Trust Fund, and reductions in funding for court security and consolidated administrative services. Budget change proposals and unallocated reductions for fiscal year 2004–2005 will also be discussed, as well as spring Finance letters.

Presentation (30 minutes)
Speakers: Ms. Christine M. Hansen, Finance Division
Mr. Stephen Nash, Finance Division
Discussion/Council Action (20 minutes)

Item 9
1.45–2:05 p.m.

Allocation of $11 Million Trial Court Security and $2.5 Million Consolidated Administration Reductions for Fiscal Year 2003–2004 (Action Required)

AOC staff will present recommendations on methodology for allocating the trial court security reduction and the consolidated administration reduction.

Presentation (10 minutes)
Speakers: Ms. Christine M. Hansen, Finance Division
Mr. Stephen Nash, Finance Division
Discussion/Council Action (10 minutes)

Item 10
2:05–2:20 p.m.

Statement of Investment Policy for the Trial Courts and Resolutions Regarding Investment Activities for the Trial Courts (Action Required)

Many courts have established trial court operating funds separate from the county treasury, consistent with Government Code section 77009 Often funds in these accounts will remain idle for periods ranging from a few days to several months Prudent financial management standards mandate that these idle funds should be invested in accounts that combine liquidity with safety of funds while maximizing return

In order to accomplish the investment of trial court funds within statutory requirements. AOC staff recommends that the Judicial Council approve the following.

1 Statement of investment policy for the trial courts,
2 Resolution authorizing development of an investment program for the trial courts,
3 Resolution authorizing investments for the trial courts, and
4 Resolution regarding investment reporting requirements for the trial courts

Presentation (10 minutes)
Speakers: Ms Christine M. Hansen, Finance Division
Mr John A Judnick, Finance Division
Discussion/Council Action (5 minutes)

Circulating Orders Approved Since Last Business Meeting
[Circulating Orders Tab]

Judicial Council Appointment Orders Since Last Business Meeting
[Appointment Orders Tab]

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date
February 20, 2004

Action Requested
N/A

To
Members of the Judicial Council

Deadline
N/A

From
Rules and Projects Committee
Hon Norman L Epstein, Chair
Ms Melissa Johnson, Committee Counsel
Mr Kenneth Kann, Committee Counsel

Contact
Kenneth Kann
415-865-7661 phone
kenneth kann@jud ca gov

Subject
RUPRO Recommendation

The Rules and Projects Committee recommends approval of the two rules proposals on the agenda items 7 and 11 on the discussion agenda

JUDICIAL COUNCIL MEETING
Minutes of December 5, 2003, Meeting
Los Angeles, California

Judicial Council members present: Chief Justice Ronald M. George; Associate Justices Norman L. Epstein, Richard D. Huffman, and Laurence Donald Kay; Judges Eric L. Du Temple, Michael T. Garcia, Jack Komar, William A. MacLaughlin, Heather D. Morse, William J. Murray, Jr., Michael Nash, Richard Strauss, and Barbara Ann Zúñiga; Mr. Rex S. Heinke, Mr. David J. Pasternak, Ms. Ann Miller Ravel, and Mr. William C. Vickrey; **advisory members:** Judges Frederick Paul Horn and Eric C. Taylor; Commissioner Patricia H. Wong; Ms. Tressa S. Kentner and Ms. Susan Null.

Absent: Associate Justice Marvin R. Baxter, Assembly Member Ellen M. Corbett, Senator Martha M. Escutia, Judge William C. Harrison, Mr. Alan Slater, and Mr. Thomas Joseph Warwick, Jr.

Others present included: Associate Justice Ronald B. Robie, Mr. Fernando Becerra, Jr., Ms. Karen Blank, Mr. Michael W. Boggs, Ms. Beth Jay, Ms. Miriam Krinsky, Ms. Alea Manners, Mr. James Partridge, Mr. Michael Planet, Ms. Carole Prescott, Mr. Chris Stewart, and Mr. Dean T. Stout; **staff:** Mr. Michael Bergeisen, Mr. Dennis Blanchard, Ms. Dianne Bolotte, Ms. Roma Cheadle, Ms. Kim K. Davis, Ms. Audrey Evje, Mr. Bob Fleshman, Ms. Sheila Gonzalez, Ms. Christine M. Hansen, Ms. Lynn Holton, Ms. Susan M. Hough, Ms. Kate Howard, Ms. Tracy Kenny, Mr. Ray LeBov, Ms. Diane Nunn, Mr. Ronald G. Overholt, Ms. Christine Patton, Mr. Daniel Pone, Mr. Michael M. Roddy, Ms. Beth Shirk, Ms. Sonya Smith, Mr. Corby Sturges, Ms. Pat Sweeten, Ms. Marcia M. Taylor, Ms. Karen M. Thorson, Mr. Jack Urquhart, and Mr. Tony Wernert; **media representative:** Ms. Erica Williams, *Los Angeles Daily Journal.*

Except as noted, each action item on the agenda was unanimously approved on the motion made and seconded. (Tab letters and item numbers refer to the binder of Reports and Recommendations dated December 5, 2003, that was sent to members in advance of the meeting.)

Public Comment Related to Trial Court Budget Issues

Mr. Michael W. Boggs, president of the American Federation of State, County and Municipal Employees (AFSCME) Local 910, which represents attorneys and law clerks who provide legal research support to judges, thanked the Administrative Office of the Courts (AOC) for assisting the courts by securing additional funding. He noted that the last time he addressed the Judicial Council he spoke of how the state financial crisis was affecting the legal research unit, resulting in the possible termination of some experienced employees to be replaced by less-expensive new employees. Mr. Boggs

stated that he was hopeful the additional money would be applied to his unit and thanked the AOC for its role in securing the funds.

Mr. Boggs also spoke in favor of item 14 on the council agenda, Public Access to Trial Court Budget Information and Processes, and encouraged the council to adopt rule 6.620 of the California Rules of Court.

Chief Justice Ronald M. George thanked Mr. Boggs for his comments and noted that he was pleased that the AOC and the council could work together with the Superior Court of Los Angeles County and the employee groups to ameliorate the financial situation that the court was facing.

Ms. Carole Prescott, president of AFSCME Local 575, representing the court clerks of the Superior Court of Los Angeles County, stated that she also had come to thank the AOC and the council for their role in augmenting funds to the trial courts. She stated that she is seeking some of those funds to cover negotiated bonus items and is hopeful that such an allocation will pave the way for better relations between the employees and the court.

Ms. Prescott also encouraged the council to adopt rule 6.620 concerning public access to trial court budget information and processes.

Chief Justice Ronald M. George thanked Ms. Prescott for her comments. He commented that during difficult budgetary times the courts' priorities remain to avoid court closures and employee layoffs.

Approval of Minutes of October 21, 2003

The council approved the minutes of its October 21, 2003, meeting.

Judicial Council Committee Presentations

Executive and Planning Committee
Associate Justice Richard D. Huffman, chair, reported on the committee's activities since the October Judicial Council meeting.

The Executive and Planning Committee acted on behalf of the council to approve a minor modification to the interim facilities guidelines applicable to two appellate court projects. The modification allows the Administrative Director of the Courts to appoint one or more public members to the facilities advisory project teams in order to expand the diversity of the representation.

The committee met on November 12 to set the agenda for the December 5 Judicial Council meeting. At that meeting the committee also developed recommendations to the Chief Justice for appointments to the Advisory Committee on Civil Jury Instructions. Some members of the original Task Force on Jury Instructions continued as advisory committee members, while a public solicitation for nominations was conducted for the remaining positions. The committee reviewed the nominations and made recommendations to the Chief Justice on appointments to the new advisory committee.

The committee met again on November 21 to conclude its review of the agenda for the December council meeting. The committee had deferred consideration of two items dealing with juvenile law, one of which appears on the December council agenda—children with dual status in juvenile court (item 13). The rule dealing with the duties of counsel in delinquency cases was deferred to the February meeting to allow the Family and Juvenile Law Advisory Committee to do some further work on the language and to confer with the stakeholders and representatives.

Lastly, the committee allocated, on behalf of the council, $22.1 million in additional discretionary funding to the trial courts. This funding was approved following a series of discussions between the Director of the state Department of Finance, the Director of the Department of Personnel Administration, and the Administrative Director of the Courts in accordance with the Budget Act of 2003. Under the Budget Act, the funding is to be used to meet the various needs of the trial courts, including the need to negotiate local memoranda of understanding with recognized bargaining agents and to meet other salary and benefits needs of the trial courts. The allocation to individual trial courts was based on each court's prorated share of total state salary and wage costs for authorized permanent and temporary Trial Court Trust Fund employees (excluding commissioners, referees, hearing officers, and court interpreters pro tempore) as reported in the courts' FY 2003-2004 Salary and Position Worksheets (Schedule 7A).

Policy Coordination and Liaison Committee
Associate Justice Laurence Donald Kay, vice-chair, reported on the committee's activities since the October Judicial Council meeting.

The committee met on October 20 and 28 to review and adopt recommendations for council-sponsored legislation in 2004. The committee's recommendations for council action appear in the December Judicial Council binder at tab 1, items A through E. The legislative proposals address a range of issues, including civil procedure filing fees, small claims, subordinate judicial officers, and family and juvenile law.

Justice Kay announced that, as part of the ongoing focus on enhancing relationships with other court-related organizations, staff of the AOC Office of Governmental Affairs, on behalf of the Chief Justice, are arranging the annual liaison meetings. Those meetings will be held with the state Attorney General, State Bar, California State Sheriffs'

Association, California State Association of Counties, California Attorneys for Criminal Justice, Consumer Attorneys of California, California Defense Council, and California District Attorneys Association. Mr. William C. Vickrey, Mr. Ray LeBov, Justice Marvin R. Baxter, other members of the Policy Coordination and Liaison Committee, and AOC staff participate in these meetings, which have been highly successful in forging the solid relationships necessary to operate effectively in the Legislature.

Justice Kay also announced that the Judicial Council will host the Tenth Annual Judicial Legislative Executive Forum at the state capitol in early 2004. The forum is an information event for legislators, the Governor, and executive branch officials. As in the past, the forum will take place in conjunction with the Chief Justice's State of the Judiciary address to the Legislature. This event will most likely take place in March. The date will be announced as soon as that information is available.

Rules and Projects Committee
Associate Justice Norman L. Epstein, chair, reported on the committee's activities since the October Judicial Council meeting.

Justice Epstein reported that the committee met by conference call on November 20 and will meet again next week to review items for the spring cycle of proposed rule changes.

The committee recommends approval of consent agenda items 2–6 and 8 and discussion agenda item 14. Item 14 proposes a rule on public access to trial court budget information and processes. The committee received and considered a number of letters expressing concern about that rule. It was the judgment of the committee that, while the matter is not perfect, it is in an acceptable form that respects the integrity of the branch and will be workable. Based on that, the committee recommends approval.

Justice Epstein commented on two items on the consent agenda. He thanked Justice Kay for his assistance in reviewing and making suggestions on the probate rules, particularly item 3, concerning the implementation of the graduated probate filing fee. He also noted that the statute underlying the proposed rule is a complicated piece of legislation. Thus, while the rule is somewhat complicated, it is necessarily so and reflects the statute fairly.

Justice Epstein also commented on consent agenda item 6, which recommends the repeal of two rules requiring the collection of data by the courts. The legislation requiring this data collection will sunset at the end of 2003. The committee welcomed the opportunity to strike a procedure that is no longer needed from the rules.

CONSENT AGENDA

ITEM 1 JUDICIAL COUNCIL–SPONSORED LEGISLATION

Item A Service and Filing of Motion Papers and Discovery Cutoff Dates (Code Civ. Proc., §§ 1005, 2024, and 2034) (Action Required)

The Policy Coordination and Liaison Committee recommends sponsoring legislation to amend sections 1005, 2024, and 2034 of the Code of Civil Procedure to clarify the proper dates for service and filing of law and motion papers.

Council action:

The Judicial Council voted to sponsor legislation amending sections 1005, 2024, and 2034 of the Code of Civil Procedure.

Item B Small Claims: Standing of Emancipated Minors (Code Civ. Proc., § 116.410) (Action Required)

The Policy Coordination and Liaison Committee recommends sponsoring legislation to clarify that a legally emancipated minor may be a party to a small claims action, to be consistent with the Family Code.

Council action:

The Judicial Council voted to sponsor legislation to add a provision to the Small Claims Act that an emancipated minor may be a party to a small claims action.

Item C Filing Fees: Notice of Return for Nonpayment of Check (Code Civ. Proc., § 411.20) (Action Required)

The Policy Coordination and Liaison Committee recommends sponsoring legislation to amend section 411.20 of the Code of Civil Procedure to clarify that the party in an action or a proposed action shall be given notice if a check tendered for payment of a filing fee is returned for nonpayment.

Council action:

The Judicial Council voted to sponsor legislation to amend section 411.20 of the Code of Civil Procedure to clarify that the party in an action or a proposed action shall be given notice if a check tendered for payment of a filing fee is returned for nonpayment.

Item D **Appellate Filing Fees: Eliminate Fees in Lanterman-Petris-Short Act Proceedings (Gov. Code, §§ 68926 and 68927) (Action Required)**

The Policy Coordination and Liaison Committee recommends sponsoring legislation to amend Government Code sections 68926 and 68927 to (1) eliminate appellate filing fees in Lanterman-Petris-Short Act proceedings both in the Courts of Appeal and in the California Supreme Court and (2) clarify that the exemptions from filing fees for juvenile cases and freedom-from-parental-custody-or-control cases that now apply in the Courts of Appeal under section 68926 also apply in petitions for review in the California Supreme Court.

Council action:

The Judicial Council voted to sponsor legislation to amend Government Code sections 68926 and 68927 to:

1. Eliminate appellate filing fees in Lanterman-Petris-Short Act proceedings both in the Courts of Appeal and in the California Supreme Court; and

2. Clarify that the exemptions from filing fees for juvenile cases and freedom-from-parental-custody-or-control cases that now apply in the Courts of Appeal under section 68926 also apply in petitions for review in the California Supreme Court.

Item E **Subordinate Judicial Officers: Postretirement Compensation (Gov. Code, §§ 71622, 72190, and 72407) (Action Required)**

The Policy Coordination and Liaison Committee recommends that the Judicial Council cosponsor legislation to allow retired subordinate judicial officers (SJOs) to serve on assignment subject to the applicable limits of the SJOs' retirement plan, at a rate of pay not to exceed 85 percent of a retired judge's compensation while serving on assignment.

This legislation will improve court administration by giving the courts flexibility to use the services of experienced and well-qualified retired SJOs to meet short-term SJO needs of the court. The proposal is consistent with postretirement service options that are available to analogous county employees.

Council action:

The Judicial Council voted to cosponsor legislation with the California Judges Association to allow retired subordinate judicial officers to serve on assignment subject to the applicable limits of the SJOs' retirement plan, at a rate of pay not to exceed 85 percent of a retired judge's compensation while serving on assignment.

Item 2 Jury Instructions: Format for Proposed Instructions (amend Cal. Rules of Court, rule 229) (Action Required)

Rule 229 on the format of jury instructions should be updated. The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2004, amend rule 229 of the California Rules of Court to clarify and specify the format for proposed jury instructions in more detail, to preempt any local forms or rules on the format of proposed jury instructions, and to delete the requirement that a judge endorse on refused instructions the reason for refusal.

Council action:

The Judicial Council, effective January 1, 2004, amended rule 229 of the California Rules of Court to specify the format for proposed jury instructions in more detail, to preempt any local forms or rules on the format of proposed jury instructions, and to delete the requirement that a judge endorse on refused instructions the reason for refusal.

Item 3 Probate: Mandatory Adjustments to the Graduated Filing Fee in Probate Filings (amend Cal. Rules of Court, rule 7.550, and adopt rule 7.552) (Action Required)

The Probate and Mental Health Advisory Committee recommends amendment of rule 7.550 and adoption of rule 7.552 in title 7 of the California Rules of Court. Government Code section 26827 requires payment of a graduated filing fee to commence a decedent's estate proceeding, based on the estimated value of the estate. The statute requires an adjustment in the filing fee based on a comparison of the actual and estimated values of the estate when the final account is filed, after the estate's actual value has been determined. Proposed rule 7.552 would prescribe how this adjustment is to be made.

Rule 7.550 specifies the showing that must be made in a report by the personal representative of a decedent's estate when a complete accounting has been waived. This rule would be amended to require the information necessary to make the filing fee adjustment described above, even when the final account has been waived.

Council action:

The Judicial Council, effective January 1, 2004, amended rule 7.550 and adopted rule 7.552 of the California Rules of Court to provide a mechanism for adjusting the graduated filing fee in decedents' estate proceedings, as required by Government Code section 26827.

Item 4 Probate: Reimbursement of Graduated Filing Fee Paid by Unsuccessful Petitioner (adopt Cal. Rules of Court, rule 7.151) (Action Required)

The Probate and Mental Health Advisory Committee recommends adoption of rule 7.151 in title 7 of the California Rules of Court. Recent legislation amending the statute that imposes a graduated filing fee on decedents' estates requires the personal representative of a decedent's estate to reimburse another party in the proceeding for a portion of the graduated filing fee paid by the other party under certain circumstances. The Legislature directed the Judicial Council to prescribe by rule the manner in which this reimbursement is to be made. Proposed rule 7.151 is a response to this directive.

Council action:

The Judicial Council, effective January 1, 2004, adopted rule 7.151 of the California Rules of Court to establish procedures for implementing the statutory requirement that a personal representative appointed on a later-filed petition for probate reimburse the party that filed the first petition for probate for a portion of the filing fee paid by that party. The rule will be circulated for public comment after it takes effect to determine whether any amendments are appropriate.

Item 5 Fees for Court Reporting Services (amend Cal. Rules of Court, rule 892) (Action Required)

Existing rule 892 is authorized by Government Code section 68086, which was recently amended to provide that fees collected pursuant to that statute are only to be used to pay the cost for services of an official court reporter and that fees are to be collected for any proceeding lasting more than one hour. Rule 892 should be amended to conform to the statute.

Council action:

The Judicial Council, effective January 1, 2004, amended rule 892 of the California Rules of Court to delete subdivisions (b), (c), and (d) to conform the rule to amended Government Code section 68086(b) and to make other clarifying changes.

Item 6 Termination of Requirements to Collect and Forward Reference Orders and Reports (repeal Cal. Rules of Court, rules 244.1(h) and 244.2(i)) (Action Required)

The Judicial Council adopted rules 244.1(h) and 244.2(i) of the California Rules of Court requiring that courts collect and forward orders and reports concerning references to the Administrative Office of the Courts, to carry out a study mandated by Code of Civil Procedure sections 638(c), 639(e), and 640.5. The statutory requirements that the council

collect information concerning references will expire on January 1, 2004. Staff are recommending that the Judicial Council repeal the reporting requirements of rules 244.1(h) and 244.2(i), effective on the same date, to eliminate an unnecessary future administrative burden on courts of collecting and forwarding this information.

Council action:

The Judicial Council, effective January 1, 2004:

1. Repealed rule 244.1(h) of the California Rules of Court to terminate the requirement that copies of orders and reports concerning references under Code of Civil Procedure section 638 be forwarded to the office of the presiding judge and then to the Administrative Office of the Courts; and

2. Repealed rule 244.2(i) of the California Rules of Court to terminate the requirement that copies of orders and reports concerning references under Code of Civil Procedure section 639 be forwarded to the office of the presiding judge and then to the Administrative Office of the Courts.

Item 7 Conflict of Interest Code for the Administrative Office of the Courts (Action Required)

AOC staff recommends that the Judicial Council adopt an amended conflict of interest code for the Administrative Office of the Courts that will reflect the addition of new job classifications over the past year.

Council action:

The Judicial Council, effective December 5, 2003, adopted the revised AOC Conflict of Interest Code, which adds 23 new job classifications and 6 that existed prior to this year but have not previously been included in the code or have been moved to other divisions.

Item 8 Family Law: Technical Revision to Judgment Form (revise form FL-180) (Action Required)

The council adopted a revision to form FL-180, *Judgment,* at its October 21, 2003, meeting. Because of a typographical error, the revised form deleted a line permitting the court to order custody and visitation as set forth in an attached marital settlement agreement, stipulation for judgment, or other written agreement. This text was present on previously adopted versions of form FL-180 and should not have been removed in the most recent revision. Staff recommends that the council adopt a revised form to correct this omission and clarify that the court may order custody as set forth in an attached agreement.

Council action:

The Judicial Council, effective January 1, 2004, revised form FL-180 to add a new line (4)(k)(1) to provide that child custody and visitation may be ordered as set forth in an attached marital settlement agreement, stipulation for judgment, or other written agreement.

Item 9 Model Jury Summons Pilot Study (Action Required)

Over the past year the Administrative Office of the Courts, in conjunction with Polaris Research and Development, Inc., has conducted a test of the new model jury summons developed by the Task Force on Jury System Improvements. The test included focus group review of the proposed model summons, development of the summons in four test jurisdictions (Alameda, Shasta, San Diego, and Ventura Counties), implementing the summons in the test jurisdictions, and evaluating outcomes. As the report details, the new format achieved substantially greater benchmarks over the existing summonses in the four test jurisdictions. Staff recommends that the council encourage courts to implement the voluntary model summons. (A sample jury summons was inserted in the front pocket of binders.)

Council action:

The Judicial Council endorsed the voluntary use of the Model Jury Summons and "Court and Community" information pamphlet and endorsed their implementation statewide, on a voluntary basis, through a working group of participating courts.

Item 10 Judicial Council Appointee to the California Council for Interstate Adult Offender Supervision (Action Required)

The California Council for Interstate Adult Offender Supervision was created in 2001 by Senate Bill 2023 (Stats. 2000, ch. 658). Under Senate Bill 2023, the Judicial Council is to appoint one superior court judge to serve on the state council. (Pen. Code, § 11181(c).) In March 2002, the Judicial Council appointed Judge Richard B. Iglehart to serve as the judicial representative on the state council. Judge Iglehart has recently passed away. Thus, it is recommended that the Judicial Council, effective December 5, 2003, appoint Judge J. Richard Couzens, of the Superior Court of Placer County, to the California Council for Interstate Adult Offender Supervision.

Council action:

The Judicial Council, effective December 5, 2003, appointed Hon. J. Richard Couzens, of the Superior Court of Placer County, to the California Council for Interstate Adult Offender Supervision.

DISCUSSION AGENDA

Item 11 Judicial Council Distinguished Service Awards for 2003 (Action Required)

Associate Justice Richard D. Huffman presented this item.

The chairs of the council's internal committees recommend approval of the winners of the 2003 Distinguished Service Awards for significant and positive contributions to court administration in California.

Council action:

The Judicial Council unanimously approved the recommendations to give Distinguished Service Awards to the following individuals:

Hon. Leonard P. Edwards, Superior Court of Santa Clara County; and Associate Justice Carol A. Corrigan, Court of Appeal, First Appellate District, and Associate Justice James D. Ward, Court of Appeal, Fourth Appellate District (Joint Award)—Jurists of the Year.

Ms. Jeanne Millsaps, Executive Officer, Superior Court of San Joaquin County, and Ms. Christine M. Hansen, Chief Financial Officer, California Judicial Branch, and Director, AOC Finance Division—Judicial Administration Award.

Mr. James Herman, Immediate Past President, State Bar of California, and Hon. George Deukmejian, former Governor, Attorney General, Assembly Member, and Senator—Bernard E. Witkin Amicus Curiae Award.

Item 12 Ralph N. Kleps Awards for 2003 (Action Required)

Associate Justice Ronald B. Robie and Mr. Michael D. Planet presented this item.

The Ralph N. Kleps Award Committee recommends approval of the winners of the 2003 Ralph N. Kleps Awards to recognize and honor the innovative contributions made by individual courts in California to the administration of justice.

Council action:

The Judicial Council approved the following courts and programs as winners of the 2003 Ralph N. Kleps Awards:

Category 1 (courts with 0–6 authorized judicial positions (AJPs))

Superior Court of Inyo County
Night Court for Child Support Calendar

Superior Court of Siskiyou County
Visual Guides to the Courts

Category 2 (courts with 7–19 AJPs)

Superior Court of Yolo County
Guardianship Facilitation and Outreach Program

Category 3 (courts with 20–49 AJPs)

Superior Court of Fresno County
Spanish Self-Help Center—*Centro de Recursos Legales*

Superior Court of San Mateo County
EZLegalFile Service Bureau

Superior Court of Ventura County
Tip of the Day Radio Program

Category 4 (50+ AJPs)

Superior Court of Los Angeles County
Teachers' Courthouse Seminar

Superior Court of Orange County
I-CAN (Interactive Community Assistance Network)

Category 5 (Appellate Courts)

Court of Appeal, Fourth Appellate District
Step-by-Step Civil Appellate Manual

Court of Appeal, Fifth Appellate District
Courts as Curriculum

Item 13 Juvenile Court: Children With Dual Status (Action Required)

Ms. Tracy Kenny and Ms. Audrey Evje presented this item.

The Policy Coordination and Liaison Committee and the Family and Juvenile Law Advisory Committee recommend sponsoring Assembly Bill 129, which sets forth the Legislature's intent to enact provisions authorizing a county to create a dual-status protocol for children in juvenile court, allowing them to receive services as a dependent and a ward.

Council action:

The Judicial Council voted to sponsor Assembly Bill 129 to create dual-status protocol for children in juvenile court, allowing them to receive services as a dependent and a ward.

Item 14 Public Access to Trial Court Budget Information and Processes (adopt Cal. Rules of Court, rule 6.620) (Action Required)

Mr. Ray LeBov presented this item.

Senate Bill 144 (Stats. 2003, ch. 367, Escutia) added section 68511.6 to the Government Code to require the Judicial Council to adopt rules providing for notice to the public and for public input to decisions concerning the administrative and financial functions of a trial court and requiring trial courts to give notice to the public of other appropriate decisions concerning the administrative and financial functions of the trial courts. Staff is recommending that the council adopt rule 6.620 to require trial courts to solicit input from the public before taking action on certain administrative and financial issues and to inform the public of action taken on other administrative and financial issues.

Council action:

The Judicial Council, effective January 1, 2004, adopted rule 6.620 of the California Rules of Court to:

1. Require a trial court to seek public input—giving at least 15 court days' notice by varied means—on specified decisions concerning administrative and financial functions that are likely to have a significant impact on the public;

2. Require a trial court to give notice if it is planning to make recommendations in response to the annual request of the Judicial Branch Budget Advisory Committee concerning which items should be statewide budget priorities, and state that interested parties may also make recommendations on this subject;

3. Require a trial court to give public notice, within 15 court days, of the specific major decisions that affect the public; and

4. Provide for public availability of written factual materials that have been gathered specifically for the consideration of the person or entity making any decision for which public input is being sought.

Item 15 Trial Court Improvement Fund and Judicial Administration Efficiency and Modernization Fund: Amended Guidelines (Action Required)

Mr. Ronald G. Overholt and Ms. Christine M. Hansen presented this item.

AOC staff recommends that the council approve the updated guidelines for the Trial Court Improvement Fund and Judicial Administration Efficiency and Modernization Fund and delegate authority to the Administrative Director of the Courts to approve or amend allocations consistent with the approved guidelines.

Council action:

The Judicial Council, effective December 5, 2003:

1. Approved the amended Trial Court Improvement Fund and Judicial Administration Efficiency and Modernization Fund internal guidelines; and
2. Delegated authority to the Administrative Director of the Courts to approve or amend allocations consistent with the approved guidelines.

Item 16 Judicial Council Operational Plan for Fiscal Years 2003–2004 Through 2005–2006: Scheduled Three-Year Revision of Plan (Action Required)

Mr. William C. Vickrey presented this item.

The council's inaugural operational plan, adopted in August 2000 on a three-year cycle, is currently due for revision. The revised operational plan represents a concerted effort by the council and many other judicial branch stakeholders to realign branch high priority objectives and desired outcomes with California's changing demographics and fiscal environments.

A collaborative planning process, guided by the council's Executive and Planning Committee over a period of 11 months, identified the priorities contained in the

operational plan. The planning process was informed by an analysis of local court trends and priorities as reported in the 58 individual trial court operational plans. In addition to this trial court input, council members, presiding judges, court executive officers, advisory committee members, representatives of the bar and legislature, and AOC directors and managers all took part in the planning process.

These efforts culminated on July 17-18, 2003, at the council's annual planning meeting, where council members participated in facilitated panel discussions, plenary sessions, and breakout workshops directed at achieving consensus on judicial branch priorities and objectives. The proposed operational plan, which will be evaluated annually, is the result of these collaborative efforts. It is presented for the council's approval.

Council action:

The Judicial Council, effective January 1, 2004, adopted the Judicial Council Operational Plan for Fiscal Years 2003–2004 Through 2005–2006, following the Administrative Office of the Courts staff presentation of specifics for the plan's implementation and evaluation at the council's issues meeting of December 4, 2003. The council instructed the AOC to broadly communicate the plan within the courts and to judicial branch stakeholders.

Circulating Orders

No circulating orders were approved since the last business meeting.

Appointment Orders

Copies of appointment orders are for information only; no action was necessary.

There being no further business, the meeting was adjourned at 11:30 a.m.

Respectfully submitted,

William C. Vickrey
Administrative Director of the Courts and
Secretary to the Judicial Council

Executive and Planning Committee Minutes
November 12, 2003
By Telephone Conference Call, Room 5322
11:45 a.m. – 12:45 p.m.

Members Participating: Justice Richard D. Huffman; Judges Michael T. Garcia, Frederick P. Horn, Michael Nash; Ms. Susan Null, Ms. Ann Ravel.

Staff Participating: Mr. Dennis Blanchard, Ms. Roma Cheadle, Ms. Melissa Johnson,[1] Mr. Ken Kann,[1] Ms. Tracy Kenny, Mr. John Larson,[1] Mr. Douglas Miller,[1] Mr. Ronald Overholt, Ms. Sonya Smith, Ms. Pat Sweeten, Mr. William C. Vickrey, Mr. Jack Urquhart[1].

Advisory Committee Nominations

Pursuant to its responsibility to oversee the nominations process for Judicial Council Advisory Committees, the Executive and Planning Committee discussed nominations for the Advisory Committee on Civil Jury Instructions and the Court Executives Advisory Committee and made recommendations to the Chief Justice regarding appointments to those committees.

Agenda Setting for the December 5, 2003 Business Meeting

Pursuant to its responsibility to review the agenda and materials for council business meetings, the committee took the following actions on the draft agenda:

Item 11 *Juvenile Law: Court Oversight of Attorneys for Children in Delinquency Proceedings*
The committee deferred discussion of this item until the conference call on November 21.

Item 12 *Juvenile Court: Children with Dual Status*
The committee requested additional information from staff about this item and deferred further discussion until November 21.

Executive and Planning Committee Meeting Schedule

The committee approved January 28, 2004 as the date for agenda setting for the February 27, 2004 Judicial Council meeting.

Respectfully submitted,

Ronald G. Overholt
Chief Deputy Director

[1] These staff members were not present for the discussions on nominations.

Executive and Planning Committee Minutes
November 21, 2003
By Telephone Conference Call, Room 5427
11:45 a.m. – 12:45 p.m.

Members Participating: Justice Richard D. Huffman; Judges Michael T. Garcia, Frederick P. Horn, Jack Komar, Michael Nash; Ms. Susan Null, Ms. Ann Ravel

Staff Participating: Mr. Dennis Blanchard, Mr. Roma Cheadle, Ms. Audrey Evje, Mr. Ruben Gomez, Mr. Ken Kann, Mr. Stephen Nash, Mr. Ronald Overholt, Ms. Sonya Smith, Ms. Pat Sweeten, Mr. William C. Vickrey, Mr. Joshua Weinstein.

Minutes

The committee approved the minutes of its meetings on September 29, 2003, October 9, 2003, October 15, 2003, and October 20, 2003 and October 24, 2003 meetings.

Agenda setting for the December 5, 2003 business meeting

Pursuant to its responsibility to review the agenda and materials for council business meetings, the committee made the following changes to the draft agenda:

Item 11 *Juvenile Law: Court Oversight of Attorneys for Children in Delinquency Proceedings*

The committee permitted this item to be deferred until the February 2004 business meeting.

Item 12 *Juvenile Law: Children with Dual Status*

The committee approved this report, as modified, for inclusion on the council business agenda.

The committee also approved two additional items for the consent agenda:

- *Judicial Council Appointee to California Council for Interstate Adult Offender Supervision.*
- *Termination of requirements to collect and forward reference orders and reports (repeal Cal. Rules of Court, rules 244.1(h) and 244.2(i)).*

Trial Court Budget Augmentation

Pursuant to its authority to act on behalf of the council between council meetings, the committee approved the allocation of $22.1 million in ongoing discretionary funding to the trial courts. (See attachment for allocation.)

Respectfully submitted,

Ronald G. Overholt
Chief Deputy Director

Allocation of FY 2003-04 Trial Court Discretionary Funding (eff. 7/1/03)

Court Code	Court	Discretionary Funding
C010000	Alameda	$1,152,030
C020000	Alpine	$7,274
C030000	Amador	$31,810
C040000	Butte	$102,660
C050000	Calaveras	$25,784
C060000	Colusa	$9,675
C070000	Contra Costa	$494,064
C080000	Del Norte	$29,988
c090000	El Dorado	$97,130
C100000	Fresno	$448,825
C110000	Glenn	$17,896
C120000	Humboldt	$74,592
C130000	Imperial	$88,371
C140000	Inyo	$17,597
C150000	Kern	$359,043
C160000	Kings	$69,991
C170000	Lake	$33,971
C180000	Lassen	$18,918
C190000	Los Angeles	$6,166,255
C200000	Madera	$70,664
C210000	Marin	$212,001
C220000	Mariposa	$10,103
C230000	Mendocino	$70,556
C240000	Merced	$81,303
C250000	Modoc	$7,173
C260000	Mono	$16,486
C270000	Monterey	$190,817
C280000	Napa	$110,288
C290000	Nevada	$60,215
C300000	Orange	$1,968,628
C310000	Placer	$127,216
C320000	Plumas	$16,466
C330000	Riverside	$902,751
C340000	Sacramento	$868,804
C350000	San Benito	$29,587
C360000	San Bernardino	$940,023
C370000	San Diego	$1,923,358
C380000	San Francisco	$894,026
C390000	San Joaquin	$303,265
C400000	San Luis Obispo	$160,558
C410000	San Mateo	$494,648
C420000	Santa Barbara	$294,840
C430000	Santa Clara	$1,136,063
C440000	Santa Cruz	$164,846
C450000	Shasta	$143,151
C460000	Sierra	$5,930
C470000	Siskiyou	$48,464
C480000	Solano	$266,529
C490000	Sonoma	$257,187

Allocation of FY 2003-04 Trial Court Discretionary Funding (eff. 7/1/03)

Court Code	Court	Discretionary Funding
C500000	Stanislaus	$184,328
C510000	Sutter	$58,939
C520000	Tehama	$42,574
C530000	Trinity	$12,084
C540000	Tulare	$182,649
C550000	Tuolumne	$36,481
C560000	Ventura	$397,610
C570000	Yolo	$104,559
C580000	Yuba	$51,918
	Total	**$22,092,960**

Executive and Planning Committee Minutes
January 7, 2004
By Telephone Conference Call, Catalina Room
11:45 a.m. – 12:45 p.m.

Members Participating: Justice Richard D. Huffman; Judges Eric L. Du Temple, Michael T Garcia, Frederick P. Horn, Jack Komar, Michael Nash; Ms. Susan Null, Ms. Ann Ravel.

Staff Participating: Mr. Dennis Blanchard, Ms. Sheila Gonzalez, Ms. Bonnie Hough, Mr. Ronald Overholt, Ms. Christine Patton, Ms. Sonya Smith, Ms Pat Sweeten, Mr. William C. Vickrey.

Members Absent: None.

Minutes
The committee approved the minutes of the November 12, 2003 and November 21, 2003 meetings.

Equal Access Fund Partnership Grant Distribution
Pursuant to its authority to act on behalf of the Judicial Council between meetings, the committee reviewed and approved the allocation of Equal Access Fund Partnership Grants to twenty programs for a total of $950,000. The distribution will be made by the State Bar Legal Trust Fund Commission.

Subordinate Judicial Officers
The committee reviewed requests by the Superior Courts of San Bernardino, Imperial, and Humboldt Counties to authorize the establishment of subordinate judicial officer positions in those courts. Due to uncertainty regarding the courts' budgets in both 03-04 and 04-05, the committee voted to defer consideration of these requests until their meeting on January 28, 2004.

Executive and Planning Committee Meeting Dates
The committee reviewed and tentatively approved a list of meeting dates for council agenda setting in 2004.

Respectfully submitted,

Ronald G. Overholt

Equal Access Fund—Distribution of Funds for Partnership Grants
Approved by the Executive and Planning Committee January 7, 2004

Bay Area Legal Aid – Contra Costa County Domestic Violence Pro Per Clinic	35,000
Central California Legal Services – Fresno/Tulare Rural Access Project	65,000
East Bay Community Law Center and Alameda County Bar Voluntary Legal Services Corporation	10,000
Greater Bakersfield Legal Assistance – Pro Se Guardianship Project	40,000
Inland Counties Legal Services – Family Law Access Partnership Project - Riverside	20,000
Inland Counties Legal Services – Proyecto Ayuda Legal/Legal Help Program - San Bernadino	70,000
Legal Aid Foundation of Los Angeles Inglewood Self-Help Legal Access Center	68,000
Legal Aid Foundation of Los Angeles Torrance Family Law Clinic	58,000
Legal Aid Society of Orange County – Compton Self-Help Center	75,000
Legal Aid Foundation of Santa Barbara – Self-Represented Litigant Resource Center	80,000
Legal Aid of the North Bay – Legal Self-Help Center of Marin/ Centro Auto-Asistencia Legal de Marin	40,000
Legal Aid Society of San Diego – Conservatorship Clinic at the Probate Court	35,000
Legal Aid Society of San Diego – Unlawful Detainer Assistance Program at East County Courthouse	63,000
Legal Services of Northern California – Mother Lode Pro Per Project	45,000
Legal Services of Northern California – Shasta Pro Per Project	47,000
Neighborhood Legal Services of Los Angeles County – Antelope Valley Self-Help Legal Access Center	70,000

Public Counsel – Pro Per Guardianship Legal Clinics Program	25,000
San Diego Volunteer Lawyer Program – Domestic Violence Prevention Project	48,000
San Francisco Bar Association Volunteer Legal Services Program – Family Law Assisted Self-Help	31,000
Sonoma County Legal Aid – Self Help Access Center	25,000
Total	$950,000

Executive and Planning Committee Meeting Minutes
January 22, 2004, JCCC, Catalina Room
10:00 a.m.–4:00 p.m.

Members Participating: Justice Richard D. Huffman; Judges Eric L. Du Temple, Michael T. Garcia, Frederick P. Horn, Jack Komar, Michael Nash; Ms. Susan Null.

Staff Participating: Mr. Dennis Blanchard, Ms. Kim Davis, Mr. Bob Emerson, Mr. Clifford Ham, Ms. Tina Hansen, Mr. Dag MacLeod, Ms. Kristin Nichols, Mr. Ronald G. Overholt, Mr. Ron Pi, Ms. Kelly Popejoy, Ms. Rona Rothenberg, Mr. David Smith, Ms. Sonya Smith, Ms. Pat Sweeten, Mr. William C. Vickrey, Mr. Lee Willoughby.

Members Absent: Ms. Ann Ravel.

Judicial Council Five-Year Capital Outlay Plan
AOC staff presented a report on the Trial Court Five-Year Capital Outlay Plan. The report applied a prioritization procedure that the council approved in August 2003 to rank 199 capital outlay projects and proposed that the council apply funding received in fiscal year 2004-2005 to ten demonstration projects and seek additional funding in 2005-2006 to continue the demonstration projects and begin the initial phases of the first 70 projects on the ranked list. Committee members reviewed and commented on the report. The revised report will be submitted to the full council in February.

Resource Allocation Study
AOC staff presented an informational overview of the methodology used in the resource allocation study, which will be presented to the full council at the issues meeting on February 26, 2004.

Budget Status Report
AOC staff presented background information and an update on judicial branch funding issues in the current year and in fiscal year 2004-2005. Staff will report to the full council on these issues at the February council meetings.

Allocation of Trial Court Security Reduction
The committee requested that staff review the committee's authority to allocate these reductions in light of changes to the California Rules of Court on public access to trial court budget information. The item was deferred pending review of this issue and pending additional information on the status of these reductions.

The following agenda items were deferred to a future meeting due to a lack of time:

- Review of Advisory Committee Work Plans
- Presentation of Staff Monitoring Procedures for Judicial Council Operational Plan
- Review of Nominations for a Vacancy on the Access and Fairness Committee

Respectfully submitted,

Ronald G. Overholt
Chief Deputy Director

Executive and Planning Committee Meeting Minutes
January 28, 2004
11:45 a.m.–12:45 p.m.
By conference call

Members Participating: Justice Richard D. Huffman; Judges Eric L. Du Temple, Michael T. Garcia, Frederick P. Horn, Jack Komar, Michael Nash; Ms. Susan Null, Ms. Ann Ravel.

Staff Participating: Ms. Melissa Ardaiz, Mr. Dennis Blanchard, Ms. Roma Cheadle, Mr. Bob Fleshman, Mr. Ruben Gomez, Ms. Sheila Gonzalez, Ms. Tina Hansen, Ms. Bonnie Hough, Mr. Ken Kann, Ms. Diane Nunn, Mr. Ronald Overholt, Ms. Christine Patton, Ms. Sonya Smith, Ms. Pat Sweeten, Mr. William C. Vickrey, Mr. Michael Wright.

Members Absent: None.

Minutes
The committee approved the minutes of the January 7, 2004 meeting.

AB 1058 Child Support Program
The committee received a staff report recommending a midyear (FY 2003-2004) funding reallocation for the Child Support Commissioner and Family Law Facilitator Program. The committee placed this report on the consent agenda of the Judicial Council's February 27, 2004 business meeting.

Agenda setting for the February 27, 2004 business meeting
The committee reviewed the draft Judicial Council meeting agenda and materials and took the following actions:

Internal Audit Services Charter
Approved the report for inclusion on the consent agenda provided that the final report contains additional explanation requested by the committee.

Juvenile Law: Responsibility of Council for Children in Delinquency Proceedings
Approved the report for inclusion on the discussion agenda provided that the Rules and Projects Committee also approves the item.

Facilities Planning: Trial Court Five-Year Capital Outlay Plan
Based on its January 22, 2004 review of a draft report on this item, the committee increased the presentation time to one hour and the discussion time to 30 minutes.

Report of the Self-Represented Litigant Task Force: Action Plan for Serving Self-Represented Litigants
Approved the report for inclusion on the discussion agenda.

Early Mediation Pilot Programs: Approve Evaluation Report and Recommendations
Approved the report for inclusion on the discussion agenda with 10 minutes for presentation and 10 minutes for discussion.

The committee planned to review the remaining items on the council's February 27, 2004 business agenda at its meeting on February 11.

Subordinate Judicial Officers
The committee reviewed requests by courts to authorize the establishment of:

- Two court commissioner positions in the Superior Court of Imperial County.
- One court commissioner position in the Superior Court of San Bernardino County.
- A half-time court commissioner position in the Superior Court of Humboldt County.

Based on a review of the facts presented by each court, Judicial Council policy on the role of SJOs, and the criteria the Executive and Planning Committee has applied to such requests in the past, the committee approved the establishment of one court commissioner position in the Superior Court of San Bernardino County and one court commissioner position in the Superior Court of Imperial County. This approval was contingent upon the courts' ability to fund the positions from their existing budgets. The remaining requests were denied, pending the council's adoption of a statewide policy for addressing such requests. The committee directed staff to develop and present to the council a statewide policy for addressing the full range of requests made by courts to increase the numbers of subordinate judicial officers.

Advisory Committee Work Plans
The committee approved the work plans of the following advisory committees without modification: Trial Court Presiding Judges Advisory Committee, Court Executives Advisory Committee, Court Technology Advisory Committee, and Collaborative Justice Courts Advisory Committee. The committee recommended modifications to the work plans of the Judicial Service Advisory Committee and the Court Interpreters Advisory Panel.

Nominations
The committee reviewed candidates nominated for an out-of-cycle vacancy on the Access and Fairness Advisory Committee and forwarded its recommendations to the Chief Justice.

Respectfully submitted,

Ronald G. Overholt
Chief Deputy Director

RULES AND PROJECTS COMMITTEE

Tuesday, October 7, 2003
12:00 p.m. – 1:30 p.m.

Meeting Minutes

Committee members present: Hon. Norman L. Epstein, Chair, Hon. Heather D. Morse, Vice-Chair, Hon. William C. Harrison, Mr. Rex S. Heinke, Mr. David Pasternak, and Hon. Patricia Wong.

Members absent: Ms. Tressa Kentner

Committee staff present: Ms. Melissa Johnson, Mr. Kenneth Kann, and Ms. Romunda Price.

Item 1 **Trial Setting and Civil Case Management** (amend Cal. Rules of Court, rule 212)

The Rules and Projects Committee reviewed this proposal and decided to give it further consideration at a meeting on October 14, 2003.

Item 2 **Motions and Applications for Continuance of Trial** (amend Cal. Rules of Court, rule 375; adopt rule 375.1; repeal Cal. Stands. of Jud. Admin., § 9)

The Rules and Projects Committee reviewed this proposal and decided to give it further consideration at a meeting on October 14, 2003.

Item 3 **Trial Delay Reduction, Differential Case Management, and Case Disposition Time Standards** (adopt Cal. Rules of Court, rule 204, and amend rules 208 and 209, amend Cal. Stds. Jud. Admin., §§ 2, 2.1, and repeal §§ 2.3 and 2 4)

The Rules and Projects Committee reviewed this proposal and decided to give it further consideration at a meeting on October 14, 2003.

Item 4 **Small Claims:** New Optional Form to Amend Claim Before Hearing (approve form SC-114)

The Rules and Projects Committee recommended approval on the council's consent agenda.

Item 5 **Ethics training for Judicial Council Members and Judicial Branch Employees** (adopt rule 6.301 of the California Rules of Court)

The Rules and Projects Committee recommended approval on the council's consent agenda.

Circulating Orders

Item 6 **Working Groups on Court Security** (amend Cal. Rules of Court, rule 6.170 and renumber as rule 6.171; adopt rule 6.170)

The Rules and Projects Committee recommended approval of this proposal and circulating it to the Judicial Council.

Item 7 **Contractual Indemnification of Judicial Branch Entities -- New Litigation Management Program** (adopt rule 6.203 of the Cal. Rules of Court)

The Rules and Projects Committee recommended approval of this proposal and circulating it to the Judicial Council.

Circulation for Comment

Item 8 **Trial Court Public Access** (adopt rule 6.620 of the Cal. Rules of Court)

The Rules and Projects Committee approved the proposal for circulation in a special cycle

Adjournment

The Rules and Projects Committee adjourned at 1:30 p.m.

RULES AND PROJECTS COMMITTEE

Tuesday, October 14, 2003
12 p.m. – 1 p.m.

Meeting Minutes

Committee members present Hon Norman L Epstein, Chair, Hon. Heather D. Morse, Vice-Chair, Hon William C Harrison, Mr. David Pasternak, Ms. Tressa Kentner, Hon. Patricia Wong

Members absent: Mr Rex S. Heinke and Hon Richard Strauss

Staff members present: Ms. Melissa Johnson, Mr Kenneth Kann, Ms Romunda Price.

Guests: Mr. Patrick O'Donnell and Mr Daniel Pone

The Rules and Projects Committee conducted further review of Items 1-3 on the October 7, 2003 meeting agenda These items are titled, Trial Settings, Continuances, and Case Disposition Time Standards Recommendations to Improve the Fair and Efficient Administration of Civil Cases The committee recommended approval of these three items for the council's discussion agenda with the following modifications:

Rule 212(c) was modified to read· [. should be required to appear at an additional conference only if an appearance is necessary . determining whether to hold an additional conference, the court must...].

Section 2.1(b) was modified to read [...improve the administration of justice by encouraging prompt disposition of all matters coming before the courts. The standards establish goals for all cases filed and are not meant to create deadlines for individual cases Through its case management practices, a court may achieve or exceed the goals stated in these standards for the overall disposition of cases. The standards should be ...].

The Rules and Projects Committee adjourned at 12.30 p.m

RULES AND PROJECTS COMMITTEE

Monday, October 20, 2003
11:30 a.m. – 1 p.m.

Meeting Minutes

Committee members present: Hon. Norman L. Epstein, Chair, Hon. Heather D. Morse, Vice-Chair, Hon. William C. Harrison, Mr Rex S. Heinke, Ms. Tressa Kentner, Mr David Pasternak, Hon. Richard Strauss, and Hon. Patricia Wong.

Committee staff present: Ms. Melissa Johnson, Mr. Kenneth Kann, and Ms. Romunda Price.

The Rules and Projects Committee met for an orientation meeting. Justice Epstein provided an overview of the RUPRO January and July circulation process. He also indicated that proposals may also circulate outside of the normal cycles.

Ms. Johnson distributed an outline of the Reorganization and Renumbering of Rules of Court project. She reported that titles 2 and 3 will be coming before the committee to consider for circulation soon. Justice Epstein asked that staff submit to the committee a general description of options for reorganization of the Standards of Judicial Administration

Mr. Kann referred members to the committee's *Reference Materials* binder distributed earlier. He highlighted Tab 5, the committee's Policies and Guidelines for Rules and Forms and pointed out Bryan A. Garner's *Guidelines for Drafting and Editing Court Rules*.

Ms. Johnson and Mr. Kann reported that the Rules and Projects Committee is also responsible for reviewing advisory committee and task force work plans for fiscal year 2004. The work plans will be divided between RUPRO and the Executive and Planning Committee

The Rules and Projects Committee scheduled its next meeting for November 20, in which it will review items for recommendation to the council at its December 5 meeting.

The meeting adjourned at 1 p.m.

RULES AND PROJECTS COMMITTEE

Thursday, November 20, 2003
12 p.m. – 2 p.m.

Meeting Minutes

Committee members present: Hon. Norman L. Epstein, Chair, Hon. William C. Harrison, Ms. Tressa S. Kentner, Mr David J. Pasternak, and Hon. Patricia H. Wong

Members absent: Hon. Heather D. Morse, Vice-Chair, Mr. Rex Heinke, and Hon. Richard Strauss.

Committee staff present: Ms. Melissa Johnson, Mr. Kenneth Kann, Ms. Romunda Price.

Guests: Ms. Heather Anderson, Mr. Peter Belton, Mr. Michael Fischer, Ms. Susan Goins, Hon. Brad Hill (*by phone*), Ms. Lyn Hinegardner, Ms. Bonnie Hough (*by phone*), Mr. Ray LeBov (*by phone*).

Item 1 **Fees for Reporting Services** (amend Cal. Rules of Court, rule 892)

The Rules and Projects Committee recommended approval on the council's consent agenda.

Item 2 **Juvenile Law: Responsibilities of Attorneys for Children in Delinquency Proceedings** (adopt Cal. Rules of Court, rule 1479)

This item was withdrawn for consideration.

Item 3 **Family Law: Technical Revision to Judgment Form** (revise form FL-180)

The Rules and Projects Committee recommended approval on the council's consent agenda.

Item 4 **Public Access to Trial Court Budget Information and Processes** (amend Cal. Rules of Court, rules 6.5, 6.6, 6.45, and 6.702)

The Rules and Projects Committee recommended approval on the council's discussion agenda with the following modification:

On page three of the Judicial Council report in the first sentence of the paragraph above the heading Alternative Actions Considered, RUPRO directed staff to replace the words "carefully negotiated" with "discussed."

Item 5 **Revision of Appellate Rules: Fourth Installment** (repeal Cal. Rules of Court, rules 39, 39.1, 39.1A, 39.1B, 39.2, 39.2A, 39.4, 39.8, 49, 49.5, 50, 56, 56.4, 56.5, 57, 58, 59, 60; adopt revised rules 37, 37.1, 37.2, 37.3, 38, 38.1, 38.2, 38.3, 38.4, 38.5, 38.6, 39, 39.1, 39.2, 49, 49.5, 56, 57, 58, 59, 60)

The Rules and Projects Committee approved this item for circulation in a special cycle.

Item 6 **Format of Jury Instructions** (amend Cal. Rules of Court, rule 229)

The Rules and Projects Committee recommended approval on the council's consent agenda.

Item 7 **Probate Rule Concerning Reimbursement of Graduated Filing Fee Paid by Unsuccessful Petitioner** (adopt rule 7.151)

The Rules and Projects Committee recommended approval on the council's consent agenda and approved this item for circulation in the Winter 2004 cycle.

Item 8 **Probate Rules Concerning Mandatory Adjustments to the Graduated Filing Fee in Probate Proceedings** (amend rule 7.550; adopt rule 7.552)

The Rules and Projects Committee recommended approval on the council's consent agenda with the following modifications to rule 7.552:

Subdivision (b) was amended as follows: [...for the payment, and, if applicable, a receipt or other evidence satisfactory to the court of payment of ~~for~~ the reimbursement required under...].

Subdivision (d)(1) was also amended as follows: [... dismisses the petition at any time within ~~six months~~ 90 days after it is filed...].

Item 9 **Reorganization of the Standards of Judicial Administration**

The Rules and Projects Committee authorized staff to go forward with a proposal to reorganize the Standards of Judicial Administration as follows:

(1) The standards are to remain as a separate single document in an appendix to the Rules of Court;

(2) As a separate appendix to the Rules of Court, the standards will be reorganized into subject categories that correspond to the respective titles of the Rules of Court, and

(3) Those standards that are closely related to particular rules also will be placed verbatim in a comment section following the rules.

Item 10 **Termination of Requirements to Collect and Forward Reference Orders and Reports** (repeal Cal. Rules of Court, rules 224.1 and 244.2)

The Rules and Projects Committee recommended approval on the council's discussion agenda.

The Rules and Projects Committee meeting adjourned at 1 p.m.

RULES AND PROJECTS COMMITTEE

Tuesday, December 9, 2003
12:00 p.m. – 1:30 p.m.

Teleconference Meeting Minutes

Committee members present: Hon. Norman L. Epstein, Chair, Hon. Heather D. Morse, Vice-chair, Hon. William C. Harrison, Hon. Rex S. Heinke, Ms. Tressa S. Kentner, Mr. David J. Pasternak, Mr. Richard Straus, and Hon. Patricia H. Wong.

Committee staff present: Ms. Melissa Johnson, Mr. Kenneth Kann, Ms. Romunda Price.

AOC Staff present: Ms. Susan Goins, Ms. Ruth McCreight, Ms. Bonnie Hough, Mr. John Sweeney, Mr. Douglas Miller, and Mr. Courtney Tucker.

Item 1 **Approval of Meeting Minutes**
(October 7, October 14, October 20, and November 20, 2003)

The Rules and Projects Committee approved the above meeting minutes.

Civil & Small Claims Advisory Committee

Item 2 **Drop Box Filing** (adopt rule 201.6 of the Cal. Rules of Court)

The Rules and Projects Committee approved this item for circulation in the Winter 2004 cycle.

Family & Juvenile Law Advisory Committee

Item 3 **Child Support: Telephone Appearance in Title IV-D Hearings** (adopt Cal. Rules of Court, rule 5.324; approve form FL-679)

This item was withdrawn from consideration.

Item 4 **Child Support: Low-Income Adjustment and Set-Aside of Order Based on Presumed Income** (revise forms DV-160, FL-640, and FL-692)

The Rules and Projects Committee approved this item for circulation in the Winter 2004 cycle.

Item 5 **Court-Appointed Special Advocates: Program Guidelines** (amend Cal. Rules of Court, rule 1424)

This item was withdrawn from consideration.

Item 6 **Family Law: Confidential Declaration of Social Security Number** (adopt form FL-102; revise forms FL-115 and FL-117)

The Rules and Projects Committee approved this item for circulation in the Winter 2004 cycle.

Item 7 **Juvenile Law: Findings Required for Termination of Parental Rights** (revise form JV-320)

The Rules and Projects Committee approved this item for circulation in the Winter 2004 cycle.

Judicial Administration

Item 8 **Court Construction and Management Rules** (adopt rules 6.15, 6.180, 6.181, 6.182, and 6.183 of the California Rules of Court)

This item was withdrawn from consideration.

Probate and Mental Health Advisory Committee

Item 9 **Probate Rule Concerning the Personal Representative's Duty to Reimburse Unsuccessful First-Filer for a Portion of the Graduated Filing Fee** (adopt rule 7.151)

The Rules and Projects Committee approved this item for circulation in the Winter 2004 cycle.

Traffic Advisory Committee

Item 10 **2004 Uniform Bail and Penalty Schedules (revise schedules)**

The Rules and Projects Committee recommended the distribution of the circulating order to the Judicial Council for adoption.

Other Business

The Rules and Projects Committee scheduled its next meeting by telephone on Wednesday, January 21, at noon. The committee proposed that the following items be put on the agenda for discussion:

Review of the advisory committee and task force work plans for consistency; review a proposed invitation to comment procedure for the civil jury instructions; possibly review the current agenda item 8 (court construction and management rules); possible review of proposed rule 1479 (Juvenile Law: Responsibilities of Attorneys for Children in Delinquency Proceedings) for recommendation to the council for adoption; and the possible review of the reorganization of titles 2, 3, and the Standards of Judicial Administration for circulation for comment.

The meeting adjourned at 1 p.m.

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3660

Report

TO: Members of the Judicial Council

FROM: Ronald G. Overholt, Chief Deputy Director, 415-865-4235
Christine M. Hansen, Director, Finance Division, 415-865-7951
Stephen H. Nash, Assistant Director, Finance Division, 415-865-7584
Ruben Gomez, Supervising Budget Analyst, Finance Division, 415-865-7686

DATE: February 27, 2004

SUBJECT: Annual Report of Trial Court Expenditures for Fiscal Year 2002–2003

Issue Statement
The Administrative Office of the Courts (AOC) respectfully submits the attached report of trial court expenditures for fiscal year (FY) 2002–2003 (including accruals). In conformance with the provisions of Government Code §68502.5(b), data is provided at the program component level. The report reflects information submitted by state trial courts as part of the year-end fiscal reporting process. The AOC has only summarized this information for presentation in this report and does not certify its completeness or accuracy.

Trial court expenditures are being reported for the following elements and components within the Trial Court Operations and Administration programs (for definitions, see attachment 1):

Trial Court Operations Program

Adjudication
- Judges & Courtroom Support

Case-Type Services
- Criminal
- Civil
- Family & Children

Operational Support
- Other Support Operations
- Court Interpreters
- Jury Services

Administration Program
- Executive Office
- Fiscal Services
- Human Resources
- Business & Facilities Services
- Information Technology

Funding Sources
Trial court funding is derived from two primary sources: Trial Court Trust Fund (TCTF) and Non-Trial Court Trust Fund (Non-TCTF) monies. TCTF monies consist primarily of state General Fund transfers, county remittances of Maintenance of Efforts revenues and expenditures, as well as civil filing fees and criminal fines remitted to the state. Courts that are allocated funding from the Trial Court Improvement Fund and Judicial Administration Efficiency and Modernization Fund report these funds as TCTF monies. Non-TCTF monies consist primarily of grants and court-designated fines, fees, and forfeitures.

Summary

- Total expenditures: $2,127,591,668 (Attachment 2)
- Trial Court Trust Fund (TCTF) expenditures: $1,942,706,731 (Attachment 3)
- Non-Trial Court Trust Fund (Non-TCTF) expenditures: $184,884,937 (Attachment 4)
- TCTF expenditures accounted for 91 percent and Non-TCTF expenditures accounted for 9 percent of total expenditures (Attachment 5)
- Judges & Courtroom Support[1] accounted for 40 percent, Case-Type Services (Criminal, Civil and Family & Children) for 26 percent, the five Administration elements (Executive Office, Fiscal Services, Human Resources, Business & Facilities Services, and Information Technology) for 25 percent, and Operational Support (Other Support Operations, Court Interpreters, and Jury Services) for 9 percent of total expenditures at the element level (Attachment 6)
- Notwithstanding Judges & Courtroom Support, Family & Children, Criminal, Business & Facilities Services and Information Technology accounted for 38 percent of total expenditures at the component level (Attachment 7)

Recommendation
Staff recommends that the Judicial Council approve the Annual Report of Trial Court Expenditures for FY 2002–2003 for subsequent submission to the Legislature.

Rationale for Recommendation
The annual report is required by Government Code §68502.5(b).

Alternative Actions Considered
Not applicable.

Comments From Interested Parties
No comments solicited. Not applicable.

[1] Only three of the fifty-eight trial courts report judges' salaries and benefits Judges in fifty-five trial courts are paid directly by the State Controllers Office

Implementation Requirements and Costs
No costs are associated with implementing this recommendation.

Tables and Charts Included:

Attachment 1 – Program Element Component Definitions (Chart)
Attachment 2 – Combined Summary - Total TCTF and Non-TCTF Expenditures and Accruals by Court and Program Component (Table)
Attachment 3 – Total TCTF Expenditures and Accruals by Court and Program Component (Table)
Attachment 4 – Total Non-TCTF Expenditures and Accruals by Court and Program Component (Table)
Attachment 5 – TCTF vs. Non-TCTF Expenditures (Pie chart)
Attachment 6 – Expenditures at Program Element Level (Pie chart)
Attachment 7 – Expenditures at Program Component Level (Pie chart)

Attachment 1

Program Element Component Definitions

Program, Element or Component	Definitions
Judges and Courtroom Support	Includes salaries, benefits, and public agency retirement contributions for the following: ▪ Judges ▪ Temporary judges ▪ Subordinated judicial officers (i.e., court commissioners and referees) Includes costs related to the assignment of active and retired judges (assigned judges) to expedite judicial business and to equalize judicial workload. Includes salaries, benefits and other resource costs of personnel that directly support case adjudication as follows. ▪ Courtroom clerks ▪ Secretarial support ▪ Attorneys providing legal research and other legal services to support case adjudication ▪ Court reporters, including transcript costs ▪ Bailiffs, bailiff supervisors (who are least .25 FTE dedicated supervisors of bailiffs), and court attendants providing in-courthouse custody to secure housing and movement of prisoners within the courtroom and court facility Does not include supervisors of courtroom staff, unless performing in court operations.
Case Type Services	The Case Type Services element provides essential supportive programs and services that directly assist the court and parties in the adjudication and resolution of cases. This program element ensures the public's access to a safe, fair, and comprehensible court system.
Criminal	The services and activities–separate from and in addition to Judges and Courtroom Support—necessary to support criminal case processing issues. Includes costs for counter clerks processing traffic matters.
Civil	Services and activities—separate from and in addition to Judges and Courtroom Support—necessary to support civil case processing issues related to actions other than family and children cases. Also includes services and activities necessary to support a specialized civil calendar, provide assistance with the process and forms for small claims (i.e., a minor civil case for monetary judgment with a value of $5,000 or less), and provide dispute resolution assistance to the public and any auxiliary programs or services that do not fit in any of the above categories. Includes costs for counter clerks processing filings related to civil cases.
Family & Children	Activities and services include the following: ▪ Court-appointed counsel for children and parents in juvenile dependency proceedings ▪ Dependency mediation ▪ Psychiatric evaluations Costs associated with CASA
Operational Support	Activities that provide non-case-type specific support for court operations, including the management of files and calendars of the courts.
Other Support Operations	Staff and supervisory positions that are not dedicated to a specific courtroom or case-type services (i.e., criminal, civil, or families and children). Examples includes staff who: ▪ Perform activities that provide public access to the courts, including but not limited to staff who are dedicated to serving the public at the public counter or on the telephone and who are assigned to exhibit rooms ▪ Manage files and calendar

Program, Element or Component	Definitions
	▪ Store and retrieve court records Perform clerical functions for the trial court's appellate activities
Court Interpreters	Includes services performed by Certified and Non-certified Contract Interpreters, Staff Interpreters, and Interpreter Coordinators, defined as follows: ▪ Certified and non-certified Contract Interpreters are not court employees. Their services are provided on a per diem basis and funded as professional and consultant services. ▪ Staff Interpreters are regular employees of the court and receive salary and benefits. Interpreter Coordinators perform the daily assignment of qualified court interpreters.
Jury Services	This program ensures the right to a jury trial through the management of juror summons, selection, facilities in the court, and compensation. Under TCTF include only criminal but not civil and grand jury costs for: ▪ Jury Commissioners, who are responsible for collecting lists of qualified prospective jurors, submitting lists to the court, and managing the jury program ▪ Jury fees, jury coordination, child and dependent care for jurors, and jury sequestration
Administration	The Court Administration Program provides essential managerial, administrative, clerical, educational, and technological support to the courts. It also promotes effective relationships between the courts, employees, judges, and the public.
Executive Office	The primarily responsibility of the Executive Office is the direction of all administrative activities for the trial courts, including the following: ▪ Court Executive/Administrative Officer ▪ Deputy Court Executive or Court Administrative Officer ▪ Secretarial and administrative support for the above. Includes costs for services provided to judicial officers.
Fiscal Services	Includes the Chief Financial Officer and personnel associated with the development of court budgets, including accounting and all aspects of financial management.
Human Resources	Includes the following: ▪ Personnel Director, Training Officer, staff responsible for the recruitment and retention of qualified court employees, and staff charged with employee relations, including labor relations and collective bargaining ▪ Includes costs relating to in-house education and training for judicial officers and court staff (CJER, local programs, and all other providers, as well as consultant costs)
Business and Facilities Services	Activities and services include the following ▪ Personnel and costs associated with building maintenance, providing business services and supplies, and procurement ▪ Telecommunication costs ▪ Contractual perimeter security services to control facility access ▪ Costs associated with legal and contractual services, intergovernmental charges and other charges associated with the courts, and any other administrative costs ▪ Activities associated with the management of court fixed assets
Information Technology	The ability of trial courts to provide adequate services to the public depends upon efficacious and timely case processing and the expeditious provision of case data. Adequate court management systems allow courts to comply with existing statues, rules of court, standards of judicial administration, and other mandates concerning public access to court information, records management, and electronic filing. In addition, adequate case management systems enable the courts to share data and information with local, state and federal partners in the justice system. Includes costs for the following: ▪ Chief Information Officer and support personnel ▪ Computer equipment and activities needed to support the business of the court, including Case Management Systems, Criminal Justice Information Systems and electronic communication between law enforcement agencies and other courts.

Program, Element or Component	Definitions
	▪ Technology consulting services ▪ Technology training activities for judicial and non-judicial employees

FY 2002-2003 Quarterly Financial Statement Expenditures at the Program Component Level and Higher
Combined Trial Court Trust Fund* and Non-Trial Court Trust Fund Expenditures
*Includes Trial Court Improvement Fund and Judicial Administration Efficiency and Modernization Fund expenditures

	Trial Court Operations Program							Court Administration Program					
	Adjudication Element	Case-Type Services Element			Operational Support Element								
Court	Judges and Courtroom Support	Criminal	Civil	Family and Children	Other Support Operations	Court Interpreters	Jury Services	Executive Office	Fiscal Services	Human Resources	Business & Facilities Services	Information Technology	Total
Alameda	45,301,853	9,199,019	6,763,247	9,736,545	1,043,795	2,336,448	1,800,401	2,664,772	2,192,424	1,237,045	8,488,474	8,830,040	99,594,064
Alpine	79,031	112,097	-	8,761	102,583	270	35,252	29,756	54,029	56	59,759	71,431	553,025
Amador	931,956	314,109	280,625	325,842	-	21,515	62,487	352,426	119,219	54,607	400,249	203,089	3,066,124
Butte	3,111,578	1,431,069	467,742	2,359,597	137,713	198,631	162,221	341,438	338,005	154,233	3,409,290	884,688	13,006,205
Calaveras	795,979	114,588	65,811	362,989	11,954	13,101	54,763	154,219	133,229	28,955	276,594	117,886	2,130,068
Colusa	301,985	146,146	45,989	138,531	67,154	89,197	35,743	80,556	22,406	702	103,046	124,821	1,156,276
Contra Costa	21,086,446	6,011,270	3,197,043	9,579,872	667,248	939,345	1,281,494	1,265,525	578,000	725,803	6,216,363	2,552,687	54,101,096
Del Norte	369,857	475,176	94,562	605,107	46,795	32,300	32,529	226,281	176,439	50,157	8,581	87,772	2,205,556
El Dorado	2,832,312	786,312	664,435	1,636,325	671,560	73,502	190,059	140,430	229,934	121,142	1,431,572	523,220	9,300,805
Fresno	16,082,512	5,420,308	997,903	7,407,173	3,686,541	1,656,489	979,998	531,740	670,405	406,195	1,600,904	3,764,867	43,205,036
Glenn	384,569	273,876	40,784	345,190	163,270	112,431	54,734	318,672	119,813	-	91,520	201,779	2,106,838
Humboldt	2,759,123	404,241	194,399	1,548,624	13,601	100,320	337,639	475,117	140,067	123,411	259,782	598,538	6,955,060
Imperial	2,483,304	927,937	346,282	776,801	493,553	335,868	282,570	208,230	115,198	42,441	1,406,049	501,455	7,919,688
Inyo	551,146	91,008	49,348	467,002	52,009	13,190	172,484	118,683	91,252	40,011	219,548	262,869	2,128,549
Kern	14,297,448	3,465,060	1,543,887	5,768,732	2,248,957	1,285,264	631,729	735,832	984,551	498,595	5,593,836	2,814,690	39,868,581
Kings	2,207,005	661,167	474,265	791,027	175,521	241,933	163,410	377,854	128,658	338,679	866,874	215,352	6,641,746
Lake	1,302,102	305,954	196,384	384,991	303,307	87,029	161,166	220,066	160,530	14,864	251,216	73,363	3,460,972
Lassen	390,111	129,691	61,464	414,022	108,571	11,638	40,857	107,062	85,037	106,303	302,653	430,535	2,187,944
Los Angeles	316,119,521	43,104,139	26,192,714	49,215,186	20,155,384	28,243,500	19,669,220	52,007,408	7,323,082	4,803,788	51,073,871	41,820,516	659,728,330
Madera	1,710,467	1,017,693	620,647	663,709	(189)	357,270	217,482	397,566	115,129	79,294	190,585	151,285	5,520,937
Marin	7,387,533	1,487,331	1,687,088	1,530,900	386,850	356,890	316,691	654,608	457,318	373,035	637,522	2,365,729	17,641,495
Mariposa	99,529	-	-	87,395	-	2,472	10,081	-	-	-	743,808	-	943,285
Mendocino	2,111,001	1,586,130	227,306	1,265,741	481,098	183,887	147,722	554,322	237,157	291,120	421,416	373,351	7,880,251
Merced	2,880,027	1,039,975	478,812	1,534,652	359,875	486,287	213,177	755,671	184,046	110,687	316,672	968,919	9,328,800
Modoc*	-	-	-	-	-	-	-	-	-	-	-	-	-
Mono	222,930	193,067	84,727	116,008	-	26,230	12,875	501,787	63,497	-	167,239	31,349	1,421,709
Monterey	7,661,777	3,532,632	611,709	1,467,264	724,077	643,999	511,355	493,641	544,957	317,728	195,112	489,277	17,393,528
Napa	3,451,752	1,151,658	313,640	660,611	340,010	428,328	251,070	612,161	245,706	236,389	1,361,386	1,299,016	10,551,728
Nevada	1,499,642	822,914	574,857	1,130,905	21	59,479	110,357	308,097	258,216	212,420	843,823	464,854	6,285,585
Orange	57,219,393	16,313,520	8,097,954	15,223,600	5,476,508	5,157,911	3,212,293	6,341,713	5,126,037	1,708,452	22,130,555	24,426,231	170,434,165
Placer	3,881,900	1,455,248	621,291	2,535,276	374,926	246,025	303,611	502,355	350,730	251,734	1,069,599	696,374	12,289,070
Plumas	479,970	205,401	96,285	481,007	32,440	10,339	49,950	79,117	97,229	65,083	129,095	132,489	1,858,404
Riverside	35,168,966	8,087,644	4,484,185	11,841,777	735,449	1,999,302	1,726,028	2,964,488	2,040,995	939,593	10,514,591	4,233,370	84,736,388
Sacramento	30,003,522	8,385,807	4,395,355	13,283,826	2,152,472	1,887,404	2,079,817	1,415,683	1,925,130	1,242,515	7,752,717	3,762,616	78,286,865
San Benito	492,309	414,624	167,961	469,414	66,674	57,445	33,404	31,795	109,561	62,247	162,818	202,270	2,270,520
San Bernardino	34,181,261	7,062,178	4,133,258	12,216,394	3,067,304	2,591,650	2,151,572	1,614,855	1,172,263	1,267,436	4,454,660	3,841,194	77,754,024
San Diego	51,555,629	20,621,409	11,395,598	27,235,709	2,303,018	3,370,596	3,092,044	5,070,949	9,661,793	1,900,665	15,052,072	16,981,420	166,240,902
San Francisco	27,353,226	14,187,384	4,224,316	10,211,632	2,509,862	1,659,982	2,532,429	407,306	1,427,613	1,720,703	12,479,016	7,481,261	86,094,730
San Joaquin	8,656,059	4,523,368	2,247,430	3,839,623	3,225,100	778,967	725,643	985,506	328,862	179,853	802,165	1,959,447	28,252,025
San Luis Obispo	5,717,240	1,945,504	743,895	2,131,094	300,030	188,053	377,089	437,153	446,740	206,396	936,906	2,014,142	15,444,222
San Mateo	14,681,088	4,954,356	2,763,317	3,737,318	1,680,469	1,080,465	876,927	1,548,765	1,126,621	404,864	2,302,495	4,629,719	39,786,405
Santa Barbara	9,147,523	4,155,833	1,344,716	1,695,926	2,474,218	746,071	540,179	759,009	799,413	361,783	726,268	2,401,077	25,152,016
Santa Clara	34,198,812	13,181,197	7,170,496	14,896,900	2,313,834	2,695,877	2,159,493	10,338,652	1,495,884	1,119,006	14,526,708	10,765,820	114,862,477
Santa Cruz	5,330,945	1,764,151	1,035,570	1,862,535	170,216	447,133	325,984	151,884	477,885	514,963	898,910	1,813,738	14,793,714
Shasta	3,156,858	968,856	426,873	1,953,788	1,503,232	100,623	276,818	468,301	499,313	317,439	978,550	1,045,687	11,696,339
Sierra	135,219	42,897	19,941	181,334	58,641	626	17,286	49,730	25,210	21,825	39,040	75,350	667,099
Siskiyou	1,019,436	604,177	212,484	1,386,902	495,437	80,724	145,360	413,131	257,043	100,672	134,250	399,234	5,248,849
Solano	10,409,586	4,000,676	930,259	2,402,361	-	314,374	871,214	556,725	401,288	69,744	1,316,988	1,511,462	22,584,657
Sonoma	10,537,907	1,613,053	1,281,522	4,793,716	530,244	912,093	492,497	522,021	906,178	376,560	2,080,101	4,104,317	28,150,207
Stanislaus	6,210,634	2,304,223	1,064,046	2,678,442	368,664	509,202	509,559	836,931	620,355	302,484	294,267	1,637,434	17,336,241
Sutter	896,115	686,501	225,570	834,603	70,726	134,076	76,489	219,389	125,650	100,633	307,452	292,079	3,969,285
Tehama	1,164,385	306,450	51,432	342,330	157,161	74,210	87,287	208,665	167,345	97,385	461,111	159,660	3,277,421
Trinity	351,972	134,904	19,750	174,265	34,319	18,014	30,828	109,691	4,579	-	32,334	82,386	993,042
Tulare	6,463,719	1,630,754	332,739	2,104,234	1,410,757	675,687	623,007	440,423	309,358	409,656	2,534,368	1,433,897	18,368,599
Tuolumne	1,631,328	410,141	200,521	404,321	224,638	21,666	105,218	253,419	90,777	64,419	70,758	122,196	3,599,402
Ventura	19,007,304	2,204,248	1,378,202	2,951,942	2,598,415	985,602	920,169	1,331,315	3,945,786	747,575	2,963,900	2,870,446	41,904,903
Yolo	3,726,408	899,811	308,783	910,885	67,344	357,252	253,192	462,441	733,108	250,485	575,689	599,930	9,145,328
Yuba	1,083,101	549,499	216,433	810,530	40,694	74,684	169,313	327,496	-	59,805	535,737	263,999	4,131,290
Statewide	**842,274,293**	**207,798,377**	**106,065,850**	**244,123,388**	**66,884,050**	**65,412,868**	**52,504,244**	**103,482,627**	**50,441,050**	**25,231,834**	**193,200,863**	**170,172,424**	**2,127,591,668**

*Modoc Superior Court's fourth quarter QFS not submitted as of 1/5/04

FY 2002-2003 Quarterly Financial Statement Expenditures at the Program Component Level and Higher
Trial Court Trust Fund Expenditures*

*Includes Trial Court Improvement Fund and Judicial Administration Efficiency and Modernization Fund expenditures

	Trial Court Operations Program							Court Administration Program					
	Adjudication Element	Case-Type Services Element			Operational Support Element								
Court	Judges and Courtroom Support	Criminal	Civil	Family and Children	Other Support Operations	Court Interpreters	Jury Services	Executive Office	Fiscal Services	Human Resources	Business & Facilities Services	Information Technology	Total
Alameda	44,046,752	8,824,930	6,487,929	9,445,510	1,001,305	2,302,756	1,591,827	2,556,295	2,103,175	1,197,855	8,133,459	3,598,586	91,290,377
Alpine	74,967	112,097	-	8,761	101,458	270	35,252	29,556	54,029	56	56,475	71,431	544,352
Amador	866,640	314,109	280,592	246,530	-	21,455	62,487	352,426	119,219	54,607	395,410	203,088	2,916,563
Butte	2,886,936	999,065	420,618	1,746,273	137,713	198,631	147,756	341,438	312,696	154,233	1,909,805	762,827	10,017,991
Calaveras	722,761	114,588	65,811	257,969	11,954	13,101	48,269	152,510	91,962	27,460	264,582	115,464	1,886,431
Colusa	265,729	146,146	45,989	74,936	66,034	89,197	30,654	80,556	22,406	702	101,899	124,821	1,049,069
Contra Costa	20,018,393	5,763,878	2,745,186	8,753,649	622,366	895,218	1,195,055	1,265,525	503,157	725,803	4,738,381	2,552,687	49,779,298
Del Norte	359,854	453,759	94,562	449,088	46,795	31,591	32,529	216,860	176,439	50,157	8,581	27,772	1,947,987
El Dorado	2,717,615	766,712	662,830	1,298,525	576,934	70,595	154,232	140,430	229,934	114,014	1,407,204	459,064	8,598,089
Fresno	15,384,190	4,912,417	434,660	5,745,417	3,610,399	1,656,489	884,663	513,459	652,124	387,914	1,366,615	3,587,349	39,135,698
Glenn	326,302	273,876	40,784	189,882	150,733	107,724	54,734	316,672	98,814	-	80,919	147,371	1,789,811
Humboldt	2,513,337	404,241	194,399	1,439,204	10,723	100,320	267,116	475,086	133,275	122,972	245,546	544,635	6,450,853
Imperial	2,372,986	927,937	346,282	638,131	491,365	313,267	255,399	208,230	112,979	42,441	1,406,049	221,425	7,336,490
Inyo	515,980	69,836	49,346	380,966	52,009	13,155	160,242	118,683	21,292	40,011	219,104	262,869	1,923,494
Kern	13,962,288	3,465,060	1,543,887	4,736,187	1,246,461	1,285,264	558,602	733,295	984,551	498,595	4,340,272	2,250,077	35,604,539
Kings	2,207,005	661,167	474,265	515,620	-	241,933	163,410	377,854	128,658	338,679	866,874	215,352	6,190,817
Lake	1,210,719	305,954	196,384	281,284	302,352	85,332	154,801	220,066	142,967	13,955	221,674	73,341	3,209,030
Lassen	361,341	129,691	61,464	297,328	108,571	11,638	40,857	107,062	76,658	106,303	273,180	430,535	2,006,628
Los Angeles	303,897,222	37,681,453	23,852,237	36,333,662	20,155,384	28,141,212	19,668,297	51,993,338	7,323,082	4,803,788	50,711,964	39,093,775	623,655,413
Madera	1,559,171	1,017,693	620,647	532,032	-	335,927	216,584	391,515	115,129	62,590	190,585	149,014	5,190,885
Marin	7,307,303	1,487,331	1,687,088	1,394,555	372,060	349,834	316,691	654,608	457,318	373,035	636,756	2,365,729	17,402,308
Mariposa	72,718	-	-	34,185	-	2,472	10,081	-	-	-	658,238	-	777,694
Mendocino	1,909,005	657,028	227,306	797,975	481,098	183,887	147,722	554,322	237,157	291,120	421,416	230,211	6,138,247
Merced	2,591,624	1,039,975	478,812	1,050,452	359,875	486,287	213,177	755,671	184,046	110,687	316,672	968,919	8,556,197
Modoc*													-
Mono	192,198	193,067	84,727	73,538	-	26,230	12,875	494,975	60,405	-	167,239	31,349	1,336,603
Monterey	7,452,018	3,116,845	811,709	1,033,812	724,077	641,223	489,000	493,641	544,957	317,728	136,751	489,277	16,251,039
Napa	2,905,356	1,031,358	313,640	794,106	339,016	424,546	210,336	561,788	245,706	229,944	561,386	895,935	8,513,119
Nevada	783,271	822,905	567,993	812,083	21	59,479	105,357	272,349	258,216	198,364	715,803	382,035	4,977,876
Orange	53,269,943	16,313,520	8,097,954	13,991,245	5,342,855	4,907,199	2,507,850	6,341,713	4,087,094	1,708,452	15,124,640	24,284,286	155,976,750
Placer	3,775,119	1,455,248	621,291	1,634,668	374,926	246,025	303,499	502,355	350,730	251,734	852,197	696,374	11,064,167
Plumas	437,249	205,401	96,285	347,193	11,827	10,339	49,950	79,117	97,229	65,083	129,095	132,489	1,661,257
Riverside	34,095,037	7,964,102	3,927,875	8,932,020	735,449	1,478,224	1,426,206	2,401,611	1,443,481	881,934	8,428,289	2,869,659	74,583,886
Sacramento	29,278,928	7,738,446	4,282,226	12,049,676	2,148,963	1,857,316	1,732,642	1,415,683	1,871,974	1,242,515	7,720,661	3,710,127	75,049,158
San Benito	400,571	414,624	167,961	333,391	60,210	51,725	33,404	26,859	109,561	61,524	117,548	193,962	1,970,141
San Bernardino	32,556,910	7,003,765	3,391,553	10,856,206	3,082,361	2,543,898	1,716,456	1,466,246	1,163,006	1,262,810	3,856,611	2,376,990	71,256,812
San Diego	49,672,892	19,480,124	11,395,598	24,156,433	1,942,435	3,368,442	3,092,044	5,047,123	4,333,524	1,900,665	13,649,327	12,561,843	150,600,450
San Francisco	26,852,463	5,814,627	4,224,316	8,053,487	2,509,862	1,559,982	2,174,300	407,306	1,427,613	1,720,703	4,462,422	5,995,162	65,202,243
San Joaquin	8,656,059	4,122,622	2,198,270	2,872,900	3,225,100	778,967	638,012	985,506	328,862	179,853	755,824	1,959,447	26,701,422
San Luis Obispo	4,935,854	1,945,504	730,330	1,818,951	300,030	180,177	335,973	415,153	446,740	202,148	700,093	1,090,370	13,101,323
San Mateo	14,568,360	4,651,296	2,563,341	3,274,615	1,680,469	1,080,465	867,467	1,424,186	1,126,621	404,864	2,302,495	3,210,795	37,154,972
Santa Barbara	8,550,184	2,793,839	1,196,233	1,102,630	2,470,984	746,071	540,179	759,009	797,560	356,881	499,048	2,388,355	22,201,974
Santa Clara	32,422,185	13,181,197	7,017,287	13,923,204	2,017,038	2,618,063	2,030,951	8,794,441	1,495,884	1,119,006	14,449,695	10,765,620	109,834,571
Santa Cruz	5,185,950	1,717,799	1,008,444	1,726,775	128,063	447,133	312,900	133,582	284,721	488,791	688,907	1,327,540	13,450,605
Shasta	3,044,666	968,856	409,427	1,252,766	577,008	100,623	246,600	468,301	499,313	317,439	968,950	614,834	9,468,784
Sierra	92,797	42,897	19,941	73,088	58,641	626	17,286	49,730	25,210	21,825	39,040	75,350	516,431
Siskiyou	918,036	604,177	212,484	898,350	456,677	80,596	107,892	413,131	248,608	100,672	134,250	399,234	4,574,106
Solano	9,721,107	3,587,660	892,816	1,979,123	-	304,374	606,068	540,679	246,799	69,744	1,186,636	551,615	19,686,621
Sonoma	10,082,702	1,613,053	950,347	4,128,305	530,244	902,523	492,497	514,205	358,042	376,560	1,413,795	1,727,135	23,089,407
Stanislaus	5,996,617	2,265,809	1,033,452	2,025,003	365,289	507,589	506,879	765,357	585,553	283,699	242,207	712,366	15,289,800
Sutter	848,726	686,501	225,670	478,396	70,726	132,645	38,948	219,389	125,650	94,433	307,452	243,254	3,471,890
Tehama	964,863	306,450	51,432	342,330	157,161	74,210	87,287	208,665	167,345	96,687	357,094	159,660	2,973,184
Trinity	346,764	134,904	19,750	159,119	34,319	18,014	30,828	109,691	4,579	-	32,334	82,386	972,688
Tulare	6,021,854	1,518,464	332,739	1,730,458	1,410,757	632,254	556,216	440,423	309,358	409,656	2,058,596	1,054,526	16,475,299
Tuolumne	1,436,375	410,141	200,521	344,955	130,666	21,666	105,218	226,523	90,777	64,419	70,758	30,424	3,132,444
Ventura	18,440,418	1,776,156	1,378,202	2,621,001	2,475,771	985,602	777,187	1,308,577	1,151,548	747,575	2,575,955	2,460,106	36,698,099
Yolo	3,395,197	825,007	308,783	715,043	67,344	357,252	250,441	445,703	654,366	248,952	537,748	571,308	8,377,145
Yuba	1,040,065	549,499	216,433	671,018	40,694	73,075	156,568	327,496	-	59,805	293,757	263,999	3,694,407
Statewide	**806,491,574**	**185,804,802**	**99,960,008**	**201,854,006**	**63,354,574**	**64,154,091**	**48,971,750**	**100,616,766**	**39,224,097**	**25,001,442**	**164,508,466**	**142,765,155**	**1,942,706,731**

*Modoc Superior Court's fourth quarter QFS not submitted as of 1/5/04

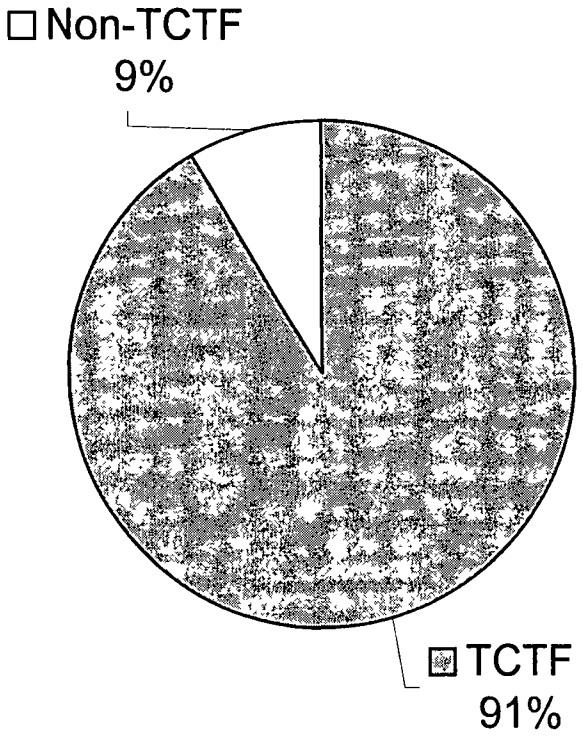
Attachment 4

FY 2002-2003 Quarterly Financial Statement Expenditures at the Program Component Level and Higher
Non-Trial Court Trust Fund Expenditures

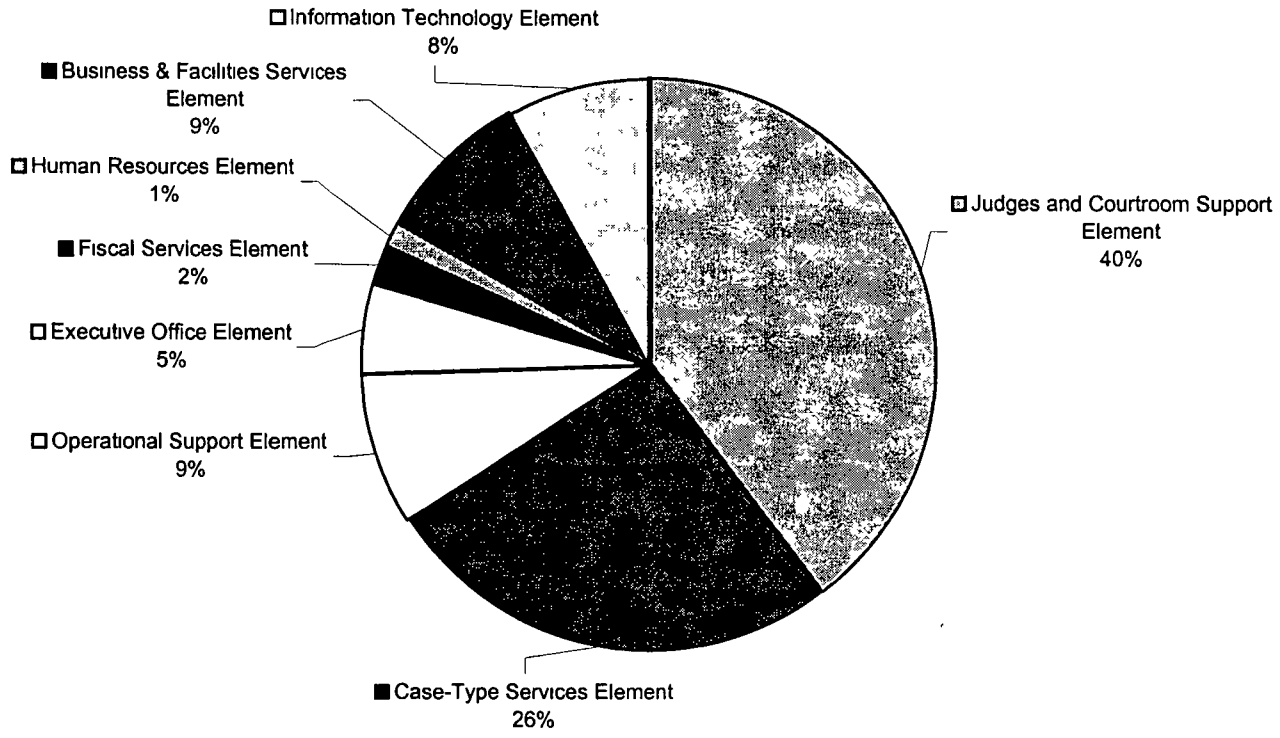
	Trial Court Operations Program							Court Administration Program					
	Adjudication Element	Case-Type Services Element			Operational Support Element								
Court	Judges and Courtroom Support	Criminal	Civil	Family and Children	Other Support Operations	Court Interpreters	Jury Services	Executive Office	Fiscal Services	Human Resources	Business & Facilities Services	Information Technology	Total
Alameda	1,255,101	374,089	275,318	291,036	42,491	33,692	208,574	108,478	89,249	39,190	355,015	5,231,455	8,303,687
Alpine	4,064	-	-	-	1,125	-	-	200	-	-	3,284	-	8,673
Amador	65,316	-	33	79,312	-	60	-	-	-	-	4,839	1	149,561
Butte	224,642	432,004	47,124	613,324	-	-	14,465	-	25,309	-	1,499,485	131,861	2,988,214
Calaveras	73,217	-	-	105,020	-	-	6,494	1,709	41,268	1,495	12,011	2,423	243,637
Colusa	36,256	-	-	63,595	1,120	-	5,089	-	-	-	1,147	-	107,207
Contra Costa	1,068,053	247,392	451,857	826,224	44,882	44,127	86,439	-	74,843	(0)	1,477,982	-	4,321,798
Del Norte	10,003	21,417	-	156,019	-	709	-	9,421	-	-	-	60,000	257,569
El Dorado	114,697	19,600	1,606	337,800	94,626	2,907	35,827	-	-	7,128	24,368	64,156	702,715
Fresno	698,322	507,891	563,242	1,661,756	76,142	-	95,335	18,281	18,281	18,281	234,289	177,518	4,069,339
Glenn	58,267	-	-	155,308	12,537	4,706	-	-	20,999	-	10,602	54,408	316,827
Humboldt	245,787	-	-	109,620	2,878	-	70,523	31	6,792	439	14,236	53,903	504,208
Imperial	110,318	-	-	138,670	2,188	22,601	27,172	-	2,219	-	-	280,030	583,198
Inyo	35,166	1,171	-	86,037	-	35	12,242	-	69,959	-	444	-	205,055
Kern	335,160	-	-	1,032,545	1,002,496	-	73,127	2,537	-	-	1,253,564	564,613	4,264,042
Kings	-	-	-	275,408	175,521	-	-	-	-	-	-	-	450,928
Lake	91,383	-	-	103,707	955	1,697	6,365	-	17,562	908	29,342	23	251,942
Lassen	28,770	-	-	116,694	-	-	-	-	6,379	-	29,473	-	181,316
Los Angeles	12,222,300	5,422,687	2,340,477	12,881,524	-	102,288	923	14,070	-	-	361,906	2,726,742	36,072,916
Madera	151,296	-	-	131,677	(189)	21,343	898	6,051	-	16,704	-	2,271	330,051
Marin	80,230	-	-	136,345	14,790	7,055	-	-	-	-	766	-	239,186
Mariposa	26,812	-	-	53,210	-	-	-	-	-	-	85,570	-	165,591
Mendocino	201,996	929,102	-	467,766	-	-	-	-	-	-	-	143,140	1,742,004
Merced	288,403	-	-	484,200	-	-	-	-	-	-	-	-	772,602
Modoc*													-
Mono	30,732	-	-	44,471	-	-	-	6,812	3,092	-	-	-	85,107
Monterey	209,759	415,787	-	433,452	-	2,776	22,355	-	-	-	58,361	-	1,142,490
Napa	546,396	120,300	-	66,505	994	3,781	40,734	50,373	-	6,446	800,000	403,081	2,038,609
Nevada	716,371	9	6,865	316,823	-	-	5,000	35,748	-	14,055	128,020	82,819	1,307,709
Orange	3,949,450	-	-	1,232,355	133,653	250,712	704,443	-	1,038,942	-	7,005,915	141,945	14,457,414
Placer	106,781	-	-	900,608	-	-	112	-	-	-	217,402	-	1,224,903
Plumas	42,721	-	-	133,814	20,613	-	-	-	-	-	-	-	197,147
Riverside	1,073,930	123,542	556,310	2,909,757	-	521,078	299,822	562,877	597,514	57,659	2,086,302	1,363,711	10,152,502
Sacramento	724,594	627,361	113,130	1,234,149	3,509	30,089	347,175	-	53,157	-	32,056	52,490	3,217,708
San Benito	91,737	-	-	136,023	6,464	5,720	-	6,136	-	723	45,269	8,307	300,379
San Bernardino	1,624,351	58,413	741,705	1,360,187	4,943	47,752	435,116	148,610	9,257	4,626	598,048	1,464,204	6,497,212
San Diego	1,882,737	1,141,285	-	3,079,276	360,583	2,154	-	23,826	5,328,269	-	1,402,745	4,419,577	17,640,452
San Francisco	500,763	8,372,757	-	2,158,145	-	-	358,129	-	-	-	8,016,594	1,486,099	20,892,487
San Joaquin	-	400,746	49,160	966,723	-	-	87,632	-	-	-	46,342	-	1,550,603
San Luis Obispo	781,386	-	13,565	312,143	-	7,876	41,096	22,000	-	4,248	236,813	923,772	2,342,900
San Mateo	112,729	303,060	199,975	462,704	-	-	9,461	124,580	-	-	-	1,418,924	2,631,433
Santa Barbara	597,339	1,361,994	148,483	593,296	3,234	-	-	-	1,853	4,902	227,220	11,722	2,950,043
Santa Clara	1,776,627	-	153,209	973,696	296,796	77,814	128,542	1,544,211	-	-	77,011	-	5,027,906
Santa Cruz	144,995	46,352	27,126	135,760	42,153	-	13,084	18,102	193,164	26,172	210,003	486,198	1,343,109
Shasta	112,192	-	17,445	701,022	926,224	-	30,218	-	(0)	-	9,600	430,853	2,227,555
Sierra	42,422	-	-	108,246	-	-	-	-	-	-	-	-	150,668
Siskiyou	101,400	-	-	488,552	38,760	128	37,468	-	8,436	-	-	-	674,743
Solano	688,459	413,016	37,443	423,238	-	10,000	65,146	16,046	154,489	-	130,352	959,847	2,898,036
Sonoma	455,204	-	331,175	665,411	-	9,570	-	7,816	548,136	-	666,306	2,377,181	5,060,800
Stanislaus	214,017	38,414	30,594	653,439	3,375	1,633	2,680	71,574	34,802	18,785	52,060	925,068	2,046,442
Sutter	47,390	-	-	356,207	-	1,431	37,541	-	-	6,200	-	48,825	497,595
Tehama	199,522	-	-	-	-	-	-	-	-	698	104,018	-	304,237
Trinity	5,208	-	-	15,146	-	-	-	-	-	-	-	-	20,354
Tulare	441,865	112,290	-	373,778	-	43,433	66,791	-	-	-	475,772	379,371	1,893,300
Tuolumne	194,954	-	-	59,366	93,972	-	-	26,695	-	-	-	91,771	466,958
Ventura	566,886	428,092	-	330,940	122,644	-	142,982	22,738	2,794,238	-	387,945	410,340	5,206,804
Yolo	331,211	74,804	-	195,842	-	-	2,751	16,738	78,742	1,533	37,941	28,621	768,184
Yuba	43,036	-	-	139,513	-	1,608	10,745	-	-	-	241,980	-	436,882
Statewide	**35,782,719**	**21,993,575**	**6,105,842**	**42,269,382**	**3,529,476**	**1,258,777**	**3,532,494**	**2,865,861**	**11,216,953**	**230,191**	**28,892,397**	**27,407,269**	**184,884,937**

*Modoc Superior Court's fourth quarter QFS not submitted as of 1/5/04

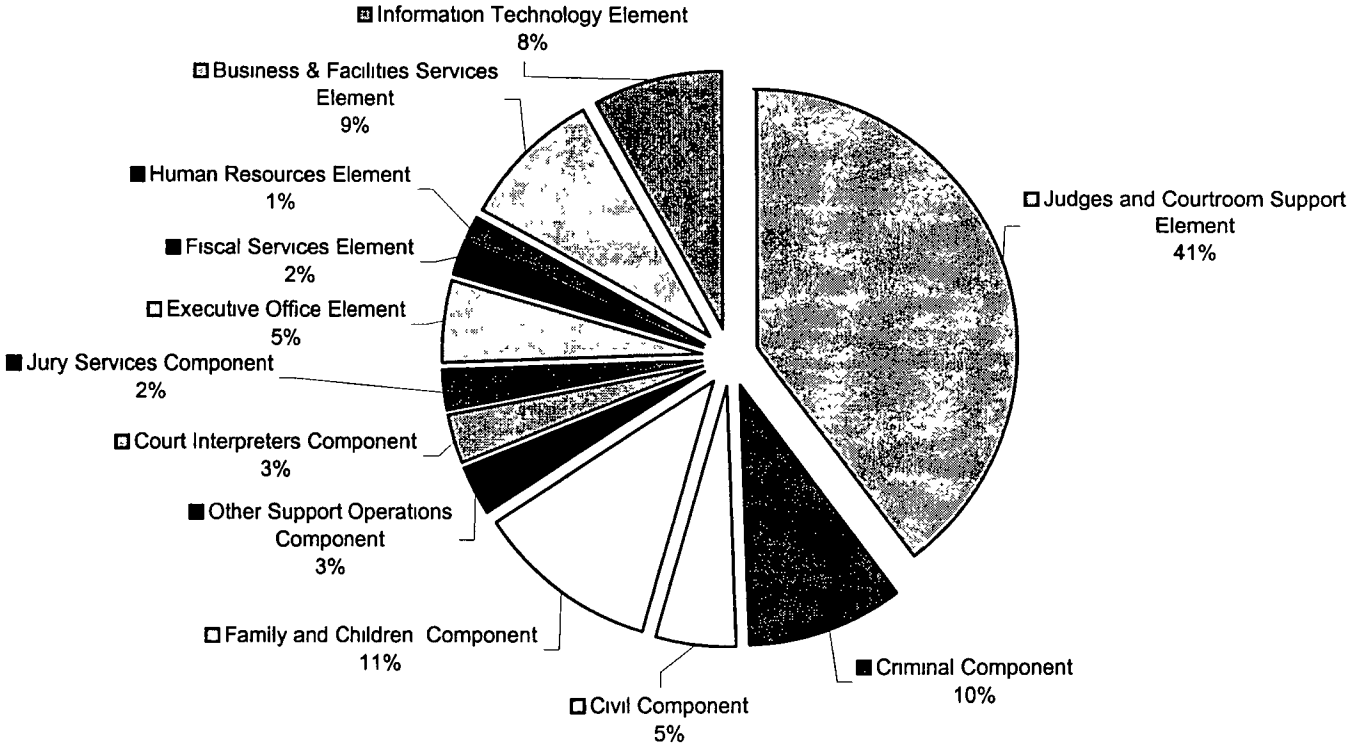
Trial Court Trust Fund vs. Non-Trial Court Trust Fund Expenditures FY 2002-2003



Expenditures at the Element Level
FY 2002-2003



Expenditures at the Element and Component Level
FY 2002-2003



JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Christine M. Hansen, Director, Finance Division, 415-865-7951

DATE: February 27, 2004

SUBJECT: Internal Audit Services Charter Approval (Action Required)

Issue Statement
Internal audit organizations are required to be an independent appraisal activity within organizations. The acknowledgement of and approval of that independence status is done through the Internal Audit Services Charter. This is one of the first steps in officially establishing a comprehensive program for performing audits within the state court system as identified in the *Operational Plan for California's Judicial Branch.*

Recommendation
AOC staff recommends that the Judicial Council approve the Internal Audit Services Charter.

Rationale for Recommendation
The Internal Audit Services Charter formalizes the mission, objectives, scope, responsibility, authority, and independence of Internal Audit Services.

Internal auditing is a key tool for the judicial branch to accomplish its goals and objectives. This includes providing assistance to achieve equal access and participation in court proceedings, the appropriate accountability to the public, and the administration of justice in a timely, efficient, and effective manner.

Independence and objectivity are critical to the effectiveness of the internal auditing function. Internal Audit Services was established with the intent that there would be a transition with respect to its reporting line or organization status over time. Currently, Internal Audit Services reports to the Director of the Administrative Office of the Courts' Finance Division. This reporting structure has been necessary due to the capacity in which Internal Audit Services has been serving on behalf of the Finance Division, including active consultation relating to many key initiatives such as Senate Bill 940 Court Collections Task Force, Court Fees Working Group, and development of accounting systems. While able to maintain objectivity in auditing or reviewing Finance

Division activities or functions, Internal Audit Services does not have organizational independence with respect to Finance Division audits. A milestone is the administrative and reporting line transition once the unit moves from a primary role in key initiatives to the primary role of performing comprehensive financial and administrative performance audits.

Alternative Actions Considered
None

Comments From Interested Parties
None

Implementation Requirements and Costs
Implementing this proposal will not result in any additional costs.

Attachment

Judicial Council of California
Administrative Office of the Courts

INTERNAL AUDIT SERVICES CHARTER

MISSION

The mission of Internal Audit Services is to assist the Judicial Council and its staff agency, the Administrative Office of the Courts, and all members of the judicial branch in the effective and efficient discharge of their administrative and operational responsibilities.

NATURE

Internal auditing is an independent appraisal activity established within an organization as a service to the organization. It is an internal control that examines and evaluates the adequacy and effectiveness of other controls.

Internal auditing is a key tool for the judicial branch to accomplish its goals and objectives; this includes providing assistance to achieve equal access and participation, the appropriate accountability to the public, and the administration of justice in a timely, efficient, and effective manner.

OBJECTIVE AND SCOPE

The objective of internal auditing is to assist judicial branch organizations in the effective discharge of their responsibilities. To this end, internal auditing furnishes them with analyses, appraisals, recommendations, counsel, and information concerning the activities reviewed.

Internal audit objectives include:

- Providing an independent resource to inquiries and problems raised by the leadership of local courts.
- Planning for the periodic audits of judicial branch organizations.
- Providing appropriate management information to the leadership of the judicial branch (e.g., the Chief Justice, members of the Judicial Council, presiding justices and judges, Administrative Director of the Courts, court executive officers) regarding issues identified and any systemic problems requiring immediate decisions.

- Promoting fiscal operations that are consistent with laws, rules, and practices to ensure cost effective and operational efficiencies and sound financial management.

The scope of internal auditing encompasses the examination and evaluation of the adequacy and effectiveness of the organization's system of internal control and the quality of performance in carrying out assigned responsibilities. The scope of internal auditing includes:

- Reviewing the reliability and integrity of financial and operating information and the means used to identify, measure, classify, and report such information;
- Reviewing the systems established to ensure compliance with those policies, plans, procedures, laws, and regulations that could have a significant impact on operations and reports, and determining whether the organization is in compliance;
- Reviewing the means of safeguarding assets and, as appropriate, verifying the existence of such assets;
- Appraising the economy and efficiency with which resources are employed; and
- Reviewing operations or programs to ascertain whether results are consistent with established objectives and goals and whether the operations or programs are being carried out as planned.

RESPONSIBILITY AND AUTHORITY

Internal Audit Services was established by the Administrative Office of the Courts to perform audits of the operations of all judicial branch entities and funds. A primary responsibility of Internal Audit Services is to perform and oversee internal audits, reviews, investigations, and special projects of the judicial branch. This responsibility was authorized by Government Code sections 77009(h) and 77206(c). The purpose, authority, and responsibility of Internal Audit Services are defined in this formal written document (charter).

Internal Audit Services can review all policies, plans, procedures, and operations, and has unlimited access to records, properties, and personnel. The function of Internal Audit Services does not, however, relieve members of the judicial branch of their assigned responsibilities.

INDEPENDENCE

Independence is essential to the effectiveness of the internal auditing function. This independence is obtained primarily through organizational status and objectivity.

- Objectivity is essential to the internal audit function. Therefore, the Internal Audit Unit does not develop or install procedures, prepare operations records, or engage in any other activity that might be construed to compromise audit objectivity.

Objectivity is not adversely affected, however, if Internal Audit Services determines and recommends standards of control to be applied in the development of systems and procedures, or provides general consulting services to management.

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Mary Ann Grilli and Hon. Susan Huguenor, Co-chairs
Michael Wright, Supervising Attorney, 415-865-7619
michael.wright@jud.ca.gov

DATE: February 11, 2004

SUBJECT: Child Support Commissioner and Family Law Facilitator Midyear Funding Reallocation for Fiscal Year 2003–2004 (Action Required)

Issue Statement
The Judicial Council is required to allocate non–trial court funding annually to local courts for the child support commissioner and family law facilitator program. Under an established procedure contained in the standard agreement with each superior court, the Judicial Council redistributes at midyear any unallocated funds and funds from courts that are projected not to spend their full grants to other courts that have a documented need for additional funds. The funds for this program are provided by a cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council. Two-thirds of these funds are federal and the remaining one–third are state General Funds (non-trial court funding).

Recommendation
The Family and Juvenile Law Advisory Committee and the Executive and Planning Committee recommend that the Judicial Council, effective immediately:

1. Approve the committee's recommended reallocation for funding of child support commissioners for 2003–2004 as set forth in Attachment A.

2. Approve the committee's recommended reallocation for funding of family law facilitators for 2003–2004 as set forth in Attachment B.

The attachments are at pages 3 and 4.

Rationale for Recommendation
Since the inception of the program in 1997, the funding received from DCSS has never been spent in full. DCSS has informed Administrative Office of the Courts (AOC) staff that increased funding for the program cannot be obtained until substantially all of the commissioner and facilitator funding is spent every year, as it is otherwise difficult to demonstrate the need for increased funding. This mid-year reallocation process ensures that as high a percentage as possible of the total funds are spent.

AOC staff therefore review the spending patterns of each superior court to identify courts that have significantly "underspent." Under the AB 1058 program, courts do not receive funds, but are given an allocation against which they are supposed to invoice the AOC on a monthly basis for those costs that are allowable within the grant guidelines. Under an established midyear procedure contained in the standard agreement with each superior court, questionnaires were sent to determine which courts most likely would not spend their full allocations and which courts needed additional funding. Courts with a historical pattern of underspending were asked to voluntarily relinquish funds for the existing fiscal year, so that these funds and any funds held in reserve or additional funds can be redistributed to courts with a documented need for the funds.

A review of the questionnaires and all superior courts' invoicing to date for this fiscal year determined that three counties most likely would not spend all of their child support commissioner allocation, and that one county would not spend all of its facilitator allocation. The criteria for allocating additional funds to courts midyear include workload changes, a positive historical pattern of spending down all allocated funds, documented costs in excess of the original allocation, and any special circumstances indicated by the court.

Alternative Actions Considered
The committee considered taking no action but this option was rejected as it would result in unspent funds reverting to the General Fund, which is not in accordance with Judicial Council goals.

Comments From Interested Parties
N/A

Implementation Requirements and Costs
None.

	Child Support Commissioner Program - Increase and Decrease			
County	Base Allocation	Amount Returned by Courts	Requested Increase	Change to Contract Amount
Alameda	1,102,155		125,589	54,083
Amador	132,700		26,300	26,000
Butte	355,055		58,945	55,083
Calaveras	153,055	23,055		(23,055)
Contra Costa	1,060,920		152,175	54,000
Humboldt	120,000		20,000	20,000
Imperial	163,150		15,000	15,000
Inyo	85,000	7,000		(7,000)
Kings	201,675		70,963	37,083
Lake	121,775		29,164	20,000
Lassen	108,410	19,410		(19,410)
Los Angeles	5,719,435		13,300	13,000
Madera	203,765		13,133	13,000
Marin	120,000		59,129	20,000
Mariposa	87,000		10,000	9,000
Mendocino	153,055		16,945	16,000
Merced	444,295		255,705	122,083
Monterey	377,000		9,000	0
Nevada & Sierra	326,290		12,300	12,000
Orange	2,456,075		339,212	97,083
Placer	363,830		107,648	40,000
San Bernardino	1,174,100		358,729	66,083
San Diego	1,884,135		305,727	47,083
San Francisco	905,930		8,582	8,500
San Joaquin	740,545		45,057	35,000
San Mateo	379,400		202,100	89,353
Santa Clara	1,704,190		166,990	35,941
Santa Cruz	183,410		40,012	12,000
Shasta & Trinity	501,960		18,558	18,000
Siskiyou	203,765		66,235	59,084
Solano	464,060		42,575	39,084
Sonoma	458,660		99,929	56,084
Stanislaus	601,165		100,580	77,084
Sutter	183,410		16,570	16,000
Tulare	550,600		26,250	26,000
Tuolumne	183,410		5,125	0
Yolo	168,515		36,784	31,000
Yuba	183,410		12,440	12,000
Total		**49,465**	**2,886,751**	**1,202,246**
				+49,465
Unallocated amount		**+1,202,246**		
Total available for reallocation		**1,251,711**		
Total amount reallocated				**1,251,711**
	Note: Courts not requesting any change are not shown.			

	Family Law Facilitator Program - Increase and Decrease			
County	Base Allocation	Amount Returned by Courts	Requested Increase	Change to Contract Amount
Alameda	406,096		30,880	0
Butte	106,867		32,700	0
Calaveras	64,120		1,200	1,200
El Dorado & Alpine	118,897		11,103	0
Glenn	64,120		4,000	4,000
Humboldt	65,130		19,870	0
Kings	64,120	2,360		(2,360)
Lassen	58,000		6,120	5,000
Los Angeles	2,049,601		8,500	8,500
Madera	59,530		71,270	0
Marin	106,867		9,399	9,399
Mariposa	52,130		240	240
Mendocino	64,120		35,880	0
Monterey	106,867		31,982	0
Nevada& Sierra	128,240		10,000	10,000
Orange	555,000		159,447	0
Placer	95,494		11,550	0
Riverside	662,668		637,332	0
Sacramento	277,855		125,125	0
San Benito	64,120		40,000	0
San Bernardino	341,976		87,132	0
San Diego	448,843		1,202,861	0
San Francisco	235,108		1,000	1,000
San Joaquin	256,519		23,341	0
San Luis Obispo	64,120		40,097	0
San Mateo	106,867		12,883	0
Santa Barbara	170,987		85,760	0
Santa Clara	406,096		236,536	0
Santa Cruz	64,120		140,241	0
Shasta & Trinity	180,600		17,727	0
Solano	128,241		84,190	0
Sonoma	149,615		128,882	0
Stanislaus	226,048		62,516	25,551
Sutter	64,120		19,587	0
Tulare	270,735		5,000	5,000
Ventura	277,855		122,066	0
Yolo	85,494		3,955	3,955
Yuba	64,120		5,914	5,914
Total		**2,360**	**3,526,286**	**77,399**
				+2,360
Unallocated amount		**+77,399**		
Total available for reallocation		**79,759**		
Total amount reallocated				**79,759**

Note: Courts not requesting any change are not shown.

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
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Report

TO: Members of the Judicial Council

FROM: Kim Davis, Acting Director, Office of Court Construction and Management
415-865-7971, kim.davis@jud.ca.gov
Robert Emerson, Assistant Director for Business and Planning Services, Office of Court Construction and Management
415-865-7981, robert.emerson@jud.ca.gov

DATE: February 12, 2004

SUBJECT: Facilities Planning: *Trial Court Five-Year Capital Outlay Plan*

Issue Statement
The Trial Court Facilities Act of 2002 (Sen. Bill 1732) specifies the authority and responsibility of the Judicial Council to "[r]ecommend to the Governor and the Legislature the projects [that] shall be funded from the State Court Facilities Construction Fund." In support of this responsibility of the council, the Office of Court Construction and Management (OCCM) of the Administrative Office of the Courts (AOC) is developing a five-year capital outlay plan for the trial courts.

At its August 2003 meeting, the council approved a procedure, *Five-Year Trial Court Capital Outlay Plan—Prioritization Procedure and Forms,* for prioritizing capital outlay projects which are described in 58 court master plans. The staff of the AOC and its consultants have applied the procedure and have developed a Total Weighted Score (score) for each proposed project to be initiated during the five-year planning period (3Q CY 2005 to 2Q CY 2010). There are 201 proposed projects, with at least one project proposed for each superior court. The application of the procedure and the resulting score for each project is documented in two forms (*Review of Capital Project – Prioritization*, RCP-1 and RCP-2). A sample completed set of RCP forms is provided in Attachment A. The ranking of the proposed projects by score is provided in Attachment B, and the ranking of the proposed projects by score, including project descriptions and affected existing facilities, is provided in Attachment C. A summary of the projects, sorted by county, is provided in Attachment D, and a summary of total project costs is

provided in Attachment E. A list of proposed demonstration projects is included in Attachment F. (These attachments are discussed in the Rationale for Recommendation section. Note that all project cost estimates in the attachments and in this report are given in 2002 dollars.)

Recommendation

(1) AOC staff, on behalf of the council, shall submit to the Department of Finance pursuant to AB 1473 a Trial Court Five-Year Capital Outlay Plan consisting of the attached ranked list of projects.

(2) AOC staff shall apply the $30.447 million (or the amount funded) requested under FY 2004/2005 BCP AOC2 (or follow-on submittal) to the initial phases of the attached list of ten demonstration projects.

(3) AOC staff, on behalf of the council, shall submit to the Department of Finance a request for inclusion in the FY 2005/2006 Governor's Budget for funds of approximately $30 million to continue the projects included on the attached list of ten demonstration projects and to begin initial phases of the first 30 projects on the ranked list of projects.

(4) AOC staff shall develop, in consultation with the Department of Finance, a broad range of financing alternatives for the proposed projects for consideration of the council at a future meeting.

(5) AOC staff shall develop a process for review by the council, or designated advisory body, of current facilities that have particular shortcomings that may not be uniquely characterized under the *Five-Year Trial Court Capital Outlay Plan—Prioritization Procedure and Forms* approved by the council at its August 2003 meeting.

Rationale for Recommendation

Summary of Prioritization Procedure and RCP Scoring and Forms

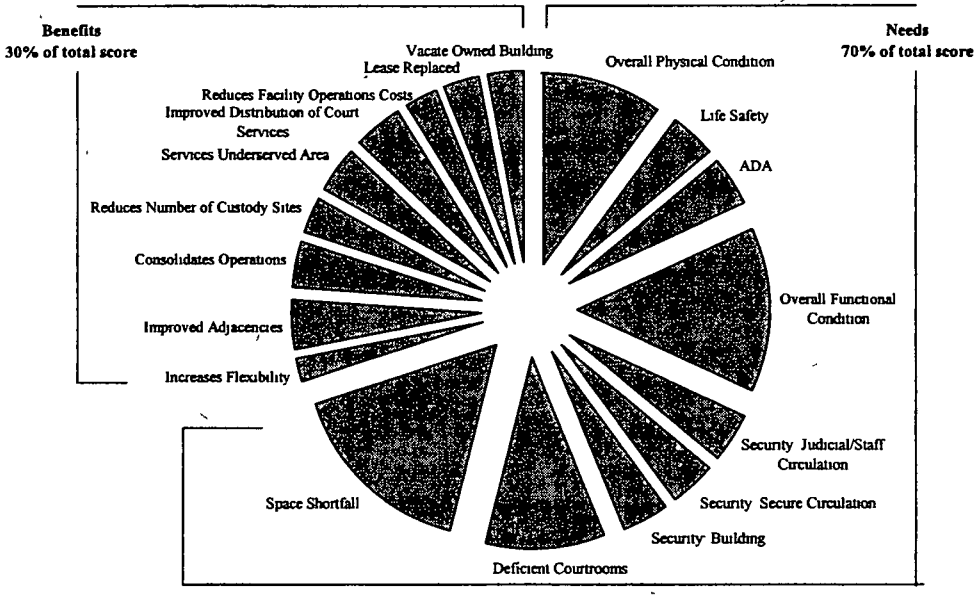
The prioritization procedure and RCP forms, approved by the council at its August 2003 meeting, are designed to evaluate a proposed capital project based on the nature of the project itself and the shortcomings of existing facilities that are addressed or mitigated by the proposed project. As described in the procedure, the measurable needs and identifiable benefits of each project are evaluated for each project and recorded on a set of RCP forms. A sample of a completed set of RCP forms is included as Attachment A.

The Total Weighted Score for a project is the weighted average of the sums of the needs score and the benefits score of each existing facility affected by the new capital project. Each facility is weighted by its size relative to other facilities

affected by the same capital project. For example, two existing court facilities are affected by a capital project. Facility A is 80,000 square feet and facility B is 20,000 square feet. Given this, the Total Weighted Score for the capital project will comprise 80 percent of the total score of facility A, and 20 percent of the total score of facility B.

The relative proportion of each need and benefit category in the procedure is illustrated in the following chart:

Components of Total RCP Score



Filters

Five filters are available to establish additional priority approaches within the capital outlay plan. (The five filters are summarized here and described in more detail in *Five-Year Trial Court Capital Outlay Plan—Prioritization Procedure and Forms*.) Priority Group 1 allows for projects that are needed to accommodate new approved judgeships. Since there are no new approved judgeships, Priority Group 1 is not active at this time, but is reserved for future use. Priority Group 2 identifies projects that should be done in conjunction with county-funded remediation of deficiencies identified during the SB 1732 transfer process and negotiations. Priority Group 2 includes projects from three filters, each of which addresses one of the three areas of deficiencies that could affect the transfer of an existing facility to the state: seismic deficiency, health and safety deficiency, and functional deficiency. Since no agreements have been reached with any county regarding the remediation of SB 1732 deficiencies, no projects are included in

Priority Group 2 at this time. Priority Group 3 identifies demonstration projects that should be expedited in the capital outlay process. (The demonstration projects which result from application of this filter are described later in this report.)

Total RCP Score in Relation to Building Type and Condition, and Project Type

There is a relationship between the total RCP score and building type and condition, and type of proposed capital project. A total of 70 percent of the total maximum score is comprised of the underlying need score. Consequently, high scoring projects generally are those that replace or improve buildings with high underlying need scores. These buildings are either undersized and in poor physical and functional condition with many deficient courtrooms, or are Level 1 buildings.

"Level 1" building is a term developed by the Task Force on Court Facilities to describe court facilities that were not considered by the task force to be viable long-term assets for court use. The task force did not complete a detailed physical or functional evaluation of Level 1 buildings because they were not viewed as candidates for future capital investment. Level 1 buildings include:

- Modular buildings, which typically do not have a long useful life.
- Leased facilities, which often result in split operations and may, in the case of leases involving courtrooms, be relatively expensive on a per square foot basis.
- Minor occupancies of court space in a larger government building, which may also result in split operations.
- Records storage facilities, which were not evaluated as part of the RCP process.

All Level 1 buildings were assigned all 700 need points based on the presumption that these buildings cannot meet long term court needs and should be replaced.

New construction projects generally score higher than renovations for several reasons:

- New construction projects often replace buildings that are in very poor condition or are Level 1 buildings and thus have high underlying need scores. In addition, Level 1 facilities and buildings in poor condition typically score relatively high benefit points, including most or all points

for improved court efficiency, points for reduced physical operation costs, and points for replacing either a leased or owned facility.

- New construction projects that also consolidate in-custody operations of several buildings would also score more benefit points.

- Most buildings affected by renovation projects generally did not score high need scores because they are typically in good enough functional or physical condition to make renovation cost effective as compared to replacement.

- Buildings affected by renovation projects often did not score many benefit points. Few buildings affected by renovation projects scored points for reducing physical operations costs, improving adjacencies, increasing flexibility for case types, or replacing a leased or owned facility.

- Many renovation projects do not substantially improve or replace all building systems with more energy efficient systems and therefore do not score points for reducing physical operations costs.

- Many renovation projects capture space presently occupied by a non-court or court-related function and use this space for court functions. These projects may or may not result in improved adjacencies or flexibility for case types depending on the attributes of the space to be renovated.

Summary of Results of Prioritization Process

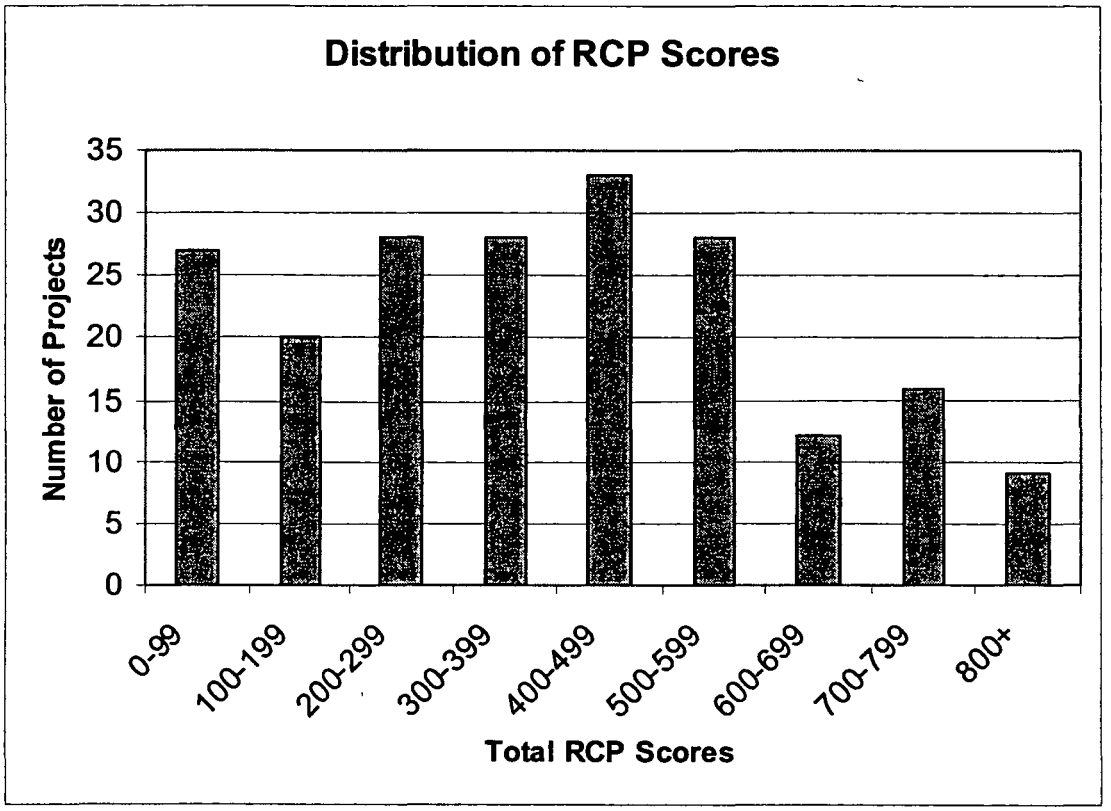
AOC staff and its consultants completed RCP forms for all proposed projects and, in mid-December, sent the forms to the affected superior court for review and comment. Preliminary results of the RCP evaluation process were presented to the Executive and Planning Committee of the council on January 22, 2004. Incorporation of comments received from the superior courts was in process at the time of the presentation and the preliminary results did not include all the comments from the superior courts. Incorporation of the comments from the superior courts has now been completed. Comments received from a superior court were discussed with that court and appropriate changes were made in the RCP scoring and comments sections. The attached tables reflect the revised RCP forms.

The scores and ranking are presented in four attachments to this report. Attachment B presents a summary by project name of the ranking of proposed projects, sorted by descending score. Attachment C presents the ranking of proposed projects, again sorted by descending score, but including additional information on the proposed projects such as a project description and a listing of

the existing facilities affected by the proposed project. Attachment D presents a summary of the projects, sorted by county, and gives the total cost of projects proposed for the superior court of that county. Attachment E presents a summary of total project costs, sorted by county in descending order of total project costs.

The chart below summarizes the distribution of the RCP scores of the 201 proposed capital projects that are planned to begin between the third quarter of 2005 and the second quarter of 2010. The average RCP score is 384 total points for these projects.

Only 19 percent of all projects scored 600 points or higher out of a possible total of 1,000 points. On the other end of the spectrum, 37 percent of all projects scored between 0 and 299 points. A total of 44 percent of all projects scored between 300 and 599 points. Most high scoring projects are replacement projects. In fact, new construction projects that replace existing facilities have an average total score of 485, while renovation projects scored an average of 276 total points.



Discussion of Ranked Projects

Below is an overview of the ranked project list. The projects are described in four groups of projects totaling approximately one billion dollars per group and one group totaling approximately two billion dollars.

Projects ranked 1 through 35 ($982 million total cost)
Construction of the top 35 ranked capital projects will accomplish the following:

- Replace 47 Level 1 buildings (30 percent of approximately 160 Level 1 buildings), 20 of which are leased facilities.

- Replace or improve 30 buildings in deficient physical or functional condition. These projects will improve operational efficiency and reduce physical operations costs.

- Renovate or improve 145 existing deficient courtrooms of 178 total courtrooms. This will improve court operational efficiency and enhance security.

- Renovate or expand six existing court facilities to meet current needs.

- Improve access to the courts in 11 court service areas by construction of new courthouses or expansion of existing courthouses.

- Improve court operational efficiency by consolidation of court facilities affected by 21 projects.

- Reduce justice system operating costs by reduction of custody sites affected by 16 projects.

Projects ranked 36 through 72 (37 projects with a total cost of $992 million; cumulative total cost of $1,973 million)
Construction of this group of 37 capital projects will accomplish the following:

- Replace 20 Level 1 buildings for a program total of 42 percent of all Level 1 buildings.

- Improve 181 existing deficient courtrooms of 292 total courtrooms. This will improve court operational efficiency and enhance security.

- Replace or improve 33 buildings in deficient physical or functional condition. These projects will improve operational efficiency and reduce physical operations costs.

- Renovate or expand 12 existing buildings to meet current needs. This includes renovation of several historic courthouses such as the Santa Barbara Figueroa Building, Solano Historic Courthouse, Willows Courthouse in Glenn County and the Madera Courthouse.

- Improve access to the courts in five court service areas by construction of new courthouses or expansion of existing courthouses.

- Improve court operational efficiency by consolidation of court facilities affected by 24 projects.

- Reduce justice system operating costs by reduction of custody sites affected by 16 projects.

Projects ranked 73 through 89 (17 projects with a total cost of $799 million; cumulative total cost $2,772 million.)
Seventeen projects comprise this third group court capital projects which includes several large (in excess of $50 million) projects.

Implementing these projects will accomplish the additional following benefits:

- Replace 22 Level 1 buildings for a program aggregate of 56 percent of all Level 1 buildings.

- Replace or improve 92 existing deficient courtrooms of 284 total courtrooms, for a program total of 418 of 754 total courtrooms affected by the projects implemented. This will improve court operational efficiency and enhance security.

- Replace or improve 12 buildings in deficient physical or functional condition. These projects will improve operational efficiency and reduce physical operations costs.

- Renovate or expand eight existing buildings to meet current needs.

- Improve access to the courts in two court service areas by construction of new courthouses or expansion of existing courthouses.

- Improve court operational efficiency by consolidation of court facilities affected by 14 projects.

- Reduce justice system operating costs by reduction of custody sites affected by six projects.

Projects ranked 90 through 119 (30 projects with a total cost of $1,216 million; total cumulative cost of $3,989 million.)

Constructing the next group of proposed court capital projects includes implementing the $513 million New Flagship Civil and Family Project in downtown Los Angeles and several other large projects for the Superior Court of Los Angeles County. Completing these projects will accomplish the following:

- Replace four Level 1 buildings for a program aggregate of 93 Level 1 buildings replaced, or 58 percent of all Level 1 buildings.

- Replace or improve 88 existing deficient courtrooms of 460 total courtrooms, for a program total of 506 of 1,214 total courtrooms affected by the projects implemented. This will improve court operational efficiency and enhance security.

- Replace or improve 16 buildings in deficient physical or functional condition. These projects will improve operational efficiency and reduce physical operations costs.

- Renovate or expand 19 existing buildings to meet current needs.

- Improve court operational efficiency by consolidation of court facilities affected by 15 projects.

- Reduce justice system operating costs by reduction of custody sites affected by six projects.

Projects ranked 120 through 201 (82 projects with a total cost of $2,227 million; total cumulative cost of $6,216 million)
There are 82 projects that scored 309 or lower total RCP scores. A total of 28 projects have RCP scores of 100 or below. These projects include:

- Renovations to buildings that are relatively new, recently constructed or recently renovated. Newer buildings or those that have been recently renovated are generally in better physical and functional condition and have nearly adequate space for current operations.

- Projects designed to meet projected future growth.

The 28 projects scoring 100 or below, 18 of which received a score of zero, received low RCP points for the following two reasons:

- In some cases the growth only project could not be scored because it does not affect an existing facility, such as the proposed new court serving a projected developing area of a county. Examples include the two proposed

new courthouses in Riverside County and the New High Desert Courthouse in San Bernardino County.

- In other cases, the project could be scored as it affects an existing building, but the project proposes construction of an addition for future projected judgeships and provides few if any of the nine benefits. The Addition to the Joshua Tree Courthouse in San Bernardino County is an example of this type of project. Any expansion to a relatively new building is often designed for projected future growth and scores few total RCP points using the adopted methodology.

Demonstration projects
AOC staff recommends that initial work begin on ten demonstration projects which are listed in Attachment F. Demonstration projects include projects which have leveraged funding arrangements, involve cross-jurisdictional courts, innovative or unique courthouse design, expeditious project occupancy, or cost-effective contracting methods. AOC staff presented a description of the ten projects to the Executive and Planning Committee at its meeting on January 22.

Alternative Actions Considered
None.

Comments From Interested Parties
The procedure, *Five-Year Trial Court Capital Outlay Plan—Prioritization Procedure and Forms,* provides that the scoring of projects for each superior court be sent to the court for review and comment prior to developing the statewide plan. Between December 11 and 18, 2003, the completed RCP forms for the proposed projects for each superior court were sent to the court executive officer for review and comment. The comments submitted by a superior court were discussed with the court and, where appropriate, changes were made to the RCP forms. In addition to comments on the scoring of specific projects, several courts submitted comments related to more generic or policy aspects of the scoring process. These comments are summarized in Attachment G.

Implementation Requirements and Costs
Development of the trial court capital outlay plan is being performed by AOC staff with the assistance of an outside consultant, Jacobs Facilities.

Attachments

Attachment A – Sample of a completed set of RCP forms

Attachment B –Ranking of proposed projects, sorted by descending score

Attachment C –Ranking of proposed projects with project descriptions and affected existing facilities, sorted by descending score

Attachment D – Summary of projects, sorted by county

Attachment E – Summary of total project costs, sorted by county

Attachment F – Summary of proposed demonstration projects

Attachment G – Summary of comments received on generic or policy aspects of the scoring procedure

A

Attachment A

Sample of a completed set of RCP forms

FORM RCP-1

REVIEW OF CAPITAL PROJECT – PRIORITIZATION

Trial Court Facilities Act of 2002 (SB 1732)

Superior Court of California, County of Los Angeles (19)

Section 1 – General Information

A Project Name	B Type of Project
SE-Phase 1-New SE Courthouse (12)	Renovation [ ] Addition [ ] New Building [X]
C Project Location	D Estimated Total Project Cost (2002 Dollars)
To be determined	$66,803,395
E Proposed Project Start	F Proposed Project Completion
Q3 2005	Q2 2009

G Comments

The proposed capital project is construction of a New Southeast Courthouse to be located in the South Gate and Huntington Park area. The 27-courtroom building will have 18 criminal and nine civil and family courtrooms. One of the family courtrooms will serve the South Central District.

The new building, and associated structured parking, will be built in two phases to meet projected service demand in the district. The first phase is a criminal wing with 18 courtrooms, handling criminal and traffic case types. The second phase is a family and civil wing with nine courtrooms handling family, unlawful detainer and small claims cases.

The total space required for the new Phase I building is 202,113 BGSF and is estimated to be six levels with one below grade. The 27-courtroom building requires a site of approximately 6.4 acres. The project includes construction of structured parking for 476 cars and surface parking directly adjacent to the building for 10 cars.

The project cost includes the cost of acquiring the site for the full development of the 27-courtroom facility, but only the cost of site development and structured parking for the Phase I building.

The phase I building will replace the severely deficient Huntington Park and South Gate facilities and replace the five criminal courts now located in the Whittier Courthouse. The building will also provide temporary swing space to vacate first the Whittier Courthouse, and then the Bellflower Courthouse, prior to their renovation. While the court may be able to vacate the South Gate facility before this building is constructed due to temporary budget-driven reductions in court staff, the need to replace the South Gate facility is a primary driving factor in the need to construct this new facility.

FORM RCP-1

REVIEW OF CAPITAL PROJECT – PRIORITIZATION

Trial Court Facilities Act of 2002 (SB 1732)

Superior Court of California, County of Los Angeles (19)

Section 2 – Existing facilities

A. Name of Existing Facility	B Site / Building ID	C Current Facility Area	E Facility Area / Total Area of Facilities	F Facility Score from RCP-2	G Weighted Facility Score
Huntington Park Branch-Southeast	A1	16,199	.6	762	457
Southgate Branch-Southeast Munic	B1	10,805	.4	674	270
D. Total Area of Facilities		27,004		**H. Total Weighted Score**	727

I Comments (Include discussion of results of application of filters for the existing facilities from Section 5 of Form RCP-2)

FORM RCP-2

REVIEW OF CAPITAL PROJECT – PRIORITIZATION

Trial Court Facilities Act of 2002 (SB 1732)

Superior Court of California, County of Los Angeles (19)

Section 1 – General Information

A. Project Name

SE-Phase 1-New SE Courthouse (12)

Section 2 – Existing facility affected and evaluated on this form.

If multiple existing facilities are affected, list others under Comments and complete a separate Form RCP-2 for each.

A Name of Existing Facility	B Site ID / Building ID
Huntington Park Branch-Southeast Municipal Court	A1

C Building Address

6548 Miles Avenue Huntington Park, California, 90255

D Occupancy

Court use only ☐ Shared use ☒

E Is this a Level 1 building in the Task Force on Court Facilities County Report?

Yes ☐ No ☒

F If building is Level 1, what type?

Modular ☐ Records Storage only ☐ Regular leased ☐ Small court space in larger building ☐

See Explanation of Forms for directions to complete Section 3 for Level 1 buildings.

G Comments

As documented in the Facilities Assessment and Verification Report of the master plan, the existing Huntington Park Courthouse, which has five courtrooms, has many physical and functional problems. It was constructed in 1954 and all courtrooms are considered deficient for current use. The building operates mostly criminal trials. As a temporary measure to meet current needs, the county has plans to add a modular building with one courtroom and a jury assembly room on the site of the Huntington Park Courthouse.

Section 3 – Scoring of Project Need

Scoring is based on the Task Force on Court Facilities rating as modified by the Master Plan

Building Physical Condition

	Measure	TF Rating	Rating Used Here	Score	Weight	Weighted Score	Maximum Weighted Score
A. Overall Building Physical Condition	Score = (100 – Rating Used) / 10	38	36.35	6.365	**10**	63.65	**100**
B. Life Safety	Rating Used / Score 5 / 10 4 / 7.5 3 / 5 2 / 2.5 1 / 0	4	4	7.5	**4**	30	**40**
C ADA Compliance	Rating Used / Score 5 / 10 4 / 7 5 3 / 5 2 / 2 5 1 / 0	5	5	10	**4**	40	**40**

D. Comments

The master plan consultant lowered the overall physical evaluation rating from 38.1 to 36.4 due to a decrease in ratings for fire protection and electrical systems. The ratings for graphics/signage and communication/technology systems improved slightly. Refer to page 3-8 of the Southeast District Facilities Assessment and Verification Report of the master plan.

There was no change in the rating for life safety and ADA compliance.

Section 3 – Scoring of Project Need (continued)

Scoring is based on the Task Force on Court Facilities rating as modified by the Master Plan

Building Functional Condition

	Measure	TF Rating	Rating Used Here	Score	Weight	Weighted Score	Maximum Weighted Score
E. Overall Building Functional Condition	Score = (100 – Rating Used) / 10	12	12	8.8	**14**	123.2	**140**
F. Security							
1. Judicial/Staff Circulation	Score = 10 – Rating Used	0	0	10	**4**	40	**40**
2. Secure Circulation	Score = 10 – Rating Used	0	0	10	**4**	40	**40**
3. Building Security	Score = 10 – Rating Used	5	5	5	**4**	20	**40**

G Comments

The master plan consultant made no changes on the overall functional evaluation rating of 12.0. Refer to page 3-10 of the Southeast District Facilities Assessment and Verification Report of the master plan.

There was no change in the rating for judicial/staff circulation, secure circulation and building security

Section 3 – Scoring of Project Need (continued)

Scoring is based on the Task Force on Court Facilities rating as modified by the Master Plan

Courtroom Condition

	Measure	No of Deficient Courtrooms	Total Existing Courtrooms	Score	Weight	Weighted Score	Maximum Weighted Score
H Current deficient Courtrooms	Score = (No of Deficient Courtrooms/Total Existing Courtrooms) x 10	5	5	10	**10**	100	**100**

I. Comments

As per the Task Force evaluation, the building had five deficient courtrooms. The master plan consultant did not make any change in the courtroom evaluation. Based on current evaluation, the building still has five deficient courtrooms.

Space Shortfall

	Measure	Current Facility Area	Guidelines Area	Score	Weight	Weighted Score	Maximum Weighted Score
J Current space available vs. space required by Guidelines	Score = (1– Current Facility Area/Guidelines Area) x 10	16,199	47,244	6.57	**16**	105.14	**160**

K Comments

The facility is too small for current operations.

L. Total Needs Score	562	**700**

Section 4 – Scoring of Project Benefits

Improved Operational Efficiency for the Court

	Measure	Score	Weight	Weighted Score	Maximum Weighted Score
A Project significantly increases flexibility for case types	Score = 10 for Yes; Score = 0 for No	10	**2**	20	**20**
B. Essential adjacencies among functions are improved by project	Score = 10 for Yes; Score = 0 for No	10	**4**	40	**40**
C. Project combines court operations	Score = 10 for Yes; Score = 0 for No	10	**4**	40	**40**

D. Comments

A. Flexibility for Case Types

Yes. Replacing this building with a new courthouse will improve flexibility for case types in relation to the existing facility, which has all deficient courtrooms for current use.

B. Essential Adjacencies Improved

Yes, the current court operation, which does not have essential adjacencies, will enjoy improved adjacencies in the new facility.

C. Combines Court Operations

Yes. The project results in combining the court operations from this building with the South Gate operation in a new courthouse.

Improved Operational Efficiency for the Criminal Justice System

E Project reduces number of custody sites	Score = 10 for Yes; Score = 0 for No	0	**3**	0	**30**

F. Comments

No, the project moves Huntington Park's in-custody operations to the new courthouse. The South Gate facility does not hold in-custody proceedings.

Section 4 – Scoring of Project Benefits (continued)

Improved Access to Justice

G Project improves service to underserved population areas	Score = 10 for Yes, Score = 0 for No	10	4	40	**40**
H Project improves distribution of facilities relative to population concentration	Score = 10 for Yes, Score = 0 for No	0	4	0	**40**

I Comments

G. Service to Underserved Areas:

Yes. By replacing this building with a large new courthouse, the project meets the need for proportionally more courtrooms in this area of the county.

H. Improves distribution relative to population concentration:

No. The project replaces this court in the same area.

Improved Facility Operational Efficiency

J. Project achieves reduced physical operations cost	Score = 10 for Yes; Score = 0 for No	10	3	30	**30**

K Comments

Yes. The project will reduce physical operations costs because the cost of energy use and maintenance for the new facility will be significantly less than that for the existing facility.

Section 4 – Scoring of Project Benefits (continued)

Asset Management

L Project replaces leased facility	Score = 10 for Yes, Score = 0 for No	0	**3**	0	**30**
M Project proposes leaving existing owned facility	Score = 10 for Yes, Score = 0 for No	10	**3**	30	**30**

N Comments

L. Project replaces leased facility

No. The project does not replace a leased facility.

M. Project proposes leaving existing owned facility

Yes. The county owned facility will be vacated when the project is completed.

O. Total Benefits Score	200	**300**
P. Total Needs and Benefits Score	762	**1000**

Section 5 — Application of Filters

Growth

A. Is project required to accommodate approved new judgeships from the Judicial Council's list of 150 proposed judgeships?	Yes, judgeships approved ☐ No, judgeships not yet approved, but project accommodates ☒ No ☐

B. Comments

The project will provide courtrooms and support space for one new judgeship from the Judicial Council's list of 150 proposed judgeships.

C Move to Priority Group 1?	Yes ☐ No ☒

Seismic Evaluation (To be determined as part of SB1732 transfer process.)

D. Is the current facility rated Level V or higher?	Yes ☐ No ☐ Not yet determined ☒
E. If rated Level V or higher, has an agreement been reached with the county on resolution of the seismic deficiency?	Yes ☐ No ☐ Not yet determined ☒
F Does the resolution of the seismic deficiency require major renovation such that non-seismic improvements should be performed at the same time?	Yes ☐ No ☐ Not yet determined ☒

G. Comments

H. Move to Priority Group 2?	Yes ☐ No ☒ Not yet determined ☐

Section 5 — Application of Filters (continued)

Health and Safety Evaluation (To be determined as part of SB1732 transfer process.)

I Is the current facility deficient (for transfer) due to Health and Safety issues?	Yes ☐ No ☐ Not yet determined ☒
J If rated deficient for transfer, has an agreement been reached with the county on resolution of the deficiency?	Yes ☐ No ☐ Not yet determined ☒
K Comments	
L. Move to Priority Group 2?	Yes ☐ No ☒ Not yet determined ☐

Functional Evaluation (To be determined as part of SB1732 transfer process.)

M Does the current facility have "Deficiencies that in their totality are significant to the functionality of the facility"?	Yes ☐ No ☐ Not yet determined ☒
N. If rated functionally deficient for transfer, has an agreement been reached with the county on resolution of the deficiency?	Yes ☐ No ☐ Not yet determined ☒
O Comments	
P. Move to Priority Group 2?	Yes ☐ No ☒ Not yet determined ☐

Section 5 — Application of Filters (continued)

Demonstration Project

Q Comments

R Move to Priority Group 3? | Yes ☐ No ☒ Not yet determined ☐

Section 6 — Summary

Total Needs and Benefits Score	762

Priority Groups

Priority Group 1	Yes ☐	No ☒	
Priority Group 2	Yes ☐	No ☒	Not yet determined ☐
Priority Group 3	Yes ☐	No ☒	Not yet determined ☐

Section 7 — Signatures

Originator

Print Name	Signature	Date
Sneha Sachar		1/19/2004 2:56:04 PM

Reviewer

Print Name	Signature	Date
Kelly Quinn Popejoy		

FORM RCP-2

REVIEW OF CAPITAL PROJECT – PRIORITIZATION

Trial Court Facilities Act of 2002 (SB 1732)

Superior Court of California, County of Los Angeles (19)

Section 1 – General Information

A. Project Name

SE-Phase 1-New SE Courthouse (12)

Section 2 – Existing facility affected and evaluated on this form.

If multiple existing facilities are affected, list others under Comments and complete a separate Form RCP-2 for each.

A Name of Existing Facility	B Site ID / Building ID
Southgate Branch-Southeast Municipal Court	B1

C Building Address

8640 California Avenue South Gate, California, 90280

D Occupancy

Court use only ☐ Shared use ☒

E Is this a Level 1 building in the Task Force on Court Facilities County Report?

Yes ☐ No ☒

F. If building is Level 1, what type?

Modular ☐ Records Storage only ☐ Regular leased ☐ Small court space in larger building ☐

See Explanation of Forms for directions to complete Section 3 for Level 1 buildings.

G Comments

As documented in the Facilities Assessment and Verification Report of the master plan, the existing South Gate Courthouse, which has three courtrooms, has severe physical and functional problems that would require major renovation to correct. It was constructed in 1954 and all courtrooms are considered deficient for current use. The building operates civil, small claims and traffic proceedings.

Section 3 – Scoring of Project Need

Scoring is based on the Task Force on Court Facilities rating as modified by the Master Plan

Building Physical Condition

	Measure	TF Rating	Rating Used Here	Score	Weight	Weighted Score	Maximum Weighted Score
A Overall Building Physical Condition	Score = (100 – Rating Used) / 10	36	45.8	5.42	**10**	54.2	**100**
B. Life Safety	Rating Used / Score 5 / 10 4 / 7.5 3 / 5 2 / 2.5 1 / 0	5	5	10	**4**	40	**40**
C. ADA Compliance	Rating Used / Score 5 / 10 4 / 7 5 3 / 5 2 / 2 5 1 / 0	5	4	7.5	**4**	30	**40**

D Comments

The master plan consultant upgraded the overall physical evaluation rating from 36.4 to 45.8 due to increase in ratings for general structure, exterior wall, ADA compliance and graphics/signage. There was a decrease in rating for fire protection. Refer to page 2-8 of the Southeast District Facilities Assessment and Verification Report of the master plan.

There was no change in the rating for life safety.

The rating for ADA compliance increased from 5 to 4 due to the recent ADA upgrades made at the public entrance and the public restrooms.

Section 3 – Scoring of Project Need (continued)

Scoring is based on the Task Force on Court Facilities rating as modified by the Master Plan

Building Functional Condition

	Measure	TF Rating	Rating Used Here	Score	Weight	Weighted Score	Maximum Weighted Score
E Overall Building Functional Condition	Score = (100 – Rating Used) / 10	38	43.8	5.62	**14**	78.68	**140**
F. Security							
1. Judicial/Staff Circulation	Score = 10 – Rating Used	5	5	5	**4**	20	**40**
2 Secure Circulation	Score = 10 – Rating Used	5	0	10	**4**	40	**40**
3 Building Security	Score = 10 – Rating Used	5	10	0	**4**	0	**40**

G. Comments

The master plan consultant increased the overall functional evaluation rating from 37.5 to 43.8 due to increase in ratings for building security and public amenities. There was a decrease in the rating for secure circulation. Refer to page 2-11 of the Southeast District Facilities Assessment and Verification Report of the master plan.

There was no change in the rating for judicial/staff circulation.

The rating for secure circulation decreased from 5 to 0 due to the absence of secure circulation in the building.

The rating for building security increased from 5 to 10 due to the recent security improvements made on the building entry points and the weapons screening area.

Section 3 – Scoring of Project Need (continued)

Scoring is based on the Task Force on Court Facilities rating as modified by the Master Plan.

Courtroom Condition

	Measure	No of Deficient Courtrooms	Total Existing Courtrooms	Score	Weight	Weighted Score	Maximum Weighted Score
H. Current deficient Courtrooms	Score = (No. of Deficient Courtrooms/Total Existing Courtrooms) x 10	3	3	10	**10**	100	**100**

I. Comments

As per the Task Force evaluation, the building had three deficient courtrooms. The master plan consultant did not make any change in the courtroom evaluation. Based on current evaluation, the building still has three deficient courtrooms.

Space Shortfall

	Measure	Current Facility Area	Guidelines Area	Score	Weight	Weighted Score	Maximum Weighted Score
J. Current space available vs space required by Guidelines	Score = (1– Current Facility Area/Guidelines Area) x 10	10,805	35,697	6.97	**16**	111.57	**160**

K Comments

The building is too small for its current operation.

L. Total Needs Score	474	**700**

Section 4 – Scoring of Project Benefits

Improved Operational Efficiency for the Court

	Measure	Score	Weight	Weighted Score	Maximum Weighted Score
A Project significantly increases flexibility for case types	Score = 10 for Yes; Score = 0 for No	10	2	20	20
B Essential adjacencies among functions are improved by project	Score = 10 for Yes, Score = 0 for No	10	4	40	40
C. Project combines court operations	Score = 10 for Yes; Score = 0 for No	10	4	40	40

D. Comments

A. Flexibility for Case Types

Yes. Replacing this building with a new courthouse will improve flexibility for case types in relation to the existing facility, which has all deficient courtrooms for current use.

B. Essential Adjacencies Improved

Yes, the current court operation, which does not have essential adjacencies, will enjoy improved adjacencies in the new facility.

C. Combines Court Operations

Yes. The project results in combining the court operations from this building with the Huntington Park operation in a new courthouse.

Improved Operational Efficiency for the Criminal Justice System

E Project reduces number of custody sites	Score = 10 for Yes, Score = 0 for No	0	3	0	30

F. Comments

No. The project does not reduce the number of custody sites in relation to this building, which is a non-criminal courthouse.

Section 4 – Scoring of Project Benefits (continued)

Improved Access to Justice					
G Project improves service to underserved population areas	Score = 10 for Yes; Score = 0 for No	10	4	40	**40**
H Project improves distribution of facilities relative to population concentration	Score = 10 for Yes, Score = 0 for No	0	4	0	**40**

I. Comments

G. Service to Underserved Areas:

Yes. By replacing this building with a large new courthouse, the project meets the need for proportionally more courtrooms in this area of the county.

H. Improves distribution relative to population concentration:

No. The project replaces this court in the same area.

Improved Facility Operational Efficiency					
J Project achieves reduced physical operations cost	Score = 10 for Yes, Score = 0 for No	10	3	30	**30**

K. Comments

Yes. The project will reduce physical operations costs because the cost of energy use and maintenance for the new facility will be significantly less than that for the existing facility.

Section 4 – Scoring of Project Benefits (continued)

Asset Management					
L Project replaces leased facility	Score = 10 for Yes, Score = 0 for No	0	**3**	0	**30**
M. Project proposes leaving existing owned facility	Score = 10 for Yes, Score = 0 for No	10	**3**	30	**30**

N Comments

L. Project replaces leased facility

No. The project does not replace a leased facility.

M. Project proposes leaving existing owned facility

Yes. The county owned facility will be vacated when the project is completed.

O. Total Benefits Score	200	**300**
P. Total Needs and Benefits Score	674	**1000**

Section 5 — Application of Filters

Growth

A Is project required to accommodate approved new judgeships from the Judicial Council's list of 150 proposed judgeships?	Yes, judgeships approved ☐ No, judgeships not yet approved, but project accommodates ☒ No ☐

B Comments

The project will provide courtrooms and support space for one new judgeship from the Judicial Council's list of 150 proposed judgeships.

C. Move to Priority Group 1?	Yes ☐ No ☒

Seismic Evaluation: (To be determined as part of SB1732 transfer process.)

D Is the current facility rated Level V or higher?	Yes ☐ No ☐ Not yet determined ☒
E. If rated Level V or higher, has an agreement been reached with the county on resolution of the seismic deficiency?	Yes ☐ No ☐ Not yet determined ☒
F. Does the resolution of the seismic deficiency require major renovation such that non-seismic improvements should be performed at the same time?	Yes ☐ No ☐ Not yet determined ☒

G Comments

H. Move to Priority Group 2?	Yes ☐ No ☒ Not yet determined ☐

Section 5 — Application of Filters (continued)

Health and Safety Evaluation (To be determined as part of SB1732 transfer process.)

I. Is the current facility deficient (for transfer) due to Health and Safety issues?	Yes ☐ No ☐ Not yet determined ☒
J If rated deficient for transfer, has an agreement been reached with the county on resolution of the deficiency?	Yes ☐ No ☐ Not yet determined ☒

K Comments

L. Move to Priority Group 2?	Yes ☐ No ☒ Not yet determined ☐

Functional Evaluation (To be determined as part of SB1732 transfer process.)

M Does the current facility have "Deficiencies that in their totality are significant to the functionality of the facility"?	Yes ☐ No ☐ Not yet determined ☒
N If rated functionally deficient for transfer, has an agreement been reached with the county on resolution of the deficiency?	Yes ☐ No ☐ Not yet determined ☒

O. Comments

P. Move to Priority Group 2?	Yes ☐ No ☒ Not yet determined ☐

Section 5 — Application of Filters (continued)

Demonstration Project

Q. Comments

R Move to Priority Group 3?	Yes ☐ No ☒ Not yet determined ☐

Section 6 — Summary

Total Needs and Benefits Score	674

Priority Groups

Priority Group 1	Yes ☐ No ☒	
Priority Group 2	Yes ☐ No ☒	Not yet determined ☐
Priority Group 3	Yes ☐ No ☒	Not yet determined ☐

Section 7 — Signatures

Originator

Print Name	Signature	Date
Sneha Sachar		1/19/2004 2:56:27 PM

Reviewer

Print Name	Signature	Date
Kelly Quinn Popejoy		

B

TAB 4B

Attachment B – Revised 2/26/04

Ranking of proposed projects, sorted by descending score

		Final 2/26/04		Binder 2/11/04	
County	**Project**	**Rank**	**Score**	**Rank**	**Score**
Amador	New Courthouse	27	666	30	636
Contra Costa	North Concord Court	53	544	65	505
Fresno	New Regional Justice Cent & 7 New Serv Ctr	4	829	13	760
Marin	New Courthouse North Wing	79	450	82	433
Mendocino	New Courthouse in Ukiah	39	596	118	311
Ventura	New East County Courthouse	144	245	150	223
Yolo	New Downtown Ct & Parking Structure	21	718	3	860

RCP Scores of Proposed Capital Projects
Statewide Rank
February 26, 2004

State Rank	Total Score	County	Project	Total Project Cost	Cumulative Total
1	920	Plumas	Portola/Loyalton-New Branch Court	$1,785,675	$1,785,675
2	890	Merced	Downtown Merced Phase II	$32,018,620	$33,804,295
3	840	Contra Costa	New Juvenile Court	$10,195,982	$44,000,277
4	829	Fresno	New Regional Justice Cent & 7 New Serv Cent	$42,865,267	$86,865,544
5	820	Fresno	New Clovis Court	$21,109,006	$107,974,550
6	820	Mono	Mammoth Lakes- New- Phase I	$10,684,034	$118,658,584
7	800	Humboldt	Juvenile Delinquency Court	$2,408,908	$121,067,492
8	800	Merced	Los Banos Phase I	$10,927,002	$131,994,494
9	800	Riverside	W Reg-Valley Ct Phase 1	$16,995,850	$148,990,344
10	772	San Benito	New Courthouse - Phase I	$18,936,068	$167,926,412
11	770	Napa	Renovate Juvenile Hall	$2,429,379	$170,355,791
12	770	Santa Barbara	South Juvenile Court Replacement	$3,197,000	$173,552,791
13	750	Siskiyou	Service Centers-Phase III	$4,060,000	$177,612,791
14	746	San Joaquin	Manteca/Tracy- New- Phase I	$33,701,600	$211,314,391
15	739	Placer	Phase 1 - New Tahoe New Court & Parking	$7,796,583	$219,110,974
16	730	Imperial	Winterhaven- Remodel	$371,476	$219,482,450
17	727	Los Angeles	SE-Phase 1-New SE Courthouse	$66,803,395	$286,285,845
18	725	Calaveras	Phase I - New Courthouse	$18,570,673	$304,856,518
19	724	Madera	Phase II - New Courthouse & Parking Structure	$82,360,352	$387,216,870
20	718	Placer	Phase 2 - South Placer	$10,724,375	$397,941,245
21	718	Yolo	New Downtown Ct & Parking Structure	$76,767,185	$474,708,430
22	714	Siskiyou	New Yreka-Phase I	$19,085,142	$493,793,572
23	708	Lassen	Susanville - New Courthouse	$26,163,423	$519,956,995
24	705	Orange	Harbor Justice Center Laguna Niguel -Phase 1	$32,310,000	$552,266,995
25	700	Imperial	Calexico- Addition	$3,366,243	$555,633,238
26	667	Santa Clara	New Family Resources Ct	$107,178,851	$662,812,089
27	666	Amador	New Courthouse	$18,210,288	$681,022,377
28	660	Santa Barbara	Lewellen Justice Center Addition-Phase 1	$23,235,624	$704,258,001
29	653	El Dorado	Placerville Phase I	$25,466,910	$729,724,911
30	652	Los Angeles	JDel-New Juv Courthouse	$50,334,134	$780,059,045
31	634	San Bernardino	New San Bernardino Courthouse Phase 1	$84,027,212	$864,086,257
32	633	Contra Costa	Antioch Court	$44,915,403	$909,001,660
33	633	San Joaquin	Lodi- New- Phase I	$15,309,720	$924,311,380
34	629	Imperial	El Centro- New Family Court	$14,850,977	$939,162,357
35	623	Tulare	South Justice Center	$42,340,000	$981,502,357

RCP Scores of Proposed Capital Projects
Statewide Rank
February 26, 2004

State Rank	Total Score	County	Project	Total Project Cost	Cumulative Total
36	617	San Luis Obispo	SLO-1-Procure Kimball Site/Build East Wing	$37,444,074	$1,018,946,431
37	604	San Diego	Phase 1-New Central Courthouse	$224,228,250	$1,243,174,681
38	597	Mono	Bridgeport - Remodel Rear Modular	$500,000	$1,243,674,681
39	596	Mendocino	New Courthouse in Ukiah	$21,639,196	$1,265,313,877
40	592	Tehama	Red Bluff- New - Phase I	$11,767,941	$1,277,081,818
41	590	Alpine	Markleeville-New	$4,866,949	$1,281,948,767
42	588	Sutter	Yuba City- New- Phase I	$37,507,229	$1,319,455,996
43	585	Humboldt	Garberville Court	$4,001,578	$1,323,457,574
44	579	Lake	New Northlake - Phase I	$20,432,535	$1,343,890,109
45	569	Sierra	Downieville Phase I	$5,176,908	$1,349,067,017
46	568	San Bernardino	Addition & Renovation at Needles City Hall	$2,422,774	$1,351,489,791
47	566	Plumas	Quincy- New Courthouse	$15,817,346	$1,367,307,137
48	564	Kern	Phase 1 - South/Taft	$7,181,000	$1,374,488,137
49	558	Yolo	Juvenile Delinquency Ct	$4,336,334	$1,378,824,471
50	550	Tuolumne	Sonora Phase I - New	$27,553,783	$1,406,378,254
51	549	Monterey	Salinas Court Augmentation and Phase 2	$22,946,648	$1,429,324,902
52	548	Santa Barbara	Figueroa Building - New and Renovation	$24,672,000	$1,453,996,902
53	544	Contra Costa	North Concord Court	$56,824,221	$1,510,821,123
54	544	Kern	Phase 2 - East/Mojave	$11,271,000	$1,522,092,123
55	541	Butte	Chico Courthouse	$15,515,952	$1,537,608,075
56	541	Stanislaus	Turlock Phase I	$23,655,430	$1,561,263,505
57	537	Mariposa	Phase I - New Court Facility	$12,808,552	$1,574,072,057
58	534	Sacramento	Phase 1-Juvenile Justice Cent Interior Expan	$3,373,056	$1,577,445,113
59	527	Solano	Phase F2 Old Solano Historic Courthouse reno	$12,076,075	$1,589,521,188
60	526	Madera	Phase I - Remodel Main Madera	$5,068,342	$1,594,589,530
61	525	Glenn	Willows Phase I	$9,147,768	$1,603,737,298
62	519	Sonoma	Phase 2 - New Criminal Ct	$88,517,981	$1,692,255,279
63	518	Santa Clara	North County New Courthouse	$51,792,488	$1,744,047,767
64	514	Inyo	New Bishop Facility	$7,676,000	$1,751,723,767
65	510	Solano	Hall of Justice/Law & Justice Cen Renovations	$2,591,113	$1,754,314,880
66	506	Nevada	Nevada City Phase I	$37,251,379	$1,791,566,259
67	499	Kern	Phase 1 - East/Ridgecrest	$6,914,000	$1,798,480,259
68	498	Fresno	New Juvenile Delinquency	$24,845,564	$1,823,325,823
69	496	Shasta	New Shasta Courthouse & Parking Structure	$79,001,731	$1,902,327,554
70	490	Humboldt	New Humboldt Court	$64,242,150	$1,966,569,704

RCP Scores of Proposed Capital Projects
Statewide Rank
February 26, 2004

State Rank	Total Score	County	Project	Total Project Cost	Cumulative Total
71	489	San Diego	Phase 1-Meadowlark Juv Ct	$12,220,500	$1,978,790,204
72	488	Santa Cruz	New-Phase I	$12,548,000	$1,991,338,204
73	477	Santa Barbara	Renovation of Anacapa Building	$3,308,000	$1,994,646,204
74	477	Sonoma	Phase 3 - Main Civil/Family Ct	$81,404,563	$2,076,050,767
75	469	San Mateo	Northern Branch- Addition & Refurbish	$7,337,500	$2,083,388,267
76	457	Mariposa	Phase II - Renovate Existing	$51,350	$2,083,439,617
77	456	Solano	Phase F3, Hall of Justice Replacement Project	$43,097,306	$2,126,536,923
78	450	Alameda	Phase 1 - Wiley W Manuel Courthouse Addition	$73,154,186	$2,199,691,109
79	450	Marin	New Courthouse North Wing	$42,735,356	$2,242,426,465
80	448	Tulare	North Justice Center	$92,685,600	$2,335,112,065
81	445	Sacramento	Phase 2-New Criminal Courts Building	$155,650,299	$2,490,762,364
82	440	Los Angeles	MH-New Mental Health CtHse	$20,939,643	$2,511,702,007
83	440	San Diego	Phase 1-New Traffic/Small Claims Ct	$28,249,000	$2,539,951,007
84	431	Riverside	W Reg-Historic Cths Misc Improvements	$3,575,000	$2,543,526,007
85	430	Santa Clara	Consolidate Central Traffic & Small Claims	$34,837,997	$2,578,364,004
86	427	San Diego	Phase 1-N County Regional Ctr	$53,963,025	$2,632,327,029
87	424	Monterey	Monterey / Ft Ord Replacement Court	$39,126,654	$2,671,453,683
88	424	Sacramento	Phase 1-New Court Administration Building	$38,098,369	$2,709,552,052
89	421	Kern	Phase 2 - Dwntwn Bakersfield	$59,631,000	$2,769,183,052
90	421	Los Angeles	JDel-East Lake ReConstructn	$24,873,301	$2,794,056,353
91	420	Los Angeles	C-New C. LA Flagship Civil and Family	$513,041,696	$3,307,098,049
92	419	San Mateo	Central Branch- Addition & Refurbish	$3,440,000	$3,310,538,049
93	417	Imperial	El Centro Court- Phase- I Remodel	$12,102,483	$3,322,640,532
94	417	Los Angeles	S-New S Criminal Courthouse	$126,349,364	$3,448,989,896
95	411	Modoc	Expand & Renovate BJC	$3,880,000	$3,452,869,896
96	410	San Joaquin	Stockton- New- Phase I	$49,313,800	$3,502,183,696
97	410	Solano	Phase F4 Renovate old school	$15,140,122	$3,517,323,818
98	409	Kern	Phase 3 - Dwntwn Bakersfield	$14,927,000	$3,532,250,818
99	404	Yuba	New Courthouse	$31,829,707	$3,564,080,525
100	389	Lake	New Southlake - Phase I	$8,322,230	$3,572,402,755
101	387	Imperial	El Centro Court-Phase II- Remodel	$1,356,792	$3,621,371,803
102	387	Imperial	El Centro Court- Phase III- Addition	$47,612,256	$3,620,015,011
103	384	Los Angeles	S-New Long Beach Courthouse	$44,497,709	$3,665,869,512
104	383	Riverside	Desert Reg-Indio Juv Phase 1	$10,325,900	$3,676,195,412
105	382	Nevada	New Truckee Courthouse	$13,001,533	$3,689,196,945

RCP Scores of Proposed Capital Projects
Statewide Rank
February 26, 2004

State Rank	Total Score	County	Project	Total Project Cost	Cumulative Total
106	380	San Joaquin	Stockton- Renovation- Phase II	$21,622,500	$3,710,819,445
107	373	Kings	Hanford- New - Phase HI	$54,279,930	$3,765,099,375
108	372	Tehama	Red Bluff- New - Phase II	$6,860,411	$3,771,959,786
109	369	Los Angeles	N-Lancaster Renovation	$3,155,676	$3,775,115,462
110	367	Trinity	Weaverville- New Courthouse	$7,181,377	$3,782,296,839
111	364	Sonoma	Phase 1 - HOJ Remodel	$6,321,592	$3,788,618,431
112	362	Los Angeles	E-Phase 2-New Criminal	$46,705,569	$3,835,324,000
113	357	Los Angeles	NC-New N C Courthouse	$56,570,126	$3,891,894,126
114	347	Stanislaus	Modesto Phase I	$21,300,000	$3,913,194,126
115	344	San Mateo	Southern Branch- Renovation- Phase I	$30,213,750	$3,943,407,876
116	343	Humboldt	Hoopa Court	$3,714,886	$3,947,122,762
117	338	San Mateo	Juvenile Branch- Addition	$1,125,000	$3,948,247,762
118	316	Fresno	Renovate Fresno County Courthouse	$40,187,536	$3,988,435,298
119	309	Kern	Phase 1 - Dwntwn Bakersfield	$438,000	$3,988,873,298
120	309	Orange	North Justice Center	$30,350,000	$4,019,223,298
121	309	Stanislaus	Modesto Phase II	$21,300,000	$4,040,523,298
122	307	Santa Barbara	Renovation of Jury Assembly Building	$351,000	$4,040,874,298
123	306	Los Angeles	SW-Airport Renovation	$6,532,540	$4,047,406,838
124	305	Fresno	Renovate Exist Juvenile Dependency	$3,541,616	$4,050,948,454
125	305	Placer	New Auburn Courthouse & Parking	$23,357,625	$4,074,306,079
126	302	Los Angeles	NW-Van Nuys E Renovation	$33,756,101	$4,108,062,180
127	296	Santa Clara	Central Criminal & Juvenile Delinquency Court	$109,996,255	$4,218,058,435
128	295	Los Angeles	W-Santa Monica Renovation	$17,710,275	$4,235,768,710
129	293	Alameda	Renovation of Hayward Hall of Justice	$8,165,920	$4,243,934,630
130	288	San Francisco	Phase I - New Family Court	$53,876,846	$4,297,811,476
131	284	Fresno	Federal Courthouse	$34,111,808	$4,331,923,284
132	284	San Diego	Phase 1-Ramona Branch Ct	$110,500	$4,332,033,784
133	282	Nevada	Truckee Renovation	$225,000	$4,332,258,784
134	278	Riverside	Mid-Cnty Reg-Temecula Phase 1	$11,347,200	$4,343,605,984
135	276	Sacramento	Phase 1-Gordon D Schaber Renovation	$13,120,471	$4,356,726,455
136	275	Orange	Central Justice Center - Phase 1	$91,136,000	$4,447,862,455
137	271	Riverside	W Reg-Corona Ct Phase 1	$9,812,210	$4,457,674,665
138	271	San Diego	Phase 1-S County Regional Ctr	$75,903,200	$4,533,577,865
139	265	Los Angeles	NC-Burbank Renovation	$4,926,797	$4,538,504,662
140	263	Kern	Phase 1 - North/Delano	$11,602,000	$4,550,106,662

RCP Scores of Proposed Capital Projects
Statewide Rank
February 26, 2004

State Rank	Total Score	County	Project	Total Project Cost	Cumulative Total
141	255	Santa Clara	Renovate Central Civil Cts	$67,104,414	$4,617,211,076
142	252	Riverside	Mid-Cnty Reg-Banning Phase 1	$18,764,150	$4,635,975,226
143	248	Del Norte	Crescent City- Addition- Phase I	$13,924,256	$4,649,899,482
144	245	Ventura	New East County Courthouse	$60,295,103	$4,710,194,585
145	243	San Diego	Phase 1-E County Regional Ctr	$41,407,900	$4,751,602,485
146	239	Orange	Harbor Justice Center Newport Beach	$7,774,000	$4,759,376,485
147	236	Los Angeles	SE-Phase 2-New SE Courthse	$29,078,824	$4,788,455,309
148	234	Los Angeles	NE-Pasadena Main Expansion	$24,984,543	$4,813,439,852
149	227	Riverside	W Reg-Riverside Juv Ct Phase 1	$10,372,375	$4,823,812,227
150	223	Los Angeles	W-New W Criminal Courthouse	$84,259,986	$4,908,072,213
151	222	San Bernardino	Renovation at Joshua Tree Courthouse	$2,116,560	$4,910,188,773
152	215	Los Angeles	E-El Monte Renovation	$20,170,187	$4,930,358,960
153	213	Kings	Hanford- Security Upgrade- Phase RI	$217,950	$4,930,576,910
154	204	Los Angeles	E-Phase 1-New E Criminal	$89,413,349	$5,019,990,259
155	195	Riverside	Desert Reg-Larsen Justice Ct Phase 1	$100,639,900	$5,120,630,159
156	187	Los Angeles	SW-Torrance Renovation	$17,246,824	$5,137,876,983
157	184	Colusa	Phase C1-North Section, New	$8,959,808	$5,146,836,791
158	184	Los Angeles	E-Pomona S Renovation	$18,515,018	$5,165,351,809
159	181	San Bernardino	Rancho Cucamonga Courthouse Addition Phase 1	$26,200,426	$5,191,552,235
160	174	Los Angeles	C-New C LA Criminal	$99,094,050	$5,290,646,285
161	166	Kern	Phase 1 - East/Lake Isabella	$65,000	$5,290,711,285
162	163	Los Angeles	SC-New SC Courthouse	$41,970,181	$5,332,681,466
163	156	Riverside	Mid-Cnty Reg-Hemet Ct Phase 1	$10,411,700	$5,343,093,166
164	149	Riverside	Desert Reg-Palm Springs Ct Phase 1	$4,692,800	$5,347,785,966
165	131	Riverside	Desert Reg-Blythe Ct Phase 1	$14,908,300	$5,362,694,266
166	123	Ventura	Hall of Justice & Parking Structure	$34,089,801	$5,396,784,067
167	120	Los Angeles	NE-Alhambra Expansion	$30,360,670	$5,427,144,737
168	120	Los Angeles	NE-Alhambra Renovation	$8,938,286	$5,436,083,023
169	117	Fresno	North Jail Annex Renovation	$2,062,122	$5,438,145,145
170	112	Los Angeles	C-Metropolitan	$27,425,865	$5,465,571,010
171	111	Los Angeles	SE-Whittier Renovation	$8,022,099	$5,473,593,109
172	111	San Francisco	Phase II - Renovate Civic Cntr	$1,041,388	$5,474,634,497
173	106	Los Angeles	SC-Compton Renovation	$19,023,101	$5,493,657,598
174	100	San Diego	Phase 1-Hall of Justice	$1,300,000	$5,494,957,598
175	94	Los Angeles	C-Foltz Criminal Justice Center	$58,562,913	$5,553,520,511

RCP Scores of Proposed Capital Projects
Statewide Rank
February 26, 2004

State Rank	Total Score	County	Project	Total Project Cost	Cumulative Total
176	80	Los Angeles	JD-New Juvenile Dependency	$72,083,715	$5,625,604,226
177	75	Sacramento	Phase 1-Carol Miller Just Cen Interior Expan	$12,656,208	$5,638,260,434
178	68	Los Angeles	SE-Bellflower Renovation	$3,812,225	$5,642,072,659
179	63	Riverside	W Reg-Hall of Justice Phase 1	$18,127,200	$5,660,199,859
180	58	Tulare	Juvenile Center Phase I	$1,524,500	$5,661,724,359
181	46	Riverside	Mid-Cnty Reg-SW Justice Center Phase 1	$86,338,300	$5,748,062,659
182	40	Riverside	W Reg-Family Law Ct Phase 1	$17,417,800	$5,765,480,459
183	16	Los Angeles	NV-San Fernando Renovation	$6,996,708	$5,772,477,167
184	0	Fresno	New Civil & Traffic Courthouse & Pkg Struct B	$77,152,711	$5,849,629,878
185	0	Fresno	New Criminal Courthouse & Pkg Structure A	$94,904,034	$5,944,533,912
186	0	Glenn	Willows Phase II	$7,262,101	$5,951,796,013
187	0	Kern	Phase 2 - South/TBD	$7,126,000	$5,958,922,013
188	0	Los Angeles	N-Phase 1-Antonovich	$3,854,006	$5,962,776,019
189	0	Los Angeles	NV-Chatsworth Renovation	$4,912,491	$5,967,688,510
190	0	Merced	Downtown Merced Phase III	$21,057,360	$5,988,745,870
191	0	Orange	East Justice Center - Option A	$43,953,000	$6,032,698,870
192	0	Placer	Phase 3 - South Placer & Parking Structure	$21,506,250	$6,054,205,120
193	0	Riverside	W Reg-New Riverside Civil Phase 1	$39,482,900	$6,093,688,020
194	0	Riverside	Mid-Cnty Reg-New Civil Ct Phase 1	$25,865,400	$6,119,553,420
195	0	Sacramento	Phase 1-Wm Ridgeway Family Rel Crt Expansion	$5,138,215	$6,124,691,635
196	0	San Benito	Courthouse Phase II Addition	$7,808,024	$6,132,499,659
197	0	San Bernardino	Juvenile Dependency Court Addition	$22,893,040	$6,155,392,699
198	0	San Bernardino	Addition to Joshua Tree Courthouse	$7,686,519	$6,163,079,218
199	0	San Diego	Phase 1-New E Mesa Juv Ct	$7,762,400	$6,170,841,618
200	0	Stanislaus	Juvenile Hall Expansion A	$2,340,000	$6,173,181,618
201	0	Ventura	New West Court Facility	$42,755,538	$6,215,937,156
Total				**$6,215,937,156**	
Average	**386**				

Attachment C

Ranking of proposed projects with project descriptions and affected existing facilities, sorted by descending score

Office of Court Construction and Management
Administrative Office of the Courts

Trial Court Five-Year Capital Outlay Plan

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Plumas**	**Project Cost**	$1,785,675	☐ **Renovation**
Project Name	**Portola/Loyalton-New Branch Court**	**Start Date**	Q1 2007	☐ **Addition**
Total Weighted Project Score	**920**	**Completion Date**	Q2 2009	☑ **New Building**

Project Description:

The proposed new facility replaces one deficient courtroom in the Portola Branch court. The facility is envisioned to provide court services to the Sierra Valley area, which includes area in both Plumas and Sierra Counties Both jurisdictions serve remote areas close to the county border. Building a joint project will save both jurisdictions on court operations, facilities operations and construction investment The Sierra County portion of the Sierra Valley is the population center of Sierra County and has virtually no court services presently.

The proposed branch court will require 5,405 BGSF and 20 parking spaces. The only site selection requirement for this facility will be easy accessibility from Quincy and the eastern portions of the county. This means the facility should be located on State Road 70 The combination of facility and surface parking suggests an approximate site of 1 acre.

Some of the advantages mentioned by the master plan, are that the new project:
· Meets the Trial Court Facilities Guidelines
· Improves court functionality and physical operations
· Provides adequate courthouse parking and security
· Creates room for expansion.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Portola Court Facility (B1)	920	700	220	1,143	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Merced**	**Project Cost**	$32,018,620	☐ **Renovation**
Project Name	**Downtown Merced Phase II**	**Start Date**	Q3 2006	☑ **Addition**
Total Weighted Project Score	**890**	**Completion Date**	Q3 2010	☐ **New Building**

Project Description:

The new Downtown Merced court complex will be constructed across the street from the existing courthouse in four phases. The new building will be the main courthouse in Merced County and will hear all case types. The project is being designed by the county and will begin construction of the first phase in 2005 providing seven new courtrooms. With the exception of the Muni Criminal Courts, all existing court facilities will be relocated into the first phase building.

This project is the second phase of the new Downtown Merced Courthouse and will provide 11 more of the total 18 courtrooms, replacing the current Muni Criminal Court that is attached to the existing main jail. This building will also accommodate the five new judgeships from the Judicial Council's list of 150 judgeships.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Muni Criminal Courts (A7)	890	700	190	2,395	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Yolo**	**Project Cost**	$76,767,185	☐ **Renovation**
Project Name	**New Downtown Ct & Parking Structure**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**860**	**Completion Date**	Q2 2009	☑ **New Building**

Project Description:

The proposed capital project will relocate all court functions except for juvenile delinquency into a new consolidated facility in Woodland. The building will have 16 court sets, with two of these court sets built as shelled space. One of these shelled spaces will be needed in 2012, and the remaining space in 2017.

This new building will enable the functions now housed in the historic courthouse as well as those in three leased buildings, and two small spaces in county owned buildings, to be consolidated into a single building.

Parking is an existing problem. The court has access to a surface parking lot of 152 spaces adjacent to the existing courthouse. These spaces are reserved for staff and jurors This lot is not secure. There are 313 parking spaces in public lots within a 1-block radius.

Either on-grade parking (if the site allows), or a parking structure will be required to support the new court. At present, only street parking is available

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Courthouse (A1)	598	408	190	28,242	☑	☐
Family and Civil (A7)	860	700	160	3,400	☑	☐
Fiscal and Training (A6)	840	700	140	2,000	☐	☑
Family Support (A5)	860	700	160	6,710	☐	☑
Old Jail (A2)	890	700	190	8,072	☐	☑
Traffic Court (A3)	860	700	160	2,300	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Contra Costa**	**Project Cost**	$10,195,982	☐ **Renovation**
Project Name	**New Juvenile Court**	**Start Date**	Q4 2005	☐ **Addition**
Total Weighted Project Score	**840**	**Completion Date**	Q1 2009	☑ **New Building**

Project Description:

Replacement of the existing juvenile courtroom now on the site of the existing juvenile hall. The existing juvenile courtroom is an extremely undersized and dysfunctional facility. The new juvenile court will be located at the newly constructed juvenile hall outside Martinez in a population center and will provide approximately 23,300 BGSF of additional space. Juvenile delinquency cases will be heard in two non-jury courtrooms that will be directly connected to the juvenile hall to mitigate the need for transportation of in-custody juveniles

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Juvenile Hall (B1)	840	700	140	1,020	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Fresno**	**Project Cost**	$21,109,006	☐ **Renovation**
Project Name	**New Clovis Court**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**820**	**Completion Date**	Q3 2009	☑ **New Building**

Project Description:

By the year 2022, five court sets will be required in Clovis. The current site in Clovis has limited growth potential. The projected requirements for court operations in Clovis are best met through the construction of a new facility on an independent site. This involves pre-investment for year 2022 requirements.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Clovis Court- Level 1 Survey Only (G1)	820	700	120	3,360	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Mono**	**Project Cost**	$10,684,034	☐ Renovation
Project Name	**Mammoth Lakes- New- Phase I**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**820**	**Completion Date**	Q3 2009	☑ New Building

Project Description:

The proposed capital project is the construction of a new two-courtroom courthouse with shell space for future expansion. The building will replace the leased space located on the second floor of a commercial office building. The master plan estimates the building size to be 28,600 square feet. The cost estimate includes $870,000 for site acquisition if the Bell-Shaped Parcel is not available The project cost estimate includes the development of 63 parking spaces.

The proposed site for a new courthouse is part of a planned public facilities complex at the "Bell-shaped Parcel" located at the intersection of Minaret Road and Meridian Boulevard. The site is approximately at the geographic center of the town, about a half-mile west of downtown. The town's planning studies show capacity for joint development of a new courthouse with town offices, parking, open space, and wetlands enhancement on the site. The total site area is 16.6 acres of which approximately 2 acres net developable area should be reserved for the court facilities.

Replacing the leased space with new construciton will provide the court with an ADA compliant and secure building designed for secure movement of in-custody individuals

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Mono Superior Courthouse (B1)	820	700	120	6,514	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Humboldt**	**Project Cost**	$2,408,908	☐ Renovation
Project Name	**Juvenile Delinquency Court**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**800**	**Completion Date**	Q3 2009	☑ New Building

Project Description:

The project proposes to develop a court facility dedicated to juvenile delinquency located adjacent to the existing juvenile detention center in Eureka. This facility would include one courtset and support space required for the function. This project will replace existing juvenile courtroom on Harrison Avenue near juvenile detention center.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Juvenile Courtroom (Level 1) (D1)	800	700	100	396	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Merced**	**Project Cost**	$10,927,002	☐ Renovation
Project Name	**Los Banos Phase I**	**Start Date**	Q3 2006	☐ Addition
Total Weighted Project Score	**800**	**Completion Date**	Q3 2010	☑ New Building

Project Description:

This project is the first phase of the new Los Banos Courthouse that will replace the existing Los Banos Judicial Center. This new facility will continue to handle only limited jurisdiction civil and criminal cases. The phase one project will provide three courtrooms and support space

The project cost includes the development of a surface parking lot.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Los Banos Judicial Center (D1)	800	700	100	3,868	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$16,995,850	☐ **Renovation**
Project Name	**W Reg-Valley Ct Phase 1**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**800**	**Completion Date**	Q1 2009	☑ **New Building**

Project Description:

The proposed capital project will replace the current court facility at Moreno Valley that is located in leased space Considerable future space growth is projected for this location and therefore a new six-courtroom replacement facility is proposed that will provide six court sets by 2022 Under a subsequent phase, two of the six court sets, initially unfinished, will undergo interior development

The project includes construction of a new 60,000 BGSF facility to accommodate six new court sets and associated court and support space. Surface parking for 355 cars will be included in the project.

Development of the new courthouse requires approximately 3 5 acres (152,500 SF) of property located at an unspecified site in suburban Moreno Valley. Court facility development would likely involve a two-above-grade-level structure

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Moreno Valley- Level One Facility (I1)	800	700	100	12,818	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Benito**	**Project Cost**	$18,936,068	☐ **Renovation**
Project Name	**New Courthouse - Phase I**	**Start Date**	Q4 2005	☐ **Addition**
Total Weighted Project Score	**772**	**Completion Date**	Q4 2010	☑ **New Building**

Project Description:

The proposed capital project is the construction of a new four-courtroom courthouse to be constructed in the city of Hollister. The master plan recommends the two-story courthouse be constructed in two phases, with secure parking for judges and court administration The first phase would result in four courtrooms, and when the new courthouse becomes available for occupancy, all court operations in the county will relocate to the new facility. The courtroom at juvenile hall and the family law leased space can then be vacated by the court.

The initial phase is comprised of four courtrooms, necessary support space, and a gross building size of 48,655 square feet.

Site Selection:
The most appropriate location for the new courthouse is the most densely populated area, Hollister, and preferably within one-half mile of one or both of the major traffic routes. Preference should be given to a level site or one that requires less site preparation, a factor that can add to project costs Since the county-owned property near the jail has water, sewer, and street improvements at the site and is flat, this location offers advantages that should be considered for the overall selection process. A disadvantage, the proximity of the site to the airport, could be mitigated in the design of the facility

Several locations within the Hollister city limits are of adequate size and suitable for a new site. Since growth in Hollister is causing land values to increase, it is prudent that a site be acquired in the near future.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Family Law (B3)	840	700	140	1,000	☑	☐
Juvenile Courtroom (Level One) (B1)	890	700	190	700	☐	☑
San Benito Courthouse (A1)	754	564	190	8,466	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Napa**	**Project Cost**	$2,429,379	☑ **Renovation**
Project Name	**Renovate Juvenile Hall**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**770**	**Completion Date**	Q1 2007	☐ **New Building**

Project Description:

The proposed capital project is the renovation of the existing county-owned juvenile court facility located in the juvenile probation building The one-story, above grade office building houses court space, including a lobby, one courtroom, a judge's chambers, holding areas for in-custody defendants, and offices for court clerks. The Juvenile Hall courtroom is located within the Juvenile Justice Center.

The Juvenile Justice Center is currently undergoing a major renovation At the conclusion of this work, space will become available to be reconfigured for court purposes. The existing courtroom will be enlarged and new office space created for the judge's chambers as well as support staff. The plumbing and mechanical systems must be evaluated based upon the new layout to determine the extent to which they may be remodeled for re-use.

The Task Force considered this building as Level 1 and did not rate this building The master plan consultant rated it as deficient.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Juvenile Hall (Level One) (C1)	770	700	70	1,240	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Santa Barbara**	**Project Cost**	$3,197,000	☐ Renovation
Project Name	**South Juvenile Court Replacement**	**Start Date**	Q1 2009	☐ Addition
Total Weighted Project Score	**770**	**Completion Date**	Q4 2012	☑ New Building

Project Description:

Replace the existing modular courtroom adjacent to the Juvenile Hall. This facility will have one courtroom that handles all juvenile related cases, plus support space.

The new Juvenile Court facility will be located on the site of the existing modular This modular will need to be relocated nearby during construction of the new Juvenile Court.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Santa Barbara Juvenile Court (C1)	770	700	70	1,784	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Fresno**	**Project Cost**	$42,865,267	☐ Renovation
Project Name	**New Regional Justice Cent & 7 New Serv Cent**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**760**	**Completion Date**	Q3 2009	☑ New Building

Project Description:

The first component of this proposed capital project is a new Regional Justice Center in the vicinity of Selma to consolidate the operations of seven existing courts. All court functions, including in-custody functions, will take place in the new building. It will replace six leased and one county-owned facilities All are severely deficient from an operational, security and accessibility standpoint The initial phase will have nine courtsets, with four additional courtsets to be provided when required at a later date The City of Selma is one of the fastest growing cities in the County, and public representatives are very enthusiastic about the possibility of a new, regional courthouse in their city.

The second component of this project is the construction of seven new service centers in each of the towns that currently have a court that will be consolidated into the new Regional Justice Center· Coalinga, Fowler, Kerman, Kingsbury, Sanger and Reedley. This project also will also create a service center in Firebaugh, in which the court is being consolidated with the main Fresno Courthouse The service centers will not provide judicial proceedings.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Coalinga Court- Level 1 Survey Only (J1)	890	700	190	3,715	☐	☑
Fowler Court- Level 1 Survey Only (N1)	890	700	190	704	☐	☑
Firebaugh Court- Level 1 Survey Only (K1)	760	700	60	1,272	☐	☑
Kingsburg Court- Level 1 Survey Only (M1)	890	700	190	4,875	☑	☐
Kerman Court-Level 1 Survey Only (L1)	890	700	190	2,400	☑	☐
Reedley Court (F1)	599	409	190	3,621	☐	☑
Selma Court- Level 1 Survey Only (I1)	890	700	190	2,585	☑	☐
Sanger Court- Level 1 Survey Only (H1)	890	700	190	800	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Siskiyou**	**Project Cost**	$4,060,000	☐ Renovation
Project Name	**Service Centers-Phase III**	**Start Date**	Q1 2007	☐ Addition
Total Weighted Project Score	**750**	**Completion Date**	Q1 2017	☑ New Building

Project Description:

This project combines the construction of three separate service centers that serve the County of Siskiyou in the outlying areas in one phase While most court operations will be consolidated in Yreka over the long term, with outlying service centers will handle case filings and informational needs Service centers are anticipated to be located with consideration for travel time, population concentration, and service volume. Preliminary locations are Weed/Mount Shasta (South County), Happy Camp (West County) and Dorris/Tulelake (Northeast County)

The South County service center will be an 8,800 sf facility with one hearing room, which will be a new location to serve the Weed/Mount Shasta area The Weed Court facility will have been vacated by the court with the construction of the new courthouse is Yreka. The West County service center will be a 4,800 sf facility with one hearing room that replaces the existing Happy Camp court location The East County service center will be a 2,000 sf facility with no hearing room that replaces the current services given by both Dorris and Tulelake court locations.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Dorris (B1)	677	457	220	1,211	☐	☑
Happy Camp "Level 1 Survey Only" (E1)	800	700	100	193	☐	☑
Tulelake Satellite Court "Level 1 Survey Only" (D1)	920	700	220	459	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Joaquin**	**Project Cost**	$33,701,600	☐ **Renovation**
Project Name	**Manteca/Tracy- New- Phase I**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**746**	**Completion Date**	Q2 2010	☑ **New Building**

Project Description:

The proposed capital project is the first phase of construction of a new court building of approximately 120,000 to include 15 courtrooms and associated support space. The courthouse will be a custody site capable of hearing all case types. This project supports the anticipated population growth in the court service areas of Manteca and Tracy, where it is estimated that almost 40 percent of the county's population will reside by 2022 The new facility will handle all case types.

An addition of 10 more courtrooms will be needed in two subsequent phases The total parking requirement for 25 courtrooms is approximately 788 spaces. If the site is large enough to provide surface parking that is recommended for cost effectiveness, if not structure parking is the second option The first phase will require approximately half of the total parking requirement. The cost estimate includes the development of approximately one-half of the required parking spaces.

Some of the benefits that the new project brings to the courts:
- Provides adequate functional space needed for current and projected future court operations.
- Consolidates the south county court functions.
  Provides a secure environment for staff, the public and in-custody persons
- Improves departmental adjacencies.
- Provides centralized court services to serve the public and court related county departments.
- Improves access for the public and improves the court's building image.

The project will replace six court buildings; three in Manteca and three in Tracy. A total of four out of the six buildings are modular buildings

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Modular 2· Courtroom (Level 1) (E3)	940	700	240	1,440	☑	☐
Modular B· Courtroom (Level 1) (C3)	970	700	270	1,440	☑	☐
Modular 1: Support (Level 1) (E2)	920	700	220	853	☐	☑
Manteca Branch Court (C1)	647	377	270	6,425	☑	☐
Modular A Office (Level 1) (C2)	920	700	220	1,440	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

Modular C: Courtroom (Level 1) (C4)	940	700	240	1,440	☐	☑
Tracy Branch Courthouse (E1)	650	380	270	6,714	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Placer**	**Project Cost**	$7,796,583	☐ Renovation
Project Name	**Phase 1 - New Tahoe New Court & Parking**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**739**	**Completion Date**	Q1 2009	☑ New Building

Project Description:

The selected development option for the Tahoe region is to replace the existing court facility in Tahoe City with a new two courtroom facility that would handle all case types including family law services which is currently not offered at this location. The master plan indicated a building of approximately 25,000 gross sf to meet current need and provide space for growth between 2009 and 2022. The proposed court functions, for the Superior Court, Placer County in the Tahoe region could be combined with those of Superior Courts of Nevada and Sierra Counties in a joint building potentially located in Truckee, the commercial center of the north Lake Tahoe region.
Project costs in the master plan are estimated for a separate building, it is likely that a joint court building could reduce overall capital improvement costs when allocated to the individual Superior Courts

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Superior Court and Government Center (F1)	739	539	200	1,904	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Imperial**	**Project Cost**	$371,476	☑ **Renovation**
Project Name	**Winterhaven- Remodel**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**730**	**Completion Date**	Q4 2006	☐ **New Building**

Project Description:

The Winterhaven Court is a one-story wood frame building constructed in 1973 This facility was rated by the Task Force as a Level 1 facility due to the size and capabilities of the court.

The proposed project will upgrade building systems, replace the roof and address ADA issues. The project will not increase the number of courtrooms.

The planned future use of the Winterhaven Court is very similar to its current use: traffic and small claims, along with filing assistance.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Winterhaven Court - Level 1 (D1)	730	700	30	2,100	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$66,803,395	☐ Renovation
Project Name	**SE-Phase 1-New SE Courthouse**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**727**	**Completion Date**	Q2 2009	☑ New Building

Project Description:

The proposed capital project is construction of a New Southeast Courthouse to be located in the South Gate and Huntington Park area. The 27-courtroom building will have 18 criminal and nine civil and family courtrooms One of the family courtrooms will serve the South Central District

The new building, and associated structured parking, will be built in two phases to meet projected service demand in the district. The first phase is a criminal wing with 18 courtrooms, handling criminal and traffic case types. The second phase is a family and civil wing with nine courtrooms handling family, unlawful detainer and small claims cases.

The total space required for the new Phase I building is 202,113 BGSF and is estimated to be six levels with one below grade. The 27-courtroom building requires a site of approximately 6.4 acres The project includes construction of structured parking for 476 cars and surface parking directly adjacent to the building for 10 cars

The project cost includes the cost of acquiring the site for the full development of the 27-courtroom facility, but only the cost of site development and structured parking for the Phase I building.

The phase I building will replace the severely deficient Huntington Park and South Gate facilities and replace the five criminal courts now located in the Whittier Courthouse. The building will also provide temporary swing space to vacate first the Whittier Courthouse, and then the Bellflower Courthouse, prior to their renovation. While the court may be able to vacate the South Gate facility before this building is constructed due to temporary budget-driven reductions in court staff, the need to replace the South Gate facility is a primary driving factor in the need to construct this new facility.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Huntington Park Branch-Southeast Municipal Court (A1	762	562	200	16,199	☐	☑
Southgate Branch-Southeast Municipal Court (B1)	674	474	200	10,805	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Calaveras**	**Project Cost**	$18,570,673	☐ Renovation
Project Name	**Phase I - New Courthouse**	**Start Date**	Q4 2005	☐ Addition
Total Weighted Project Score	**725**	**Completion Date**	Q3 2009	☑ New Building

Project Description:

The court currently occupies the Legal Building in San Andreas. This facility has serious functional problems and space shortfalls.

Functional deficiencies include the lack of enough dedicated courtrooms to serve the current JPE level, lack of separate in-custody circulation, and missing functional components, such as jury assembly spaces. They currently have three JPEs, but only one courtroom They have the occasional use of the County Supervisors' room and a smaller hearing room. The building is nearly 40 years old, many systems are beyond their useful life and will need major renovation or replacement during the next 20 years.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Legal Building (A1)	725	575	150	7,609	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Madera**	**Project Cost**	$82,360,352	☐ **Renovation**
Project Name	**Phase II - New Courthouse & Parking Structure**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**724**	**Completion Date**	Q2 2010	☑ **New Building**

Project Description:

The proposed capital project is the consolidation of all Madera County court functions, with the exception of the Sierra Branch, in a new courthouse. The new courthouse will be a 20-courtroom 215,800 BGSF courthouse on a 2 acre site to be identified in downtown Madera. The cost estimate includes a parking structure. Sites near the existing Main Madera Courthouse location are being explored. Cooperation with the City Redevelopment Agency is crucial to successful site selection and resolution of the parking problems

The existing Main Madera Courthouse is completely deficient and unable to meet the needs of the court either now or in the future. Both the court and the county now occupy the existing Main Madera Courthouse

The new courthouse will hear cases now heard in three locations in the county: Main Madera Courthouse in downtown Madera, Borden Branch Courthouse, in Madera near the jail and the Chowchilla Branch Courthouse.

Civil, criminal, and family cases arising out of the western portion of the county are heard at the Main Madera Courthouse. All juvenile cases are heard at the Borden facility Traffic cases arising out of the western portion of the county are heard at the Chowchilla Facility

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Borden Court Building (B1)	797	607	190	3,130	☐	☑
Chowchilla Division (C1)	520	360	160	2,708	☐	☑
Existing Main Madera Courthouse (A1)	756	566	190	9,951	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Placer**	**Project Cost**	$10,724,375	☐ **Renovation**
Project Name	**Phase 2 - South Placer**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**718**	**Completion Date**	Q4 2007	☐ **New Building**

Project Description:

The county plans to build (beginning in mid-2004) a new courthouse north of Roseville on the city boundary at the South Placer Justice Center (SPJC Phase 1) with eight multipurpose courtrooms and court administration. Occupancy of this phase 1 building is projected for late 2005

This project (SPJC Phase 2) will provide four multi-purpose courtrooms (with in-custody holding), judicial chambers and support space in an 30,465 gross square feet addition. Built on land provided with SPJC Phase 1, the project will replace the deficient Superior Court at 300 Taylor St in Roseville; this project will also accommodate three new JPEs requested by the Judicial Council. To better serve its customers, the court plans to relocate its central operations from Auburn to the South Placer Justice Center at the completion of Phase 1, which will improve assess to the courts for the fast growing population in the South Placer area of the county.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Superior Court in Roseville (C1)	718	448	270	8,891	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Siskiyou**	**Project Cost**	$19,085,142	☐ **Renovation**
Project Name	**New Yreka-Phase I**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**714**	**Completion Date**	Q1 2010	☑ **New Building**

Project Description:

Phase I of the project is the construction of a New Yreka Courthouse with six-courtrooms that hear for all case types. The new courthouse will replace the existing Yreka County Courthouse, the Weed Satellite court, and the Family Courthouse on not yet specified site.

The project cost does not include the cost of parking, which the plan assumes will be provided by the county in a new parking garage for the government center area

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Family Courthouse "Level 1 Survey Only" (F1)	860	700	160	2,300	☑	☐
Siskiyou (Yreka) (A1)	642	502	140	11,992	☐	☑
Weed Satellite Court "Level 1 Survey Only" (C1)	890	700	190	2,982	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Lassen**	**Project Cost**	$26,163,423	☐ Renovation
Project Name	**Susanville - New Courthouse**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**708**	**Completion Date**	Q4 2010	☑ New Building

Project Description:

The proposed new five-courtroom Susanville courthouse will be a full service courthouse It will combine the Lassen County Court and the Annex facility in one location and fully comply with the court facilities guidelines

The new off site courthouse approximated projected current area is 78,092 BGSF including secure parking.

The proposed project will resolve many existing problems that the courts are facing The new courthouse will improve the current separation between users, consolidate court operations and provide ADA accessibility.

The Master Plan identified several possible sites for the construction of the new court building.

The project total estimated cost includes on-grade parking. The parking requirements were calculated at 226 including 20 secured parking spaces.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Lassen County Court (A1)	719	529	190	6,112	☐	☑
Lassen County Courthouse Annex (A2)	684	494	190	2,752	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Orange**	**Project Cost**	$32,310,000	☑ **Renovation**
Project Name	**Harbor Justice Center: Laguna Niguel -Phase 1**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**705**	**Completion Date**	Q2 2007	☐ **New Building**

Project Description:

The first phase expansion of the existing four-courtroom Laguna Niguel Courthouse is a ten-courtroom addition of 142,200 BGSF to be located adjacent to the existing courthouse on the county owned courthouse site. Once completed, the multi purpose courthouse at Laguna Niguel will handle criminal, civil, traffic, and small claims cases. This facility is currently used primarily for criminal caseloads. To provide for expected changes in planned development in the area and/or possible delay in the implementation of the East Justice Center, the proposed expansion project will be designed to allow for a future addition of four courtrooms, increasing the total number of courtrooms from 14 to 18

The expansion project includes a new entry and connecting hallways to the existing Laguna Niguel facility to improve access. The expansion project will tie-into the building at one or more levels for public, staff, and custody access.

Space for DA, Probation Sheriff, and other County justice related service agencies is included in the plan for the project and will funded by the county

Site planning, programming and design of this project are currently being undertaken by the county. Funding by the state for construction is required to implement the project.

Upon completion of the expansion at Laguna Niguel, the court will vacate the three existing courtrooms located at the leased facility in Laguna Hills that is currently being used for traffic, small claims, and civil caseloads.

The existing trailer used for court offices and records storage and the fire station building temporarily used for Jury Assembly and now used for office space will both be replaced by the expansion. Modular buildings used by the District Attorney and Public Defender will also be replaced by the expansion

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Harbor Justice Center, Laguna Niguel Facility (F1)	512	372	140	22,871	☑	☐
Harbor Justice Center, Laguna Hills Facility (G1)	900	700	200	18,399	☐	☑
Jury Assembly Building (F3)	840	700	140	4,522	☑	☐
Trailer (F2)	840	700	140	1,456	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Imperial**	**Project Cost**	$3,366,243	☐ Renovation
Project Name	**Calexico- Addition**	**Start Date**	Q4 2007	☑ Addition
Total Weighted Project Score	**700**	**Completion Date**	Q4 2009	☐ New Building

Project Description:

The proposed capital project is the construction of an addition of a second courtroom to the Calexico Court This building will be expanded to the east, at the location of the present parking lot. The initial step, that should take place as soon as possible, is the acquisition of one acre of land in the proximity of the courthouse for parking. The next step would be a building an addition of 5,176 gross square feet to provide space for an additional courtroom, a self-help center and support space. The final project cost includes the cost for surface parking for 49 cars.

The Calexico Brach Court will continue accepting filings for any case types and hear all case types except general civil, family and juvenile types

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Calexico Court - Level 1 (C1)	700	700	0	3,300	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Santa Clara**	**Project Cost**	$107,178,851	☐ **Renovation**
Project Name	**New Family Resources Ct**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**667**	**Completion Date**	Q2 2009	☑ **New Building**

Project Description:

Family resources courts and court administrative functions are currently located in five separate buildings in San Jose. These locations are referred to as the Terraine Courthouse, Notre Dame Courthouse, Family Court, 111 St John Street and 111 N. Market Street. All of these facilities are leased. The master plan goal is to consolidate these services into one courthouse, which will provide space for all appropriate support functions as well as courtsets designed per the Trial Court Facilities Guidelines. This facility will be used for family law, dependency, child support enforcement, probate, drug court and domestic violence calendars.

There is no judicial growth for family resources until 2012, when an additional three JPE are projected. No additional JPE are projected until 2022 when one additional JPE is required The square footage projected for the family resources functions totals 229,067 gross square feet by 2012, increasing to 236,165 gross square feet by 2022. The 7,098 square foot increase over the 10 years is minimal so it is the master plan recommendation that the full 2022 program be built

The site identified for this project is currently used for a surface parking lot. The property is owned by Santa Clara County, which will make it available for purchase if the state were to pursue the project.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Court Administration (N2)	840	700	140	15,265	☐	☑
Family Court Facility (E1)	582	412	170	34,893	☑	☐
Notre Dame Courthouse (M1)	870	700	170	14,000	☑	☐
Probate Investigations & Judicial Conf Facilities (N1)	840	700	140	6,665	☐	☑
Terraine Courthouse (C1)	554	384	170	32,129	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Santa Barbara**	**Project Cost**	$23,235,624	☐ Renovation
Project Name	**Lewellen Justice Center Addition-Phase 1**	**Start Date**	Q3 2005	☑ Addition
Total Weighted Project Score	**660**	**Completion Date**	Q4 2010	☐ New Building

Project Description:

The new addition would be integrated with the existing Building G in order to unify the court complex for better functional adjacencies. The project will add a new two-story wing on the southwest portion of the site currently used for surface parking and the modular. This wing will provide two courtrooms constructed with capability for handling in-custody cases, court support spaces including 16,500 sq. ft. of administrative space, replacement for the Judges' Law Library currently located in building D, and a consolidated jury assembly for the total number of courtrooms proposed at the Lewellen Justice Center site in the 20-year master plan Another two-story wing will be added to the southeast portion of the site where Building D is currently sited. This wing will provide two additional courtrooms with custody capability, related court judiciary space, and additional court support space to address space shortfalls in the existing facility. Both wings would be connected to Building G, adding approximately 69,000 gross sq ft. to the facility.

All new courtrooms will be criminal and jury capable in order to increase flexibility of use. The estimated total project cost for this project includes the cost for a two level parking structure, buyout cost for the other agencies' space and site development cost.

The completion of Phase I results in removal of modular E, Building D and Building F from the Lewellen Justice Center site. Building B with one courtroom may or may not be removed from the site at this point, depending on the actual caseload in the North Service Area Phase I increases the total number of courtrooms on the site from nine to eleven if the one courtroom in Building B is retained.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Santa Maria Court Clerks' Modular (F1)	840	700	140	6,670	☑	☐
Santa Maria Courts Complex - Bldg. A, B, C, D, F (F1)	624	427	160	33,056	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**El Dorado**	**Project Cost**	$25,466,910	☐ **Renovation**
Project Name	**Placerville Phase I**	**Start Date**	Q4 2009	☐ **Addition**
Total Weighted Project Score	**653**	**Completion Date**	Q4 2012	☑ **New Building**

Project Description:

The project proposes a new eight courtroom facility at Placerville Jail Site to replace Main Street and Building C courtrooms. Prudent planning of this phase is crucial in maximizing the ultimate site capacity Eight courtrooms are planned in three and one-half stories, compatible with the adjacent jail and surrounding height of mature trees. An underground link to the existing jail will result in efficient use of resources and optimal security for the sheriff and staff.

The courthouse is one of a series of buildings proposed to be constructed on this site The existing jail would attach to a new juvenile hall facility A new sheriff's facility is planned for the site as well.

The subsequent phase to add five more courtrooms will not begin until 2019. Refer to page 30 and 31 of Superior Court of California, County of El Dorado Facilities Master Plan report for graphic illustration of the development plan at Placerville Jail Site.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Building "C" (B1)	433	163	270	10,548	☐	☑
Main Street Courthouse (A1)	782	512	270	17,951	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$50,334,134	☐ Renovation
Project Name	**JDel-New Juv Courthouse**	**Start Date**	Q2 2008	☐ Addition
Total Weighted Project Score	**652**	**Completion Date**	Q4 2011	☑ New Building

Project Description:

The proposed new 10-courtroom Juvenile Delinquency Courthouse will ideally be collocated with the planned new juvenile hall, which has not yet been sited. Consequently, the schedule for the courthouse will be driven by site acquisition and planning that will be undertaken by the county

The project will provide for projected service demand and replace the David Kenyon and Inglewood Juvenile courthouses. After the completion of this courthouse, operations at the David Kenyon and Inglewood Juvenile courthouses will be moved to the new courthouse and these facilities will be vacated by the court.

The new 116,190 BGSF court building requires a site of approximately 4 acres, which would include area for structured parking for 300 cars.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
David M. Kenyon Juvenile Justice Center Level1 (AN1)	870	700	170	8,034	☐	☑
Inglewood Juvenile Court-Superior (E1)	498	348	170	11,361	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Amador**	**Project Cost**	$18,210,288	☐ **Renovation**
Project Name	**New Courthouse**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**636**	**Completion Date**	Q3 2009	☑ **New Building**

Project Description:

The master plan calls for the development of a new courthouse, located within the city of Jackson, at an unspecified site. The new building will have four court sets, will occupy 59,000 BGSF, and will hear all types of cases.

The existing Amador County Courthouse was originally built in 1860. The facility consists of two buildings that have a alley separating the structures. These buildings have numerous functional and physical deficiencies The court occupies 14,729 CGSF now, but has an immediate need for 32,362 CGSF. This facility will be vacated by the court when the new courthouse is completed.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Amador County Courthouse (A1)	636	546	90	14,729	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Bernardino**	**Project Cost**	$84,027,212	☐ Renovation
Project Name	**New San Bernardino Courthouse Phase 1**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**634**	**Completion Date**	Q3 2009	☑ New Building

Project Description:

The first phase of construction in downtown San Bernardino is a new twenty-room courthouse. This courthouse will·
-replace the eight temporary courtrooms which will have been displaced by the major renovation of the Central Courthouse and Annex; provide consolidated administrative court space which is currently located in the Central Courthouse, particularly in Building 3 and Courthouse Annex, the Consolidated Courts Administrative Headquarters, and Building 4, the Appellate and Appeals Division,
-provide three juvenile delinquency courtrooms, chambers and related space which are currently in the deficient Juvenile Courthouse behind the Mental Health Ward Complex;
-consolidate one criminal courtroom from Redlands; and
-replace one courtroom which is currently located in the Juvenile Court trailer which is an extension of the Juvenile Court

The site for the new courthouse, known as the Caltrans site, is located directly south of the existing historic Central Courthouse and Annex It will have an adjoining parking structure, which, along with a second phase of construction, will be completed after 2014 When the third and final phase of construction is completed in 2022, it is proposed to consist of seven floors of courtrooms and four floors of offices.

While the new project is primarily intended to serve as a full-service regional courthouse, it will consolidate the criminal caseload from Redlands, Chino and San Bernardino in one location, but it will have the capacity to hear all case types.

The facility will also provide five new courtrooms to support projected growth of criminal cases in downtown San Bernardino

A final phase of construction will expand the building to a final total of sixty-two courtrooms That phase is projected for completion by 2022

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Appellate & Appeals Division - level 1 (A4)	840	700	140	2,700	☐	☑
Central Courthouse (A1)	656	386	270	89,355	☑	☐
Consolidated Courts Admin Headqarters - Level 1 (A3)	790	600	190	12,788	☐	☑
Central Courthouse - Annex (A2)	552	392	160	94,751	☐	☑
Juvenile Court (B1)	770	580	190	8,626	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

Juvenile Court Trailer Level 1 (B2)	890	700	190	2,963	☐	☑
Redlands Court (D1)	751	481	270	11,248	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Contra Costa**	**Project Cost**	$44,915,403	☐ **Renovation**
Project Name	**Antioch Court**	**Start Date**	Q4 2005	☐ **Addition**
Total Weighted Project Score	**633**	**Completion Date**	Q1 2009	☑ **New Building**

Project Description:

This region has grown substantially over the last decade, and is expected to constitute the majority of growth in the county over the next 20 years The proposed new facility will accommodate that growth and also replace the Pittsburg-Delta facility, which is in poor physical and functional condition.

The 110,000 BGSF Antioch court will have seven multi-purpose jury-trial courtrooms in order to allow for future flexibility in hearing a variety of case types. In addition, three non-jury courtrooms are provided for family and juvenile cases

Of the projected 10 courtrooms in this new facility, four are to replace Pittsburg-Delta, two are to accommodate the planned request by the Judicial Council for an additional two judgeships in Contra Costa, and four are for future growth.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Pittsburg-Delta (E1)	633	433	200	16,476	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Joaquin**	**Project Cost**	$15,309,720	☐ **Renovation**
Project Name	**Lodi- New- Phase I**	**Start Date**	Q4 2008	☐ **Addition**
Total Weighted Project Score	**633**	**Completion Date**	Q3 2012	☑ **New Building**

Project Description:

The proposed Lodi phase I project involves the construction of a new court building with five courtrooms and associated support space. The building will be approximately 54,000 BGSF. The parking requirement for the replacement courthouse is 252 spaces in surface parking.

Some of the benefits that the new project brings to the courts·
- Provides adequate functional space needed for the courts daily operations
- Accommodates current and future courts space needs.
- Provides a secure environment for staff, public and in-custodies.
- Improves departmental adjacencies.
- Provides centralized court services to serve the public and court related county departments.

Potential site:
The preferred site for expansion of the courthouse is within the civic center. The city is interested in working with the court to arrive to an appropriate solution for the expansion of court buildings and parking. Discussions should be pursued to identify more specific needs and options for the various target uses in the Lodi government center area.

The project will consolidate two court facilities, Lodi Branch Court Department 1 and Department 2

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Lodi Branch- Dept. 1 (D1)	870	700	170	5,845	☑	☐
Lodi Branch- Dept 2 (D2)	435	245	190	7,000	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Imperial**	**Project Cost**	$14,850,977	☐ Renovation
Project Name	**El Centro- New Family Court**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**629**	**Completion Date**	Q2 2009	☑ New Building

Project Description:

The proposed project involves the construction of a new Family Courthouse in El Centro to consolidate all family court functions; including juvenile delinquency, juvenile dependency, family law, domestic relations, and probate, in a single location, with four courtrooms.

The master plan recommends that the new facility be constructed to meet the twenty-year space needs of the court resulting in a project of 35,420 gross square feet with four court-sets.

The new Family Court facility will be constructed at the county's juvenile hall site and include site development for 131 parking spaces.

The project will consolidate juvenile court (level 1) from the juvenile center and the family court from the main court building.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Imperial County Courthouse - B (A1)	544	404	140	3,749	☐	☑
Jail Court-El Centro - Level 1 (B1)	870	700	170	1,315	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Tulare**	**Project Cost**	$42,340,000	☐ Renovation
Project Name	**South Justice Center**	**Start Date**	Q1 2008	☐ Addition
Total Weighted Project Score	**623**	**Completion Date**	Q1 2012	☑ New Building

Project Description:

The proposed capital project is a construction of a new, nine-court set South Justice Center in the City of Porterville with sufficient surface parking to satisfy projected demand The new South Justice Center would hear the entire Porterville Court Division adult workload, and a pro-rated portion of the civil and criminal cases workload associated with the existing Tulare-Pixley and Visalia Court Divisions. The current site in the City of Porterville has limited growth potential and cannot accommodate the scale of the proposed new South Justice Center. The projected requirements for the South Justice Center requires the construction of a new facility on an alternate site not yet determine.

Surface parking will also be developed to provide 788 parking stalls

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Porterville Government Center (C1)	653	483	170	8,975	☐	☑
Tulare-Pixley Municipal Court (B1)	586	416	170	7,300	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Luis Obispo**	**Project Cost**	$37,444,074	☐ **Renovation**
Project Name	**SLO-1-Procure Kimball Site/Build East Wing**	**Start Date**	Q1 2006	☐ **Addition**
Total Weighted Project Score	**617**	**Completion Date**	Q2 2006	☑ **New Building**

Project Description:

The central courthouse which is now part of the County Government Center complex in downtown San Luis Obispo will be vacated in stages, when a new courthouse is constructed on a site on the adjacent block in the government center complex. The current courthouse, which has twelve courtrooms, comprises the primary justice center for San Luis Obispo County, at the concentrated population center for this jurisdiction. All types of cases are heard· criminal, civil, family and probate.

The project which is described by this funding request includes both acquisition of property for the new building, and construction of the the first phase of the building project. Once the subject site is purchased by the state from the County of San Luis Obispo, the first phase of the courthouse, the east wing, would be built. This would occur by 2011. That project would provide eight new courtrooms, associated administrative space, and underground parking The occupancy of the new building would relieve crowding in the existing government center, and replacement of its deficient courtrooms, and would also consolidate court and court support functions from the documented Level 1 facilities, including the Veterans Memorial Building the Juvenile Services Center, and the Grover Beach Branch, and those scattered throughout numerous leased facilities throughout downtown San Luis Obispo.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Grover Beach Branch-Level One Facility (E1)	930	700	230	1,400	☑	☐
Juvenile Services Center-Level One Facility (C1)	790	600	190	850	☐	☑
San Luis Obispo Government Center (A1)	593	373	220	40,699	☐	☑
Veterans Memorial Building-Level One Facility (B1)	890	700	190	1,435	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Diego**	**Project Cost**	$224,228,250	☐ **Renovation**
Project Name	**Phase 1-New Central Courthouse**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**604**	**Completion Date**	Q1 2009	☑ **New Building**

Project Description:

This facility will replace the existing County Courthouse, the Family Law facility and the Madge Bradley building
This project will construct a new Central Courthouse on a site adjacent to the Hall of Justice at a long-term capacity of 80 court sets to accommodate all remaining downtown Central Division civil and criminal calendars

The new Central Courthouse will provide 16 to 18 above-grade floors with up to three below-grade levels primarily dedicated to secure parking. This facility will be about 621,000 BGSF, which will provide for 80 court sets, general office, and court support The below-grade parking will have a capacity of 212 stalls, including 142 stalls to be decommissioned at the existing County Courthouse, the Family Law facility and the Madge Bradley building

At its projected scale of development, the new facility will conform to site density and building height criteria applicable to its assumed location. It is anticipated that the vertical massing of the facility will incorporate a number of setbacks in order to enhance downtown views of the bay.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
County Courthouse (A1)	618	428	190	305,977	☑	☐
Family Court (D1)	514	324	190	29,829	☑	☐
Madge Bradley Building (B1)	525	335	190	18,486	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Mono**	**Project Cost**	$500,000	☑ **Renovation**
Project Name	**Bridgeport - Remodel Rear Modular**	**Start Date**	Q1 2007	☐ **Addition**
Total Weighted Project Score	**597**	**Completion Date**	Q4 2008	☐ **New Building**

Project Description:

The Bridgeport project proposes to either renovate an existing modular building located behind the historic courthouse next to the jail or provide a new modular building behind the courthouse. The first step is to determine suitability and availability of existing modular building for interim Bridgeport court space. The total space appears adequate for a small hearing room and associated support, just under 4,000 square feet. Further studies are needed to confirm required components and costs.

If the existing modular cannot be converted to meet court needs, the alternative would be new construction at a cost of approximately $1 2 million for 4,600 square feet.

The long term benefits associated with the renovation of the space are minimum. The space is intended to be used for a short period of time until a new branch court gets constructed. Some of the immediate benefits will be ADA compliance, building security, environmental and mechanical system improvements, adequate space and improvement of the functional operation of the courts.

Currently the county is exploring the idea of adding an addition to the historic courthouse to house some court and county functions. If the project is constructed the need for the remodel of the modular building will not be necessary.

At the completion of this project, the court will vacate the historic courthouse The new facility will be used for in-custody proceedings and have the capacity for jury trials occasionally needed for the northern part of the county.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Bridgeport County Courthouse (A1)	597	497	100	4,858	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Tehama**	**Project Cost**	$11,767,941	☐ **Renovation**
Project Name	**Red Bluff- New - Phase I**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**592**	**Completion Date**	Q3 2009	☑ **New Building**

Project Description:

The Superior Court of Tehama County currently occupies space in four buildings and has a total of five courtrooms in the county: four in the city of Red Bluff and one in the City of Corning

The proposed project is to build the first phase of the new courthouse to include three courtrooms and support space in approximately 31,500 square feet. Also, the court will continue to operate at the downtown courthouse until the second phase can be built. The first phase project will replace the historic courthouse and the Corning Branch court.

The proposed project is the first phase of court consolidation for the Tehama County. The project will bring several benefits to the operation of the courts by centralizing services and by fixing some of the building physical deficiencies. The proposed site for the new building is owned and controlled by the county.

The four Red Bluff courtrooms are distributed in three facilities (see Master Plan report page 52). Civil, juvenile dependency and delinquency, and some criminal cases are heard in the historic courthouse in Red Bluff. Annex 2 handles most criminal matters, including all in-custodies and civil and traffic cases. The leased space for family law is currently used exclusively for child support matters

The County of Tehama has two main court service areas. Judicial proceedings presently occur daily in Red Bluff, where all case types are heard, and with juvenile delinquency cases to be heard in the new juvenile hall courtroom, which is under construction

Parking is a main concern for the court. Downtown Red Bluff has limited parking available for the court, and the city has placed restrictions on parking all around the court facilities. The city has shown an unwillingness to help address county parking needs, for example not developing any new parking lots or structures. The project's estimated cost includes surface parking. The parking requirements for a new 9-courtroom facility are estimated to be 324 spaces.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Historic Courthouse (A1)	628	438	190	8,571	☐	☑
Superior Court at Corning (B1)	558	328	230	9,000	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Alpine**	**Project Cost**	$4,866,949	☐ **Renovation**
Project Name	**Markleeville-New**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**590**	**Completion Date**	Q4 2009	☑ **New Building**

Project Description:

The project is a replacement court building of approximately 16,500 gross sq ft, with one courtroom, two chambers, court administration and holding facilities. The current historic court building in Markleeville currently shared with the probation office and Sheriff's offices The building was rated adequate physically but severely deficient functionally by both the task force and the master plan consultant
There is broad consensus among the bench, court administration, and the county that it would not be cost effective to renovate and expand the existing building for long-term court use The efficiency and security of the court suffers from the constraints and deficiencies of the old courthouse building, although the character of the historic building is widely appreciated. The county recognizes the limitations of the building for court use, and understands that the building's best future use may be for county office-type functions rather than the relatively specialized needs of the courts
The court and county also agree that central Markleeville, which is the county seat and largest community, is the best location for the court facility.
The recommended master plan is to develop a new one-courtroom building, to be located either on the county site adjacent to the courthouse building or on property located west of the main street in Markleeville (State Route 89).
Based on Alpine County population and caseload growth forecasts and the new state workload standard method for JPE needs projections, less than one JPE will be needed in Alpine County over the next 20 years. For facility planning purposes, the superior court will continue to require chambers for two judges and one courtroom (one judge regularly hears matters in courts in adjoining counties). The number of judges is set by the Legislature, and currently two judges are authorized for the Superior Court of Alpine County.
Based on current court planning standards, the existing building falls far short on both functional criteria and quantity of space. Space needs for one courtroom administration, holding, and support spaces would be 14,000 to16,500 gross sq ft is required to meet current and 2022 needs, depending on whether or not in-custody holding is provided in the courthouse or in a directly connected new Sheriff's facility (refer to master plan Table 2 and Appendix 3, table 3f)

Locating a site in Markleeville for the new court building is the first action required The site adjacent to the current county administration building is the recommended master plan option. This property has some remaining development potential, if the current surface parking can be reconfigured and relocated and easements optioned for vehicle egress. Development of the courthouse on this site allows for continued co-location of the court with related county functions, although the court building would be behind other buildings on the main street
Given that the county has yet to determine its own expansion plan and the uncertainty of timing for additional land acquisition, a two-pronged strategy is recommended in the master plan: (a) explore expansion of the county administration site (b) explore the possibility of securing another site in downtown Markleeville (refer to master plan report figures 3 & 4, pages 17 & 18).

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Alpine County Courthouse (A1)	590	502	90	2,568	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Sutter**	**Project Cost**	$37,507,229	☐ **Renovation**
Project Name	**Yuba City- New- Phase I**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**588**	**Completion Date**	Q3 2009	☑ **New Building**

Project Description:

The proposed project is construction of a new 11-courtroom facility of 102,302 gross square feet on four floors, connected by a tunnel to the county jail The family services division of the court would be located on the second floor, with eight of the ten courtrooms located on the upper two floors. One larger courtroom would be located on the first floor to serve the high public contact traffic and small claims cases and one courtroom would be included in the family division space.

This facility would require a site of 5.9 acres, including parking, which is feasible on the Government Center site. The site has been identified and allocated for the court next to jail at the Civic Center site. The tunnel that will connect the jail and the court is already in place

When the project is completed, the project will vacated the Yuba City Couthouse East and West facilities and the leased family court facility.

The difference between the space requirements at the initial occupancy of the twenty-year program is 17,874 net square feet; therefore the master plan recommends that this space be left unfinished and be renovated in a later phase. The new 11-courtroom facility is estimated to need 510 parking spaces in surface parking.

The proposed project has the following positive attributes:

- Construction of this new courthouse will not disrupt the existing court operations since existing facilities will be vacated when the new one is occupied
- There will be one consolidated facility that will provide a more efficient court operation.
- Since the direct tunnel connection exists, there will be no need for a large vehicle sallyport or significant holding area. In addition, costs associated with transportation of in-custody defendants will be substantially reduced.
- One security entrance can be provided.
- The proposed site is of sufficient size to accommodate an efficient proposed building configuration as well as adequate surface parking.
- The placement of the court facility at the Government Center site supports the long-range plan to provide physical consolidation to most county services at this location.
- Vehicle access and egress to the site is a substantial improvement over the present location.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Courthouse West (A1)	592	402	190	20,815	☑	☐
Courthouse East (A2)	528	338	190	6,079	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

Family Court Facility "Level 1 Survey Only" (B1)	860	700	160	1,000	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Humboldt**	**Project Cost**	$4,001,578	☐ **Renovation**
Project Name	**Garberville Court**	**Start Date**	Q3 2007	☐ **Addition**
Total Weighted Project Score	**585**	**Completion Date**	Q3 2011	☑ **New Building**

Project Description:

The project is a replacement of the existing branch court facility in Garberville with a new courthouse that would meet current court facilities guidelines as well as accessibility, life/safety and current building codes. This courthouse would include a single courtset, a small clerk's office, an office for criminal justice related agency staff to utilize when in the community and support space for the facility. The proposed court is non-jury and will not handle in-custody case. Moreover, the proposed court will be used on a part-time basis as it is now with a judicial officer onsite two days per month. The existing courtroom is used for traffic, small claims and criminal misdemeanors.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Garberville Courthouse (B1)	585	485	100	1,652	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Lake**	**Project Cost**	$20,432,535	☐ **Renovation**
Project Name	**New Northlake - Phase I**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**579**	**Completion Date**	Q4 2008	☑ **New Building**

Project Description:

All court functions will move out of the existing Courthouse into a new facility that will be constructed on a site not yet to be identified within downtown Lakeport. The entire four-story 74,273 BGSF building will be constructed in a single phase. Five courtrooms will be finished for immediate use, while two more courtrooms and related space, approximately 11,000SF, will be shelled for later completion. On-grade parking will be provided for 318 cars

The new courthouse will also replace the Lakeport Commissioner's Courtroom.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Courthouse (A3)	555	415	140	15,514	☐	☑
Lakeport Commissioner's Court (Z0)	840	700	140	1,400	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Sierra**	**Project Cost**	$5,176,908	☐ **Renovation**
Project Name	**Downieville Phase I**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**569**	**Completion Date**	Q3 2009	☑ **New Building**

Project Description:

This project will replace the existing Downieville Courthouse It will be built adjacent to the existing court building and will provide one multi-purpose courtroom to hear all types of cases, staff space, and holding area It will accomodate the significant space shortfall that the court currently faces

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Courthouse/Sheriff Station-Jail (A1)	569	469	100	4,853	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Bernardino**	**Project Cost**	$2,422,774	☑ Renovation
Project Name	**Addition & Renovation at Needles City Hall**	**Start Date**	Q4 2005	☑ Addition
Total Weighted Project Score	**568**	**Completion Date**	Q1 2008	☐ New Building

Project Description:

The Needles Courthouse, which was constructed in 1974, is a full-service court. The court functions occupy approximately one-third of the entire complex. The court, which is located in and serves the Desert Region of San Bernardino County, will continue to operate as a full-service court in the near-term and long-term future, due to its remote location. The courthouse currently has one courtroom.

In 2009, one additional courtroom will be constructed in this project to accommodate the projected caseload growth in all case types in the Desert Region, and existing functional and physical deficiencies of the building will be corrected. The project will also renovate the adjacent building, currently occupied by the City Clerk, for court use, adding approximately 7,000 sf of functional space for administrative functions

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Needles Court (K1)	568	358	210	3,971	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Plumas**	**Project Cost**	$15,817,346	☐ **Renovation**
Project Name	**Quincy- New Courthouse**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**566**	**Completion Date**	Q3 2010	☑ **New Building**

Project Description:

The new construction replaces two deficient courtrooms in the main building and adds a courtroom/hearing room for the commissioner. The new courthouse will be approximately 49,142 BGSF, including secure parking The proposed building is seven percent larger than the current needed to accommodate the entire 2022 space needs. The additional space could be left unfinished or leased to other county court related departments.

The parking requirement is calculated at 147 including 10 secure spaces.

It is estimated that the new facility would have a "footprint" of about 20,000 square feet. The combination of facility and surface parking suggests a site minimum of 2 acres and an optimum site would be 2.5 to 3 acres.

Some of the advantages to the new project mentioned by the master plan.
· Meets the Trial Court Facilities Guidelines
· Improves court functionality and physical operations
· Provides adequate courthouse parking and security
· Frees up the court's space for other uses
· Eliminates renovation or reclamation costs
· Creates unlimited expansion room

When completed, the court will vacate the exisiting courthouse in Quincy.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Courthouse (A1)	566	466	100	7,046	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Kern**	**Project Cost**	$7,181,000	☐ **Renovation**
Project Name	**Phase 1 - South/Taft**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**564**	**Completion Date**	Q3 2008	☑ **New Building**

Project Description:

The project proposes a new construction of two new courtrooms at a new site in Taft. The existing courtrooms and modular facility in Taft and would be vacated once the new facility is completed.

Existing overcrowding problems in Taft would be alleviated with this proposed facility. A two-court operation will require a 29,770 square feet, two story-building. The ground level would house holding facilities, court support, and public spaces The second level would house two courtrooms, with associated chambers, judicial support, and appropriate public areas The two levels would allow for the separation of secure circulation from staff and public circulation.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Existing Modular (F2)	860	700	160	800	☑	☐
Taft Courts Building (F1)	512	352	160	4,548	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Yolo**	**Project Cost**	$4,336,334	☐ **Renovation**
Project Name	**Juvenile Delinquency Ct**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**558**	**Completion Date**	Q3 2008	☑ **New Building**

Project Description:

Yolo County is constructing a new juvenile detention facility. This facility is scheduled to be complete in December 2004 Due to difficulties transporting and holding juveniles, it is the recommendation of the master plan to develop a court facility dedicated to juvenile delinquency adjacent to the new detention center. There is space on the site that could be utilized for a juvenile court facility. Juvenile matters will be moved from the existing Yolo Courthouse in Woodland to this new facility This facility will include one courtset, a clerk's office and support space required for the function.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Courthouse (A1)	558	408	150	28,242	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Tuolumne**	**Project Cost**	$27,553,783	☐ **Renovation**
Project Name	**Sonora Phase I - New**	**Start Date**	Q4 2005	☐ **Addition**
Total Weighted Project Score	**550**	**Completion Date**	Q4 2008	☑ **New Building**

Project Description:

The project proposes a new construction of seven courtrooms totalling 82,615 square feet on a new site in Sonora. The project replaces both Historic Courthouse and Washington Street Branch.

Inadequate parking and serious space shortage require major expansion on the existing Historic Courthouse; however, the local historical preservation organization has exerted strong influence in the community in favor of retaining and restoring historical building without any modification. The Historic Courthouse built in 1898 is seen as an important historic facility to be retained in its present state, and potentially converted to a museum

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Historic Courthouse (A1)	557	367	190	11,108	☐	☑
Washington Street Branch (B1)	537	347	190	5,800	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Monterey**	**Project Cost**	$22,946,648	☑ **Renovation**
Project Name	**Salinas Court Augmentation and Phase 2**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**549**	**Completion Date**	Q4 2012	☐ **New Building**

Project Description:

The first component of this project is to provide additional funding to augment the county appropriation for the renovation of the North Wing, a physically and functionally deficient mixed-use building court building at the government complex in Salinas (see master plan page 4-5,6), into an11-courtroom courts only facility.

The county has commissioned architectural and engineering design for the renovation and interior development, and allocated $11 5 million for the project. However detailed cost estimates by the construction manager and architects have established the cost of remedying deficiencies and providing eleven suitable courtrooms to be $16.3 million (see AOC correspondence January 2003) The county has elected to proceed with the project, but has deferred or deleted work to meet their budget.

This augmentation project would provide $4.8 million for the renovation and improvement of two deficient courtrooms, improvement to public facilities and thorough upgrades of the HVAC, electrical and elevator systems. This work must be accomplished, in order for the North Wing building to adequately serve the court's needs

This augmentation would allow the work to be completed with the current construction (scheduled to begin construction in late 2004), thus save money and avoiding additional disruption of court operations that would be incurred if these improvements were constructed as a separate project.

The second component of this project is the expansion of the Salinas Courthouse by seven courtrooms and court administration offices The project is scheduled to begin planning and design in the first quarter of 2009 to meet projected need for additional courtrooms This project will both meet projected court facility needs in 2022 and replace the juvenile court facility. The expansion will be 87,500 gross sq. ft. and will connect at all levels to the existing court building including secure holding in the basement.

The expansion will be located on county owned vacant land on the north of the North Wing court building Parking for the expanded court building (except for Judges and potentially Jurors), can be provided off site by the City parking authority or by the private sector. Agreements for third party provision of parking must be negotiated prior to completion of a detailed capital project budget for the Salinas Court expansion Prior to construction of the expansion, the North wing renovation must be completed (scheduled for second quarter of 2006) and the temporary buildings located north of the North Wing (used as office space during construction during the county administration building construction) must be removed.

The seven courtrooms will be used as follows: one arraignment (non-jury), one juvenile delinquency (non-jury), one traffic/small claims (jury), and four multi-purpose criminal (jury) courtrooms. The courtrooms in the Salinas Courthouse Complex would handle:
- all criminal caseload, with the exception of preliminary actions assigned to King City;
- all juvenile delinquency caseload; and
- traffic/small claims caseload for the Central this portion of the county, with the balance handled at King City and Monterey.

Project Summary Sorted by Total Weighted Score, with Existing Facilities

After Phase 2 expansion at the Salinas Courthouse, the existing Juvenile Courtroom can be abandoned for courts use.

The need for additional courtrooms is driven largely by projected population growth. Monterey County's population is projected to increase 32% over the twenty-year planning period. While all communities will grow, some will experience a more significant rate of growth. The inland communities, along the Highway 101 corridor will probably grow and develop faster than those along the coast, some of the coastal communities may experience negligible growth over this time Further, the population of the Soledad prisons grew 83 percent from 1990 to 2000 (see Master Plan Appendix B page 10). The population growth in the inland communities has overtaxed the court facilities in Salinas.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Juvenile Courthouse (Level One) (E1)	870	700	170	892	☐	☑
Salinas Courthouse- North Wing (A1)	541	411	130	35,580	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Santa Barbara**	**Project Cost**	$24,672,000	☑ **Renovation**
Project Name	**Figueroa Building - New and Renovation**	**Start Date**	Q1 2006	☑ **Addition**
Total Weighted Project Score	**548**	**Completion Date**	Q4 2009	☐ **New Building**

Project Description:

This element of the capital development plan involves expansion, then internal reconfiguration of the existing Figueroa Building to provide a total of eight in-custody capable courtrooms and related support space. Six new courtrooms will be constructed in the expansion space. Two of the existing six courtrooms, will be reused, the other four will be demolished and the space will be the space reused for chambers and ssupport functions. A total of eight in-custody capable courtrooms and one traffic/small claims courtroom will be provided.

At the basement level, an expanded central holding area will be provided in the addition. This will permit relocation of the vehicular sallyport from the Santa Barbara Street side of the existing building to the rear, where it will be out of sight, and not block judicial officer vehicle passage when in use

A parking structure that will provide 256 parking stalls is also a part of this project.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Santa Barbara Municipal Court (B1)	597	467	130	25,817	☐	☑
Santa Barbara County Courthouse (A1)	517	417	100	40,341	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Kern**	**Project Cost**	$11,271,000	☐ **Renovation**
Project Name	**Phase 2 - East/Mojave**	**Start Date**	Q1 2009	☐ **Addition**
Total Weighted Project Score	**544**	**Completion Date**	Q4 2012	☑ **New Building**

Project Description:

The project involves construction of a new four-court facility on a new site designed for future expansion. Three of the courtrooms are to be completed initially, with shell space provided for development of a future courtroom. The existing county buildings in Mojave will be vacated upon occupancy of the new facility. With this project, total of six courtrooms are provided in the East Region.

The court will vacate both the main courthouse in Mojave and the space it occupies in the county administration building at the completion of the project

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Mojave-County Administration Building (I2)	604	444	160	2,288	☐	☑
Mojave-Main Court Facility (I1)	500	340	160	3,141	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Butte**	**Project Cost**	$15,515,952	☐ **Renovation**
Project Name	**Chico Courthouse**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**541**	**Completion Date**	Q3 2007	☑ **New Building**

Project Description:

The court and the county agree that more court services should be located in or near Chico, which is the county's current and future population center. The Chico area is presently underserved, it contains about half of the county's population, but has only 2 of the 14 courtrooms in the county

The first phase of the new Chico Courthouse will have 6 courtrooms, and 54,000 BGSF. It will be used for all types of cases except criminal. All criminal cases will continue to be heard at Butte County Courthouse in Oroville. The site for the proposed new Chico Courthouse is now occupied by a two-courtroom courthouse. This existing building will be razed Razing of two other buildings on the site, and the acquisition of some residential property will allow better parking configuration

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Chico Courthouse (D1)	541	341	200	7,668	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Stanislaus**	**Project Cost**	$23,655,430	☐ **Renovation**
Project Name	**Turlock Phase I**	**Start Date**	Q3 2007	☐ **Addition**
Total Weighted Project Score	**541**	**Completion Date**	Q1 2011	☑ **New Building**

Project Description:

The project proposes new construction of 10 full service courtrooms in Turlock to replace the existing courthouse which has been a branch court The existing site has adequate capacity for some on-site expansion. The downtown courthouse is surrounded by low to mid-rise commercial office and institutional buildings and surface parking lots. The existing Turlock courthouse is a one-story building with an adequate physical condition but it lacks secure circulation

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Turlock Municipal Court (D1)	541	421	120	3,123	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Mariposa**	**Project Cost**	$12,808,552	☐ **Renovation**
Project Name	**Phase I - New Court Facility**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**537**	**Completion Date**	Q3 2009	☑ **New Building**

Project Description:

All court functions in Mariposa County take place in a single courthouse located in the town of Mariposa. Built in 1854, this painted wood structure is the oldest county courthouse in continuous use west of the Rocky Mountains. It is highly regarded by the residents of the county and has been conscientiously maintained Due to its age the building does not comply with Title 24 and ADA, security is inadequate, and the spaces are considerably smaller than those recommended by the Judicial Council guidelines The courthouse's historical landmark status does not allow the modifications required to secure the building, make it accessible, or expand it.

Both the court and the county agree that a new courthouse should be constructed on a site across the street and that the existing courthouse should be renovated to a limited extent. A specific site has been identified and is currently for sale. The county has expressed its intentions to purchase this site as the location of the new courthouse. County offices may also be located on this site.

The current requirement for two courtrooms is projected to increase to three by 2022. To provide an efficient, secure and code compliant facility in which to administer justice, a new courthouse containing three courtrooms is recommended in the master plan. Both the court and the county strongly wish to continue using the existing courthouse on a limited basis and to maintain its status as the oldest courthouse in continuous use west of the Rocky Mountains Limited renovations will be made to the first floor of the existing building to accomplish this. The balance of the space in the building, now occupied by the court, will be made available for the county's use.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Mariposa Courthouse (A1)	537	437	100	3,119	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Sacramento**	**Project Cost**	$3,373,056	☑ Renovation
Project Name	**Phase 1-Juvenile Justice Cent Interior Expan**	**Start Date**	Q3 2007	☐ Addition
Total Weighted Project Score	**534**	**Completion Date**	Q3 2008	☐ New Building

Project Description:

A New Juvenile Courthouse is currently in design by the county and will be completed by the end of 2005. The new facility will have six courtrooms to handle juvenile related cases and shelled space for two additional courtrooms and support space. This facility will replace the existing BT Collins Juvenile Court by the end of 2005.

This project includes the construction of the shelled space provided by the County's New Juvenile Courthouse project and will provide two additional courtrooms and support space.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
B.T Collins Juvenile Court (C1)	534	434	100	18,013	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Solano**	**Project Cost**	$12,076,075	☑ **Renovation**
Project Name	**Phase F2: Old Solano Historic Courthouse reno**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**527**	**Completion Date**	Q1 2009	☑ **New Building**

Project Description:

The Old Solano Courthouse, completed and dedicated for use as a courthouse in 1911, is located just across the street from the Solano Hall of Justice, in downtown Fairfield. The old courthouse was used as a court from 1911 until the 1970's. It was renovated in 1985 for county administration use. The building will be vacated in early 2005 when the county relocates to the new, nearby government center building.

In this project, the Old Solano Courthouse will be renovated and expanded into a six-courtroom civil courthouse, in two phases of construction The first phase will encompass renovating and upgrading all architectural, structural, mechanical, electrical and other building systems in the first, second and basement spaces of the 29,900 BGSF existing steel, wood and unreinforced masonry structure for reoccupancy by two civil courts and related civil court administrative functions The second phase will involve expansion of the building by construction of a 17,600 BGSF addition. This will include four additional courtrooms and related civil court administration functions.

When both phases of construction are complete, all of the civil court functions in downtown Fairfield, serving the Superior Court of Solano County north county cases, will be consolidated in the Old Solano Historic Courthouse This will allow criminal and other related matters will be consolidated in the renovated Hall of Justice complex.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Hall of Justice - Fairfield (A1)	380	280	100	61,476	☐	☑
Old Solano Historic Courthouse Renovation (A3)	830	700	130	29,900	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Madera**	**Project Cost**	$5,068,342	☑ **Renovation**
Project Name	**Phase I - Remodel Main Madera**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**526**	**Completion Date**	Q4 2006	☐ **New Building**

Project Description:

Both the court and the county occupy the existing Main Madera Courthouse in downtown Madera. The county is currently planning a new building and potential parking garage to be located on the parking lot adjacent to the courthouse. Upon completion of its new facility, the county will vacate approximately 22,407 DGSF, part of which will then be reconfigured to provide additional courtrooms and offices to accommodate the four additional judicial officers needed between now and the time a new permanent courthouse is ready for occupancy in 2010. This added area will increase the existing court space of 9,951 SF to a total of 13,946 SF. Renovation of this space to be added to the existing court area is anticipated to begin in July 2005 and end in December 2006 These dates are dependent on the county vacating the space for the court's use.

This addition will accommodate the four future judges and staff, but will not resolve the current dramatic shortfall of existing space to needed space in the courthouse. The existing space housing five courtrooms and court staff will not be renovated

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Madera County Superior Ct. (A1)	526	526	0	9,951	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Glenn**	**Project Cost**	$9,147,768	☑ **Renovation**
Project Name	**Willows Phase I**	**Start Date**	Q4 2005	☑ **Addition**
Total Weighted Project Score	**525**	**Completion Date**	Q4 2008	☐ **New Building**

Project Description:

The proposed project is the first of three phases in centralizing court operations in Willows. The project will consist of remodeling 13,266 square feet of existing space, constructing an addition of 8,475 net square feet, and building a new parking lot The resulting outcome would have two jury-capable, in-custody capable courtrooms and additional support space, with a total of 27,066 square feet.

Both the Historic Courthouse in Willows and a second courtroom in Orland are seriously undersized and security in both courts is compromised to a serious degree. In centralizing court operations to reduce inefficiencies, preference was expressed for retaining the Historic Courthouse and expanding the existing Willows facility to accommodate future court growth.

The project will renovate the existing Historic courthouse, and replace Annex and Conciliator's Office as well as the court in Orland.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Annex -Level 1 (A2)	860	700	160	667	☑	☐
Conciliator's Office (Level 1) (A3)	840	700	140	1,184	☑	☐
Historic Courthouse (A1)	489	379	110	13,093	☐	☑
Orland Superior Court (B1)	482	292	190	3,039	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Sonoma**	**Project Cost**	$88,517,981	☐ Renovation
Project Name	**Phase 2 - New Criminal Ct**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**519**	**Completion Date**	Q3 2010	☑ New Building

Project Description:

The New Criminal Courthouse in Santa Rosa will be a four story building providing 20 courtrooms, court support space and prisoner holding. It will be built on an alternate site from the existing Hall of Justice (HOJ) Building in Santa Rosa.

This new facility will handle all criminal cases that are currently heard at the existing HOJ. The current HOJ cannot adequately handle custody cases, therefore all criminal operations will move into the New Criminal Court. The existing HOJ will handle only non-custody cases once the New Criminal Court is completed.

This new facility will also incorporate the Coddingtown Annex and Coddingtown Annex B2.

A parking structure will also be included in this project to provide parking for 600 cars.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Coddingtown Annex B2 Level One (C2)	860	700	160	2,000	☐	☑
Coddingtown Annex Level One (C1)	860	700	160	10,880	☑	☐
Hall of Justice (A1)	454	324	130	67,508	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Santa Clara**	**Project Cost**	$51,792,488	☐ Renovation
Project Name	**North County New Courthouse**	**Start Date**	Q1 2008	☐ Addition
Total Weighted Project Score	**518**	**Completion Date**	Q4 2011	☑ New Building

Project Description:

Facilities currently serving the northern portions of the county include the Palo Alto courthouse and Sunnyvale courthouse. The master plan goal is to consolidate these services into one courthouse, which will provide space for all appropriate support functions as well as 12 courtsets designed per the Trial Court Facilities Guidelines.

Currently there are six JPE at the Palo Alto courthouse and four at the Sunnyvale courthouse. There is no judicial growth at this site until 2012, when one additional JPE is projected. A second additional JPE is projected by 2022. The square footage projected for the courthouse totals 114,981 gross square feet by 2012, increasing to 124,127 gross square feet by 2022. Since the difference in space requirements is only 9,146 gross square feet the master plan recommendation is to construct the entire 2022 program for occupancy in 2012.

No site has been identified for this facility, although the steering committee suggested that a location near Mountain View would be ideal A location with good access by car and public transit is desirable

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Palo Alto Facility (D1)	554	384	170	34,766	☐	☑
Sunnyvale Facility (F1)	455	285	170	19,994	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Inyo**	**Project Cost**	$7,676,000	☐ Renovation
Project Name	**New Bishop Facility**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**514**	**Completion Date**	Q4 2007	☑ New Building

Project Description:

The proposed project is a new court facility in downtown Bishop that would include two courtroom suites, a multi-use room (for jury assembly, jury deliberation, and non-jury hearings), a holding area, and offices for the court administration and clerk. Upon the completion of this facility, the lease for the single courtroom in the Bishop Civic Center could be terminated.

A two-story, 28,200-gross-square-foot building would provide the necessary space and adequately separate public, staff, and in-custody circulation. Parking for 66 cars would meet the needs of the court and be consistent with local practice.

The County of Inyo has acquired a site at South Main and J streets in Bishop to consolidate all of its operations which currently use leased space. All county justice agencies that typically work with the superior court are included in the plan and the county is receptive to the court's participation in the project. Locating the superior court and county justice agencies together in a single building would be beneficial to the operations of each

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Bishop County Courthouse (C1)	514	374	140	2,816	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Solano**	**Project Cost**	$2,591,113	☑ **Renovation**
Project Name	**Hall of Justice/Law & Justice Cen Renovations**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**510**	**Completion Date**	Q2 2010	☐ **New Building**

Project Description:

This project represents a series of phased renovations which will retain and renovate the existing "Hall of Justice" in downtown Fairfield, which is comprised of three separates structures, including the Old High School, the South Addition, and the newer Law and Justice Center. The first phase will build out space which is going to be vacated by the County when it occupies its new Government Center in 2005 The second phase will build out two additional courtrooms in the Law and Justice Center portion of the building, in finished shelled space which has served as clerk and administrative areas since construction of the building was completed, in 1988.

A related separate project will replace the South Addition completely, resulting in correction of all of the building's functional and physical deficiencies, accommodating criminal caseload growth and connecting and expanding the circulation system among the three buildings for greater efficiency and security for in-custody defendants, members of the Court and the public.

The overall project, when complete, will upgrade, expand and improve the operational and physical deficiencies of the existing aging structures, and will build out and improve the connection between the two older buildings and the Law and Justice Center. The courtrooms will be expanded and upgraded, and separate circulation will be constructed for transport of in-custody defendants to all jury-capable courtrooms, to serve all case types throughout the building. The renovation, restoration and expansion of the Old Solano Historic Courthouse, in connection with the work in the other buildings, will consolidate the civil courtrooms and civil court support functions in a single location.

The current Hall of Justice contains 13 courtrooms All case types are heard in that facility At the completion of the final phase of construction, and the related expansion and upgrade of the Historic Courthouse, which is the subject of a separate project, the number of courtrooms in the Hall of Justice will be increased from 16 to 20, for a total of 26 courtrooms in downtown Fairfield.

The remaining Hall of Justice/Law and Justice Center complex, in which the buildings are connected physically, will continue to be used for criminal and civil proceedings. While no parking improvements are included in the project, per se, parking requirements can be quantified if provision is a condition of the associated capital construction

Renovation of the Hall of Justice complex will improve access, circulation and functional organization of those buildings, including ADA, and life safety. Non-in-custody capable courtrooms will be replaced with new courtrooms which meet current facilities guidelines. Electrical and plumbing systems and fixtures, elevation problems which are susceptible to flooding, and integrated and consistent security will be replaced. HVAC systems are currently being upgraded in a separate project, associated with an incremental expansion of the cogeneration plan which current serves the Law and Justice Center and will be extended to the courthouse complex .

Project Summary Sorted by Total Weighted Score, with Existing Facilities

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Hall of Justice - Fairfield (A1)	410	280	130	61,476	☐	☑
Law and Justice Center - Fairfield (Level 1) (A2)	790	700	90	22,087	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Nevada**	**Project Cost**	$37,251,379	☐ **Renovation**
Project Name	**Nevada City Phase I**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**506**	**Completion Date**	Q3 2009	☑ **New Building**

Project Description:

A new courthouse will be constructed on a new in the Nevada City/Grass Valley area. This courthouse will be a two-story building, with partial excavation below grade to house the sally port, in-custody holding and secure parking for judges and court administration. It will replace the existing historic courthouse and the adjoining annex.

The new facility will be constructed to meet the twenty-year space needs of the court - 97,775 building gross square feet including eight court sets Since the difference in space requirements from the 2012 to 2022 program is only 9,174 CGSF, the total area will be built in one phase to reduce the cost of disruption of an addition at a later date.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Annex (A2)	530	430	100	12,906	☑	☐
Courthouse (A1)	451	331	120	5,649	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Contra Costa**	**Project Cost**	$56,824,221	☐ **Renovation**
Project Name	**North Concord Court**	**Start Date**	Q1 2009	☐ **Addition**
Total Weighted Project Score	**505**	**Completion Date**	Q4 2012	☑ **New Building**

Project Description:

The new North Concord court will be assigned the cases now heard in the existing Concord-Mt. Diablo facility and the existing Danville District Courthouse. These two buildings will be discontinued for courts use. The Concord-Mt. Diablo District Courthouse has two courtrooms and the Danville District Courthouse has four courtrooms. The new North Concord Court will have 10 courtrooms, four for anticipated growth in addition to the six discontinued courtrooms.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Concord-Mt. Diablo District (D1)	732	492	240	8,509	☑	☐
Danville District Courthouse (C1)	505	265	240	41,167	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Kern**	**Project Cost**	$6,914,000	☐ **Renovation**
Project Name	**Phase 1 - East/Ridgecrest**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**499**	**Completion Date**	Q4 2007	☑ **New Building**

Project Description:

The project proposes to construct a new two-court facility on existing Ridgecrest site. The existing Ridgecrest facility will vacated once the new building is completed The building will be designed to add two additional courtrooms in the future

This four-court facility requires a 48,310 square feet, two-story building. The ground level would house holding facilities, court support, and public spaces. The second level would be the same size and house four courtrooms, associated chambers, judicial support, and appropriate public areas.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Ridgecrest-Main Facility (J1)	469	339	130	4,772	☐	☑
Ridgecrest-Division B courtroom (J2)	558	428	130	2,448	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Fresno**	**Project Cost**	$24,845,564	☐ Renovation
Project Name	**New Juvenile Delinquency**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**498**	**Completion Date**	Q1 2008	☑ New Building

Project Description:

For the past five years, the County of Fresno has been working on the design and funding of a new Juvenile Justice Campus. Accessibility, security, and functional space deficiencies at the current Delinquency Court and Juvenile Hall, combined with no practical expansion capabilities, severely limit the viability of this facility to meet projected growth. Design of the new facility includes four court sets with the capacity to add two more based on continued population growth. It is important that the Juvenile Court be relocated to the new Juvenile Justice Campus so that justice services can be fully integrated with the Probation Dept. This cannot be accomplished if the Juvenile Court remains at the current 742 S. 10th Street facility when the Juvenile hall is relocated to the new campus nearly 15 miles away.

The 1st phase of campus construction is currently underway, consisting of site infrastructure, a 240-bed detention facility, a 240-bed commitment facility, and an institutional core building - all scheduled for completion by early 2006 The proposed court building contains space for the District Attorney, Public Defender, Conflict Counsel, County Counsel, Sheriff's office, Human Services and Probation staff. There will be four new court sets The Court will occupy 72,076 SF of the 146,000 SF bldg., at a cost of $14.7 million. The total cost of the building is $30.1 million, with the court funding its portion of the construction costs, which represents approximately half of the entire building. Fresno County has purchased all the land and has funded all of the design plans.

Since the original County plan was put together before AB 1732, governing future ownership of "court" related buildings was passed, none of these funding issues have been negotiated with the County Again, once the new campus is built, it would be far more efficient for the Court and the County to have the Juvenile Court co-located where the juveniles are being detained.

This project is extremely important because the new delinquency facility should have the court as a partner to be truly efficient for the other criminal justice agencies and the public.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Juvenile Delinquency Court (C1)	498	398	100	9,394	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Shasta**	**Project Cost**	$79,001,731	☐ Renovation
Project Name	**New Shasta Courthouse & Parking Structure**	**Start Date**	Q4 2005	☐ Addition
Total Weighted Project Score	**496**	**Completion Date**	Q2 2011	☑ New Building

Project Description:

All court functions in Shasta County are located in the city of Redding, with the exception of a satellite court in Burney that operates two Fridays a month. (This venue will continue as a convenience to the population in that area and due to travel distances and weather conditions.) The court does not anticipate any major changes in the overall geographic distribution of judicial resources in the future since future growth in the county is projected to be in and around the Redding-Anderson area. In Redding, the court conducts calendars at three locations·
Main Courthouse (eight courtrooms)
Justice Center (two courtrooms)
Juvenile Hall (one courtroom)

The following support functions are provided at locations other than the above.
Jury Assembly
Court Reporter's Office
Family Court Services
Court Collections Office
Human Resources Office

The master plan recommends consolidation of all functions, with the exception of Burney, into a new courthouse on the property adjacent to the site of the existing courthouse. The new courthouse will contain 25 courtrooms and accommodate current requirements and the growth anticipated by 2022. This courthouse will be connected to the adjacent justice center (jail) and the county building.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Collector's Office -"A Level 1 Facility" (A6)	740	600	140	2,450	☑	☐
Court Reporter's Office (A4)	316	176	140	1,145	☑	☐
Family Law Office-"A Level 1 Facility" (A5)	740	600	140	3,070	☑	☐
Human Resources Office - "A Level 1 Facility" (Z1)	740	600	140	1,530	☐	☑
Juvenile Hall (C1)	379	189	190	1,607	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

Justice Center (A2)	281	91	190	6,909	☐	☑
Jury Assembly Hall (A3)	740	600	140	2,350	☐	☑
Main Courthouse (A1)	481	291	190	29,160	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Humboldt**	**Project Cost**	$64,242,150	☐ Renovation
Project Name	**New Humboldt Court**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**490**	**Completion Date**	Q3 2009	☑ New Building

Project Description:

The project proposes to construct a new 12-courtroom facility to consolidate court functions in downtown Eureka adjacent to existing Jail and County Administration building. Upon completion of this project, Eureka Superior Court will vacate all seven courtrooms totaling 42,146 square feet from the County Administration building (210,847 square feet). To maximize staff and facility efficiencies, the court prefers to be administratively centralized in Eureka with one courthouse in the downtown area.

The project is to be located on the vacant parcel east of the County Jail, within walking distance of the county criminal justice agencies. The project encompasses 133,442 square feet of gross building area. Due to the limitations of the existing site, the footprint is smaller than would be recommended for a courthouse of this size. Because of this, some functions, such as Jury Services, that would ideally be located on the first floor were located elsewhere in the building

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Humboldt County Courthouse (Eureka) (A1)	450	310	140	42,146	☐	☑
Veteran's Memorial (C1)	730	540	190	7,032	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Diego**	**Project Cost**	$12,220,500	☑ **Renovation**
Project Name	**Phase 1-Meadowlark Juv Ct**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**489**	**Completion Date**	Q3 2008	☐ **New Building**

Project Description:

The Meadowlark Juvenile Court hears both dependency and delinquency calendars. The current facility is comprised of a steel framed/concrete block building and three trailers that house a total of 11 court sets. Only nine of these court sets are forecast to be required in 2022.

The master plan recommends the renovation of the building core and shell, including all building systems, seven of the existing court sets and support spaces to mitigate current space deficiencies - approximately 21,500 CGSF. It also recommends construction of a secure connection to the adjacent Juvenile Hall. The three trailers that now house Department A,9 and 10 will be abandoned.

Surface parking with a capacity of 87 stalls, including 24 existing stalls displaced by construction of the new addition, will be developed.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Department 10 Trailer - Level 1 (E4)	840	700	140	875	☑	☐
Department 9 Trailer - Level 1 (E3)	840	700	140	875	☑	☐
Department A Trailer - Level 1 (E2)	840	700	140	875	☑	☐
Juvenile Court (E1)	469	359	110	46,759	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Santa Cruz**	**Project Cost**	$12,548,000	☑ **Renovation**
Project Name	**New-Phase I**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**488**	**Completion Date**	Q3 2010	☐ **New Building**

Project Description:

The first phase expansion of the Main Courthouse in Santa Cruz is to construct a four courtroom addition of four stories adjacent to the existing courthouse on the county owned site. The expansion replaces the traffic courtroom and traffic clerk functions now located in the adjacent County Administration Building, the jail courtroom located across the street at the main jail, and the jury assembly modular building The existing main courthouse will continue to be used for criminal and civil proceedings.

Prior to the start of construction of the addition, two modular buildings housing two courtrooms will be removed from the site. These two courtrooms are scheduled to be replaced by the new Watsonville Courthouse, under designed by the county, tobe completed by 2006.

Renovation of the existing Main Courthouse includes modification of security at the entry, connection to the new addition, and renovation/expansion of the existing in-custody holding area in the basement. The renovation component of the project does not change adjacencies or useage of the existing courtrooms

This project is the first of two phases that will expand the building to meet projected service demands

No parking improvements are included in this project.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
County Administration Building (Level 1) (A2)	840	700	140	14,777	☐	☑
Jail Courtroom (Level 1) (C1)	870	700	170	1,401	☐	☑
Main Courthouse (A1)	336	206	130	37,585	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Santa Barbara**	**Project Cost**	$3,308,000	☑ **Renovation**
Project Name	**Renovation of Anacapa Building**	**Start Date**	Q1 2006	☐ **Addition**
Total Weighted Project Score	**477**	**Completion Date**	Q4 2009	☐ **New Building**

Project Description:

Non-custody and in-custody cases are currently heard in this historical landmark courthouse. The project will renovate the six existing courtrooms to hear only non-custody cases. In addition, 3,352 CGSF now occupied by holding facilities will be reconfigured for use as support space.

In-custody cases will be relocated to the Figueroa Building, enabling this courthouse to hear only civil and family cases. The family law and civil operation that utilize the one courtroom in the Jury Assembly building will also be moved into the renovated Anacapa Courthouse

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Santa Barbara Municipal Court (B1)	506	446	60	25,817	☐	☑
Santa Barbara Jury Assembly Building (G1)	267	267	0	5,610	☐	☑
Santa Barbara County Courthouse (A1)	487	417	70	40,341	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Sonoma**	**Project Cost**	$81,404,563	☐ **Renovation**
Project Name	**Phase 3 - Main Civil/Family Ct**	**Start Date**	Q1 2010	☐ **Addition**
Total Weighted Project Score	**477**	**Completion Date**	Q3 2015	☑ **New Building**

Project Description:

The Main Civil/Family Courthouse in Santa Rosa will be a four-story building and providing 19 courtrooms and court support space It will be built on an alternate site from the existing Hall of Justice (HOJ)

This new facility will handle all civil and family law cases that are currently heard at the existing HOJ and will replace the existing HOJ and two level one buildings.

A parking structure will also be included in this project to provide parking for 600 cars.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
City Hall Annex - Level 1 (E1)	810	700	110	1,700	☐	☑
Hall of Justice (A1)	464	324	140	67,508	☐	☑
Police Annex-Level One (F1)	810	700	110	900	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Mateo**	**Project Cost**	$7,337,500	☑ **Renovation**
Project Name	**Northern Branch- Addition & Refurbish**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**469**	**Completion Date**	Q2 2009	☐ **New Building**

Project Description:

The proposed project will construct a 23,000-square-foot addition to the existing building at South San Francisco for office and jury functions The balance of the approximately 42,400 square feet of court and office space will be refurbished A new courtroom could be included, or the existing jury and office area can be remodeled for a courtroom The planned addition will be three stories in order to maintain as much as possible of the existing landscaped entry courtyard and street frontage.

Existing parking is more than adequate throughout the planning period.

The Northern Branch will continue to have seven courtrooms, constructing one new and eliminating the use of the Jail Annex courtroom Construction of an addition will provide needed court support space and may house the replacement courtroom (or it may be remodeled from existing jury spaces).

The court will continue hearing the same case types at this location; Family law, unlimited civil, criminal, traffic, misdemeanor, drug court preliminary matters, treatment court issues, small claims, and out-of-custody arraignments

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Northern Branch Jail Annex (C2)	409	219	190	2,082	☐	☑
Northern Branch (C1)	473	333	140	30,872	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Mariposa**	**Project Cost**	$51,350	☑ **Renovation**
Project Name	**Phase II - Renovate Existing**	**Start Date**	Q1 2009	☐ **Addition**
Total Weighted Project Score	**457**	**Completion Date**	Q1 2010	☐ **New Building**

Project Description:

All court functions in Mariposa County take place in a single courthouse located in the town of Mariposa Built in 1854, this painted wood structure is the oldest county courthouse in continuous use west of the Rocky Mountains It is highly regarded by the residents of the county and has been conscientiously maintained. Due to its age the building does not comply with Title 24 and ADA, security is inadequate, and the spaces are considerably smaller than those recommended by the Judcial Council guidelines. The courthouse's historical landmark status does not allow the modificaitons required to secure the building, make it accessible, or expand it

Both the court and the county agree that a new courthouse should be constructed on a site across the street and that the existing courthouse be renovated to a limited extent so that the court can continue using this courthouse on a limited basis and maintain its status as the oldest courthouse in continuous use west of the Rocky Mountains.

To accomplish this, limited renovations will be made to the small courtroom on the first floor to make it accessible. The larger courtroom on the second floor will remain unchanged and will not be used for everyday proceedings. Space adjacent to the first-floor courtroom will be reconfigured to accommodate the staff that supports that courtroom. The balance of the space in the building now occupied by the court, will be made available for the county's use

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Mariposa Courthouse (A1)	457	469	0	3,119	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Solano**	**Project Cost**	$43,097,306	☐ **Renovation**
Project Name	**Phase F3, Hall of Justice Replacement Project**	**Start Date**	Q1 2009	☐ **Addition**
Total Weighted Project Score	**456**	**Completion Date**	Q3 2012	☑ **New Building**

Project Description:

This project is the second in a series of improvements to the Hall of Justice in downtown Fairfield The major new building project, which will demolish and completely replace the South Addition portion of the Hall of Justice, will correct of all of the original building's functional and physical deficiencies, and will accommodate criminal caseload growth. It will improve current functional organizational problems in the Hall of Justice and the adjacent Law and Justice Center by connecting and expanding the circulation system among the three buildings for greater efficiency and security for in-custody defendants, members of the Court and the public.

The project will rebuild the 12 courtrooms which are currently housed in the South Addition, and will shell out space for an additional six courtrooms for temporary administrative and clerk use, prior to completion as courtrooms after 2009.

The Hall of Justice is comprised of three separates structures, including the Old High School, the South Addition, and the newer Law and Justice Center. The first part of this project will improve space for court use, which is going to be vacated by the County when it occupies its new Government Center in 2005, and to upgrade adjacent functionally deficient areas of the building. The second phase will build out two additional courtrooms in the Law and Justice Center portion of the building, in finished shelled space which has served as clerk and administrative areas since construction of the building was completed, in 1988. When completed, the two new courtrooms proposed in that project will allow for improved scheduling of criminal cases for this court, which does not have any incremental courtrooms available at any one time, and will partially accommodate the three judgeships planned by the Judicial Council for Solano for 2007.

The overall project, when subsequent phases are complete, will correct the operational and physical deficiencies of the existing aging structures, and will build out and improve the connection between the two older buildings and the Law and Justice Center. The existing deficient courtrooms will be expanded and upgraded, and separate circulation will be constructed for transport of in-custody defendants to all jury-capable courtrooms, to serve all case types throughout the building The renovation, restoration and expansion of the Solano historic courthouse, in connection with the work in the other buildings, will consolidate the civil courtrooms and civil court support functions in a single location.

Renovation of the Hall of Justice complex will improve access, circulation and functional organization of those buildings, including ADA, and life safety Non-in-custody capable courtrooms will be replaced with new courtrooms which meet current facilities guidelines. Electrical and plumbing systems and fixtures will be replaced, and security will be improved HVAC systems are currently being upgraded in a separate project, associated with an incremental expansion of the cogeneration plan which current serves the Law and Justice Center and will be extended to the courthouse complex

At the completion of the final phase of construction, and the related expansion and upgrade of the historic courthouse, the number of courtrooms in the Hall of Justice will be increased from 16 to 20, for a total of 26 courtrooms in downtown Fairfield

Project Summary Sorted by Total Weighted Score, with Existing Facilities

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Hall of Justice - Fairfield (A1)	456	296	160	61,476	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Alameda**	**Project Cost**	$73,154,186	☐ Renovation
Project Name	**Phase 1 - Wiley W. Manuel Courthouse Addition**	**Start Date**	Q3 2008	☑ Addition
Total Weighted Project Score	**450**	**Completion Date**	Q2 2012	☑ New Building

Project Description:

The majority of the current court facilities is strategically located to effectively provide services throughout Alameda County, but can become more efficient through regionalization and consolidation. In-custody cases will be consolidated into two full-service regional justice centers, one in the eastern and one in the western portion of the county.

The eastern regional justice center to be located in Dublin is currently in design and will be constructed by the county by 2007. This courthouse will hear primarily criminal cases, but also some traffic and small claims Some criminal cases will be shifted from Hayward and Fremont to this new facility.

Oakland will be the location of the western regional justice center. It will be comprised of the existing Wiley W Manuel Courthouse, the Wiley W Manuel Addition (to be completed in 2012), and the New Oakland Courthouse (to be completed in 2017) The majority of felony cases in the western portion of the county will be consolidated into the Wiley W. Manuel Addition.

This new courthouse will be a mid-rise building containing 18 jury-capable courtrooms constructed on what is now a parking lot adjacent to the existing Wiley W Manuel Courthouse . It will connect directly to the public lobby of the existing courthouse and to the nearby county jail at a basement level.

Criminal functions from the following existing locations will be consolidated into the Wiley W. Manuel Addition:
□George E. McDonald Hall of Justice, Alameda
□Rene C Davidson Courthouse, Oakland

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
George E. McDonald-HOJ (F1)	300	170	130	25,850	☐	☑
Rene C. Davidson Courthouse (A1)	484	336	120	114,617	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Tulare**	**Project Cost**	$92,685,600	☑ **Renovation**
Project Name	**North Justice Center**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**448**	**Completion Date**	Q3 2008	☐ **New Building**

Project Description:

The proposed creation of the North Justice Center, by means of the expansion and renovation of the existing Visalia Superior Court on the same site, would provide an array of court set types that promote fungibility and calendar flexibility across all court departments.

The project will entails renovation of 12 existing court sets to address spatial deficiencies. Decommission and convert two existing court sets into court set ancillary space. Physical expansion will entail the development of a new building to provide nine new multi-purpose trial courtrooms with proper secure, restricted and public zones of circulation. Renovate the existing courthouse to provide internal access to the new building expansion and to accommodate the select reallocation and rearrangement of executive office/clerk and courts support space Reassign and renovate 52,655 CGSF of non-court office space for court office and support use. And build a parking structure to provide 1,500 stalls for displaced parking spaces and future demand.

The North Justice Center will have 21 courtrooms to hear the entire adult workload from the current Dinuba Court Division and some from the Tulare-Pixley Division. The redistribution of the Tulare-Pixley Division workload is based on an east/west boundary line bifurcating the division, such that the population residing at locations closer to the North Justice Center would come within the North County Division's jurisdiction

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Dinuba Courthouse (E1)	226	86	140	5,586	☐	☑
Tulare-Pixley Municipal Court (B1)	556	416	140	7,300	☐	☑
Visalia Superior Court (A1)	455	315	140	60,048	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Sacramento**	**Project Cost**	$155,650,299	☐ **Renovation**
Project Name	**Phase 2-New Criminal Courts Building**	**Start Date**	Q1 2008	☐ **Addition**
Total Weighted Project Score	**445**	**Completion Date**	Q4 2011	☑ **New Building**

Project Description:

This project provides for the construction of a new criminal court tower of 41 courtrooms with shell space for 16 additional courtrooms for later completion. Once the new criminal courthouse is occupied, the existing Gordon D. Schaber Courthouse would continue to serve as primarily a civil court facility

At occupancy in 2012, the criminal courts will require 316,973 gross square feet. The criminal courts tower will require 436,441 gross square feet by 2022. The master plan recommends that the full 2022 program be constructed with 119,468 gross square feet of space shelled or utilized by county court-related agencies during the interim. Since the proposed location for the facility is in downtown Sacramento, phasing a project on an urban site would be difficult.

A parking structure with 1,118 stalls will also be constructed in this project.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
800 9th Street (Level 1) (A4)	840	700	140	15,730	☐	☑
Credit Union Bldg. (Level 1) (A3)	840	700	140	8,453	☐	☑
Erickson Building (Level 1) (A2)	840	700	140	4,127	☐	☑
Sacramento Superior Court (A1)	406	276	130	288,896	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$20,939,643	☐ **Renovation**
Project Name	**MH-New Mental Health CtHse**	**Start Date**	Q4 2005	☐ **Addition**
Total Weighted Project Score	**440**	**Completion Date**	Q3 2009	☑ **New Building**

Project Description:

The Los Angeles Superior Court operates the mental health court as a countywide court that operates out of one facility located in the Central district.

The existing mental health facility, originally constructed in the 1930's, has three courtrooms and functions poorly for the court. Substantial renovation would be required to make this building function well for the court The opportunity to expand the courthouse would require purchase of adjacent properties.

The 20-year master plan endorsed by the Los Angeles Superior Court replaces the existing courthouse with a new facility and reduces the number of courtrooms needed in the district by reliance on video conferencing with mental health institutions. Consequently, five instead of eight courtrooms will be provided to meet projected 2022 service demand. A site for the new courthouse has not yet been identified but would be ideally located in the central district.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Mental Health Court (P1)	440	340	100	15,618	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Diego**	**Project Cost**	$28,249,000	☐ Renovation
Project Name	**Phase 1-New Traffic/Small Claims Ct**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**440**	**Completion Date**	Q1 2009	☑ New Building

Project Description:

This project entails construction of a new Traffic and Small Claims court facility, by 2009, at the present site. This existing facility with significant physical deficiencies will be replaced by this new facility.

It will be a two story building with 73,000 BGSF to accommodate a total of seven court sets and associated court office and support functions. The new building will replace the existing Traffic and Small Claims Courthouse and two level one modular buildings. Demolishing the existing court building will allow the construction of a parking structure on its site with 382 stalls and a surface parking with 110 stalls.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Kearny Mesa Court (C1)	423	313	110	41,450	☑	☐
Traffic Court KM4 -Trailer -level 1 (C3)	810	700	110	962	☑	☐
Traffic Court KM3 Trailer- Level 1 (C2)	810	700	110	962	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Marin**	**Project Cost**	$42,735,356	☐ Renovation
Project Name	**New Courthouse North Wing**	**Start Date**	Q1 2006	☐ Addition
Total Weighted Project Score	**433**	**Completion Date**	Q1 2011	☑ New Building

Project Description:

This project is phase one of a new courthouse on the Civic Center campus.

The first phase would consist of 11 criminal and family law courtrooms. All of these except juvenile are currently held in the existing Marin County Courthouse. Juvenile is currently held in the Lucas Valley facility. The project addresses specifically the security lapses in the existing building. It also addresses the lack of sufficient space for staff, and the undersized courtrooms. The new building gives room for the additional staff needed and also the additional JPE.

The proposed site is now owned by the County and is occupied by a building that will have to be razed There are no known environmental problems, but detailed studies will be required. There is sufficient parking on the Civic Center campus for existing and for future needs

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Civic Center Courthouse (A1)	433	243	190	63,248	☐	☑
Juvenile Detention Level 1 (B1)	930	700	230	2,300	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$3,575,000	☑ **Renovation**
Project Name	**W Reg-Historic Cths Misc. Improvements**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**431**	**Completion Date**	Q1 2008	☐ **New Building**

Project Description:

The 12-courtroom Historic Courthouse, currently the only downtown court hearing civil cases, has no feasible potential for significant court set expansion. The renovation of the 1933 wing will occur after county functions move from the building to allow the court office space functions presently located in the county-owned Old Riverside Municipal Court and Riverside Annex, and the Bar Association, Executive Offices and Lemon Street leases to move into the 1933 wing.

Approximately 20,000 CGSF of existing, vacant and non-court occupied space will be renovated to provide for current and projected space for the functions now located in the five other facilities. Most of the renovation will occur in the 1933 wing.

Additional courtrooms and related support space required to satisfy future growth in the civil calendar for the City of Riverside will be provided in the new Civil Courthouse.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
1903/33 Courthouse (A2)	183	113	70	44,352	☐	☑
Bar Association- Level One Facility (A5)	840	700	140	2,441	☐	☑
Executive Offices- Level One Facility (A4)	840	700	140	5,868	☐	☑
Lemon Street Lease (A8)	840	700	140	2,000	☐	☑
Old Riverside Municipal Court- Level One Facility (A7)	840	700	140	8,919	☐	☑
Riverside Annex- Level One Facility (A6)	840	700	140	7,620	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Santa Clara**	**Project Cost**	$34,837,997	☑ **Renovation**
Project Name	**Consolidate Central Traffic & Small Claims**	**Start Date**	Q1 2008	☐ **Addition**
Total Weighted Project Score	**430**	**Completion Date**	Q4 2011	☐ **New Building**

Project Description:

Traffic and small claims cases are currently heard in two different facilities in the central county area. These facilities are Traffic Court and Los Gatos Courthouse. The goal is to consolidate these services into the Santa Clara Courthouse, which will provide space for all appropriate support functions as well as courtsets designed per the Trial Court Facilities Guidelines and will be more centrally located

The master plan recommends that it be in the existing Santa Clara Courthouse at 1095 Homestead Road in Santa Clara This location provides good access by car and public transit. The existing traffic court has a higher volume of visitors than any other court facility in the county and inadequate parking

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Los Gatos Facility (I1)	397	257	140	11,572	☑	☐
Santa Clara Courthouse (G1)	234	94	140	33,559	☑	☐
Traffic Facility (Level One) (J1)	840	700	140	17,020	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Diego**	**Project Cost**	$53,963,025	☑ **Renovation**
Project Name	**Phase 1-N.County Regional Ctr**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**427**	**Completion Date**	Q3 2008	☑ **New Building**

Project Description:

The master plan projects a total of 49 court sets required to support operations at the existing North County Regional Center by 2022 The existing North County Regional Center is composed of a North Building, a South Building, the Annex and modular buildings. It accommodates a full range of case types, excluding juvenile delinquency.

The North County Regional Center will be expanded in two phases. Phase I of this project entails construction of a 111,000 BGSF building with 18 new court sets and associated office and support functions. During the first phase, 12 of the 18 court sets will be built out and six court sets will be "shelled out" and completed in Phase 2 The renovation of approximately 22,000 CGSF of existing court occupied space will improve space utilization

The existing core and shell, including all systems, will be renovated.

A parking structure with 850 stalls and a surface parking lot with 250 stalls will also be developed.

The North County Regional Center North and South Buildings will continue to be utilized as court buildings. The South Building will continue to be utilized in its as is condition without and renovation or expansion, as it is constructed just recently. The Annex and all of the level one modular buildings will be decommissioned.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Annex (F3)	447	287	160	9,437	☑	☐
Department N Trailer - Level 1 (F7)	860	700	160	1,346	☑	☐
Department M Trailer - Level 1 (F6)	860	700	160	1,346	☑	☐
Department L Trailer -Level 1 (F5)	860	700	160	1,346	☑	☐
Department H Trailer - Level 1 (F4)	860	700	160	1,346	☑	☐
North County Regional Center - North (F2)	355	245	110	93,264	☑	☐
San Marcos Traffic Court (G1)	860	700	160	9,636	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Monterey**	**Project Cost**	$39,126,654	☐ Renovation
Project Name	**Monterey / Ft Ord Replacement Court**	**Start Date**	Q1 2006	☐ Addition
Total Weighted Project Score	**424**	**Completion Date**	Q4 2009	☑ New Building

Project Description:

The Master Plan for Superior Court of Monterey County includes consolidation of court operations in the northern coastal portion of the county into a new twelve-courtroom facility to replace the existing Monterey and Marina Courthouses The twelve courtrooms proposed at the new facility would be a combination of five replacement courtrooms for the current Monterey courthouse and two replacement courtrooms for the Marina courthouse, and five additional courtrooms needed to meet projected growth in civil and family cases. The new facility, called Monterey Courthouse / Ft. Ord Replacement courthouse would handle:

- All Civil caseload in the county, with the exception of preliminary actions assigned to King City,
- All Juvenile Dependency and Family Law caseload in the county, and
- Traffic/Small Claims caseload for the coastal portion of the county,

The decision to replace the existing courthouse in the city of Monterey was driven by the fact that it's current site is not capable of supporting expansion from a five to a twelve courtroom facility; the availability of inexpensive land in the Fort Ord redevelopment area; and the relatively high value of the existing facility and site in Monterey.
Abandoning the two-courtroom Marina Courthouse was driven by the compelling interest in consolidation of court functions, the lack of expansion capability on site, and the relatively high value of the existing facility and site. The master plan consultant identified the real shortfalls in the Court Administration/Case Management Functions. As well as shortage of space for the Court Clerk and related functions makes it difficult to properly accommodate recent initiatives such as ADR, Children's Waiting, and beach-head/ coordination offices for the drug court program and other functions

Finding a site large enough for the new building and required parking in the Monterey Peninsula (communities of Carmel, Pacific Grove, Monterey and Seaside) was viewed as a major difficulty and development of such a facility in this area would require a protracted development approval process. Further most future population growth in this portion of the county is projected for north of the peninsula in the communities Marina, Salinas, and Castroville. Of the various opportunities available, the Fort Ord Redevelopment Area represents the best opportunity to develop a new courthouse as part of a major redevelopment zone, and with good access to major highway corridors serving the north county.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Marina Courthouse (B1)	389	149	240	15,347	☑	☐
Monterey Courthouse (C1)	443	195	240	28,904	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Sacramento**	**Project Cost**	$38,098,369	☐ Renovation
Project Name	**Phase 1-New Court Administration Building**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**424**	**Completion Date**	Q1 2007	☑ New Building

Project Description:

This project will construct a new court operational support building of approximately 57,500 SF that will house some of the current court support spaces Since all current court facilities within the downtown area suffer space shortfall, some of the administrative support functions will be relocated into this new Court Operations Building Those facilities include the Gordon D Schaber Courthouse and three leased facilities (Credit Union Building, Erickson Building and 800 9th Street) in downtown Sacramento. This building will only house court administration functions and contain no courtrooms.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
800 9th Street (Level 1) (A4)	810	700	110	15,730	☐	☑
Credit Union Bldg. (Level 1) (A3)	810	700	110	8,453	☐	☑
Erickson Building (Level 1) (A2)	810	700	110	4,127	☐	☑
Sacramento Superior Court (A1)	386	276	110	288,896	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Kern**	**Project Cost**	$59,631,000	☐ **Renovation**
Project Name	**Phase 2 - Dwntwn Bakersfield**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**421**	**Completion Date**	Q2 2009	☑ **New Building**

Project Description:

The project adds 24 courtrooms to the south of the courtroom wing of the existing downtown Bakersfield Superior Court. The project will include a new central holding area with a bus sallyport and additional court support space needed for the coming years. Upon completion of this project, the superior court will vacate the Bakersfield Justice Building and three courtrooms in the seven-story wing of the Bakersfield Superior Court

The project is first major phase of the redevelopment of the existing Bakersfield Superior Court to provide 50 new courtrooms over time of approximately 400,000 square feet of new construction, consolidating downtown court services at one location. Bakersfield will continue to serve as the administrative base for Kern county court operations

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Bakersfield Superior Court (A1)	439	309	130	84,517	☐	☑
Bakersfield Justice Building (B1)	395	225	170	55,956	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$24,873,301	☐ **Renovation**
Project Name	**JDel-East Lake ReConstructn**	**Start Date**	Q4 2005	☐ **Addition**
Total Weighted Project Score	**421**	**Completion Date**	Q3 2009	☑ **New Building**

Project Description:

The project replaces the existing five-courtroom Eastlake Juvenile Courthouse with a new five-courtroom facility on the existing site.

Given there is no site available for expansion at the juvenile hall facility, the best long term plan for this facility is to vacate it, demolish the existing court building and build on the site of the existing building.

The existing building is occupied by several county agencies, including the Probation Department that is responsible for operating the adjacent juvenile hall. Probation will need to remain on-site while the buildings are demolished and replaced with new construction.

In addition, the plan for the replacement building includes space for each of the court-related agencies that currently occupy the building at their current space allocation These agencies are the District Attorney and the Public Defender in addition to the Department of Probation Replacement of this courthouse will require cooperative planning between the county and the state to accomplish a successful plan for both the county and the state

Therefore, the estimated project cost for the new Eastlake Juvenile Court includes the cost of temporarily housing the Probation Office in on-site modular buildings during construction, temporarily housing the other court-related agencies in off-site office space during construction, and space for all the court-related agencies currently located in the courthouse

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Eastlake Juvenile Court (R1)	421	406	70	17,583	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$513,041,696	☑ **Renovation**
Project Name	**C-New C. LA Flagship Civil**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**420**	**Completion Date**	Q1 2014	☑ **New Building**

Project Description:

The proposed capital project is the improvement, expansion and consolidation of the civil and family courts in downtown Los Angeles. The family courts are currently located in the Stanley Mosk Courthouse (20) and the Central Civil West leased facility (4) in the mid-Wilshire area The Central District's civil courts are now all currently located in the Mosk Courthouse

The Los Angeles Superior Court is considering two options for the development of civil and family courts in downtown Los Angeles. In option A, the Mosk Courthouse will be renovated and retained for civil and family use. The family courts now located in the Central Civil West facility will be consolidated in the renovated Mosk Courthouse. A new Flagship Civil courthouse with 48 courtrooms will be constructed in Option A to allow for both the downsizing of the Mosk Courthouse to 98 courtrooms and creating the central family courts facility in Mosk. The new Flagship Civil Courthouse will be approximately 914,440 BGSF.

In option B, the Mosk Courthouse is first replaced with a new Flagship Civil Courthouse of 118 courtrooms estimated to be 1.3 million BGSF. The Mosk Courthouse will then be demolished and on its site a new 28-courtroom Family Courthouse will be constructed of approximately 275,200 BGSF.

The total project cost assumes the cost of a 2,000 car parking garage and the cost to acquire two new sites.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Central Civil West (M1)	316	206	110	75,534	☐	☑
Los Angeles County Superior/Municipal Court (K1)	439	329	110	407,509	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Mateo**	**Project Cost**	$3,440,000	☐ **Renovation**
Project Name	**Central Branch- Addition & Refurbish**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**419**	**Completion Date**	Q2 2009	☐ **New Building**

Project Description:

The Central Branch in San Mateo, provides three courtrooms, public service windows, and office space. It was well designed as a community court and has been well maintained by the county.

The proposed project will remodel the existing court space and add 12,000 square feet of space for office and jury functions The Central Branch will retain its three courtrooms, with new construction expanding court support spaces As part of the same project, the existing facility will be refurbished and parking will be increased by 40 parking spaces.

The proposed project will solve existing security problems, space shortage and will provide future growth space.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Central Branch (B1)	419	349	70	17,438	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Imperial**	**Project Cost**	$12,102,483	☑ **Renovation**
Project Name	**El Centro Court- Remodel- Phase I**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**417**	**Completion Date**	Q3 2008	☐ **New Building**

Project Description:

The El Centro Courthouse was constructed in 1924. The courthouse presents itself as a monumental structure with lavish cornices and delicate detailing in the medium of precast concrete and plaster panels

Phase 1 is a major renovation, which will relocate all county departments from the El Centro Courthouse into other suitable space, and renovate approximately 17,000 square feet of vacated space for use as support space by the court, and provide building infrastructure and ADA improvements At the end of this phase there will be seven courtrooms at this court location.

The first phase in addressing the needs of the court is to relocate all county functions including the District Attorney, Public Defender, Planning, Environmental Services and Printing departments, followed by a remodeling of the vacated space for court use. This project would permit court support staff, court reporters, and the law library to relocate to the basement level of the building, and create additional holding capacity. The relocation of county departments would free up space on the first and second floors for security improvements, additional holding cells, meeting space, an additional jury deliberation rooms, attorney/client meeting rooms and a children's waiting area.

Current facility issues, particularly inadequate security, separation of paths of travel in the facility, and significant space needs for court functions, can be addressed in multiple sequenced projects followed by a building addition in the longer-term future. All case types are heard at this facility except juvenile cases.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Imperial County Courthouse (A1)	417	347	70	26,782	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$126,349,364	☐ Renovation
Project Name	**S-New S. Criminal Courthouse**	**Start Date**	Q4 2005	☐ Addition
Total Weighted Project Score	**417**	**Completion Date**	Q4 2009	☑ New Building

Project Description:

The proposed capital project is construction of a new 34-courtroom criminal courthouse. This facility will serve as the South District's consolidated criminal courthouse, providing space for all current and projected adult and juvenile criminal operations in the district The new courthouse will ideally be located near the downtown civic center.

The 372,400 BGSF building will include space for 34 courtrooms, jury facilities and in-custody holding. All but three of the courtrooms, which will be used for traffic and juvenile delinquency cases, are planned to be jury trial capable.

The building and associated parking structure for 1,020 cars requires a site of approximately 4.75 acres. The project cost includes the cost of land acquisition, site development, construction of the new courthouse and the parking structure.

When completed, the court will temporarily move all functions from the existing Long Beach Courthouse into the new criminal courthouse so that the existing Long Beach Courthouse can be demolished and construction of the new Long Beach Courthouse, a civil courthouse, can begin

A total of 21 criminal courtrooms and associated support space now located in the Long Beach Courthouse will be permanently located in the new facility The one criminal courtroom now located in the Beacon Street Annex in San Pedro will also move permanently to the new courthouse. The Beacon Street leased space will then be vacated by the court.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Beacon Street Building (AB1)	376	186	190	1,761	☐	☑
Long Beach Court (Y1)	418	354	130	120,902	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Modoc**	**Project Cost**	$3,880,000	☑ **Renovation**
Project Name	**Expand & Renovate BJC**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**411**	**Completion Date**	Q3 2008	☐ **New Building**

Project Description:

The Superior Court of Modoc County has an adequate number of courtrooms however in two separate buildings in Alturas, the existing facilities lack security and operational effectiveness. The project - expanding the existing Barclay Justice Center (BJC) (building 25-A1) would remedy the lack of space for current staff and mandated functions, consolidate space for operational efficiency, and correct existing security deficiencies
The addition to the BJC is proposed with two new full service courtrooms, a holding area, expansion of the clerk's office, and support spaces that require a high level of public contact. A two-story, 15,320-gross-square-foot (gsf) addition would provide the required area, with the ability to properly isolate public, staff, and in-custody circulation. The BJC's existing courtroom would be renovated for court administration space, with its fixtures moved to one of the new courtrooms. Parking displaced by the building addition could be reinstated with a shared parking agreement with a church and the County of Modoc on sites across East Street.
The County would retain the Modoc County Courthouse (building 25-A2), take over the current court occupied spaces and use them for the Board of Supervisors, public hearings and ceremonial uses. The chief administrative officer for the county indicated, in a conversation on November 19, 2002 that the county board of supervisors would probably not agree to transfer the historic courthouse to the state

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Barclay Justice Center (A1)	296	166	130	8,482	☑	☐
Modoc County Courthouse (A2)	662	502	160	3,876	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Joaquin**	**Project Cost**	$49,313,800	☐ **Renovation**
Project Name	**Stockton- New- Phase I**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**410**	**Completion Date**	Q3 2009	☑ **New Building**

Project Description:

The proposed project involves the construction of a new court building approximately 20 courtrooms (168,000 square feet) and associated support space The project will reconfigure Hunter Square and surrounding area to create a new plaza facing Weber Avenue. A new sallyport will connect to the below grade holding areas accessed from Main Street. There is an available county-owned site next to the existing courthouse in downtown Stockton

A facility of this size would require approximately 725 parking spaces

The proposed building is an addition to the existing court wing. The courthouse will be a custody site capable of hearing all case types.

Some of the benefits that the new project brings to the courts·
· Provides adequate functional space needed for the courts daily operations.
· Accommodates current and future courts space needs.
· Provides a secure environment for staff, public and in-custodies.
Improves departmental adjacencies.
· Provides centralized court services to serve the public and court related county departments.
Assist the city of Stockton in the revitalization of the downtown area.

Potential new downtown Stockton sites was the subject of early discussions with the city, which wants to keep the court downtown. A full block would be required for optimal phased development. The city would need to somehow subsidize the cost of parking to make this alternative cost effective, such as by allowing the county to participate in a joint development of a city-owned garage.

The planning team met with the Stockton's city manager on December 17, 2001. He confirmed his very strong desire to keep the main courthouse downtown, including a willingness to help assemble a new site if the existing site proved too difficult to use for the required expansion.

The project will consolidate the leased (level 1) facility across the street from the Stockton Courthouse The facility called the Market Place is a records storage management center

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Administration and Courts Building (A1)	410	310	100	105,052	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Solano**	**Project Cost**	$15,140,122	☑ **Renovation**
Project Name	**Phase F4: Renovate old school**	**Start Date**	Q1 2009	☑ **Addition**
Total Weighted Project Score	**410**	**Completion Date**	Q3 2012	☐ **New Building**

Project Description:

This project represents the last in a series of phased renovations which will retain and renovate the existing "Hall of Justice" in downtown Fairfield, which is comprised of three separates structures, including the Old High School, the South Addition, and the newer Law and Justice Center. The first phase will build out space which is going to be vacated by the County when it occupies its new Government Center in 2005. The second phase will build out two additional courtrooms in the Law and Justice Center portion of the building, in finished shelled space which has served as clerk and administrative areas since construction of the building was completed, in 1988 The final phase will replace the South Addition, making numerous functional improvements while connecting and expanding the circulation system among the three buildings for greater efficiency and security for in-custody defendants, members of the Court and the public.

This project will include the final renovations of areas previously occupied by the clerk and courts of the civil division, in the old school, following the completion and occupancy by the civil division of the restored and expanded Old Solano Historic Courthouse, and it will also build out six additional courtrooms in the space previously built and shelled in the replacement of the south addition, part of an earlier phase of the overall project

The overall project, when complete, will upgrade, expand and improve the operational and physical deficiencies of the existing aging structures, and will build out and improve the connection between the two older buildings and the Law and Justice Center. The courtrooms will be expanded and upgraded, and separate circulation will be constructed for transport of in-custody defendants to all jury-capable courtrooms, to serve all case types throughout the building. The renovation, restoration and expansion of the Old Solano Historic Courthouse, in connection with the work in the other buildings, will consolidate the civil courtrooms and civil court support functions in a single location.

The current Hall of Justice contains 13 courtrooms. All case types are heard in that facility At the completion of the final phase of construction, and the related expansion and upgrade of the Historic Courthouse, which is the subject of a separate project, the number of courtrooms in the Hall of Justice will be increased from 16 to 20, for a total of 26 courtrooms in downtown Fairfield.

The remaining Hall of Justice/Law and Justice Center complex, in which the buildings are connected physically, will continue to be used for criminal and civil proceedings. While no parking improvements are included in the project, per se, parking requirements can be quantified if provision is a condition of the associated capital construction.

Renovation of the Hall of Justice complex will improve access, circulation and functional organization of those buildings, including ADA, and life safety Non-in-custody capable courtrooms will be replaced with new courtrooms which meet current facilities guidelines. Electrical and plumbing systems and fixtures, elevation problems which are susceptible to flooding, and integrated and consistent security will be replaced. HVAC systems are currently being upgraded in a separate project, associated with an incremental expansion of the cogeneration plan which current serves the Law and Justice Center and will be extended to the courthouse complex

Project Summary Sorted by Total Weighted Score, with Existing Facilities

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Hall of Justice - Fairfield (A1)	410	280	130	61,476	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Kern**	**Project Cost**	$14,927,000	☐ **Renovation**
Project Name	**Phase 3 - Dwntwn Bakersfield**	**Start Date**	Q2 2009	☑ **Addition**
Total Weighted Project Score	**409**	**Completion Date**	Q4 2012	☑ **New Building**

Project Description:

The project, as part of second major addition, will add 14 courtrooms to Bakersfield Superior Court. Upon completion of this project, the superior court will vacate all the remaining court functions in the existing Bakersfield Superior Court. The existing three-story west wing of the superior court will be demolished and the facade of the eight-story north wing will be repaired.

An interim main entrance will be provided at the north end of the proposed project. The superior court will continue to operate 38 courtrooms in downtown Bakersfield.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Bakersfield Superior Court (A1)	409	309	100	84,517	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Yuba**	**Project Cost**	$31,829,707	☐ **Renovation**
Project Name	**New Courthouse**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**404**	**Completion Date**	Q3 2009	☑ **New Building**

Project Description:

The master plan calls to abandon the existing Yuba County Courthouse and for the construction of a new courthouse on an unspecified site, as close as possible to the existing courthouse in Marysville.

The two-acre site would accommodate the new 102,000 BGSF facility, paved surface parking lot with 110 stalls and secured parking for judicial officers and select court staff. For purposes of the master plan, it has been assumed that the development of a new courthouse would be three to four above-grade levels with, subject to site conditions, the potential for a partial below-grade level.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Superior Court Annex (A2)	840	700	140	3,197	☑	☐
Yuba County Courthouse (A1)	353	213	140	27,473	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Lake**	**Project Cost**	$8,322,230	☐ **Renovation**
Project Name	**New Southlake - Phase I**	**Start Date**	Q1 2009	☐ **Addition**
Total Weighted Project Score	**389**	**Completion Date**	Q4 2012	☑ **New Building**

Project Description:

The Southlake District court functions will move out of the existing South County Civic Center and a new facility will be constructed on a site to be identified and acquired within Clearlake or its vicinity. The entire building will be constructed in a single phase, and two courtrooms finished for use, while one more courtroom and related space will be shelled for later completion

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
South Civic Center (B1)	389	289	100	3,332	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Imperial**	**Project Cost**	$47,612,256	☐ Renovation
Project Name	**El Centro Court- Addition- Phase III**	**Start Date**	Q3 2009	☑ Addition
Total Weighted Project Score	**387**	**Completion Date**	Q4 2012	☑ New Building

Project Description:

The El Centro Courthouse was constructed in 1924 The courthouse presents itself as a monumental structure with lavish cornices and delicate detailing in the medium of precast concrete and plaster panels.

Phase 3 of the El Centro Courthouse Addition The proposed project will relocate county functions in the two buildings on the south side of the courthouse, demolish the two buildings, and construct a new building addition to the courthouse.

A master plan update should be undertaken before starting this project to evaluate whether projected levels of activity have been met, to potentially adjust the projected implementation schedule The update will determine whether the Phase 3 building addition should take place as a single project or two separate projects The courts at the end of phase 3 will have a total of eight additional courtrooms.

The best approach for the court addition is a two-story building, with partial excavation below grade to house the sallyport, in-custody holding and secure parking for judges and court administration. The new building's exterior can thus be compatible with the existing facility, with equal floor-to-floor heights in the existing and new facilities At the completion of the expansion the entire courthouse will contain 161,775 gross square feet and a total of fifteen courtrooms.

For all three phases the total estimate parking needed is 781 spaces For surface parking the land needs are approximately 6 8 acres and 1.6 acre for structure parking. The total project cost includes surface parking.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Imperial County Courthouse (A1)	387	347	40	26,782	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Imperial**	**Project Cost**	$1,356,792	☑ **Renovation**
Project Name	**El Centro Court- Remodel- Phase II**	**Start Date**	Q3 2009	☐ **Addition**
Total Weighted Project Score	**387**	**Completion Date**	Q3 2010	☐ **New Building**

Project Description:

The El Centro Courthouse was constructed in 1924. The courthouse presents itself as a monumental structure with lavish cornices and delicate detailing in the medium of precast concrete and plaster panels.

Phase 2 of the El Centro Courthouse moderate renovation.
This phase is integrated with the development of a separate Family Court facility

Following the occupancy of the new Family Court, and relocation of the Family Court functions currently in the main courthouse Phase 2 will remodel 16,000 square feet of vacated space for additional support for the civil and criminal functions remaining in the building, with a total of seven courtrooms.

Upon completion of the Family Court, staff associated with Family Court will be moving to the new location, freeing up some space for the growth in staff associated with the overall caseload in criminal and civil areas. One existing courtroom will be used for civil cases

The Juvenile Court at the Juvenile Center will be closed and the Juvenile Court functions will be relocated to the new Family Court. At this time the Family Court would have excess capacity. The growth in civil case activity can be accommodated using up to two courtrooms in the Family Courthouse until the completion of the addition to the El Centro Courthouse.

Current facility issues, particularly inadequate security, separation of paths of travel in the facility, and significant space needs for court functions, can be addressed in multiple sequenced projects followed by a building addition in the long-term future.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Imperial County Courthouse (A1)	387	347	40	26,782	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$44,497,709	☐ **Renovation**
Project Name	**S-New Long Beach Courthouse**	**Start Date**	Q3 2008	☐ **Addition**
Total Weighted Project Score	**384**	**Completion Date**	Q4 2012	☑ **New Building**

Project Description:

The proposed capital project is construction of a new 17-courtroom civil courthouse in Long Beach. This facility will serve as the South District's consolidated non-criminal courthouse, providing space for current and projected civil, family, probate operations in the district

The 179,555 BGSF building will include space for 17 courtrooms and jury facilities All but four of the courtrooms, which are planned for small claims and family cases, are planned to be jury trial capable.

The new building will be constructed on the site of the existing courthouse, which must be demolished prior to the start of construction. The plan assumes the new building will leave the existing 50-space employee surface parking area in its current configuration. The plan assumes the existing pubic parking structure located on Magnolia Avenue across from the existing courthouse will continue to be used by the public and jurors.

When completed, six civil and family courtrooms and associated support space that were temporarily moved from the existing Long Beach Courthouse to the new Criminal Courthouse will be permanently located in the new facility. A total of two civil courtrooms now located in the San Pedro Courthouse will also move permanently to the new courthouse. San Pedro will remain as a community court.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Long Beach Court (Y1)	398	354	110	120,902	☐	☑
San Pedro Branch Court (Z1)	290	195	70	18,139	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$10,325,900	☐ **Renovation**
Project Name	**Desert Reg-Indio Juv Phase 1**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**383**	**Completion Date**	Q3 2008	☑ **New Building**

Project Description:

The majority of the current space at the Juvenile Justice Center is presently utilized by the Juvenile Hall and Probation Department, the principal occupants of the facility. Considerable future space growth is projected for this location, and therefore a new 34,500 BGSF court facility is planned to accommodate a requirement for five courtrooms by 2022. Approximately 1.2 acres (52,000 SF) of land will need to be acquired at the Indio Juvenile Detention site for the new Indio Juvenile Court facility The project includes surface parking with a capacity of 94 spaces.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Juvenile Justice Center (N1)	383	283	100	999	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Nevada**	**Project Cost**	$13,001,533	☐ **Renovation**
Project Name	**New Truckee Courthouse**	**Start Date**	Q3 2006	☐ **Addition**
Total Weighted Project Score	**382**	**Completion Date**	Q3 2010	☑ **New Building**

Project Description:

Population growth in the Truckee and North Shore area the large number of seasonal visitors to Lake Tahoe has also added to court activity. The workload of the court have increased the workload of the court to the point of requiring a second courtroom and additional support space Other building tenants in the existing courthouse are unwilling to relocate.

A new two-story courthouse of 29,685 BGSF will be constructed to meet the twenty-year space needs of the court. It will have three multi-functional courtrooms to handle a wide range of case types. This new Truckee Courthouse will replace the existing Truckee Courthouse in 2011.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Superior Court in Truckee (B1)	382	282	100	5,607	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Joaquin**	**Project Cost**	$21,622,500	☑ **Renovation**
Project Name	**Stockton- Renovation- Phase II**	**Start Date**	Q4 2009	☐ **Addition**
Total Weighted Project Score	**380**	**Completion Date**	Q2 2011	☐ **New Building**

Project Description:

The proposed project involves the renovation of the downtown Stockton court wing building The renovation of the court wing will house 12 courtrooms and support space approximated at 90,000 square feet of space. The court wing will have to be vacated to accomplish this phase of work

If renovation does not prove to be cost effective, the alternative is to either build a larger first increment (phase 1) of new construction on the Hunter Square site, or build another new wing on the site of the existing Court Wing after its demolition.

The new renovated space will have 12 new modern multipurpose courtrooms and support space. The courthouse will be a custody site capable of hearing all case types.

Some of the benefits that the new project bring to the court·
- Provides adequate functional space needed for the courts daily operations.
- Accommodates current and future courts space needs
- Provides a secure environment for staff, public and in-custodies.
- Improves departmental adjacencies.
- Complies with ADA accessibility.
- Improves energy efficiency.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Administration and Courts Building (A1)	380	310	70	105,052	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Kings**	**Project Cost**	$54,279,930	☐ **Renovation**
Project Name	**Hanford- New - Phase HI**	**Start Date**	Q3 2008	☐ **Addition**
Total Weighted Project Score	**373**	**Completion Date**	Q4 2011	☑ **New Building**

Project Description:

The proposed project Phase 1 includes one wing of the new main courthouse in Hanford. The new 8-courtroom wing will be connected to the county jail (currently under design) The proposed project will consolidate all the existing court facilities in Hanford.

The Hanford courthouse will house the centralized criminal, delinquency, and family court functions as well as regional civil and traffic functions. The proposed building will include the jury assembly, clerks, and childcare on the first floor; courtrooms are on the second floor; courtrooms, administration and support are on the third floor; and secure parking below grade. The parking requirements for this phase of work were calculated to be 73% (511 parking spaces) of the total parking requirements. The parking will be surface parking with the exception of the secure parking which is underground

The new main courthouse will be located west of the planned county jail, at the corner of 12th Avenue and Kings County Drive in Hanford, in a county owned site.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Hanford Juvenile Court (A4)	654	464	190	1,606	☐	☑
Hanford New Superior Court (A2)	379	189	190	28,208	☑	☐
Hanford Municipal Court (A1)	347	157	190	18,512	☑	☐
Hanford Old Superior Court (A3)	361	171	190	11,968	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Tehama**	**Project Cost**	$6,860,411	☐ Renovation
Project Name	**Red Bluff- New - Phase II**	**Start Date**	Q3 2009	☑ Addition
Total Weighted Project Score	**372**	**Completion Date**	Q3 2013	☑ New Building

Project Description:

The proposed project in Red Bluff phase II of the new courthouse The addition of three courtrooms of approximately 23,500 square feet will vacate the remaining of the existing downtown Red Bluff courthouse.

The proposed phase II project will replace the annex 2 and family law The phase II project will complete the consolidation of all court functions for this jurisdiction, with the exception of juvenile court.

The Superior Court of California County of Tehama (prior to the completion of phase II) will occupy space in three buildings and will have a total of six courtrooms in the county, all in the city of Red Bluff.

When phase II is completed, the county will have one new court building with six multipurpose courtrooms and one courtroom at the juvenile center. At this point the courts will be operating primarily out of one location. This will help the courts in court operations, efficiency and cost savings.

The project brings several benefits. It centralizes the court services into one location and replaces the remaining deficient court facilities.

Currently the Superior Court of California County of Tehama has two main court service areas Judicial proceedings presently occur daily in Red Bluff All case types are heard in Red Bluff, with juvenile delinquency cases to be heard in the new juvenile hall courtroom, which is currently under construction. Judicial proceedings occur daily in Corning for a variety of case types, including misdemeanors, infractions, traffic, limited civil and small claims. After phase I is completed, all caseload will be heard in Red Bluff.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Annex No. 2 (A3)	338	168	170	15,370	☑	☐
Family Law "A Level 1 Facility" (A4)	840	700	140	1,125	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$3,155,676	☑	**Renovation**
Project Name	**N-Lancaster Renovation**	**Start Date**	Q1 2010	☐	**Addition**
Total Weighted Project Score	**369**	**Completion Date**	Q4 2011	☐	**New Building**

Project Description:

The proposed capital project is the renovation of the Lancaster Courthouse. This building will be downsized from seven to three courtrooms to be used for two delinquency and one dependency cases.

The renovated building will replace two existing juvenile courtrooms, one delinquency and one dependency, that are currently housed in two separate temporary facilities. In addition, one juvenile delinquency courtroom currently housed in the building will remain in the facility in the long term plan.

The Lancaster Courthouse was built in 1962. Of seven existing courtrooms, the Lancaster facility currently has only four courtrooms that function well for the court The plan involves minor renovation and space reconfiguration within the courthouse in addition to upgrade of facilities systems. The key aspects of the renovation include reuse of three courtrooms for juvenile cases (Department A and B and Division 1 and 2), reallocate surplus space for trial courtset and court administration and complete minor renovations to existing spaces for trial court support functions, family court services, court security operations and in-custody holding.

The project cost includes the Task Force estimate of seismic improvements.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Dependency Court - Level 1 (AE5)	810	700	110	5,964	☑	☐
Juvenile Delinquency(Old Sheriff's Station)Level 1 (AE3	840	700	140	5,708	☐	☑
Lancaster Courthouse Main Building (AE1)	166	337	80	26,256	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Trinity**	**Project Cost**	$7,181,377	☐ Renovation
Project Name	**Weaverville- New Courthouse**	**Start Date**	Q1 2006	☐ Addition
Total Weighted Project Score	**367**	**Completion Date**	Q2 2010	☑ New Building

Project Description:

The proposed project is a two-courtroom courthouse and support space The Master Plan estimates a 16,500 square foot facility. The parking requirement for a two-courtroom facility is around 63 spaces. The project costs includes surface parking.

The proposed project would have to be constructed in a different location. The existing site is restricted in size The demolition of the existing courthouse to create space for the new building is not feasible. The courts will have to operate while the new building is under construction.

The county owns a large site known as the airport site, just a few minutes from the existing courthouse, where the new juvenile hall and several other county buildings are located There are several sites within the airport site, which county representatives have suggested as a possible location for a new courthouse.

The proposed project encompasses many new benefits over the existing court building It will improve the physical and functional conditions as well as cost effectiveness both in initial cost and long-term operational cost

· The proposed new courthouse will provide a fully compliant, modern, new courtrooms with functional and security requirements which meet current standards.
· The proposed new courthouse would provide the opportunity to plan for maximum flexibility and ideal adjacencies possible with the construction of a new building.
· The proposed new courthouse offers opportunities to design a new courthouse that achieves the character, public spaces, and level of amenities meeting modern court planning standards.
· The proposed new courthouse offers greater opportunities than are possible in the old building for resource and operational efficiencies, resulting from use of modern equipment and technology.
· The ongoing facility cost of new construction is likely to be lower per square foot than if the historic building was renovated
· The new courthouse and new location would allow potential for co-location in an integrated complex with the sheriff, jail, and other related county functions, to achieve operational efficiencies
· The proposed project will include all court functions and the capacity to hear all case types.
· The renovation of the existing courthouse is probably not cost-effective as compared with a new replacement building.
· The court space in the Weaverville courthouse will be vacated and will become available for other uses.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Trinity County Courthouse (A1)	367	267	100	9,493	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Sonoma**	**Project Cost**	$6,321,592	☑ **Renovation**
Project Name	**Phase 1 - HOJ Remodel**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**364**	**Completion Date**	Q4 2006	☐ **New Building**

Project Description:

Providing courtrooms and support space for the five new judgeships from the Judicial Council's list of 150 proposed judgeships will require the relocation of some of the county's court-related agencies now in the HOJ. The total area to be renovated is estimated to be 30,000 SF. The HOJ currently has 16 courtrooms. This project will provide six additional courtrooms and support space.

This project is only an interim solution for the short term. The HOJ will be decommissioned once the new Civil/Family Court is constructed in 2015.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Hall of Justice (A1)	364	324	40	67,508	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$46,705,569	☐ Renovation
Project Name	**E-Phase 2-New Criminal**	**Start Date**	Q1 2010	☑ Addition
Total Weighted Project Score	**362**	**Completion Date**	Q4 2013	☐ New Building

Project Description:

This project is the second phase, 16 courtrooms, of a new consolidated criminal courthouse to have a total of 40 courtrooms. The project will meet projected service demand, provide some temporary space for eight West Covina court operations during its renovation and move all four criminal courtrooms from the Pomona North Courthouse and all from West Covina

Eventually, in combination with phase I, consolidate all criminal operations in the East district. Currently the criminal operations are located at Pomona South, Pomona North, El Monte and West Covina courthouses. Some of the existing criminal courtrooms are functionally marginal or deficient The new facility, in addition to reducing the number of custody sites within the district, will provide courtrooms that are functionally adequate to handle criminal case types.

The estimated total project cost for this project includes the site development cost for the phase II expansion, and the cost for the parking structure used for phase II. The site acquisition cost is included in the project cost for the New East Criminal Phase I project.

The parking requirements for this project will be addressed by a two-level parking structure on site, providing 310 spaces, and surface parking on site providing 106 spaces.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Citrus Municipal Court (X1)	297	226	140	64,771	☐	☑
Pomona Courthouse North (formally Municipal Court) (	493	303	190	32,176	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$56,570,126	☐ **Renovation**
Project Name	**NC-New N.C. Courthouse**	**Start Date**	Q1 2008	☐ **Addition**
Total Weighted Project Score	**357**	**Completion Date**	Q4 2011	☑ **New Building**

Project Description:

This project proposes construction of a new 15-courtroom facility to replace the existing Glendale courthouse, absorb criminal operations from the Burbank Courthouse, and provide for projected growth in the district. The new full-service courthouse will also consolidate all criminal operations in the district in addition to holding proceedings for civil and traffic case types.

Site requirements for this project are approximately 3 acres An ideal site for this facility is easily accessible to the I-5 and 134 freeways in the southwestern part of the district.

Assuming an area of approximately 340' by 400', the building would be five stories, four above grade, and have a 31,500 square feet footprint. The parking structure would require approximately 52,650 square feet of footprint area and accommodate 450 spaces. The total number of parking spaces was derived from the existing parking ratios in the district. This ratio of 30 spaces per courtroom was applied to the new 15-courtroom courthouse to arrive at a 2022 parking requirement of 450 spaces. The analysis assumes the site will be located in an urban area where property values make structured parking more economical than surface parking

Upon completion, the new courthouse will temporarily serve as swing space for the Burbank Courthouse, while it undergoes renovation. Eventually, the new courthouse will absorb all operations from Glendale Courthouse and the criminal operations from Burbank Courthouse.

The estimated total project cost for this project includes the site acquisition cost, site development cost and the cost for the three level parking structure

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Burbank Superior and Municipal Courthouse (G1)	249	179	70	39,040	☐	☑
Glendale Superior and Municipal Courthouse (H1)	491	301	190	31,592	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Stanislaus**	**Project Cost**	$21,300,000	☐ **Renovation**
Project Name	**Modesto Phase I**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**347**	**Completion Date**	Q1 2009	☑ **New Building**

Project Description:

The proposed project would consist of an eight-story building in the center of the existing courtyard The first four stories of the new addition will be designated for court support functions, and the top four stories will be fit out for eight courtrooms.

The project can begin after the interior courtyard has been cleared of the judges' parking and the vehicle sallyport and the clerk's office and sheriff's modular facilities have been relocated. The 1948 wing of the Hall of Records building should also be demolished.

With the completion of this project, the occupants of the Hall of Records building and the Modesto Main Court North Wing can then be relocated to the new building, and the Hall of Records can be demolished. In addition, the traffic court in Modesto will be vacated.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Modesto Main Courthouse (A1)	336	286	50	64,278	☐	☑
Modesto Traffic Court - Level 1 Survey Only (F1)	860	700	160	1,400	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Mateo**	**Project Cost**	$30,213,750	☑ **Renovation**
Project Name	**Southern Branch- Renovation- Phase I**	**Start Date**	Q2 2010	☐ **Addition**
Total Weighted Project Score	**344**	**Completion Date**	Q4 2013	☐ **New Building**

Project Description:

The 24-courtroom Hall of Justice in Redwood City acts as the principal seat for the Superior Court of San Mateo County The building's original four-story construction dates to 1956, with the eight-story "tower" portion added in 1968.

The proposed project will remodel the space currently occupied by the county in the Hall of Justice. The Southern Branch, the courts will expand into the Hall of Justice after the county constructs a new office building and vacates most or all of the space it currently occupies. The Traffic and Small Claims Annex functions, including one courtroom, will be incorporated into the Hall of Justice. One existing courtroom would be lost and four gained, for a net total of 28 The courts would expand from their current 141,000 square feet, adding a total of 98,500 square feet now occupied by county functions.

Design and construction of the first phase, which includes the main expansion and refurbishing project, would require the county to relocate its operations elsewhere. The master plan estimated $19,700,000 to compensate the county for space taken over by the courts. Seismic improvement costs are not included here as most work has been completed or likely would be finished before the building is transferred to the state. However the timing to start this phase of work depends upon the schedule of the county office building

Structure parking for 190 cars (in coordination with the county's parking expansion for its new office building) is added in phase 1.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Hall of Justice (A1)	345	215	130	108,865	☐	☑
Traffic/ Small Claims Annex (A2)	332	172	160	9,714	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Humboldt**	**Project Cost**	$3,714,886	☐ **Renovation**
Project Name	**Hoopa Court**	**Start Date**	Q3 2007	☐ **Addition**
Total Weighted Project Score	**343**	**Completion Date**	Q3 2011	☑ **New Building**

Project Description:

The project proposes replacing the existing Hoopa Tribal Courthouse. The existing facility will be replaced with a new courthouse that would meet current court facility guidelines as well as accessibility, life/safety and current building codes This courthouse would include a single courtset, a small clerk's office, an office for criminal justice related agency staff to utilize when in the community and support space for the facility. The proposed court is non-jury and will not handle in-custody case. Moreover, the proposed court will be used on a part-time basis as it is now with a judicial officer onsite two days per month. The existing courtroom is used for traffic, small claims and criminal misdemeanors.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Hoopa Courthouse (E1)	343	243	100	2,171	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Mateo**	**Project Cost**	$1,125,000	☐ **Renovation**
Project Name	**Juvenile Branch- Addition**	**Start Date**	Q2 2009	☑ **Addition**
Total Weighted Project Score	**338**	**Completion Date**	Q3 2012	☐ **New Building**

Project Description:

The proposed project entails an addition of a third courtroom suite estimated at approximately 4,000 gross square feet. The project will be an addition to the Juvenile Court currently under design.

The Juvenile Branch design work is under way for replacement courts as part of a larger juvenile justice center. (It is assumed in the master plan that the project will be completed) It provides two courtrooms and related space. The total cost of the courts portion to this project is estimated by the county, to be in the range of $12.4 to $14.3 million and is being financed through the sale of bonds.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Juvenile Branch (D1)	338	338	0	13,414	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Fresno**	**Project Cost**	$40,187,536	☑ **Renovation**
Project Name	**Renovate Fresno County Courthouse**	**Start Date**	Q1 2007	☐ **Addition**
Total Weighted Project Score	**316**	**Completion Date**	Q1 2008	☐ **New Building**

Project Description:

The existing Fresno County Courthouse is a nine story structure with two mezzanine levels and two basement levels It is a monumental building set within a large urban plaza. It is strategically located downtown and is a prominent site in Fresno. The building is in fair condition for its age, but requires considerable renovation and refurbishment to both finishes and engineering systems. The building is very overcrowded, especially in the staff areas Many closets have been turned into offices.

Three court sets on the basement level of the Fresno County Courthouse will be decommissioned to provide the necessary central holding space commensurate with a criminal court facility. The remaining court sets within the building would continue in place. The following work will be done for this project:

- ☐Maintain 26 existing court sets with spatial deficiencies addressed
- ☐Convert departments one, two, and three into central court holding space
- ☐Renovate 34,246 SF of clerk court support and building support space
- ☐Reassign and renovate 18,604 SF of non-court occupied office space for court office and support use (Law library and Probation)
- ☐Renovate systems, core, shell elements
- ☐Seismic retrofit

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Existing Fresno County Courthouse (A1)	316	246	70	130,683	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Mendocino**	**Project Cost**	$21,639,196	☐ **Renovation**
Project Name	**New Courthouse in Ukiah**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**311**	**Completion Date**	Q3 2010	☑ **New Building**

Project Description:

The proposed capital project is construction of a new nine-courtroom facility in downtown Ukiah The new courthouse will be the main courthouse in the county and handle all case types.

Ukiah's eight-courtroom courthouse has severe functional and access deficiencies that can most cost effectively be corrected by new construction off site. It is an unreinforced masonry structure with numerous code deficiencies and systems nearing the end of their useful life. It is also functionally deficient due to lack of secure circulation and poor layout. The site has virtually no available land for expansion.

The facility will replace the Ukiah County Courthouse and the Willits Courthouse

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
County Courthouse (A1)	645	485	160	26,262	☐	☑
Superior Court (Willits) (E1)	311	121	190	4,487	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Kern**	**Project Cost**	$438,000	☑ **Renovation**
Project Name	**Phase 1 - Dwntwn Bakersfield**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**309**	**Completion Date**	Q4 2006	☐ **New Building**

Project Description:

The project involves interior improvements for two courtrooms on the first floor of existing downtown Bakersfield Courthouse to accommodate two judgeships from the Judicial Council's list of 150 proposed judgeships.

The project is proposed to be located in the eight-story wing of the Superior Court building The Superior Court building is a multistory building with two wings The majority of courts are located in a three-story wing on the west side, and court services and related services are in an eight-story wing in the middle.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Bakersfield Superior Court (A1)	309	309	0	84,517	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Orange**	**Project Cost**	$30,350,000	☑ **Renovation**
Project Name	**North Justice Center**	**Start Date**	Q1 2008	☑ **Addition**
Total Weighted Project Score	**309**	**Completion Date**	Q3 2011	☐ **New Building**

Project Description:

The master plan recommends expansion of the 18-courtroom North Justice Center by eight courtrooms and associated support space to provide a total of 26 courtrooms This project will meet projected service demand in the northern part of the county All eight courtrooms will be built to serve criminal and civil jury trials.

The North Justice Center, located in the City of Fullerton, is currently used for criminal, civil, small claims, and traffic case types. Upon completion of the expansion, the North Justice Center will continue to handle all existing case types.

The expansion will be approximately 82,830 BGSF and requires development of a multi-story parking structure for 426 cars.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
North Justice Center (C1)	309	209	100	103,899	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Stanislaus**	**Project Cost**	$21,300,000	☐ **Renovation**
Project Name	**Modesto Phase II**	**Start Date**	Q3 2007	☑ **Addition**
Total Weighted Project Score	**309**	**Completion Date**	Q1 2011	☐ **New Building**

Project Description:

The project, Modesto Phase II, proposes to build eight additional courtrooms that share holding and jury deliberation functions All floors will connect with Phase I, forming a generous, single corridor that serves all new courtrooms The remaining occupants (court support staff and two courtrooms) of existing Main Court Building North can then move into the newest additon.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Department 16 - Level 1 Survey Only (E1)	890	700	190	960	☐	☑
Ceres Municipal Court (C1)	622	432	190	2,985	☑	☐
Modesto Main Courthouse (A1)	286	286	0	64,278	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Santa Barbara**	**Project Cost**	$351,000	☑ **Renovation**
Project Name	**Renovation of Jury Assembly Building**	**Start Date**	Q1 2008	☐ **Addition**
Total Weighted Project Score	**307**	**Completion Date**	Q4 2009	☐ **New Building**

Project Description:

The proposed long-term reuse of this building is to provide jury assembly functions for the downtown Santa Barbara Court Complex. The family law and civil operation that uses the building's one courtroom will have already been relocated to the Anacapa Building after its renovation is completed The space will be renovated to provide adequate space for the main and sole purpose of this building as the jury assembly facility serving both the Anacapa and the Figueroa court facilities.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Santa Barbara Jury Assembly Building (G1)	307	267	40	5,610	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$6,532,540	☑ Renovation
Project Name	**SW-Airport Renovation**	**Start Date**	Q1 2009	☐ Addition
Total Weighted Project Score	**306**	**Completion Date**	Q3 2010	☐ New Building

Project Description:

The proposed capital project is the renovation of the Airport Courthouse for use as a criminal courthouse for the Southwest District. The facility, which is located in the Southwest District but used by the West District, will become the main criminal courthouse in the Airport and Inglewood area This building was constructed in 1999 and is located near the 405 and 105 freeway.

The building's renovation and use by the Southwest District is dependent on the construction of the new criminal court in the West District

The long-term plan for the facility is to continue its use as a criminal court in the Southwest District, with each of the existing 14 courtrooms equipped for criminal proceedings

The Airport building is large and relatively new, with 295,900 CGSF of useable space. It will require only minor renovation and space reconfiguration to meet the needs of the Southwest District. Currently underutilized space will be renovated for court support space

In addition to the West District court operations now located in the building, many court-related and other agencies are located in the facility. All but one of these agencies will be able to stay in the facility. The area now occupied by the Public Defender, or 11,379 CGSF, will be bought out to create space for court support functions. It is assumed that the Public Defender will be able to find suitable space to lease in nearby office buildings.

The plan proposes relocating the county law library from the Torrance Courthouse to the Airport Courthouse to create space in the Torrance Courthouse for court support functions.

The plan for the existing building includes 14 courtrooms, jury facilities, in-custody holding, and offices for the District Attorney, probation, county recorder, the county law library and other small court-related offices. The cost estimate for the project does not include the cost of moving the county law library into the building.

When completed, eight criminal courtrooms from Inglewood and one criminal courtroom from Torrance will be permanently moved into the building In the interim, the building will be used as swing space to partially vacate first the Torrance Courthouse and then the Inglewood Courthouse prior to renovations of each.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Inglewood Municipal Court (F1)	306	236	70	61,348	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

South Bay Courthouse Superior and Municipal (C1)	306	266	40	84,554	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Fresno**	**Project Cost**	$3,541,616	☑ **Renovation**
Project Name	**Renovate Exist Juvenile Dependency**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**305**	**Completion Date**	Q3 2007	☐ **New Building**

Project Description:

The juvenile dependency court facilities are housed in a building leased by the county. The building is in good condition, and appears to meet all current life safety codes and ADA. The interior finishes appear in good condition

The first floor contains four courtrooms and associated spaces. The second floor contains a small area for the courts administration with the remainder being used by court-related agencies.

Interior renovation is feasible within the existing court-occupied area. The court is in need of additional area. Renovation would consist of· maintaining the four existing court sets with spatial deficiencies addressed; renovation of 3,168 CGSF for clerk and support use; reassignment and renovation of 7,053 CGSF of non-court occupied space for court office and support

Parking is a problem. There are 20 spaces in the basement for staff. Since the building is located in a busy downtown area, parking on the street is difficult.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Juvenile Dependency (D1)	305	235	70	12,465	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Placer**	**Project Cost**	$23,357,625	☐ Renovation
Project Name	**New Auburn Courthouse & Parking**	**Start Date**	Q2 2007	☐ Addition
Total Weighted Project Score	**305**	**Completion Date**	Q4 2011	☑ New Building

Project Description:

The new criminal/juvenile/family court will replace the existing courtrooms at the DeWitt adult jail and juvenile detention facility and will provide courtroom expansion for the Auburn region.

The selected development option would reduce the number of court facilities the Auburn region and retain the historic courthouse. The existing four courtrooms, in the historic courthouse would be used for civil matters. The new criminal/juvenile/family court facility with six courtrooms would replace two existing courtrooms at the adult jail and juvenile detention facilities, and house three additional judicial positions need in this area of the county For operational efficiency the new court building is planned to be adjacent to the existing jail and juvenile facilities

The historic courthouse is located on a highly visible hill in downtown Auburn. There is no opportunity to expand this facility onsite, any proposal to build on the existing site would be met with significant public and city opposition.

The Auburn region currently has four judicial positions at the historic courthouse, one at the jail, and one at the juvenile detention facility, for a total of six judicial positions at three locations. Three additional judicial positions are projected in the region by 2012, and by 2022 one more judicial officer, for a total of ten in the Auburn region. Expansion of court facilities at either the current main jail or juvenile jail is not feasible.
The new Auburn Courthouse would be located in close proximity to the county's two main detention facilities and would replace inadequate court spaces in the jail and juvenile buildings.

The new court building is projected, with Trial Court Facility Guidelines to require 76,000 gross square feet (gsf). Since the additional space required between 2012 and 2022 is less than 9,000 gross square feet, the master plan recommendation is to construct the full 2022 space program of 85,000 gsf, for occupancy in 2012. The tenth courtset could be shelled, with a tenant improvement project completed in a separate project by 2022. The parking demand is estimated to be 280 spaces, however opportunity may exist in the future for shared parking arrangements with other uses at the DeWitt Center.
A three acre site would be required for the entire programmed two-story building and surface parking spaces.

The county has stated that sites may be available at the DeWitt Center in the future and that a site directly across the street from the jail could be a potential location for the new courthouse. Since the proposed court building will not be required until 2012, the county cannot guarantee that this specific site will be available although county staff have indicated that they support the continued location of courts near the juvenile and adult detention facilities
The first step in development of the New Auburn Courthouse is to acquire a site in the DeWitt Government Center

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County Jail (B2)	332	132	200	4,173	☐	☑
Juvenile Hall (B3)	287	87	200	6,100	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$33,756,101	☑ **Renovation**
Project Name	**NW-Van Nuys E. Renovation**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**302**	**Completion Date**	Q3 2007	☐ **New Building**

Project Description:

The project proposes renovation of the Van Nuys East Courthouse for physical improvements, system upgrades and seismic improvements The courthouse has 22 courtrooms that are used for non-custody cases The existing central holding area is not in use. Three of the existing courtrooms are located in the modular buildings on site and 19 courtrooms are located in the Van Nuys East building.

The renovation involves reuse of an undersized courtroom for court administrative space, thus downsizing the number of courtrooms located in the building to 18. (The building is expanded to 22 courtrooms in a subsequent phase.)

In this project, the central holding area will be reused for record storage. The County Law Library currently located in the building will need to move out to create space for expansion of court support functions. The courthouse will continue operations during the renovation.

Once completed, the renovated Van Nuys East Courthouse will continue its existing operations for civil jury, family and small claims cases The estimated total project cost for this project includes buyout cost for the County Law Library space and the Task Force estimated seismic retrofit cost and related soft costs.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Van Nuys Courthouse (AX1)	302	271	70	106,173	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Santa Clara**	**Project Cost**	$109,996,255	☑ Renovation
Project Name	**Central Criminal & Juvenile Delinquency Court**	**Start Date**	Q3 2006	☑ Addition
Total Weighted Project Score	**296**	**Completion Date**	Q4 2013	☐ New Building

Project Description:

The master plan goal is to centralize the central San Jose criminal calendar at this location, as it is immediately adjacent to the main jail and already connected via a basement level tunnel. Growth at this site will need to occur in two phases.

Phase 1: The first major increment of judicial growth is projected for 2012; however, due to site constraints, the first phase project will accommodate a total of 38 court sets, five fewer than the projected need by 2012. Of the 43 court sets projected for 2012, four are allocated to juvenile delinquency, which will remain at its current location until replacement space is constructed even though that facility has only three court sets. To alleviate this imbalance, the master plan recommendation is to begin construction of Phase 1 earlier so that it can be completed and occupied sooner than 2012, allowing Phase 2 to begin as soon as possible to make up for the projected court set shortfall. The existing Hall of Justice East will undergo renovation during Phase 1 at the support areas. Much of this renovation will occur once the Phase 1 addition has been completed and occupied as support functions relocate to new expanded space. The space they vacated will be renovated for other support functions.

Phase 2: After Phase 1 is completed and occupied, the existing Hall of Justice West can be demolished. This provides a site for the Phase 2 project The Phase 2 building will include nine court sets, five of which will be allocated to juvenile delinquency proceedings. This building will include four criminal court sets, support space for delinquency and criminal calendars and a bridge connection to the adjacent juvenile detention center for transport of in custody juveniles. The three juvenile delinquency courtrooms in the Probation Building will no longer be needed by the court when the new facility is finished

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Hall of Justice - West (A2)	502	312	190	69,810	☑	☐
Hall of Justice (A1)	148	148	0	127,139	☑	☐
Probation Building - Level One (A3)	810	700	110	8,694	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$17,710,275	☑ **Renovation**
Project Name	**W-Santa Monica Renovation**	**Start Date**	Q4 2008	☐ **Addition**
Total Weighted Project Score	**295**	**Completion Date**	Q4 2010	☐ **New Building**

Project Description:

The proposed capital project is the renovation of a partially occupied Santa Monica Courthouse. The renovation will downsize the building from 16 to 13 courtrooms in order to provide needed support space.

The existing facility is currently used for criminal, civil and family case types. Once renovated, the Santa Monica facility will handle no criminal cases and only civil, family and small claims cases will be heard in its 13 courtrooms. The building will provide space for the 11 current civil and family courts located in the Santa Monica Courthouse in addition to one civil court located in the Beverly Hills facility.

In addition to the facility system upgrade and seismic improvements, the key aspects of the renovation include the following:
•□Convert two undersized courtrooms to court administration.
•□Renovate space now occupied by the District Attorney, Public Defender and Probation offices for trial courtset, trial court judiciary and family court services.

Several court-related agencies will need to be bought out to create space for court support functions. The District Attorney, Probation office and Public Defender will need to find suitable space near the New West District Criminal courthouse in either commercial office space or in other county owned buildings.

The plan for the existing building will accommodate 13 courtrooms and jury facilities, in addition to the County Law Library and the Police Department, which may move to the new Police Station under construction. The existing surface parking lot on site will be reused as is.

The project cost includes the Task Force estimated cost of seismic improvements. The project cost does not include the cost of construction of the three-courtroom Annex now under design.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Beverly Hills Court (AQ1)	175	163	70	34,963	☐	☑
Santa Monica Court (AP1)	371	312	40	54,979	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Alameda**	**Project Cost**	$8,165,920	☑ Renovation
Project Name	**Renovation of Hayward Hall of Justice**	**Start Date**	Q1 2009	☐ Addition
Total Weighted Project Score	**293**	**Completion Date**	Q2 2012	☐ New Building

Project Description:

The relocation of all felony trials and pre-trial hearings from the Hayward Hall of Justice to the proposed East County Hall of Justice in 2007 will reduce the Hayward HOJ's courtroom need from 20 to 17 This will allow the renovation of the area occupied by the three surplus courtrooms into offices and work spaces for Family and Children Services currently located in the county-owned Winton Building. The court will then be able abandon their space in the Winton Building.

The building systems that are now reaching the ends of their useful lives will also be upgraded The fire sprinkler system will be expanded to cover the entire building. The facility will also be grought into compliance with ADA requirements.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Hayward Hall of Justice (D1)	270	190	80	112,091	☐	☑
Winton Building (Level 1) (D2)	710	600	110	6,251	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Francisco**	**Project Cost**	$53,876,846	☐ **Renovation**
Project Name	**Phase I - New Family Court**	**Start Date**	Q4 2005	☐ **Addition**
Total Weighted Project Score	**288**	**Completion Date**	Q1 2010	☑ **New Building**

Project Description:

A new Unified Family Courthouse (UFC) will be constructed on the grounds of the present Youth Guidance Center (YGC) at Portola Road and Woodside Avenue, in San Francisco. A new YGC is currently being constructed elsewhere on the site, and will be completed prior to the construction of the Unified Family Courthouse. The UFC facility will replace the current facility, which contains four courtrooms, with a new ten-courtroom building at another location on the same property.

The new UFC will also provide six courtrooms which will be relocated from the Civic Center Courthouse. The relocation of those courts will provide consolidation of the family law, juvenile delinquency, juvenile dependency and traffic cases in a single location. The occupancy of a new Unified Family Courthouse will result in available space in the Civic Center Courthouse for expansion, in another project, of much-needed office space, by eliminating the undersized courtrooms in that complex.

Two to four of the tem courtrooms will have secure access and holding areas for juvenile offenders in custody at the YGC. A physical connection to the housing area will be constructed. A parking structure will also be constructed on the site, adjacent to the new courthouse, to serve the current YGC and the new court

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Civic Center Courthouse (A1)	271	111	160	228,595	☑	☐
Youth Guidance Center (C1)	747	517	230	8,698	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Fresno**	**Project Cost**	$34,111,808	☑ **Renovation**
Project Name	**Federal Courthouse**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**284**	**Completion Date**	Q3 2007	☐ **New Building**

Project Description:

The building contains eight large courtrooms, and five floors of office space. The building is located across the downtown plaza from the existing Superior Court building. The court anticipates a building renovation into 16 civil courtrooms plus some possible seismic rehabilitation.

At present, Fresno has 45 JPEs. The project will accommodate 10 new judgeships from the planned request from the Judicial Council In order to house these 10 additional JPEs, the Federal Courthouse, obtained at no cost, will, with some remodeling, fill the potential need.

A portion of the cost of remodeling is the seismic retrofit. A seismic evaluation and cost estimate for retrofit, prepared by the federal government, estimates a cost of $8.6 million, in 1991 dollars. However, the estimate shows a risk estimate of dmage of less that 2% over 30 years, and less than 1% over five years. The federal government judges that the risk was acceptable.

The Fresno Courthouse is very overcrowded Obtaining the eight additional courtrooms at the Sisk Federal Courthouse will enable the transfer of civil, family law, probate, and small claims cases to the Sisk building, and enable utilization of the Fresno Courthouse for criminal cases. The addition of the staff space at Sisk will be very helpful in alleviating space shortages at the Fresno Courthouse

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Fresno County Courthouse (A1)	284	244	40	110,430	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Diego**	**Project Cost**	$110,500	☑ **Renovation**
Project Name	**Phase 1-Ramona Branch Ct**	**Start Date**	Q2 2008	☐ **Addition**
Total Weighted Project Score	**284**	**Completion Date**	Q4 2009	☐ **New Building**

Project Description:

Only minor renovations will be made of approximately 1,000 CGSF of court support space in this building to maximize it's efficiency The core and shell, including building systems, will be renovated. The existing Ramona Branch Court will continue to be utilized through 2022.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Ramona Courthouse (J1)	284	284	0	3,134	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Nevada**	**Project Cost**	$225,000	☑ **Renovation**
Project Name	**Truckee Renovation**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**282**	**Completion Date**	Q3 2007	☐ **New Building**

Project Description:

Population growth in the Truckee and North Shore area and the large number of seasonal visitors to Lake Tahoe have increase the workload of the court to the point of requiring a second courtroom and additional support space As other building tenants are unwilling to relocate, a new courthouse on another site will be constructed by 2011.

During the interim, approximately 1,500 CGSF of vacated space on the second floor of the present building will be reconfigured to accommodate the court's current needs While this project will not fully meet the current space requirements of the court, it does provide needed improvements for a relatively small investment

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Superior Court in Truckee (B1)	282	282	0	5,607	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$11,347,200	☐ **Renovation**
Project Name	**Mid-Cnty Reg-Temecula Phase 1**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**278**	**Completion Date**	Q1 2009	☑ **New Building**

Project Description:

The current court facility at Temecula has limited potential for expansion beyond its current level of use. Considerable future space growth is projected for this location and therefore a new 37,500 BGSF facility, which would replace the current court, is planned to accommodate a requirement for four courtrooms by 2022. Surface parking for 177 cars will be included in the project.

Development of the new courthouse requires approximately 2.5 acres (109,000 SF) of property located at an unspecified site in the city of Temecula Court facility development would likely involve a one-story above-grade-level structure.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Temecula (H1)	278	178	100	12,557	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Sacramento**	**Project Cost**	$13,120,471	☑ Renovation
Project Name	**Phase 1-Gordon D. Schaber Renovation**	**Start Date**	Q1 2006	☐ Addition
Total Weighted Project Score	**276**	**Completion Date**	Q4 2007	☐ New Building

Project Description:

The project will entail an expansion of eight courtrooms in this building. The expansion could be accomplished by relocating the operational support functions on the sixth floor to a new court operations building. In addition, the existing sixth floor food service component would either need to be downsized and moved elsewhere in the building or eliminated as a service until a new courts building is constructed. By relocating these functions, approximately 12,500 net square feet would become available on the sixth floor. This would accommodate six courtrooms with chambers and clerical support space. The courtrooms would average 1,100 to 1,200 square feet

An additional two courtrooms will be created elsewhere in the building through relocation of selected functions. In total, approximately 25,000 square feet will be relocated and approximately 35,000 net square feet will undergo extensive renovation This latter figure includes present vacant space In addition, there will be necessary upgrades to the building systems and interiors such as ADA, fire and life safety, electrical, and general maintenance.

The creation of eight additional courtrooms in the downtown courthouse will not solve the present problems related to incustody defendant movement, nor the general overcrowding of some of the building occupants. Since there is lack of adequate vacant space within this building, the size of the courtrooms will not meet the Trail Court Facilities Guidelines. This will be a temporary upgrade that is necessary in order to accommodate eight of the 13 additional judicial positions from the Judicial Council's list of 150 proposed judgeships slated to be appointed over the next five years

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Sacramento Superior Court (A1)	276	276	0	288,896	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Orange**	**Project Cost**	$91,136,000	☑ **Renovation**
Project Name	**Central Justice Center - Phase 1**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**275**	**Completion Date**	Q2 2009	☐ **New Building**

Project Description:

The first phase expansion of the existing 65-courtroom Central Justice Center in Santa Ana is a 23 courtroom addition of 204,550 BGSF to be located adjacent to the existing courthouse on the county owned courthouse site. The project will include the acquisition and development of a site for structured parking for 1,468 cars.

The project includes minor renovation and upgrade of existing electrical and mechanical systems.

This project will meet projected service demand and accommodate the migration of family and family support cases from the Lamoreaux Justice Center Upon completion of the expansion, the court will vacate the two courtrooms in the Central Justice Annex, which will move into the expanded Central Justice Center

The Central Justice Center may be expanded in a subsequent phase depending on future planning.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Central Justice Annex (A2)	860	700	160	5,530	☑	☐
Central Justice Center (A1)	293	193	100	357,299	☐	☑
Lamoreaux Justice Center (B1)	197	107	90	125,220	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$9,812,210	☑ **Renovation**
Project Name	**W Reg-Corona Ct Phase 1**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**271**	**Completion Date**	Q2 2008	☐ **New Building**

Project Description:

The Corona Court renovation and expansion will provide for a total of six court sets and associated court office and support space With the continued use of the three existing court sets, an additional three court sets are required to satisfy long-term needs The project includes construction of a 19,000 BGSF addition to the existing building and surface parking for 313 cars, including the 60 parking spaces displaced by the addition.

The project includes acquisition of approximately 2.75 acres (120,000 SF) of property located at the existing Corona Court site. The addition would likely be a one-story above-grade-level structure. Renovation of the existing building will include 16,000 CGSF of space, including 13,558 CGSF of space occupied by non-court functions, to correct current court set limitations and accommodate expanded court office and support functions under phase one The project also includes renovation and upgrade of systems/core/shell elements of the existing facility.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Corona (J1)	271	211	60	17,472	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Diego**	**Project Cost**	$75,903,200	☑ **Renovation**
Project Name	**Phase 1-S.County Regional Ctr**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**271**	**Completion Date**	Q1 2009	☑ **New Building**

Project Description:

The master plan projects a total of 33 court sets will be required to support operations at the existing South County Regional Center by 2022. Courts at this location accommodate all case types with the exception of juvenile delinquency.

A new six-story 150,000 BGSF courthouse, completed in two phases, will provide 20 new court sets and associated office and support functions. During the first phase, 16 of the 20 court sets will be completely built out. The four court sets that will only be "shelled out" during the first phase will be completed as part of the second phase. Also during the first phase, 19,000 CGSF of existing court occupied space will be renovated to maximize efficiency and the core and shell, including building systems, will be renovated.

65 parking stalls will be constructed below grade in the new courthouse and a parking structure with 1,200 stalls will be built on the same site as well

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
South County Regional Center (H1)	271	201	70	61,296	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$4,926,797	☑ Renovation
Project Name	**NC-Burbank Renovation**	**Start Date**	Q1 2010	☐ Addition
Total Weighted Project Score	**265**	**Completion Date**	Q2 2013	☐ New Building

Project Description:

This project proposes construction of a new 15-courtroom facility to replace the existing Glendale courthouse, absorb criminal operations from the Burbank Courthouse, and provide for projected growth in the district. The new full-service courthouse will also consolidate all criminal operations in the district in addition to holding proceedings for civil and traffic case types

Site requirements for this project are approximately 3 acres An ideal site for this facility is easily accessible to the I-5 and 134 freeways in the southwestern part of the district

Assuming an area of approximately 340' by 400', the building would be five stories, four above grade, and have a 31,500 square feet footprint. The parking structure would require approximately 52,650 square feet of footprint area and accommodate 450 spaces. The total number of parking spaces was derived from the existing parking ratios in the district This ratio of 30 spaces per courtroom was applied to the new 15-courtroom courthouse to arrive at a 2022 parking requirement of 450 spaces. The analysis assumes the site will be located in an urban area where property values make structured parking more economical than surface parking.

Upon completion, the new courthouse will temporarily serve as swing space for the Burbank Courthouse, while it undergoes renovation. Eventually, the new courthouse will absorb all operations from Glendale Courthouse and the criminal operations from Burbank Courthouse.

The estimated total project cost for this project includes the site acquisition cost, site development cost and the cost for the three level parking structure

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Burbank Superior and Municipal Courthouse (G1)	179	179	0	39,040	☐	☑
Glendale Superior and Municipal Courthouse (H1)	371	301	70	31,592	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Kern**	**Project Cost**	$11,602,000	☐ **Renovation**
Project Name	**Phase 1 - North/Delano**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**263**	**Completion Date**	Q3 2008	☑ **New Building**

Project Description:

The project proposes a new construction of four-courtroom facility in the vicinity of Delano or McFarland. Three of the courtrooms would be completed and one would be left as shell space. Upon completion of this new facility, the existing two courtrooms in Delano would be vacated.

The master plan would maintain a court presence in both Delano and Shafter areas. the existing Delano Justice Court would be replaced by this larger facility and the Shafter Justice Building would continue to be used through the planning period as it is. As the caseload grows in this north region, the service area boundaries would be adjusted to direct an increasing percentage of the caseload to the new Delano-McFarland court.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Delano/North Kern Court (D1)	263	173	90	9,452	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Santa Clara**	**Project Cost**	$67,104,414	☐ Renovation
Project Name	**Renovate Central Civil Cts**	**Start Date**	Q4 2006	☑ Addition
Total Weighted Project Score	**255**	**Completion Date**	Q4 2011	☐ New Building

Project Description:

Currently, the central civil calendar is located at the Old County Courthouse and Downtown Superior Court in downtown San Jose The goal is to retain this centralization of the civil calendar at this location and expand the existing facilities as required to meet projected demand.

Growth at this site will occur as follows The existing Old County Courthouse has been restored and will remain in use as is The site of the Downtown Superior Court has a surface parking area that can be utilized for expansion and an addition has been proposed to accommodate the growth in the civil calendar.

The existing Old County Courthouse has six courtsets and the Downtown Superior Courthouse has 16, including the appeals courtroom. The appeals courtroom is not included in the overall courtset count, as it is not assigned to a specific judicial officer. This courtroom has a bench which is shared by a three-judge appellate panel and no jury box and cannot be used for standard proceedings The 2022 central civil calendar is projected to require 32 courtsets, so an addition with 11 courtsets has been proposed for the site In addition to the 11 courtsets, the proposed expansion space will house local court administration, jury services, a self-help center, alternative dispute resolution and other clerk's office support.

There is insufficient area on the site to provide a driveway down to basement-level parking or sallyport. The existing courthouse has an incustody holding area in the basement, but no sallyport exists. Currently, sheriff's transportation parks vans or buses at the exterior of the courthouse and walks the inmates down a set of stairs to the basement holding area. Inmates are then walked from the holding area to one of the public elevators and taken upstairs to the courtrooms. While incustody trials will be a rare occurrence at a civil courthouse, the program has been developed with maximum flexibility and all courtsets have the ability to be utilized for incustody proceedings in the future. In order to provide adequate incustody circulation, the master plan provides a new sallyport and holding area on the first floor of the addition. This holding area will connect to the new courtset holding areas with secure elevators. Secure parking for judicial officers will also be provided on the first floor level.

The existing Downtown Superior Courthouse will undergo renovation once the addition has been completed. The entire courthouse should undergo renovation to address seismic, accessibility and life/safety issues as well as upgrades of existing systems and finishes as required. The support areas at the first floor and basement will undergo renovation to expand existing services such as the clerk's office and its support space Once jury services has been relocated to the new addition, that space will be renovated and used for other court support

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Downtown Superior Courthouse (B1)	255	225	30	126,005	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$18,764,150	☐ Renovation
Project Name	**Mid-Cnty Reg-Banning Phase 1**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**252**	**Completion Date**	Q1 2009	☑ New Building

Project Description:

The existing court facility located in the city of Banning has limited potential for expansion. Considerable future space growth is projected for this location, and therefore a new facility is planned to accommodate requirements for six court sets by 2022.
The project includes construction of a new 64,000 BGSF facility to accommodate six new court sets and associated court and support space. Surface parking for 409 cars will be included in the project.

Development of the new courthouse requires approximately 4.0 acres (175,000 SF) of property located at an unspecified site in the city of Banning Court facility development would likely involve a two to three-story above-grade-level structure.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Banning (G1)	252	192	60	23,502	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Del Norte**	**Project Cost**	$13,924,256	☐ Renovation
Project Name	**Crescent City- Addition- Phase I**	**Start Date**	Q4 2005	☑ Addition
Total Weighted Project Score	**248**	**Completion Date**	Q3 2009	☐ New Building

Project Description:

The Superior Court of California County of Del Norte has two court locations both in Crescent City. The proposed addition is to the main courthouse in Crescent City. It will add two new courtrooms and Judge's chambers. Court support spaces, including a jury assembly room, will also be constructed along the east side of the existing building, between the building and the new vehicle ramp to the basement. New secure holding spaces will be constructed with direct and segregated access to the courtrooms.

The construction of phase one will require the demolition of the existing clerk's office. The clerk will be relocated to the current district attorney's space and a two-story 38,584-square-foot addition with two new courtrooms will be constructed. This also includes renovation of 7,012 component gross square feet of existing space to be vacated by the district attorney, probation department and to be occupied by the court clerk after construction

Construction of a new two-courtroom addition in phase one, will address the immediate needs This phase is also intended to increase the security of the operations in the building.

The construction of the new addition will take up the area occupied by the existing parking lot All parking will have to be relocated to the lot across "G" Street from the courthouse. The lot adjacent to the existing county-owned parking lot must be acquired to accommodate the addition parking spaces

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Del Norte County Superior Court (A1)	248	248	0	9,846	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Diego**	**Project Cost**	$41,407,900	☑ Renovation
Project Name	**Phase 1-E.County Regional Ctr**	**Start Date**	Q3 2005	☑ Addition
Total Weighted Project Score	**243**	**Completion Date**	Q3 2008	☐ New Building

Project Description:

The existing East County Regional Center will be expanded in two phases. During the first phase the following work will be performed:
An addition of 59,000 BGSF to the existing courthouse will be constructed providing six new court sets and associated support functions
Renovation of 45,000 CGSF of space in the existing courthouse to alleviate spatial inefficiencies.
Renovation of the core and shell including all building systems.
Construction of a parking structure with 400 stalls

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
East County Regional Center (I1)	243	173	70	114,857	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Orange**	**Project Cost**	$7,774,000	☑ Renovation
Project Name	**Harbor Justice Center: Newport Beach**	**Start Date**	Q1 2010	☑ Addition
Total Weighted Project Score	**239**	**Completion Date**	Q3 2012	☐ New Building

Project Description:

The master plan recommends the renovation of the Newport Beach facility to provide for adequate space for court support functions and create needed additional parking.

A total of 11,116 square fee of space is currently being utilized for court-related agencies. The plan proposes trading space now occupied by court-related agencies to create additional space for court operations. This plan enables the court to maintain all 14 courtrooms in the building

In addition to reconfiguring space within the building and upgrading building systems, a new parking structure for 235 cars is proposed. An annex building will be constructed on part of the area now used for surface parking; this building will house the displaced court-related agency functions.

The Harbor Justice Center· Newport Beach Facility will continue to be used for criminal, civil, small claims and traffic case types after it is renovated.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Harbor Justice Center (E1)	239	199	40	59,416	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$29,078,824	☐ Renovation
Project Name	**SE-Phase 2-New SE Courthse**	**Start Date**	Q1 2009	☑ Addition
Total Weighted Project Score	**236**	**Completion Date**	Q4 2012	☐ New Building

Project Description:

The proposed capital project is the expansion of the 18-courtroom New Southeast Courthouse planned to be located in the South Gate and Huntington Park area The phase II expansion will have nine courtrooms for family, civil, small claims, unlawful detainer and traffic cases.

The total space required for the phase II expansion wing is 100,311 BGSF and is estimated to be a three story structure. This building does not require in-custody holding, but will include the jury facilities and the family court related support space required to support the intended facility use.

The cost of the 243-car parking structure for phase II is included in the total project cost estimate.

When the building is expanded, it will be used to partially vacate the Norwalk Courthouse prior to its renovation. A total of three family courtrooms from Norwalk will remain in the expansion wing of the New Southeast Courthouse

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Norwalk Courthouse (AK1)	236	198	70	109,474	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$24,984,543	☐ Renovation
Project Name	**NE-Pasadena Main Expansion**	**Start Date**	Q1 2010	☑ Addition
Total Weighted Project Score	**234**	**Completion Date**	Q4 2013	☐ New Building

Project Description:

The proposed expansion of the courthouse provides eight courtrooms and associated support space to be used for civil jury trials In addition, the expansion building will provide a consolidated jury assembly facility for all court buildings at the Pasadena court site, and will provide approximately 25 secure parking spaces The existing surface parking area on the southeast portion of the site along Euclid Avenue is an ideal location for the proposed four-level expansion to the Main Building.

The court's current parking needs are served by several private parking garages located within walking distance of the court building Consequently, no additional parking is provided for the expanded courthouse as part of the project.

Once completed, all civil jury operations from Pasadena Main Building, Santa Anita and Alhambra courthouses and part of the civil jury operations from Pasadena West Wing would move in to the expansion building.

The estimated total project cost for this project includes the site development cost for the Pasadena court complex site.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Alhambra Superior and Municipal Court (I1)	190	161	70	58,500	☐	☑
Pasadena Superior Courthouse (J1)	231	161	70	66,890	☐	☑
Pasadena Municipal Courthouse (J2)	307	237	70	23,637	☐	☑
Santa Anita Court (N1)	321	236	100	12,888	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$10,372,375	☑ **Renovation**
Project Name	**W Reg-Riverside Juv Ct Phase 1**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**227**	**Completion Date**	Q2 2008	☐ **New Building**

Project Description:

The Riverside Juvenile Court requires a total of 10 court sets and associated court office and support space to meet projected 2022 service demand With the continued use of the four existing court sets, an additional six court sets are required to satisfy long-term needs. The first phase of the expansion project is construction of a 33,500 BGSF addition to the Riverside Juvenile Court to accommodate six new court sets and associated court office and support functions. A total of three of the six new court sets would be "shelled out" for subsequent interior development in a subsequent renovation project.

The project includes acquisition of approximately 0.8 acres (35,000 SF) of property located at the Riverside Juvenile Court site. Court facility development would likely involve a one-story above-grade-level structure.

A total of 11,500 CGSF of space in the existing facility will be renovated, including 8,425 CGSF of non-court occupied space.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Riverside Juvenile Court (B1)	227	187	40	16,308	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$84,259,986	☐ Renovation
Project Name	**W-New W. Criminal Courthouse**	**Start Date**	Q4 2005	☐ Addition
Total Weighted Project Score	**223**	**Completion Date**	Q4 2009	☑ New Building

Project Description:

The proposed capital project is the construction of a new 21-courtroom facility in which nearly all criminal functions in the West District will be consolidated All of the courtrooms are planned to be jury trial and in-custody capable to provide the court with maximum flexibility.

A site has not been identified for this facility, but ideally would be located near the intersection of the 10 and 405 freeways. The new 234,600 BGSF courthouse requires a three acre site. The required parking structure would provide 466 spaces.

A total of 20 current criminal courtrooms and their associated support staff now located in the Airport (14), Beverly Hills (3) and Santa Monica (2) courthouses will be relocated to this new building.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Airport Court (AU1)	73	3	70	106,938	☐	☑
Beverly Hills Court (AQ1)	255	163	150	34,963	☐	☑
Malibu Civic Center Building (AS1)	287	167	120	19,384	☐	☑
Santa Monica Court (AP1)	472	312	160	54,979	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Ventura**	**Project Cost**	$60,295,103	☐ Renovation
Project Name	**New East County Courthouse**	**Start Date**	Q1 2008	☐ Addition
Total Weighted Project Score	**223**	**Completion Date**	Q1 2012	☑ New Building

Project Description:

The existing East County Courthouse is a two-story building including several county functions as well as five courtsets. Overall, the building is in good condition The primary concerns are the lack of emergency power and the lack of separation of staff, public, and in-custody circulation.

By the year 2022, a total of 14 courtsets are projected as required to support operations at a new East County Courthouse

By 2007, there will be a need to replace the five existing courtsets in the existing East County Courthouse, plus three being deleted from the Hall of Justice, plus three new judgeships from the planned request by the Judicial Council, for a total of 11.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
East County Courthouse (B1)	387	187	200	42,231	☐	☑
Hall of Justice (A1)	223	63	160	271,103	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Bernardino**	**Project Cost**	$2,116,560	☑ **Renovation**
Project Name	**Renovation at Joshua Tree Courthouse**	**Start Date**	Q4 2005	☐ **Addition**
Total Weighted Project Score	**222**	**Completion Date**	Q1 2009	☐ **New Building**

Project Description:

The Joshua Tree Courthouse, which was constructed in 1982, is a full-service court. The court functions currently with two jury-capable courtrooms and one non-jury capable courtroom, serving a portion of the Desert Region of San Bernardino County. The courthouse will continue to operate in its current location in the near-term and long-term future, due to its remote location.

This project will make functional improvements to the existing building. The project will include expansion of clerk and file space, and the addition of private internal circulation to the courtrooms from the clerk's office.

In 2009, two additional courtrooms will be constructed as a separate project phase in this location, to accommodate the projected caseload growth in a case types in the Desert Region.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Joshua Tree Court (E1)	222	112	110	36,219	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$20,170,187	☑ **Renovation**
Project Name	**E-El Monte Renovation**	**Start Date**	Q4 2009	☐ **Addition**
Total Weighted Project Score	**215**	**Completion Date**	Q2 2012	☐ **New Building**

Project Description:

This project involves the renovation of the El Monte Courthouse for use as a consolidated family courthouse for the Northeast and East districts In addition, the renovated courthouse will continue to handle some small claims operations for the East district The number of courtrooms in the building will be increased from six to eight by converting space now occupied by court-related agencies into two additional courtrooms and court support space

All court functions will move temporarily to the New East Criminal Courthouse to vacate the building prior to its renovation. The project involves renovation and space reconfiguration within the courthouse as well as an upgrade of facilities systems and seismic improvements

When renovated, the building will provide space for two family courtrooms both Pomona South and the Pasadena Main Courthouse and one small claims courtroom from El Monte

The estimated total project cost for this project includes space buyout cost from the court-related agencies currently occupying the building, and the seismic retrofit cost for the building.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Pomona Superior Court (W1)	231	125	160	103,839	☐	☑
Pasadena Superior Courthouse (J1)	241	161	80	66,890	☐	☑
Rio Hondo Court (O1)	146	184	0	47,855	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Kings**	**Project Cost**	$217,950	☑ **Renovation**
Project Name	**Hanford- Security Upgrade- Phase RI**	**Start Date**	Q1 2007	☐ **Addition**
Total Weighted Project Score	**213**	**Completion Date**	Q1 2008	☐ **New Building**

Project Description:

The Avenal County Center building was built in 1965, expanded and renovated in 1980. The court has one jury-capable and one partially in-custody-capable courtroom. The Corcoran Justice Center was built in 1990 The court occupies 6,000 square feet and has one jury-capable and in-custody-capable courtroom.

The proposed first phase includes security upgrades in the regional court facilities. Add security screening to Avenal and Corcoran court facilities. Avenal; reconfigure and expand the lobby and restrooms and add security screening at the entrance of the building.

The proposed project will address the security problems at both locations. It will not change the current court operations.

The Corcoran courthouse is another former justice court (through the year 1991-92) and municipal court (1992–2001) that has become a superior court The single courtroom, Department 10, handles filings from the Corcoran area for small claims, limited civil, family law, traffic infractions, and criminal (misdemeanor through sentencing and felony through preliminary hearing only).

The Avenal court functions as a full-service court. The court can handle a range of filing types including criminal (misdemeanor through sentencing and felony through preliminary hearing only), traffic infractions, limited civil, and small-claims cases. A case is assigned to the Avenal court if the crime was committed in Avenal (this reduces time off the street for police personnel) or if the case is among the types mentioned above and was filed in Avenal

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Avenal Municipal Court (C1)	359	359	0	2,561	☐	☑
Corcoran Municipal Court (D1)	97	97	0	3,227	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$89,413,349	☐ Renovation
Project Name	**E-Phase 1-New E. Criminal**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**204**	**Completion Date**	Q2 2009	☑ New Building

Project Description:

This project is the first phase, 24 courtrooms, of a new consolidated criminal courthouse to have a total of 40 courtrooms The project will meet projected service demand, provide temporary space for Pomona South and El Monte court operations during the renovation of these buildings, and also house the criminal operations currently located at these two facilities. The new building will provide for eight criminal courts from Pomona South and three criminal courts from El Monte.

Some of the existing criminal courtrooms are functionally marginal or deficient. The new project, in addition to reducing the number of custody sites within the district, will provide courtrooms that are functionally adequate to handle criminal case types

The new building will provide space for eight criminal courtrooms from Pomona South and three criminal courtrooms from El Monte Eventually the phase I project in combination with the phase II expansion will consolidate all criminal operations in the East district located at Pomona South, Pomona North, El Monte and West Covina courthouses.

The estimated total project cost for this project includes site acquisition cost for approximately 7 acres of site required for the total 40-courtroom project (phase I and phase II). In addition, the total project cost also includes the site development cost for partial site used for phase I.

The site requirements established for the project assume construction of an on-site three-level parking structure providing 624 spaces. The cost of this parking structure is included in the total project cost estimate.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Pomona Superior Court (W1)	185	139	100	103,839	☐	☑
Rio Hondo Court (O1)	246	184	100	47,855	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$100,639,900	☑ **Renovation**
Project Name	**Desert Reg-Larsen Justice Ct Phase 1**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**195**	**Completion Date**	Q1 2009	☐ **New Building**

Project Description:

The proposed expansion and renovation of the Larson Justice Center will create 38 additional courtrooms, with 27 finished in this project and 11 left unfinished The Larson Justice Center is the Desert Region's main courthouse and all case types are heard there.

The project includes construction of a 326,000 BGSF building addition and secure below-building parking for 75 cars. The project includes development of surface parking for 1,609 cars, including 150 parking spaces displaced by the expansion building The expansion building is assumed to be six to seven-stories with one additional below-grade level.

Court activities currently within the Indio Court Annex, Building B1, and the CAC East and West Buildings will be absorbed within the expansion of the Larson Justice Center.

Development is to occur on approximately 11 acres (483,000 SF) of property located adjacent to the existing Larson Justice Center

Renovation of 15,000 CGSF of existing space will be completed as part of this project.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Annex Justice Center (Indio) (C2)	810	610	200	19,052	☐	☑
Larson Justice Center (Indio) (C1)	96	16	80	117,755	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$17,246,824	☑ **Renovation**
Project Name	**SW-Torrance Renovation**	**Start Date**	Q2 2009	☐ **Addition**
Total Weighted Project Score	**187**	**Completion Date**	Q1 2012	☐ **New Building**

Project Description:

The proposed capital project is the renovation of the Torrance Courthouse for criminal and civil jury cases The plan includes downsizing the building from 17 to 14 courtrooms to provide court support and administrative space. Improvements to the existing building include internal renovation and space reconfiguration. In addition to the facility system upgrade, the key aspects of the renovation include the following.

- Close two courtrooms, Department H on the first floor and Division 2 on the second floor, and reuse space for court administration
- Convert court administration space in the basement to a Jury Assembly area Move the Jury Assembly operation from the existing jury assembly trailer into the court building and remove the trailer from the site.

Several court-related agencies will need to be bought out to create space for court support functions. The District Attorney and Probation office will need to find suitable space near one or both of the district's two criminal courthouses, Airport or Torrance, in commercial office or county owned buildings. The plan assumes the county law library will have already moved to the Airport Courthouse.

The plan for the existing building will accommodate 14 courtrooms and jury facilities. The project cost includes the Task Force estimate of seismic costs. The relocation cost associated with moving the county law library is not included in the estimated project cost.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
South Bay Courthouse Superior and Municipal (C1)	187	289	70	84,554	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Colusa**	**Project Cost**	$8,959,808	☐ **Renovation**
Project Name	**Phase C1-North Section, New**	**Start Date**	Q1 2009	☐ **Addition**
Total Weighted Project Score	**184**	**Completion Date**	Q3 2011	☑ **New Building**

Project Description:

The Master Plan for the Superior Court of California, County of Colusa entails building a new courthouse between the historic courthouse and the courthouse annex building and retaining continuing use of the historic courthouse. The new two-story courthouse adds three new courtrooms to supplement the historic courtroom, for a total of four courtrooms, with the possibility of expanding to five courtrooms in the future The master plan will be implemented in four phases. This project is phase one which calls for the construction of the north two-thirds of the new courthouse.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Courthouse Annex (A2)	184	84	100	9,300	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$18,515,018	☑ **Renovation**
Project Name	**E-Pomona S. Renovation**	**Start Date**	Q2 2008	☐ **Addition**
Total Weighted Project Score	**184**	**Completion Date**	Q4 2010	☐ **New Building**

Project Description:

This project is the renovation of the existing Pomona South courthouse for civil, family, small claims, traffic and juvenile delinquency cases When renovated, the building will be downsized from 20 to 17 courtrooms to create needed court support space. The adult criminal operations will move out of this building into the New East Criminal Courthouse, but the three existing juvenile delinquency courtrooms will remain. Some of the lock-up space will be renovated as court support space.

The renovated courthouse will provide space for 10 of the civil and family courtrooms presently located in the Pomona South Courthouse, two civil courtrooms from El Monte and two civil courtrooms from Pomona North.

All court functions will move temporarily to the New East Criminal Courthouse after it is completed to vacate the building prior to its renovation.

The plan involves renovation and space reconfiguration within the courthouse as well as an upgrade of facilities systems and seismic improvements The estimated total project cost for this project includes space buyout cost for the District Attorney's office, and the seismic retrofit cost for the building.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Pomona Courthouse North (formally Municipal Court) (	373	303	70	32,176	☐	☑
Pomona Superior Court (W1)	125	139	40	103,839	☐	☑
Rio Hondo Court (O1)	186	184	40	47,855	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Bernardino**	**Project Cost**	$26,200,426	☑ **Renovation**
Project Name	**Rancho Cucamonga Courthouse Addition Phase 1**	**Start Date**	Q4 2006	☑ **Addition**
Total Weighted Project Score	**181**	**Completion Date**	Q3 2010	☐ **New Building**

Project Description:

The project planned in Rancho Cucamonga will include both renovation of the existing building and expansion into a new building addition, as well as parking to support current and future need.

The $2,116,560 renovation of the offices and associated support space which is currently occupied by the district attorney, public defender and probation will be the first part of the project. Those offices scheduled to be relocated into other county facilities Consistent with the original planning of the building, the subject areas have been configured for conversion into court space.

There are currently three courtrooms in the facility. The facility, serving the Western Region of San Bernardino County, supports all types of general jurisdiction cases: criminal, civil, family and probate, as well as limited jurisdiction traffic, small claims and felony plea.

The total project cost includes a $7,205,024 new addition to the south side of the existing building will also include six new courtrooms, clerk space and related court support. This phase of construction will accommodate consolidation of criminal cases from Chino, and future consolidation of criminal cases from Fontana, when that facility is renovated to handle consolidated traffic cases.

The proposed proejct will also provide courtrooms for the six new judgeships, within the Judicial Council's list of 150 proposed judgeships, that are proposed for 2007

The project addition will include commensurate parking which will be required to support the expanded facility.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Chino Court (G1)	273	183	90	36,542	☐	☑
Rancho Cucamonga Courthouse (F1)	167	57	110	242,138	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$99,094,050	☐ **Renovation**
Project Name	**C-New C. LA Criminal**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**174**	**Completion Date**	Q3 2009	☑ **New Building**

Project Description:

The proposed capital project is construction of a new 27-courtroom Criminal Courthouse to accommodate future growth of criminal cases and traffic in the Central District, allow for some downsizing of the Foltz Criminal and Metropolitan Courthouses, and provide swing space to support the renovation of all the district's criminal courthouses. Ideally this new 303,600 BGSF court facility will be located downtown.

The estimated total project cost includes site acquisition for a 3.5 acre site and structured parking for 594 cars.

The program includes space for 27 courtrooms, including 22 criminal jury and 5 traffic courtrooms. All courtrooms will have in-custody holding and access to allow flexibility to use the traffic courts for arraignments.

After the new facility is constructed, the court will temporarily move a portion of the Foltz Courthouse's criminal operation to the new facility to partially vacate the Foltz Courthouse prior to its renovation. The new courthouse will allow the Foltz facility to be downsized from 61 to 60 courtrooms in the twenty year plan After the Foltz renovation is completed, the new facility will be used for swing space to partially vacate and then renovate the Metropolitan Courthouse A total of five of Metropolitan's 21 courtrooms will be permanently located in the new Criminal Courthouse.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Criminal Courts Building (L1)	209	139	70	343,032	☐	☑
Metropolitan Court (T1)	71	176	70	116,067	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Kern**	**Project Cost**	$65,000	☑ **Renovation**
Project Name	**Phase 1 - East/Lake Isabella**	**Start Date**	Q2 2006	☐ **Addition**
Total Weighted Project Score	**166**	**Completion Date**	Q4 2006	☐ **New Building**

Project Description:

The project involves minor remodelling at Lake Isabella to expand the clerk's work area and file storage.

The existing court is in session only two days a week and one courtroom is anticipated to be adequate through the planning period A minimal capital project is proposed for this court. Minor interior demolition and improvements would alleviate overcrowding in the clerk's area and enable remodelling adjacent departmental space.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
East Kern Court-Lake Isabella Branch (G1)	166	126	40	4,225	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$41,970,181	☐ Renovation
Project Name	**SC-New SC Courthouse**	**Start Date**	Q1 2008	☐ Addition
Total Weighted Project Score	**163**	**Completion Date**	Q4 2011	☑ New Building

Project Description:

The proposed capital project is construction of a new 11-courtroom South Central Courthouse for civil, family, unlawful detainer and small claims cases Ideally this new court facility will be located near a freeway interchange or in Compton.

The 119,397 BGSF building will include space for 11 courtrooms and jury facilities The new building requires a site of approximately 3 5 acres to provide for the new courthouse and a parking structure for 385 cars.

The cost to acquire a site and provide structured parking is included in the project cost estimate.

The new courthouse provides swing space needed for the renovation of the Compton Courthouse into a fully criminal capable court facility.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Compton Courthouse (AG1)	163	133	30	159,383	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$10,411,700	☑ Renovation
Project Name	**Mid-Cnty Reg-Hemet Ct Phase 1**	**Start Date**	Q3 2005	☑ Addition
Total Weighted Project Score	**156**	**Completion Date**	Q2 2008	☐ New Building

Project Description:

The proposed capital project expands and renovates the Hemet Court for an additional four courtrooms. With the continued use of the four existing court sets, an additional four court sets are required to satisfy long-term needs The project will finish two of the four courtrooms, with the remaining unfinished courtrooms renovated in a subsequent phase. Surface parking for 347 cars is included as part of the capital project.

The project includes construction of a 34,000 BGSF addition to the Hemet Court to provide four new court sets and associated court office and support functions The project includes acquisition of approximately 2 4 acres (104,000 SF) of property located at the existing Hemet Court site The expansion building will be a two-story structure.

The project includes renovation of 5,000 CGSF of existing space.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Hemet (F1)	156	116	40	22,017	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$4,692,800	☑ **Renovation**
Project Name	**Desert Reg-Palm Springs Ct Phase 1**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**149**	**Completion Date**	Q2 2007	☐ **New Building**

Project Description:

The proposed expansion and renovation of the Palm Springs Court will provide additional office space for court support functions. No additional courtrooms are required to meet projected 2022 needs with the continued use of three of the four existing court sets.

The project will construct a 5,500 BGSF addition to the Palm Springs Court for office uses and develop, through renovation of 14,000 CGSF of court and non-court occupied space, supplemental area to correct for current court set space limitations and to accommodate expanded court office and support functions Approximately 8,404 CGSF of space occupied by non-court functions will need to be vacated to allow for its renovation.

The project also includes renovation of systems/core/shell elements of the existing facility.

The one-story expansion wing will be located on the site of the existing facility

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Palm Springs Courts (E1)	149	149	0	18,543	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$14,908,300	☐ **Renovation**
Project Name	**Desert Reg-Blythe Ct Phase 1**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**131**	**Completion Date**	Q3 2008	☑ **New Building**

Project Description:

The current court facility at Blythe has limited potential for expansion beyond its current level of use. Considerable future space growth is projected for this location and therefore a new 52,000 BGSF facility, which would replace the current court, is planned to accommodate a requirement for six courtrooms by 2022 Surface parking for 338 cars will be included in the project.

Development of the new courthouse requires approximately 3.25 acres (142,000 SF) of property located at an unspecified site in the city of Blythe. Court facility development would likely involve a two-story above-grade-level structure.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Blythe Courthouse - Superior Court (D1)	131	101	30	12,500	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Ventura**	**Project Cost**	$34,089,801	☑ **Renovation**
Project Name	**Hall of Justice & Parking Structure**	**Start Date**	Q3 2008	☐ **Addition**
Total Weighted Project Score	**123**	**Completion Date**	Q1 2012	☑ **New Building**

Project Description:

Maintain 27 of 30 in-place court sets and renovate the Hall of Justice including the reassignment of existing non-court occupied space to support expanded court executive office/clerk, court-related support, and building support functions at the Hall of Justice.

Construct a parking structure at the County Government Center Site to support Hall of Justice court operations.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Hall of Justice (A1)	123	63	60	271,103	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$30,360,670	☐ **Renovation**
Project Name	**NE-Alhambra Expansion**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**120**	**Completion Date**	Q2 2009	☐ **New Building**

Project Description:

The proposed capital project is the expansion of the existing Alhambra Courthouse to provide six additional criminal jury courtrooms This project must occur before the facility can be renovated and downsized from nine to seven courtrooms. After the building is renovated, it will have a total of 13 courtrooms for criminal and traffic cases. In the 20-year plan, all civil cases now heard in the Alhambra Courthouse will be heard in the Pasadena Courthouse Main Building.

The six-courtroom expansion of the Alhambra Courthouse will occur on the area now used for surface parking on the southeast portion of the site.

The project includes construction of a parking garage for 368 cars to both replace the 226 on-site spaces eliminated by construction of the expansion and for the 162 additional spaces needed for the net increase of six courtrooms on the site Approximately 20 parking spaces are accommodated in the basement of the new expansion, as secure parking.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Alhambra Superior and Municipal Court (I1)	120	161	0	58,500	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$8,938,286	☑ **Renovation**
Project Name	**NE-Alhambra Renovation**	**Start Date**	Q2 2008	☐ **Addition**
Total Weighted Project Score	**120**	**Completion Date**	Q2 2010	☐ **New Building**

Project Description:

The project proposes renovation of the Alhambra Courthouse to downsize the facility from nine to seven courtrooms for criminal and traffic cases Prior to this project, the proposed six-courtroom expansion of the Alhambra Courthouse will have to be completed. This expansion will add a new four-story structure on the southeast portion of the site currently used for surface parking The six courtrooms in this expansion building will provide swing space to partially vacate the existing Alhambra Courthouse before its renovation

The Alhambra renovation involves space reconfiguration within the courthouse, seismic improvements and an upgrade of some facility systems. In addition to downsizing from nine to seven courtrooms, the renovation involves reuse of the existing jury assembly space for court administrative space The jury assembly operations will move into the larger jury assembly area located in the Alhambra expansion building

Once completed, the renovated Alhambra Courthouse will have one traffic and six criminal courtrooms In addition, the courthouse would also continue its existing informal juvenile traffic operations.

The estimated total project cost for this project includes the Task Force estimated seismic retrofit cost and related soft costs.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Alhambra Superior and Municipal Court (I1)	120	161	0	58,500	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Fresno**	**Project Cost**	$2,062,122	☑ **Renovation**
Project Name	**North Jail Annex Renovation**	**Start Date**	Q1 2009	☐ **Addition**
Total Weighted Project Score	**117**	**Completion Date**	Q1 2010	☐ **New Building**

Project Description:

Constructed in 1992, the North Jail Annex is a two-story facility attached to the existing jail in downtown Fresno. Court operations are located on the first floor of the North Jail Annex The facility is linked to the main jail and courthouse via tunnels Two court departments are utilized primarily for in-custody matters of initial appearance.

Renovation would encompass providing ADA compliant access and circulation to the existing courtrooms; systems, core and shell upgrade; and seismic upgrade.

The following work will be done for this project.
Maintain two existing court sets
Renovate existing courtrooms to provide ADA access and circulation
Renovation primarily on the first floor of the existing two level structure.
Select interior renovation
Systems, core and shell upgrade
Seismic upgrade.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
North Annex Jail (B1)	117	117	0	11,083	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$27,425,865	☑ **Renovation**
Project Name	**C-Metropolitan**	**Start Date**	Q3 2009	☐ **Addition**
Total Weighted Project Score	**112**	**Completion Date**	Q4 2011	☐ **New Building**

Project Description:

The proposed capital project is renovation of the Metropolitan Courthouse for continued use as a criminal courthouse. The 21-courtroom facility will be downsized to 16 courtrooms to provide needed administrative space.

The courthouse's facility systems are in good condition and do not require upgrade The plan involves minor renovation and space reconfiguration within the courthouse.

The plan requires downsizing the office space currently used by Community Services from 3,093 to 259 CGSF to create space for court support functions and therefore total of 2,834 CGSF will need to be bought out to implement the reuse plan.

The plan assumes the existing parking garage will be used as is and no additional parking is provided

The plan for the existing building will accommodate 16 courtrooms, jury and in-custody holding facilities, and offices for the District Attorney, the Public Defender, Pretrial Services, the City Attorney, the Data Systems Department, Community Services, the Police Department, the Alternative Public Defender, the Public Health Department and the California Highway Patrol.

The estimated total project cost includes the Task Force estimated costs of seismic improvements.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Metropolitan Court (T1)	112	176	0	116,067	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$8,022,099	☑ **Renovation**
Project Name	**SE-Whittier Renovation**	**Start Date**	Q3 2008	☐ **Addition**
Total Weighted Project Score	**111**	**Completion Date**	Q4 2010	☐ **New Building**

Project Description:

The proposed capital project is the renovation of the Whittier Courthouse. The building, now used for criminal and civil cases, will be used for civil, small claims, unlawful detainer and traffic cases after it is renovated. The renovated Whittier facility will continue to have seven courtrooms and jury facilities.

In addition to an upgrade of facilities systems and seismic improvements, the plan involves minor renovation and space reconfiguration within the courthouse. The key aspects of the renovation include reuse of the central holding located in the basement for archival storage, reuse of the shared courtroom holding space for trial court judiciary and support functions, and convert space now occupied by the Public Defender into family court services and space now occupied by the District Attorney into court administrative space. These two court-related agencies currently located in the building need to be bought out to create additional court support space. These agencies should acquire or lease suitable space near the New Southeast Courthouse, where the criminal cases formerly held in the Whittier facility will be heard.

The project cost includes the Task Force estimated cost for seismic improvements.

The renovated building will provide for two civil courts from Whittier and two civil courts from Bellflower in addition to providing for projected growth in non-criminal case types.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Los Cerritos Judicial Center (AL1)	68	86	40	37,554	☐	☑
Whittier Court (AO1)	148	158	40	44,634	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Francisco**	**Project Cost**	$1,041,388	☑ **Renovation**
Project Name	**Phase II - Renovate Civic Cntr**	**Start Date**	Q2 2010	☐ **Addition**
Total Weighted Project Score	**111**	**Completion Date**	Q3 2011	☐ **New Building**

Project Description:

The San Francisco Civic Center Courthouse (CCC) is a newly constructed facility which was occupied in 1998. The building is a courts-only facility, which hears civil and family cases of all types in 38 courtrooms.

Due to the site and development constraints imposed on the building design by the urban setting, the building organization and the sizes of the constituent functions are below the suggested guidelines for new courts in many respects. For example, some courtrooms are undersized Due to the limitations of the existing Youth Guidance Center, the Unified Family Court hears its cases at the CCC, with only juvenile delinquency and juvenile traffic heard at the Youth Guidance Center (YGC) site, which is several miles away in the southwest side of the city.

Upon completion of the Unified Family Court (UFC) facility at the YGC site in a separate proposed project which will precede this one, six courts which are currently located in the Civic Center Courthouse, and related functions, will be relocated to the new building. Those functions currently occupy the fourth floor of the Civic Center Courthouse There are seven courtrooms on that floor, along with a clerk's area and offices for family court mediators.

The vacating of those areas will be converted into needed general office space Some areas will not need renovation. Others will need major renovation, including demolition of some of the existing courtrooms. That work is the subject of this project, which will reduce the number of courtrooms in the building from 38 to 32, but it will not affect case types, which will continue to be civil only.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Civic Center Courthouse (A1)	111	111	0	228,595	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$19,023,101	☑ **Renovation**
Project Name	**SC-Compton Renovation**	**Start Date**	Q4 2009	☐ **Addition**
Total Weighted Project Score	**106**	**Completion Date**	Q4 2013	☐ **New Building**

Project Description:

The 31-courtroom facility is now used for criminal and civil cases. When completely renovated, the Compton facility will be downsized from 31 to 23 courtrooms and be used only for only adult criminal cases.

The plan involves renovation and space reconfiguration within the courthouse as well as a major upgrade of facilities systems and substantial seismic improvements The key aspects of the renovation include reuse of 23 courtrooms located on the fourth, fifth, sixth, ninth, tenth, eleventh and twelfth floors and conversion of a total of eight under-sized (less than 1,000 sf) courtrooms into court administration and support spaces.

The building will be partially occupied while renovated. Prior to the start of renovation, the court will need to move seven courtrooms, including five civil, one family and one small claims, to the new South Central Courthouse. With the one courtroom currently not in use by the court, a total of eight courtrooms will be vacated in the building. A total of twenty criminal, one traffic and two juvenile delinquency courtrooms will remain operating in the building while it is renovated

To allow for the renovation of the building's eight under-sized courtrooms into court support space, the court will also need to move courtroom functions from the eight undersized courtrooms to eight adequately sized courtrooms, as needed.

No court-related agencies, which occupy over 100,000 CGSF of the total useable building area, will need to move to accomplish the reuse plan. The space currently occupied by these agencies will remain at current allocations.

The estimated total project cost for this project includes the Task Force estimated seismic retrofit cost and related soft costs.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Compton Courthouse (AG1)	106	133	30	159,383	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Diego**	**Project Cost**	$1,300,000	☑ **Renovation**
Project Name	**Phase 1-Hall of Justice**	**Start Date**	Q3 2008	☐ **Addition**
Total Weighted Project Score	**100**	**Completion Date**	Q4 2009	☐ **New Building**

Project Description:

It is anticipated that the current quantity of 16 court sets will support operations at the Hall of Justice through 2022 and exclusively accommodate a civil calendar. This project will include the renovation of a total of 21,000 CGSF of existing court occupied space to accommodate expanded civil clerk operations and select court support operations.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Hall of Justice (A2)	100	60	40	114,225	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$58,562,913	☑ **Renovation**
Project Name	**C-Foltz Criminal Justice Center**	**Start Date**	Q3 2007	☐ **Addition**
Total Weighted Project Score	**94**	**Completion Date**	Q2 2010	☐ **New Building**

Project Description:

The proposed capital project is renovation of the Clara Shortridge Foltz Courthouse for continued use as a criminal courthouse. The 61-courtroom facility will be downsized to 60 courtrooms to provide needed administrative space.

The plan involves renovation and space reconfiguration within the courthouse as well as an upgrade of facilities systems and seismic improvements The key aspects of the renovation include:
•□Convert one undersized courtroom into court administration space.
•□Convert jury deliberation into court support spaces.

The building will need to be partially occupied while renovated. The plan assumes the court will move almost one-third of the existing courtrooms to the new Criminal Courthouse temporarily prior to the start of renovation.

The court-related agencies, which occupy over 177,000 CGSF of the total useable building area, will remain in the building under the proposed reuse plan at current allocations. The plan assumes the existing parking resources will continue to be available to the court

The plan for the existing building includes 60 courtrooms, jury facilities and in-custody holding. A total of 47 courtrooms will be jury capable Offices for the District Attorney, Probation, the Public Defender, the City Attorney, the LAPD Liaison, and the Sheriff will be maintained. The building will also maintain small offices for the Internal Services Division for building maintenance support, the Information Systems office, Health Services and Volunteer Services.

The estimated total project cost includes the Task Force estimated costs of seismic improvements.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Criminal Courts Building (L1)	102	139	0	343,032	☐	☑
Metropolitan Court (T1)	71	65	70	116,067	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$72,083,715	☐ **Renovation**
Project Name	**JD-New Juvenile Dependency**	**Start Date**	Q2 2008	☐ **Addition**
Total Weighted Project Score	**80**	**Completion Date**	Q4 2011	☑ **New Building**

Project Description:

The Los Angeles Superior Court operates the Juvenile Dependency court as a countywide court that operates primarily out of the Edelman Children's Court located in Monterey Park in the Central District.

The existing Children's Court facility, which was constructed in the 1992, requires additional court support space to function properly for the court and cannot be expanded to meet projected 2022 service demand. Construction of the new Juvenile Dependency court will allow for the downsizing of the Edelman Courthouse from 24 to 16 courtrooms and the conversion of eight courtrooms into court support space.

The 20-year master plan endorsed by the Los Angeles Superior Court constructs one or two new juvenile dependency courthouses to allow for the downsizing of the Edelman Courthouse and provide for projected 2022 service demand. The projected growth of JPEs for juvenile dependency can either be located in one 16-courtroom new facility or can be split into two eight courtroom facilities located in underserved regions of the county, as recommended in the preferred master plan option for juvenile dependency

The need for 16 courtrooms in a 171,000 BGSF building is presented as one project for funding purposes. The project cost includes the cost of acquiring a 3.5 acre site and development of structured parking for 800 cars.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Children's Court (Q1)	80	0	80	151,364	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Sacramento**	**Project Cost**	$12,656,208	☑ **Renovation**
Project Name	**Phase 1-Carol Miller Just Cen Interior Expan**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**75**	**Completion Date**	Q2 2006	☐ **New Building**

Project Description:

This project renovates the interior of the vacant second floor of the existing Carol Miller Justice Center to provide two additional courtrooms and support space to handle traffic and small claims cases. This project will also include shelled space for a third courtroom, which will be converted in phase III of the master plan. Meanwhile, this shelled space can be used for other adiminstrative functions.

This project will be able to accomodate two of the 13 new judgeships from the Judicial Council's list of 150 proposed judgeships.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Carol Miller Justice Center (D1)	75	75	0	87,872	☑	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$3,812,225	☑ **Renovation**
Project Name	**SE-Bellflower Renovation**	**Start Date**	Q2 2010	☐ **Addition**
Total Weighted Project Score	**68**	**Completion Date**	Q1 2012	☐ **New Building**

Project Description:

The proposed capital project is the renovation of the Bellflower facility as a criminal court to meet projected 2022 service demand. The building, now used for criminal and civil cases, will be used for only criminal cases after it is renovated. The renovated Bellflower facility will be downsized from six to five courtrooms to create required court support space

In addition to an upgrade of facilities systems and seismic improvements, the plan involves minor renovation and space reconfiguration within the courthouse. The key aspects of the renovation include:
•□Phase out one courtroom on the first floor and reuse space for jury assembly.
•□Reuse the undersized jury assembly room located on the third floor for court administrative space.
•□Reuse some of the surplus court security area located in the basement for court administration and trial court support functions

Several court-related agencies occupy the building. The space provided to the Public Defender's office will be maintained. The District Attorney's office will be allocated approximately 340 CGSF more than the area it currently occupies

Small offices for court-related and other agencies currently located in the building need to be bought out to create additional court support space. These agencies will need to acquire or lease suitable space near the courthouse or relocate in or near other county buildings.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Los Cerritos Judicial Center (AL1)	68	86	40	37,554	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$18,127,200	☑ **Renovation**
Project Name	**W Reg-Hall of Justice Phase 1**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**63**	**Completion Date**	Q1 2008	☐ **New Building**

Project Description:

The proposed capital project is the addition of 77,000 BGSF of office and court support space to the existing 21 courtroom building. The addition is assumed to be a four-above-grade-level structure on the site of the existing Hall of Justice. The building is the main criminal courthouse in the City of Riverside.

The project includes only minor interior renovation of existing space, totaling 8,000 CGSF.

A subsequent phase of the project will add two courtrooms to the building.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Hall of Justice (A3)	63	63	0	98,639	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Tulare**	**Project Cost**	$1,524,500	☑ **Renovation**
Project Name	**Juvenile Center Phase I**	**Start Date**	Q1 2008	☐ **Addition**
Total Weighted Project Score	**58**	**Completion Date**	Q1 2012	☐ **New Building**

Project Description:

This proposed project renovates the existing "shelled" space in the three courtrooms Juvenile Justice facility to provide one additional courtroom and support space to handle juvenile cases. It will have a total of four courtrooms. It will also renovate 2,112 CGSF of current non-court occupied space for more support space. In addition, it will develop 40 surface parking on the existing site.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Tulare Co. Juvenile Facility (D1)	58	58	0	21,904	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$86,338,300	☑ **Renovation**
Project Name	**Mid-Cnty Reg-SW Justice Center Phase 1**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**46**	**Completion Date**	Q3 2009	☐ **New Building**

Project Description:

The proposed capital project is the expansion and renovation of the Southwest Justice Center (SJC) to provide 44 new courtrooms, with only 28 finished and 16 unfinished.

The project includes construction of a 246,000 BGSF facility with 50 below-building parking spaces The project includes surface parking for 1,232 cars, including 100 existing parking spaces displaced by the building expansion.

The project requires acquisition of approximately 14 5 acres (625,000 SF) at the Southwest Justice Center. Of this site requirement, approximately 40 percent of the acquired property would lie outside the boundaries of the present Southwest Justice Center site Court facility development would likely involve a five-story structure with one additional below-grade level
Acquisition of property directly south of the recently developed courthouse is required to accommodate growth in court related parking

A total 50,000 CGSF of non-court occupied space will be renovated to create additional court office and support functions

The master plan proposes finishing the 16 unfinished courtrooms and providing additional surface parking in two subsequent phases.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Southwest Justice Center (M1)	46	6	40	157,121	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$17,417,800	☑ **Renovation**
Project Name	**W Reg-Family Law Ct Phase 1**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**40**	**Completion Date**	Q1 2008	☐ **New Building**

Project Description:

A total of 12 courtrooms are projected for location at the Family Law Court by 2022. With the continued use of the four existing courtrooms, an additional eight courtrooms are required to satisfy long-term needs. The first phase of the expansion project is construction of a 60,000 BGSF building addition to accommodate eight new court sets and associated court office and support functions. A total of three of the eight required court sets would be "shelled out" for subsequent interior development in a later phase of interior renovation

Approximately 2,849 CGSF of non-court occupied space would be renovated to create additional court office and support functions. In total, approximately 8,000 CGSF of space in the existing facility will be renovated.
Development will occur on one-third of a city block in downtown Riverside located contiguous to the existing Family Law Court. Court facility development would likely involve a three-story above-grade-level structure.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
Family Law Court (A1)	40	0	40	36,242	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$6,996,708	☑ **Renovation**
Project Name	**NV-San Fernando Renovation**	**Start Date**	Q1 2008	☐ **Addition**
Total Weighted Project Score	**16**	**Completion Date**	Q4 2010	☐ **New Building**

Project Description:

The project proposes renovation of the San Fernando Courthouse to downsize the facility from 17 to 15 courtrooms for criminal and traffic cases. The courthouse has two deficient courtrooms that can be decommissioned and moved to the New Chatsworth facility, where four of the existing courtrooms are not in use. The renovation involves interior space reconfiguration and seismic upgrades.

The courthouse will continue operations during the renovation. The court-related agencies will continue to occupy their office space within the building

Once completed, the renovated San Fernando Courthouse will have one traffic courtroom and 14 criminal courtrooms The estimated total project cost for this project includes the Task Force estimated seismic retrofit cost and related soft costs.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
San Fernando Court (AC1)	16	55	0	108,806	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Fresno**	**Project Cost**	$77,152,711	☐ **Renovation**
Project Name	**New Civil & Traffic Courthouse & Pkg Struct B**	**Start Date**	Q1 2008	☐ **Addition**
Total Weighted Project Score	**0**	**Completion Date**	Q1 2012	☑ **New Building**

Project Description:

The master plan consultant states that a new Civil and Traffic Courthouse will also support long term projected court space requirements. This new facility will support general civil, traffic, and small claims calendars. The first phase, costing $64,021,510, will provide 19 courtrooms.

This project is needed to fill the courtroom needs for the additional JPEs that will be required by 2012.

Since this additional building will add to the existing problem of parking in downtown Fresno, Fresno Parking Garage B, at a cost of $13,131,201, is being added to this project.

The proposed capital project addresses growth beyond the planned request by the Judicial Council for an additional 150 judgeships statewide and does not improve or replace existing court facilities. The initial five-year capital outlay plan gives priority to projects that address current and near-term needs, including projects that replace deficient court facilities or renovate courthouses to increase their long-term useful life. Capital projects that are designed to meet longer-term needs will be addressed in future capital outlay plans.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Fresno**	**Project Cost**	$94,904,034	☐ **Renovation**
Project Name	**New Criminal Courthouse & Pkg Structure A**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**0**	**Completion Date**	Q3 2009	☑ **New Building**

Project Description:

The master plan consultant states that a phased approach is most suitable This entails the development of 23 court sets by the year 2012

Courthouse development will likely result in a structure of seven to nine levels, subject to final site dimensions. By 2007, the Criminal courthouse construction will be 199,000 SF. Site to maintain close proximity to the North Annex Jail facility.

This project is needed to fill the courtroom needs for the additional JPEs that will be required by 2012.

The proposed capital project addresses growth beyond the planned request by the Judicial Council for an additional 150 judgeships statewide and does not improve or replace existing court facilities. The initial five-year capital outlay plan gives priority to projects that address current and near-term needs, including projects that replace deficient court facilities or renovate courthouses to increase their long-term useful life. Capital projects that are designed to meet longer-term needs will be addressed in future capital outlay plans.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Glenn**	**Project Cost**	$7,262,101	☐ Renovation
Project Name	**Willows Phase II**	**Start Date**	Q4 2009	☑ Addition
Total Weighted Project Score	**0**	**Completion Date**	Q4 2012	☐ New Building

Project Description:

The second phase responds to more growth and proposes a two-story building totaling 22,640 square feet on the west side of the Phase 1. This project will house two additional in-custody capable and jury-capable courtrooms, two judges chambers, jury deliberation room, and court adminstration and support space.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Kern**	**Project Cost**	$7,126,000	☐ **Renovation**
Project Name	**Phase 2 - South/TBD**	**Start Date**	Q1 2009	☑ **Addition**
Total Weighted Project Score	**0**	**Completion Date**	Q4 2012	☐ **New Building**

Project Description:

This project proposes an addition of two more new courtrooms to anticipate for expected growth in the South Region at a Phase I Taft site.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$3,854,006	☑ **Renovation**
Project Name	**N-Phase 1-Antonovich**	**Start Date**	Q2 2009	☐ **Addition**
Total Weighted Project Score	**0**	**Completion Date**	Q4 2011	☐ **New Building**

Project Description:

When completed in 2004, the Michael Antonovich Courthouse in Antelope Valley will be the newest courthouse in Los Angeles County Fifteen courtrooms will be built-out, with a total capacity of 21 courtrooms To meet 2022 demand for courtrooms in the district, the court will need to use 20 of the 21 courtrooms The master plan proposes, however, that the court build-out all six, rather than five, of the courtrooms and related support space in available unfinished space when it undertakes construction to expand use of this building.

Long-term use of this building for both criminal and non-criminal proceedings is endorsed by the Los Angeles Superior Court. When completed, the court will be able to assign 10 courtrooms to the facility by moving all adult criminal and traffic courtrooms from the Lancaster Courthouse and the Lancaster Annex When occupied in 2004, the facility will have five courtrooms that are built-out but not used. In 2007 the court will need to use one of the five built-out but unused courtrooms to meet projected service demand. When the court terminates the lease in Palmdale in 2010, the four remaining unused courtrooms will be needed.

To meet project growth in the district, the court will need to build out four courtrooms and related support space in the available unfinished space in the building by 2012.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Los Angeles**	**Project Cost**	$4,912,491	☑ **Renovation**
Project Name	**NV-Chatsworth Renovation**	**Start Date**	Q4 2009	☐ **Addition**
Total Weighted Project Score	**0**	**Completion Date**	Q4 2011	☐ **New Building**

Project Description:

The project involves the build-out of five courtrooms in available unfinished space in the existing Chatsworth building

This is one of the county's newest courthouses, completed in 2002 with 10 courtrooms that currently serve civil and traffic case types. The court currently uses only eight of the 10 courtrooms The third floor of this facility is unfinished and was designed for another eight courtrooms and related support space The court recently moved criminal courtrooms to San Fernando from Chatsworth to consolidate criminal operations in the district in San Fernando

Long-term use of this building for both criminal and non-criminal proceedings is endorsed by the Los Angeles Superior Court The project will meet the projected service demand for the district and will serve as a civil, criminal and traffic court

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Merced**	**Project Cost**	$21,057,360	☐ Renovation
Project Name	**Downtown Merced Phase III**	**Start Date**	Q3 2009	☑ Addition
Total Weighted Project Score	**0**	**Completion Date**	Q3 2013	☐ New Building

Project Description:

This project is the Phase III of the New Merced Courthouse that is currently under design by the county and it's consultant architects. The County of Merced is proceeding with a new courthouse design and will go into construction in 2005 on a county owned site across the street from the existing court complex The first two phases will provide 18 courtrooms and the third phase will provide an additional eight courtrooms for Merced County for a total of 26 courtrooms.

All of the current deficient and level one buildings will be replaced by the first two phases of the new Merced Courthouse. Therefore this phase of the project will be strictly related to the growth of the caseloads based on the master plan projections on the county's population.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Orange**	**Project Cost**	$43,953,000	☐ **Renovation**
Project Name	**East Justice Center - Option A**	**Start Date**	Q1 2010	☐ **Addition**
Total Weighted Project Score	**0**	**Completion Date**	Q3 2013	☑ **New Building**

Project Description:

The proposed capital project is construction of a new 10-courtroom facility for primarily criminal, civil, traffic and small claims cases. Some types of family and juvenile cases may also be heard at this facility. This courthouse needs to be located in close proximity to the future Musick Jail Facility in the eastern portion of the county.

The new courthouse will be approximately 117,115 BGSF. The project cost estimate includes acquisition of an eight-acre site and the development of surface parking for 450 cars.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Placer**	**Project Cost**	$21,506,250	☐ **Renovation**
Project Name	**Phase 3 - South Placer & Parking Structure**	**Start Date**	Q2 2009	☑ **Addition**
Total Weighted Project Score	**0**	**Completion Date**	Q4 2011	☐ **New Building**

Project Description:

This project is an expansion to the South Placer Justice Center court building that adds five courtrooms, expands jury services, family service facilitator and court administration to meet the projected growth in the area and four new judicial positions by the year 2012 Additional parking on the site maybe required for the new court departments and expansion of other court services.
Additional parking, beyond that provided for SPJC phase 1, and 2, is unlikely to be accommodated in surface lots at the site. However a parking demand study should be conducted on the site after the SPJC Phase 1 & 2 has been in operation for at least one year to determine the number of spaces required to support the facility when Phase 3 is in operation. After that study is complete alternatives will be explored with the City of Roseville, concerning the amount of parking to be provided, how it should be provided, and financed. Nonetheless it is prudent to include the cost of a new parking structure in the long-range capital plan for this court.
The court building expansion would add 38,000 gross s.f. and can be built on land provided with SPJC Phase 1 a project developed Placer County. The new two level (one at grade and one elevated) parking structure for approximately 560 cars with a gross area of 196,000 s f could be constructed on surface parking lot provided with earlier projects on the site (SPJC 1 & 2). This parking structure would provide parking for the future Phase 4 expansion planned on the site for occupancy in 2016.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$25,865,400	☐ Renovation
Project Name	**Mid-Cnty Reg-New Civil Ct Phase 1**	**Start Date**	Q3 2005	☐ Addition
Total Weighted Project Score	**0**	**Completion Date**	Q3 2009	☑ New Building

Project Description:

The proposed capital project is construction of a new 87,000 BGSF Mid-County Civil Courthouse at an unspecified site in the Mid-County region. The new building will have a capacity of 13 courtrooms and associated support space to meet projected service demand for civil cases in the Mid-County region

In this project nine court sets would be fully developed The remaining four additional court sets, initially "shelled out," will undergo interior development at a later phase. The project includes development of surface parking for 727 cars.

The new building is estimated to require approximately 6.5 acres and involve a two to three above-grade-level structure

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Riverside**	**Project Cost**	$39,482,900	☐ **Renovation**
Project Name	**W Reg-New Riverside Civil Phase 1**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**0**	**Completion Date**	Q3 2009	☑ **New Building**

Project Description:

The proposed capital project is construction of a new 115,000 Riverside Civil Courthouse at an unspecified site in the downtown Riverside area The new building will have a capacity of 16 courtrooms and associated support space to meet projected service demand for civil cases in Riverside.

In this project 10 court sets would be fully developed The remaining six additional court sets, initially "shelled out," will undergo interior development at a later phase. The project includes construction of secure below-building parking with a capacity of 80 stalls.

The new building is estimated to require approximately one-third of a city block (0.75 acres) and involve a five-above-grade-level structure, with one additional below-grade level.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Sacramento**	**Project Cost**	$5,138,215	☑ **Renovation**
Project Name	**Phase 1-Wm Ridgeway Family Rel Crt Expansion**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**0**	**Completion Date**	Q2 2006	☐ **New Building**

Project Description:

This project entails the interior renovation of the existing William Ridgeway Family Relations Courthouse to provide three additional courtrooms and support space to handle family law related cases. It is necessary to relocate some of the existing county non-court functions, approximately 13,000 sf, to facilities outside the courthouse in order to achieve this goal. This building was built in 1999 as a build-to-suit facility and functions very well as a courthouse.

The project will provide courtrooms and support space for the three new judgeships from the Judicial Council's list of 150 proposed judgeships.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
William Ridgeway Family Relations Courthouse (E1)	0	0	0	115,339	☐	☑

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Benito**	**Project Cost**	$7,808,024	☐ Renovation
Project Name	**Courthouse Phase II Addition**	**Start Date**	Q2 2010	☑ Addition
Total Weighted Project Score	**0**	**Completion Date**	Q2 2013	☐ New Building

Project Description:

The proposed second phase is to be constructed at the time when the fifth courtroom is needed. It will consist of two courtrooms and necessary support space (approximately 19,220 gross square feet). The exact timing of the addition will be determined by the growth of court activity (to the level that the fifth courtroom is required), which is currently projected to be 2012 This will be an addition to the four-courtroom courthouse built in phase one

The San Benito Phase 2 (court addition) is designed to accommodate the future projected growth. It does not affect/replace any of the existing facilities The existing court facilities are consolidated by the first phase of construction. The RCP –2 forms were not completed for this proposed project.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Bernardino**	**Project Cost**	$7,686,519	☐ Renovation
Project Name	**Addition to Joshua Tree Courthouse**	**Start Date**	Q3 2007	☑ Addition
Total Weighted Project Score	**0**	**Completion Date**	Q1 2010	☐ New Building

Project Description:

The Joshua Tree Courthouse, which was constructed in 1982, is a full-service court. The court functions currently with two jury-capable courtrooms and one non-jury capable courtroom, serving a portion of the Desert Region of San Bernardino County. The courthouse will continue to operate in its current location in the near-term and long-term future, due to its remote location. In 2009, two additional courtrooms will be constructed in this project to accommodate the projected caseload growth in a case types in the Desert Region.

The associated renovation of the the existing building, planned as a separate phase of this project, will make functional improvements to the existing building. This will include: expansion of clerk and file space, and the addition of private internal circulation to the courtrooms from the clerk's office.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Bernardino**	**Project Cost**	$22,893,040	☐ Renovation
Project Name	**Juvenile Dependency Court Addition**	**Start Date**	Q4 2007	☑ Addition
Total Weighted Project Score	**0**	**Completion Date**	Q1 2011	☐ New Building

Project Description:

The new Juvenile Dependency court is currently being constructed adjacent to the existing Juvenile Delinquency facility in the City of San Bernardino. The new facility will provide four courtrooms The new project, funded with other sources, will be completed and occupied concurrently with this capital program, and juvenile dependency functions and courts will be consolidated into the building from other existing facilities. The trailers in which the current Juvenile Dependency court operates will be vacated and removed prior to the commencement of this project.

This project constructs an eight-courtroom addition to that new building, to respond to expansion of the building to meet JPE growth projections for eight judgeships within the Judicial Council's proposed list of 150 judgeships.

The building and its addition will support future project juvenile dependency cases and related matters, and all courtrooms will be in-custody capable.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**San Diego**	**Project Cost**	$7,762,400	☐ **Renovation**
Project Name	**Phase 1-New E. Mesa Juv Ct**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**0**	**Completion Date**	Q1 2008	☑ **New Building**

Project Description:

A new Juvenile Court facility, accommodating the remainder of countywide delinquency calendars, will be located adjacent to a juvenile detention complex currently under development in East Mesa.

This facility will be a one story building of approximately 23,500 BGSF to accommodate a total of three in-custody capable court sets and associated office and support functions.

This facility will accommodate the long-term growth of juvenile delinquency cases, as well as minimizeoperational costs associated with the transportation of incustody juvenile detainees.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Stanislaus**	**Project Cost**	$2,340,000	☐ **Renovation**
Project Name	**Juvenile Hall Expansion A**	**Start Date**	Q3 2005	☑ **Addition**
Total Weighted Project Score	**0**	**Completion Date**	Q1 2009	☐ **New Building**

Project Description:

This project proposes an addition of one new courtrooms to anticipate for expected growth in the South Region at existing Modesto Juvenile Hall site.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

Project Summary Sorted by Total Weighted Score, with Existing Facilities

County	**Ventura**	**Project Cost**	$42,755,538	☐ **Renovation**
Project Name	**New West Court Facility**	**Start Date**	Q3 2005	☐ **Addition**
Total Weighted Project Score	**0**	**Completion Date**	Q3 2009	☑ **New Building**

Project Description:

The proposed capital project addresses growth beyond the planned request by the Judicial Council for an additional 150 judgeships statewide and does not improve or replace existing court facilities The initial five-year capital outlay plan gives priority to projects that address current and near-term needs, including projects that replace deficient court facilities or renovate courthouses to increase their long-term useful life. Capital projects that are designed to meet longer-term needs will be addressed in future capital outlay plans.

Existing Facility Name (Site ID Building ID)	Total Needs & Benefits Score	Total Needs Score	Total Benefits Score	Current Facility Area (GSF)	Court Use Only	Shared Use
()					☐	☐

D

Attachment D

Summary of projects, sorted by county

RCP Scores of Proposed Capital Projects
County Sort with Statewide Rank
February 11, 2004

State Rank	Total Score	County	Project	Total Project Cost	County Total
77	450	Alameda	Phase 1 - Wiley W Manuel Courthouse Addition	$73,154,186	
129	293	Alameda	Renovation of Hayward Hall of Justice	$8,165,920	$81,320,106
40	590	Alpine	Markleeville-New	$4,866,949	$4,866,949
30	636	Amador	New Courthouse	$18,210,288	$18,210,288
53	541	Butte	Chico Courthouse	$15,515,952	$15,515,952
19	725	Calaveras	Phase I - New Courthouse	$18,570,673	$18,570,673
157	184	Colusa	Phase C1-North Section, New	$8,959,808	$8,959,808
4	840	Contra Costa	New Juvenile Court	$10,195,982	
32	633	Contra Costa	Antioch Court	$44,915,403	
65	505	Contra Costa	North Concord Court	$56,824,221	$111,935,606
143	248	Del Norte	Crescent City- Addition- Phase I	$13,924,256	$13,924,256
28	653	El Dorado	Placerville Phase I	$25,466,910	$25,466,910
5	820	Fresno	New Clovis Court	$21,109,006	
13	760	Fresno	New Regional Justice Cent & 7 New Serv Cent	$42,865,267	
67	498	Fresno	New Juvenile Delinquency	$24,845,564	
117	316	Fresno	Renovate Fresno County Courthouse	$40,187,536	
124	305	Fresno	Renovate Exist Juvenile Dependency	$3,541,616	
131	284	Fresno	Federal Courthouse	$34,111,808	
169	117	Fresno	North Jail Annex Renovation	$2,062,122	
184	0	Fresno	New Civil & Traffic Courthouse & Pkg Struct B	$77,152,711	
185	0	Fresno	New Criminal Courthouse & Pkg Structure A	$94,904,034	$340,779,664
59	525	Glenn	Willows Phase I	$9,147,768	
186	0	Glenn	Willows Phase II	$7,262,101	$16,409,869
7	800	Humboldt	Juvenile Delinquency Court	$2,408,908	
42	585	Humboldt	Garberville Court	$4,001,578	
69	490	Humboldt	New Humboldt Court	$64,242,150	
115	343	Humboldt	Hoopa Court	$3,714,886	$74,367,522
17	730	Imperial	Winterhaven- Remodel	$371,476	
25	700	Imperial	Calexico- Addition	$3,366,243	
34	629	Imperial	El Centro- New Family Court	$14,850,977	
92	417	Imperial	El Centro Court- Phase- I Remodel	$12,102,483	
100	387	Imperial	El Centro Court-Phase II- Remodel	$1,356,792	
101	387	Imperial	El Centro Court- Phase III- Addition	$47,612,256	$79,660,227
62	514	Inyo	New Bishop Facility	$7,676,000	$7,676,000
47	564	Kern	Phase 1 - South/Taft	$7,181,000	

RCP Scores of Proposed Capital Projects
County Sort with Statewide Rank
February 11, 2004

State Rank	Total Score	County	Project	Total Project Cost	County Total
52	544	Kern	Phase 2 - East/Mojave	$11,271,000	
66	499	Kern	Phase 1 - East/Ridgecrest	$6,914,000	
88	421	Kern	Phase 2 - Dwntwn Bakersfield	$59,631,000	
97	409	Kern	Phase 3 - Dwntwn Bakersfield	$14,927,000	
119	309	Kern	Phase 1 - Dwntwn Bakersfield	$438,000	
140	263	Kern	Phase 1 - North/Delano	$11,602,000	
161	166	Kern	Phase 1 - East/Lake Isabella	$65,000	
187	0	Kern	Phase 2 - South/TBD	$7,126,000	$119,155,000
106	373	Kings	Hanford- New - Phase HI	$54,279,930	
153	213	Kings	Hanford- Security Upgrade- Phase RI	$217,950	$54,497,880
43	579	Lake	New Northlake - Phase I	$20,432,535	
99	389	Lake	New Southlake - Phase I	$8,322,230	$28,754,765
23	708	Lassen	Susanville - New Courthouse	$26,163,423	$26,163,423
18	727	Los Angeles	SE-Phase 1-New SE Courthouse	$66,803,395	
29	652	Los Angeles	JDel-New Juv Courthouse	$50,334,134	
80	440	Los Angeles	MH-New Mental Health CtHse	$20,939,643	
89	421	Los Angeles	JDel-East Lake ReConstructn	$24,873,301	
90	420	Los Angeles	C-New C LA Flagship Civil and Family	$513,041,696	
93	417	Los Angeles	S-New S. Criminal Courthouse	$126,349,364	
102	384	Los Angeles	S-New Long Beach Courthouse	$44,497,709	
108	369	Los Angeles	N-Lancaster Renovation	$3,155,676	
111	362	Los Angeles	E-Phase 2-New Criminal	$46,705,569	
112	357	Los Angeles	NC-New N C. Courthouse	$56,570,126	
123	306	Los Angeles	SW-Airport Renovation	$6,532,540	
126	302	Los Angeles	NW-Van Nuys E Renovation	$33,756,101	
128	295	Los Angeles	W-Santa Monica Renovation	$17,710,275	
139	265	Los Angeles	NC-Burbank Renovation	$4,926,797	
146	236	Los Angeles	SE-Phase 2-New SE Courthse	$29,078,824	
147	234	Los Angeles	NE-Pasadena Main Expansion	$24,984,543	
149	223	Los Angeles	W-New W. Criminal Courthouse	$84,259,986	
152	215	Los Angeles	E-El Monte Renovation	$20,170,187	
154	204	Los Angeles	E-Phase 1-New E Criminal	$89,413,349	
156	187	Los Angeles	SW-Torrance Renovation	$17,246,824	
158	184	Los Angeles	E-Pomona S Renovation	$18,515,018	
160	174	Los Angeles	C-New C. LA Criminal	$99,094,050	

RCP Scores of Proposed Capital Projects
County Sort with Statewide Rank
February 11, 2004

State Rank	Total Score	County	Project	Total Project Cost	County Total
162	163	Los Angeles	SC-New SC Courthouse	$41,970,181	
167	120	Los Angeles	NE-Alhambra Expansion	$30,360,670	
168	120	Los Angeles	NE-Alhambra Renovation	$8,938,286	
170	112	Los Angeles	C-Metropolitan	$27,425,865	
171	111	Los Angeles	SE-Whittier Renovation	$8,022,099	
173	106	Los Angeles	SC-Compton Renovation	$19,023,101	
175	94	Los Angeles	C-Foltz Criminal Justice Center	$58,562,913	
176	80	Los Angeles	JD-New Juvenile Dependency	$72,083,715	
178	68	Los Angeles	SE-Bellflower Renovation	$3,812,225	
183	16	Los Angeles	NV-San Fernando Renovation	$6,996,708	
188	0	Los Angeles	N-Phase 1-Antonovich	$3,854,006	
189	0	Los Angeles	NV-Chatsworth Renovation	$4,912,491	$1,684,921,367
20	724	Madera	Phase II - New Courthouse & Parking Structure	$82,360,352	
58	526	Madera	Phase I - Remodel Main Madera	$5,068,342	$87,428,694
82	433	Marin	New Courthouse North Wing	$42,735,356	$42,735,356
55	537	Mariposa	Phase I - New Court Facility	$12,808,552	
75	457	Mariposa	Phase II - Renovate Existing	$51,350	$12,859,902
118	311	Mendocino	New Courthouse in Ukiah	$21,639,196	$21,639,196
2	890	Merced	Downtown Merced Phase II	$32,018,620	
8	800	Merced	Los Banos Phase I	$10,927,002	
190	0	Merced	Downtown Merced Phase III	$21,057,360	$64,002,982
94	411	Modoc	Expand & Renovate BJC	$3,880,000	$3,880,000
6	820	Mono	Mammoth Lakes- New- Phase I	$10,684,034	
38	597	Mono	Bridgeport - Remodel Rear Modular	$500,000	$11,184,034
50	549	Monterey	Salinas Court Augmentation and Phase 2	$22,946,648	
86	424	Monterey	Monterey / Ft Ord Replacement Court	$39,126,654	$62,073,302
11	770	Napa	Renovate Juvenile Hall	$2,429,379	$2,429,379
64	506	Nevada	Nevada City Phase I	$37,251,379	
104	382	Nevada	New Truckee Courthouse	$13,001,533	
133	282	Nevada	Truckee Renovation	$225,000	$50,477,912
24	705	Orange	Harbor Justice Center: Laguna Niguel -Phase 1	$32,310,000	
120	309	Orange	North Justice Center	$30,350,000	
136	275	Orange	Central Justice Center - Phase 1	$91,136,000	
145	239	Orange	Harbor Justice Center Newport Beach	$7,774,000	
191	0	Orange	East Justice Center - Option A	$43,953,000	$205,523,000

RCP Scores of Proposed Capital Projects
County Sort with Statewide Rank
February 11, 2004

State Rank	Total Score	County	Project	Total Project Cost	County Total
16	739	Placer	Phase 1 - New Tahoe New Court & Parking	$7,796,583	
21	718	Placer	Phase 2 - South Placer	$10,724,375	
125	305	Placer	New Auburn Courthouse & Parking	$23,357,625	
192	0	Placer	Phase 3 - South Placer & Parking Structure	$21,506,250	$63,384,833
1	920	Plumas	Portola/Loyalton-New Branch Court	$1,785,675	
46	566	Plumas	Quincy- New Courthouse	$15,817,346	$17,603,021
9	800	Riverside	W Reg-Valley Ct Phase 1	$16,995,850	
83	431	Riverside	W Reg-Historic Cths Misc Improvements	$3,575,000	
103	383	Riverside	Desert Reg-Indio Juv Phase 1	$10,325,900	
134	278	Riverside	Mid-Cnty Reg-Temecula Phase 1	$11,347,200	
137	271	Riverside	W Reg-Corona Ct Phase 1	$9,812,210	
142	252	Riverside	Mid-Cnty Reg-Banning Phase 1	$18,764,150	
148	227	Riverside	W Reg-Riverside Juv Ct Phase 1	$10,372,375	
155	195	Riverside	Desert Reg-Larsen Justice Ct Phase 1	$100,639,900	
163	156	Riverside	Mid-Cnty Reg-Hemet Ct Phase 1	$10,411,700	
164	149	Riverside	Desert Reg-Palm Springs Ct Phase 1	$4,692,800	
165	131	Riverside	Desert Reg-Blythe Ct Phase 1	$14,908,300	
182	40	Riverside	W Reg-Family Law Ct Phase 1	$17,417,800	
194	0	Riverside	W Reg-New Riverside Civil Phase 1	$39,482,900	
179	63	Riverside	W Reg-Hall of Justice Phase 1	$18,127,200	
181	46	Riverside	Mid-Cnty Reg-SW Justice Center Phase 1	$86,338,300	
193	0	Riverside	Mid-Cnty Reg-New Civil Ct Phase 1	$25,865,400	$399,076,985
56	534	Sacramento	Phase 1-Juvenile Justice Cent Interior Expan	$3,373,056	
79	445	Sacramento	Phase 2-New Criminal Courts Building	$155,650,299	
87	424	Sacramento	Phase 1-New Court Administration Building	$38,098,369	
135	276	Sacramento	Phase 1-Gordon D Schaber Renovation	$13,120,471	
177	75	Sacramento	Phase 1-Carol Miller Just Cen Interior Expan	$12,656,208	
195	0	Sacramento	Phase 1-Wm Ridgeway Family Rel Crt Expansion	$5,138,215	$228,036,618
10	772	San Benito	New Courthouse - Phase I	$18,936,068	
196	0	San Benito	Courthouse Phase II Addition	$7,808,024	$26,744,092
31	634	San Bernardino	New San Bernardino Courthouse Phase 1	$84,027,212	
45	568	San Bernardino	Addition & Renovation at Needles City Hall	$2,422,774	
151	222	San Bernardino	Renovation at Joshua Tree Courthouse	$2,116,560	
159	181	San Bernardino	Rancho Cucamonga Courthouse Addition Phase 1	$26,200,426	
198	0	San Bernardino	Juvenile Dependency Court Addition	$22,893,040	

RCP Scores of Proposed Capital Projects
County Sort with Statewide Rank
February 11, 2004

State Rank	Total Score	County	Project	Total Project Cost	County Total
197	0	San Bernardino	Addition to Joshua Tree Courthouse	$7,686,519	$145,346,531
37	604	San Diego	Phase 1-New Central Courthouse	$224,228,250	
70	489	San Diego	Phase 1-Meadowlark Juv Ct	$12,220,500	
81	440	San Diego	Phase 1-New Traffic/Small Claims Ct	$28,249,000	
85	427	San Diego	Phase 1-N County Regional Ctr	$53,963,025	
132	284	San Diego	Phase 1-Ramona Branch Ct	$110,500	
138	271	San Diego	Phase 1-S.County Regional Ctr	$75,903,200	
144	243	San Diego	Phase 1-E County Regional Ctr	$41,407,900	
174	100	San Diego	Phase 1-Hall of Justice	$1,300,000	
199	0	San Diego	Phase 1-New E Mesa Juv Ct	$7,762,400	$445,144,775
130	288	San Francisco	Phase I - New Family Court	$53,876,846	
172	111	San Francisco	Phase II - Renovate Civic Cntr	$1,041,388	$54,918,234
15	746	San Joaquin	Manteca/Tracy- New- Phase I	$33,701,600	
33	633	San Joaquin	Lodi- New- Phase I	$15,309,720	
95	410	San Joaquin	Stockton- New- Phase I	$49,313,800	
105	380	San Joaquin	Stockton- Renovation- Phase II	$21,622,500	$119,947,620
36	617	San Luis Obispo	SLO-1-Procure Kimball Site/Build East Wing	$37,444,074	$37,444,074
74	469	San Mateo	Northern Branch- Addition & Refurbish	$7,337,500	
91	419	San Mateo	Central Branch- Addition & Refurbish	$3,440,000	
114	344	San Mateo	Southern Branch- Renovation- Phase I	$30,213,750	
116	338	San Mateo	Juvenile Branch- Addition	$1,125,000	$42,116,250
12	770	Santa Barbara	South Juvenile Court Replacement	$3,197,000	
27	660	Santa Barbara	Lewellen Justice Center Addition-Phase 1	$23,235,624	
51	548	Santa Barbara	Figueroa Building - New and Renovation	$24,672,000	
72	477	Santa Barbara	Renovation of Anacapa Building	$3,308,000	
122	307	Santa Barbara	Renovation of Jury Assembly Building	$351,000	$54,763,624
26	667	Santa Clara	New Family Resources Ct	$107,178,851	
61	518	Santa Clara	North County New Courthouse	$51,792,488	
84	430	Santa Clara	Consolidate Central Traffic & Small Claims	$34,837,997	
127	296	Santa Clara	Central Criminal & Juvenile Delinquency Court	$109,996,255	
141	255	Santa Clara	Renovate Central Civil Cts	$67,104,414	$370,910,005
71	488	Santa Cruz	New-Phase I	$12,548,000	$12,548,000

RCP Scores of Proposed Capital Projects
County Sort with Statewide Rank
February 11, 2004

State Rank	Total Score	County	Project	Total Project Cost	County Total
68	496	Shasta	New Shasta Courthouse & Parking Structure	$79,001,731	$79,001,731
44	569	Sierra	Downieville Phase I	$5,176,908	$5,176,908
14	750	Siskiyou	Service Centers-Phase III	$4,060,000	
22	714	Siskiyou	New Yreka-Phase I	$19,085,142	$23,145,142
57	527	Solano	Phase F2. Old Solano Historic Courthouse reno	$12,076,075	
63	510	Solano	Hall of Justice/Law & Justice Cen Renovations	$2,591,113	
76	456	Solano	Phase F3, Hall of Justice Replacement Project	$43,097,306	
96	410	Solano	Phase F4 Renovate old school	$15,140,122	$72,904,616
60	519	Sonoma	Phase 2 - New Criminal Ct	$88,517,981	
73	477	Sonoma	Phase 3 - Main Civil/Family Ct	$81,404,563	
110	364	Sonoma	Phase 1 - HOJ Remodel	$6,321,592	$176,244,136
54	541	Stanislaus	Turlock Phase I	$23,655,430	
113	347	Stanislaus	Modesto Phase I	$21,300,000	
121	309	Stanislaus	Modesto Phase II	$21,300,000	
200	0	Stanislaus	Juvenile Hall Expansion A	$2,340,000	$68,595,430
41	588	Sutter	Yuba City- New- Phase I	$37,507,229	$37,507,229
39	592	Tehama	Red Bluff- New - Phase I	$11,767,941	
107	372	Tehama	Red Bluff- New - Phase II	$6,860,411	$18,628,352
109	367	Trinity	Weaverville- New Courthouse	$7,181,377	$7,181,377
35	623	Tulare	South Justice Center	$42,340,000	
78	448	Tulare	North Justice Center	$92,685,600	
180	58	Tulare	Juvenile Center Phase I	$1,524,500	$136,550,100
49	550	Tuolumne	Sonora Phase I - New	$27,553,783	$27,553,783
150	223	Ventura	New East County Courthouse	$60,295,103	
166	123	Ventura	Hall of Justice & Parking Structure	$34,089,801	
201	0	Ventura	New West Court Facility	$42,755,538	$137,140,442
3	860	Yolo	New Downtown Ct & Parking Structure	$76,767,185	
48	558	Yolo	Juvenile Delinquency Ct	$4,336,334	$81,103,519
98	404	Yuba	New Courthouse	$31,829,707	$31,829,707
Total				**$6,215,937,156**	**$6,215,937,156**
Average	**384**				

Attachment E

Summary of total project costs, sorted by county

County Rank by Total Project Cost
February 11, 2004

Rank	County	County Total Cost	Rank	County	County Total Cost
1	Los Angeles	$1,684,921,367	30	Marin	$42,735,356
2	San Diego	$445,144,775	31	San Mateo	$42,116,250
3	Riverside	$399,076,985	32	Sutter	$37,507,229
4	Santa Clara	$370,910,005	33	San Luis Obispo	$37,444,074
5	Fresno	$340,779,664	34	Yuba	$31,829,707
6	Sacramento	$228,036,618	35	Lake	$28,754,765
7	Orange	$205,523,000	36	Tuolumne	$27,553,783
8	Sonoma	$176,244,136	37	San Benito	$26,744,092
9	San Bernardino	$145,346,531	38	Lassen	$26,163,423
10	Ventura	$137,140,442	39	El Dorado	$25,466,910
11	Tulare	$136,550,100	40	Siskiyou	$23,145,142
12	San Joaquin	$119,947,620	41	Mendocino	$21,639,196
13	Kern	$119,155,000	42	Tehama	$18,628,352
14	Contra Costa	$111,935,606	43	Calaveras	$18,570,673
15	Madera	$87,428,694	44	Amador	$18,210,288
16	Alameda	$81,320,106	45	Plumas	$17,603,021
17	Yolo	$81,103,519	46	Glenn	$16,409,869
18	Imperial	$79,660,227	47	Butte	$15,515,952
19	Shasta	$79,001,731	48	Del Norte	$13,924,256
20	Humboldt	$74,367,522	49	Mariposa	$12,859,902
21	Solano	$72,904,616	50	Santa Cruz	$12,548,000
22	Stanislaus	$68,595,430	51	Mono	$11,184,034
23	Merced	$64,002,982	52	Colusa	$8,959,808
24	Placer	$63,384,833	53	Inyo	$7,676,000
25	Monterey	$62,073,302	54	Trinity	$7,181,377
26	San Francisco	$54,918,234	55	Sierra	$5,176,908
27	Santa Barbara	$54,763,624	56	Alpine	$4,866,949
28	Kings	$54,497,880	57	Modoc	$3,880,000
29	Nevada	$50,477,912	58	Napa	$2,429,379
				Total	**$6,215,937,156**

Attachment F

Summary of proposed demonstration projects

County Name	Demonstration Project Name	Description
El Dorado	Placerville Phase 1	Leveraged funding - land donation plus funding from BOS. Built in conjunction with new juvenile hall and sheriff's building to minimize project cost.
Fresno	Federal Courthouse	Expeditious occupancy and leveraged funding - bill to donate courthouse sponsored by Sen. Boxer. Substantially less expensive than other options to provide for additional space for court
Imperial	El Centro - New Family Court	Leveraged funding and innovative - land donation to reduce project cost and unifed family court to reduce court operating costs.
Los Angeles	E-El Monte Renovation	Innovative - unified family court which reduces court operating costs.
Los Angeles	MH-New Mental Health Courthouse	Innovative - extensive use of video-conferencing technology to reduce capital costs of project and to reduce court and other agencies operating costs.
Mariposa	Phase 1 - New Court Facility	Leveraged funding - partial land donation. Also improved security which reduces operating costs.
Orange	Harbor Justice Center-Laguna Niguel -Phase 1	Expeditious occupancy - entitlements secured and leveraged funding - local funding commitments. Reduction in annual leases payments of $800K.

Placer-Nevada	Phase 1 - New Tahoe New Court & Parking	Cross-jurisdictional use of new courthouse to consolidate operations and reduce capital costs and operating costs.
Plumas-Sierra	Portola/Royalton - New Branch Court	Cross-jurisdictional use of new courthouse to consolidate operations and reduce capital costs and operating costs.
San Diego	Phase 1 - New Central Courthouse	Expeditious occupancy - county assembling land. Savings from coordination with other projects In additional replaces building that is expensive to maintain and subtantially reduces security costs.

Attachment G

Summary of comments received on generic or policy aspects of the scoring procedure

Summary of comments received on generic or policy aspects of the trial court five-year capital outlay plan scoring

Rachelle Agatha, Court Executive Officer, Superior Court of Amador County

Comment: Several of the benefit categories do not apply to courts that are consolidated and efficient and thus the scoring system penalizes those courts.

Response: The scoring system was designed to reflect benefits that proposed projects provide to existing court operations. If the court does not have the underlying problems then no points are scored for the proposed project in those areas.

John A. Clarke, Court Executive Officer, Superior Court of Los Angeles County

Comment: The prioritization system does not reflect local priorities, including the need to address deferred maintenance of facilities with a high-volume of business (e.g. traffic courts). Local priorities and understanding of building condition should be considered in prioritizing capital projects.

Response: Deferred maintenance projects are not part of the capital outlay plan and will be considered separately under a process to prioritize special repairs and address deferred maintenance. Regarding consideration of local priorities that may differ from the results of the scoring, the RCP process was developed to compares the relative merits of projects on a statewide basis. The process was designed to give priority to projects that address the most functionally and physically problematic building conditions, as documented by the Task Force on Court Facilities and in the master plan, and measured against criteria designed to be objective. At the request of the Executive and Planning Committee, a recommendation that AOC staff develop a process for reviewing projects with circumstances that fall outside of the scoring process is included in the accompanying report for consideration by the council. Local court priorities that are different than the scoring priorities may be reviewed through that process.

Tressa S. Kentner, Court Executive Officer, Superior Court of San Bernardino County

Comment: Some of the projects will require temporary relocation of courtrooms to leased space outside the courthouse. The cost of leasing, and operational costs associated with moving the courts, or operating in multiple locations, is not represented in the capital outlay program, but should be considered in funding for the projects. Also, while the prioritization procedure provides for disposition of

leases by assigning maximum scores to projects which leave leased facilities, it does not quantify the lease cost savings for those dispositions.

Response: Neither the task force work, nor the current trial court five-year capital outlay plan, accounts for operational costs in the proposed capital budget. These are support costs and are not usually included in capital outlay requests. AOC staff discussions with the state Department of Finance have included acknowledgement that support budget requests for one-time support costs will be needed for the projects in the capital outlay plan and will be submitted as project planning moves forward. Regarding vacating a leased space, the scoring does not quantify the benefit of lease cost savings. Leased savings will be reflected in reduced operational costs which are not quantified as part of the capital outlay plan.

Inga McElyea, Court Executive Officer, and Gary Whitehead, Manager of Facilities, Superior Court of Riverside County

Comment : Judgeships from the Judicial Council's list of 150 proposed judgeships, which are considered in the master plan for 2007, need to be taken into consideration as a point-rating criterion in order to give benefit points to projects that are needed to meet short-term needs for new judgeships.

Response: Approved new judgeships are considered in the first of the five filters which places new judgeships in Priority Group 1. Priority Group 1 allows for projects that are needed to accommodate new judgeships established by the Legislature. Since there are no new approved judgeships, Priority Group 1 is not active at this time, but is reserved for future use.

Comment: The prioritization system needs to have some method to weigh more subjective criteria within a county. While this weight may not affect the priority within the state, local subjective criteria is very important to the bench within a county. There should be an opportunity to adjust priorities outside of the strict rating system to reflect local priorities.

Response: The RCP process establishes capital project priorities for the entire state court system. The system was designed to give priority to projects that address the most functionally and physically problematic building conditions, as documented by the Task Force on Court Facilities and in the master plans, and measured against criteria designed to be objective. At the request of the Executive and Planning Committee, a recommendation has been included in this report that AOC staff develop a process for reviewing projects with circumstances that fall outside of the scoring process. Local court priorities that are different than the scoring priorities may be reviewed through that process.

John Montgomery, Court Executive Officer, Superior Court of Marin County

Comment: Of the 1000 points in the rating scale, only 120 possible points are related to building security, with the majority of these points allotted for judicial and staff circulation. Only 40 points are directly related to building security itself. Just four per cent of the total rating scale specifically addresses the precarious and dangerous circumstances which many trial courts must confront on a daily basis when security is either grossly inadequate or non-existent. This four per cent allocation is so inconsequential as to have virtually no impact on the decision-making process. In addition, the application of the filters illustrates a fundamental flaw in the design of the prioritization methodology in that security is simply considered as one of numerous criteria in a laundry list of lesser important variables, and is never recognized as a primary component for determining project priority. Consequently, the dangerous security condition at the Marin County Hall of Justice receives virtually no consideration for inclusion in any of the priority groups.

Response: The relative scoring is designed to balance 16 criteria which relate to problems in existing facilities that proposed projects may improve. Security (which is one criteria that includes three components: judicial and staff circulation, secure circulation for in-custody defendants, and building security) is weighted at 12 per cent of the total which is high relative to the other criteria. At the request of the Executive and Planning Committee, a recommendation has been made to the council that AOC staff develop a process for reviewing the ranking of projects where unique circumstances, such as lack of building security at the Marin County Hall of Justice, exist.

Jody Patel, Court Executive Officer, Superior Court of Sacramento

Comment: It was our understanding that the purpose of the first filter is to highlight those projects that are required to accommodate the 150 new judgeships to be requested by the Judicial Council. However, in reviewing the forms provided for the six Sacramento projects, we noted that in Section 5 of each form, the "Yes" block was not checked, in spite of the fact that these projects are designed to accommodate new judgeships earmarked for Sacramento.

Response: The filter for new judgeships is applicable only for new judgeships established by the Legislature. None of the judgeships on the council's list of 150 new judgeships have been established and no projects for any court are included in Priority Group 1. The filter will be used in future capital outlay plan updates as new judgeships are established.

Comment: The process does not consider the need to accommodate new judgeships beyond those on the council's list of the next 150 judgeships to be requested. This means that despite the projected shortfall in judgeships identified in the court master plans, no score is assigned to reflect those shortfalls. We feel that some weight or score should be assigned to projects that are needed to accommodate the projected judgeship needs for each court beyond the list of 150.

Response: Additional judgeships beyond the council's list of 150 is considered a long-term need, beyond the timeframe of the five-year capital outlay plan. These additional judgeships will be considered in future updates to the plan.

Michael Planet, Court Executive Office, Superior Court of Ventura County

Comment: The master plan calls for a two-phase construction of the new West County Courthouse, while the RCP1 treats it as a totally future project, with the RCP2 lacking.

Response: The proposed new West County Courthouse project addresses growth beyond the planned request by the Judicial Council for an additional 150 judgeships statewide and does not improve or replace existing court facilities. The initial five-year capital outlay plan only includes projects that address current and near-term needs, including projects that replace deficient court facilities or renovate courthouses to increase their long-term useful life. Capital projects that are designed to meet longer-term needs will be addressed in future capital outlay plans.

Comment: Seismic and functionality deficiencies are listed as not yet determined. All projects are excluded from the related priority groups.

Response: The filters regarding the seismic and functionality deficiencies are to be used to address projects where, as part of the SB 1732 transfer process, an agreement has been reached with a county for correction of the deficiencies. No such agreements have been reached with any county and no project has been moved to Priority Group 2 using these filters. It is expected that as agreements are reached with counties, these filters will be active in future capital outlay plans.

Charles C. Ramey, Court Executive Officer, Superior Court of Solano County

Comment: At the present time, the court has exactly enough courtrooms to support the current number of JPE's assigned to the court. This creates difficulties with visiting judges and changes of venue matters. No credit is given in the

prioritization procedure for adding courtrooms to solve this functional and space problem. The benefit points should take into consideration necessary expansions which would accommodate current incremental problems such as this, while supporting proposed future judgeships.

Response: The procedure does provide points based on the current space available versus the space required by the facility guidelines adopted by the council. This captures general space shortfalls, which includes shortages in courtset space. The added flexibility that additional courtrooms would provide a court is not otherwise scored. The process does address approved new judgeships which are considered in the first of the five filters which places approved new judgeships in Priority Group 1. Since there are no new approved judgeships, Priority Group 1 is not active at this time, but is reserved for future use.

Mary Beth Todd, Court Executive Officer, Superior Court of Calaveras County

Comment: Several of the benefit categories do not apply to smaller courts and serve to increase the benefit scoring for larger courts thus placing smaller courts at a disadvantage.

Response: The scoring system was designed to reflect benefits that proposed projects provide to existing court operations. Many smaller courts which operate at one location do not have the underlying problems that some large court systems may have. However, smaller courts which operate at several locations may receive the benefit in several areas.

Ken Torre, Court Executive Officer, Superior Court of Contra Costa County

Comment: Contra Costa has two judgeships within the list of 150 new judgeships to be requested and new courtrooms are needed to accommodate them.

Response: The filter for new judgeships is applicable only for new judgeships established by the Legislature. None of the judgeships on the council's list of 150 new judgeships have been approved and no projects for any court are included in Priority Group 1.

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report Summary

TO: Members of the Judicial Council

FROM: Michael Bergeisen, General Counsel
Heather Anderson, Senior Attorney, 415-865-7691
Ron Pi, Senior Analyst

DATE: February 6, 2004

SUBJECT: Early Mediation Pilot Programs: Evaluation Report and Recommendations (Action Required)

Issue Statement

The Early Mediation Pilot Programs ("pilot programs") were established by Code of Civil Procedure section 1730 et seq. to assess the benefits of early mediation in civil cases. The pilot programs were authorized and funded under legislation adopted in 1999.[1] Under this authorization, pilot programs began operating in four courts—the Superior Courts of Contra Costa, Fresno, San Diego, and Sonoma Counties—in early 2000 Under a later-enacted statute,[2] 10 civil departments in the downtown branch of the Superior Court of Los Angeles County also joined these pilot programs in early 2001.

As part of this legislation, Code of Civil Procedure section 1742 requires the Judicial Council to submit a report to the Legislature and Governor on the pilot programs.

Administrative Office of the Courts (AOC) staff has prepared the attached report, *Evaluation of the Early Mediation Pilot Programs,* to fulfill that statutory mandate. The report shows that all five of the Early Mediation Pilot Programs were successful, resulting in substantial benefits to both litigants and the courts.

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[1] Title 11 5 of California Code Civ Proc , § 1730 et seq (Stats 1999, ch 67, § 4 (AB 1105))
[2] Stats 2000, ch 127 § 3 (AB 2866)

Recommendation

AOC staff recommends that the Judicial Council.

1 Approve the attached report, *Evaluation of the Early Mediation Pilot Programs,* and forward it to the Legislature and Governor.

2. In the existing pilot program courts, support the continuation of mediation programs with the following principal characteristics and the eventual transition of these programs to permanent parts of the courts' core operations.
   a. Both limited and unlimited civil cases are eligible for the mediation program,
   b. Mediation is considered at the first case management conference;
   c. The court assesses cases to determine if mediation is appropriate and encourages the use of mediation in appropriate cases;
   d. The court sets early deadlines for completion of mediation in appropriate cases;
   e. The program provides trained mediators and incentives to use the mediators who are part of the court's program; and
   f. Professional staff with expertise in mediation manages the mediation program.

3. Support expansion of mediation programs for civil cases in California courts to the optimal level, as determined by evaluations of the civil caseloads and staffing levels in the pilot program courts and by the needs and resources of courts outside the pilot program. Direct staff to draft a proposal for a Standard of Judicial Administration encouraging all trial courts to implement mediation programs for civil cases as part of their core operations, for consideration by the Civil and Small Claims Advisory Committee and the council.

4. Direct the Civil and Small Claims Advisory Committee to consider whether legislative or rule amendments should be recommended to facilitate the implementation of mediation programs for civil cases.

5 Direct AOC staff to:
   a. Work with the pilot courts to share the results of the pilot programs with other trial courts and encourage these other courts to consider implementing mediation programs for civil cases as part of their core operations;
   b Work with the trial courts to assess their needs and the resources currently available to them in terms of developing, implementing, maintaining, and improving mediation programs and other

settlement programs for civil cases Where existing resources are not sufficient, work with the courts to develop plans for obtaining necessary resources; and

c. Provide support and training to trial courts to help them develop, implement, maintain, and improve mediation programs and other settlement programs for civil cases, including training for judges in assessing civil cases for referral to mediation and technical assistance and information about best practices for programs

Rationale for Recommendation

As discussed in the attached report, based on the criteria established by the Early Mediation Pilot Program legislation, all five of the Early Mediation Pilot Programs were successful, resulting in substantial benefits to both litigants and the courts. Some of the study's main findings follow.

Mediation referrals and settlements

More than 25,000 cases filed in 2000 and 2001 were eligible for possible referral to mediation in the five Early Mediation Pilot Programs. The attorneys and parties in all those cases were exposed to and educated about the mediation process More than 6,300 unlimited civil cases and almost 1,600 limited cases participated in pilot program mediations. On average, 58 percent of the unlimited cases and 71 percent of the limited cases settled as a direct result of being mediated.

Trial rate

In San Diego and Los Angeles, where the courts had relatively short times to disposition and there was a good comparison group, the study found that the pilot programs reduced the proportion of cases going to trial by a substantial 24–30 percent. The total potential annual saving in judicial time from this reduced trial rate was estimated to be 521 days in San Diego (estimated monetary value approximately $1.6 million) and 670 days in Los Angeles (estimated monetary value approximately $2 million).

Disposition time

All five pilot programs reduced the time required for cases to reach disposition Both early case management conferences and early mediation played important roles in improving time to disposition.

Litigant satisfaction

All five pilot programs increased attorneys' satisfaction with the services provided by the court, with the litigation process, or with both. The experience of participating in pilot program mediation increased attorneys' satisfaction with the services provided by the court even if their cases did not resolve at mediation. In all five pilot programs, the majority of both parties and attorneys who participated

in mediations expressed high satisfaction with their mediation experience and strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

Litigant costs
In the San Diego, Contra Costa, and Fresno pilot programs, the estimated actual litigation costs incurred by parties, hours spent by the attorney in reaching resolution, or both were lower in program cases that settled at mediation than similar nonprogram cases. In all of the programs, attorneys in program cases that settled at mediation estimated savings, ranging from 61 to 68 percent in litigant costs and from 57 to 62 percent in attorney hours, from using mediation to reach settlement. Based on these estimates from participating attorneys, from all five pilot programs added together, the total savings in litigant costs in 2000 and 2001 cases that settled at pilot program mediations was estimated to be $49,409,698 and the total saving in attorney hours was estimated to be 250,229.

Court workload
The pilot programs in San Diego, Los Angeles, Fresno, and Sonoma reduced the number of motions by 18 to 48 percent, the number of other pretrial hearings by 11 to 32 percent, or both in program cases. Reductions in cases that settled at mediation were even larger, ranging from 30 to 65 percent, compared to similar nonprogram cases. In the San Diego, Los Angeles, and Sonoma programs, these reductions in pretrial events resulted in savings in judges' time; total potential time saving was estimated to be 344 judge days per year in San Diego (estimated monetary value of approximately $1 4 million), 132 days in Los Angeles (estimated monetary value of approximately $400,000), and 3 days in Sonoma (estimated monetary value of approximately $9,700). In addition, there were fewer postdisposition compliance problems and fewer new proceedings initiated in program cases, suggesting that the pilot programs not only reduced court workload in the short term, but may also have reduced the court's future workload.

These benefits warrant the council supporting the continuation of early mediation programs in the pilot courts and their eventual transition to part of the courts' core operations.

The study's positive results also warrant the council supporting the expansion of these programs to their optimal level, both within the pilot courts and in other trial courts, based on the courts' individual needs and resources. The Civil and Small Claims Advisory Committee can assist in reaching this goal by (1) developing a proposal for a Standard of Judicial Administration recommending that courts implement mediation programs for civil cases as part of their core operations and (2) considering whether legislative or rule amendments should be recommended to facilitate the implementation of mediation programs for civil cases. The AOC

staff can assist courts in developing, implementing, maintaining, and improving mediation programs for civil cases by disseminating the results of the pilot programs, helping courts identify what they would need to fully implement such programs, developing plans for courts to obtain necessary resources to establish and develop these programs, sharing information about best practices, and offering training and technical assistance.

Alternative Actions Considered

The alternatives to permanently establishing mediation programs in the five pilot program courts are to (1) continue to operate mediation programs on a year-to-year basis, which would create uncertainly among the participating judges, attorneys, and litigants, and would reduce the programs' efficiency or (2) discontinue the programs in these courts, which would eliminate the benefits of the programs identified in the report.

Not expanding mediation programs in the trial courts would mean the courts and litigants would not realize the full benefits achieved in the pilot program courts.

Comments From Interested Parties

The report and recommendations for mediation programs were not circulated for public comment. Parties, attorneys, mediators, and judges in the participating courts were surveyed and/or interviewed as part of the pilot program study, and their responses are discussed in the attached report. Each pilot court also received draft of the report chapter outlining findings concerning its program, the overview of the findings in all five programs, and the proposed recommendations for review and comment. Staff substantially revised the report based on comments received from the pilot courts. The Alternative Dispute Resolution Subcommittee of the Civil and Small Claims Advisory Committee also reviewed the overview of the pilot program findings and approved the proposed recommendations.

Implementation Requirements and Costs

Mediation programs continue to operate in the five pilot program courts with full or partial support from the Judicial Administration Efficiency and Modernization Fund Currently $1,740,001 is allocated for fiscal year 2003–2004 to the programs in the five participating courts.

The recommended expansion of mediation programs in California courts initially would require that AOC staff work with courts to determine the courts' needs and resources. The cost of expansion would depend on the number of new or expanded mediation programs and the types of programs the courts choose to implement.

It is anticipated that the provision of support and training, including judicial education, to help courts develop, implement, maintain, and improve mediation programs and other settlement programs for civil cases could largely be covered with current AOC staffing and funding.

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
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Report

TO: Members of the Judicial Council

FROM: Michael Bergeisen, General Counsel
Heather Anderson, Senior Attorney, 415-865-7691
Ron Pi, Senior Analyst

DATE: February 6, 2004

SUBJECT: Early Mediation Pilot Programs: Evaluation Report and Recommendations (Action Required)

Issue Statement

The Early Mediation Pilot Programs ("pilot programs") were established under legislation adopted in 1999 to assess the benefits of early mediation of civil cases.[3] As part of this legislation, Code of Civil Procedure section 1742 requires the Judicial Council to submit a report to the Legislature and Governor on the pilot programs. Administrative Office of the Courts (AOC) staff prepared the attached report, *Evaluation of the Early Mediation Pilot Programs,* to fulfill that statutory mandate.[4] The report shows that all five of the Early Mediation Pilot Programs were successful, resulting in substantial benefits to both litigants and the courts.

Background

Legislation enacted in July 1999 required the Judicial Council to establish early mediation pilot programs for general civil cases in four superior courts.[5] These statutes also established a basic framework for the mediation pilot programs, focusing on early assessment and referral of cases to mediation and completion of mediation early in the litigation process.

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[3] Title 11 5 of California Code Civ Proc , § 1730 et seq (Stats 1999, ch 67, § 4 (AB 1105))

[4] The report was originally required to be submitted on or before January 1, 2003 This deadline was extended to allow cases filed during the study period to reach final disposition At the end of 2002, the data revealed that a significant proportion of cases in some courts had not reached final disposition and thus information about the settlement rate, time to disposition, etc was not available for these cases

[5] Title 11 5 of California Code Civ Proc , § 1730 et seq (Stats 1999, ch 67, § 4 (AB 1105))
This legislation was automatically repealed effective January 1, 2004, under a sunset provision in Code of Civil Procedure section 1743

The statutes authorized the pilot courts to hold an initial conference with the parties earlier than is generally permitted under California law—as early as 90 days following the filing of the case rather than the 120–150 days after filing permitted outside the pilot program.[6] At this conference the court was to confer with the parties about alternative dispute resolution (ADR) options

The statutes provided that in two of the four pilot programs, the court was to have the authority to make mandatory referrals to mediation (mandatory courts). In the other two programs, participation in mediation was to be voluntary (voluntary courts).[7] In the mandatory courts, the statutes provided that, after considering the willingness of the parties to mediate, the court had the power to then order the case to mediation. The statutes further required the mandatory courts to establish a panel of mediators.[8] Parties were free to choose any mediator for their case, whether or not that mediator was on the court's panel. However, if the parties chose a mediator from the court's panel, the services of that mediator were to be provided at no cost to the parties.[9]

The statutes generally required that mediations be scheduled within 60 days of the early case management conference.[10] At the end of the mediation, the mediator was required to file a form with the court, reporting whether the mediation ended in full resolution of the case, partial resolution, or no resolution.[11]

The 1999 statutes gave the Judicial Council responsibility for selecting the four pilot program courts.[12] Through a request-for-proposals process, the following courts were selected to be pilot program sites. the Superior Courts in Fresno and San Diego Counties as the mandatory courts and the Superior Courts in Contra Costa and Sonoma Counties as the voluntary courts. These four pilot programs began operation in the first quarter of 2000.

In 2000, the Early Mediation Pilot Program statutes were amended[13] to require that the Judicial Council also establish another early mediation pilot program in the Superior Court of Los Angeles County. Instead of a courtwide pilot program, as in the other pilot courts, the Los Angeles program was to be established in only 10 civil departments in the court's main, downtown Los Angeles courthouse. The

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[6] Code Civ Proc , § 1734, see also Gov Code, § 68616
[7] Code Civ Proc , § 1730
[8] Id , § 1735
[9] *Ibid*
[10] Id , § 1736
[11] Id , § 1739, Cal Rules of Court, rule 1640 8, and Judicial Council form ADR-100, *Statement of Agreement or Nonagreeement*
[12] Code Civ Proc ,§ 1730
[13] Stats 2000, ch 127, § 3

new legislation required the Los Angeles program to be mandatory. The Los Angeles pilot program began operation in June 2001.

The pilot program legislation required the Judicial Council to adopt rules of court to further implement the pilot programs.[14] The Judicial Council was also provided with funds to support the pilot programs through an increased appropriation to the Judicial Administration Efficiency and Modernization Fund. In the mandatory courts, the bulk of the funds used to compensate mediators for their service in pilot program mediations. All the pilot courts also used the funds allocated by the Judicial Council to support staff to administer the mediation program All these programs were managed by professional staff that had mediation training and expertise.

While the Early Mediation Pilot Program statutes and implementing rules laid out the basic framework for the pilot programs, they left considerable room for the pilot courts to determine the structure and procedure of their mediation programs. Thus, while the five pilot programs shared some common features, their program procedures also varied significantly, including the timing of the case management conferences, the process of mediation referrals, the role of judges in mediation referrals, and the qualifications and compensation of the mediators serving the program. The court environments also varied. For example, some of the pilot courts are large, urban courts with large civil caseloads; others are smaller courts with much smaller civil caseloads. Some had offered court-annexed mediation programs before they implemented the pilot program while others had not. The differences in pilot program structure together with differences in the pilot courts' environments mean that each of the five programs is unique; these programs cannot simply be lumped together and viewed generically as "mediation programs" or as "voluntary" or "mandatory" programs.

The Early Mediation Pilot Program evaluation report

The Early Mediation Pilot Program legislation requires that the Judicial Council submit a report to the Legislature and Governor on the pilot programs. The report is specifically required to examine the programs' impact on:

1. The settlement rate;
2. The timing of settlement;
3. The litigants' satisfaction with the dispute resolution process; and
4. The costs to the litigants and the courts.

AOC staff prepared the attached report, *Evaluation of the Early Mediation Pilot Programs,* to fulfill that statutory mandate. The report describes the results of a

[14] Code Civ Proc , §§ 1732, 1735, 1739, and 1742 The implementing rules adopted by the Judicial Council are rules 1640–1640 8 of the California Rules of Court

30-month study of each of the five mediation programs, which included examining data collected from the courts' case management systems and surveys of parties, attorneys, mediators, and judges from each pilot court.

The report's findings show that, based on the criteria established by the Early Mediation Pilot Program legislation, all five of the programs were successful. Despite the varying nature of the pilot programs and the pilot courts, the study found that these early mediation programs resulted in substantial benefits for both litigants and the courts, including reductions in trial rates, case disposition time, and the courts' workload, increased attorney satisfaction with the courts' services, and lowered litigant costs in cases that resolved at mediation in some or all of the participating courts. Some of the report's main findings follow.

Mediation referrals and settlements
More than 25,000 cases filed in 2000 and 2001 were eligible for possible referral to mediation in the five Early Mediation Pilot Programs. The attorneys and litigants in all these cases were exposed to and educated about the mediation process. More than 6,300 unlimited civil cases and almost 1,600 limited cases participated in pilot program mediations and, on average, 58 percent of the unlimited cases and 71 percent of the limited cases settled as a direct result of being mediated.

The mandatory and voluntary pilot programs generally followed expected patterns of mediation referral and settlement rates a higher percentage of cases were referred to mediation in the mandatory programs than in the voluntary programs, but a lower percentage reached settlement in the mandatory programs. However the referral, mediation, and settlement patterns in the San Diego (mandatory) and Contra Costa (voluntary) programs were similar to each other, suggesting that. (1) mandatory mediation programs can achieve relatively high resolution rates when courts consider the parties' willingness to use mediation in making referrals, as they did in the San Diego pilot program and (2) voluntary mediation programs can achieve relatively high referral rates when courts urge parties to consider mediation and provide some financial incentive to use the court's mediation program, as they did in the Contra Costa pilot program. The very low percentage of limited cases that stipulated to mediation in Sonoma's voluntary program, in which the parties paid for mediation services, suggests that incentives are needed to encourage litigants in smaller-value cases to participate in mediation

Trial rate
In San Diego and Los Angeles, where the courts had relatively short times to disposition and there was a good comparison group, the study found that the pilot programs reduced the proportion of cases going to trial by a substantial 24–30 percent. The total potential saving in judicial time from this reduced trial rate in

San Diego was estimated to be 521 days per year (with an estimated monetary value of approximately $1.6 million) and in Los Angeles was estimated to be 670 days per year (with an estimated monetary value of approximately $2 million) This suggests that effective early mediation programs can help courts save valuable judicial time that can be devoted to other cases requiring judges' attention

Disposition time

All five pilot programs reduced the time required for cases to reach disposition. The largest reductions in disposition time came in those courts that had the longest overall disposition times before the pilot programs began. In all the programs the rates of disposition accelerated around the time of the mediation, which was largely attributable to cases' settling earlier at mediation. There were also indications that early case management conferences and early referrals to mediation played important roles in improving time to disposition. However, the study also found that going to mediation and not settling resulted in longer disposition times, which highlights the need for care in selecting and referring cases to mediation. Overall, these results indicate that early case management conferences and early mediations are important for reducing time to disposition, and that courts that have long disposition times are more likely to achieve dramatic drops in disposition time as a result of implementing an early mediation program.

Litigant satisfaction

All five pilot programs increased attorneys' satisfaction with the services provided by the court, with the litigation process, or with both. Attorneys' level of satisfaction with the outcome of their cases was correlated with whether those cases settled at mediation; attorneys were more satisfied with the outcome in cases that settled and less satisfied in cases that did not. Attorneys were also generally more satisfied with the litigation process when their cases settled at mediation. However, it is noteworthy that attorneys whose cases were mediated were more satisfied with the services provided by the court regardless of whether their cases settled at the mediation. This indicates that the experience of participating in pilot program mediation increased attorneys' satisfaction with the services provided by the court, even if the case did not resolve at mediation. In all five pilot programs, the majority of parties and attorneys who participated in mediations expressed high satisfaction with their mediation experience and strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others

Litigant costs

In the San Diego, Los, Contra Costa, and Fresno pilot programs (where it was possible to break down program cases into subgroups based on their different experiences in the program) the study found that the estimated litigation costs incurred by parties, the hours spent by their attorneys in reaching resolution, or both were lower, by 16–50 percent, in program cases that settled at mediation than similar nonprogram cases. In all five pilot programs, attorneys in program cases that settled at mediation also estimated savings, ranging from 61 to 68 percent in litigant costs and 57 to 62 percent in attorney hours, from using mediation to reach settlement. When results from all five pilot programs are added together, the total savings in 2000 and 2001 cases that settled at pilot program mediations, as estimated by the participating attorneys, was considerable: $49,409,698 in litigant costs and 250,229 attorney hours.

Court workload

The pilot programs in San Diego, Los Angeles, Fresno, and Sonoma reduced the number of motions, the number of "other" pretrial hearings, or both in program cases. The reductions were substantial, ranging from 18 to 48 percent for motions and 11 to 32 percent for "other" pretrial hearings. Reductions in cases that settled at mediation were even larger, ranging from 30 to 65 percent compared to similar nonprogram cases. Because of special conferences required under Fresno's procedures, these decreases were offset in Fresno by increases in the number of case management conferences in program cases.[15] However, in the San Diego, Los Angeles, and Sonoma programs, these reductions resulted in overall savings in court time, showing that early mediation programs can help courts save valuable judicial time that can be devoted to other cases Total potential time saving was estimated to be 344 judge days per year in San Diego (with an estimated monetary value of $1.4 million), 132 days in Los Angeles (with an estimated monetary value of approximately $400,000), and 3 days in Sonoma (with an estimated monetary value of approximately $9,700). In addition, survey results indicate that there were fewer postdisposition compliance problems and fewer new proceedings initiated in program cases, suggesting that the pilot programs not only reduced court workload in the short term, but may also have reduced the court's future workload

Rationale for Recommendation

To fulfill the requirements of the pilot program statutes, staff recommends that the council approve the attached report for submission to the Legislature and Governor.

[15] The Superior Court of Fresno County has since changed its case management procedures so that additional case management conferences are not required in pilot program cases

Staff also recommends that, on the basis of the positive findings in the report, the council take action to bring the benefits of early mediation programs to full fruition in the California courts.

The benefits found in the study warrant council support for the continued operation of early mediation programs in the pilot courts and the eventual transition of these programs to permanent parts of the courts' core operations [16] Based on the report's results, staff recommends retention of the following features in these mediation programs:

- *Eligibility of both limited and unlimited cases.* The report found that the benefits of the early mediation pilot programs extended to both limited and unlimited cases that were included in the program.

- *Consideration of mediation at the first case management conference.* The report found that earlier case management conferences and earlier mediation referrals were linked with earlier disposition of cases. Under rule amendments adopted in July 2002, the first regular case management conferences are now typically held within the timeframe in which the pilot courts actually held initial conferences during the pilot program.

- *Assessment of cases to determine if mediation is appropriate and promotion of mediation use in appropriate cases.* While many cases will benefit from participating in early mediation, some will not Maximizing the overall benefits of an early mediation program involves identifying those cases that will benefit from the mediation process while screening out those cases that will not. The report's findings suggest that mediation programs, whether they are mandatory or voluntary, can achieve a combination of high mediation referral rates and high mediation resolution rates by: (1) assessing whether cases are appropriate for referral to mediation, including whether litigants are willing to participate in mediation, and (2) promoting mediation use in appropriate cases, including urging parties to consider mediation and providing financial incentives to use mediation.

- *Setting early deadlines for completion of mediation in appropriate cases.* The report found that early participation in mediation was linked with earlier

[16] As noted above, the statutes authorizing the pilot program were automatically repealed effective January 1, 2004 Thus the authorization in those statutes for case management conferences earlier than 120 days after filing and for ordering participation in early mediation no longer exist However, all five pilot courts are still operating court mediation programs The San Diego and Fresno courts now operate voluntary programs that incorporate financial incentives to use mediation As required by statute, the Los Angles court continues to offer the preexisting Civil Action Mediation Program in which the court can order participation in mediation in cases valued at $50,000 or less and parties can stipulate to mediation in other cases The Contra Costa and Sonoma courts continue to operate voluntary mediation programs

disposition. However, there were some cases in which the litigants believed that mediation was set too early In these cases, flexibility to set later mediation completion times might have been beneficial.

- *Providing trained mediators and incentives to use the mediators who are part of the court's program.* All the pilot programs set training and experience requirements designed to maintain the quality of the mediator's services, and most subsidized the cost of mediation if litigants used mediators from the court's panel. The pilot programs in which the mediators on the court's panel were used were better able to monitor program outcomes and the quality of services.

- *Administration of the mediation program by professional staff with expertise in mediation.* Professional staff with expertise in mediation administered all five pilot programs. Program staff provided critical support in designing and implementing program procedures and monitoring program quality. The value of program staff was noted in interviews with pilot program judges

The benefits found in the pilot program study also warrant council support for expanding such civil mediation programs to their optimal level, both within the pilot courts and in other trial courts, based on the courts' individual needs and resources. Expansion of these programs will extend the benefits of early mediation programs to more litigants and more courts in the form of reductions in trials, disposition time, pretrial court events, and litigant costs as well as increased satisfaction with the courts' services.

This goal could be fostered by the Civil and Small Claims Advisory Committee's development of a proposal for a Standard of Judicial Administration recommending that courts implement mediation programs for civil cases as part of their core operations. The committee can also further this goal by considering whether legislative or rule amendments should be recommended to facilitate the implementation of mediation programs for civil cases.

During the pilot program period, the AOC has provided support and training to assist courts in developing, implementing, maintaining, and improving mediation programs for civil cases by sponsoring conferences for judges and court administrators focused on program innovations and by providing ongoing technical assistance both to the pilot courts and other courts. By sharing the results of the pilot programs, helping courts identify what they would need to fully implement such programs, developing plans for courts to obtain necessary resources to establish and develop these programs, sharing information about best practices, and offering training and technical assistance, the AOC can provide more widespread support for early mediation programs.

Alternative Actions Considered

The alternatives to permanently establishing mediation programs in the five pilot program courts are to (1) continue to operate mediation programs on a year-to-year basis or (2) discontinue the programs. If the mediation programs are discontinued, all of the benefits for both litigants and the courts identified in the report will be lost Continuing the mediation programs on a year-to-year basis would create uncertainty among the participating judges, court staff, attorneys, and litigants involved and would reduce the programs' efficiency.

Not expanding mediation programs in the trial courts would mean other courts and litigants would not realize the benefits achieved in the pilot program courts.

Comments From Interested Parties

The report and recommendations for mediation programs were not circulated for public comment. However, parties, attorneys, mediators, and judges in the participating courts were surveyed and/or interviewed as part of the pilot program study, and their responses are discussed in the attached report. Each pilot court also received drafts of the report chapter outlining findings concerning its program, the overview of the findings concerning all five pilot programs, and the proposed recommendations for review and comment. Staff substantially revised the report based on comments received from the pilot courts.

Drafts of the proposed recommendations and the overview of the evaluation study findings were also sent to members of the Civil and Small Claims Advisory Committee. Some members of the committee expressed concerns, given the current budgetary circumstances, about the proposed recommendations to support continuing mediation programs in the existing pilot program courts and expanding the use of civil mediation programs in other courts. Other members, however, believed that the recommendations reflected an appropriate balance between establishing a goal of expanding mediation programs and beginning to work with the courts to identify and address what resources the courts would need to achieve this goal The Alternative Dispute Resolution Subcommittee of the Civil and Small Claims Advisory Committee weighed all these views and ultimately unanimously supported the proposed recommendations.

Implementation Requirements and Costs

Mediation programs continue to operate in the five pilot program courts with full or partial support from funds provided from the Judicial Administration Efficiency and Modernization Fund (Mod Fund). Currently the total amount of annual Mod Fund funding allocated to support programs in the five participating trial courts is $1,740,001.

The recommended expansion of mediation programs in California courts initially would require that AOC staff work with courts to determine the needs of the courts. The cost of expansion would depend on the number of new or expanded mediation programs, the types of programs, and the expenses for each.

The provision of support and training, including judicial education, to help courts develop, implement, maintain, and improve mediation programs and other settlement programs for civil cases would include costs for these functions It is anticipated these costs could be largely covered with current AOC staffing and funding.

Recommendation

AOC staff recommends that the Judicial Council:

1. Approve the attached report, *Evaluation of the Early Mediation Pilot Programs,* and forward it to the Legislature and Governor.

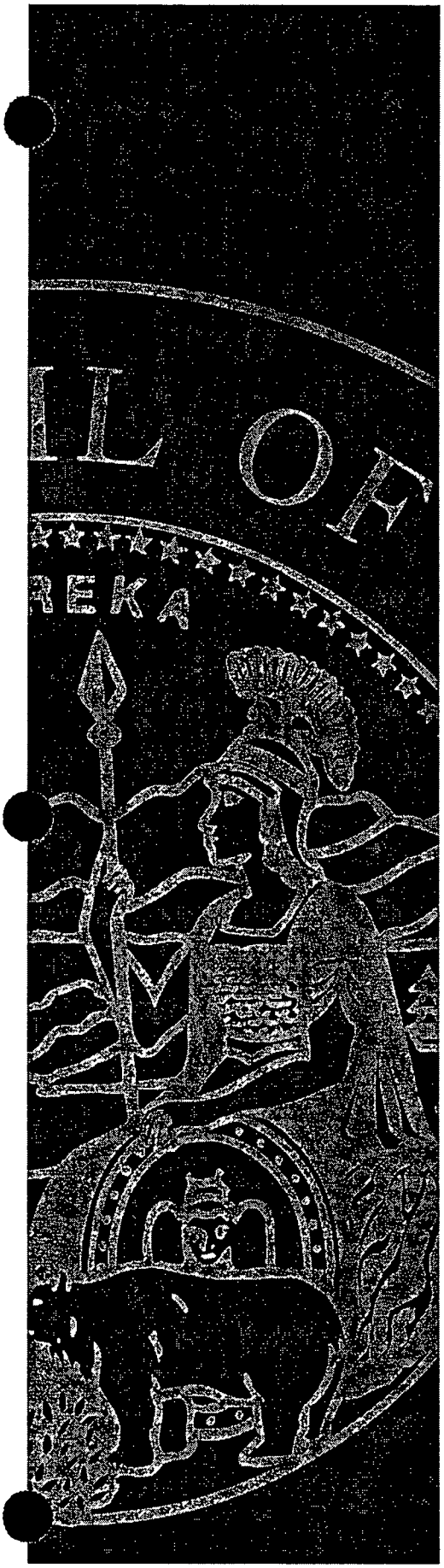
2. In the existing pilot program courts, support the continuation of mediation programs and with the following principal characteristics and the eventual transition of these programs to permanent parts of the courts' core operations:
   a. Both limited and unlimited civil cases are eligible for the mediation program;
   b. Mediation is considered at the first case management conference;
   c. The court assesses cases to determine if mediation is appropriate and encourages the use of mediation in appropriate cases;
   d. The court sets early deadlines for completion of mediation in appropriate cases;
   e. The program provides trained mediators and incentives to use the mediators who are part of the court's program; and
   f Professional staff with expertise in mediation manage the mediation program.

3. Support expansion of mediation programs for civil cases in California courts to the optimal level, as determined by evaluations of the civil caseloads and staffing levels in the pilot program courts and by the needs and resources of courts outside the pilot program. Direct staff to draft a proposal for a Standard of Judicial Administration encouraging all trial courts to implement mediation programs for civil cases as part of their core operations, for consideration by the Civil and Small Claims Advisory Committee and the council.

4. Direct the Civil and Small Claims Advisory Committee to consider whether legislative or rule amendments should be recommended to facilitate the implementation of mediation programs for civil cases.

5. Direct AOC staff to:
   a. Work with the pilot courts to share the results of the pilot programs with other trial courts and encourage these other courts to consider implementing mediation programs for civil cases as part of their core operations;
   b Work with the trial courts to assess their needs and the resources currently available to them in terms of developing, implementing, maintaining, and improving mediation programs and other settlement programs for civil cases. Where existing resources are not sufficient, work with the courts to develop plans for obtaining necessary resources; and
   c. Provide support and training to trial courts to help them develop, implement, maintain, and improve mediation programs and other settlement programs for civil cases, including training for judges in assessing civil cases for referral to mediation and technical assistance and information about best practices for programs.

Attachment



A Report to the California Legislature

EVALUATION OF THE EARLY MEDIATION PILOT PROGRAMS

ADMINISTRATIVE OFFICE OF THE COURTS

A REPORT TO THE CALIFORNIA LEGISLATURE

EVALUATION OF THE EARLY MEDIATION PILOT PROGRAMS

Judicial Council of California
Administrative Office of the Courts
Office of the General Counsel

February 2004

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Executive Summary

Introduction and Background

This is a report about five court-annexed civil mediation programs in California: three mandatory programs operating in the Superior Courts in Fresno, Los Angeles, and San Diego counties and two voluntary programs operating in the Superior Courts in Contra Costa and Sonoma counties. These five programs, called Early Mediation Pilot Programs, were implemented under a statutory mandate which authorized early referrals to mediation. The statute required the Judicial Council of California to study the five programs and to report the results of the study to the California Legislature and Governor.

This report was prepared to fulfill that statutory mandate. It describes the results of a 36-month study of these five separate mediation programs. The findings reported below focus primarily on the pilot programs' impact in five areas:
(1) the trial rate;
(2) the time to disposition;
(3) the litigants' satisfaction with the dispute resolution process;
(4) the litigants' costs; and
(5) the courts' workload.

Overview of Findings

Based on the criteria established by the Early Mediation Pilot Programs legislation, all five of the Early Mediation Pilot Programs were successful, resulting in substantial benefits to both litigants and the courts. These benefits included reductions in trial rates, case disposition time, and the courts' workload, increases in litigant satisfaction with the court's services, and decreases in litigant costs in cases that resolved at mediation in some or all of the participating courts.

- **Mediation referrals and settlements**—A very large number of parties and attorneys were exposed to and educated about the mediation process through participation in the five Early Mediation Pilot Programs. More than 25,000 cases filed in 2000 and 2001 were eligible for possible referral to mediation in the five Early Mediation Pilot Programs. More than 6,300 unlimited civil cases and almost 1,600 limited cases participated in pilot program mediations. On average, 58 percent of the unlimited cases and 71 percent of the limited cases settled as a direct result of early mediation. The mandatory and voluntary pilot programs generally followed the expected pattern: a higher percentage of cases were referred to mediation in the mandatory programs than in the voluntary programs, but a lower percentage of cases reached settlement in the mandatory programs than in the voluntary programs. However, the referral, mediation, and settlement patterns in the San Diego (mandatory) and Contra Costa (voluntary) programs were similar to each other, suggesting that mandatory mediation programs may be able to achieve high resolution rates when courts consider party preferences in making referrals to mediation, as they did in the San Diego pilot program, and that voluntary mediation programs may be able to achieve high referral

rates when courts urge parties to consider mediation and provide some financial incentive to use the court's mediation program, as they did in the Contra Costa pilot program. The low percentage of limited cases that stipulated to mediation in Sonoma's voluntary pilot program model, in which the parties paid for the mediation, suggests that incentives are needed to encourage litigants in smaller-value cases to participate in mediation.

- **Trial rate**—In San Diego and Los Angeles, where the courts had relatively short times to disposition and there were good comparison groups, the study found that the pilot programs reduced the proportion of cases going to trial by a substantial 24 to 30 percent. By helping litigants in more cases reach resolution without going to trial, these pilot programs saved a substantial amount of court time. In San Diego, the total potential time saving from the pilot program was estimated to be 521 trial days per year (with an estimated monetary value of $1.6 million); in Los Angeles, the potential saving was estimated to be 670 trial days per year (with an estimated monetary value of approximately $2 million). These results suggest that early mediation programs can help courts save valuable judicial time that can be devoted to the other cases that need judges' attention.

- **Disposition time**—All five pilot programs had some positive impact on reducing the time required for cases to reach disposition. The largest reductions in average disposition time occurred in those courts that had the longest overall disposition times before the pilot program began. In all the programs, there were indications that dispositions accelerated around the time that the mediation took place, which was largely attributable to cases settling earlier at mediation than similar cases that were not in the program. There were also indications that early case management conferences and early referrals to mediation played important roles in improving time to disposition. However, the study also found that not settling at mediation resulted in longer disposition times. Overall, these results suggest that careful assessment of cases for referral to mediation is important and that early case management conferences and early mediations are important elements to incorporate into the program to improve disposition time; however, courts that have relatively long disposition times are more likely to experience dramatic reductions in disposition time as a result of implementing an early mediation program than courts with relatively short disposition times.

- **Litigant satisfaction**—All five pilot programs had positive effects on attorneys' satisfaction with the services provided by the court, with the litigation process, or with both. The levels of satisfaction with the courts' services reported by attorneys who participated in the San Diego, Los Angeles, Fresno, and Contra Costa pilot programs were 10 to 15 percent higher than those reported by attorneys in nonprogram cases.[1] Similarly, attorneys' satisfaction with the litigation process was about 6 percent higher in program cases in the San Diego, Fresno, Contra Costa, and

[1] In the San Diego pilot program, because of offsetting decreases in satisfaction among unlimited program-group cases that were not referred to mediation or that were removed from mediation, this impact was evident only for limited cases.

Sonoma pilot programs than in nonprogram cases.[2] Attorneys' satisfaction with the outcome of their cases was linked to whether those cases settled at mediation—attorneys were more satisfied with the outcome in cases that settled and less satisfied in cases that did not. Attorneys were also generally more satisfied with the litigation process when their cases settled at mediation. However, attorneys whose cases were mediated were more satisfied with the services provided by the court regardless of whether their cases settled at the mediation. These results indicate that the experience of participating in pilot program mediation increased attorneys' satisfaction with the services provided by the court, even if the case did not resolve at mediation. In all five of the pilot programs, both parties and attorneys who participated in mediations expressed high satisfaction with their mediation experience; their highest levels of satisfaction were with the performance of the mediators. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

- **Litigant costs**— In the Contra Costa pilot program, estimated actual litigant costs were 60 percent lower and average attorney hours were 43 percent lower in program cases than in nonprogram cases. In the San Diego, Contra Costa, and Fresno pilot programs (where it was possible to break down program cases into subgroups based on their different experiences in the pilot program) the study found that the estimated actual litigation costs incurred by parties, hours spent by the attorney in reaching resolution, or both were lower in program cases that settled at mediation than in similar nonprogram cases. The percentage savings in litigant costs calculated through regression analysis were 50 percent in the Contra Costa pilot program; savings in attorney hours were 40 percent in the Contra Costa pilot program, 20 percent in the Fresno pilot program, and 16 percent in the San Diego pilot program. In all five pilot programs, attorneys in program cases that settled at mediation estimated savings ranging from 61 to 68 percent in litigant costs and 57 to 62 percent in attorney hours from the use of mediation to reach settlement. Based on these attorney estimates, the total estimated savings in litigant costs in all of the 2000 and 2001 cases that settled at pilot program mediations ranged from $1,769,040 in the Los Angeles pilot program to $24,784,254 in the San Diego pilot program. The total estimated attorney hours saved ranged from 9,240 hours in the Los Angeles pilot program to 135,300 in the San Diego pilot program. The total estimated savings calculated based on these attorneys estimates in 2000 and 2001 cases that settled at mediation in all five programs was considerable: $49,409,385 in litigant costs and 250,229 attorney hours.

- **Court workload**—The pilot programs in San Diego, Los Angeles, Fresno, and Sonoma reduced the number of motions, the number of other pretrial hearings, or both in program cases. The reductions were substantial, ranging from 18 to 48 percent for motions and from 11 to 32 percent for other pretrial hearings. Reductions in cases that settled at mediation were even larger, ranging from 30 to 65 percent, compared to similar nonprogram cases. In Fresno, because of special conferences required under pilot program's procedures, these decreases were offset by increases in

[2] In the San Diego pilot program, because of offsetting decreases in satisfaction among unlimited program-group cases that were not referred to mediation, this impact was evident only for limited cases

the number of case management conferences in program cases.[3] However, in the San Diego, Los Angeles, and Sonoma programs, these reductions resulted in overall savings in court time. The total potential time savings from reduced numbers of court events were estimated to be 479 judge days per year in San Diego (with an estimated monetary value of $1.4 million), 132 days in Los Angeles (with an estimated monetary value of approximately $400,000), and 3 days in Sonoma (with an estimated monetary value of approximately $9,700). These estimates suggest that early mediation programs can help courts save valuable judicial time that can be devoted to other cases requiring judges' attention. In addition, survey results indicate that there were fewer postdisposition compliance problems and fewer new proceedings initiated in program cases, suggesting that the pilot programs not only reduced court workload in the short term but also may have reduced the court's future workload.

Summary of Findings Concerning San Diego Pilot Program

There is strong evidence that the mandatory pilot program in San Diego reduced the trial rate, case disposition time, and the court's workload, improved litigant satisfaction with the court's services, and lowered litigant costs in cases that resolved at mediation.

- **Mediation referrals and settlements**—7,507 cases that were filed in 2000 and 2001 (5,394 unlimited and 2,112 limited) were referred to mediation, and 5,035 of those cases (3,676 unlimited and 1,358 limited cases) were mediated under the pilot program. Of the unlimited cases mediated, 51 percent settled at the mediation and another 7 percent settled later as a direct result of the mediation, for a total resolution rate of approximately 58 percent. Among limited cases, 62 percent settled at mediation and another 14 percent settled later as a direct result of the mediation, for a total resolution rate of approximately 76 percent. In survey responses, 74 percent of attorneys whose cases did not settle *at* mediation indicated that the mediation was important to the ultimate settlement of the case.

- **Trial rate**—The trial rates for both limited and unlimited cases in the program group were reduced by approximately 25 percent compared to those cases in the control group. This reduction translates to a potential saving of more than 500 days per year in judicial time that could be devoted to other cases needing judges' time and attention. While this time savings does not translate into a fungible cost saving that can be reallocated to other purposes, its monetary value is equivalent to approximately $1.6 million per year.

- **Disposition time**—The *average* time to disposition for unlimited cases in the program group was 12 days shorter than that for cases in the control group and 10 days shorter for limited cases in the program group. The *median* time to disposition was 19 days shorter for unlimited cases in the program group and 25 days shorter for limited cases in the program group. For unlimited cases, program and control-group

[3] The Superior Court of Fresno County has since changed its case management procedures so that additional case management conferences are not required in program cases.

cases were disposed of with similar speed from filing until about the time of the case management conference, when the pace of dispositions for program-group cases quickened and the percentage of program-group cases reaching disposition exceeded that of control-group cases. For limited cases, program-group cases were being disposed of faster than control-group cases well before the time of the early case management conference, suggesting that the possibility of attending the conference and being referred to mediation may have increased dispositions. Program-group cases, both unlimited and limited, were disposed of fastest around the time of the mediation. Comparisons with similar cases in the control group confirmed that when program-group cases were settled at mediation, the average disposition time was shorter, but also indicated that when cases were mediated and did not settle at the mediation, the disposition time was longer.

- **Litigant satisfaction**—Attorneys in limited program-group cases were more satisfied with the court's services than attorneys in limited control-group cases. Attorneys' levels of satisfaction with the court's services, the litigation process, and the outcome of the case were all higher in both limited and unlimited program-group cases that settled at mediation than in similar control-group cases. Attorneys in program-group cases that went to mediation and did not settle at mediation were also more satisfied with the court's services than attorneys in similar control-group cases. This suggests that participating in mediation increased attorneys' satisfaction with the court's services, regardless of whether their cases settled at mediation. Both parties and attorneys who participated in pilot program mediations expressed high satisfaction with their mediation experience, particularly with the performance of the mediators. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

- **Litigant costs**—Estimates of actual attorney time spent in reaching resolution were 16 percent lower in program-group cases that settled at mediation than for similar cases in the control group. Comparisons between program-group cases that settled at mediation and similar control-group cases also suggested that litigant costs were lower in program-group cases that settled at mediation. Eighty-seven percent of attorneys whose cases resolved at mediation estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorneys per settled case was $9,159 in litigant costs and 50 hours in attorney time, for a total estimated savings of $24,784,254 in litigant costs and 135,300 attorney hours in 2000 and 2001 cases that settled at mediation.

- **Court workload**— The pilot program in San Diego reduced the court's workload. In addition to the reduction in trials discussed above, the pilot program reduced the average number of pretrial hearings by 16 percent for unlimited cases and 22 percent for limited cases in the program group. This translates to a potential saving of 479 days per year in judicial time that could be devoted to other cases needing judges' time and attention. While this time savings do not translate into a fungible cost saving that can be reallocated to other purposes, its monetary value is equivalent to approximately $1.4 million per year. There was strong evidence of even larger

reductions in pretrial events—between 40 and 45 percent—in cases that resolved at mediation. In addition, there were fewer postdisposition compliance problems and fewer new proceedings initiated in program-group cases, suggesting that the pilot program may have reduced the court's future workload.

Summary of Findings Concerning Los Angeles Pilot Program

There is strong evidence that the mandatory pilot program in Los Angeles reduced the trial rate, case disposition time, and court workload, improved litigant satisfaction with the court's services, and lowered litigant costs in cases that resolved at mediation.

- **Mediation referrals and settlements**—560 unlimited cases that were filed between April and December 2001 were referred to mediation, and 399 of these cases were mediated under the pilot program. Of the unlimited cases mediated, 35 percent settled at the mediation and another 14 percent settled later as a direct result of the mediation, for a total resolution rate of approximately 49 percent. In survey responses, 78 percent of attorneys whose cases did not settle *at* mediation indicated that the mediation was important to the ultimate settlement of the case.

- **Trial rate**—The trial rate for unlimited civil cases in the program was reduced by approximately 30 percent compared to cases in the control groups. This reduction translates to a potential savings of more than 670 days in judicial time that could be devoted to other cases needing judges' time and attention. While this time saving does not translate into a fungible cost saving that can be reallocated to other purposes, its monetary value is equivalent to approximately $2 million per year.

- **Time to disposition**—The overall *average* time to disposition for program-group cases was approximately 19 days shorter and the *median* time to disposition was 23 days shorter, than for cases in the control departments. The disposition rate in the program group was higher than that in either control group for the entire study period. The pace of dispositions rose for program cases, reaching the fastest pace both around the time when case management conferences were held and when mediations were completed in the program group, suggesting that both the case management conference and the mediation may have increased dispositions. Among cases that settled at mediation, cases in the pilot program took less time to reach disposition than like cases in either control group that settled in the 1775 program. Among cases that did not settle at mediation, program-group cases took more time to reach disposition than like cases in either control group under the 1775 program.

- **Litigant satisfaction**—Attorneys in program-group cases were more satisfied with the court's services than attorneys in control-group cases. Attorneys whose cases settled at mediation under the pilot program were also more satisfied with both the outcome of the case and with the services of the court compared to attorneys in cases that settled at mediation under the 1775 program. However, attorneys whose cases did not settle at mediation under the Early Mediation Pilot Program were less satisfied with outcome of the case than attorneys whose cases did not settle at

mediation under the 1775 program. Both parties and attorneys who participated in pilot program mediations expressed high satisfaction with their mediation experience, particularly with the performance of the mediators. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

- **Litigant costs**—In cases resolved at mediation, 75 percent of attorneys responding to the study survey estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings per settled case estimated by attorneys was $12,636 in litigant costs and 66 hours in attorney time. Based on these attorney estimates, the total estimated savings in litigant costs in all 2001 cases that were settled at mediation was $1,769,039 and total estimated savings in attorney hours was 9,240. There was also evidence that both litigant costs and attorney hours were lower in program cases that settled at mediation under the Early Mediation Pilot Program compared to like cases in the control departments that settled at mediation under the 1775 program; both litigant costs and attorney hours were approximately 60 percent lower in program-group cases that settled at mediation compared to similar cases in the control groups.

- **Court workload**—The pilot program in Los Angeles reduced court's workload. In addition to the reduction in trials discussed above, the pilot program reduced the average number of "other" pretrial hearings in program cases by 11 percent compared to control cases in the participating departments and may also have reduced motion hearings in program-group cases compared to cases in both control groups. These decreases were partially offset by a 16 percent increase in the number of case management conferences (CMCs) in the program group compared to control cases in the participating departments. However, because motions and "other" pretrial hearings take more judicial time on average than case management conferences, the changes in the number of pretrial court events caused by the pilot program resulted in saving judicial time. The total potential time savings from the reduced number of court events was estimated at 132 judicial days per year (with a monetary value of $395,000 per year).

- **Comparison of Mandatory Pilot Program Mediation and Voluntary Mediation in Los Angeles**—The statutes establishing the Early Mediation Pilot programs required the Judicial Council report to compare court-ordered mediation under the pilot program with voluntary mediation in Los Angeles county. In comparisons between cases valued over $50,000 referred to mediation under pilot program (court-ordered referrals) and cases valued at over $50,000 referred to mediation under the Civil Action Mediation program established by Code of Civil Procedure sections 1775 -1775.16 (voluntary referrals) in Los Angeles, the study found lower trial rates, disposition time, and court workload in those cases valued over $50,000 referred to mediation under pilot program compared to the 1775 program. The trial rate for these pilot program cases was approximately 31 percent lower than in these 1775 program cases, disposition time was approximately 20 to 30 days shorter in the pilot program cases, and there were 10 percent fewer court events on average in these pilot program

cases. Results of the study also suggested that attorneys satisfaction with the court's services and the litigation process may have been higher in those cases valued over $50,000 referred to mediation under pilot program than under the 1775 program. However, it is not clear whether these differences were due to the mandatory referrals to mediation in the pilot versus the voluntary referrals under the 1775 program or due to other differences between these two programs, such as the pilot program's earlier case management conferences and mediations.

Summary of Findings Concerning Fresno Pilot Program

There is strong evidence that the mandatory pilot program in Fresno reduced case disposition time, improved litigant satisfaction with the court's services and the litigation process, and decreased litigant costs in cases that resolved at mediation.

- **Mediation referrals and settlements**—Almost 1,300 cases that were filed in 2000 and 2001 (871 unlimited and 414 limited) were referred to mediation, and more than 700 of these cases (514 unlimited and 214 limited) were mediated under the pilot program. Of the unlimited cases mediated, 47 percent settled at the mediation and another 8 percent settled later as a direct result of the mediation, for a total resolution rate of approximately 55 percent. Among limited cases, 58 percent settled at mediation and another 3 percent settled later as a direct result of the mediation, for a total resolution rate of approximately 61 percent. In survey responses, 67 percent of attorneys whose cases did not settle *at* mediation indicated that the mediation was important to the ultimate settlement of the case.

- **Trial rate**—Because a large proportion of the cases being studied had not yet reached disposition, there was not sufficient data to determine whether the pilot program in Fresno had an impact on the trial rate.

- **Disposition time**—For unlimited cases filed in 2001, the average time to disposition in the program group was 39 days shorter than in the control group and the median time to disposition was 50 days shorter. For limited cases filed in 2001, the average time to disposition for cases in the program group was 26 days shorter than for cases in the control group and the median time to disposition was 6 days shorter. The results of regression analysis that accounted for case type differences suggest that the average time to disposition in the program group was 40 days shorter than in the control group for both unlimited and limited cases. For both unlimited and limited program-group cases, starting at about the time of the pilot program mediations occurred on average, the pace of dispositions outstripped that of cases in the control group, suggesting that the mediations contributed to shortening the time to disposition. Comparisons with similar cases in the control group indicate that when program-group cases were settled at mediation, the average disposition time was shorter, but when cases were mediated and did not settle at the mediation, the disposition time was longer.

- **Litigant satisfaction**—Attorneys in both unlimited and limited program-group cases were more satisfied with both the litigation process and the court's services than attorneys in control-group cases. Attorneys' satisfaction with the court's services, the litigation process, and the outcome of the case were all higher in program-group cases that settled at mediation than in similar control-group cases. While attorneys whose cases did not settle at mediation were less satisfied with the outcome of the case, they were still more satisfied with both the litigation process and the services provided by the court than attorneys in like cases in the control group. This suggests that participating in mediation increased attorneys' satisfaction with both the litigation process and the court's services, regardless of whether the case settled at mediation. Both parties and attorneys who participated in pilot program mediations expressed high satisfaction with their mediation experiences, particularly with the performance of the mediators. They strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

- **Litigation costs**—There was evidence that both litigant costs and attorney time were reduced when cases resolved at mediation. Eighty-nine percent of attorneys whose cases resolved at mediation estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorneys per settled case was $9,915 in litigant costs and 50 hours in attorney time, for a total estimated savings of $3,619,136 in litigant costs and 24,455 in attorney hours in all 2000 and 2001 cases that settled at mediation.

- **Court workload**—Unlimited program-group cases filed in 2001 had 13 percent fewer motion hearings than cases in the control group, and limited program-group cases had 48 percent fewer motion hearings. However, this decrease in motions was offset by an increase in the number of case management conferences and other pretrial hearings in pilot program cases so that, overall, there was an increase in the total number of pretrial court events in the program group and a small increase in the judicial time spent on program cases during the study period. The increase in the number of case management conferences for program cases was understandable given court procedures (since changed) that required conferences in all program cases that did not settle at mediation and in most program cases when the parties wanted their case removed from the mediation track. The court's procedures did not generally require case management conferences in other cases. Unlimited program-group cases that settled at mediation had 45 percent fewer court events overall compared to similar cases in the control group. This overall reduction stemmed from reductions in motion and other hearings; there were 80 percent fewer motion hearings and 60 percent fewer other hearings in unlimited program cases that settled at mediation compared to like cases in the control group.

Summary of Findings Concerning Contra Costa Pilot Program

There is evidence that the voluntary pilot program in Contra Costa reduced disposition time and litigant costs and increased attorney satisfaction with the litigation process and the services provided by the court.

- **Mediation referrals, mediations, and settlements**—1,650 cases that were filed in the Superior Court of Contra Costa County in 2000 and 2001 were referred to mediation and almost 1,200 of these cases were mediated under the pilot program. Of the cases mediated, 53 percent settled at the mediation and another 7 percent settled later as a direct result of the mediation, for a total resolution rate of approximately 60 percent. In survey responses, 75 percent of attorneys whose cases did not settle *at* mediation indicated that the mediation was important to the ultimate settlement of the case.

- **Trial rate**—No statistically significant reduction in the trial rate was found either in comparisons between cases filed before and after the program began or in comparisons between cases in which the litigants stipulated to mediation and those in which they did not. However, this does not necessarily indicate that the pilot program had no impact on the trial rate; there were limitations associated with the comparisons that made it difficult to evaluate whether the program affected trial rates.

- **Disposition time**—There was evidence that the pilot program decreased disposition time. Pre-post program comparisons suggested that the median disposition time for cases filed after the pilot program began was shorter than the median disposition time for cases filed before the program began. These comparisons also showed that the disposition rate for post-program cases was higher than that for pre-program cases for the entire 34-month period studied, but most noticeably between 6 and 12 months after filing, when it ranged from about 1.5 to 3 percent higher than that for pre-program cases. Comparisons between disposition rates in cases in which the litigants have stipulated to mediation and cases in which they did not showed that while nonstipulated cases began to resolve earlier than stipulated cases, from 9 to 18 months after filing, stipulated cases were disposed of at a faster pace than nonstipulated cases and ultimately more stipulated than nonstipulated cases had reached disposition by the end of 18 months after filing. The pace of dispositions for stipulated cases was fastest at 9 months after filing, about the time that mediations took place, suggesting that mediations increased the pace of dispositions among stipulated cases. Comparisons with similar stipulated and nonstipulated cases confirmed that when cases were settled at mediation, the average disposition time was shorter, but also indicated that when cases were mediated and did not settle at the mediation, the disposition time was longer.

- **Litigant satisfaction**—Attorneys in which the litigants have stipulated to mediation cases were more satisfied with the overall litigation process and services provided by the court than attorneys in cases in which the litigants did not stipulate to mediation. They were, however, less satisfied with outcome of the case compared to attorneys in nonstipulated cases. Attorneys' levels of satisfaction with the court's services, the litigation process, and with the outcome of the case were all higher in stipulated cases that settled at mediation than in similar nonstipulated cases. Attorneys in stipulated cases that went to mediation and did not settle at mediation were also more satisfied with the court's services than attorneys in similar nonstipulated cases. This suggests

that participating in mediation increased attorneys' satisfaction with the court's services, regardless of whether their cases settled at mediation. Both parties and attorneys who participated in pilot program mediations expressed high satisfaction with their mediation experience, particularly with the performance of the mediators. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

- **Litigant costs**—There was evidence that the pilot program reduced both litigant costs and attorney time, particularly in cases that settled at mediation. Litigant costs in were approximately $7,500 lower in cases in which the litigants stipulated to mediation compared to those in which the litigants did not stipulate to mediation. Both direct comparisons between stipulated and nonstipulated cases disposed of in over six months and comparisons between litigant costs and attorney hours in stipulated cases and nonstipulated cases with similar characteristics using regression analysis also suggested that both litigant costs and attorney hours were reduced in stipulated cases. Regression analysis also suggests that litigant costs were reduced by 50 percent or more and attorney hours were reduced by 40 percent in both cases that were settled at mediation and in cases that did not settle at mediation compared to similar nonstipulated cases. Eighty-seven percent of attorneys whose cases resolved at mediation estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorneys per settled case was $16,197 in litigant costs and 78 hours in attorney time, for a total estimated savings of $9,993,839 in litigant costs and 48,126 attorney hours in 2000 and 2001 cases that settled at mediation.

- **Court workload**—The evidence concerning the Contra Costa pilot program's impact on the court's workload was mixed. In pre-post program comparisons, the average number of case management conferences held per case was 27 percent higher and the number of "other" pretrial hearings was 11 percent higher the year after the program began compared to a year before the pilot program began. The increase in case management conferences may have been due, at least in part, to the introduction of the Complex Litigation Pilot Program in 2000. In comparisons of stipulated and nonstipulated cases, stipulated cases had fewer motion hearings but more CMCs than nonstipulated cases, so that the total number of all pretrial events was essentially the same in both groups. However, comparisons of only those cases disposed of in over six months suggested that the total number of hearings may have been lower in the stipulated group. In addition, when cases settled at mediation, the total number of court events was 20 percent lower, on average, in stipulated cases compared to nonstipulated cases with similar characteristics. Conversely, similar comparisons suggested that the number of pretrial hearings may have increased when cases did not settle at mediation.

Summary of Findings Concerning Sonoma Pilot Program

There is evidence that the voluntary pilot program in Sonoma reduced disposition time, reduced the court's workload, increased attorney satisfaction with the litigation process and the court's services, and reduced litigant costs in cases that settled at mediation.

- **Mediation referrals, mediations, and settlements**—737 cases that were filed in 2000 and 2001 were referred to mediation and 574 of these cases were mediated under the pilot program. Of the unlimited cases mediated, 62 percent settled at the mediation. In survey responses, 90 percent of attorneys whose cases did not settle *at* mediation indicated that the mediation was important to the ultimate settlement of the case.

- **Trial rate**—Because a large proportion of the cases being studied had not yet reached disposition, there was not sufficient data to determine whether the pilot program in Sonoma had an impact on the trial rate.

- **Disposition time**—The pilot program had a positive impact on case disposition time for both limited and unlimited cases. The average disposition time for limited cases filed after the program began was 37 days shorter than the average for limited cases filed before the program began. The disposition rate for unlimited post-program cases was higher than for pre-program cases for the entire 34-month follow-up period. The pace of dispositions for limited post-program cases accelerated about the time when, under the court's rules, early mediation status conferences were set, suggesting that this conference played a role in improving disposition time. Comparisons of the disposition rates in stipulated and nonstipulated cases showed that while nonstipulated cases begin to resolve earlier, once stipulated cases begin reaching disposition, they were disposed of faster than nonstipulated cases and ultimately more stipulated than nonstipulated cases reached disposition by the end of 34 months. The fact that stipulated cases were disposed of fastest between 6 and 12 months after filing, about the time that mediations would have occurred under the court's pilot program rules, suggests that participation in mediation may have increased the rate of disposition for stipulated cases.

- **Litigant satisfaction**—Attorneys in stipulated cases were more satisfied with the overall litigation process and services provided by the court. Both parties and attorneys expressed high satisfaction when they used mediation through the Sonoma pilot program, particularly with the services of the mediators. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

- **Litigant costs**—There was evidence that both litigant costs and attorney time were reduced when cases resolved at mediation. Ninety-five percent of attorneys whose cases resolved at mediation estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorneys per settled case were $25,965 in litigant costs and 93 hours in attorney time. Based on these attorney estimates, a total of $9,243,430 in litigant costs and 33,108 in

attorney hours was estimated to have been saved in all 2000 and 2001 cases that were settled at mediation.

- **Court workload**—There was evidence that the pilot program reduced the court's workload. Comparisons between cases filed before and after the pilot program began indicated that average number of "other" pretrial hearings was 15 percent lower in unlimited cases filed after the pilot program began than in unlimited cases filed before the program began. Comparisons between stipulated and nonstipulated cases using regression analysis to control for differences in case characteristics indicated that the average number of motion hearings was 50 percent lower in cases in which the parties stipulated to mediation compared to similar cases in which the parties did not stipulate to mediation and that the average number of "other" pretrial hearings was 45 percent lower. The smaller number of court events in cases filed after the pilot program began means that the time that judges would have been spent on these events could be devoted to other cases needing judicial time and attention. The total time saving from the reduced number of court events was estimated at 3.2 judge days per year (with an estimated monetary value of approximately $9,700 per year).

I. Introduction

This is a report about five court-annexed civil mediation programs that operated in California trial courts between 2000 and 2003. These five programs, called Early Mediation Pilot Programs, were implemented under a statutory mandate. The statute also required the Judicial Council of California to study the five programs and to report the results of the study to the California Legislature and Governor.

This report was prepared to fulfill that statutory mandate. It describes the results of a 36-month study of these five separate mediation programs. To fulfill the Judicial Council's statutory mandate, this study focuses primarily on the programs' impact on:

1. the proportion of cases that went to trial;
2. the time it took for cases to reach disposition;
3. the litigants' satisfaction with the dispute resolution process;
4. the litigants' costs; and
5. the courts' workload.

Based on these criteria, all five of the Early Mediation Pilot Programs were successful, resulting in substantial benefits to both litigants and the courts, including reductions in trial rates, case disposition time, and the courts' workload, increases in litigant satisfaction with the court's services, and decreases in litigant costs in cases that resolved at mediation in some or all of the participating courts.

The sections below provide background information about the Early Mediation Pilot Program legislation, the courts that were selected to implement these pilot programs, and the different mediation program models that were adopted by these courts. This background information is followed by a description of the data and analytical methods used in this study. The discussion of the study results begins in Section II with an overview of the findings in all five pilot programs. Sections III–VII provide detailed descriptions of the individual pilot programs and the study findings concerning each of these programs

A. Background

The Legislation Establishing the Early Mediation Pilot Programs

Legislation enacted in July 1999[4] required the Judicial Council of California to establish Early Mediation Pilot Programs for general civil cases[5] in four superior courts.[6]

The statutes outlined a basic framework for the pilot programs: in two of the four pilot programs, the court was to have the authority to make mandatory referrals to mediation; in the other two programs, participation in mediation was to be voluntary.[7] This report refers to these courts as, respectively, "mandatory" and "voluntary" courts.

The statutes authorized all four of these courts to hold an initial conference with the parties in a case earlier than is generally permitted under California law as early as 90 days after the filing of the case rather than the 120–150 days permitted in other courts.[8] At this conference the court was to confer with the parties about alternative dispute resolution (ADR) options. In the mandatory courts, after considering the willingness of the parties to participate in the mediation, the court was given the power to order the case to mediation.

The statutes further required the mandatory courts to establish panels of mediators.[9] The parties were free to choose any mediator for their case, whether or not that mediator was on the court's panel. However, if the parties chose a mediator from the court's panel, the services of that mediator were to be provided at no cost to the parties.[10]

The statutes generally required that mediations be scheduled within 60 days of the early case management conference.[11] At the end of the mediation, the mediator was required to file with the court a form indicating whether the mediation ended in full resolution of the case, partial resolution, or no resolution.[12]

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[4] Title 11.5 of California Code Civ Proc , § 1730 et seq (Stats 1999, ch. 67, § 4 (AB 1105)) See Appendix A for a copy of these code sections.

[5] As used in this legislation, "general civil case" means all civil cases except probate, guardianship, conservatorship, family law (including proceedings under the Family Law Act, Uniform Parentage Act, and Uniform Child Custody Jurisdiction Act, freedom from parental custody and control proceedings, and adoption proceedings), and juvenile court proceedings, small claims cases; and other civil petitions, including petitions for a writ of mandate or prohibition, temporary restraining orders, harassment restraining orders, domestic violence restraining orders, writs of possession, appointment of a receiver, release of property from lien, and change of name.

[6] Superior courts are California's trial courts of general jurisdiction

[7] Code Civ. Proc , § 1730

[8] *Id* , § 1734 See also Gov. Code, § 68616.

[9] Code Civ Proc , § 1735

[10] *Ibid*

[11] *Id* , § 1736.

[12] Code Civ Proc., § 1739; Cal Rules of Court, rule 1640.8; and Judicial Council form ADR-100, *Statement of Agreement or Nonagreeement*

The statutes stated that the purpose of the pilot programs was to assess the benefits of early mediation of civil cases.[13] As noted above, the statutes required that the Judicial Council conduct a study of the pilot programs and report its results to the Legislature and the Governor.[14] The statutes specifically required that the study examine the programs' impact on:

1. The settlement rate;
2. The timing of settlement;
3. The litigants' satisfaction with the dispute resolution process; and
4. The costs to the litigants and the courts.[15]

The statutes gave the Judicial Council responsibility for selecting the four pilot program courts[16] and for adopting rules of court to implement the programs.[17]

The Early Mediation Pilot Program statutes were amended in 2000.[18] The new legislation provided that, in addition to the other four pilot courts, the Judicial Council was required to establish another mandatory Early Mediation Pilot Program in the Superior Court of Los Angeles County. Instead of a court wide pilot program as in the other courts, the Los Angeles pilot program was to be established in only 10 civil departments in the main, downtown Los Angeles courthouse. The legislation also required that the Judicial Council's study include a comparison of court-ordered mediation under the pilot program and voluntary mediation in Los Angeles County.[19]

The Pilot Courts Selected by the Judicial Council

After the 1999 legislation's enactment, the Judicial Council solicited proposals for Early Mediation Pilot Programs from all 58 superior courts in California. Proposals were sought from both courts in large urban centers and in less-populated, suburban areas.[20]

The Judicial Council received 11 responses. A variety of factors were considered in reviewing these proposals, including the quality of the mediation program proposed; the court's ability to implement the program within the required time; the court's ability to meet the program's data collection requirements; the need for mediation services within the court and the county served by the court; and the reasonableness of the proposed program budget.

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[13] Code Civ Proc , § 1730

[14] *Id* , § 1742

[15] *Ibid* The report was originally required to be submitted on or before January 1, 2003. This deadline was extended to allow cases filed during the study period to reach final disposition At the end of 2002, the data revealed that a significant proportion of cases in some courts had not reached final disposition and thus information about the settlement rate, time to disposition, etc was not available for these cases

[16] Code Civ Proc , § 1730

[17] *Id* , §§ 1732, 1735, 1739, and 1742. The implementing rules of court adopted by the Judicial Council are rules 1640–1640 8 See Appendix B for a copy of these rules.

[18] Stats 2000, ch. 127 (AB 2866)

[19] Code Civ Proc , § 1742.

[20] Proposals from courts with very small civil caseloads were not encouraged, because one of the requirements for selection was a sufficiently large sample of cases for purposes of the legislatively mandated study.

Ultimately, the Superior Courts of Fresno and San Diego Counties were selected as the mandatory courts and the Superior Courts of Contra Costa and Sonoma Counties as the voluntary courts. These four pilot programs began operation in the first quarter of 2000.

As noted above, legislation subsequently adopted in 2000 required the Judicial Council to establish another mandatory pilot program in the Superior Court of Los Angeles County. The Los Angeles pilot program began operation in June 2001.

The Program Models Adopted by the Pilot Courts

As discussed above, the Early Mediation Pilot Program statutes outlined the pilot programs' basic framework. However, both the statutes and the implementing rules of court gave the pilot courts considerable latitude in determining the structural and procedural details of their programs. Thus, while the five pilot programs shared some common features, they varied significantly from one another in numerous other respects, including timing of case management conferences, the mediation referral process, the role of judges in mediation referrals, and the qualifications and compensation of participating mediators.

The court environments into which each of these programs was placed also varied. San Diego and Los Angeles are large, urban courts with large civil caseloads; Contra Costa, Fresno, and Sonoma are smaller courts with smaller civil caseloads. The San Diego, Los Angeles, and Contra Costa courts had offered court-annexed mediation programs before they implemented the pilot program; the Fresno and Sonoma courts had not. Of those that already had mediation programs, Los Angeles and Contra Costa retained their programs along side the pilot program while San Diego did not. At the time the pilot programs were implemented, the San Diego, Los Angeles, and Contra Costa courts had relatively short disposition times, with most civil cases reaching disposition within 24 months of filing; in Fresno and Sonoma a substantial proportion of cases took longer than 24 months to reach disposition.

The differences in the structure and court environments of the pilot programs mean that each of the five programs is unique: they cannot simply be lumped together and viewed generically as "mediation programs" or as "voluntary" or "mandatory" programs. While we report below on each program's impact on the same outcome measures (settlement rate, time to settlement, and so forth), the results reflect the unique nature of the particular program. Any cross-program comparisons must therefore take into account the impact of programmatic and environmental differences on these results.

To make it easier to see some of the similarities and differences between the five pilot programs, Table I-1 compares the pilot programs' key features. More detailed descriptions of each program are presented in the report chapter focusing on that pilot program.

Table I-1. Summary of Key Early Mediation Pilot Program Features

Program Features	Mandatory Pilot Programs			Voluntary Pilot Programs	
	San Diego	**Los Angeles**	**Fresno**	**Contra Costa**	**Sonoma**
Did the court operate a civil mediation program prior to the pilot program?	A mandatory mediation program for civil cases had been in operation in the court under a separate statutory authorization from 1994 until this pilot program was implemented in 2000. That earlier program was restricted to cases valued under $50,000	A mandatory mediation program for civil cases had been in operation in the court since 1994 under a separate statutory requirement. That program continued to operate during the pilot program period This other mediation program is restricted to cases valued under $50,000	There was no court-connected mediation program for civil cases prior to the pilot program, except a program for small claims cases	A voluntary mediation program for unlimited civil cases had been in operation in the court since 1993 That program continued to operate during the pilot program period.	There was no court-connected mediation program for civil cases prior to the pilot program However, the court has been an active partner with the local bar association in trying to encourage ADR since 1995
What cases were eligible for the program?	All at-issue limited and unlimited general civil cases except complex cases and those assigned to the control group	All at-issue limited and unlimited general civil. However, the pilot program was restricted to only 10 departments in the court's main courthouse.	All at-issue limited and unlimited general civil cases. However, the court's pilot program model placed a cap on the number of cases that could be referred to mediation each month	Only at-issue unlimited general civil cases; limited cases were not eligible for the program.	All at-issue limited and unlimited general civil cases
Did the program include a control group consisting of randomly assigned cases?	Yes Six general civil departments were designated as control departments, all eligible cases assigned to these departments were in the control group	Yes The control group consisted of all eligible cases in civil departments that were not part of the program and half (randomly assigned) of the cases in the departments that were part of the program	Yes The control group consisted of all cases not randomly referred to mediation by the ADR Administrator	No.	No.

How were cases referred to mediation?	By court order at the case management conference or by party stipulation at or before conference	By court order at the case management conference or by party stipulation at or before the conference	On random basis by court's ADR Administrator.	By party stipulation, but the court encouraged the parties to stipulate to mediation	By party stipulation, but the court encouraged the parties to stipulate to mediation
What was the timeline for early case management conferences?	Early case management conferences were held 120–150 days after filing if parties did not stipulate to mediation	Early case management conferences were held 90–150 days after filing if the parties did not stipulate to mediation	No early case management conferences were held unless the parties wished to contest referral to mediation	Case management conferences were held 140 days after filing if parties did not stipulate to mediation	Early case management conferences were held 120 days after filing
Who conducted the early case management conference?	Judge.	Judge	Judge.	Judge	Director of the Office of Alternative Dispute Resolution.
What was the deadline for completing mediation?	Within 60–90 days of the stipulation or order to mediation	Within 60–90 days of the stipulation or order to mediation	Within 60–90 days of the stipulation or order to mediation.	240 days after filing of the case	As provided in parties' stipulation.
Who paid for the costs of mediation services?	If the parties selected a mediator from court's panel, the court paid for up to 4 hours of mediation services at $150 per hour.	If the parties selected a mediator from court's panel, the court paid for up to 3 hours of mediation services at $150 per hour	Initially, the court paid mediators a flat $100 per case in limited cases and $100 per hour for up to 4 hours in unlimited civil cases Beginning July 2001 this was changed to $150 per hour for up to 4 hours in all cases.	If parties selected a mediator from court's panel, the mediator provided the first 2 hours of mediation services at no charge to parties, the parties were responsible for compensating panel mediators for any services after the first 2 hours and for compensating nonpanel mediators at market rate	Parties were responsible for compensating mediator at market rate.

B. Measurement of Program Impacts, Data, and Methods

This section describes how program impacts required to be examined by the Early Mediation Pilot Program statutes were measured in this study, what data were used in measuring these program impacts, and what methods were used to analyze this data.

How Program Impacts Were Measured

As noted above, the Early Mediation Pilot Program statutes specifically required this study to examine the pilot programs' impact on

1. the settlement rate;
2. the timing of settlement;
3. the litigants' satisfaction with the dispute resolution process; and
4. the costs to the litigants and the courts.

For the Los Angles pilot program, the Early Mediation Pilot Programs statutes also required the Judicial Council report to compare court-ordered mediation under the pilot program with voluntary mediation in Los Angeles County.

This section describes how each of these impacts was measured in this study.

Settlement/Trial Rate

To measure whether the pilot programs had an impact on the settlement rate, this study examined the opposite—the proportion of cases that did not settle and went to trial. The available data on trials in the pilot courts were generally more reliable than the data concerning voluntary settlements. A reduction in the trial rate appeared to be an appropriate proxy measure for an increased settlement rate: if fewer cases went to trial under the mediation pilot program, it is reasonable to assume that this reduction represents an increase in the settlement rate. Furthermore, trial rates also provided a better measure of the program's impact on the court's workload costs.

The trial rate was calculated by dividing the number of cases that went to trial by the total number of cases that reached disposition during the study period. The program's overall impact on trial rate was measured by comparing the difference in trial rates between two groups of cases (comparison groups). In the mandatory courts, the comparison groups were cases in the "program group" and the "control group." In the voluntary courts, the comparison groups were one of two types: (1) cases filed before the pilot program began and cases filed after the pilot program began ("pre-/post-program") or (2) cases in which the litigants stipulated to mediation under the pilot program ("stipulated") and cases in which the litigants did not stipulate to mediation ("nonstipulated").[21]

For purposes of this study, a case was considered to have "gone to trial" when a trial event was held for the case; a case did not necessarily have to go through a full trial.

[21] See the discussion in the section "What Methods Were Used to Examine the Data" for additional explanation of these comparisons

Timing of Settlement/Disposition Time

To measure whether the pilot programs had an impact on the timing of settlement, this study examined how long it took for cases to reach disposition ("disposition time"). Disposition time was calculated as the number of days elapsed from the filing of a case until the case's final disposition as shown by the entry of dismissal or judgment in the court's case management system. Overall program impact on disposition time was measured by comparing the difference between the average (and median) disposition times for cases in the available comparison groups (program/control, pre-/post-program, stipulated/nonstipulated).

As a supplement to time to disposition, this study also uses the disposition rate—the proportion of filed cases that reached disposition within a specified time from filing—to measure whether the pilot programs had an impact on the timing of settlement. The disposition rate was calculated by dividing the number of cases filed during the study period that reached disposition during a specified time period (x months from filing) by the total number of cases filed during the study period.

Litigant Satisfaction

To measure whether the pilot programs had an impact on litigants' satisfaction, this study examined party and attorney responses to questions about their satisfaction with various aspects of their mediation and litigation experiences. Attorneys in the available comparison groups (program/control, stipulated/nonstipulated) were asked the following questions:

> How satisfied or dissatisfied are you with the following:
> a. outcome of this case
> b. services provided by the court for this case
> c. litigation process in this case from filing through case resolution

Overall program impact on litigant satisfaction was measured by comparing the average attorney satisfaction scores on these questions for cases in the comparison groups.

In addition, both parties and attorneys in cases that participated in mediation in the pilot programs were asked to rate their satisfaction regarding the process of mediation and the performance of the mediator. They were also asked to indicate their level of agreement with statements about the fairness of the mediator, the mediation process, and the outcome of the mediation and their willingness to recommend or use mediation again. Responses to these questions provided additional descriptive information about litigants' satisfaction with mediation.

Costs for Litigants and the Court

Cost for litigants and the courts were measured in different ways and the findings concerning impacts in these areas are reported separately.

Litigant Costs

To measure whether the pilot programs had an impact on litigant costs, this study examined attorneys' estimates of their clients' litigation costs and, as a second proxy measure of litigant costs, the attorneys' estimates of the time they spent on the case. Attorneys in the available comparison groups (program/control, stipulated/nonstipulated) were asked the following question:

> Please give us your best estimates of the amount of time you spent on the case and the costs to your clients. Total costs include attorney fees and other costs but not the cost of settlement paid.

Overall program impact on litigant costs was measured by comparing the average litigant costs and attorney time estimated by attorneys for cases in these comparison groups. Differences between the comparison groups served as an objective measure of program impact on litigant costs.

In addition, attorneys in cases that resolved at mediation were asked to estimate what they believed the litigation cost and attorney hours would have been had they not used mediation to resolve the case. These attorneys were asked:

> Considering the typical litigation process this case would have gone through without mediation, please give us your best estimates of how much time and cost would have been required if mediation had not been used.

The difference between the attorneys' estimates of the actual costs and time expended in reaching resolution and their estimates of time and costs had they not used mediation served as a subjective measure of how settling at mediation affected litigant costs.

Court Costs/Workload

To measure whether the pilot programs had an impact on court costs, this study examined whether the workload of judges in the pilot court changed as a result of the pilot program and then estimated the potential monetary value of any change identified.

Two measures of court workload were examined: (1) the trial rate and (2) the average number of pretrial hearings per case that were conducted by judges. As noted above, the trial rate was calculated by dividing the number of cases that went to trial by the total number of cases that reached disposition. Program impact on trial rate was measured by comparing the difference in trial rates between the available comparison groups (program/control, pre-/post-program, stipulated/nonstipulated).

In calculating the average number of pretrial hearings conducted by judges, three different types of pretrial hearings were separately counted: (1) case management conferences, (2) motion hearings, and (3) all other pretrial hearings. Overall program impact on the average number of pretrial hearings was measured by comparing the average number of each hearing held by judges in cases in the available comparison groups (program/control, pre-/post-program, stipulated/nonstipulated).

When overall program impact on either the trial rate or the average number of pretrial hearings was found, the average number of days spent per trial and the average number of minutes spent per hearing were used to calculate the number of judge days saved (or added). The monetary value of judge-days saved was then estimated.

Comparison of Court-Ordered Mediation under Pilot Program and Voluntary Mediation in Los Angeles

To compare court-ordered mediation under the pilot program with voluntary mediation in Los Angeles county, this report compares cases valued at over $50,000 referred to mediation in the Early Mediation Pilot Program and cases valued at over $50,000 referred to mediation in the Civil Action Mediation program established by Code of Civil Procedure sections 1775–1775.16 (1775 program). In the Early Meditation Pilot Program, judges could order cases of any value to mediation, so cases valued at over $50,000 were subject to court-ordered mediation in the pilot program. In contrast, in the 1775 program, judges were only authorized to order cases valued at $50,000 or less to mediation, but parties could stipulate to mediation in cases valued at over $50,000, so cases valued at over $50,000 had access to voluntary mediation in the 1775 program. Thus, comparing cases valued at over $50,000 referred to mediation in these two programs is one way of comparing court-ordered mediation under the pilot program to voluntary mediation.

Cases valued over $50,000 in the 1775 program were used as the measure of voluntary mediation in this study primarily because data on trial rates, disposition time, litigant satisfaction, litigant costs, and court workload was available on these cases.[22] This permitted cases in the pilot program and the 1775 program to be compared on all of the same outcome measures used to compare program and non-program cases. However, these comparisons do ***not*** provide a clear answer to whether court-ordered and voluntary referrals to mediation result in different outcomes. The pilot program and 1775 program differed from each other not only in terms of the authority to order cases valued over $50,000 to mediation, but in other ways as well, including:

- The Early mediation status conferences in the pilot program were held approximately one to two months earlier, on average, than the regular case management conferences in the 1775 program;

- Mediations in the pilot program were held approximately one to two months earlier, on average, than mediations under the 1775 program;

- Mediators on the court's pilot program panel were required to meet higher qualification standards than mediators on the court's 1775 program panel, including five more hours of mediation training and specific requirements for

[22] In theory, pilot program cases could, instead, have been compared to cases voluntarily mediated outside the court system or to cases in which the parties stipulated to use mediation within the court system However, data on case outcomes in these other potential comparison groups was not available.

simulations/observations of mediations and completion of at least eight mediations within the past three years; and

- In the pilot program, mediators from the court's panel were compensated by the court for their first three hours of mediation services, whereas mediators in the 1775 program were not compensated for their first three hours of mediation services.

Comparisons between cases valued at over $50,000 in the pilot program and 1775 program thus do not isolate differences in outcomes based on whether the mediation referrals were court-ordered or voluntary, but show the differences in outcomes that result from all of the differences between the entire pilot program model and the entire 1775 program model.

What Data Was Used to Measure These Impacts

This section describes the data that was used to measure each of the outcomes or impacts being studied.

The data used to measure program impacts came mainly from two sources:

- The courts' computerized case management systems (CMSs); and

- Surveys of the parties, attorneys, and judges.

Data on Trial Rate, Disposition Time, and Court Workload

The primary source of data for assessing the pilot programs' impact on trial rate, time to disposition, and court workload was the courts' computerized case management systems (CMSs).[23] These are essentially computerized court dockets that record the major court events in each case. California does not have a single, uniform CMS, and each of the pilot courts had different systems. Although the nature and form of the information recorded in each pilot court's system varied significantly,[24] all contained data on the date of filing, the court hearings that took place in the case,[25] whether the case reached trial, and the date of final disposition. This information was used to calculate trial rates, time to disposition, and frequency of various pretrial hearings.

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[23] In addition to CMS data, some courts used a standalone database to capture additional information on the cases in the pilot program, for example, outcome of mediation Data from both database systems were merged

[24] Each court's CMS had its own set of codes representing different court events In addition each CMS had different codes to indicate whether a scheduled hearing had been set, held, continued, or dropped off the calendar

[25] Different methods were required to identify the different types of pretrial hearings held in each of the pilot courts Some courts provided a list of event codes that clearly identified each hearing type Where hearing types were not clearly separated into different categories, the researchers reviewed the descriptions provided for each event code and categorized the events based on best judgment The docket code information from Sonoma's case management data could not be used to identify the hearings, instead, the study relied on minute orders recorded in the case management system The study counted as a hearing each minute order issued and recorded in the case management system and searched the minute order texts to identify motion hearings and other types of hearings.

The data used in these analyses were generally limited to cases in which the defendants responded to the complaint (the case became "at issue"); cases that proceeded by default were excluded from both the program and nonprogram comparison groups.[26] Only at-issue cases were analyzed because only in these cases were there opposing parties who might participate in and be influenced by the elements of the pilot program, such as the case management conference and the mediation.

The pilot courts provided CMS data for all cases filed since the pilot programs began, and relevant court events were tracked until June 2003.[27] In most of the analyses in this report, however, only data concerning cases filed in 2000 and 2001 were used because there was insufficient follow-up time to track the final outcomes of cases filed more recently.[28] Because the pilot program in Los Angeles was not authorized or implemented until approximately a year after the other pilot programs, only cases filed since April 2001 were eligible for that program. Analysis of program impact in Los Angeles was therefore limited to cases filed since April 2001.

The pilot courts also provided CMS data for cases filed the year before the pilot program began ("pre-program cases"). These data were used to calculate trial rates, time to disposition, and frequency of various pretrial hearings for pre-program cases.

Data on Litigant Satisfaction and Costs

The primary source of data for assessing the pilot programs' impact on litigant satisfaction and litigant costs was two surveys conducted as part of this study: a postmediation survey and a postdisposition survey.[29]

Postmediation Survey

The postmediation survey was distributed to persons who participated in mediation under the pilot programs between July 2001 and June 2002. The survey's main purposes were to obtain information about participants' experiences in the mediation process and their satisfaction with both experiences, their mediation and litigation, and, if the case resolved at mediation, to obtain information about litigant costs.

Two different questionnaires were used in this survey. Parties who were represented by attorneys were asked to fill out a two-page Postmediation party survey form that requested information about the following: the respondents' prior experience with litigation and their relationship with the other parties; their perception of the mediation process; their satisfaction with the mediation, the outcome of the case, the services provided by the court, and the litigation process, and, if the case settled at mediation, how much money they spent on reaching resolution in the case. Attorneys, self-represented

[26] This restriction was not applied to unlimited cases in Los Angeles, however, because there was insufficient information to consistently identify at-issue cases

[27] Supplemental data was also obtained from the Superior Court of Fresno County in November 2003

[28] There are only about 180 days between December 2002, when the last 2002 case could have been filed, and June 2003, when data collection for this study ended This is not sufficient time for most cases to reach final disposition

[29] See Appendix C for all survey instruments used in this study.

parties, and any insurance adjusters participating in the mediation were asked to fill out a similar postmediation attorney survey form that also asked for the following information: the respondent's prior experience with mediation; the characteristics of the case (such as number of parties, complexity, hostility of the parties, amount of damages); how important various factors were to the case being mediated, and, if the case settled at mediation, the respondent's estimate of how much time he or she actually spent on the case and the total actual litigation costs as well as an estimate of the time and costs had mediation not been used.

Mediators were asked to have the participants complete the survey forms when the mediation was concluded. Participants were asked to either give the completed survey form to the mediator before leaving the last mediation session or mail the response to the "evaluation research project" staff at the court that were tracking survey responses.[30]

Postdisposition Survey

The postdisposition survey was distributed to attorneys and parties whose cases reached disposition between July 2001 and June 2002. The main purposes of this survey were to get collect information about litigants' experiences in the litigation process, their satisfaction with these experiences, and their litigation costs. Postdisposition surveys were sent to all (or a random sample of all) eligible cases disposed of during this period, not just cases in the program group or cases that went to mediation. Cases that resolved at mediation were not sent these surveys since they had already been asked to provide this type of information, including litigant cost information, in the postmediation survey.

As with the postmediation surveys, two different questionnaires were used. Parties who were represented by attorneys were asked to fill out a two-page postdisposition party survey form that asked for information about the following: the respondents' litigation experience; their satisfaction with the outcome of the case, the services provided by the court, and the litigation process; and how much money the party spent on reaching resolution in the case. Attorneys and self-represented parties were asked to fill out a similar postmediation attorney survey form that also asked for the following information: the characteristics of the case (such as number of parties, case complexity, hostility of the parties, amount of damages); how important various factors were to the case being resolved; how much discovery was competed in the case; the settlement outcome; and the respondent's estimate of how much time he or she actually spent on the case and the total actual litigation costs.

The courts mailed the postdisposition attorney surveys to the attorneys shortly after cases reached disposition. Because the courts did not have contact information for parties, they could not mail the party survey forms immediately. Instead, attorneys were asked to provide their clients' contact information so the courts could distribute the party survey-forms. Most attorneys, however, did not provide this information. As a result, only a small number of responses to the postdisposition survey were received from parties and comparisons of party satisfaction or party estimates of their costs could not be made.

[30] Please see Appendix D for survey distribution and response rate information.

Therefore, all comparisons regarding litigant satisfaction and litigant costs were based only on attorney responses to the postdisposition attorney survey.

It should also be noted that the postdisposition survey data on litigant costs and attorney hours were affected by the existence of "outlier" cases—cases reporting extremely large values. Outlier cases tend to skew averages and can lead to distorted conclusions about the data. Two measures were taken to address this problem. First, 1 percent of the outlier cases located at both ends of the distribution (i.e., cases with extremely large and small values) was dropped from the final analysis sample. Second, in addition to averages, the values for costs and attorney hours were organized into percentiles—at the 25th percentile 25 percent of the cases had lower values, at the 50th percentile half of the cases had lower values, and at the 75th percentile 75 percent of the cases had lower values. These percentile measures provided a more comprehensive view of the program's impact on litigant costs. Despite these measures, the range of the data was so broad that in four of the five pilot courts, none of the differences found in overall comparisons between litigant costs or attorney hours program cases and nonprogram were statistically significant—it was not possible to tell if the observed differences were real or simply due to chance.

Other Data

In addition to these data, the study collected supplementary information from the CMSs, surveys, and other sources.

Data on Case Characteristics

As noted briefly above, both the postmediation and postdisposition attorney surveys included questions about the characteristics of the case. Attorneys were asked to specify:

- The number of parties in the case;
- Whether an insurance carrier was involved in resolving the case;
- The legal and factual complexity of the case;
- The initial hostility between the parties;
- The likelihood that the parties would have an ongoing relationship; and
- The amount of damages sought in the case.

Each court's CMS also provided information on case types—automobile personal injury (Auto PI), other personal injury (Non-Auto PI), contract, and other civil cases.

As discussed below, this information on case characteristics was used in regression analyses to try to make comparisons between cases with similar characteristics.

Data on Judicial Time Spent on Pretrial Hearings

In order to translate information about the pilot programs' impact on the number of pretrial hearings into information about the number of judicial days saved (or added), information was needed concerning the average amount of judge time spent on these pretrial hearings. Surveys distributed in May and October 2003 asked judges in the five pilot courts to estimate the average amount of time they spent on the three types of pretrial hearings examined in this study: case management conferences, motion hearings,

and other pretrial hearings. The surveys varied somewhat from court to court to reflect differences in the hearing information recorded in each court's CMS.

Data From Litigant Focus Groups and Interviews With Judges
To get more in-depth, qualitative information about the pilot programs' impacts, researchers conducted focus-group discussions with parties and attorneys and interviewed judges in the pilot courts from May to July 2002.

Major topics discussed with the three groups differed slightly. In party focus groups, the discussions focused on the participants' understanding of mediation's benefits and their decision to use mediation; their perceptions about the fairness of the process and outcome of mediation; and the costs and time involved in using mediation to resolve their disputes. The attorney focus groups discussed the factors that made a case more amenable to mediation, how mediation affected the practice of discovery, and the overall impact of the pilot program. The interviews with judges also addressed cases' amenability to mediation and how they decided whether to refer a case to mediation. Other topics included the programs' impact on judges' workload, its possible impact on the community's legal culture, and suggestions for improvement.

Data on Mediators' Perceptions of Factors Affecting Resolution at Mediation
Mediators from the panels in all five pilot program courts were also surveyed to attempt to identify factors affecting the probability of resolution at mediation. The September 2002 survey asked for the mediators' views on whether factors, such as the subject matter of the case or the timing of the mediation referral, affected the likelihood that the parties would resolve their disputes in mediation. The survey also asked how the mediators usually conducted their mediation sessions and the extent to which the mediators believed that their methods influenced the outcome of the mediation. Lastly, the survey asked for mediators' opinions about the pilot program's long-term impacts.

Data on the Long-Term Impacts of Mediation
It has been suggested that mediation not only may have immediate benefits in terms of resolving cases, but also may have continuing benefits in terms of reducing future disputes and promoting a more cooperative dispute resolution culture. To try to assess these potential long-term impacts of mediation, attorneys in a random sample of cases that had been closed for more than six months were surveyed. Survey questions focused on whether the parties had complied with the terms of the decision or settlement in the case and whether the attorneys had modified their litigation practices based on their mediation experience. The surveys were distributed by mail in two cycles, the first in July 2002 and the second in April 2003. Attorneys in both mediated and nonmediated cases were surveyed.

What Methods Were Used to Examine the Data

Two main methods were used in this study to examine the data and measure the impact of the pilot programs on the outcomes being studied:

- Direct comparisons of outcomes—trial rate, disposition time, number of pretrial hearings, litigant satisfaction, and litigant costs—between different groups of cases (e.g. cases that participated in the pilot program and cases that did not).

- Regression analysis comparing outcomes—trial rate, disposition time, number of pretrial hearings, litigant satisfaction, and litigant costs—in cases with similar characteristics ("like" cases) within different groups of cases (e.g., cases that stipulated to mediation and cases that did not).

These two methods and how they were used to examine the data from different pilot programs are discussed in detail below.

Direct Comparisons of Outcomes

As noted above, one of the main methods used to examine the data collected in this study was direct comparison of the outcomes in two (or more) groups of cases.

Description of Method

Cases for which outcome data were available were separated into groups based on an aspect of their pilot program experience or their characteristics that was the focus of examination in the study (such as whether or not the case participated in the program) and the outcomes in these groups were compared. This comparison provided information about how the particular program experience or case characteristic affected the outcome.

To make these comparisons, data on the outcome in individual cases within each of the comparison groups was first converted to a measure representing the overall or typical outcome in that group of cases. Three different types of calculations were used to measure the overall outcome for a group of cases:

- Average—Also called the "mean," this is calculated by adding together all of the scores of all of the cases or responses in a group and dividing that sum by the number of items in the group.

- Median—This is calculated by locating the value at the center (50th percentile) of a distribution so that half of the cases in a group have values below the median and half of the cases have values above the median. In certain types of data sets (such as data sets with a skewed distribution where there are a small number of cases with extremely large or small values ("outliers")), median values are more representative of "typical" cases in a group than average values.

- Rate—This is calculated by counting the number of cases in a group that meet certain criteria and dividing that number by the total number of cases in the group. For example, to find the trial rate, cases that went to trial were counted and then divided the total by the total number of cases in the group. Rates are expressed as percentages or proportions. A method called "survival analysis" was used to calculate the cumulative disposition rate used in this study. This method has several

advantages, including that it can take into account varying follow-up time in different cases.[31]

The averages, medians, or rates in the different comparison groups were then compared to one another, and differences in outcomes in the comparison groups were calculated.

For each comparison a measure of the reliability of the results—called "statistical significance"—was also calculated.[32] Statistical significance indicates the degree to which an observed difference between comparison groups reflects a true difference between the groups or could be simply due to chance (a "fluke"). The statistical significance is expressed in probability terms (*p*-value). For example, a probability value of .05 associated with a finding means there is only a 5 percent probability that the finding is due to pure chance. In this report, *p*-values are provided in all tables showing direct comparisons of outcomes. Statistical significance is also reported for comparisons of disposition rates over time, which are displayed as graphs.

Adhering to conventions of statistical interpretation, results with a *p*-value of .05 or lower (i.e., a probability of 5 percent or less that results are due to pure chance) are considered very reliable, providing strong evidence of program impact. Results with *p*-values greater than .05 but smaller than .10 (i.e., 5 to 10 percent probability that the results are due to pure chance) are regarded as providing moderate evidence of program impact. Results with *p*-values between .10 and .20 (i.e., 10 to 20 percent probability that the results are due to pure chance) are generally regarded as weak evidence of the presence, or likely direction of, program impact. Any results showing a *p*-value greater than .20 are considered to indicate no program impact.

How Direct Comparisons are Used in This Report
Direct comparisons of outcomes are used in three main ways in this report:

- To show the overall impact of the pilot program as a whole in a particular court: direct comparisons of the outcomes in cases that participated in a pilot program ("program cases") and cases that did not ("nonprogram cases") were used to provide information about the overall impact of implementing that whole pilot program in that court.

- To examine whether pilot program impacts varied across case types: direct comparisons of the outcomes in different types of cases were used to examine the patterns of overall program impact across case types. Based on information from the courts' case management systems, cases were grouped into four case types: (1) Auto PI, (2) Non-Auto PI, (3) contract, and (4) all others. The average outcomes of

[31] Survival analysis takes into account all eligible cases rather than only closed cases, so there is a larger number of cases available for comparisons, and the results are less susceptible to influences of yet unknown patterns of pending cases.

[32] *T*-tests were used to examine the equality of average values between comparison groups, *chi*-squared tests were used to test the equality of median values and ratios (for trial rate) between comparison groups, and log-rank tests were used to examine the equality of disposition rates (survival functions) between comparison groups

program and nonprogram cases within each case-type category were calculated and compared.

- To compare court-ordered mediation under the pilot program with voluntary mediation in Los Angeles county: direct comparisons of the outcomes in cases valued over $50,000 referred to mediation in the pilot program (court-ordered referrals mediation) and in the 1775 program (voluntary referrals to meditation) were used to make this comparison.

While the case-type and special Los Angeles comparisons are fairly straightforward, the comparison used to show the overall impact of the pilot program requires some additional explanation.

In all five courts, the Early Mediation Pilot Programs included not only the mediation process but also other program elements, such as distribution of educational materials about mediation and procedures for assessing/referring cases to mediation. Litigants and the courts are likely to have been affected by all of these program elements, not just by participation in the mediation process. To capture the combined effects of all program elements, the study attempts to compare outcomes in all cases that participated in any element of the pilot program to the outcomes in cases that did not participate in any of the pilot program elements. Such comparisons provide information about the impact of introducing an entire pilot program, with all of its program elements, into a particular court.

Because of differences in program structures, different groups of cases were used to try to make this comparison in different pilot programs, and so the results of these comparisons therefore have somewhat different meanings.

Mandatory Programs

For purposes of this study, the Judicial Council required that the pilot courts implementing a mandatory mediation program model randomly assign portions of eligible cases to a "program group" and a "control group." Program-group cases were exposed to one or more elements of the pilot program in that court; control-group cases were not exposed to any of these pilot program elements but were otherwise subject to the same court procedures as the cases in the program group. Thus, each of the mandatory pilot programs in San Diego, Los Angeles, and Fresno had a program group and a control group, and those groups were used in making the direct comparisons of overall pilot program impact.

While these three mandatory programs used similar random assignment procedures to form their program and control groups, there were also important differences between cases in these groups in each pilot program:

- San Diego—The program group consisted of all cases that were eligible to be considered for possible referral to mediation under the pilot program. Control-group

cases were not eligible to be considered for referral to mediation under the pilot program or any other court program.

- Los Angeles—The program group consisted of all cases that were eligible to be considered for possible referral to mediation under the pilot program. While cases in the control group were not eligible to be considered for mediation referrals under the pilot program, they were eligible to be considered for mediation referrals under a different court mediation program, the Civil Action Mediation Program authorized by Code of Civil Procedure sections 1775–1775.16 ("1775 program"). The 1775 program authorized mandatory referrals in cases valued under $50,000 and voluntary referrals in cases valued over $50,000. Cases in the program group were also eligible to be considered for referral to mediation in the 1775 program.

- Fresno—The program group consisted of all cases referred to mediation under the pilot program; for the pilot program study period, cases were randomly selected for referral to mediation under the pilot program. The control group was cases not referred to mediation under the pilot program.

Because of the different composition of these groups in each of these pilot programs, the meaning of "program impact"—that is, the differences in outcomes between the program and control groups—was somewhat different in each program:

- San Diego—Program impact means a difference in outcome attributable to cases being eligible to be considered for possible referral to mediation under the pilot program, as distinct from cases not being eligible for such consideration. Some cases in the program group were referred to mediation and some were not.

- Los Angeles—Program impact means a difference in outcome attributable to cases being eligible to be considered for possible referral to mediation under the pilot program, as distinct from cases being eligible to be considered for possible referral to mediation under the 1775 program. Under either program, some cases in the program group were referred to mediation and some were not.

- Fresno—Program impact indicates the difference in outcome attributable to cases being referred to mediation under the pilot program as distinct from cases not being referred to mediation under the pilot program. All cases in the program group were referred to mediation; some were mediated and some were not.

Voluntary Programs

Unlike the mandatory programs, the voluntary pilot programs in Contra Costa and Sonoma did not adopt a random assignment procedure to form a program and control groups. Different groups of cases therefore had to be used as the "program cases" and "nonprogram cases" in the comparisons made to identify overall program impact. For these programs, comparisons were between:

- Cases filed before the pilot program began and cases filed after the pilot program began ("pre-program" and "post-program" case comparisons); and

- Cases in which the litigants stipulated to mediation under the pilot program and cases in which the litigants did not stipulate to mediation ("stipulated" and "nonstipulated" case comparisons).

These comparisons are each described in more detail below.

Pre-/post-program Comparisons

As noted earlier, the primary source of data for assessing the pilot program's impact on trial rate, disposition time, and court workload was the courts' case management systems. These systems contained trial rate, disposition time, and workload information not only from during the pilot program period, but from before the program began. To assess the overall impact of the voluntary pilot programs on trial rates, disposition time, and workload, direct comparisons were made between these outcomes in cases filed in 1999, one year before the pilot programs started ("pre-program cases"), and cases filed in 2000, the first year of the pilot programs began operation ("post-program cases").

The validity of pre-/post-program comparisons relies on two conditions. First, cases filed during the pre-/post-program periods (1999 and 2000) must have similar characteristics. If case characteristics changed significantly during the period, it would be difficult to determine whether any observed differences in outcome measures were due to the impact of the program or to differences in case characteristics. Second, there must be no significant changes in court procedures between the pre-/post-program periods except for the introduction of the pilot program in 2000. When both conditions are met (i.e., pre-/post-program cases have comparable characteristics and underwent similar procedures), any observed differences in outcomes can be reliably attributed to the changes introduced by the pilot program in the post-program period.

However, the length of the potential follow-up time for cases filed in 1999 is longer than that for cases filed in 2000. There are about 1,610 days (53 months) between January 1999, when the first 1999 case was filed, and June 2003 when the data collection for this study was completed. There are only about 1,245 days (41 months) between January 2000, when the first 2000 case was filed, and June 2003. Thus, the data for all cases filed in 1999 includes information about cases that took over 1,245 days to reach disposition—cases that will have a long disposition time and are likely to have higher trial rates and numbers of court events—while the data for cases filed in 2000 does not include these cases. To ensure that similar groups of cases were being compared, in pre-/post-program comparisons of trial rates, disposition time, and court workload, cases with a minimum follow-up time of approximately 900 days and maximum of 1,200 follow-up time were used.[33]

[33] Similarly, where information about cases filed in 2001 is included in pre-post comparisons, only cases that were closed within 540 days are compared, as this is the maximum follow-up time between cases filed in December 2001 and the end of the data collection in June 2003.

It is important to note that, while the same method of pre-/post-program comparisons was used in both Contra Costa and Sonoma, the results of these comparisons do not provide comparable information concerning program impact. This is because the Contra Costa pilot program was a continuation of a preexisting mediation program with modest changes in some programmatic features, whereas Sonoma had no mediation program during the pre-program period. Thus, the meaning of "program impact" is somewhat different in these two programs.

- Contra Costa—Program impact means a difference in outcome attributable to the incremental changes introduced by the pilot program compared to the preexisting mediation program. Pre-/post-program comparisons ***do not*** show the difference between having a mediation program available to the litigants as compared to not having a mediation program at all.

- Sonoma—Program impact means a difference in outcome attributable to having a mediation program available to the litigants compared to not having a mediation program at all.

Stipulated/Nonstipulated Case Comparison

The second kind of direct comparison that was made in the voluntary courts was between cases in which the parties stipulated to mediation and cases in which the parties did not stipulate to mediation. As noted above, the primary source of data for assessing the pilot programs' impact on litigants' satisfaction and litigant costs were surveys conducted in 2001 and 2002 as part of this study. Therefore, no pre-program litigant satisfaction or litigant cost information was available to allow pre-/post-program comparisons. Without the benefit of either program-control group or pre- or post-program comparisons, the only direct comparisons of litigants' satisfaction and costs that could be made were between stipulated and nonstipulated cases.[34]

However, the results of direct comparisons between stipulated and nonstipulated cases must be interpreted with caution. Because the litigants voluntarily determine whether or not to stipulate to mediation, there are likely to be systematic differences between stipulated and nonstipulated cases, a phenomenon generally known as "self-selection bias." The systematic differences between stipulated and nonstipulated cases that result from self-selection bias make it difficult to identify the impact of the pilot program through comparisons between these cases. For example, parties may be more inclined to stipulate to mediation if the other side in the case is cooperative. Cases where the parties are more cooperative with each other thus may be more likely to end up in the stipulated group. However, cases in which the parties are more cooperative may also be more likely to settle (on of the outcomes being studied). If more stipulated than nonstipulated cases ultimately settle, it is then difficult to determine if this higher settlement rate is due to the impact of the mediation program on stipulated cases or is due to the fact that parties in stipulated cases tended to be more cooperative. In general then, when differences in outcome are found between stipulated and nonstipulated cases, these

[34] Comparisons between stipulated and nonstipulated cases were also made on trial rate, case disposition time, and the court's workload in order to shed additional light on these outcome measures

outcomes are likely to be due, at least in part, to differences in the characteristics of the cases in the two groups than resulted from self-selection bias; the outcomes cannot reliably be attributed wholly to the impact of the pilot program.

The distinct nature of the stipulated and nonstipulated cases was very clear in Contra Costa when the time from filing to disposition of cases in the stipulated and nonstipulated groups were viewed on a graph (see Figure I-1). The graph of the stipulated group shows a "normal" distribution pattern, a bell shaped curve with a single peak, or mode, indicating that stipulated cases were typically disposed of around 10–12 months after filing.[35] In contrast, the graph of the nonstipulated group does not show a normal distribution pattern. The distribution has two peaks, or modes, showing that there are two subgroups of nonstipulated cases—(1) those that are typically disposed of very early, about six months after filing and (2) those that are disposed of later, around 10–12 months after filing, like the cases in the stipulated group. This makes intuitive sense, because parties are likely not to stipulate to mediation when they believe that their case is not amenable to resolution through mediation and/or when they believe their case is "easy" and will resolve without the need for any intervention.

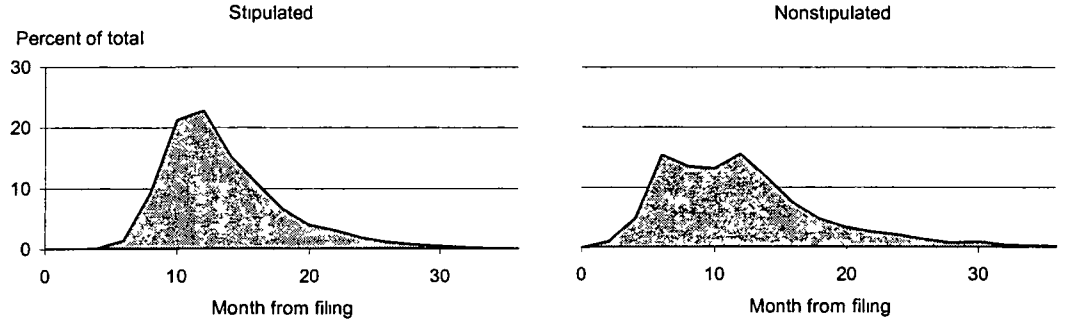

Figure I-1. Distribution of Case Disposition Time for Stipulated and Nonstipulated Cases in Contra Costa

It also makes intuitive sense that these "easy" cases are almost all in the nonstipulated group. This can clearly be seen in Figure I-2, which compares the cumulative disposition rates for stipulated and nonstipulated cases in Contra Costa from filing of the complaint. As this figure shows, between zero and six months after filing, 21 percent of nonstipulated cases reached disposition compared to only 1.6 percent of stipulated cases (25 cases).

[35] A similar normal distribution pattern was present in both the program and control groups in the mandatory courts.

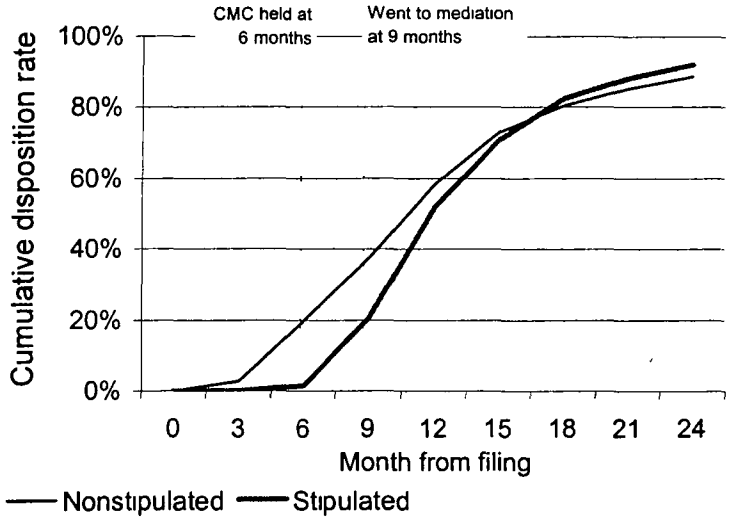

Figure I-2. Case Disposition Rate Over Time in Contra Costa

Data on case characteristics obtained from the court's case management system and from the study surveys clearly indicate that these "easy" cases are qualitatively different from "harder" cases. Figure I-3 compares some of the case characteristics of nonstipulated cases that reached disposition within six months and those that reached disposition more than six months after filing in Contra Costa. Cases disposed of after six months had higher values, greater complexity, greater party hostility, and multiple parties in a much greater proportion than cases resolving within six months.

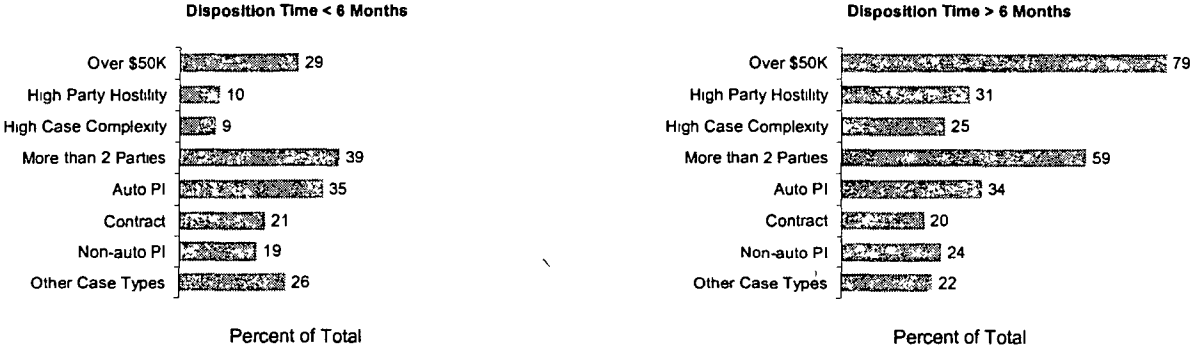

Figure I-3. Case Characteristics of Nonstipulated Cases

These case characteristics are correlated with the outcome measures studied in ways that are likely to affect the results of comparisons between the stipulated and nonstipulated cases, clearly affecting outcomes. For example, higher amounts in controversy, high case complexity, high party hostility, and more than two parties are all correlated with more court events. Since a lower proportion of cases with these characteristics are among the cases in the nonstipulated group that resolved within six months, one would expect the average number of court events in these nonstipulated cases to be smaller simply based on those characteristics.

The case characteristics and correlations discussed above are those about which data is available in this study. It is almost certain that, in addition to the characteristics shown in Figure I-3, cases that reach disposition within six months of filing also differ from the remaining nonstipulated cases (and from the stipulated cases) in other ways. While it is almost certain that these "unknown" characteristics exist and that they impacted not just time to disposition, but also the other outcome measures being studied (court workload, litigant costs, and litigant satisfaction), there is no data on these characteristics that can be used to directly measure or control for the nature and extent of their impact.

Overall, the distinct characteristics (known and unknown) of these "easy" cases and their uneven distribution create concerns about comparability between the stipulated and nonstipulated groups. The fact that a large percentage of the nonstipulated group is composed of cases that are unlike the cases in the stipulated group raises a concern that differences between outcomes in the stipulated and nonstipulated groups reflect these differences in case characteristics, not the impact of the pilot program.

Two methods were used to try to account for these comparability problems. First, the average scores on various outcome measures for nonstipulated cases that reached disposition within six months and for those that reached disposition in more than six months were calculated separately. Comparisons were then made between only those stipulated cases and nonstipulated cases that reached disposition in more than six months. Matching cases based on disposition time is a crude way of trying to enhance the comparability between stipulated and nonstipulated cases.

The second method that was used to address the comparability problems between stipulated cases and nonstipulated cases was regression analysis, which is described below.

Regression Analysis

As indicated above, the second main method used to examine the data collected in this study was regression analysis.

Description of Method

In regression analysis, a statistical model is constructed to predict or explain changes in an outcome of interest (such as litigant satisfaction or costs) based on information concerning all relevant variables (in this study, these variables are case characteristics). The analysis produces a figure that indicates the independent impact of each variable on the outcome when other variables are held constant. When the impacts of all known variables (case characteristics) are held constant, outcomes in the first group of cases can be compared to outcomes in "like" cases in the second group. These comparisons essentially identify any difference in the outcome being studied that is not attributable to the influence of the variables (case characteristics) included in the regression model. Because the influence of these other variables (case characteristics) has been taken into account, any remaining difference found can be more reliably attributed to the impact of the pilot program.

As with direct comparisons of outcomes, a measure of the reliability—the statistical significance—of any difference found through regression analysis is also calculated.[36] As noted above, statistical significance indicates the degree to which an observed difference between comparison groups reflects a true difference between the groups or could be simply due to chance (a "fluke"). The statistical significance is expressed in probability terms (*p*-value). Adhering to conventions of statistical interpretation, regression results with a *p*-value of .05 or lower (i.e., a probability of 5 percent or lower that results are due to pure chance) are considered very reliable, and are reported in this study as providing strong evidence of program impact. Regression results with *p*-values greater than .05 but smaller than .10 (i.e., 5 to 10 percent probability that the results are due to pure chance) are considered reliable and are reported in this study as providing evidence of program impact. Results with *p*-values between .10 and .20 (i.e., 10 to 20 percent probability that the results are due to pure chance) are generally regarded as weak evidence of the presence, or likely direction of, program impact, and are reported in this study as suggesting program impact but with the size of that impact unknown. Any results showing a *p*-value greater than .20 are considered to indicate no program impact and are reported in this study as a finding of no statistically significant difference.

In this study, the regression models used information on case characteristics that was derived from attorney surveys and the court's case management system, including:

- the case type (Auto PI, Non-Auto PI, contract, and others);
- the number of parties involved in the case;
- whether or not an insurance carrier was involved in resolution of the case;
- the factual and legal complexity of the case;
- the initial hostility between the parties;
- the likelihood of an ongoing relationship between the parties; and
- the damage amount originally demanded in the case.

In addition, in comparisons between stipulated and nonstipulated cases, to try to account for those "unknown" characteristics of "easy" cases, the regression analyses regarding trial rates, litigant satisfaction, litigant costs and attorney time, and court workload also controlled for disposition of cases within six months of filing. To take account of the possible "unknown" characteristics of very "hard" cases on the other end of the disposition spectrum, these regression analyses also controlled for disposition after 18 months.[37] A slightly different approach was taken in the analysis of time to disposition:[38]

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[36] Similar in principle to simple *t*-test procedures evaluating the equality of averages between two groups, the statistical significance of each variable in the regression model is evaluated against the "null hypothesis" that the effect size is equal to zero, i.e., assuming no impact from the variable on the specific outcome variable being studied The statistics used to evaluate this null hypothesis are either *t*-statistic or *z*-statistic scores, depending on the specific regression models being used

[37] While cases that reached disposition after 18 months appeared to be fairly evenly distributed between the stipulated and nonstipulated groups, in Contra Costa there was a change in the rate of disposition in both the stipulated and nonstipulated groups at approximately 18 months after filing This suggests that, like cases disposed of within six months, cases disposed of after 18 months may be qualitatively different from cases disposed of more quickly

[38] The regression analysis on time to disposition could not be done in the same way as for the other outcomes because time to disposition cannot be both a variable and the outcome in the same analysis.

two separate regression analyses were done, one with all nonstipulated cases included and one that excluded nonstipulated cases that reached disposition within six months from the analysis.

It is important to note that the reliability of the regression models depends on including sufficient information on relevant variables to adequately explain or predict changes in the in the outcome being studied. If important variables are missing from the regression model, it will not be as reliable in isolating the differences in outcomes that are the result of the program.

While the regression analyses in this study included all available information on case characteristics in an attempt to account for comparability problems between comparison groups, it is almost certain that there were some relevant case characteristics (known or unknown) for which information was not available in this study. These characteristics, or variables, that could not be included in the regression models could affect some of the outcome measures. Without this information included in the regression models, the program impact estimated through the regression method may still be "tainted" by differences in the characteristics of the cases in the comparison groups. This is particularly a concern for the regression analyses, described below, comparing stipulated and nonstipulated cases, as the predictive capability of the regression models was low.[39] In addition, for the regression analyses involving the mandatory programs, direct comparisons between the program and control groups already provided reliable information concerning the overall program impact. With sufficient confidence in the overall program impact, regression analysis involving subgroups of program and control cases could be used to examine how these subgroups might have contributed to that overall impact. However, in the voluntary programs—at least with respect to litigant satisfaction—regression analysis is being used as the primary tool to assess the overall program impact. Without certainty concerning the overall program impact, interpretation of the regression results becomes more difficult. Given this limitation, the results from regression analysis in this study should be viewed with caution.

How Regression Analysis Was Used in This Report

Regression analysis was used in this report to make comparisons between groups of cases in which it was known that there were likely to be systematic differences in overall case characteristics. It had two main in this report:

First, regression analysis was used to show overall pilot program impact on litigant satisfaction, as well as other outcome measures, in the voluntary pilot programs. As discussed above, comparison of stipulated and nonstipulated cases was the only method available to assess overall program impact on litigant satisfaction in the voluntary courts, and these two groups of cases had different characteristics. Regression analysis was therefore used to compare litigant satisfaction in stipulated cases to that in "like"

[39] When all characteristics from the surveys and court's case management system were used in a regression model to predict the parties' decision to stipulate to mediation, the regression model had a low explanatory power, accounting for less than 7 percent of the variances in predicted outcomes. This suggests that the regression model did not appropriately account for important factors that influenced the parties' decision

nonstipulated cases. Regression analysis was also used in the comparisons of other outcomes between stipulated and nonstipulated cases included in this study. For the reasons outlined above, the results of these analyses should be viewed with caution.

Second, regression analysis was used to examine whether pilot program impacts varied across subgroups of cases within the program group that experienced different pilot program elements. As discussed above, comparisons of program cases and nonprogram cases were used to examine the overall impact of the pilot program in each court. However, subgroups of program cases were exposed to different elements of the pilot programs and, thus, had very different dispute resolution experiences: some program cases participated in case management conferences but were not referred to mediation; some were referred to mediation but did not participate in mediation, either because they were settled before mediation or were removed from the mediation track; some were mediated but did not reach settlement at the mediation; and some were mediated and settled at mediation. To better understand how the program cases in these subgroups were affected by their exposure to different pilot program elements, comparisons were made between the cases in these subgroups and nonparticipating cases. As with stipulated and nonstipulated cases, however, because of self-selection bias, the cases in these subgroups had different characteristics. Regression analysis was therefore used to compare outcomes in program cases in each of these subgroups to the outcomes in "like" nonprogram cases.

II. Overview of Study Findings

A. Summary of Findings

Based on the criteria established by the Early Mediation Pilot Programs legislation, all five of the Early Mediation Pilot Programs were successful, resulting in substantial benefits to both litigants and the courts. This included reductions in trial rates, case disposition time, and the courts' workload, increases in litigant satisfaction with the court's services, and decreases in litigant costs in cases that resolved at mediation in some or all of the participating courts.

- **Mediation Referrals and Settlements**—A very large number of parties and attorneys were exposed to and educated about the mediation process through participation in the five Early Mediation Pilot Programs. More than 25,000 cases filed in 2000 and 2001 were eligible for possible referral to mediation in the five Early Mediation Pilot Programs. More than 6,300 unlimited civil cases and almost 1,600 limited cases participated in pilot program mediations. On average, 58 percent of the unlimited cases and 71 percent of the limited cases settled as a direct result of early mediation. The mandatory and voluntary pilot programs generally followed the expected pattern: a higher percentage of cases were referred to mediation in the mandatory programs than in the voluntary programs, but a lower percentage of cases reached settlement in the mandatory programs than in the voluntary programs. However, the referral, mediation, and settlement patterns in the San Diego (mandatory) and Contra Costa (voluntary) programs were similar to each other, suggesting that mandatory mediation programs may be able to achieve high resolution rates when courts consider party preferences in making referrals to mediation, as they did in the San Diego pilot program, and that voluntary mediation programs may be able to achieve high referral rates when courts urge parties to consider mediation and provide some financial incentive to use the court's mediation program, as they did in the Contra Costa pilot program. The low percentage of limited cases that stipulated to mediation in Sonoma's voluntary pilot program model, in which the parties paid for the mediation, suggests that incentives are needed to encourage litigants in smaller-value cases to participate in mediation.

- **Trial Rate**—In San Diego and Los Angeles, where the courts had relatively short times to disposition and there were good comparison groups, the study found that the pilot programs reduced the proportion of cases going to trial by a substantial 24 to 30 percent. By helping litigants in more cases reach resolution without going to trial, these pilot programs saved a substantial amount of court time. In San Diego, the total potential time saving from the pilot program was estimated to be 521 trial days per year (with an estimated monetary value of $1.6 million); in Los Angeles, the potential saving was estimated to be 670 trial days per year (with an estimated monetary value of approximately $2 million). These results suggest that early mediation programs can help courts save valuable judicial time that can be devoted to the other cases that need judges' attention.

- **Disposition Time**—All five pilot programs had some positive impact on reducing the time required for cases to reach disposition. The largest reductions in average disposition time occurred in those courts that had the longest overall disposition times before the pilot program began. In all the programs, there were indications that dispositions accelerated around the time that the mediation took place, which was largely attributable to cases settling earlier at mediation than similar cases that were not in the program. There were also indications that early case management conferences and early referrals to mediation played important roles in improving time to disposition. However, the study also found that not settling at mediation resulted in longer disposition times. Overall, these results suggest that careful assessment of cases for referral to mediation is important and that early case management conferences and early mediations are important elements to incorporate into the program to improve disposition time; however, courts that have relatively long disposition times are more likely to experience dramatic time reductions time as a result of implementing an early mediation program than courts with relatively short disposition times.

- **Litigant Satisfaction**—All five pilot programs had positive effects on attorneys' satisfaction with the services provided by the court, with the litigation process, or with both. Regarding the court's services, satisfaction levels reported by attorneys who participated in the San Diego, Los Angeles, Fresno, and Contra Costa pilot programs were 10 to 15 percent higher than those reported by attorneys in nonprogram cases.[40] Similarly, attorneys' satisfaction with the litigation process was about 6 percent higher in program cases in the San Diego, Fresno, Contra Costa, and Sonoma pilot programs than in nonprogram cases.[41] Attorneys' satisfaction with the outcome of their cases corresponded to whether those cases settled at mediation—attorneys were more satisfied with the outcome in cases that settled and less satisfied in cases that did not. Attorneys were also generally more satisfied with the litigation process when their cases settled at mediation. However, attorneys whose cases were mediated were more satisfied with the services provided by the court regardless of whether their cases settled at the mediation. These results indicate that the experience of participating in pilot program mediation increased attorneys' satisfaction with the services provided by the court, even if the case did not resolve at mediation. In all five of the pilot programs, both parties and attorneys who participated in mediations expressed high satisfaction with their mediation experience; their highest levels of satisfaction were with the performance of the mediators and their lowest were with the outcome of the mediation process. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

- **Litigant Costs**— In the Contra Costa pilot program, estimated actual litigant costs were 60 percent lower and average attorney hours were 43 percent lower in program

[40] In the San Diego pilot program, because of offsetting decreases in satisfaction among unlimited program-group cases that were not referred to mediation or that were removed from mediation, this impact was evident only for limited cases.

[41] In the San Diego pilot program, because of offsetting decreases in satisfaction among unlimited program-group cases that were not referred to mediation, this impact was evident only for limited cases

cases than in nonprogram cases. In the San Diego, Contra Costa, and Fresno pilot programs (where it was possible to break down program cases into subgroups based on their different experiences in the program) the study found that the estimated actual litigation costs incurred by parties, hours spent by the attorney in reaching resolution, or both were lower in program cases that settled at mediation than similar nonprogram cases. Litigant cost savings calculated through regression analysis were 50 percent in the Contra Costa pilot program; savings in attorney hours were 40 percent in the Contra Costa pilot program, 20 percent in the Fresno pilot program, and 16 percent in the San Diego pilot program. In all five programs, attorneys in program cases that settled at mediation estimated savings ranging from 61 to 68 percent in litigant costs and 57 to 62 percent in attorney hours from the use of mediation to reach settlement. Based on these attorney estimates, the total estimated savings in litigant costs in all of the 2000 and 2001 cases that settled at pilot program mediations ranged from $1,769,040 in the Los Angeles pilot program to $24,784,254 in the San Diego pilot program. The total estimated attorney hours saved ranged from 9,240 hours in the Los Angeles pilot program to 135,300 in the San Diego pilot program. The total estimated savings calculated based on these attorneys estimates in 2000 and 2001 cases that settled at mediation in all five programs was considerable: $49,409,385 in litigant costs and 250,229 attorney hours.

- **Court Workload**—The pilot programs in San Diego, Los Angeles, Fresno, and Sonoma reduced the number of motions, the number of other pretrial hearings, or both in program cases. The reductions were substantial, ranging from 18 to 48 percent for motions and from 11 to 32 percent for "other" pretrial hearings. Reductions in cases that settled at mediation were even larger, ranging from 30 to 65 percent, compared to similar nonprogram cases. In Fresno, because of special conferences required under its pilot program's procedures, these decreases were offset by increases in the number of case management conferences in program cases.[42] However, in the San Diego, Los Angeles, and Sonoma programs, these reductions resulted in overall savings in court time. The total potential time savings from reduced numbers of court events were estimated to be 479 judge days per year in San Diego (with an estimated monetary value of $1.4 million), 132 days in Los Angeles (with an estimated monetary value of approximately $400,000), and 3 days in Sonoma (with an estimated monetary value of approximately $9,700). These estimates suggest that early mediation programs can help courts save valuable judicial time that can be devoted to other cases requiring judges' attention. In addition, survey results indicate that there were fewer postdisposition compliance problems and fewer new proceedings initiated in program cases, suggesting that the pilot programs not only reduced court workload in the short term but also may have reduced the court's future workload.

[42] The Superior Court of Fresno County has since changed its case management procedures so that additional case management conferences are not required in program cases.

B. Introduction

This section provides an overview of the study findings concerning all five Early Mediation Pilot Programs: the three mandatory programs operating in the Superior Courts of Fresno, Los Angeles, and San Diego Counties and the two voluntary programs operating in the Superior Courts of Contra Costa and Sonoma Counties.

While the specific findings concerning the individual pilot programs varied, based on the criteria established by the Early Mediation Pilot Program legislation, all five Early Mediation Pilot Programs were successful, resulting in substantial benefits to both litigants and the courts.

As noted above, the statutes establishing the Early Mediation Pilot Programs specified the areas that were required to be covered in this study. Based on this mandate, the findings reported below focus primarily on the pilot programs' impact in five areas:

1. the trial rate;
2. the time to disposition;
3. the litigants' satisfaction with the dispute resolution process;
4. the litigants' costs; and
5. the courts' workload.

To provide context for the findings in these areas and an understanding of the pilot programs' scope, this section begins with a discussion of the total number of cases participating in the program, referred to mediation, mediated, and settled as a result of mediation. The study findings concerning the five statutorily mandated topic areas are then discussed. The statutes also required a comparison of court-ordered mediation under the pilot program and voluntary mediation in Los Angeles County;[43] and these results are also discussed below.

It is important to be aware of several things when reviewing these findings. First, this study examines the impact of implementing a mediation *program* in a court, not just the impact of using mediation. In all five courts, the Early Mediation Pilot Programs included other program elements in addition to the mediation process, including distribution of educational materials about mediation and procedures for assessing and referring cases to mediation. Litigants and the courts are likely to have been affected by all these program elements, not just by participating in the mediation process. For example, simply being referred to mediation may have encouraged some litigants to settle before the mediation took place. To capture the combined effects of all the program elements, wherever possible, outcomes in the study areas (trial rate, disposition time, etc.) for all cases that participated in any element of the pilot program were compared to those outcomes for cases that did not participate in any of the pilot program elements. Thus, the overall comparisons discussed below generally provide information about the impact of introducing an entire pilot program, with all of its program elements, into a particular court, and not just the impact of mediation proceedings.

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[43] Code Civ Proc., § 1742

It is also important to understand, however, that different "program" cases were exposed to different elements of the pilot programs and, thus, had very different dispute resolution experiences. Some cases participated in case management conferences but were not referred to mediation; some were referred to mediation but did not participate in mediation, either because they were settled before mediation or were removed from the mediation track; some were mediated but did not reach settlement at the mediation; and some were mediated and settled at mediation. The average outcomes in the areas studied—disposition time, litigant satisfaction, and so forth—were different in each of these subgroups of program cases. For example, the disposition time in program cases that settled at mediation was shorter than in program cases that went to mediation but did not settle. In overall comparisons, the outcomes in all these subgroups were added together to calculate an overall average for the program cases as a whole. As a result, within these overall averages, positive outcomes in some subgroups of cases—such as shorter disposition time in cases that settled at mediation—were often offset by less positive outcomes in other subgroups. To better understand how program cases in these subgroups were affected by their exposure to different pilot program elements, comparisons were made between cases in these subgroups and non-participating cases with similar case characteristics.[44] Readers who are interested in the impact of specific pilot program elements, such as the mediation process, should pay particular attention to these subgroup analyses.

It is also important to keep in mind that the Early Mediation Pilot Program statutes emphasized *early* assessment and potential referral to mediation and *early* participation in mediation. These statutes authorized the pilot courts to hold initial case management conferences as early as 90 days after filing when other courts were prohibited from holding conferences before 120 to 150 days after filing. The statutes also provided that the mediation was generally to occur within 60 days of the conference, potentially as early as 150 days after filing. Thus, this study addresses only the impact of programs that include such early referrals and early mediation; it does not address how cases might have responded to a program with later referrals or later mediation.

Finally, while findings on the same outcome measures (trial rate, time to disposition, etc.) are reported below for all the pilot programs, it is important to remember that the results concerning each pilot program are likely to reflect the unique nature of the particular program and the particular court environment. Cross-program comparisons of particular outcomes must, therefore, be done with caution. In the discussion below, we have tried to identify how programmatic and environmental differences may help explain some of the differences in findings across the five pilot programs.

[44] The regression analysis method described in Section I.B. was used to make these subgroup comparisons

C. Program Cases—Mediation Referrals, Mediations, and Settlements

To provide context for the findings in this study and an understanding of the pilot programs' scope, this section discusses the total number of cases participating in the pilot programs, referred to mediation, mediated, and settled as a result of participating in mediation in the five Early Mediation Pilot Programs.

Summary

More than 25,000 cases filed in 2000 and 2001 were eligible for possible referral to mediation in mediation pilot programs. The litigants in all these cases were exposed to and educated about the mediation process through participation in the pilot programs. More than 6,300 unlimited civil cases and almost 1,600 limited civil cases participated in pilot program mediations, and, on average, 58 percent of the unlimited cases and 71 percent of the limited cases settled as a result of early mediation.

The mandatory and voluntary pilot programs generally followed the expected pattern of mediation referrals and settlements: a higher proportion of cases was referred to mediation in the mandatory programs than in the voluntary programs, but a lower proportion reached settlement in the mandatory programs than in the voluntary programs. However, the referral, mediation, and settlement patterns in the San Diego (mandatory) and Contra Costa (voluntary) programs were similar to each other. These outcomes suggest that mandatory mediation programs can achieve high resolution rates when courts consider party preferences in making referrals to mediation, as they did in the San Diego pilot program, and that voluntary mediation programs can achieve high referral rates when courts urge parties to consider mediation and provide some financial incentive to use the court's mediation program, as they did in the Contra Costa pilot program. The very low percentage of limited cases that stipulated to mediation in the Sonoma pilot program model, in which the parties paid for mediation, suggests that incentives may be needed to encourage litigants in smaller-value cases to participate in mediation.

Litigants in a Substantial Number of Cases Were Exposed to and Educated About Mediation, and Many Cases Were Resolved Under the Pilot Programs

Simply in terms of the number of parties who participated in, were exposed to, and were educated about the mediation process, and the number of cases that were resolved as a result of mediation, these pilot programs had substantial impact on both litigants and the courts.

Table II-1 shows the number of unlimited civil cases filed in 2000 and 2001[45] that were eligible for possible referral to mediation under each of the pilot programs and the number and percentage of these cases referred to mediation, mediated, and settled at or as

[45] Because the Los Angeles pilot program was authorized and implemented about a year after the other pilot programs, the figures for Los Angeles reflect cases filed between April and December 2001 only

a direct result of mediation. Table II-2 shows the same for limited civil cases in the San Diego, Fresno, and Sonoma pilot programs.[46] While it is helpful to see the numbers and rates for all of the pilot programs together, it is important to keep in mind that because of differences in program structure and available data (many of which are noted in the table footnotes), the referral rates shown from different courts in these tables cannot be directly compared to one another.

Table II-1. Unlimited Cases Filed in 2000 and 2001—Mediation Referrals, Mediations, and Settlements

	# Eligible Cases	# Cases Referred to Mediation	% Eligible Cases Referred to Mediation	# Cases Mediated	% Referred Cases Mediated[47]	# Cases Settled At Mediation	% Cases Settled At Mediation	# Cases Settled At & Direct Result of Mediation	% Cases Settled At & Direct Result of Mediation
San Diego	11,396	5,395	47%	3,676	69%	1,861	51%	2,133	58%
Los Angeles	1,358	560	41%[48]	399	77%	140	35%	194	49%
Fresno	3,707	871	23%[49]	514	60%	241	47%	285	55%
Contra Costa	4,820	1,650	34%[50]	1,157	73%	617	53%	700	60%
Sonoma	2,511	691[51]	28%	574	83%	356	62%	356	62%
TOTAL	23,792	9,166	39%	6,320	70%	3,215	51%	3,668	58%

[46] Limited cases were not eligible for the Contra Costa pilot program and, due to late implementation of the pilot program for limited cases, sufficient data is not available concerning limited cases in Los Angeles during the study period Because the number of limited cases referred to mediation in the Sonoma program was very low, information about mediations and settlement rates for these cases is provided only for the San Diego and Fresno pilot programs

[47] In 1-4 percent of the referred cases, information on what happened after the referral (i.e , whether the cases were mediated, settled, etc) was not available when data collection ended The percentage in this table represents only those referred cases for which the outcome of the mediation referral is known

[48] This percentage cannot be directly compared to the referral rates in the other programs because the base of eligible cases used to calculate the referral rate was not limited to at-issue cases The referral rate would be higher if it had been calculated with a base comparable to that used in other pilot programs

[49] This percentage cannot be directly compared to the referral rate in the other programs because the court capped the total number of cases referred to mediation per month, keeping the referral rate artificially low Because referrals were done on a random basis, the referral rate within this cap was essentially 100 percent.

[50] This percentage is lower than the Contra Costa program's referral rate after the pilot program was fully implemented. During the first year of the pilot program's operation, a large number of referrals were still being made to the court's preexisting mediation program, of total mediation referrals in the court, 30 percent were to the preexisting program Thus, only 26 percent of eligible cases filed in 2000 were referred to mediation under the pilot program The referral rate of cases filed in 2001, 41 percent, is a more accurate reflection of the referral rate under the fully-implemented pilot program

[51] This may be an underestimate of the number of cases that stipulated to mediation in this program According to program staff, at least during the first year of the pilot program's operation, stipulations may not have been filed in all the cases in which the parties agreed to use mediation Consequently, the actual number of cases referred to mediation under the program, and thus also both the program's referral rate and the number of cases subsequently going to mediation, may have been higher than reflected in this table.

A total of almost 24,000 unlimited civil cases and more than 7,700 limited civil cases were eligible for referral to mediation under the five pilot programs during the two-year study period. Parties in most of these cases received information about the mediation process, and many participated in early case management conferences at which the possibility of referring the case to mediation was considered.

Table II-2. Limited Cases Filed in 2000 and 2001—Mediation Referrals, Mediations, and Settlements

	# Eligible Cases	# Cases Referred to Mediation	% Eligible Cases Referred to Mediation	# Cases Mediated	% Referred Cases Mediated	# Cases Settled At Mediation	% Cases Settled At Mediation	# Cases Settled At & Direct Result of Mediation	% Cases Settled At & Direct Result of Mediation
San Diego	5,612	2,112	38%	1,357	64%	845	62%	990	76%
Fresno	1,460	414	28%	213	52%	124	58%	130	61%
Sonoma	655	45	7%						
TOTAL	7,727	2,571	33%	1,570	63%	969	62%	1,120	71%

Almost 9,200 unlimited civil cases and almost 2,600 limited cases (an overall average of 39 percent of the eligible unlimited cases and 33 percent of the eligible limited cases) were referred to mediation under these pilot programs.

Of the cases referred to mediation, more than 6,300 unlimited civil cases and almost 1,600 limited cases (an overall average of 70 percent of the unlimited cases referred and 63 percent of the limited cases referred) participated in pilot program mediations (the remaining cases either settled before mediation or were removed from the mediation track).

Overall, of the unlimited cases that participated in pilot program mediations, 3,668 unlimited cases and 1,120 limited cases settled at or as a direct result of the mediation. This translates to an overall average mediation settlement rate across all the pilot programs of 58 percent for unlimited cases and 71 percent for limited cases.

These programs thus provided thousands of parties and attorneys with education about mediation, through written educational materials distributed in participating cases, litigants' participation in court assessment/referral processes, and pilot program mediations. Across all of the pilot programs, mediators responding to the study survey indicated that they believed the Early Mediation Pilot Programs had had a very positive impact on parties', attorneys', and judges' awareness and understanding of mediation and both parties' and attorneys' willingness to use mediation. On a 5-point scale, where 5 was "very positive" and 1 was "very negative," the overall average scores of mediators on the questions concerning parties', attorneys', and judges' awareness of and willingness to use mediation ranged from 4.08 to 4.20 across the five pilot courts.

Differences in Referrals, Mediations, and Settlements Among Individual Pilot Programs

Table II-1 shows that each of the pilot programs had somewhat different patterns in terms of mediation referrals, mediations, and settlements for unlimited civil cases. For example, at 60 percent, the Fresno pilot program had by far the lowest rate of mediations among those cases that were referred to mediation (10 percent lower than the 70 percent overall average), as well as the second lowest mediation resolution rate at 55 percent. Part of the reason for this pattern in Fresno may be, unlike in any of the other pilot programs, cases in Fresno were referred to mediation on a random basis; they were not assessed for amenability to mediation before being referred. As a result, some kinds of cases that were screened out before referral in the other pilot programs were probably referred to mediation in Fresno and either dropped out before the mediation took place or were mediated but did not resolve at the mediation.

The settlement rates for unlimited cases in the Los Angeles pilot program also had a very different pattern than the settlement rates for unlimited cases in the other pilot programs. The rate of settlement *at* mediation[52] was only 35 percent, 16 percent lower than the 51 percent overall average settlement rate *at* mediation in all of the programs, 12 percent lower than the program with the next lowest rate (Fresno). While Los Angeles' overall settlement rate for cases that either resolved *at* mediation or were settled later as a direct result of the mediation increased substantially to 49 percent, this was still considerably lower than the overall average of 58 percent. Some information suggests that the lower settlement rate in Los Angeles may stem from differences in the culture and perceptions concerning the timing of mediation in Los Angeles. First, while pilot program mediations in Los Angeles took place at about the same time as pilot program mediations in San Diego (approximately eight months after filing), a much higher proportion of attorneys in Los Angeles than in San Diego indicated that they did not have sufficient time to prepare for mediation (12 percent in Los Angeles compared to only 3 percent in San Diego) or conduct sufficient discovery before the mediation (26 percent in Los Angeles compared to only 9 percent in San Diego). A higher percentage of mediators in Los Angeles also indicated that cases were referred to mediation early (64 percent in Los Angeles compared to only 48 percent in San Diego) and that these early referrals were very important in cases not resolving at the mediation (54 percent in Los Angeles compared to only 29 percent in San Diego). A higher percentage of mediators in Los Angeles also indicated that early deadlines for completion of mediation were set (56 percent in Los Angeles compared to only 38 percent in San Diego) and that these early deadlines for completion of mediation were very important in cases not resolving at mediation (41 percent in Los Angeles compared to only 17 percent in San Diego). This suggests that the local legal culture can be a very important factor in determining whether cases reach settlement in an early mediation program.

[52] These are cases that reached settlement at the mediation session; this does not include cases that reached settlement after the mediation ended, but as a direct result of the mediation.

Differences Between Mandatory and Voluntary Programs

The information in Table II-1 indicates that the proportion of cases referred to mediation in two of the mandatory programs (San Diego and Los Angeles)[53] was higher than the proportion of cases that stipulated to mediation in the two voluntary programs (Contra Costa and Sonoma) while the mediation settlement rates in these two mandatory programs were lower than in the two voluntary programs. The San Diego program had the highest referral rate at 47 percent, while the Sonoma program had the lowest referral rate at 28 percent. In contrast, Sonoma had the highest mediation resolution rate at 62 percent, while the Los Angeles program had the lowest mediation settlement rate at 49 percent. This type of pattern for mandatory versus voluntary programs is generally expected—fewer litigants are likely to opt for voluntary mediation, but more are likely to settle their cases in the mediation process when they have agreed to participate in that process.

While this general pattern appears to hold true across the pilot programs, particularly in the case of the Sonoma program, the mediation referral and settlement rates in most of the programs are actually quite similar to each other. The referral rate in Contra Costa's voluntary program, which reached 41 percent for cases filed in 2001, was only 6 percent lower than the 47 percent referral rate in San Diego's mandatory program. Similarly, the 58 percent mediation settlement rate in San Diego's mandatory program was only 2 percent lower than the 60 percent settlement rate in Contra Costa's voluntary program and only 4 percent lower than the 62 percent rate in Sonoma's program.

In fact, overall, the referral, mediation, and settlement patterns in San Diego are quite similar to those in Contra Costa. These similar patterns may reflect the fact that, in practice, referrals in both programs resulted from a similar combination of judicial pressure, party preferences, and financial incentives. In San Diego, the court had the authority to order cases to mediation but took party preferences into account in deciding whether to issue such orders. In Contra Costa, the parties chose whether to stipulate to mediation, but the court urged parties to use the mediation program. In both programs, the court subsidized the cost of mediation; in San Diego the court paid the mediators for the first four hours of service, and in Contra Costa the court required the mediators to provide two hours of mediation services at no cost.

This suggests that referral, mediation, and settlement rates are less affected by whether a program is mandatory or voluntary than by its specific procedures. That is, mandatory mediation programs may be able to achieve high resolution rates when courts consider party preferences in making referrals to mediation, and voluntary mediation programs may be able to achieve high referral rates when courts urge parties to consider mediation and provide some financial incentive to use the court's mediation program.

[53] For reasons outlined in the footnotes to Table II-1, the referral rate in Fresno cannot be compared to those rates in the other programs because referrals were capped at a set number per month.

Differences in Referrals, Mediations, and Settlement for Unlimited and Limited Cases

Table II-1 and Table II-2 show apparent differences between unlimited and limited cases in the rates of mediation referrals, mediations, and settlements. For limited cases, both the percentages of eligible cases referred to mediation and the percentages of referred cases that were mediated are lower than for unlimited cases in the same pilot programs, while the percentages of mediated cases settled at or as a direct result of mediation were higher. This suggests that an early mediation program may have different influences on smaller-value cases than on larger-value cases. More smaller-value cases may be likely to settle on their own, without the need for much intervention, and litigants in more of these smaller-value cases may want to avoid the expenses associated with participating in mediation.[54] These factors likely led judges in the San Diego program to refer fewer limited cases to mediation and litigants in Sonoma to stipulate to mediation in fewer limited cases. These factors also likely led more litigants in limited cases in San Diego and Fresno to settle before the mediation or to seek removal from the mediation track. With the cases that participate in mediation narrowed, it makes sense that the resolution rate was higher. The heightened desire to avoid additional costs in these smaller-value cases may also have encouraged additional settlements once litigants committed their time and money to participating in mediation.

As shown in Table II-2, the percentage of limited cases that stipulated to mediation in Sonoma's voluntary program was extremely low—only 7 percent. Judges of the Superior Court of Sonoma County indicated in focus-group discussions that the parties, particularly insurers, in these smaller-value cases were not willing to mediate. While the proportions of limited cases that participated in mediation under the San Diego and Fresno pilot programs were lower than the proportion of unlimited cases that participated in these programs, they were substantially higher than in Sonoma. In focus-group discussions, both judges and attorneys in San Diego said that the court's subsidy of the first few hours of services was important in getting parties to participate in mediation; the attorneys specifically suggested that smaller-value cases would not go to mediation without this subsidy. Taken together, this information suggests that where a voluntary program does not provide a financial incentive to use mediation, as in Sonoma, the vast majority of litigants in smaller-value cases may not opt to use mediation. Clearly, however, including these cases in the San Diego and Fresno pilot program benefited both litigants and the courts. As discussed below, the study found that the San Diego pilot program reduced trial rates for limited cases, that limited cases participating in the San Diego and Fresno programs took less time to reach disposition and had fewer motion and other pretrial hearings, and that litigants in these cases were more satisfied with the services provided by the court. If these benefits are to be realized in limited cases, incentives encouraging litigants in limited cases to participate in early mediation programs may be needed.

[54] Even where the cost of the mediators' services are subsidized by the court, litigants are likely to have expenses, such as attorneys fees or missed work, associated with participating in mediation

Conclusion

Litigants in more than 25,000 cases were exposed to and educated about the mediation process through participation in the five Early Mediation Pilot Programs. More than 6,300 unlimited civil cases and almost 1,600 limited cases participated in pilot program mediations. Of these mediated cases, an average of 58 percent of the unlimited cases and 71 percent of the limited cases settled as a result of mediation.

The mandatory and voluntary pilot programs generally followed the expected pattern: a higher proportion of cases was referred to mediation in the mandatory programs than in the voluntary programs, but a lower proportion of cases reached settlement in the mandatory programs. However, the referral, mediation, and settlement patterns in the mandatory San Diego program were similar to those in the voluntary Contra Costa program. This suggests that mandatory mediation programs can to achieve high resolution rates when courts consider party preferences in making referrals to mediation, as they did in the San Diego pilot program, and that voluntary mediation programs can achieve high referral rates when courts urge parties to consider mediation and provide some financial incentive to use the court's mediation program, as they did in the Contra Costa pilot program. The very low percentage of limited cases that stipulated to mediation in the Sonoma pilot program suggests that incentives are needed to encourage litigants in smaller-value cases to participate in mediation.

D. Findings Concerning the Impact of Pilot Programs on Trial Rates

This section examines the impact of the pilot programs on the participating courts' trial rates.

Summary

In two of the participating courts, both of which had relatively short times to disposition and good comparison groups, the pilot programs substantially reduced the percentage of cases going to trial. The pilot programs in San Diego and Los Angeles reduced the frequency of cases going to trial rates in progress cases by a substantial 24 to 30 percent. By helping litigants in more cases reach resolution without going to trial, these pilot programs saved a substantial amount of court time. In San Diego, the total potential time saving from the pilot program was estimated to be 521 trial days per year (with an estimated monetary value of approximately $1.6 million) and in Los Angeles, it was estimated to be 670 trial days per year (with an estimated monetary value of approximately $2 million). These estimates suggest that early mediation programs may be able to help courts free up valuable judicial time that can be devoted to other cases requiring judges' time and attention.

The Pilot Programs in San Diego and Los Angeles Reduced Trial Rates

In the Superior Court of San Diego County, the pilot program reduced the trial rate for unlimited civil cases in the program by 24 percent (the trial rate for the program group was 5.7 percent compared to 7.5 percent for the control group) and reduced the trial rate for limited civil cases in the program by 27 percent (the trial rate for the program group was 4.8 percent compared to 6.6 percent for the control group). In the Superior Court of Los Angeles County, the pilot program reduced the trial rate for unlimited cases in the program by 30 percent (the trial rate for the program group was 2.9 percent compared to approximately 4.1 percent in the control groups).

By helping litigants in more cases reach resolution without going to trial, the pilot programs in San Diego and Los Angeles saved court time. In San Diego, at the lower trial rates, approximately 301 fewer 2000 and 2001 cases were tried (97 limited and 204 unlimited cases). This reduction in trials translates into a total potential time saving of 695 trial days during the study period. If the pilot program had also been available to cases in the control group, an estimated 221 fewer cases would have been tried per year, raising the total potential time savings to 521 trial days per year. Similarly, in Los Angeles, approximately 15 fewer cases filed between April and December 2001 were tried in the nine pilot program departments, which translates into a total potential time saving of 48 trial days during the study period. If the pilot program had also been available to control cases and cases that were in other civil departments in the Central District, an estimated 227 fewer cases would have been tried per year, which translates into a total potential times saving of 670 trial days per year.

Because many court costs, including judicial salaries, are fixed, this judicial time saving from the reduced trial rates does not translate into a fungible cost saving that can be reallocated to cover other court expenses. Instead, the time saved allowed the judges in these courts to focus on other cases that needed judicial time and attention. That is likely to have improved court services in these cases.

To help understand the value of the potential time savings from trial rate reductions produced by these pilot programs, however, the estimated monetary value was calculated. Based on an estimated cost of $2,990 per day for a judgeship,[55] the monetary value of saving 521 trial days per year in San Diego is estimated to be approximately $1.6 million per year, and the monetary value of saving 670 trial days per year in Los Angeles is estimated to be approximately $2 million per year. Expressed in these monetary terms, the time saving realized by these pilot programs provided a valuable benefit.

Because of Limitations in the Data, It Was Not Possible to Definitively Identify Whether the Other Pilot Programs Affected Trial Rates

This study found statistically significant reductions in trial rates only in the San Diego and Los Angeles pilot programs; it did not show reduced trial rates in Contra Costa, Fresno, or Sonoma. However, this does not necessarily indicate lack of program impact on trial rates in these courts; rather, it is most likely the result of limitations in the data available to analyze trial rates in these three courts.

In both Fresno and Sonoma, the numbers of study cases that had reached trial by the end of the data collection period were too small to allow any valid conclusions about the programs' impact on trial rates.[56] The numbers of tried cases were small for a combination of reasons. First, the total civil caseloads in Fresno and Sonoma are relatively modest. Second, program cases represented only a fraction of the courts' civil caseloads. Thirdly, the proportions of civil cases that go to trial, in these and all other California trial courts are generally very small, typically ranging from 3 to 10 percent. Applying a small trial rate to a small number of cases, the total number of cases that is ultimately likely to be tried is fairly small. Finally, and most importantly, a relatively large percentage of the study cases in Fresno and Sonoma had not reached disposition when data collection ended thus trial rate information was not available for these cases.[57]

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[55] This estimated cost includes salaries for a judge and associated support staff but not facilities or general overhead costs In Fiscal Year 2001-2002 Budget Change Proposal for 30 new judgeships, the Finance Division of the Administrative Office of the Courts estimated that each new judgeship would have a total cost of $642,749. This figure includes the total cost of salaries, benefits, and operating expenses for each new judgeship and its complement of support staff a bailiff, a court reporter, two courtroom clerks, a legal secretary, and a research attorney. (Judicial Council of Cal., Fiscal Year 2001-2002 Budget Change Proposal, No. TC18)

[56] In Fresno, by the end of the data collection period, only 11 unlimited and 1 limited program-group cases filed in 2000 and only 19 unlimited 2001 program-group cases had gone to trial In Sonoma, only 16 unlimited and 9 limited pre-program cases had gone to trial within the 900-day follow-up period, only 11 unlimited cases that stipulated to mediation (and no limited cases) had gone to trial by the end of the data collection period

[57] Of the eligible cases filed in 2000 in Fresno, approximately 20 percent of unlimited cases and 10 percent of limited cases were shown as still pending in the court's case management system at the end of November 2003. For unlimited cases filed in 2001, the proportion of still-pending cases was even higher–

It is reasonable to expect that many of these pending cases will ultimately go to trial. Thus, with a longer follow-up period, a larger number of cases are likely been tried and the impact of the Fresno and Sonoma pilot programs on trial rates could be assessed.

In Contra Costa, determining whether the pilot program affected trial rates was made difficult by the lack of a good comparison group—a group of cases having characteristics similar to cases in the program but without access to the program. As explained in Section I.B., a pre- and post program comparison was the main method used in this study to identify the voluntary pilot programs' impact on trial rates. Because the pilot program in Contra Costa was primarily a continuation of an existing mediation program, with some changes in program design, the pre-/post-program comparison showed only the added impact of the changes introduced by the pilot program. Given the incremental nature of the changes made to the preexisting Contra Costa program, no impact on trial rates was found in this pre-/post-program comparison.

Conclusion

The pilot programs in San Diego and Los Angeles reduced the program cases going to trial by a substantial 24 to 30 percent. By helping litigants in more cases reach resolution without going to trial, these pilot programs saved a substantial amount of court time. In San Diego, the total potential time saving from the pilot program was estimated to be 521 trial days per year (with an estimated monetary value of $1.6 million), and in Los Angeles, the potential saving was estimated to be 670 trial days per year (with an estimated monetary value of approximately $2 million). These estimates suggest that early mediation programs can help courts free up valuable judicial time that can be devoted to other cases that need judges' time and attention.

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almost 15 percent in the program group and 25 percent in the control group were shown as still pending in the court's case management system. Similarly, in Sonoma, within the same 900-day follow-up period for both pre-/post-program cases, nearly 20 percent of the cases in both groups remained pending

E. Findings Concerning the Impact of Pilot Programs on Disposition Time

This section examines the pilot programs' impact on the time that cases took to reach disposition.

Summary

All five pilot programs reduced disposition time. The largest reductions in disposition time came in those courts that had the longest overall disposition times before the pilot programs began. In all the pilot programs, the pace of disposition accelerated around the time that the mediation took place. In the three courts for which sufficient data were available, comparisons of program cases that settled at mediation and similar nonprogram cases confirmed that settling at early mediation reduced disposition time. However, similar comparisons showed that not settling at mediation resulted in longer disposition times. Overall, these results suggest that it is important to carefully assess cases for referral to mediation and that courts that have relatively long disposition times are more likely to see disposition time reductions as a result of implementing an early mediation program than courts with relatively short disposition times.

Early case management conferences and early referrals to mediation appear to have played an important role in improving time to disposition. The study found that, in pilot programs that used case management conferences to assess cases for referral to mediation, cases reached disposition at a faster pace around the time of those conferences. Even before the case management conferences, higher proportions of limited cases in the San Diego program and of unlimited cases in the Los Angeles program reached disposition compared to nonprogram cases. This supports the hypothesis that some cases may settle earlier simply because they are faced with the possibility of an early case management conference and referral to early mediation. Finally, examination of the relationship between disposition time and the timing of case management conferences, mediation referrals, and mediations suggests, as might have been expected, that earlier conferences, referrals, and mediations result in earlier dispositions. In all five pilot programs, the pace of disposition accelerated around the time that the mediation took place. Overall, these findings indicate that early case management conferences, early mediation referrals, and early mediations in appropriate cases are important elements to incorporate into a mediation program to achieve improved disposition time.

All Five Pilot Programs Had Some Positive Impact on Reducing the Overall Disposition Time for Cases in the Program

The impact of the pilot programs on disposition time was measured in two ways: (1) by comparing average and median disposition times for program cases and nonprogram cases and (2) by comparing cumulative disposition rates—the proportion of all the filed cases that reached disposition within a specified time from filing—in these same groups of cases. The latter comparison provides a fuller picture of the differences between program and nonprogram cases because it shows disposition rates at different points in

time from filing, rather than summarizing disposition time in a single number. Table II-3 summarizes the results of these comparisons for unlimited cases in all five pilot programs. Table II-4 summarizes the same results for limited civil cases in the San Diego, Fresno, and Sonoma pilot programs.[58] While it is helpful to see the results of these comparisons and examine the impacts for all of the pilot programs together, it is important to note that, because of differences in program structure and available data (many of which are noted in the table footnotes), the specific disposition times shown from different courts in these tables cannot be directly compared to each other.

As these tables show, all the pilot programs had positive impacts on disposition time. With exception of the Sonoma program, all programs showed a statistically significant decrease in the average or median disposition time for unlimited civil cases (or both). The reductions ranged from 8 days in Contra Costa's median disposition time to 39 days in Fresno's average disposition time.[59] In all programs, the cumulative disposition rate was also higher for program cases for most, if not all, of the study period. At the point when this difference was largest in each program, the disposition rates for program cases ranged from 3 percent higher than for nonprogram cases in Contra Costa to 17 percent higher in Fresno. Once it surpassed the rate for nonprogram cases, the cumulative disposition rate for program cases typically stayed higher for the entire follow-up period or until the rates in both groups of cases began to level off.

Similarly, as indicated in Table II-4, all programs showed a statistically significant decrease in the average or median disposition time for limited civil cases (or both).[60] The reductions in the average disposition time ranged from 10 days in San Diego to 37 days in Sonoma.[61] The cumulative disposition rate was also higher for program cases in all pilot programs during some portion of the study period. The increases were all about the same size, 9 to 12 percent at their largest in each program. In San Diego, the rate was significantly higher from the third month after filing until the disposition rates in both the program and control groups leveled off. In Fresno, the rate was higher from nine months after filing until the end of the follow-up period (24 months), and in Sonoma it was higher for the entire follow-up period (34 months).

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[58] Limited cases were not eligible for the Contra Costa pilot program Because of Los Angeles' late implementation of the pilot program in limited cases, sufficient data concerning those cases during the study period are not available

[59] This reduction in Fresno is based on the results of the regression analysis described in footnote 24

[60] While the differences shown in the direct comparisons for Fresno were not statistically significant, the regression analysis did show a statistically significant difference.

[61] This reduction in Fresno is based on the results of the regression analysis described below in footnote 24

Table II-3. Unlimited Cases—Average and Median Disposition Times and Cumulative Disposition Rates for Program[62] and Nonprogram[63] Cases

	Average Disposition Time			Median Disposition Time			
	Program Cases	*Non-program Cases*	*Difference (in days)*	*Program Cases*	*Non-program Cases*	*Difference (in days)*	Cumulative Disposition Rate
San Diego	323	335	-12***	310	329	-19***	Rate for program cases was higher for entire 24-month follow-up period, but most clearly from 5 to 13 months after filing (when rates for both program and control groups leveled off) Program rate ranged from 1 4 (at 3 months) to 7 percent higher (at 10 months)
Los Angeles[64]	261	267 (control cases)	-6	241	248 (control cases)	-7	Rate for program cases was higher for entire 24-month follow-up period Rate stayed about 2 to 3 percent higher than for control cases Rate ranged from 1 7 (at 2 months) to 9 2 percent higher (at 13 months) than for control departments
		280 (control depts)	-19***		264 (control depts.)	-23***	
Fresno[65]	400	439	-39***	348	398	-50***	Rate for program cases was higher from 10 months after filing to end of the 34-month follow-up period, the largest difference was 17 percent at 14 months after filing
Contra Costa	358	359	-1	328	336	-8*	Rate for program cases was higher for entire 34-month follow-up period, but most clearly from 6 to 12 months after filing, the largest difference was 3 1 percent at 11 months after filing
Sonoma	482	496	-14	436	456	-20	Rate for program cases was higher for entire 34-month period, but most clearly from 7 months after filing, the largest difference was 7 percent at 14 months after filing

*** p < .5, ** p < 10, * p < 20

[62] In the mandatory pilot programs (San Diego, Los Angeles, and Fresno), "program cases" were program-group cases In San Diego and Los Angeles they included all cases that might be *considered* for possible referral to pilot program mediation while in Fresno they included only cases actually referred (on a random basis) to pilot program mediation For San Diego, they included cases filed in 2000 and 2001 For Los Angeles and Fresno, only cases filed in 2001 were included In the voluntary programs (Contra Costa and Sonoma), the "program cases" were post-program cases filed in 2000

[63] In the mandatory programs (San Diego, Los Angeles, and Fresno), "nonprogram cases" were control-group cases In San Diego and Los Angeles, these were the otherwise-eligible cases that could not be considered for possible referral to pilot program mediation However, in Los Angeles, control-group cases did have access to another, different court-connected mediation program. In Fresno the control group was all eligible cases not referred to pilot program mediation. For San Diego, the control group consisted of cases filed in 2000 and 2001. For Los Angeles and Fresno, only cases filed in 2001 were included For the voluntary programs (Contra Costa and Sonoma), "nonprogram cases" were pre-program cases filed in 1999

[64] The average time to disposition in Los Angeles cannot be directly compared to that for the other pilot programs for two reasons· (1) only cases filed from April to December 2001 were included, so the total follow-up time is shorter than that of the other pilot programs that include 2000 cases, and (2) eligible cases in Los Angeles include cases that did not become at issue, but were disposed of default very early

[65] The average time to disposition in Fresno cannot be directly compared to the rates of other pilot programs because only cases filed in 2001 are included, so the overall follow-up time is shorter (24 months) than that of the other pilot programs that include both 2000 and 2001 cases (34 months)

Table II-4. Limited Cases—Average and Median Disposition Times and Cumulative Disposition Rates for Program and Nonprogram Cases

	Average Disposition Time			Median Disposition Time			
	Program Cases	*Non-program Cases*	*Difference (in days)*	*Program Cases*	*Non-program Cases*	*Difference (in days)*	Cumulative Disposition Rate
San Diego	269	279	-10***	247	272	-25***	Rate for program cases was higher from 3 to 12 months after filing (when the disposition rates for both the program and control groups began to level off), the largest difference was 8 6 percent at 9 months after filing
Fresno[66]	321	347	-26**[67]	294	300	-6	Rate for program cases was higher from 9 months after filing to the end of the 34-month follow-up period, the largest difference was 12 3 percent at 13 months after filing
Sonoma	374	411	-37**	330	346	-16	Rate for program cases was higher for almost the entire 34-month follow-up period, but most clearly from 5 months after filing, the largest difference was 9 1 percent at 14 months after filing

*** p < 5, ** p < .10, * p < .20.

All of these analyses show that the pilot programs had a positive impact on reducing the overall time to disposition for cases in the program. The smallest reductions were found in the Contra Costa program. This makes sense given that, as discussed above in the section on trial rates, the pilot program in Contra Costa was a continuation of an existing mediation program with some modest changes in program design. Comparing pre- and post program disposition times in Contra Costa shows only the added impact of the changes introduced by the pilot program compared to the preexisting mediation program. Given the incremental nature of the changes made to the preexisting program, it makes sense that the impact on overall disposition time was small.

The largest impacts (in terms of the numbers of days reduced) were in the Fresno and Sonoma pilot programs. These two pilot programs have few similarities in terms of either structure or procedure: in Fresno, cases were ordered to mediation on a random basis without any assessment of suitability before the referral, while in Sonoma, participation in mediation was voluntary and the program's main focus was on helping litigants at the initial case management conference consider stipulating to mediation. Most likely because of their structural differences, these programs also had very different

[66] The average time to disposition in Fresno cannot be directly compared to the average times for the other pilot programs because only cases filed in 2001 are included, so the overall follow-up time in Fresno is shorter (24 months) than that for the other pilot programs that include both 2000 and 2001 cases (36 months)

[67] Because the program and control groups in Fresno have different proportions of certain cases types, the comparison may not accurately measure program impact. Regression analysis taking case-type differences into account showed a statistically significant reduction of 40 days in the average disposition time for limited cases in the program group compared to like cases in the control group

referral, mediation, and settlement rates. One of the few ways in which these pilot programs were alike was their time to disposition before introduction of their pilot programs. As noted in the individual program descriptions in the chapters below, both the Fresno and Sonoma courts had historically taken a relatively long time to dispose of civil cases. These longer disposition timelines might have allowed more room for larger reductions in time to disposition as a result of the pilot programs.

However, all impacts on disposition times in the pilot programs, including those in Fresno and Sonoma, were relatively modest, with reductions in average or median disposition time that ranged from 8 days to 37 out of total disposition times that ranged from 261 to 496 days. In considering this result, it is important to remember, as noted in the introduction, that the overall average disposition time for program cases examined in these analyses was calculated by adding together the different disposition times for cases in all of the program subgroups—cases that were not referred to mediation; cases referred to mediation but that did not participate in mediation, either because they were settled before mediation or were removed from the mediation track; cases that were mediated but did not reach settlement at the mediation; and cases that were mediated and settled at mediation. As discussed below, in some of the programs, larger reductions in disposition time in cases that were settled before and at mediation were offset to some degree by increases in disposition time in cases that did not settle at mediation.

Settling at Early Mediation Reduced Disposition Time, But Not Settling at Mediation Increased Disposition Time

In all three of the pilot programs in which the program cases could be broken down into subgroups and compared with like cases in the nonprogram group,[68] the study found evidence that settling at mediation reduced disposition time.[69] The average disposition time for limited cases in the San Diego that settled at pilot program mediation was 30 days shorter than the average for similar cases in the control group. The average disposition time for limited cases that settled at meditions in the Fresno pilot program was 80 days shorter than for similar cases in the comparison group. Similarly, in the Fresno program, the average disposition time for unlimited program-group cases that settled at pilot program mediation was 90 days shorter than the average for similar cases in the control group. In San Diego and Contra Costa, regression analysis also provided evidence that disposition time was reduced for unlimited program cases that settled at mediation, but the size of the reduction was not clear.

The study also found evidence that not settling at the pilot program mediation resulted in longer disposition times. In San Diego, the average disposition time for limited program-group cases that were mediated under the pilot program but did not settle at the mediation was 80 days longer than the average for similar cases in the control group, and the average for unlimited program-group cases that did not settle at mediation was 50 days longer. Similarly, in Fresno and Contra Costa, the average disposition times for

[68] Subgroup information was not available for the Sonoma pilot program and comparisons in Los Angeles were to cases that participated in the court's other mediation program

[69] The regression analysis method described in the methods Section I.B. was used to make these subgroup comparisons

unlimited cases that did not settle at mediation were 57 days and 67 days longer, respectively, than the average for similar cases in the comparison group.

These findings make intuitive sense. When mediations are conducted relatively early and cases are settled at those early mediations, one would expect that the average time to disposition for the settled cases would be reduced when compared to similar cases that were not mediated and settled under the pilot program. It also makes sense that reaching disposition in program cases that do not settle at mediation generally takes longer than it does in similar nonprogram cases. These program cases essentially detoured off the litigation path to participate in mediation and then came back to the litigation path when the cases did not settle at mediation; it is understandable that this detour required some additional time. This finding highlights the importance of the court's careful selection of cases it refers to mediation. It is important to note, however, that the increases in average disposition time in cases that did not settle at mediation did not outweigh the positive impact that the pilot program had on other cases; as discussed above, all five pilot programs reduced the overall disposition time for program cases as a whole.

The biggest reductions in disposition time for cases settled at mediation were in Fresno. Like the reductions in overall disposition time discussed above, these results may be tied to differences in how quickly Fresno cases were being disposed of before the pilot program's introduction. The Superior Courts of San Diego and Contra Costa Counties were already disposing of their civil cases relatively quickly, so there was a smaller amount of time that could be saved through early mediation settlements. In contrast, in Fresno, as noted above, the court had historically taken a relatively long time to dispose of civil cases. With a relatively long average time to disposition, more time could potentially be saved from resolving at early mediation. This suggests that courts that have relatively long disposition times are more likely to experience dramatic drops in disposition time as a result of implementing an early mediation program than courts with relatively short disposition times.

Early Case Management Conferences, Mediation Referrals, and Mediations All Appear to Have Affected Disposition Time

In each of the pilot programs, this study examined whether there were any changes in the cumulative disposition rate that occurred at the same times at which important pilot program elements took place. This comparison suggests that the disposition rates for program cases were improved by both (1) early mediation and (2) an early case management conferences.

In all five pilot programs, the time[70] when the early mediations took place[71] corresponded with a point at which the disposition rate for program cases acelerated, suggesting that the pace of dispositions increased as a result of mediation. In San Diego, Los Angeles,

[70] Timing was measured in terms of elapsed time from filing.

[71] In San Diego, Fresno, Los Angeles, and Contra Costa, the average actual elapsed time from filing to the pilot program mediation was used for this comparison. In Sonoma, data on the actual timing of the mediations were not available, so the timeframe for mediation that was required by the program rules was therefore used for this analysis.

and Contra Costa, as well as for unlimited cases in Fresno,[72] the mediation timeframe corresponded with the point at which the pace of dispositions for program cases rose to its highest level—more program cases reached disposition during the month in which mediations typically took place than at any other point. For limited cases in Fresno, the pace of dispositions also rose at the time of mediation. In addition, for both unlimited and limited cases in Fresno, the disposition rate for program cases began to surpass that for nonprogram cases during the month in which the mediations took place. In Sonoma, there was also an increase in the pace of dispositions around the time when the mediations were to take place under the program rules, but the relationship is not as clear. This may be because data on the actual timing of mediations in Sonoma were not available.

Similarly, in three of the four pilot programs in which case management conferences were used to assess cases for referrals to mediation, the time when the early case management conferences took place[73] also corresponded with a point at which the pace of dispositions quickened. In San Diego, Los Angeles, and Contra Costa, the conference timeframe corresponded to a point at which the pace of dispositions for program cases increased and dispositions were occurring faster for program cases than for nonprogram cases. For unlimited cases in San Diego, the case management conference timeframe also corresponded with the point at which the cumulative disposition rate for program cases began to clearly surpass that for nonprogram cases (before the time of the conference, the rates were very close, with the rate for the program cases fractionally higher). These results suggest that early case management conferences helped improve the pace of dispositions in these courts. In Sonoma no clear relationship was found; however, this again may be because data on the actual timing of first case management conferences in Sonoma were not available.

For limited cases in San Diego and for the pilot program in Los Angeles, the disposition rate for program cases actually significantly surpassed the rate for nonprogram cases even before the timeframe for the case management conferences, suggesting that some cases may resolve more quickly simply because they are faced with the possibility of an early case management conference and the possibility of being referred to early mediation. Clear differences in the disposition rates for program and nonprogram cases in these courts began to emerge between two and three months after filing, well before the case management conferences typically took place.

Additional support for the conclusion that reductions in disposition time are attributable to early mediation referrals and early mediations comes from the Fresno pilot program. During the study period, the Fresno court changed both its overall civil case management procedures and its timeframe for referring cases to mediation. The court started setting earlier case management conferences in all cases and started making mediation referrals

[72] Only cases filed in 2001 were considered.

[73] In San Diego, Fresno, Los Angeles, and Contra Costa, the average actual elapsed timing from filing to the first case management conference was used for this comparison In Sonoma, data on the actual timing of the mediations were not available, so the timeframe for mediation that was required by the program rules was therefore used for this analysis

approximately 80 days earlier. These changes provided an opportunity to examine the relationship between disposition time and the timing of case management conferences, mediation referrals, and mediations. This examination found that when case management conferences were held earlier (moving from approximately 500 to 150 days after filing), the proportion of unlimited cases that reached disposition within 12 months of filing became larger (increasing from approximately 25 to 45 percent), expediting disposition for all unlimited civil cases in Fresno. The examination also revealed that when mediation referrals and mediations took place earlier (moving from approximately 230 to 150 days after filing and from 370 to 295 days after filing, respectively), the proportion of pilot program cases that reached disposition within 12 months of filing became even larger (increasing from approximately 30 percent to 50 percent), resulting in earlier disposition for cases in the program group.[74] Comparisons of disposition time for program and control cases filed in 2000, showed no program impact on the average disposition time. However, comparisons of disposition time for program and control cases filed in 2001, when referrals and mediations were taking place approximately two and a half months earlier, showed a 39-day reduction in average disposition time for unlimited program cases. This indicates that, above and beyond the overall gains attributable to the new early case management conference procedures, program cases experienced additional reductions in disposition time that are attributable to earlier mediation referrals and mediations.

All of this suggests that early case management conferences, early mediation referrals, and early mediations are important elements to incorporate into the program to achieve reduced case disposition time.

Conclusion

The study found that all five pilot programs had a positive impact on disposition time. The largest reductions in disposition time came in those courts that had the longest overall disposition times before the pilot program began. In all five pilot programs, the disposition rate accelerated around the time when mediations took place. In the three courts for which sufficient data was available, comparisons of program cases that settled at mediation and like nonprogram cases confirmed that settling at early mediation reduced disposition time. However, similar comparisons also found that not settling at mediation resulted in longer disposition times. Overall, these results suggest that courts should carefully select cases for referral to mediation and that courts that have relatively long disposition times are more likely to see dramatic time reductions as a result of implementing an early mediation program than courts with relatively short disposition times.

There were also indications that early case management conferences and early referrals to mediation played an important role in improving time to disposition. In those pilot

[74] It is interesting to note that holding mediations approximately two and a half months earlier did not appreciably change the settlement rate in pilot program mediations. The settlement rate for limited cases dropped slightly, from 60 percent for cases filed in 2000 to 56 percent for cases filed in 2001, but the settlement rate for unlimited cases increased slightly, from 44 percent for cases filed in 2000 to 48 percent for cases filed in 2001.

programs that used case management conferences to assess cases for referral to mediation, program cases resolved at a faster pace around the time of these conference than before the conference. The study also found that limited cases in the San Diego program and unlimited cases in the Los Angeles program cases reached disposition more quickly than nonprogram cases even before the case management conference, supporting the hypothesis that some cases may settle earlier simply because they are faced with the possibility of attending an early case management conference and being referred to early mediation. Finally, examination of the relationship between disposition time and the timing of case management conferences, mediation referrals, and mediations suggests that earlier conferences, referrals, and mediations result in earlier dispositions. Overall, this suggests that a mediation program can foster reduced disposition time by incorporating early case management conferences, early mediation referrals, and early mediations.

F. Findings Concerning the Impact of Pilot Programs on Litigant Satisfaction

This section examines the pilot programs' impact on litigants' satisfaction with their dispute resolution experiences.

Summary

Attorneys in program cases reported greater satisfaction than attorneys in nonprogram cases with the services provided by the court, with the litigation process, or both in all five pilot programs. [75] In San Diego, Los Angeles, Fresno, and Contra Costa, attorneys in program cases expressed levels of satisfaction with court services that ranged from 10 to 15 percent higher than the satisfaction levels expressed by attorneys in nonprogram cases.[76] Similarly, in San Diego, Fresno, Contra Costa, and Sonoma, attorneys' satisfaction with the litigation process was about 6 percent higher in program cases than in nonprogram cases.[77] As might have been expected, attorneys' satisfaction with the outcome in program cases corresponded to whether those cases settled at mediation; settling at mediation increased their satisfaction with the outcome, but not settling at mediation decreased their satisfaction compared to that of attorneys in similar nonprogram cases. The study found that attorneys were generally more satisfied with both court services and with the litigation process when their cases settled at mediation; settling at mediation generally made attorneys happier with all aspects of their experience. However, the study also found that attorneys whose cases were mediated and did *not* settle at mediation were also generally more satisfied with the services provided by the court. This indicates that the experience of participating in pilot program mediation increased attorneys' satisfaction with the services provided by the court, even if the case did not resolve at mediation. In all five pilot programs, both parties and attorneys who participated in mediation expressed high satisfaction with their mediation experience; their highest levels of satisfaction were with the performance of the mediators and the lowest were with the outcome of the mediation process. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

While parties and attorneys were both generally very pleased with their mediation experience, attorneys were more satisfied than parties. This may reflect attorneys' greater understanding of what to expect from the mediation process and may suggest the need for additional educational efforts targeted at parties. It may also reflect the fact that parties' satisfaction with the court and the mediation was more closely tied than attorneys' to what happened during the mediation process—whether they felt heard,

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[75]Because of low response rates to surveys from parties in nonprogram cases, it was not possible to compare the satisfaction levels of parties in program and nonprogram cases

[76] For the San Diego pilot program, because of offsetting decreases in satisfaction among unlimited program-group cases that were not referred to mediation or that were removed from mediation, this impact was evident only for limited cases.

[77] For the San Diego pilot program, because of offsetting decreases in satisfaction among unlimited program-group cases that were not referred to mediation, this impact was evident for only for limited cases

whether the mediation helped with their communication or relationship with the other party, and whether the cost of using mediation was affordable.

All of the Pilot Programs Increased Attorneys' Overall Satisfaction with the Courts' Services or the Litigation Process

To measure the pilot programs' impact on attorneys' satisfaction, attorneys who provided representation in both program and nonprogram cases were surveyed.[78] These attorneys were asked to rate their satisfaction with the outcome of their cases, the services provided by the court in their cases, and the litigation process from filing through disposition, using a scale from 1 to 7 where 1 is "highly dissatisfied" and 7 is "highly satisfied."[79] The responses of attorneys in program and nonprogram cases were then compared. Table II-5 summarizes the results of this comparison for unlimited cases in each of the five pilot programs. Table II-6 summarizes the same results for limited civil cases in the San Diego and Fresno pilot programs. While it is helpful to see the results of these comparisons and examine them for all of the pilot programs together, because of differences in program structure and available data (many of which are noted in the table footnotes), the satisfaction scores reported in these tables are not directly comparable to one another.

As these tables show, all five pilot programs increased attorneys' overall satisfaction with the services provided by the court, the litigation process, or both.

The San Diego, Los Angeles, Fresno, and Contra Costa pilot programs all showed statistically significant increases in attorneys' overall average satisfaction with the courts' services in pilot program cases compared to nonprogram cases (for the San Diego pilot program, this impact was evident for limited cases but not for unlimited cases). The increases ranged from .5 point on the satisfaction scale in Los Angeles to .7 point in Fresno and Contra Costa Expressed as percentages, these increases ranged from almost 10 percent in Los Angeles to almost 15 percent in Contra Costa.

The tables also indicate that the San Diego, Fresno, Contra Costa, and Sonoma pilot programs increased attorneys' satisfaction with the litigation process (for the San Diego pilot program, this impact was evident for limited cases, but not for unlimited cases). The increases in attorney satisfaction with the litigation process were all approximately .3 point on the satisfaction scale. Expressed as percentages, these were approximately 6 percent increases.

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[78] See Appendix C for copies of the surveys used and Appendix D for survey distribution and response rate information.

[79] Parties in both program and non-program cases were also asked similar questions However, because of low response rates to surveys from parties in non-program cases, it was not possible to compare the satisfaction levels of parties in program and non-program cases

Table II-5. Unlimited Cases—Average Satisfaction Levels Reported by Attorneys in Program[80] and Nonprogram [81] Cases

	Court Services			Litigation Process			Outcome		
	Program	*Non-program[ϕ]*	*Difference*	*Program*	*Non-program[ϕ]*	*Difference*	*Program*	*Non-program[ϕ]*	*Difference*
San Diego	5 4	5.6	-0.2*	5.2	5.4	-0 2*	5 1	5 2	-0 1
Los Angeles	5 6	5 0	0 6***	5 3	5.0	0.3	5 2	5 2	0
		5 1	0 5***		5 0	0 3		5 0	0 2
Fresno	5.7	5.0	0.7***	5.3	5.0	0.3***	5 0	5 0	0
Contra Costa[82]	5 4	4.7	0 7***	5 1	4 8	0 3***	5.0	5 3	-0.3***
Sonoma[83]	5 1	4 9	0.2	5.2	4.9	0.3***	5 3	5 4	-0 1

*** p < 5, ** p < 10, * p < 20

[ϕ] There are two nonprogram groups in Los Angeles control cases from the nine pilot program departments and cases from the other civil departments that were not participating in the pilot program.

[80] In the mandatory programs (San Diego, Los Angeles, and Fresno), "program cases" were program-group cases In San Diego and Los Angeles these included all cases that might be *considered* for possible referral to pilot program mediation while in Fresno they included only cases actually referred (on a random basis) to pilot program mediation In the voluntary programs (Contra Costa and Sonoma), "program cases" were cases that stipulated to mediation and were disposed of six or more months after filing For Los Angeles, only cases filed in 2001 were included; for the other programs, cases filed in both 2000 and 2001 were included

[81] In the mandatory programs, "nonprogram cases" were control-group cases In San Diego and Los Angeles, these were the otherwise-eligible cases that could not be considered for possible referral to pilot program mediation However, in Los Angeles, control-group cases did have access to another, different court-connected mediation program In Fresno, the control group consisted of all eligible cases not referred to pilot program mediation In the voluntary programs, "nonprogram cases" were eligible cases that did not stipulate to mediation under the pilot program and that were disposed of six or more months after filing. For Los Angeles, only cases filed in 2001 were included; for the other programs, cases filed in both 2000 and 2001 were included

[82] Because stipulated and nonstipulated cases have different characteristics, this comparison may not accurately measure program impact Regression analysis taking case characteristic differences into account showed that in stipulated cases, attorney satisfaction with the services of the court was 12 percent higher, satisfaction with the litigation process was 5 percent higher, and satisfaction with the outcome of the case was 6 percent lower in stipulated cases than in nonstipulated cases with similar characteristics

[83] Because stipulated and nonstipulated cases have different characteristics, this comparison may not accurately measure program impact Regression analysis taking case characteristic differences into account showed that attorney satisfaction with the litigation process was 6 percent higher in stipulated cases than in nonstipulated cases with similar characteristics. The regression analysis also indicated that attorney satisfaction with the services provided by the court was higher in stipulated cases than in nonstipulated cases with similar characteristics, although the size of the difference was not clear The regression analysis did not find a statistically significant difference in attorney satisfaction levels with outcome of the case between stipulated and nonstipulated cases.

Table II-6. Limited Cases — Average Satisfaction Levels Reported by Attorneys in Program and Nonprogram Cases

	Court Services			Litigation Process			Outcome		
	Program	*Non-program*	*Difference*	*Program*	*Non-program*	*Difference*	*Program*	*Non-program*	*Difference*
San Diego	5.7	5 1	0.6***	5.4	5 1	0 3*	5.2	5 2	0
Fresno	5 6	4.9	0 7***	5 3	5 0	0.3***	5.0	4.9	0.1

*** p < .5, ** p < .10, * p < 20

As discussed below, attorneys in unlimited program cases that were mediated under the San Diego pilot program expressed very high satisfaction (5.9 on average) with the services provided by the court. It therefore seems anomalous that no overall program impact on attorney satisfaction with the court's services was found for unlimited cases in the San Diego pilot program. This result may stem from the fact that, unlike other pilot programs, not being referred to pilot mediation or being removed from the pilot mediation track in unlimited cases actually reduced attorneys' satisfaction with the court's services in San Diego. Because well over half of the program group in San Diego consisted of cases that were not referred to mediation (53 percent of program group) or were removed from the mediation track (9 percent of program group), when the overall average for the program group as a whole was calculated, the reduced satisfaction in these cases completely offset increased satisfaction in cases that were mediated.

The results for satisfaction with the litigation process in San Diego are affected in this same way. Attorneys in program cases that were not referred to mediation in San Diego were less satisfied with the litigation process than attorneys in similar cases in the control group. When the overall average for the program group as a whole in San Diego was calculated, the reduced satisfaction in these cases completely offset the increased satisfaction reported in cases that were mediated.

This indicates that, for San Diego's pilot program, the overall average masks the unique responses of attorneys in these different subgroups, and thus is not a good measure of whether the pilot program had an impact on attorney satisfaction with the court's services and the litigation process.[84]

[84] Since the attorneys' lower satisfaction when their cases are not referred to mediation or are removed from the mediation track by the court may stem from the fact that the attorneys wanted to have access to the court's mediation services, this reduced satisfaction may actually reflect the attorneys' high regard for these court services.

Attorneys' Satisfaction with Case Outcome Corresponded to Whether Their Cases Settled at Mediation, But Attorneys' Satisfaction with the Courts' Services Was Generally Higher in Cases that Were Mediated Regardless of Whether the Cases Settled at Mediation

In all three of the pilot programs in which the program cases could be broken down into subgroups,[85] the study found that attorneys' satisfaction with the outcome in program cases corresponded to whether or not their cases settled at mediation. As might have been expected, attorneys were more satisfied with the outcome when their cases settled and less satisfied when their cases did not settle.[86] For program cases that settled at mediation, attorney satisfaction with the outcome ranged from 9 percent higher in unlimited cases in the San Diego pilot program to 20 percent higher for both limited and unlimited cases in the Fresno pilot program compared to similar nonprogram cases. However, for program cases that were mediated but did not settle at mediation, attorney satisfaction with outcomes was lower, ranging from 10 percent lower for both limited and unlimited cases in the Fresno program to 21 percent lower for limited cases in the San Diego program compared to similar nonprogram cases. In all of the programs except Fresno, the percentage decrease in satisfaction with the outcome from not settling at mediation was larger than the increase from settling at mediation. The offsetting results in cases that settled and did not settle at mediation helps explain why satisfaction with outcome in program cases as a whole was not appreciably different from that in nonprogram cases.

Among the subgroup of cases that did settle at mediation, however, attorneys' satisfaction with the litigation process and the court's services, as well as with the outcome, was higher than in like cases in the control group. In the San Diego, Fresno, and Contra Costa pilot programs, attorneys' satisfaction with the litigation process increased when their cases settled at mediation. For program cases that settled at mediation, attorneys' satisfaction with the litigation process ranged from 5 percent higher in unlimited program cases in the San Diego pilot program to 17 percent higher for unlimited program cases in the Fresno pilot program compared to similar nonprogram cases.[87] In the San Diego, Fresno, and Contra Costa pilot programs, attorneys' satisfaction with the courts' services was also higher when the attorneys' cases settled at mediation. For program cases that settled at mediation, attorney satisfaction with the courts' services ranged from 8 percent higher in unlimited cases in the San Diego pilot program to 23 percent higher in limited cases in the San Diego pilot program compared to similar nonprogram cases.[88] Thus,

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[85] Subgroup information was not available for the Sonoma pilot program and comparisons in Los Angeles were to cases that participated in the court's other mediation program

[86] The regression analysis method described in the methods Section I B was used to make these subgroup comparisons

[87] As discussed above, in San Diego, this increase was offset by a 5 percent decrease in satisfaction with the litigation process in unlimited cases that were not referred to mediation

[88] As discussed above, in San Diego, the increase in satisfaction for unlimited cases was offset by an 8 percent decrease in satisfaction with the courts' services in cases that were not referred to mediation and a 10 percent decrease for cases that were removed from mediation.

settling at mediation appears to have generally made attorneys happier with all aspects of their dispute resolution experience.

What is interesting and significant, however, is that satisfaction with the courts' services did not go down when cases did not settle at mediation. In fact, in all the programs for which these subgroup comparisons could be made when cases participated in mediation but did not settle at mediation, there was a statistically significant *increase* in attorneys' satisfaction with the courts' services. Attorneys' satisfaction with the courts' services ranged from 9 percent higher in limited cases in the San Diego pilot program to 16 percent higher for limited cases in the Fresno pilot program that did *not* settle at mediation compared to similar non-program cases. Thus, it was the experience of participating in a pilot program mediation that was the key to increasing attorneys' satisfaction with the services of the court—attorneys whose cases were mediated were more satisfied with the services provided by the court regardless of whether or not their cases settled at the mediation.

Both Parties and Attorneys in Cases That Used Pilot Program Mediation Expressed High Satisfaction with Their Mediation Experience

Both parties and attorneys who participated in mediations in all five pilot programs expressed high satisfaction with their mediation experience. Litigants who participated in mediation were asked to rate their level of satisfaction with the mediator's performance, the mediation process, the outcome of the mediation, the litigation process, and the services provided by the court on a scale from 1 to 7 where 1 is "highly dissatisfied" and 7 is "highly satisfied." Table II-7 shows the average satisfaction scores given on each of these satisfaction questions by both parties and attorneys in unlimited cases in all five pilot programs. Table II-8 summarizes the same results for limited civil cases in the San Diego and Fresno programs.[89] As these tables show, most of the scores were in the highly satisfied range (above 5.0) and all of the average satisfaction scores were above the middle of the satisfaction scale (4.0).

The patterns of responses were virtually identical in all of the pilot programs and for both unlimited and limited cases. Both parties and attorneys were most satisfied with the performance of mediators (average score of 5.8 or above for parties and 6.0 or above for attorneys). They were also highly satisfied with both the mediation process (average score of 5.0 or above for parties and 5.7 or above for attorneys) and services provided by the court (average score of 5.2 or above for parties and 5.3 or above for attorneys). In general, both parties and attorneys were least satisfied with the outcome of the case (average score of 4.0 or above for parties and 4.9 or above for attorneys). The one exception was parties in Sonoma: they were least satisfied with court services. This anomaly may have resulted because the Sonoma pilot program was the only program in

[89] For the reasons outlined above in footnote 58, data on limited cases is not available from Contra Costa or Los Angeles In addition, because of the small number of limited cases referred to mediation in Sonoma, the number of postmediation survey responses was not sufficient to provide data here

which the court did not provide any kind of financial subsidy for mediation services; parties in Sonoma had to pay the full cost of mediation themselves.

Table II-7. Unlimited Cases—Parties' and Attorneys' Satisfaction Levels in Mediated Program Cases

	Mediator Performance		Mediation Process		Court Services		Litigation Process		Outcome of Mediation	
	Parties	*Attorneys*	*Parties*	*Attorneys*	*Parties*	*Attorneys*	*Parties*	*Attorneys*	*Parties*	*Attorneys*
San Diego	6 0	6 1	5 5	6 0	5.3	5 9	4.9	5 5	4 3	4 9
Los Angeles	5 8	6.0	5 1	5 7	5.2	5 6	4.7	5.2	4.1	4 9
Fresno	6.1	6 3	5 3	5 9	5.2	5.8	5 1	5.4	4 0	5.0
Contra Costa	6 0	6.1	5.3	5.8	5.3	5 8	4.8	5.1	4 2	4 9
Sonoma	6 4	6 3	5 4	6.2	4.6	5 3	5 1	5.1	4 9	5.0

Table II-8. Limited Cases—Parties' and Attorney s' Satisfaction Levels in Mediated Program Cases

	Mediator Performance		Mediation Process		Court Services		Litigation Process		Outcome of the Case	
	Parties	*Attorneys*	*Parties*	*Attorneys*	*Parties*	*Attorneys*	*Parties*	*Attorneys*	*Parties*	*Attorneys*
San Diego	5 9	6.2	5 0	6.2	5.3	6 1	4 8	5.8	4 4	5 4
Fresno	6 0	6 1	5 5	5 8	5 4	5 8	5.1	5 5	4 7	5.1

Both parties and attorneys who participated in pilot program mediations were also asked for their views concerning the fairness of the mediation and their willingness to recommend or use mediation again. Using a different 1 to 5 scale where 1 is "strongly disagree" and 5 is "strongly agree," litigants were asked to indicate whether they agreed that the mediator treated the parties fairly, that the mediation process was fair, and that the mediation resulted in a fair/reasonable outcome. They were also asked whether they agreed that they would recommend the mediator to friends with similar cases, that they would recommend mediation to such friends, and that they would use mediation even if they had to pay the full cost of the mediation. Table II-9 shows parties' and attorneys' average levels of agreement with these statements for unlimited cases in all five pilot programs. Table II-10 summarizes the same results for limited civil cases in the San Diego and Fresno programs.

Table II-9. Unlimited Cases—Parties' and Attorneys' Perceptions of Fairness and Willingness to Recommend or Use Mediation (average level of agreement with statement)

	Mediator Treated All Parties Fairly		Mediation Process Was Fair		Mediation Outcome Was Fair/ Reasonable		Would Recommend Mediator to Friends		Would Recommend Mediation to Friends		Would Use Mediation at Full Cost	
	Parties	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*
San Diego	4.5	4 7	4 2	4 7	3 1	3.6	4 2	4 6	4 2	4 7	3 5	4.0
Los Angeles	4 5	4 7	4.2	4 6	3.0	3.2	4.1	4 5	4 0	4.4	3 3	3.9
Fresno	4.5	4 8	4 2	4 7	2.9	3 4	4.3	4.7	4.2	4.7	3.6	4.2
Contra Costa	4 5	4 7	4 2	4 6	3.1	3 5	4 3	4 5	4.2	4 6	3 5	4 1
Sonoma	4.7	4.8	4.4	4 7	3 3	3.8	4 6	4 6	4 4	4 7	3 6	4.0

Table II-10. Limited Cases—Parties' and Attorneys' Perceptions of Fairness and Willingness to Recommend or Use Mediation (average level of agreement with statement)

	Mediator Treated All Parties Fairly		Mediation Process Was Fair		Mediation Outcome Was Fair/ Reasonable		Would Recommend Mediator to Friends		Would Recommend Mediation to Friends		Would Use Mediation at Full Cost	
	Parties	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*
San Diego	4.5	4 8	4 1	4 7	3 4	3 8	4.3	4.6	4 1	4 8	3 4	3 9
Fresno	4 5	4 7	4.3	4 6	3 5	3 6	4 3	4.5	4 2	4 6	3.4	4 2

As with the satisfaction scores, most of the scores were in the "strongly agree" range (above 4.0) and, with the exception of two scores for parties concerning the outcome, all of the average scores were above the middle of the agreement scale (3.0). Also similar to the satisfaction questions, the response patterns were virtually identical in all of the pilot programs and for both unlimited and limited cases. Both parties and attorneys expressed very strong agreement (average score of 4.0 or above for parties and 4.4 or above for attorneys) that the mediator treated the parties fairly, the mediation process was fair, they would recommend the mediator to friends with similar cases, and they would recommend mediation to such friends. Both parties and attorneys indicated less agreement that they would use mediation if they had to pay the full cost; the average score was 3.3 or above for parties and 3.9 or above for attorneys. The lowest scores related to the fairness/reasonableness of the mediation outcome, at only 2.9 or above for parties and 3.2 or above for attorneys.

It is clear from the responses to both the satisfaction and fairness questions that while parties and attorneys were generally very pleased with their mediation experience, overall they were less pleased or neutral in terms of the outcome of the mediation process (in fact, on both outcome questions, about one-quarter of the parties and attorneys responded

that they were neutral). In evaluating about this result, it is important to note that this survey was administered at the end of the mediation and that in a large proportion of cases a settlement was not reached at end of the mediation. As might have been expected, based on the discussions above concerning satisfaction with the outcome, the way parties and attorneys responded to the two outcome questions depended largely on whether their cases settled at mediation. Average satisfaction with the outcome in cases that settled at mediation was 6.0 for attorneys and 5.2 for parties, more than 50 percent higher than the average scores of 4.0 for attorneys and 3.3 for parties in cases that did not settle at mediation. Similarly, average responses concerning the fairness/reasonableness of the outcome were 4.3 for attorneys and 3.8 for parties in cases settled at mediation, more than 60 percent higher than the 2.6 for attorneys and 2.4 for parties in cases that did not settle at mediation. When the scores in both cases that settled and that did not settle at mediation were added together to calculate the overall average scores concerning the outcome, the higher scores in cases that settled were offset by those in cases that did not, pulling down.

It is also clear from the responses to both the satisfaction and fairness questions, that while both parties and attorneys were generally very pleased with their mediation experience, attorneys were more pleased than parties. Attorneys' average scores were consistently higher than those of parties on all of these questions.[90] This may reflect attorneys' greater understanding about what to expect from the mediation process. Many attorneys, particularly those in San Diego, Los Angeles, and Contra Costa (where there were pre-existing mediation programs), are likely to have participated in mediations before, so they are likely to have been familiar with the mediation process and to have based their expectations about the process on this knowledge. Parties are less likely to have participated in previous mediations and may not have known what to expect from the mediation process. In focus groups, several parties indicated that they had received almost no information from their attorneys about the mediation process and did not know how the process would work. This may suggest the need for additional educational efforts targeted at parties, rather than attorneys.

The higher scores for attorneys may also reflect that parties' and attorneys' satisfaction was associated with different aspects of their mediation experiences. In all of the pilot programs, attorneys' responses on only four of the survey questions were strongly or moderately correlated with their responses concerning satisfaction with the mediation process—whether they believed that the mediation process was fair, that the mediation resulted in a fair/reasonable outcome, that the mediation helped move the case toward resolution quickly, and that the mediator treated all parties fairly.[91] In contrast, parties'

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[90] The one exception was the rate of satisfaction with the mediator's performance in Sonoma, where the average score for parties was 6.4 and 6 3 for attorneys

[91] Correlation measures how strongly two variables are associated with each other,—i.e , whether when one of the variables changes, how likely the other is to change (this does not necessarily mean that the change in one caused the change in the other, but just that they tend to move together) Correlation coefficients range from–1 to 1; a value of 0 means that there was no relationship between the variables, a value of 1 means there is a total positive relationship (when one variable changes the other always changes the same direction), and a value of–1 means a total negative relationship (when one changes the other always changes in the opposite direction). A correlation coefficient of .5 or above is considered to show a high

satisfaction with the mediation process was also strongly correlated with whether they believed that the mediation helped improve communication between the parties, that the cost of using mediation was affordable, and that the mediator treated all the parties fairly. The parties' satisfaction was also moderately correlated with whether they believed they had had an adequate opportunity to tell their side of the story during the mediation.[92]

Attorneys' responses to only two of the survey questions were closely correlated with their responses regarding satisfaction with the outcome of the mediation—whether they believed that the mediation resulted in a fair/reasonable outcome and that the mediation helped move the case toward resolution quickly.[93] In contrast, parties' satisfaction with the mediation outcome was also strongly correlated with whether they believed that the mediation helped improve communication between the parties, that the cost of using mediation was affordable, and that the mediation helped preserve the parties' relationship, and it was moderately correlated with whether they believed the mediation process was fair.[94]

Finally, there was no strong or even moderate correlation between any of the attorneys' responses to these survey questions and their satisfaction with either the litigation process or the services provided by the court. In contrast, parties' satisfaction with the litigation process was correlated with whether they believed that the mediation helped move the case toward resolution quickly, that the mediation resulted in a fair/reasonable outcome, that the mediation helped improve communication between the parties, that the mediation process was fair, and that the cost of using mediation was affordable.[95] Similarly, parties' satisfaction with the court services was correlated with whether they believed that the mediation process was fair and that the cost of using mediation was affordable.[96]

All of this indicates that, compared to attorneys, parties' satisfaction with both the court and with the mediation was much more closely associated with what happened during the mediation process—whether they felt heard, whether they felt the mediation helped with their communication or relationship with the other party, and whether they believed that the cost of mediation was affordable. While most parties indicated that they had had an adequate opportunity to tell their story in the mediation (84 percent gave responses that were above the neutral point on the scale), fewer parties thought that the mediation had improved the communication between the parties (57 percent) or preserved the parties' relationship (32 percent),[97] and fewer thought that the cost of mediation was affordable

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correlation The correlation coefficients of these questions with attorneys' satisfaction with the mediation process were 55, .55, .57, and .47, respectively.

[92]Correlation coefficients of .57, .53, .55, and 48, respectively, with parties' satisfaction with the mediation process

[93]Correlation coefficients of .78 and .73, respectively, with attorneys' satisfaction with the outcome.

[94]Correlation coefficients of 63, .50, .51, and 49, respectively, with parties' satisfaction with the outcome.

[95]Correlation coefficients of 47, .49, .46, .48, and 48, respectively with parties' satisfaction with the litigation process

[96]Correlation coefficients of .47 and .48, respectively, with parties' satisfaction with the courts' services.

[97] Note that in many types of cases, such as Auto PI cases, this simply may not have been relevant, 41 percent of parties and 55 percent of attorneys gave the neutral response to this question.

(60 percent). These perceptions therefore may have contributed to parties' lower satisfaction scores.

Conclusion

The study found that all five of the pilot programs improved attorneys' overall satisfaction with the services provided by the court, with the litigation process, or with both.[98] Attorneys in program cases in San Diego, Los Angeles, Fresno, and Contra Costa expressed satisfaction levels with the services provided by the court that ranged from 10 to 15 percent higher than the satisfaction levels expressed by attorneys in nonprogram cases.[99] Similarly, attorneys' satisfaction with the litigation process was about 6 percent higher in program cases in the San Diego, Fresno, Contra Costa, and Sonoma pilot programs than in non-program cases.[100]

As might have been expected, attorneys' satisfaction with the outcome in program cases corresponded to whether their cases settled at mediation; settling at mediation increased their satisfaction with the outcome, but not settling at mediation decreased their satisfaction compared to the satisfaction of attorneys in similar nonprogram cases. The study also found that attorneys were generally more satisfied with both the court services and with the litigation process when their cases settled at mediation; settling at mediation generally made attorneys happier with all aspects of their experience. However, the study also found that attorneys whose cases were mediated and did *not* settle at mediation were also generally more satisfied with the services provided by the court than attorneys in similar nonprogram cases. This indicates that the experience of participating in pilot program mediation increased attorneys' satisfaction with the services provided by the court, even if the case did not resolve at mediation.

In all five pilot programs, both parties and attorneys who participated in mediations expressed high satisfaction with their mediation experience; their highest levels of satisfaction were with the performance of the mediators and their lowest were with the outcome of the mediation process. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others. Parties and attorneys were less satisfied with the outcome of the mediation process and were more neutral about whether the outcome was fair/reasonable, this, again, corresponded to whether or not the case settled at mediation.

While both parties and attorneys were generally very pleased with their mediation experience, attorneys were more satisfied than parties. This may reflect attorneys' greater understanding about what to expect from the mediation process and suggest the need for additional educational efforts targeted at parties. It may also reflect the fact that parties'

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[98] Because of low response rates to surveys from parties in nonprogram cases, it was not possible to compare the satisfaction levels of parties in program and nonprogram cases

[99] For the San Diego pilot program, because of offsetting decreases in satisfaction among unlimited program-group cases that were not referred to mediation or that were removed from mediation, this impact was evident only for limited cases

[100] For the San Diego pilot program, because of offsetting decreases in satisfaction among unlimited program-group cases that were not referred to mediation or that were removed from mediation, this impact was evident only for limited cases

satisfaction with both the court and with the mediation was much more closely tied their attorneys' to what happened within the mediation process—whether they felt heard, whether the mediation helped their communication or relationship with the other party, and whether the cost of mediation was affordable.

G. Findings Concerning the Impact of Pilot Programs on Litigant Costs

This section examines the pilot programs' impact on litigant costs and the number of hours spent by attorneys in resolving cases.

Summary

In the Contra Costa pilot program, estimated actual litigant costs were 60 percent lower and average attorney hours were 43 percent lower in program cases than in nonprogram cases. In the San Diego, Contra Costa, and Fresno pilot programs (where it was possible to break down program cases into subgroups based on their different experiences in the program), the study found that the estimated actual costs incurred by parties or the estimated actual hours spent by attorneys in reaching resolution (or both) were lower in program cases that settled at mediation compared to similar nonprogram cases. The percentage savings in litigant cost calculated through regression analysis were estimated to be 50 percent in the Contra Costa program and savings in attorney hours were 40 percent in the Contra Costa program, 20 percent in the Fresno program, and 16 percent in the San Diego program. In all of the programs, attorneys in program cases that settled at mediation also estimated savings, ranging from 61 to 68 percent in litigant costs and 57 to 62 percent in attorney hours, from using mediation to reach settlement. Based on these attorneys estimates, total estimated savings in litigant costs in all of the 2000 and 2001 cases that settled at pilot program mediations ranged from $1,769,040 in the Los Angeles program to $24,784,254 in the San Diego program; and the total estimated attorney hours saved ranged from 9,240 hours in the Los Angeles program to 135,300 in the San Diego program. From all of the five pilot programs added together, the total estimated savings calculated based on attorney estimates of savings in 2000 and 2001 cases that settled at pilot program mediations was considerable: $49,409,698 in litigant cost savings and 250,229 in attorney hours savings.

Estimated Litigant Costs, Attorney Hours, or Both Were Lower in Program Cases That Settled at Mediation Than in Similar Nonprogram Cases

The pilot programs' impact on litigant costs was measured by comparing the responses of attorneys in program cases and in nonprogram cases to survey questions asking them to estimate the time they had actually spent on the case and their clients' actual litigation costs in reaching resolution. In the Contra Costa pilot program, estimated actual litigant costs were 60 percent lower and average attorney hours were 43 percent lower in program cases than in nonprogram cases.

The results in Contra Costa, however, were an exception. As was discussed in the Section I.B., the survey data on litigant costs and attorney time had a very skewed distribution: a few cases had very large litigant cost and attorney time estimates ("outlier" cases) that extended the data's range. While several methods were used to try to account for this skewed distribution, the range of the data was so broad that none of the differences found in overall comparisons between program cases and nonprogram cases in the other four

courts were statistically significant—it was not possible to tell if the observed differences were real or simply due to chance.

However, when the program cases were broken down into subgroups based upon their different experiences in the program[101] and compared to nonprogram cases with similar characteristics,[102] some statistically significant results were found. In the San Diego, Contra Costa, and Fresno pilot programs,[103] the costs actually incurred by parties, the attorney hours actually spent, or both were found to be lower in program cases that settled at mediation compared to similar nonprogram cases. In Contra Costa, litigant costs were 50 percent lower and attorney hours were 40 percent lower in stipulated cases that were settled at mediation compared to similar cases in the nonstipulated group. In the San Diego program, attorney hours were found to be 16 percent lower in program-group cases that settled at mediation than in similar control-group cases; the analysis also indicated that litigant costs were also lower, but the size of this reduction was not clear. Finally, in the Fresno program, attorney hours were 20 percent lower in program-group cases that settled at mediation than similar cases in the control group.

In the Contra Costa pilot program, there was also evidence that litigant costs and attorney hours were lower in program cases that did not settle at mediation when compared to similar nonprogram cases. Litigant costs were 68 percent lower and attorney hours 40 percent lower in stipulated cases that did not settle at mediation compared to similar cases in the nonstipulated group.

Overall, these results suggest that both litigant costs and attorney hours are reduced when cases are settled at early mediation, and that these costs and hours may also be reduced when cases participate in mediation even if settlement is not reached.

Attorneys' Estimated Savings in Both Litigant Costs and Attorney Hours When Cases Settled at Mediation

In the subgroup of program cases that settled at mediation, attorneys were asked to provide (1) an estimate of the time they had actually spent on the cases and their clients' actual litigation costs; and (2) an estimate of the time they would have spent and what the costs to their clients would have been had they not used mediation. The difference between the estimated actual costs and attorney hours and the potential costs and attorney time had mediation not been used represents the attorneys' subjective estimate of the impact of mediation settlement on litigant costs and attorney hours.

The vast majority of attorneys responding to this survey, ranging from 75 percent in Los Angeles to 95 percent in Sonoma, estimated some savings in both litigant costs and

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[101] The subgroups were 1) cases not referred to mediation (this subgroups was present only in San Diego and Los Angeles), 2) cases referred to mediation but settled before the mediation took place, 3) cases removed from the mediation track, 4) cases mediated but not settled at mediation; and 5) cases mediated and settled at the mediation

[102] These subgroup comparisons were made using the regression analysis method described in Section I B.

[103] Subgroup information was not available for the Sonoma pilot program and comparisons in Los Angeles were to cases that participated in the court's other mediation program.

attorney hours from using pilot program mediation to reach settlement. Table II-11 shows the average savings in both litigant costs and attorney hours estimated by attorneys in each pilot program. It also shows what percentage savings the estimates represent. In all five pilot programs, attorneys whose cases settled at mediation estimated savings of 61 to 68 percent in litigant costs and 57 to 62 percent in attorney hours as a result of using mediation to reach settlement. The average estimated saving in litigant costs ranged from approximately $12,500 in the San Diego program to almost $28,000 in the Sonoma program, and the average saving in attorney hours ranged from 63 hours in the San Diego program to 119 in the Sonoma program.

Table II-11. Savings in Litigant Costs and Attorney Hours From Resolution at Mediation—Estimates by Attorneys

	San Diego	Los Angeles	Fresno	Contra Costa	Sonoma
% Attorney Responses Estimating Savings	87%	75%	89%	80%	95%
Litigant Cost Savings					
Average cost saving estimated by attorneys	$12,514	$18,497	$14,091	$22,980	$27,773
Average % cost saving estimated by attorneys	61%	68%	63%	65%	64%
Adjusted average % cost saving estimated by attorneys	39%	38%	36%	34%	58%
Adjusted average saving per settled case estimated by attorneys	$9,159	$12,636	$9,915	$16,197	$25,965
Total number of cases settled at mediation	2,706	140	365	617	356
Total litigant cost saving in cases settled at mediation based on attorney estimates	$24,784,254	$1,769,040	$3,618,975	$9,993,549	$9,243,540
Savings in Attorney Hours					
Average attorney-hour saving estimated by attorneys	63	89	73	95	119
Average % attorney-hour saving estimated by attorneys	57%	63%	54%	61%	62%
Adjusted average % attorney-hour saving estimated by attorneys	57%	31%	43%	48%	46%
Adjusted average attorney-hour saving estimated by attorneys	50	66	67	78	93
Total number of cases settled at mediation	2,706	140	365	617	356
Total attorney hour savings in cases settled at mediation based on attorney estimates	135,300	9,240	24,455	48,126	33,108

In all of the pilot programs, some of the attorneys responding to the survey estimated either that there was no saving in litigant costs or attorney hours or that litigant costs and attorney hours were increased compared to what would have been expended had mediation not been used to resolve the case. Taking these cases into account, adjusted averages for litigant cost and attorney-hour savings per case settled at mediation were calculated.

Using this adjusted average, based on these attorney estimates the total savings in all 2000 and 2001 cases that settled at pilot program mediation in each of the programs during the study period was calculated. The total litigant cost savings estimated on this basis ranged from $1,769,040 in the Los Angeles program to $24,784,254 in the San Diego program. The total estimated attorney hours saved ranged from 9,240 hours in the Los Angeles program to 135,300 in the San Diego program. From all of the five pilot programs added together, the total savings calculated based on attorney estimates of savings in 2000 and 2001 cases that settled at pilot program mediations was considerable: $49,409,385 in litigant cost savings and 250,229 in attorney hours savings.

It should be cautioned that these figures are based on attorneys' estimates of savings; they are not calculations of actual savings. In some of the pilot programs, the percentage savings calculated by comparing estimates of actual costs and attorney hours in program cases that settled at mediation and in similar nonprogram cases using regression analysis were different from the savings estimated by attorneys. Litigant cost savings calculated through regression analysis were 50 percent in the Contra Costa program compared to 34 percent based upon attorney estimates. Similarly, attorney-hour savings calculated through the regression method were 40 percent in the Contra Costa program, 20 percent in the Fresno program, and 16 percent in the San Diego program, compared to 31, 43, and 57 percent, respectively, based upon attorney estimates. Thus the actual litigant cost and attorney-hour savings could be somewhat higher or lower than the attorney estimates.

It should also be cautioned that these estimated savings are for cases settled at mediation only, not for all cases in the pilot programs The regression results discussed above suggest that, in at least two of the pilot programs, there may also have been litigant cost and attorney-hour savings in program cases that were mediated but were not settled at mediation.[104] There may also have been savings or increases in litigant costs or attorney hours in other subgroups of program cases, such as those that were referred to mediation but settled before the mediation took place or that were removed from the mediation track. Data on program impacts in these subgroups were not available.

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[104] Additional support for the conclusion that mediation may reduce costs even in cases that do not settle at mediation comes from approximately 230 postmediation survey responses in which attorneys in cases that did not settle at mediation provided information about litigant costs and attorney hours even though this information had not been requested Approximately 60 percent of these survey responses indicated some savings in litigant costs and attorney hours in these cases that were mediated but did not settle at mediation. Taking into account those responses that estimated no savings or increased costs, the attorneys in cases that did not settle at mediation estimated average savings of 30 percent in litigant costs (45 percent median savings) and 33 percent in attorney hours (50 percent median savings).

Conclusion

In the Contra Costa pilot program, estimated actual litigant costs were 60 percent lower and average attorney hours were 43 percent lower in program cases than in nonprogram cases. In the San Diego, Contra Costa, and Fresno programs (where it was possible to break down program cases into subgroups based on their different experiences in the program), the study found that the estimated actual costs incurred by parties or the estimated actual hours spent by attorneys in reaching resolution (or both) were lower in program cases that settled at mediation compared to similar nonprogram cases. Litigant cost savings calculated through regression analysis were 50 percent in the Contra Costa program, and attorney-hour savings were 40 percent in the Contra Costa program, 20 percent in the Fresno program, and 16 percent in the San Diego program.

In all the pilot programs, attorneys in program cases that settled at mediation also estimated savings, ranging from 61 to 68 percent in litigant costs and from 57 to 62 percent in attorney hours, from using mediation to reach settlement. Adjusting these estimates downward to account for cases in which attorneys estimated no savings or increased costs and hours based on attorney estimates, total savings in litigant costs in all of the 2000 and 2001 cases that settled at pilot program mediations ranged from $1,769,040 in the Los Angeles program to $24,784,254 in the San Diego program, and the total estimated attorney hours saved ranged from 9,240 hours in the Los Angeles program to 135,300 in the San Diego program.

From all of the five pilot programs added together, the total estimated savings calculated based on attorney estimates of savings in 2000 and 2001 cases that settled at pilot program mediations was considerable: $49,409,358 in litigant cost savings and 250,229 in attorney hours savings.

H. Findings Concerning the Impact of Pilot Programs on Court Workload

This section examines the pilot programs' impact on the number of pretrial events conducted by the courts.

Summary

In four of the five pilot programs—those in San Diego, Los Angeles, Fresno, and Sonoma—there was evidence that the program reduced the number of motions, the number of "other" pretrial hearings, or both. The reductions were substantial, ranging from 18 to 48 percent for motions and 11 to 32 percent for "other" pretrial hearings. Because of special conferences required under the Fresno pilot program's procedures, these decreases were offset in Fresno by increases in the number of case management conferences in program cases.[105] However, in the San Diego, Los Angeles, and Sonoma programs, these reductions resulted in overall savings in court time. The total potential time savings from reduced numbers of court events were estimated to be 479 judge days per year in San Diego (with an estimated monetary value of $1.4 million), 132 days in Los Angeles (with an estimated monetary value of approximately $395,000), and 3 days in Sonoma (with an estimated monetary value of approximately $9,700).

In the San Diego, Contra Costa, and Fresno pilot programs (where it was possible to break down program cases into subgroups based on their different experiences in the pilot programs) the study found that total pretrial events were substantially reduced in program cases that settled at mediation; reductions ranged from 30 to 65 percent compared to similar nonprogram cases. The study also found evidence that court events were reduced in program cases that were mediated but did not settle and in program cases that settled before mediation in some pilot programs. In addition, survey results indicated that there were fewer postdisposition compliance problems and fewer new proceedings initiated in program cases. This suggests that the pilot programs not only reduced court workload in the short term but may also have reduced the court's future workload. These results suggest that early mediation programs may be able to help courts free up valuable judicial time that can be devoted to other cases that need judges' attention.

In Four of the Five Pilot Programs, There Was Evidence That the Program Reduced the Number of Motions, "Other" Pretrial Hearings, or Both.

The pilot programs' impact on court workload was measured by comparing the average number of case management conferences,[106] motions, and other pretrial hearings in program cases and nonprogram cases. Table II-12 summarizes the results of these comparisons for unlimited cases in each of the five pilot programs. Table II-13 summarizes the same results for limited civil cases in the San Diego, Fresno, and Sonoma

[105] The Fresno court has since changed its case management procedures so that additional case management conferences are not required in program cases

[106] Only case management conferences conducted by judges were examined in this comparison

pilot programs.[107] While it is helpful to see the results of these comparisons and examine them for all of the pilot programs together, because of differences in program structure and available data (many of which are noted in the table footnotes), the average numbers of various court events shown in these tables are not directly comparable to one another.

Table II-12. Unlimited Cases—Average Number of Various Court Events for Program[108] and Nonprogram[109] Cases

	Case Management Conferences			Motions			Other Pretrial Hearings			Total Pretrial Hearings		
	Program	*Non-program*[♦]	*% Diff*	*Program*	*Non-program*[♦]	*% Diff*	*Program*	*Non-program*[♦]	*% Diff*	*Program*	*Non-program*[♦]	*% Diff*
San Diego	0.85	0.84	1%	1.00	1 35	-26%***	0 66	0 81	-19%***	2 51	3 00	-16%***
Los Angeles	1.06	0.91 1 05	16%*** 1%	0.45	0.50 0.50	-10% -10%*	1.12	1.26 1.18	-11% -5%	2 64	2 66 2 74	-1% -4%
Fresno[110]	0.55	0 33	67%***	0 34	0.39	-13%	0 21	0 17	24%	1 10	0.88	25%***
Contra Costa	1 31	1.03	27%***	0 47	0 44	7%	0 51	0.46	11%**	2 28	1.93	18%***
Sonoma[111]	–	–	–	0 34	0 34	0%	0 52	0 61	-15%*	0 86	0 95	-9%

***p< 5, **p<.10, *p< 20

♦ There are two nonprogram groups in Los Angeles control cases from the nine pilot program departments and cases from the other civil departments that were not participating in the pilot program

[107] As previously noted, limited cases were not eligible for the Contra Costa pilot program. Because of Los Angeles' late implementation of the pilot program in limited cases, sufficient data concerning those cases during the study period are not available.

[108] In the mandatory pilot programs (San Diego, Los Angeles, and Fresno), "program cases" were program group cases In San Diego and Los Angeles they included all cases that might be *considered* for possible referral to pilot program mediation while in Fresno they included only cases actually referred (on a random basis) to pilot program mediation For San Diego, they included cases filed in 2000 and 2001 For Los Angeles and Fresno, only cases filed in 2001 were included In the voluntary programs (Contra Costa and Sonoma), the "program cases" were post-program cases filed in 2000

[109] For the mandatory pilot programs (San Diego, Los Angeles, and Fresno), "non-program cases" are control-group cases In San Diego and Los Angeles, this was the otherwise eligible cases that could not be considered for possible referral to pilot program mediation. However, in Los Angeles, control-group cases did have access to another, different court-connected mediation program In Fresno, the control group was all eligible cases not referred to pilot program mediation For San Diego, this includes both cases filed in 2000 and 2001. For Los Angeles and Fresno, only cases filed in 2001 are included. For the voluntary programs (Contra Costa and Sonoma), the "non-program cases" are pre-program cases filed in 1999.

[110] During most of the study period in Fresno, judicial case management conferences were not held regularly. When a new case management procedure was adopted by the court in October 2001, which required all civil cases to appear at the case management conference, the conferences were conducted by the court clerks, not judges Because impact on judge time, not staff time, was being used as the measure of impact in this study, these case management conferences were not included in the comparisons in this table

[111] As in Fresno, the case management conferences in Sonoma were not conducted by judges Because impact on judge time, not staff time, was being used as the measure of impact in this study, these case management conferences were not included in the comparisons in this table In addition, complete data on the number of case management conferences held was not available for the court's case management system

As shown in Table II-12 and Table II-13, in four of the five pilot programs—San Diego, Los Angeles, Fresno, and Sonoma—there was evidence that the pilot program reduced the number of motions, the number of other pretrial hearings, or both. Both the San Diego and Fresno programs showed statistically significant decreases in the overall average number of motions among program cases compared to nonprogram cases (for the Fresno program, this impact was evident for limited cases but not for unlimited cases). The decreases were 26 percent for unlimited cases and 18 percent for limited cases in the San Diego program and 48 percent for limited cases in the Fresno program. The San Diego, Los Angeles, and Sonoma programs also showed statistically significant decreases in the overall average number of other pretrial hearings among pilot program cases compared to nonprogram cases (for the Sonoma pilot program, this impact was evident for unlimited cases, but not for limited cases). The decreases were 19 percent for unlimited cases and 32 percent for limited cases in the San Diego program, 11 percent for unlimited cases in the Los Angeles program,[112] and 15 percent for unlimited cases in the Sonoma program.

While all four of these pilot programs showed decreases in motions, other hearings or both, only the San Diego pilot program showed a statistically significant decrease in the overall average number of all pretrial events. In the Los Angeles and Fresno programs, this was because there were also significant increases in the numbers of case management conferences that offset the decreases in motions or other hearings.[113]

In the Contra Costa program, the comparison of court events in cases filed before and after the pilot program began did not show decreases in motion or other hearings and showed a statistically significant increase in case management conferences. This increase in case management conferences may reflect new procedures adopted by the court in 2000 for certain complex cases. In addition to this before and after comparison, a comparison was done between the number of court events in cases in which the parties stipulated to mediation and similar cases in which they did not.[114] No statistically significant differences in the numbers of court events in stipulated cases and similar nonstipulated cases were found.

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[112] This difference is between program-group cases and control cases in the participating departments in the Los Angeles program

[113] In Fresno in particular, the increase in case management conferences in program cases was large–67 percent in unlimited cases and 144 percent in limited cases This finding is understandable given the case management and pilot program procedures that were in place in Fresno until October 2001 In program-group cases (cases referred to mediation), if the parties did not want to go to mediation, they were generally required to attend an early mediation status conference in order to be removed from the mediation track. No similar conference was required for control-group cases. Similarly, up until October 2001, case management conferences were not held in most cases However, in cases that did not settle at mediation (almost 30 percent of the program-group cases), postmediation status conferences were held Thus, for a large percentage of program cases in Fresno, the pilot program procedures required additional, special court conferences, that were not required in the control group The Superior Court of Fresno County has since changed its case management procedures so that additional case management conferences are not required in program cases.

[114] The regression analysis method described in the methods section was used to make these comparisons.

Table II-13. Limited Cases—Average Number of Various Court Events for Program and Nonprogram Cases

	Case Management Conferences			Motions			Other Pretrial Hearings			Total Pretrial Hearings		
	Program	*Non-program*	*% Diff*	*Program*	*Non-program*	*% Diff*	*Program*	*Non-program*	*% Diff*	*Program*	*Non-program*	*% Diff*
San Diego	0 65	0 75	-13%***	0 27	0 33	-18%***	0.52	0.77	-32%***	1.44	1 85	-22%***
Fresno	0 61	0.25	144%***	0.11	0.21	-48%***	0 08	0 06	33%	0.80	0 53	51%***
Sonoma	–	–	–	0 23	0.18	28%	0.45	0 55	-18%	0 68	0 73	-7%

***p< 5, **p< 10, *p< 20.

By reducing the total number of court events in program cases, the pilot program in San Diego saved judges' time. In San Diego, at these lower pretrial event rates, approximately 344 judge days per year were saved in program cases during the study period. If the pilot program had also been available to cases in the control group, an additional estimated 135 judge days per year could have been saved. Thus, the total potential time saving from the workload reduction attributable to the pilot program in San Diego was estimated to be 479 judge days per year.

While the total number of court events in Los Angeles was not reduced, because "other" pretrial hearings take more judicial time on average than case management conferences, the reductions in these "other" hearings offset the increases in the time spent on additional case management conferences, and, overall, the pilot program still resulted in some time savings to the court. At these lower pretrial event rates in Los Angeles, approximately 5 judge days per year were saved in program cases during the study period. If the pilot program had also been available to cases in the control groups, an additional estimated 122 judge days per year could have been saved in the Central District of Los Angeles. Thus, the total potential time saving from the workload reduction attributable to the pilot program in Los Angeles was estimated to be 132 judge days per year. Similarly, in Sonoma, while the reduction in total court events was not statistically significant, at the lower pretrial event rate, a total of 3 judge days per year were potentially saved.

As noted above in the discussion of judicial time savings associated with reductions in the trial rate, many court costs, including judicial salaries, are fixed. Therefore, judicial time savings from the reduced number of pretrial events do not translate into a fungible cost saving that can be reallocated to cover other court expenses. Instead, the time saved allowed the judges in these courts to give more time to other cases that needed judicial attention.

To help understand the value of the potential time savings from reductions in pretrial events, however, the estimated monetary value of this time was calculated. Based on an

estimated cost of $2,990 per day for a judgeship,[115] the monetary value of saving 479 judge days per year in San Diego was estimated to be approximately $1.4 million per year, the monetary value of saving 132 judge days per year in Los Angeles was estimated to be approximately $395,000 per year, and the monetary value of saving 3 judge days per year in Sonoma was estimated to be $9,770.

Total Pretrial Events Were Lower in Program Cases That Settled at Mediation Compared to Similar Nonprogram Cases

In the San Diego, Contra Costa, and Fresno pilot programs (where it was possible to break down program cases into subgroups based on their different experiences in the program) the study found that total pretrial events were substantially reduced in program cases that settled at mediation (in Fresno, this finding was evident for unlimited cases, but not for limited cases). In San Diego, unlimited program-group cases that settled at mediation had an average of 45 percent fewer total pretrial court events than the average for similar cases in the control group and limited cases had an average of 40 percent fewer. For unlimited cases in the Fresno program, the average number of events in cases settled at mediation was 65 percent lower, and for those in Contra Costa it was 20 percent lower than the average number for similar nonprogram cases.

The study also found evidence that court events were reduced in program cases that were mediated but did not settle and in program cases that settled before mediation in some pilot programs. In the San Diego pilot programs, the number of "other" pretrial hearings were reduced in cases that were mediated but did not settle compared to similar nonprogram cases. Finally, there was evidence that the number of motions was reduced in unlimited cases that settled before mediation in the San Diego program and that the number of "other" pretrial hearings was also reduced in such cases in both the San Diego and Fresno programs.

Overall, the results of these analyses support the conclusions that (1) settlement at mediation reduced the courts' workload in the form of fewer total pretrial events and (2) positive impacts on the courts' workload might also have resulted when cases were referred to mediation but settled before mediation or when cases were mediated but not settled at mediation.

The Pilot Programs May Have Had a Positive Long-term Impact on the Courts' Workload

The above analysis of the pilot programs' impact on the courts' workload focused on various court events that took place before cases reached disposition. To try to determine if the programs also had long-term impacts on the courts' workload after cases reached

[115] This estimated cost includes salaries for a judge and associated support staff but not facilities or general overhead costs In its Fiscal Year 2001—2002 Budget Change Proposal for 30 new judgeship, the Finance Division of the Administrative Office of the Courts estimated that each new judgeship would have a total cost of $642,749 This figure includes the total cost of salaries, benefits, and operating expenses for each new judgeship and its complement of support staff. a bailiff, a court reporter, two courtroom clerks, a legal secretary, and a research attorney. (Judicial Council of Cal , Fiscal Year 2001—2002 Budget Change Proposal, No TC18)

disposition, attorneys in both program and nonprogram cases were surveyed approximately six months after their cases had reached disposition to see if there were differences in compliance or the finality of the disposition. Among other things, attorneys were asked whether the party responsible for payment or performance had complied with the agreement or judgment and whether any additional court proceedings had been considered or initiated to enforce the settlement or judgment in the case.[116] Table II-14 and Table II-15 show the combined responses to these questions for all five pilot programs.

Table II-14. Compliance With Agreement/Judgment

Party Responsible for Compliance Has	Program N	Program %	Nonprogram N	Nonprogram %	Difference**[117]
Complied in full	742	91 15%	575	89 56%	1 59%
Partially complied	44	5 41%	32	4 98%	0.43%
Not complied at all	28	3 44%	35	5 45%	-2 01%
TOTAL	814	100.0%	642	100.0%	

*** p < .5, ** p < 10, * p < 20.

Table II-15. Additional Court Proceedings to Enforce Agreement/Judgment

Additional Proceedings Were	Program N	Program %	Nonprogram N	Nonprogram %	Difference**[118]
Considered	41	4 90%	37	6 0%	-1 10%
Initiated	32	3 82%	37	5 43%	-1 61%
Neither	764	91 28%	607	89 13%	2 15%
Total	837	100 0%	681	100 0%	

*** p < .5, ** p < 10, * p < .20

As shown in Table II-14, 2 percent more of the survey respondents in the nonprogram cases indicated that the party responsible for payment or performance under the agreement or judgment reached in the case had not fully complied. Similarly, as shown in Table II-15, 1.61 percent more of the survey respondents in the nonprogram cases indicated that additional court proceedings had been initiated to enforce the

[116] Other questions in this survey included whether additional court proceedings were considered to modify or rescind/overturn the agreement/judgment, and whether there had been another lawsuit between the parties since the resolution of the cases No apparent differences emerged between the program and control groups on these additional questions

[117] The statistical significance of the differences was calculated examining only the full and no compliance responses

[118] The statistical significance of the differences was calculated examining only the initiated and neither responses.

agreement/judgment. While the size of these differences is small, they are statistically significant. The lower percentages of compliance problems and new proceedings initiated in program cases suggest that the pilot programs not only reduced court workload in the short term but may also have reduced the courts' future workload. Even this small percentage decrease in compliance problems and additional proceedings, like a small drop in the trial rate, could make an important difference when applied to all civil cases that reach disposition each year.

Conclusion

The pilot programs in San Diego, Los Angeles, Fresno, and Sonoma reduced the number of motions, the number of "other" pretrial hearings, or both in program cases. The reductions were substantial, ranging from 18 to 48 percent for motions and 11 to 32 percent for "other" pretrial hearings. Because of special conferences required under the Fresno pilot program procedures, these decreases were completely offset in Fresno by increases in the number of case management conferences in program cases.[119] However, in the San Diego, Los Angeles, and Sonoma programs, these reductions resulted in savings of court time. The total potential time savings from the reduced number of court events was estimated to be 479 judge days per year in San Diego (with an estimated monetary value of $1.4 million), 132 days in Los Angeles (with an estimated monetary value of approximately $395,000), and 3 days in Sonoma (with an estimated monetary value of approximately $9,700). This suggests that early mediation programs may be able to help courts save valuable judicial time that can be devoted to other cases that need judges' attention.

In the San Diego, Contra Costa, and Fresno pilot programs (where it was possible to break program cases down into subgroups based on their different experiences in the program) the study found that total pretrial events were substantially reduced in program cases that settled at mediation. Reductions in cases that settled at mediation ranged from 30 to 65 percent compared to similar nonprogram cases. The study also found evidence that court events were reduced in program cases that were mediated but did not settle and in program cases that settled before mediation in some pilot programs.

In addition, survey results indicate that there were fewer postdisposition compliance problems and fewer new proceedings initiated in program cases. This suggests that the pilot programs not only reduced court workload in the short term but may also have reduced the court's future workload.

[119] The Superior Court of Fresno County has since changed its procedures so that additional case management conferences are not required in program cases

I. Comparison of Court-Ordered Mediation Under Pilot Program and Voluntary Mediation in Los Angeles

As noted in the introduction, the statutes establishing the Early Mediation Pilot Programs required that the Judicial Council compare court-ordered mediation conducted under the pilot program with voluntary mediation in Los Angeles County. To fulfill this requirement, this report compares outcomes in cases valued at over $50,000 that were referred to mediation under the Early Mediation Pilot Program with cases valued at over $50,000 referred to mediation in the Civil Action Mediation Program established by Code of Civil Procedure sections 1775–1775.16 ("1775 program"). In the Early Meditation Pilot Program, judges could order cases of any value to mediation, so cases valued at over $50,000 were subject to court-ordered mediation in the pilot program. In contrast, in the 1775 program, judges were only authorized to order cases to mediation that were valued at $50,000 or less, but parties could stipulate to mediation in cases valued at over $50,000, so cases valued at over $50,000 had access to voluntary mediation in the 1775 program. Thus, comparing cases valued at over $50,000 that were referred to mediation in these two programs is one way of comparing court-ordered mediation under the pilot program to voluntary mediation.[120]

These two groups of cases were compared on all of the same outcome measures used to compare program and non-program cases—trial rates, disposition time, litigant satisfaction, litigant costs, and court workload—employing the same data sources and methods used for the other comparisons in this study.

The study found lower trial rates, disposition time, and court workload in those cases valued over $50,000 referred to mediation under pilot program (court-ordered referrals) compared to the 1775 program (voluntary referrals). The trial rate for these pilot program cases (court-ordered referrals) was approximately 31 percent lower than in the 1775 program cases (voluntary referrals), disposition time was approximately 20 to 30 days shorter in the pilot program cases, and there were 10 percent fewer court events on average in these pilot program cases. Results of the study also suggested that attorneys satisfaction with the court's services and the litigation process may have been higher in those cases valued over $50,000 referred to mediation under pilot program than under the 1775 program.[121]

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[120] In theory, pilot program cases could, instead, have been compared to cases voluntarily mediated outside the court system or to cases in which the parties stipulated to use mediation within the court system However, data on case outcomes in these other potential comparison groups was not available Data on trial rates, disposition time, litigant satisfaction, litigant costs, and court workload was available on the cases in both the Early Mediation Pilot and 1775 programs.

[121] As noted in Section I.B on the data and methods used in the study, there were two "control groups" in Los Angeles—control cases from the nine pilot program departments and cases from the other civil departments that were not participating in the pilot program. These tables show comparisons between the outcomes in program cases and both these control groups

Table II-16 through Table II-19 show the results of these comparisons.

Table II-16. Comparison of Trial Rates in Cases Over $50,000 Referred to Mediation

	# of Cases Disposed	# of Cases Tried	% of Cases Tried	% Difference from program group
Program Group	349	22	6.30%	
Control Cases	210	14	6.67%	-5 4%
Control Departments	1,710	156	9.12%	-30 9%**

*** p < .5, ** p < 10, * p < 20

Table II-17. Comparison of Case Disposition Time in Cases Over $50,000 Referred to Mediation

	Program Group	*Control Cases*	*Control Dept.*	Difference Between Program Group and *Control Cases*	Difference Between Program Group and *Control Dept.*
Number of Cases	349	210	1,710		
Average	362	382	396	-20***	-34***
Median	351	369	380	-18***	-29***

*** p < 5, ** p < 10, * p < .20.

Table II-18. Comparison of Litigant Satisfaction in Cases Over $50,000 Referred to Mediation

	Case Outcome		Overall Litigation Process		Court Services	
	# of Responses	*Average Score*	*# of Responses*	*Average Score*	*# of Responses*	*Average Score*
Program Group	346	5 2	349	5 2	352	5 6
Control Cases	41	5 2	41	5 3	41	5.3
Control Departments	26	5 0	26	4 8	26	5.1
Difference Between Program and						
Control Cases		0 0		-0 1		0 3*
Control Departments		0 2		0 4*		0 5*

*** p < .05, ** p < 10, * p < .20

Table II-19. Comparison of Court Workload in Cases Over $50,000 Referred to Mediation

	# of Cases	Average # of Pretrial Hearings: CMCs	Motions	Others	Total
Program Group	349	1 77	0 85	1.51	4 13
Control Cases	210	1 69	0 89	1 63	4 20
Control Dept	1,710	2 03	0 93	1 64	4.59
% Difference Between Program Group and					
Control Cases		5%	-4%	-7%	-2%
Control Dept		-13%***	-9%	-8%	-10%***

*** p < 5, ** p < .10, * p < .20

While these comparisons indicate that there are different outcomes in cases over $50,000 in the pilot program and such cases in the 1775 program, it is not clear whether these differences are a result of mandatory versus voluntary referrals to mediation or from other differences between the pilot program and the 1775 program. As noted in section I.B., there are a variety of programmatic differences between the Early Mediation Pilot Program and the 1775 program, including:

- Case management conferences and mediations in the pilot program were held approximately one to two months earlier, on average, than those in the 1775 program;
- Mediators on the court's pilot program panel were required to meet higher qualification standards than mediators on the court's 1775 program panel, including five more hours of mediation training, specific requirements for simulations/observations of mediations, and completion of at least eight mediations within the past three years; and
- In the pilot program, mediators from the court's panel were compensated by the court for their first three hours of mediation services, whereas mediators in the 1775 program were not compensated for their first three hours of mediation services.

Comparisons between cases valued at over $50,000 in the pilot program and 1775 program thus do not isolate differences in outcomes based on whether the mediation referrals were court-ordered or voluntary. These comparisons show the differences in outcomes that result from all of the differences between the whole pilot program model and the whole 1775 program model. It is possible, for example, that the earlier case management conferences and mediations in the pilot program account for the difference in disposition time between these two programs. As discussed above, when the mediation referral and mediation were moved 2 ½ months earlier in Fresno, the program showed a 15-28 day reduction in the disposition time.

Conclusion

The study found lower trial rates, disposition time, and court workload in those cases valued over $50,000 referred to mediation under pilot program (court-ordered referrals) than in those cases referred under the 1775 program (voluntary referrals) in Los Angeles. Results of the study also suggested that attorneys satisfaction with the court's services

and the litigation process may also have been higher in those cases valued over $50,000 referred to mediation under pilot program than under the 1775 program. However, it is not clear whether these differences were due to the mandatory referrals to mediation in the pilot program versus the voluntary referrals under the 1775 program or due to other differences between these two programs, such as the pilot program's earlier case management conferences and mediations.

III. San Diego Pilot Program

A. Summary of Findings Concerning San Diego Pilot Program

There is strong evidence that the Early Mediation Pilot Program in San Diego reduced the trial rate, case disposition time, and the court's workload, improved litigant satisfaction with the court's services, and lowered litigant costs in cases that resolved at mediation.

- **Mediation referrals and settlements**—7,507 cases that were filed in 2000 and 2001 (5,394 unlimited and 2,112 limited) were referred to mediation, and 5,035 of those cases (3,676 unlimited and 1,358 limited cases) were mediated under the pilot program. Of the unlimited cases mediated, 51 percent settled at the mediation and another 7 percent settled later as a direct result of the mediation, for a total resolution rate of approximately 58 percent. Among limited cases, 62 percent settled at mediation and another 14 percent settled later as a direct result of the mediation, for a total resolution rate of approximately 76 percent. In survey responses, 74 percent of attorneys whose cases did not settle *at* mediation indicated that the mediation was important to the ultimate settlement of the case.

- **Trial rate**—The trial rates for both limited and unlimited cases in the program group were reduced by approximately 25 percent compared to those cases in the control group. This reduction translates to a potential saving of more than 500 days per year in judicial time that could be devoted to other cases needing judges' time and attention. While this time savings does not translate into a fungible cost saving that can be reallocated to other purposes, its monetary value is equivalent to approximately $1.6 million per year.

- **Disposition time**—The *average* time to disposition for unlimited cases in the program group was 12 days shorter than that for cases in the control group and 10 days shorter for limited cases in the program group. The *median* time to disposition was 19 days shorter for unlimited cases in the program group and 25 days shorter for limited cases in the program group. For unlimited cases, program and control-group cases were disposed of with similar speed from filing until about the time of the case management conference, when the pace of dispositions for program-group cases quickened and the percentage of program-group cases reaching disposition exceeded that of control-group cases. For limited cases, program-group cases were being disposed of faster than control-group cases well before the time of the early case management conference, suggesting that the possibility of attending the conference and being referred to mediation may have increased dispositions. Program-group cases, both unlimited and limited, were disposed of fastest around the time of the mediation. Comparisons with similar cases in the control group confirmed that when program-group cases were settled at mediation, the average disposition time was shorter, but also indicated that when cases were mediated and did not settle at the mediation, the disposition time was longer.

- **Litigant satisfaction**—Attorneys in limited program-group cases were more satisfied with the court's services than attorneys in limited control-group cases. Attorneys' levels of satisfaction with the court's services, the litigation process, and the outcome of the case were all higher in both limited and unlimited program-group cases that settled at mediation than in similar control-group cases. Attorneys in program-group cases that went to mediation and did not settle at mediation were also more satisfied with the court's services than attorneys in similar control-group cases. This suggests that participating in mediation increased attorneys' satisfaction with the court's services, regardless of whether their cases settled at mediation. Both parties and attorneys who participated in pilot program mediations expressed high satisfaction with their mediation experience, particularly with the performance of the mediators. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

- **Litigant costs**—Estimates of actual attorney time spent in reaching resolution were 16 percent lower in program-group cases that settled at mediation than for similar cases in the control group. Comparisons between program-group cases that settled at mediation and similar control-group cases also suggested that litigant costs were lower in program-group cases that settled at mediation. Eighty-seven percent of attorneys whose cases resolved at mediation estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorneys per settled case was $9,159 in litigant costs and 50 hours in attorney time, for a total estimated savings of $24,784,254 in litigant costs and 135,300 attorney hours in 2000 and 2001 cases that settled at mediation.

- **Court workload**— The pilot program in San Diego reduced the court's workload. In addition to the reduction in trials discussed above, the pilot program reduced the average number of pretrial hearings by 16 percent for unlimited cases and 22 percent for limited cases in the program group. This translates to a potential saving of 479 days per year in judicial time that could be devoted to other cases needing judges' time and attention. While this time savings do not translate into a fungible cost saving that can be reallocated to other purposes, its monetary value is equivalent to approximately $1.4 million per year. There was strong evidence of even larger reductions in pretrial events—between 40 and 45 percent—in cases that resolved at mediation. In addition, there were fewer postdisposition compliance problems and fewer new proceedings initiated in program-group cases, suggesting that the pilot program may have reduced the court's future workload.

B. Introduction

This section of the report discusses the study's findings concerning the Early Mediation Pilot Program in the Superior Court of San Diego County. Based on the criteria established by the Early Mediation Pilot Program legislation, this was a highly successful program, resulting in benefits to both litigants and the courts in the form of lower trial rates, reduced disposition time, improved litigant satisfaction with the court's services and the litigation process, fewer pretrial court events, and lower litigant costs in cases that resolved at mediation.

As further discussed below in the program description, the San Diego pilot program included five main elements:

- Information about the pilot program was required to be distributed to litigants at the time of filing;
- The court held an initial case management conference approximately five months after filing to assess the case's amenability to early mediation;
- The court had the authority to order litigants to participate in early mediation;
- Litigants in cases that were referred to mediation were required to complete mediation within 60–90 days of the mediation order or stipulation; and
- If litigants selected a mediator from the court's panel, the court paid the mediator for up to four hours of mediation services.

For purposes of this study, at the time of filing the court divided the cases that met the general pilot program eligibility requirements into two groups: 75 percent of eligible cases were designated as "program-group" cases, and the remaining 25 percent were designated as "control-group" cases. "Program-group" cases were exposed to one or more of the program elements described above, including consideration for possible referral to mediation under the pilot program; "control-group" cases were not exposed to any of these program elements. Comparisons of the disposition time, litigant satisfaction, and other outcome measures between the program group and the control group show the overall impact of implementing this pilot program, with all of its program elements, in the Superior Court of San Diego County.

It is important to remember that, throughout this section, "program group" means cases exposed to any of the pilot program elements; it does not mean cases that were referred to mediation or cases that were mediated. The program group includes cases that participated in the early case management conference but were not referred to mediation. It also includes cases that were referred to mediation but that ultimately did not go to mediation, either because they were later removed from the mediation track by the court or because they settled before the mediation took place.

In is also important to remember that program-group cases exposed to different pilot program elements had very different dispute resolution experiences and different outcomes in terms of the areas being studied (disposition time, litigant satisfaction, and the other outcomes). In overall comparisons, the outcomes in all these subgroups of program-group cases were added together to calculate an overall average for the program

group as a whole. As a result, within these overall averages, positive outcomes in some subgroups of cases, such as shorter disposition time in cases that settled at mediation, were often offset by less positive outcomes in other subgroups.

To provide a better understanding of how program-group cases in these subgroups may have been influenced by their exposure to different pilot program elements, comparisons were made between cases in these subgroups and control-group cases with similar case characteristics. Readers who are interested in the impacts of specific pilot program elements, such as the early mediation process, should pay particular attention to these subgroup analyses.

Finally, it is important to remember that the emphasis in this pilot program was on early referral to and early participation in mediation: cases were referred to mediation approximately five months after filing and went to mediation approximately eight months after filing. Thus, this study addresses only how cases responded to such early referrals and early mediation. It does not address how cases might have responded to later referrals or later mediation.

C. San Diego Pilot Program Description

This section provides a brief description of the Superior Court of San Diego County and its Early Mediation Pilot Program. This description is intended to provide context for understanding the study findings presented later in this chapter.

The Court Environment in San Diego

San Diego is a large urban county with a population of approximately 2.8 million. With 128 authorized judgeships the Superior Court of San Diego County is one of the largest trial courts in California. In 2000, the year that the pilot program began, approximately 13,000 unlimited general civil cases and 34,000 limited civil cases were filed in the Superior Court of San Diego County.[122]

The Superior Court of San Diego County has had a long-standing focus on efficiently managing civil litigation and reducing delay in civil case processing. The court has dedicated 24 of its 128 judges ("departments") to handling general civil cases. Upon filing, all general civil cases, both limited and unlimited, are assigned, at random, to one of these 24 departments. The court uses an individual calendaring system: the same judge handles all aspects of a case from filing through disposition. Before the court implemented the pilot program, these judges used a system of case management conferences, with the first conference set approximately 150 days after filing, to establish a schedule for trial and other relevant court events. The court historically has disposed of civil cases relatively quickly: in 1999, the year before the Early Mediation Pilot Program was implemented, the court disposed of approximately 76–79 percent of its unlimited civil cases within one year of filing, 94–95 percent within 18 months, and 98 percent within two years of filing. Similarly, the court disposed of 91 percent of its limited civil cases within one year of filing, 96–97 percent within 18 months, and 97–99 percent within 24 months.

From 1994 until it implemented the pilot program in 2000, the Superior Court of San Diego County had a mandatory mediation program for civil cases valued at $50,000 or less.[123] Under this program, judges were authorized to order the parties in these smaller-valued cases to participate in mediation as an alternative to court-annexed nonbinding arbitration (called "judicial arbitration"). The court compensated the mediators in this program at a rate of $150 per case. In 1998, the court referred 831 cases to mediation under this program. Thus, both the court and the local bar had prior experience with mandatory court-ordered mediation of civil cases before the pilot program began.

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[122] Judicial Council of Cal., Admin Off of Cts., Rep. on Court Statistics (2001) Fiscal Year 1990–1991 Through 1999–2000 Statewide Caseload Trends, p. 46 See the glossary for definitions of "unlimited civil case," "limited civil case," and "general civil case "

[123] This program was authorized by Code of Civil Procedure section 1775 et seq

The Early Mediation Pilot Program Model Adopted in San Diego

The General Program Model

The Superior Court of San Diego County adopted a mandatory mediation model for its pilot program. As noted in the introduction, under the Early Mediation Pilot Program statutes, judges in courts with mandatory mediation programs were given statutory authority to order eligible cases to mediation. The program implemented in San Diego included the following basic elements:

- Information about the pilot program was required to be distributed to litigants at the time of filing;
- The court set an early case management conference approximately 120 days after filing in at-issue cases to assess the case's amenability to mediation (on average, with resets, these conferences actually took place at approximately 150 days after filing);
- The court had the authority to order litigants to participate in early mediation;
- Litigants in cases that were referred to mediation were required to complete mediation within 60–90 days of the mediation order or stipulation; and
- If litigants selected a mediator from the court's panel, the court paid the mediator for up to four hours of mediation services.

What Cases Were Eligible for the Program

Most general civil cases,[124] both limited and unlimited, were eligible for the San Diego pilot program. General civil cases that were not eligible for the program included complex cases (such as construction defect cases) and class actions.

How Cases Were Assigned to the Program and Control Groups

As noted above in the introduction, for purposes of this study, the Judicial Council required the pilot courts implementing a mandatory mediation program model to provide for random assignment of a portion of eligible cases to a "program group" and another portion to a "control group." "Program-group" cases were exposed to one or more of the program elements described above; "control-group" cases were not exposed to any of these program elements but were otherwise subject to the same court procedures as the cases in the program group. As noted above, it is important to remember that, throughout this section, "program group" means cases exposed to any of the pilot program elements, including consideration of possible referral to early mediation; it does not mean only cases that were referred to mediation or cases that were mediated.

Under San Diego's model, 75 percent of all cases that met the basic eligibility criteria for the program were randomly assigned to the program group at the time of filing, and the remaining 25 percent were assigned to the control group. The court accomplished this by designating 18 of its 24 general civil departments as program departments and designating the remaining 6 departments as control departments. Cases assigned to a program department were in the "program group"; cases assigned to a control department were in the "control group."

[124] See the glossary for a definition of "general civil cases."

How Cases Were Referred to Mediation

Only cases in which the defendant responded to the complaint (cases that became "at issue") were eligible for referral to mediation. Mediation requires participation of both sides to a case. This participation is not possible if the defendant has not responded to the complaint. As in all the pilot courts, a large percentage of eligible cases in San Diego (approximately 30 percent of unlimited and 70 percent of limited cases) never became at issue and thus were not eligible for referral to mediation.

As noted above, at the time of filing, plaintiffs whose cases were assigned to the program group were given information about the mediation program and were required to serve this information on all defendants along with the summons and complaint. This information included notice that they might be required to attend an early case management conference approximately 120 days after filing. All program cases that were at issue within 90–105 days after filing were set for an early case management conference. If the case was not at issue at that time, it was set for a regular case management conference. On average, early case management conferences took place 153 days after filing; the median time was 136 days after filing.[125] On average, regular case management conferences took place 209 days after filing; the median time was 186 days after filing.

The information package given to parties at filing notified them that they could stipulate to mediation before the case management conference and that, if they filed such a stipulation, they would not be required to attend the conference. The information packet also included a blank mediation stipulation form. Approximately 15 percent of the cases ultimately referred to mediation during the study period were cases in which the parties stipulated to mediation before the scheduled case management conference.

If parties did not stipulate to mediation, they were required to attend the case management conference. At this conference, the assigned judge conferred with the parties about mediation and other alternative dispute resolution (ADR) options and considered whether to order the case to mediation. Under the Early Mediation Pilot Program statutes, the court was required to consider the willingness of the parties to mediate in determining whether to refer a case to mediation. The court also had experience with mandatory referrals under its previous mediation program and had developed an appreciation for the need to assess party interests rather than unilaterally ordering cases to mediation. In focus-group discussions conducted in San Diego as part of this study, both judges and attorneys indicated that the litigants' willingness to participate in mediation was very important to the decision to make a referral to mediation under the pilot program; they indicated that cases were rarely ordered to mediation over the parties' objections. Thus, while the pilot program in San Diego was mandatory in design, the wishes of the litigants played an important role in the mediation referral process, just as they would in a voluntary program. Approximately 85 percent of

[125] These average and median times are the times that the conferences were actually held, not the originally scheduled dates. Conferences originally set for closer to 120 days after filing may have been subsequently reset

the cases ultimately referred to mediation during the study period were referred at the case management conference.

At the case management conference, the court, in addition to making referrals to mediation, set dates for trials and other litigation events should the case not settle at mediation. Program-group cases that were not referred to mediation under the pilot program (as well as control-group cases) could be referred to judicial arbitration or settlement conferences within the court or could choose to use private mediation or other ADR processes outside the court.

How Mediators Were Selected and Compensated

When a case was referred to mediation, either by court order or by party stipulation, parties were required to select a mediator and two alternates. Parties were free to select any mediator, whether or not that mediator was from the court's panel. However, the Early Mediation Pilot Program statutes provided that, if parties selected a mediator from the court's panel, they would not be required to pay a fee for the mediator's services. Thus the parties could receive up to four hours of mediation services at no cost to them if they selected a mediator from the court's panel. A majority of the mediations were conducted by mediators from the court's panel.

Mediators on the court panel were required to complete 30 hours of mediation training, to have conducted at least eight mediations (four of these in the civil arena) in the past two years, participate in at least four hours of continuing mediation education annually, and adhere to the court's ethical standards for mediators. Under the pilot program, the court paid its panel mediators for the first four hours of mediation services at a fixed hourly rate of $150. At the end of this four-hour period, the parties were free to continue the mediation on a voluntary basis, but the parties were responsible for paying the mediator for these additional services at that mediator's individual market rate.

When Mediation Sessions Were Held

If parties stipulated to mediation, the mediation was required to be completed within 60 days of the stipulation. If the parties were ordered to mediation, the mediation was required to be completed within 60–90 days of the court's order. If the mediation completion date was originally set at 60 days, the mediator was given the authority to grant the parties a 30-day extension of the completion date for good cause. If the parties wanted an extension beyond the 90-day period, they were required to request this extension, by an ex parte appearance or by stipulation, from the judge to whom the case was assigned. On average, mediations in both limited and unlimited cases took place approximately eight months after filing.

What Happened After the Mediation

At the conclusion of the mediation, the mediator was required to submit a form to the court indicating whether the case was fully resolved, partially resolved, or not resolved at the mediation session. If the mediator indicated that the case was fully resolved at the mediation, the court placed the case on a 45-day dismissal track and notified the parties. If the mediator indicated that the case was not resolved or only partially resolved or that

the mediation was continuing on a voluntary basis after the 90-day period, either the case was set for a future hearing or trial dates were confirmed by mail. Cases not resolved at mediation were returned to the regular court litigation process.

How Cases Moved Through the Mediation Program

To understand the impact of the pilot program on the program-group cases, it is helpful to understand the flow of these cases through the court process and into the subgroups of cases that experienced different elements of the pilot program. Figure III-1 depicts this process for unlimited cases filed in 2000 and 2001 and Figure III-2 for limited cases.

Unlimited Cases

In 2000 and 2001, 15,600 of the unlimited civil cases filed in the court were assigned to the program group. Approximately 75 percent of these cases (11,396 cases) became at issue and were eligible to be considered for referral to mediation.

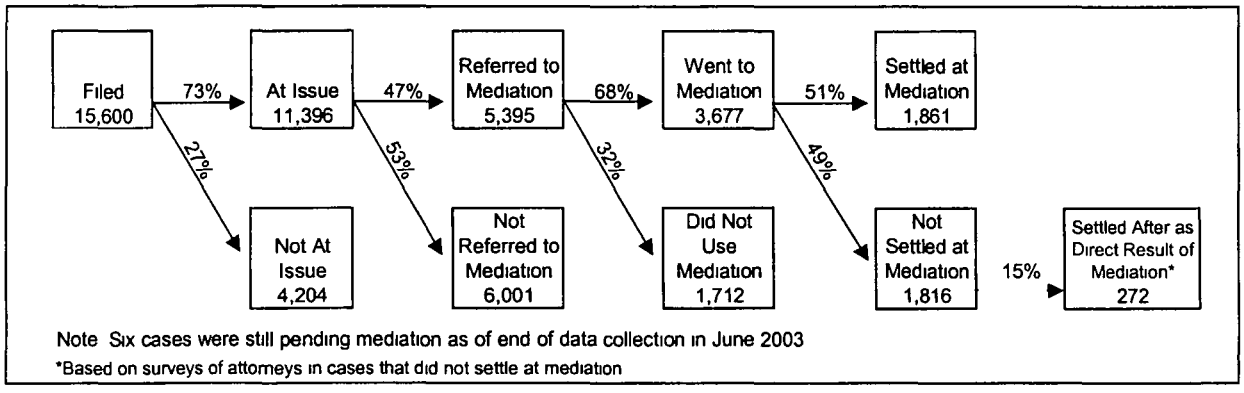

Figure III-1. Case Flow Process for Unlimited Program-Group Cases Filed in 2000 and 2001 in San Diego

Of the program-group cases that became at issue, 47 percent (nearly 5,400 cases) were referred to mediation. Approximately 14 percent of these cases (755 cases) were referred to mediation before the early case management conference by party stipulations. The remaining 86 percent (4,640 cases) were referred to mediation[126] either at the early case management conference or at the regular case management conference.[127]

Of the cases that were referred to mediation, close to 70 percent went to mediation. The remaining 30 percent of the cases referred ultimately did not use mediation, either

[126] It is important to note that cases referred to mediation at case management conferences were not necessarily ordered to mediation over a party's objections, they may have been referred with the parties' agreement

[127] Of the program-group cases that became at issue, half (5,789) appeared at the early case management conference and approximately another quarter (2,656) appeared at the regular case management conference. In all, approximately 75 percent of eligible cases (8,445) appeared at either the early or regular case management conference.

because the case settled before mediation or because it was removed from the mediation track either at the request of the parties or by the court.[128]

Of the unlimited civil cases that completed mediation, 51 percent fully settled at the end of the mediation. Another 4 percent reached partial agreement at the mediation. It should be noted that this settlement rate does not include cases that did not resolve at the end of mediation both that subsequently resolved as a direct result of the mediation. Analysis of attorney survey data revealed that respondents in approximately 15 percent of unlimited cases that did not settle at mediation attributed subsequent settlement of their cases directly to the mediation. Thus the overall proportion of unlimited cases that completed mediation and reached settlement through mediation is estimated to be 58 percent.

Limited Cases

The flow of limited cases through the court's process was different from the flow of unlimited cases.

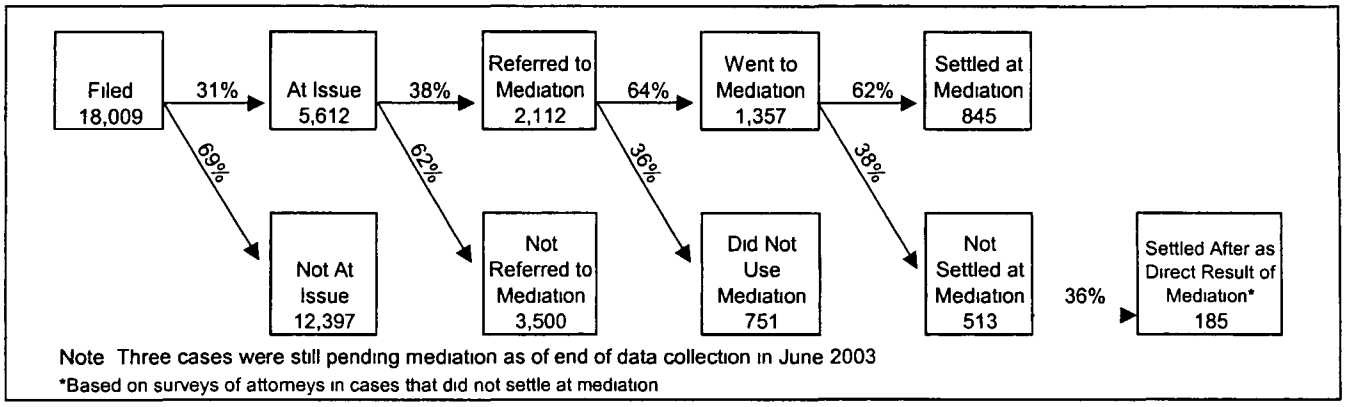

Figure III-2. Case-Flow Process for Limited Program-Group Cases Filed in 2000 and 2001 in San Diego

In 2000 and 2001, 18,009 of the limited civil cases filed in the court were assigned to the program group. Of these, only approximately 31 percent (5,612) ever became at issue (compared to 73 percent of unlimited cases).

Of these at-issue cases, only 38 percent (2,112) were referred to mediation (compared to 47 percent of unlimited cases). Approximately 15 percent of these cases (317) were referred to mediation before the early case management conference by party stipulation. The remaining 85 percent (1,795 cases) were referred to mediation at either the early or the regular case management conference.[129]

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[128] A case could be removed from the mediation track either because the parties requested that the case be assigned to another form of ADR or because the parties did not follow the court order for mediation

[129] Of the 5,612 cases that became at-issue cases, 40 percent (2,254) participated in at the early case management conference and another 17 percent (931) in the regular case management conference. In all, cases that participated in either type of conference represented 57 percent of the total eligible cases (in comparison to 74 percent for unlimited cases, noted above).

Approximately 65 percent of the limited cases referred to mediation completed it, which was similar to the 68 percent rate for unlimited cases.

Of those limited cases that completed mediation, 62 percent reached agreement at the end of mediation (compared to 51 percent of unlimited cases). In addition, of the attorneys in limited cases who responded to the survey, 36 percent whose cases did not settle at mediation attributed subsequent settlement of the cases directly to mediation. Thus the overall proportion of limited cases completing mediation that reached settlement through mediation is estimated to be 76 percent (compared to 58 percent for unlimited cases).

Conclusion

As noted in the introduction to this report, each of the pilot mediation programs examined in this study is different. In reviewing the results for the San Diego pilot program, please keep in mind the unique characteristics of this court and its pilot program, including that the program group includes cases that were not referred to mediation.

D. Data and Methods Used in Study of San Diego Pilot Program

This section provides a brief description of the data and methods used in the analysis of the San Diego pilot program. (See Section I.B. for more information on the overall data and methods used in this report.)

Data

Several data sources were used in this study of the San Diego Pilot Program.

Data on Trial Rate, Disposition Time, and Court Workload

As more fully described in Section I.B., the primary source of data for assessing the pilot program's impact on trial rate, disposition time, and court workload was the court's case management system. Only data concerning cases filed in 2000[130] and 2001 were used; cases filed more recently were not used because there was not sufficient follow-up time for tracking their final outcomes.

As noted above, civil cases in Superior Court of San Diego County are disposed of in a relatively short time. Of the cases examined in this study, 97 percent of unlimited cases and 99 percent of limited cases in both the program and control groups had reached disposition by the end of data collection in June 2003. This high disposition rate enhances the overall reliability of the study's results; the final outcomes of almost all the cases in the study group are known so the study results are unlikely to be affected by the ultimate outcomes in the small remaining percentage of cases that had not yet reached disposition.

The overall size of the court's civil caseload also contributes to the reliability of the study's results. The court's large civil caseload ensured that there were enough cases in both the program and control groups to make reliable comparisons.

Data on Litigant Satisfaction and Costs

As more fully described in Section I.B., analysis of program impact on litigant satisfaction and costs was based on data from surveys distributed (1) to attorneys and parties who went to mediation between July 2001 and June 2002 ("postmediation survey") and (2) to parties and attorneys in program and control-group cases that reached disposition during the same period ("postdisposition survey").[131]

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[130] When the program started operation in March 2000, only cases that were filed on or after February 28, 2000, were eligible for the program. Therefore, only cases filed after that date were included in the sample, and all references to 2000 cases in San Diego in this report represent the time period from February 28 to December 31.

[131] It should be noted that approximately 25 percent of the attorneys who responded to the postdisposition survey in San Diego did not provide valid information on litigant costs and attorney hours. To ensure that there were no systematic differences in the cost information that was provided between cases in the program group and the control group, the proportions of responses in the program and control groups were compared. In addition, to ensure there were no systematic differences between the cases in which cost information was provided and the general population of cases eligible for the program, the proportions of responses coming from cases of different types were compared to the proportions of cases of these types in the general population of eligible cases. These comparisons did not reveal any systematic differences

Methods

Several methods were used in the study of the San Diego pilot program.

Comparisons of Outcomes in Program and Control-Group Cases

As is more fully described in Section 1.B., the main method of analysis used to study the San Diego pilot program was direct comparison of the outcomes in the program group and the control group. As noted above, cases were assigned to the program group and control group in San Diego through a random assignment process generated automatically by the case management system. Because this assignment process ensured that the characteristics of the cases in the program group and control group would be similar, differences found in direct comparisons between these groups can reliably be attributed to impact from the pilot program.[132]

It is important to remember that comparisons between the program group and control group in San Diego identify the impact of the pilot program as a whole, not just the impact of mediation. As discussed above in the pilot program description, San Diego's pilot program had many elements, including the distribution of information about the mediation program, the possibility of an early case management conference, the possibility of being ordered to early mediation, and the possibility of participating in the mediation process itself. Not every case in the program group was mediated. The program group is made up of subgroups of cases that experienced different elements of the pilot program—that is, cases that participated in an early case management conference but were not referred to mediation; cases that were referred to mediation but did not experience mediation, either because they settled before mediation or were removed from the mediation track; and cases that actually went through mediation and either settled or did not settle at mediation. In overall comparisons between the program group and control group, the program group includes all of these different subgroups of cases put together. To help understand this, the discussion of each of the outcome measures beings studied (disposition time, litigant satisfaction, and so forth) starts with a table showing the average outcome score in each subgroup and in the program group as a whole.

Analysis of Subgroups of Cases Within the Program Group

While the average outcome score for each subgroup provides helpful descriptive information, comparisons between the average scores in different subgroups or between the subgroups and the control group as a whole *do not* provide accurate information about

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[132] While case assignment to departments was completely random, the selection of the judges in the program and control departments was not. Instead, judges were selected to participate in the program based on their prior experience with mediation. In general, judges in the program were more familiar with the process of mediation To ensure that differences in case outcomes between the program and control groups were not due to any preexisting differences between the judges in the program and control departments, an analysis was done of case outcomes in historical cases that were filed one year prior to the inception of the program. No patterns were found in the historical data that would call into question the study's findings regarding the program impact: trial rates in the control-group departments prior to the inception of the program were the same, the time to disposition in the control departments was slightly faster than in program departments prior to the program, and the number of hearings was slightly higher. In 2000, all three measures improved in the program group compared to the control group

the impact of the pilot program on the cases in the subgroup. Figure III-3 and Figure III-4 below describe the characteristics of unlimited and limited cases in each program subgroup in San Diego. As can be seen from these figures, the cases in these subgroups are qualitatively different from one another. In direct comparisons, it is not possible to tell if differences in outcomes in the subgroups are due to the effect of the pilot program elements that these cases experienced or due to the different characteristics of the cases in these subgroups. As more fully discussed in Section I.B., "regression analysis" was used to take these case-characteristic differences into account and compare cases in a subgroup only to the cases in the control group that have similar case characteristics. The results of these subgroup comparisons more accurately identify whether there were differences in outcomes resulting from the effect of the pilot program elements experienced by these cases.

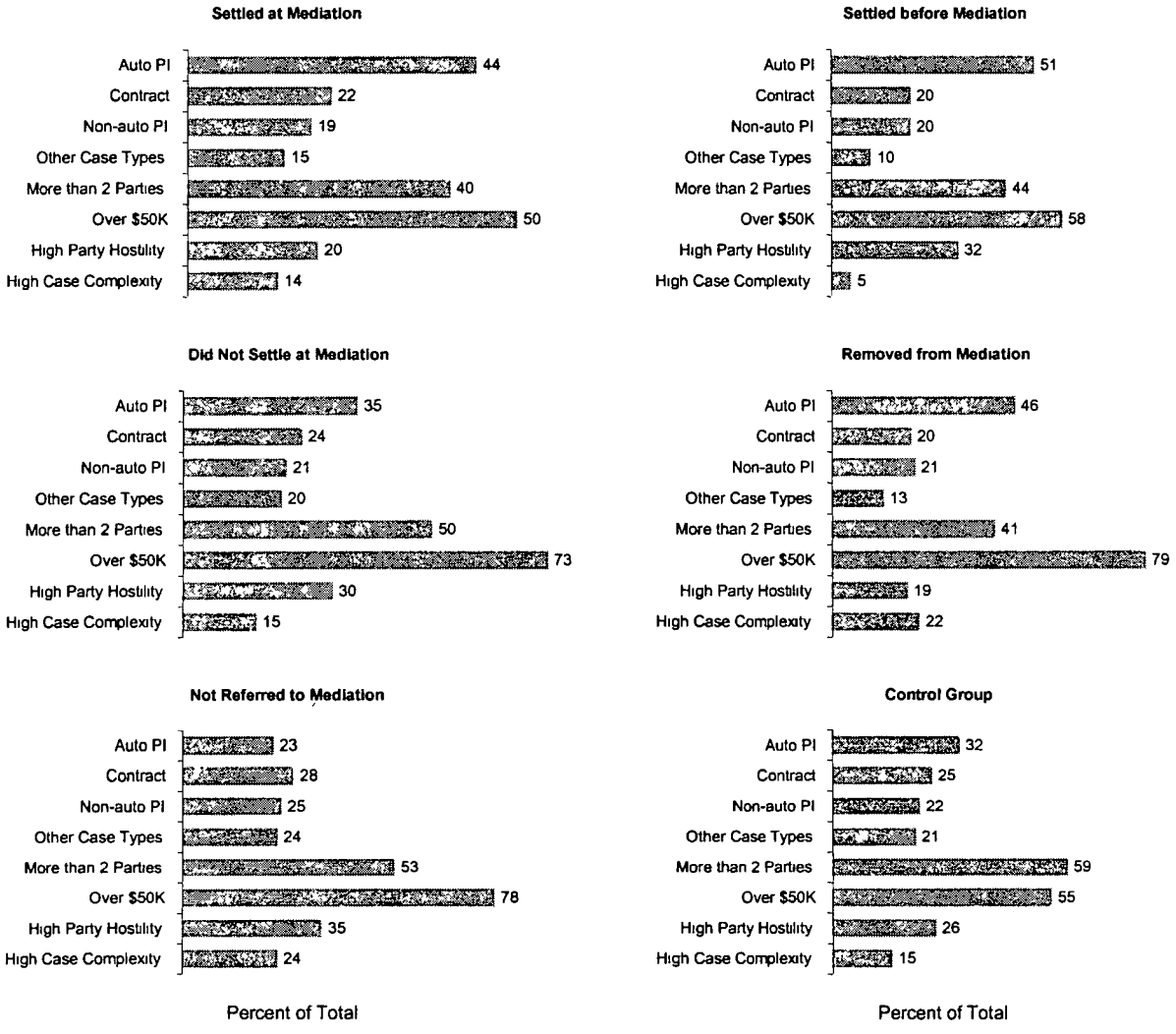


Figure III-3. Case Characteristics of Program Subgroups for Unlimited Cases in San Diego

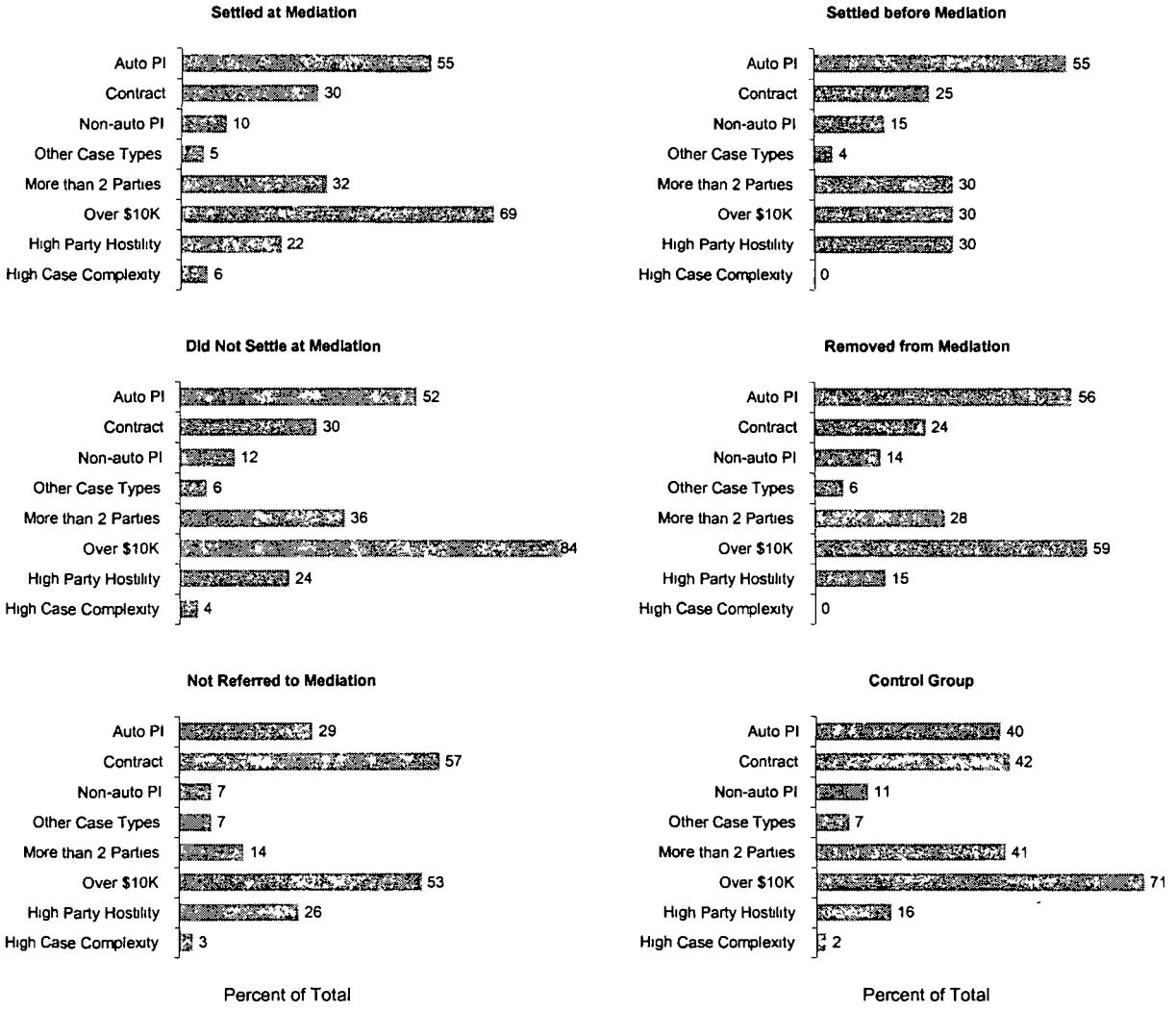


Figure III-4. Case Characteristics of Program Subgroups for Limited Cases in San Diego

E. Program-Group Cases—Referrals, Mediations, and Settlements

Before making comparisons between the program group and the control group, it is helpful to first understand how the program group breaks down in terms of subgroups of cases that were not referred to mediation, that were referred to mediation but settled before mediation, that were referred to mediation but were later removed from the mediation track, and that went to mediation under the pilot program. It is also helpful to understand the impact of the pilot program mediation on the resolution of cases, both during and after the mediation.

As noted above, the program group in San Diego consisted of all the cases that could be considered for possible referral to mediation under the pilot program, not just cases that were referred to mediation or cases that went to mediation. More than 17,000 cases filed in 2000 and 2001 (11,395 unlimited and 5,612 limited) were eligible to be considered for possible referral to mediation under this pilot program. Table III-1 shows a breakdown of these cases by subgroup.

Table III-1. Program-Group Cases—Subgroup Breakdown

	Unlimited Cases		Limited Cases	
Program Subgroup	*# of Cases*	*% of Total in Program Group*	*# of Cases*	*% of Total in Program Group*
Not referred to mediation	6,001	52.66%	3,500	62 37%
Settled before mediation	627	5 50%	291	5 19%
Removed from mediation	1,050	9 21%	453	8 07%
Settled at mediation	1,861	16 33%	845	15 06%
Did not settle at mediation	1,815	15.93%	513	9 14%
Mediation outcome unknown	41	0.36%	10	0.18%
Total Program Group	11,395		5,612	

Of these program-group cases, about 44 percent, or 7,500 cases (47 percent [5,394] of the unlimited cases and 38 percent [2,112] of the limited cases) were referred to mediation. The remaining 9,500 cases (53 percent of unlimited and 62 percent of limited) were not referred to mediation. Thus, the largest subgroup of cases in the program group is cases that were not referred to mediation.

Of the cases that were referred to mediation, 2,421 were never mediated: 918 cases (627 unlimited cases and 291 limited cases) were settled before the mediation, and 1,503 cases (1,050 unlimited cases and 453 limited cases) were removed from the mediation track. Those referred cases that were not mediated represent about 14 percent of the program group (16 percent of the unlimited program cases and 13 percent of the limited program cases) or 32 percent of the cases referred to mediation (31 percent of the unlimited cases referred to mediation and 35 percent of the limited cases).

A total of 5,035 cases (3,676 unlimited cases and 1,358 limited cases) went to mediation under the pilot program; this represents approximately 30 percent of the program group (32 percent of the unlimited program cases and 24 percent of the limited program cases) or 67 percent of the cases that were referred to mediation (68 percent of the unlimited cases that were referred to mediation and 64 percent of the limited cases).

As shown in Table III-2, of the unlimited cases that were mediated, 1,861 unlimited cases (approximately 51 percent) reached full agreement at the mediation, and another 165 cases (approximately 4 percent) reached partial agreement at the mediation. Of the limited cases that were mediated, 845 (62 percent) reached full agreement at mediation and another 34 cases (approximately 3 percent) reached partial agreement at the mediation.

Table III-2. Proportion of Program-Group Cases Settled at Mediation

	Unlimited		Limited	
	# of Cases	*% of Mediated Cases*	*# of Cases*	*% of Mediated Cases*
Agreement	1,861	50.68%	845	62.22%
Partial agreement	165	4 49%	34	2.50%
Nonagreement	1,650	44.89%	479	35.27%
Total	3,676	100.00%	1,358	100 00%

Even when cases did not reach settlement *at* mediation, the mediation was still likely to have played an important role, either in the later settlement of the cases or in other ways. Table III-3 shows that approximately 20 percent of attorneys in cases that were mediated under the pilot program but did not reach settlement at mediation indicated that the ultimate settlement of the case was a direct result of participating in the pilot program mediation [133] Another 27 percent indicated that mediation played a very important role, and still another 27 percent indicated that mediation was somewhat important to the ultimate settlement of the case. All together, attorneys responding to the survey indicated that subsequent settlement of the case benefited from mediation in approximately 74 percent of the cases in which the parties did not reach agreement at the end of the mediation session. For only 26 percent of the respondents, mediation was considered of "little importance" to the case reaching settlement.

Focus-group discussions with attorneys in San Diego also confirmed benefits even in cases that did not settle at the mediation. Attorneys in these focus groups indicated that they always received something out of the mediation process, even when cases did not settle, including increased client involvement and earlier information exchange.

[133] Data from both limited and unlimited cases were combined in order to provide a larger number of cases for this analysis.

Table III-3. Attorney Opinions of Mediation's Importance to Subsequent Settlement

Importance of Participating in Mediation to Obtaining Settlement	Number of Responses	Percentage of Responses
Resulted directly in settlement	37	19 68%
Very important	51	27 13%
Somewhat important	51	27.13%
Little importance	49	26 06%
Total	188	100 00%

Adding together those cases where the survey respondents indicated that subsequent settlement of the case was a direct result of participating in mediation and those cases that settled at the mediation, the overall mediation resolution rate was approximately 58 percent for unlimited cases mediated under the pilot program and approximately 76 percent for limited cases mediated under the pilot program.

F. Impact of San Diego's Pilot Program on Trial Rates

Summary of Findings

The pilot program in San Diego significantly reduced the proportion of cases that went to trial. The reduction in trial rates was consistent for both limited and unlimited cases and across all major case types:

- The trial rate for unlimited cases in the program group was 24 percent lower than the trial rate for unlimited cases in the control group; the trial rate for the program group was 5.7 percent compared to 7.5 percent for the control group. The trial rate for limited cases in the program group was 27 percent lower than the trial rate for these cases in the control group; the trial rate for the program group was 4.8 percent compared to 6.6 percent for the control group.

- At these lower trial rates, approximately 89 fewer 2000 cases were tried (18 limited and 71 unlimited cases) and 212 fewer 2001 cases were tried in the program group (86 limited and 126 unlimited cases). This reduction in trials translates into total potential time savings of 247 trial days for 2000 cases and 448 trial days for 2001 cases. Annualizing the program group reductions and adding potential reductions if the program were available to cases that were in the control group, an estimated 221 fewer cases would be tried each year. This potential reduction in trials translates into total potential time savings of 521 trial days per year.

- While this time saving does not translate into fungible cost savings that can be reallocated for other purposes, the monetary value of the time saved is approximately $1.6 million per year.

Introduction

This section examines the impact of the pilot program in San Diego on the trial rate. It compares the proportion of disposed cases that went to trial in the program group[134] with the proportion of disposed cases that went to trial in the control group. It also breaks down the analysis by case type to see whether the program impact on trial rate was different for different case types. Finally, this section analyzes the implications of this reduced trial rate by estimating the amount of judicial time potentially saved through the reduced number of trials and the monetary value of that time.

Overall Comparisons of Trial Rate in Program and Control Groups

The pilot program in San Diego significantly reduced the trial rates for both unlimited and limited civil cases. As shown in Table III-4, the trial rate for unlimited cases in the program group was 24 percent lower than the trial rate for unlimited cases in the control group; the trial rate for the program group was 5.7 percent compared to 7.5 percent for the control group. Similarly, the trial rate for limited cases in the program group was 27

[134] It is important to remember that program-group cases include all cases that experienced any element of the pilot program, including cases that were not referred to mediation.

percent lower than the trial rate for these cases in the control group; 4.8 percent for the program group compared to 6.6 percent for the control group.

Table III-4. Trial Rate of Cases Filed in 2000 and 2001 in San Diego

	Program Group			Control Group			
	# of Disposed Cases	*# of Cases Tried*	*% of Cases Tried*	*# of Disposed Cases*	*# of Cases Tried*	*% of Cases Tried*	*% Difference*
Unlimited	11,040	626	5.7%	4,493	337	7 5%	-24 4%***
Limited	5,554	266	4 8%	1,279	84	6 6%	-27 1%***

Note Percentage difference between program and control groups is calculated as (program trial rate—control trial rate) / control trial rate

*** $p < .5$, ** $p < 10$, * $p < .20$.

Comparisons of Trial Rate by Case Type

Table III-5 below compares the trial rates in the program and control groups by case type.

Overall, while not all the reductions were statistically significant, this table shows a consistent pattern of reduced trial rates in the program group across all case types in both unlimited and limited cases. For unlimited cases, the reduction in trial rates for cases in the program group ranged from 16 percent for "other" case types to 36 percent for contract cases. For limited cases, the reduction in trial rates ranged from approximately 25 percent for automobile personal injury (Auto PI) and contract cases to 68 percent for other personal injury (Non-Auto PI) cases. Both the 25 percent reduction in trials of contract cases and the 68 percent reduction in trials of Non-Auto PI cases were statistically significant. While Non-Auto PI limited cases had the largest percentage reduction in trial rate, the number of cases involved was very small. In terms of the number of cases affected, limited contract cases clearly experienced the greatest impact, as they accounted for the majority of tried cases in both the program and control groups.

Table III-5. Trial Rate in San Diego for Cases Filed in 2000 and 2001, by Case Type

	Program Group			Control Group			
	# of Disposed Cases	*# of Cases Tried*	*% of Cases Tried*	*# of Disposed Cases*	*# of Cases Tried*	*% of Cases Tried*	*% Difference*
Unlimited							
Auto PI	3,556	135	3 8%	1,425	73	5.1%	-26%***
Non-Auto PI	2,510	174	6 9%	996	84	8.4%	-18%*
Contract	2,757	146	5.3%	1,127	93	8 3%	-36%***
Other	2,217	171	7 7%	945	87	9.2%	-16%*
Total	11,040	626	5 7%	4,493	337	7.5%	-24%***
Limited							
Auto PI	2,137	60	2 8%	511	19	3 7%	-24%
Non-Auto PI	506	9	1.8%	142	8	5.6%	-68%***
Contract	2,566	181	7 1%	531	50	9 4%	-25%***
Other	345	16	4 6%	95	7	7.4%	-37%
Total	5,554	266	4 8%	1,279	84	6 6%	-27%***

Note Percentage difference between program and control groups is calculated as (program trial rate—control trial rate)/control trial rate

*** $p < 5$, ** $p < 10$, * $p < 20$.

Impact of Reduced Trial Rate on Judicial Time

To provide a better understanding of the impact of reduced trial rates on the court, the amount of judicial time that could be saved from the reduction in the number of trials was estimated. Based on this calculation, the reduced trial rate translates into a potential saving of 521 trial days per year that could be used in other cases that needed judicial time and attention.

Determining the number of trials avoided as a result of the pilot program required two calculations. First, trial data for cases filed in 2000 and 2001 were used to calculate the number of trials in program-group cases that would have occurred if cases in the program group had had the same trial rate as those in the control group. This figure was then compared with the number of trials per year in the program group at the actual trial rate.[135] Table III-6 shows that the lower trial rate in the program group translates into approximately 89 fewer cases tried in the program group among cases filed during the 10-month period study period in 2000, 18 limited and 71 unlimited cases. For cases filed

[135] As previously noted, only cases that were filed on or after February 28, 2000, were included in the study sample because only cases filed after that date were eligible for the program A figure for actual trials per year was therefore calculated by multiplying by 12 the average number of trials held per month in cases filed during the 22-month study period.

in 2001, the estimated reduction in the number of tried cases in the program group was a total of 212, 86 limited cases and 126 unlimited cases.

Data from the San Diego Superior Court's case management system show that, on average, the court spends 0.7 day to try a limited civil case and 3 days to try an unlimited civil case. Based on these figures, it is estimated that the smaller number of cases tried in the program group translate to a total saving of 247 trial days for cases filed in 2000 and 448 days in 2001.

Because many court costs, including judicial salaries, are fixed, this judicial time saving from the reduced trial rate does not translate into a fungible cost saving that can be reallocated to cover other court expenses. Instead, the time saved was available for the judges in San Diego to focus on other cases that needed judicial time and attention, thereby improving court services in these cases.

To help understand the value of the potential time saving from the reduced trial rates under the pilot program, however, its estimated monetary value was calculated. These estimates are also shown in Table III-6.

Table III-6. Program Impact on Trial Rate in San Diego

	Actual Number of Tried Cases	Estimated Reduction in the Number of Cases Tried	Estimated Savings in Trial Days	Estimated Monetary Value of Savings in Trial Days
2000				
Limited	153	11	9	$26,910
Unlimited	288	78	238	$711,620
Total	441	89	247	$738,530
2001				
Limited	113	86	64	$191,360
Unlimited	338	126	384	$1,148,160
Total	451	212	448	$1,339,520

The monetary value of the estimated time saving was calculated by multiplying the potential reduction of trial days by an estimate of the current daily cost of operating a courtroom—$2,990 per day.[136] Based on this calculation, the monetary value of the time saving is estimated to be approximately $740,000 for cases filed during the first 10 months of the program and approximately $1.3 million for cases filed during the second

[136] This estimated cost includes salaries for a judge and associated support staff but not facilities or general overhead costs In the Fiscal Year 2001–2002 Budget Change Proposal for 30 new judgeships, the Finance Division of the Administrative Office of the Courts estimated that each new judgeship would have a total cost of at $642,749 This figure includes the total cost of salaries, benefits, and operating expenses for each new judgeship and its complement of support staff a bailiff, a court reporter, two courtroom clerks, a legal secretary, and a research attorney (Judicial Council of Cal., Fiscal Year 2001–2002 Budget Change Proposal, No TC18)

year. The total value of the time savings from the reduced rates among cases filed in 2000 and 2001 was more than $1.3 million.

The time saving among program-group cases is not the only potential time saving from San Diego's pilot program. If the control group had been eliminated and this program (including all of its elements) had been made available in all general civil cases filed in the court, the trial rate among the 25 percent of cases that were in the control group would also have been reduced. To estimate the potential impact if this program had been applied to all general civil cases courtwide, the number of trials that might have been avoided in the control group on an annual basis was calculated under the assumption that cases in the control group would have had the same trial rate as those in the program group. Based on this calculation, the potential reduction in tried cases in the control group was estimated to be 56 cases per year, 12 for limited cases and 44 for unlimited cases.

To make it easy to understand total potential *annual* savings, annualized figures for the reduction in trials in the program group were also calculated, as shown in Table III-7.

Table III-7. Potential Annual Impact on Trial Rate of Courtwide Program in San Diego

	Actual Number of Tried Cases per Year	Estimated Annual Reduction in the Number of Cases Tried	Potential Annual Savings in Trial Days	Estimated Monetary Value of Potential Annual Savings in Trial Days
Program				
Limited	146	54	40	$119,600
Unlimited	342	111	338	$1,010,620
Total	488	165	378	$1,130,220
Control				
Limited	46	12	9	$26,910
Unlimited	184	44	134	$400,660
Total	230	56	143	$427,570
Program and Control Combined				
Limited	192	66	49	$146,510
Unlimited	526	155	472	$1,411,280
Total	718	221	521	$1,557,790

If the potential annual reductions in trials in both the program and control groups are combined, the total estimated potential reduction is 221 trials per year: 66 fewer trials in limited and 155 fewer trials in unlimited cases. Using the figures from the court's case management system concerning the length of trials, 221 fewer cases tried translates to a total savings of 521 trial days per year that judges could have used in other cases that needed their time and attention. The monetary value of these 521 days is estimated to be approximately $1.6 million.

Conclusion

There is strong evidence that the pilot program reduced the trial rate in San Diego. The trial rate was 24 percent lower for unlimited cases and 27 percent lower for limited cases in the program group than the trial rate for comparable cases in the control group. Further comparisons by case types indicate that the program impact is consistent across all case types but is most pronounced for limited Non-Auto PI and contract cases and unlimited contract cases.

By helping litigants in more cases reach resolution without going to trial this pilot program saved a substantial amount of court time. With fewer cases going to trial, a potential saving of 521 trial days per year (with a monetary value of approximately $1.6 million) could be realized for all general civil cases filed per year. This is valuable judicial time that can be devoted to other cases that need judges' time and attention.

G. Impact of San Diego's Pilot Program on Case Disposition Time

Summary of Findings

The pilot program in San Diego reduced case disposition time in both limited and unlimited cases.

- The *average* time to disposition in the program group[137] was reduced by 12 days for unlimited cases and 10 days for limited cases compared to the rates in the control group.

- The *median* time to disposition in the program group was reduced by 19 days and 25 days for unlimited and limited cases, respectively, compared to the rates in the control group.

- For both unlimited and limited program-group cases, the pace of dispositions quickened about the time of the early case management conference and program-group cases were disposed of at their fastest rate around the time of the early mediation, suggesting that the conference and mediation contributed to the reduced time to disposition. Limited program-group cases were disposed of faster than control-group cases well before the time of the early case management conference, suggesting that the possibility of attendance at the early case management conference and referral to early mediation may also have increased dispositions.

- The average disposition time for limited cases in the program group that settled at mediation was 30 days shorter than the disposition time of like cases in the control group. Conversely, data suggest an increase of approximately 50 days in disposition time when unlimited program-group cases did not settle at mediation and 80 days when limited program-group cases did not settle at mediation compared to like cases in the control group. This highlights the importance of carefully selecting cases for referral to mediation.

- The pilot program's positive impact on case disposition time was consistent across all case types for unlimited cases. For limited cases, the pilot program impact was evident only for contract cases.

Introduction

This section of the report examines the impact of the San Diego pilot program on time to disposition. First, the time to disposition in program-group cases as a whole and in each of the program subgroups is discussed. Second, the different patterns of case disposition time between cases in the program and control groups are compared, including the

[137] It is important to remember that program-group cases include all cases that experienced any element of the pilot program, including cases that were not referred to mediation. It is also important to remember that only at-issue cases in the program group and control group were included in these comparisons

average and median time to disposition and the rate of disposition over time. Different patterns of disposition time for various subgroups of cases within the program group are then examined. Finally, this section examines disposition time for different case types.

Disposition Time Within the Program Group

Table III-8 and Table III-9 show the average time to disposition for unlimited and limited cases, respectively, both in the program group as a whole and for each of the subgroups of cases within the program group.[138]

As can be seen in Table III-8, unlimited cases that were referred to mediation but settled before mediation had the shortest time to disposition among all the subgroups, followed by cases that settled at mediation and cases that were not referred to mediation (the largest subgroup). In contrast, cases that were referred to mediation but were later removed from the mediation track and cases that went to mediation but did not settle at mediation had longer average disposition times. Thus, when the average time to disposition for the whole program group was calculated, cases in these latter two subgroups increased that average time to disposition, offsetting to some degree the lower average disposition times among cases that settled at or before and at mediation and cases that were not ordered to mediation.

Table III-8. Average Case Disposition Time (in Days) for Unlimited Cases in San Diego, by Program Subgroups

Program Subgroups	# of Cases	% of Total in Program Group	Average Disposition Time
Not referred to mediation	5,746	52%	305
Settled before mediation	627	6%	273
Removed from mediation	1,050	10%	366
Settled at mediation	1,855	17%	295
Did not settle at mediation	1,762	16%	403
Total Program Group	11,040	100%	323

In contrast to unlimited cases, among the limited-case subgroups, cases that were not referred to mediation, by far the largest subgroup, had the shortest average time to disposition of all the subgroups, even shorter than that for cases settling at or before mediation. The remaining program subgroups are all in the same relative order to one another as they are in the unlimited cases. Thus, when the overall average time to disposition for limited cases in the program group was calculated, cases that were removed from mediation or that were mediated but did not settle at mediation pulled that average higher, offsetting to some degree the lower average times to disposition among cases that settled before mediation and cases that were not referred to mediation.

[138] Note that these tables include only program-group cases that had reached disposition by the end of the data collection period; therefore the total number of cases and breakdown by subgroup are different from those in Figure III-1, Figure III-2, and Table III-1, which include all program-group cases

Table III-9. Average Case Disposition Time (in Days) for Limited Cases in San Diego, by Program Subgroups

Program Subgroups	# of Cases	% of Total in Program Group	Average Disposition Time
Not referred to mediation	3,462	62%	236
Settled before mediation	291	5%	275
Removed from mediation	453	8%	338
Settled at mediation	845	15%	286
Did not settle at mediation	503	9%	395
Total Program Group	5,554	100%	269

Overall Comparisons of Time to Disposition in Program Group and Control Group

Comparison of Average and Median Time to Disposition

Table III-10 compares the average and median[139] times to disposition in the program group and control group in San Diego.

As this table shows, San Diego's pilot program resulted in a reduction in the overall time to disposition for both limited and unlimited cases. The *average* case disposition time for unlimited cases in the program group was 12 days less than the average for unlimited cases in the control group, and the average disposition time for limited cases in the program group was 10 days less.[140] Measured by *median* time, the difference between the program and control groups was greater, with a reduction of 19 days for unlimited cases and 25 days for limited cases in the program. Averages are generally more affected than medians by outlying cases, which for these purposes would be cases with either unusually short or unusually long times to disposition. The median, therefore, may be a better measure of the typical case in the program group and the control group.

[139] The median represents the value at the 50th percentile, with half of the cases reaching disposition before and half after the median time.

[140] Throughout this study, disposition time is calculated based on the date when a case is officially disposed of by the court (for example, when dismissal or judgment is actually entered), as opposed to when parties may have notified the court of settlement In San Diego, most cases in which the parties notified the court that they had reached settlement at mediation were "deemed settled" and put on a "45-day dismissal track" waiting for official entry of dismissal, rather than having dismissal immediately entered. This may have inflated the disposition time for program-group cases somewhat A different set of docket codes available from the San Diego case management system allowed calculation of case disposition time using the date the case was "deemed settled" for a subset of cases in both the program and control groups Using this alternative measure of disposition time, there are slightly larger differences in case disposition time between the program and control groups, with the difference increasing from an average of 12 to 18 days for unlimited cases, and from 10 to 14 days for limited cases.

Table III-10. Case Disposition Time (in Days) in San Diego

	Program	Control	Difference = Program—Control
Average			
Unlimited	323	335	-12***
Limited	269	279	-10***
Median			
Unlimited	310	329	-19***
Limited	247	272	-25***
Number of Cases			
Unlimited	11,040	4,493	
Limited	5,554	1,279	

*** $p < .5$, ** $p < 10$, * $p < .20$

Both the overall average and median measures show only a modest impact from the pilot program on the time to disposition for all cases in the program group as a whole. The relatively small size of this difference may seem counterintuitive given the large reduction in the program-group trial rate discussed in the previous section. Tried cases take the longest time to reach disposition, so reducing the proportion of these cases should reduce the overall time to disposition. However, tried cases represent a relatively small proportion of the cases within the program group. Although the trial rate in the program group was only 5.7, compared to 7.5 in the control group, this reduction did not affect the remaining majority of cases in the program group.

It is also important to remember that, as discussed above in the pilot program description, the program group does not consist just of mediated cases; it includes cases in all of the subgroups listed in Table III-8 and Table II-9. As shown in these tables and discussed above, the cases in these subgroups had very different average times to disposition that offset one another to some degree when the overall average time to disposition in the program group was calculated.

Comparison of Case Disposition Timing

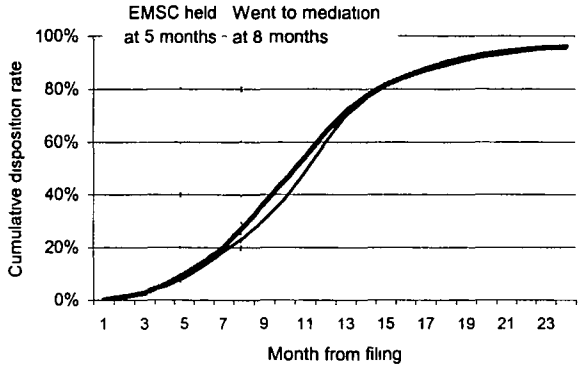
To better understand at what point in the litigation process the pilot program had its impact on the overall time to disposition, the patterns of case disposition rate over time were examined. This analysis also provides information about whether the program impact on time to disposition occurred around the time when certain program elements, such as case management conferences and mediations, generally took place.

Figure III-5 compares the timing of case disposition in the program group and control group.[141] The horizontal axes represent time (in months) from filing until disposition of a case, and the vertical axes represent the cumulative proportion of cases disposed (or

[141] We combined the data for cases filed in 2000 and 2001, as the data for both years as showed similar patterns in disposition rate over time.

disposition rate). The wider, purple line represents the program-group disposition rate, and the thinner, black line represents the control-group disposition rate. The gap between these two lines represents the difference in the disposition rates in the program group and control group at a given time from the filing of a complaint. The slope of the lines represents the pace at which cases were reaching disposition at a particular point in time; a steeper slope indicates that more cases were reaching disposition at that time.

Unlimited Cases



Limited Cases

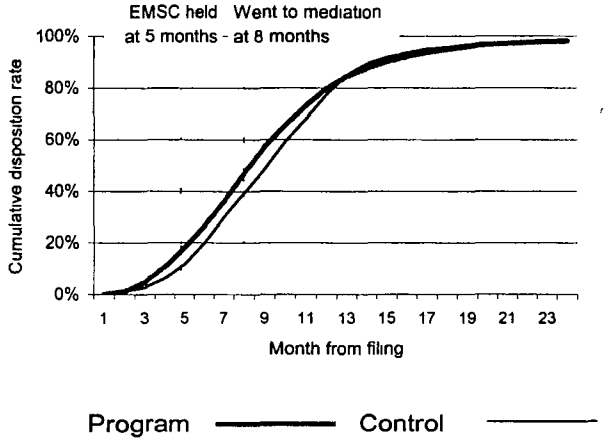


Figure III-5. Case Disposition Rate Over Time in San Diego

For unlimited cases, Figure III-5 shows that cases in the program group and control group were disposed of at about the same rate from filing to approximately 5 months after filing (the disposition rate in the program group is actually slightly higher for the entire 24-month follow-up period). At 5 months after filing, about the time when (on average) the early case management conferences took place, the pace of dispositions in the program group increased and the disposition rate in the program group began to outstrip the control group. Between 5 and 13 months after filing (when disposition rates for both the program group and the control group leveled off), cases in the program group were disposed of at a higher rate compared to the control group, indicating that the pilot program reduced the disposition time for program-group cases. The difference in disposition rate between the two groups was largest at approximately 10 months after

filing, when 46 percent of the unlimited cases in the program group had been disposed of compared to only 39 percent in the control group. Program-group cases were disposed of at the fastest pace, starting at 8 months after filing, about the time when (on average) the pilot program mediations took place. The quickening in the pace of dispositions at the time of the early case management conference and of the mediation supports the hypothesis that, for unlimited cases, participation in the program's early case management conference and early mediation expedited the time to disposition.

Figure III-5 shows that limited cases in the program group began to have a higher disposition rate than cases in the control group very early in the litigation process. A significant difference between the program and control groups first appeared at 3 months after filing and continued until 12 months after filing (when the disposition rates for both the program group and control group began to level off). The difference between the program-group and control-group disposition rates was largest at approximately 9 months after filing, when 57 percent of the limited cases in the program group had been disposed of compared to only 49 percent in the control group. As with unlimited cases, the pace of dispositions in the program group quickened at 5 months after filing (the time of the early case management conference) and was at its fastest at 8 months after filing (the time of pilot program mediations).

The fact that limited cases in the program group began to have a faster disposition rate so early in the litigation process suggests that San Diego's pilot program influenced some of these cases well before the cases were ready for mediation referrals, even before case management conferences were held in most cases. It supports the hypothesis that the possibility of attending an early case management conference, along with the possibility of being referred to mediation, may have expedited case dispositions for limited cases. As with unlimited cases, the quickening in the pace of dispositions at the time of the early case management conference and the mediation suggests that participation in these program elements also expedited the time to disposition for limited program-group cases.

Analysis of Subgroups Within the Program Group

To better understand how different cases within the program were influenced by the elements of the pilot program that they experienced, the disposition time of cases in each of the subgroups within the program group was compared to the disposition time of similar cases in the control group.[142]

The results of this comparison suggest that the pilot program reduced the time to disposition for limited program cases that settled at mediation. Limited program-group cases that settled at pilot program mediations had an average disposition time that was 30 days shorter than the average for similar cases in the control group.

The comparison also found evidence that not settling at the pilot program mediation resulted in longer disposition time. Limited program-group cases that were mediated under the pilot program but did not settle at the mediation had an average disposition

[142] The regression analysis method described in the methods Section I.B was used to make these subgroup comparisons.

time that was 80 days longer than the average for similar cases in the control group. Similarly, unlimited cases in the program group that did not settle at mediation had an average disposition time that was 50 days longer than similar cases in the control group.

Overall, these regression analysis support the conclusion that cases were disposed of more quickly when they were resolved at mediation; but they also indicate that it took longer to reach disposition if cases did not resolve at mediation than if they had not been mediated. These findings make intuitive sense. When mediations are conducted relatively early and cases are settled at those early mediations, one would expect that the average time to disposition in those cases would be less than that in similar cases that were not mediated and did not reach settlement in mediation. It also makes sense that, on average, it generally took longer to reach disposition in program-group cases that did not settle at mediation compared to similar cases not in the program group. These program-group cases essentially took a detour off the litigation path to participate in mediation and then came back to the litigation path when they did not settle at mediation; it is understandable that this detour required some additional time. It is important to note, however, that the increases in average disposition time in cases that did not settle at mediation did not outweigh the positive impact that the pilot program had on other cases; as discussed above, the pilot program reduced the overall disposition time for program-group cases as a whole.

Additional Analysis of Cases That Did Not Resolve at Mediation

As noted at the beginning of this chapter, 74 percent of attorneys in cases in which the parties did not reach agreement at the end of the mediation session indicated that subsequent settlement of the case benefited from mediation. For only 26 percent of the attorneys surveyed was mediation considered of "little importance" to the cases' settlement.

To examine whether there was a relationship between the time to disposition and the importance of mediation to later settlement, program-group cases that were mediated but did not resolve at mediation were broken down based on the importance attorneys gave to mediation in their cases' ultimate resolution. The time to disposition for these cases was then examined. Data from both limited and unlimited cases were combined for this analysis to provide a larger number of cases. Table III-11 shows this breakdown.

The differences in case disposition time among these subgroups were not statistically significant.[143] However, there appears to be some relationship between the importance of mediation to subsequent settlement and case disposition time. Specifically, for those program-group cases in which the attorneys reported that mediation had little importance to settlement reached after mediation nonagreement, the case disposition time was longest at 429 days, compared to 389 days for those cases in which the attorneys attributed later settlement directly to the mediation, and 373 days for those in which the attorneys reported that mediation was very important to the settlement. The one somewhat anomalous result is that program-group cases in which the attorney indicated

[143] There was a 20 percent probability that the different patterns among the groups could be due to chance

later settlement was a direct result of mediation had a longer average time to disposition than those in which mediation was only very important to the subsequent settlement.

Table III-11. Average Case Disposition Time (in Days) in San Diego for Limited and Unlimited Cases That Did Not Settle at Mediation, by Importance of Mediation to Subsequent Settlement

Attorney's Assessment of Mediation's Impact on Case Settlement After Mediation Nonagreement	# of Cases	% of Total	Average Disposition Time
Direct result of mediation	36	19%	389
Very important	51	28%	373
Somewhat important	50	27%	398
Little importance	48	26%	429
Total	185	100%	397

Note: The average time to disposition is the average of both limited and unlimited cases

The time to disposition for cases in these subgroups was also compared to the time to disposition for like cases in the control group.[144] This analysis showed a pattern similar to that in Table III-11. All of the subgroups had times to disposition that were longer than like cases in the control group, confirming the finding above that not settling at mediation results in lengthening the time to disposition. However, in general, the more important mediation was to the ultimate settlement of the case, as indicated by the attorneys responding to the survey, the shorter the time to disposition was relative to like cases in the control group. In cases in which the attorney said the mediation was very important to the settlement, the comparison indicated that the time to disposition was 34 days longer than for like cases in the control group. In cases in which the attorney said the mediation was somewhat important to the settlement, the time to disposition was 57 days longer. In cases in which the attorney said the mediation was of no importance, the time to disposition was 79 days longer. Again, the one somewhat anomalous result is that in program-group cases that settled after mediation nonagreement, but as a direct result of mediation, the comparison indicated that the time to disposition was 85 days longer than for like cases in the control group.

These data suggest that, in general, in cases that did not settle at the mediation, the greater the mediation's contribution to the ultimate resolution of the case, the less time was added to the time to disposition.

Comparison of Time to Disposition by Case Type

To help understand whether the pilot program had a greater impact on time to disposition in some cases types, the time to disposition by case type was examined. Table III-12 shows the average disposition time in the program and control groups broken down by case type.

[144] The regression analysis method described in section I.B was used to make these subgroup comparisons.

For unlimited cases, Table III-12 indicates consistent program impact across all case types, with automobile personal injury (Auto PI) cases and contract cases showing the greatest reduction in time to disposition. The reduction in disposition time was statistically significant for all except the "other" case-type category.

For limited cases, there was a significant program impact only on contract cases, with a sizable reduction of 22 days for cases in the program group. There were no statistically significant differences for any of the other case types.

Table III-12. Average Case Disposition Time (in Days) in San Diego, by Case Types

	Program		Control		
	# of Cases	Average Disposition Time	# of Cases	Average Disposition Time	Difference = Program—Control
Unlimited					
Auto PI	3,556	305	1,425	320	-15***
Non-Auto PI	2,510	350	996	360	-10***
Contract	2,757	311	1,127	323	-12***
Others	2,217	336	945	344	-8
Total	11,040	323	4,493	335	-12***
Limited					
Auto PI	2,137	285	511	284	1
Non-Auto PI	506	291	142	294	-3
Contract	2,566	250	531	272	-22***
Others	345	276	95	271	5
Total	5,554	269	1,279	279	-10***

*** $p < 05$; ** $p < .10$, * $p < .20$

Conclusion

There is strong evidence that the San Diego pilot program had a positive impact on case disposition time. For unlimited cases, *average* case disposition time for cases in the program group was reduced by 12 days compared to the control group and for limited cases it was reduced by 10 days. Measured in *median* time to disposition, cases in the program group showed a reduction in disposition time of 19 days for unlimited cases and 25 days for limited cases.

Comparisons of the disposition rates in the program group and control group also indicate that program-group cases were being disposed of faster than control-group cases. In addition, these comparisons indicate that for both unlimited and limited program-group cases, the pace of dispositions quickened about the time of the early case management conference and program-group cases were disposed of fastest around the time of the early mediation, suggesting that the conference and mediation contributed to shortening the time to disposition. Limited program-group cases were also disposed of significantly faster than control-group cases well before the time of the early case management conference, suggesting that the possibility of attendance at the early case management

conference and referral to early mediation may have increased dispositions in some of these cases.

The data also suggest that the overall impact of the mediation pilot program on time to disposition depended on whether cases settled or did not settle at the mediation. With case characteristics controlled for, the data suggest that limited cases that settled at mediation had a significantly shorter disposition time compared to like cases in the control group. On the other hand, the data suggests that disposition time for both limited and unlimited cases were increased when the case did not reach settlement at mediation. This finding suggests that the key to further reducing the overall time to disposition may be to increase the proportion of cases that settle at the early mediation. This, in turn, suggests the importance of trying to identify and refer to mediation those cases that are most amenable to settlement at an early mediation process.

H. Impact of San Diego's Pilot Program on Litigant Satisfaction

Summary of Findings

The pilot program in San Diego increased attorney satisfaction with the court's services in limited cases, and mediation increased attorney satisfaction with the court's services.

- Both parties and attorneys in the San Diego program group expressed high satisfaction when they used pilot program mediation. They were particularly satisfied with the performance of the mediators; both parties and attorneys showed an average satisfaction score of approximately 6 on a 7-point scale. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to their friends.

- Attorneys in limited program-group cases were more satisfied with the court's services than attorneys in limited control-group cases.

- Attorneys in both unlimited and limited program-group cases that settled at early mediation were significantly more satisfied with the outcome of their case, their litigation experience, and with the services provided by the court compared to attorneys in like cases in the control group.

- While attorneys whose cases did not settle at mediation were less satisfied with the outcome of the case, they were more satisfied with the court's services than attorneys in similar control-group cases. This suggests that participating in mediation increased attorneys' satisfaction with the court's services, regardless of whether their cases settled at mediation.

- When unlimited program-group cases were not referred to mediation, attorneys' satisfaction with the court's services and the litigation process was lower compared to like cases in the control group. The reduced satisfaction among these cases offset the increased satisfaction among cases settled at mediation so that comparisons between unlimited cases in the program group and control group as a whole did not show significant differences in overall satisfaction with the court's services or the litigation process.

Introduction

This section examines the impact of San Diego's pilot program on litigant satisfaction. As described in detail in Section I.B., data on litigant satisfaction were collected in two ways. First, in a survey administered at the end of the mediation in cases that went to mediation between July 2001 and June 2002 ("postmediation survey"), both parties and attorneys were asked about their satisfaction with various aspects of their mediation and litigation experiences. Second, in a separate survey administered shortly after cases reached disposition in cases disposed of between July 2001 and June 2002 ("postdisposition survey"), parties and attorneys in both program and control cases were

asked about their satisfaction with the outcome of their case, the court's services, and their overall litigation experience.

In this section, the satisfaction of parties and attorneys who used mediation under the pilot program is first described. Second, the satisfaction of attorneys in program-group[145] cases as a whole and in each of the program subgroups are discussed. Attorney satisfaction in the program group and the control group is then compared.[146] Next, attorney satisfaction in the various subgroups within the program group is examined. Finally, the program impact on litigant satisfaction in different case types is examined.

Overall Litigant Satisfaction in Cases That Used Pilot Program Mediation

As shown in Figure III-6, both parties and attorneys who used mediation in the pilot program expressed very high levels of satisfaction with their experiences. Parties and attorneys who participated in mediation were asked to rate their satisfaction with the mediator's performance, the mediation process, the outcome of the mediation, the litigation process, and the services provided by the court on a scale from 1 to 7 where 1 is "highly dissatisfied" and 7 is "highly satisfied." Figure III-6 shows the average satisfaction scores for both parties and attorneys in these mediated cases.

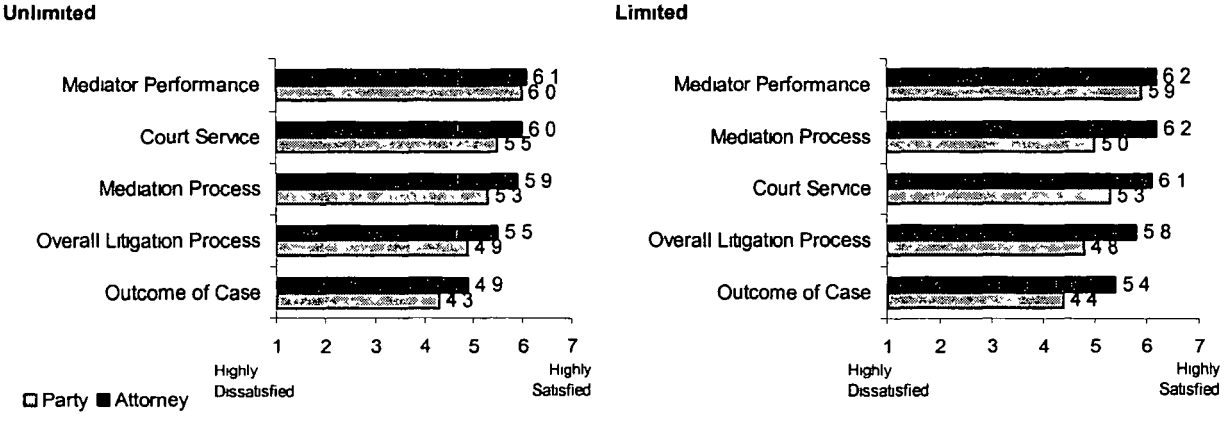


Figure III-6. Party and Attorney Satisfaction in Mediated Cases in San Diego

It is clear from this figure that parties and attorneys who used mediation services in the pilot program were highly satisfied with all aspects of the mediation experience. Most of the scores were in the highly satisfied range (5.0 or above) and one was below 4.3. Both parties and attorneys were most satisfied with the performance of mediators, with average

[145] It is important to remember that program-group cases include all cases that experienced any element of the pilot program, including cases that were not referred to mediation It is also important to remember that only at-issue cases in the program group and control group were included in these comparisons.

[146] As was discussed above in the data and methods Section I B., since only a limited number of responses to the postmediation survey were received from parties in the control group, all comparisons between the program and control groups were based only on attorney responses to the survey

satisfaction scores of 6.1–6.2 for attorneys and 5.9–6.0 for parties. They were also highly satisfied with the mediation process and services provided by the court, with average satisfaction scores of about 6 for attorneys and 5–5.5 for parties. Both parties and attorneys were least satisfied with the outcome of the case; average outcome satisfaction scores were 4.9–5.4 for attorneys and 4.3–4.4 for parties.

Both parties and attorneys who participated in pilot program mediations were also asked for their views concerning the fairness of the mediation and their willingness to recommend or use mediation again. Using a 1–5 scale, where 1 is "strongly disagree" and 5 is "strongly agree," litigants were asked to indicate whether they agreed that the mediator treated the parties fairly, that the mediation process was fair, and that the mediation resulted in a fair/reasonable outcome. They were also asked whether they agreed that they would recommend the mediator to friends with similar cases, that they would recommend mediation to such friends, and that they would use mediation even if they had to pay the full cost of the mediation. Table III-13 shows parties' and attorneys' average level of agreement with these statements in unlimited and limited program-group cases.[147]

Table III-13. Party and Attorney Perceptions of Fairness and Willingness to Recommend or Use Mediation (average agreement with statement)

	Mediator Treated All Parties Fairly		Mediation Process Was Fair		Mediation Outcome Was Fair/ Reasonable		Would Recommend Mediator to Friends		Would Recommend Mediation to Friends		Would Use Mediation at Full Cost	
	Parties	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*
Unlimited Cases	4.5	4.7	4.2	4.7	3.1	3.6	4.2	4.6	4.2	4.7	3.5	4.0
Limited Cases	4.5	4.8	4.1	4.7	3.4	3.8	4.3	4.6	4.1	4.8	3.4	3.9

As with the satisfaction scores, most of the scores were in the "strongly agree" range (above 4.0) and all of the average scores were above the middle of the agreement scale (3.0) For both parties and attorneys there was very strong agreement (average score of 4.1 or above for parties and 4.6 or above for attorneys) that the mediator treated the parties fairly, that the mediation process was fair, that they would recommend the mediator to friends with similar cases, and that that they would recommend mediation to such friends. Both parties and attorneys indicated less agreement that they would use mediation if they had to pay the full cost; the average score was 3.4–3.5 for parties and 3.9–4.0 for attorneys. The lowest scores related to the fairness/reasonableness of the mediation outcome, at only 3.1–3.4 for parties and 3.6–3.8 for attorneys.

It is clear from the responses to both these sets of questions that while parties and attorneys were generally very pleased with their mediation experiences, overall they were

[147] A 5-point scale was used for these survey questions, rather than the 7-point scale used in the satisfaction questions

less pleased or neutral in terms of the outcome of the mediation process (in fact, on both outcome questions, about more than 20 percent of the parties and attorneys responded that they were neutral). However, in evaluating this result, it is important to remember that this survey was administered at the end of the mediation and that in a large proportion of cases a settlement was not reached at end of the mediation. Not surprisingly, the way parties and attorneys responded to the two outcome questions depended largely on whether their cases settled at mediation. Average satisfaction with the outcome in program-group cases that settled at mediation was 5.99 for attorneys and 5.16 for parties on a 7-point scale, more than 50 percent higher than the average scores of 3.79 for attorneys and 3.27 for parties in cases that did not settle at mediation. Similarly, responses concerning the fairness/reasonableness of the outcome averaged 4.37 for attorneys and 3.73 for parties on a 5-point scale, in cases settled at mediation, approximately 60 percent higher than the 2.63 for attorneys and 2.34 for parties in cases that did not settle at mediation. When the scores in both cases settled and not settled at mediation were added together to calculate the overall average, the higher scores in cases that settled were offset by those in cases that did not, pulling the overall average toward the center.

It is also clear from the responses to both these sets of questions that while both parties and attorneys were generally very pleased with their pilot program mediation experiences, attorneys were more pleased than parties. Attorneys' average scores were consistently higher than those of parties on all of these questions. Attorney satisfaction scores in limited cases ranged from .8 higher than party scores (for court services) to 1.2 higher (for mediation process); in unlimited cases attorney scores were generally only .5 higher. The higher attorney satisfaction may reflect a greater understanding on the part of attorneys about what to expect from the mediation process. Given that there was a court-connected mediation program in San Diego before the pilot program was introduced, many attorneys are likely to have participated in mediations before, so they are likely to have been familiar with the mediation process and to have based their expectations about the process on this knowledge. Parties are less likely to have participated in previous mediations and may not have known what to expect from the mediation process. This may suggest the need for additional educational efforts targeted at parties, rather than attorneys.

The higher scores by attorneys may also, in part, reflect the fact that attorneys and parties' satisfaction was associated with different aspects of their mediation experiences. Attorneys' responses on only four of the survey questions were strongly correlated with their responses concerning satisfaction with the mediation process—whether they believed that the mediation process was fair, that the mediation resulted in a fair/reasonable outcome, that the mediation helped move the case toward resolution quickly, and that the mediator treated all parties fairly.[148] In contrast, parties' satisfaction

[148] Correlation measures how strongly two variables are associated with each other, i.e., when one of the variables changes, how likely is the other to change (this does not necessarily mean that the change in one caused the change in the other, but just that they tend to move together) Correlation coefficients range from −1 to 1; a value of 0 means that there was no relationship between the variable, a value of 1 means there was a total positive relationship (when one variable changes, the other always changes the same

with the mediation process was also strongly correlated with whether they believed that they had had an adequate opportunity to tell their side of the story during the mediation, that the mediation helped improve communication between the parties, that the mediation helped preserve the parties' relationship, and that the cost of using mediation was affordable.[149]

Attorneys' responses to only two of the survey questions were strongly correlated with their responses regarding satisfaction with the outcome of the mediation—whether they believed that the mediation resulted in a fair/reasonable outcome and that the mediation helped move the case toward resolution quickly.[150] In contrast, parties' satisfaction with the mediation outcome was also strongly correlated with whether they believed that the mediation helped improve communication between the parties, that the cost of using mediation was affordable, that the mediation helped preserve the parties' relationship, and that the mediation process was fair.[151]

Finally, for attorneys, there was no strong or even moderate correlation between any of their responses to these survey questions and their satisfaction with either the litigation process or the services provided by the court. In contrast, parties' satisfaction with the litigation process was correlated with whether they believed that they had had an adequate opportunity to tell their side of the story during the mediation, that the mediation helped improve communication between the parties, that the mediation helped preserve the parties' relationship, that the mediation helped move the case toward resolution quickly, that the mediation resulted in a fair/reasonable outcome, and that the cost of using mediation was affordable.[152] Similarly, parties' satisfaction with the court services was correlated with their responses to all of these same questions except whether they believed the mediation helped move the case toward resolution quickly.[153]

All of this indicates that parties' satisfaction with both the court and the mediation was much more closely associated than for attorneys with what happened within the mediation process—whether they felt heard, whether they felt the mediation helped with their communication or relationship with the other party, and whether they believed that

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direction), and a value of–1 means a total negative relationship (when one changes, the other always changes in the opposite direction A correlation coefficient of 5 or above is considered to show a high correlation The correlation coefficients of these questions with attorneys' satisfaction with the mediation process were 54 and .58, 54 and 57, 56 and 62, and 52 and .56, respectively, in unlimited and limited cases

[149]The correlation coefficients of these questions with parties' satisfaction with the mediation process were 48 and .58, 60 and 77, 50 and .65, and 69 and 69, respectively, in unlimited and limited cases

[150]The correlation coefficients of these questions with attorneys' satisfaction with the outcome were 79 and .77 and .75 and .73, respectively, in unlimited and limited cases

[151]The correlation coefficients of these questions with parties' satisfaction with the outcome were .70 and 70, 53 and .54, .58 and .63, and 50 and 52, respectively, in unlimited and limited cases

[152]The correlation coefficients of these questions with parties' satisfaction with the litigation process were .34 and .54, .50 and .68, .40 and 59, .50 and .49, .55 and .53, and .51 and .61, respectively, in unlimited and limited cases

[153]The correlation coefficients of these questions with parties' satisfaction with the courts' services were 41 and 58, 36 and 65, 31 and .54, .38 and 36, .41 and .51, and .50 and .61, respectively, in unlimited and limited cases

the cost of mediation was affordable. While most parties indicated that they had had an adequate opportunity to tell their story in the mediation (85 percent gave responses that were above the neutral point on the scale), fewer parties thought that the mediation had improved the communication between the parties (57 percent) or preserved the parties' relationship (38 percent),[154] and fewer thought that the cost of mediation was affordable (58 percent). These perceptions may therefore have contributed to lower satisfaction scores from parties than from attorneys.

Satisfaction Within the Program Group

Table III-14 shows the average satisfaction scores for attorneys in unlimited program-group cases as a whole and for each of the subgroups of cases within the program group. Table III-15 shows the same information for limited program-group cases.[155]

Table III-14. Average Attorney Satisfaction in Unlimited Cases in San Diego, by Program Subgroups

	# of Responses*	Case Outcome	Overall Litigation Process	Court Services
Program Group				
Not referred to mediation	181	4.9	4 9	5 0
Settled before mediation	16	5.3	5.5	5.7
Removed from mediation	33	5.4	4.9	4 9
Settled at mediation	236	5 8	5.7	6.0
Did not settle at mediation	405	4 4	5 3	5 7
Total Program	871	5 1	5 2	5 4

*Number of responses reported is for case outcomes, it varies slightly for litigation process and court services.

As shown in these tables, attorneys in both unlimited and limited cases that settled at mediation consistently expressed the highest level of satisfaction on all three measures—case outcome, the litigation process, and services provided by the courts. Attorneys in cases that settled before mediation also had high average satisfaction scores with the litigation process court's services. In contrast, cases that were not referred to mediation, cases that were referred to mediation but later removed from the mediation track, and cases that went to mediation but did not settle at mediation had lower average satisfaction scores. Thus, when the overall average satisfaction scores for the whole program group were calculated, cases in these latter subgroups pulled that average lower.

[154] Note that in many types of cases, such as Auto PI cases, this simply may not have been relevant, 41 percent of parties and 55 percent of attorneys gave the neutral response to this question.

[155] Note that these satisfaction questions used a 7-point scale Also note that these tables include only program-group cases in which survey responses were received; therefore the total number of cases and breakdown by subgroup are different from those in Figure III-1, Figure III-2, and Table III-1, which include all program-group cases, and in the tables concerning disposition time and court workload, which include all program cases that had reached disposition by the end of the data collection period

Table III-15. Average Attorney Satisfaction in Limited Cases in San Diego, by Program Subgroups

	# of Responses*	Case Outcome	Overall Litigation Process	Court Services
Program Group				
Not referred to mediation	56	5 1	5.3	5.4
Settled before mediation	9	4 6	5 4	5.4
Removed from mediation	10	5 0	4 9	5 3
Settled at mediation	104	6 0	5 9	6.3
Did not settle at mediation	94	4 3	5 3	5.7
Total Program	273	5 2	5 4	5 7

*Number of responses is for case outcomes, it varies slightly for litigation process and court services

Overall Comparison of Satisfaction in Program Group and Control Group

Table III-16 compares the average satisfaction scores of attorneys in the program group and control group concerning the outcome of their cases, the overall litigation process, and the services provided by the court.

Table III-16. Comparison of Attorney Satisfaction Between Program Group and Control Group in San Diego

	Case Outcome		Overall Litigation Process		Court Services	
	# of Responses	*Average Score*	*# of Responses*	*Average Score*	*# of Responses*	*Average Score*
Unlimited Cases						
Program	871	5 1	882	5 2	884	5 4
Control	239	5.2	241	5.4	241	5 6
Difference (Program—Control)		-0 1		-0 2*		-0 2*
Limited Cases						
Program	273	5.2	275	5 4	277	5.7
Control	59	5 2	59	5.1	59	5.1
Difference (Program—Control)		0		0.3*		0.6***

*** $p < 5$, ** $p < 10$, * $p < .20$

In limited cases, attorneys in the program group were more satisfied with the services provided by the court than attorneys in the control group; the average satisfaction with court services in the program group was 5.7 compared to 5.1 in the control group. The comparison also suggests that attorneys in limited program-group cases were more satisfied with the litigation process than attorneys in control-group cases. In unlimited

cases, attorneys in the program group had slightly lower average satisfaction scores on all three measures compared to the control group.

As discussed above, attorneys in unlimited program cases that were mediated under the San Diego pilot program expressed very high satisfaction (5.9 on average) with the services provided by the court. It, therefore, seems anomalous that some positive program impact on attorney satisfaction with the court's services was not found for unlimited cases in the San Diego pilot program. It appears that this result stems from the fact that, unlike in other pilot programs, not being referred to pilot mediation or being removed from the pilot mediation track in unlimited cases actually reduced attorneys' satisfaction with the court's services in San Diego.[156] Because well over half of the program group in San Diego consisted of cases that were not referred to mediation (53 percent of program group) or were removed from mediation (9 percent of program group), when the overall average for the program group as a whole was calculated, the reduced satisfaction in these cases completely offset increased satisfaction with the court's services in cases that were mediated.

The results for satisfaction with the litigation process in San Diego are affected in this same way. Attorneys in program-group cases that were not referred to mediation in San Diego were less satisfied with the litigation process than attorneys in similar cases in the control group. When the overall average for the program group as a whole in San Diego was calculated, the reduced satisfaction in these cases completely offset increased satisfaction in cases that were mediated.

This indicates that, for San Diego's pilot program, the overall average is not a good measure of the pilot program impact on attorney satisfaction with the court's services and litigation process, because it masks the unique responses of attorneys in these different subgroups.[157]

Analysis of Subgroups Within the Program Group

As was done with time to disposition, to better understand how different cases within the program were affected by the elements of the pilot program that they experienced, attorney satisfaction in each of the subgroups within the program group was compared to attorney satisfaction in similar cases in the control group.[158]

The results of these comparisons provide strong support for the conclusion that settling at mediation increased attorney satisfaction on all three satisfaction measures. In unlimited program-group cases, attorney satisfaction with the outcome of the cases was 9 percent higher in cases that settled at mediation compared to like cases in the control group, attorney satisfaction with the litigation process was 5 percent higher, and attorney satisfaction with the services of the court was 8 percent higher. Similarly, in limited

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[156] As discussed below, regression analysis was used to make this finding .

[157] The attorneys' lower level of satisfaction when they are not referred to mediation or are removed from the mediation track by the court may stem from their desire to have access to the court's mediation services Therefore, the lower rating may actually reflect the attorneys' high regard for these court services

[158] The regression analysis method described in Section I.B. was used to make these subgroup comparisons.

program-group cases attorney satisfaction with the outcome was 16 percent higher, satisfaction with the litigation process was 16 percent higher, and satisfaction with the services of the court was 23 percent higher in cases that settled at mediation compared to like cases in the control group.[159]

As might have been expected, attorneys' satisfaction with the outcome in program cases corresponded to whether or not their cases settled at mediation; while satisfaction with the outcome was higher in program-group cases that settled at mediation, it was lower in program-group cases that did not settle at mediation compared to similar cases in the control group. For unlimited program-group cases that did not settle at mediation, attorney satisfaction with the outcome of the case was 15 percent lower than for similar cases in the control group. For limited program cases that did not settle at mediation, attorney satisfaction with the outcome of the case was 21 percent lower than for similar cases in the control group.

However, satisfaction with the courts' services was not tied to whether cases settled at mediation; while satisfaction with the court's services was higher in program-group cases that settled at mediation, it was also higher in program-group cases that participated in mediation but did *not* settle at mediation. In limited program-group cases, attorney satisfaction with the services provided by the court was 9 percent higher for cases that were mediated but did not settle at the mediation compared to like cases in the control group. In unlimited program-group cases that did not settle at mediation, the comparison also suggested that satisfaction with the court's services was higher than for like cases in the control group, although the size of the difference was not clear. These results suggest that it was the experience of participating in a pilot program mediation that was the key to increasing attorneys' satisfaction with the services of the court; attorneys whose cases were mediated were more satisfied with the court's services regardless of whether their cases settled or did not settle at the mediation.

These comparisons also show that satisfaction with court's services was lower in cases that either were not referred to mediation under the pilot program or were removed from the mediation track. Attorney satisfaction with the court services in limited program-group cases that were removed from mediation was 13 percent lower than in similar cases in the control group. For unlimited program-group cases, attorneys in both cases that were not referred to mediation and cases that were removed from the mediation track were less satisfied with the court's services than attorneys in similar control-group cases; attorney satisfaction with the court's services was 8 percent lower in unlimited program-group cases that were not referred to mediation and 10 percent lower in unlimited program-group cases that were removed from mediation compared to like cases in the control group. As noted above, when the overall average satisfaction with the court's services for unlimited cases in the program group as a whole was calculated, the reduced satisfaction in these cases completely offset the increased satisfaction in unlimited program-group cases that were mediated.

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[159] No statistically significant differences were found in the regression analysis between program- group cases that were settled *before* mediation and similar cases in the control group in terms of any of the satisfaction measures.

Similarly, these comparisons showed that satisfaction with litigation process was also lower in unlimited program-group cases that were not referred to mediation under the pilot program; attorney satisfaction with the litigation process was 5 percent lower in unlimited program-group cases that were not referred mediation compared to similar cases in the control group.

Overall, the results of this subgroup analysis support the following conclusions:

- The experience of reaching settlement at mediation significantly increased attorneys' satisfaction with all aspects of their dispute resolution experiences.

- Attorneys' satisfaction with the outcome in program cases was tied to whether or not their cases settled at mediation, but the experience of mediation increased attorneys' satisfaction with the services of the court, even if the case did not resolve at mediation.

- Not being referred to mediation or being removed from the mediation track had a negative impact on attorneys' satisfaction with the court's services, the litigation process, or both.

Comparison of Attorney Satisfaction by Case Type

Table III-17 compares the different patterns of attorney satisfaction by case type. Consistent with the overall comparisons between the program group and control group, the average satisfaction scores for unlimited cases in the program group were slightly lower than those in the control group for most case types. Also consistent with that overall comparison, the scores for satisfaction with the court's services in limited cases in the program group were higher than in the control group for most case types.

Table III-17 shows that in the "other" case type for limited cases, the average attorney scores for satisfaction with the litigation process and court services were more than 2 points higher in the program group than in the control group. In limited Auto PI cases, attorneys' satisfaction with the services of the court was .8 point higher and satisfaction with the overall litigation process was .6 higher than in the control group.

Table III-17. Attorney Satisfaction in San Diego, by Case Type

	Case Outcome			Overall Litigation Process			Court Services		
Case Type	*Program*	*Control*	*Difference (Program—Control)*	*Program*	*Control*	*Difference (Program—Control)*	*Program*	*Control*	*Difference (Program—Control)*
Unlimited									
Auto PI	5.3	5 4	-0 1	5.3	5.4	-0.1	5.5	5.8	-0 3
Non-Auto PI	5.0	5 0	0.0	5.2	5.6	-0 4*	5.3	5.8	-0.5**
Contract	5 0	5.3	-0.3	5 2	5 1	0 1	5.4	5 2	0.2
Other	4 7	5 1	-0 4	4 9	5 2	-0 3	5.2	5 4	-0.2
Total	5 1	5 2	-0 1	5.2	5 4	-0 2*	5.4	5 6	-0.2*
Limited									
Auto PI	5 2	4.9	0 3	5 6	5.0	0.6**	5.8	5 0	0 8***
Non-Auto PI	5.5	5 8	-0 3	5 3	5.6	-0.3	5.9	5 0	0.9*
Contract	4 8	5.2	-0 4	5.2	5.2	0.0	5 3	5 4	-0 1
Other	6.2	5.5	0.7*	6.1	3.5	2.6***	6 2	4.0	2 2***
Total	5.2	5 2	0 0	5 4	5 1	0 3*	5.7	5 1	0.6***

*** $p < 5$, ** $p < 10$, * $p < 20$

Conclusion

Both parties and attorneys in the San Diego program group expressed high satisfaction when they used pilot program mediation. They were particularly satisfied with the performance of the mediators; both parties and attorneys showed an average satisfaction score of approximately 6 on a 7-point scale. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

In terms of overall satisfaction, attorneys in limited program-group cases were more satisfied with the court's services than attorneys in limited control-group cases. When the program group is broken down into subgroups based on their different experiences, attorneys in both unlimited and limited program-group cases that settled at early mediation were significantly more satisfied with the outcome of the case, their litigation experience, and the courts' services compared to attorneys in like cases in the control group. While attorneys whose cases did not settle at mediation were less satisfied with the outcomes of their cases, they were more satisfied with the court's services than attorneys in similar control-group cases. This suggests that participating in mediation increased attorney satisfaction with the court's services, regardless of whether their cases settled at mediation. In addition, when unlimited program-group cases were not referred to mediation, attorney satisfaction with the court's services and the litigation process was lower compared to like cases in the control group. The reduced satisfaction among these cases offset the increased satisfaction with the court's services and litigation process among cases settled at mediation so that overall comparisons between unlimited cases in the program group and control groups did not show significant differences in overall satisfaction with court services or the litigation process.

I. Impact of San Diego's Pilot Program on Costs for Litigants

Summary of Findings

Litigants' costs and the attorney hours spent in reaching resolution were reduced in cases that settled at pilot program mediations in San Diego.

- Estimates of actual attorney time spent in reaching resolution were 16 percent lower in program-group cases that settled at mediation than for similar cases in the control group. Comparisons between program-group cases that settled at mediation and similar control-group cases also suggested that litigant costs were lower in program-group cases that settled at mediation.

- In cases that settled at mediation, 87 percent of attorneys responding to the study survey estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorney per settled case were $9,159 in litigant costs and 50 hours in attorney time. Based on these attorney estimates, a total of $24,784,254 in litigant costs and 135,300 in attorney hours was estimated to have been saved in all 2000 and 2001 cases that were settled at mediation.

Introduction

This section examines the impact of the pilot program on litigants' costs. As described in detail in Section I.B., information on litigant costs was collected in two ways. First, in a survey distributed at the end of the mediation in cases that went to mediation between July 2001 and June 2002 ("postmediation survey"), attorneys in the subset of cases that resolved at mediation were asked to provide (1) an estimate of the time they had actually spent on the cases and their clients' actual litigation costs; and (2) an estimate of the time they would have spent and what the costs to their clients would have been had they not used mediation. The difference between these estimates represents the attorneys' subjective estimate of the litigant cost and attorney time savings when the case settled at the mediation. Second, in a separate survey administered shortly after disposition in both program and control cases between July 2001 and June 2002 ("postdisposition survey"), attorneys were asked to provide an estimate of the time they had actually spent on the case and their clients' actual litigation costs. Comparisons between the time and cost estimates in the program and control groups provide an objective measure of the pilot program's impact on litigant costs.

As was discussed in the data and methods section, however, the data on litigant costs and attorney time from the postdisposition survey had a very skewed distribution: there were a few cases with very large litigant cost and attorney time estimates ("outlier" cases) that stretched out the data's range. While several methods were used to try to account for this skewed distribution, the range of the data was so broad that none of the differences found in direct comparisons between the program and control groups as a whole or in the case-type comparison were statistically significant—it was not possible to tell with sufficient

confidence whether the observed differences were real or simply due to chance.[160] The results of these comparisons are therefore not presented here.

In this section, the estimated actual litigant costs and attorney hours spent in program-group[161] cases as a whole and in each of the program subgroups are discussed. Second, attorneys' estimates of actual litigant costs and attorney hours in the various subgroups within the program group are compared to the costs and hours in similar cases in the control group. Finally, attorneys' subjective estimates of litigant cost and attorney time savings in cases settled at mediation as reported in the postmediation survey are presented.

Litigant Costs and Attorney Hours Within the Program Group

Table III-18 shows the average and median estimated litigant costs and attorney hours for unlimited cases in each of the program subgroups and in the program group as a whole. Median values are less sensitive than averages to the influence of "outlier" cases and thus may represent a more reliable picture of the costs and hours in each subgroup.[162]

Table III-18. Average Litigant Costs and Attorney Hours for Unlimited Cases in San Diego, by Program Subgroup

	Number of Respondents	Average	Median
Litigant Costs			
Program Subgroup			
Not referred to mediation	151	$30,261	$7,000
Settled before mediation	12	$5,729	$4,500
Removed from mediation	26	$13,556	$5,000
Settled at mediation	187	$7,939	$3,750
Did not settle at mediation	271	$17,319	$7,000
Total Program Group	647	$20,356	$5,000
Attorney Hours			
Program Subgroup			
Not referred to mediation	145	183	74
Settled before mediation	10	63	30
Removed from mediation	23	45	40
Settled at mediation	194	49	26
Did not settle at mediation	269	88	50
Total Program Group	641	120	42

[160] There was approximately a 30 percent probability that the observed difference between the program group and the control group as a whole was due to pure chance

[161] It is important to remember that program-group cases include all cases that experienced any element of the pilot program, including cases that were not referred to mediation It is also important to remember that only at-issue cases in the program group and control group were included in these comparisons

[162] Even though the extreme outlier cases were removed from the analysis sample, average values were still subject to the influence of a small number of cases with large values in costs or attorney hours, particularly when cases were further broken down into several subgroups.

Table III-19 shows the same information for limited cases. As noted above, the data on litigant costs and attorney time were derived from attorney responses to surveys, not from the court's case management system. Therefore, the overall number of cases for which comparative cost and time information was available was smaller than the number of cases for which other outcome data were available. When this data was further broken down into subgroups, the number of limited cases that were settled before mediation and that were removed from mediation was too small to provide reliable information.[163] Therefore, these subgroups were not included in Table III-19 below.

The rank order of the subgroups in terms of median litigant costs and attorney hours is similar to that in the breakdown for time to disposition. Unlimited program-group cases that settled at mediation had the lowest median litigant costs and attorney hours among all the subgroups, followed by cases that settled before mediation. Cases that did not settle at mediation and cases that were not referred to mediation had the highest median and average litigant costs and attorney hours among the subgroups. The higher costs and hours in these latter two subgroups offset the lower costs and hours in cases that settled at or before mediation when the overall average and median for unlimited cases in the program group was calculated.

Table III-19. Average Litigant Costs and Attorney Hours for Limited Cases in San Diego, by Program Subgroup

	Number of Respondents	Average	Median
Litigant Costs			
Program Subgroup			
Not referred to mediation	53	$2,620	$2,000
Settled at mediation	73	$2,944	$2,000
Did not settle at mediation	68	$9,937	$3,510
Total Program Group*	209	$3,580	$2,000
Attorney Hours			
Program Subgroup			
Not referred to mediation	52	21	20
Settled at mediation	83	26	18
Did not settle at mediation	67	43	25
Total Program Group*	216	25	18

*Includes 6 or 7 cases settled before mediation and 8 cases removed from the mediation track.

Like unlimited cases, limited cases that settled at mediation had the lowest median litigant costs and attorney hours among all the subgroups. Unlike unlimited cases, however, cases that did not settle at mediation, rather than cases not referred to

[163] Survey data was available for only six limited cases settled before mediation and eight limited cases removed from mediation

mediation, had the highest litigant costs and attorney hours among the subgroups. The higher costs and hours in this subgroup offset the lower costs and hours in cases that settled at mediation when the overall average and median for limited cases in the program group were calculated.

Analysis of Subgroups Within the Program Group

As was done with time to disposition and litigant satisfaction, to better understand how different cases within the program were influenced by the elements of the pilot program that they experienced, average litigant costs and attorney hours in each of the subgroups within the program group were compared to the costs and hours in similar cases in the control group.[164] However, unlimited and limited cases were not analyzed separately; the data on both types of cases were combined for this analysis.[165]

The results of this comparison support the conclusion that settling at mediation reduced litigant costs and attorney time. Attorney hours were 16 percent lower in program-group cases that settled at mediation than in similar cases in the control group with similar characteristics. The analysis also indicated that litigant costs were lower in program-group cases that settled at mediation compared to similar cases in the control group, but the size of this reduction was not clear. These results are consistent with the study results showing positive impacts on time to disposition and satisfaction when cases settled at mediation.

Attorneys' Estimates of Mediation Resolution's Impact on Litigant Costs and Attorney Hours

Attorneys whose cases resolved at mediation overwhelmingly believed that the mediation had saved their clients money. Of the attorneys whose cases settled at mediation and who responded to the postmediation survey, 87 percent estimated some cost savings for their clients.

Table III-20 shows the average savings in both litigant costs and attorney hours estimated by these attorneys. It also shows what percentage savings these estimates represent. As shown in this table, in those cases in which the attorneys reported savings from resolving at mediation, they estimated average cost saving per client of approximately $12,500; average saving in attorney hours was estimated to be 63 hours. These attorney estimates represent a saving of approximately 60 percent, on average, in both litigant costs and attorney time.

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[164] The regression analysis method described in Section I.B. was used to make these subgroup comparisons

[165] The reliability of the regression analysis, like the direct comparisons between the program and control groups, was affected by the skewed distribution of the litigant cost and attorney time data. With the program group divided into unlimited and limited cases the analysis produced no statistically significant results Combining all unlimited and limited cases created a larger sample size that increased the reliability of the regression results Note that whether the case was unlimited or limited was accounted for in the combined analysis by making this unlimited/limited designation one of the variables used in the regression/analysis In addition, before the data on unlimited and limited cases were combined, separate regression analyses were performed on unlimited and limited cases. These separate analyses suggested the same types of program impacts in the same subgroups as those occurring in the combined analysis; however, the statistical significance of the observed differences was lower than in the combined analysis

Table III-20. Savings in Litigant Costs and Attorney Hours From Resolving at Mediation—Estimates by Attorneys

% Attorney Responses Estimating Some Savings	87%
Litigant Cost Savings	
Number of survey responses	235
Average cost saving estimated by attorneys	$12,514
Average % cost saving estimated by attorneys	61%
Adjusted average % cost saving estimated by attorneys	39%
Adjusted average saving per settled case estimated by attorneys	$9,159
Total number of cases settled at mediation	2,706
Total litigant cost saving in cases settled at mediation based on attorney estimates	$24,784,254
Attorney Hours Savings	
Number of survey responses	240
Average attorney-hour saving estimated by attorneys	63
Average % attorney-hour saving estimated by attorneys	57%
Adjusted average % attorney-hour saving estimated by attorneys	57%
Adjusted average attorney-hour saving estimated by attorneys	50
Total number of cases settled at mediation	2,706
Total attorney hour savings in cases settled at mediation based on attorney estimates	135,300

Of the attorneys responding to the survey, 13 percent estimated either that there were no litigant cost or attorney-hour savings (7 percent of responses) or that litigant costs and attorney hours were increased compared to what would have been expended had mediation not been used to resolve the case (6 percent of responses). With these cases included in the average, the adjusted average litigant cost savings estimated by attorneys per case settled at mediation was calculated to be $9,159, and the adjusted average attorney-hour saving estimated by attorneys was calculated to be 50 hours. These attorney estimates represent savings of approximately 39 percent in litigant costs and 57 percent in attorney hours, per case settled at mediation.

This adjusted average was used to calculate the total estimated savings in all of the 2000 and 2001 cases that settled at pilot program mediations in San Diego during the study period. Based on these attorney estimates, the total estimated litigant cost saving in the San Diego pilot program was $24,784,254, and the total estimated attorney hours saved was 135,300.

It should be cautioned that these figures are based on attorneys' estimates of savings; they are not figures for the actual savings in mediations resulting in settlements. The actual litigant cost and hour savings could be somewhat higher or lower than the attorney estimates.[166]

[166] As reported above, the comparison made using regression analysis between estimated actual attorney hours in cases that settled at mediation and similar cases in the control group indicated that attorney hours

It should also be cautioned that these estimated savings are for cases settled at mediation only, not for all cases in the program group. There may also have been savings or increases in litigant cost or attorney hours in other subgroups of program cases, such as those that were referred to mediation but settled before the mediation took place or cases that were mediated but did not settle at the mediation.[167]

Conclusion

There was evidence that both litigant costs and attorney time were reduced when cases resolved at mediation. Estimates of attorney hours actually spent on resolving cases were 16 percent lower in program-group cases that settled at mediation than in cases in the control group with similar case characteristics. Comparisons between program-group cases and similar cases in the control group also indicated that litigant costs were lower in program-group cases that settled at mediation, but the size of this reduction was not clear.

Attorneys in cases that resolved at mediation had a strong favorable perception about the cost-saving benefit of mediation; 87 percent of attorneys responding to the survey estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorneys per case settled at mediation were $9,159 in litigant costs and 50 hours in attorney time. Based on these attorney estimates, a total savings of $24,784,254 in litigant costs and 135,300 in attorney hours were estimated for all 2000 and 2001 cases that were settled at mediation.

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were 16 percent lower in program-group cases that settled at mediation, in comparison to the attorney estimate of 57 percent

[167] Some support for the conclusion that mediation may have reduced costs even in cases that did not settle at mediation comes from 59 postmediation survey responses in which attorneys in cases that did not settle at mediation provided litigant cost and attorney-hour information even though it had not been requested Approximately 60 percent of these survey responses indicated some savings in litigant costs, attorney hours, or both in these cases that were mediated but did not settle at mediation When responses that estimated no savings or increased costs are also taken into account, the attorneys in these cases estimated average savings of 45 percent in litigant costs (50 percent median savings) and 41 percent in attorney hours (50 percent median savings) in cases that did not settle at mediation.

J. Impact of San Diego's Pilot Program on the Court's Workload

Summary of Findings

There is strong evidence that the pilot program in San Diego significantly reduced the court's workload.

- In addition to the reduction in trials discussed above, the pilot program reduced the average number of pretrial court events by approximately 16 percent for unlimited cases and 22 percent for limited cases in the program group compared to the control group.

- The reductions were larger for cases that settled at mediation; the average number of court events was reduced by 40–45 percent for both limited and unlimited cases in the program group that settled at mediation compared to like cases in the control group.

- The smaller number of court events in the program group means that the time that judges would have been spent on these events could be devoted to other cases needing judicial time and attention; the total time savings were 306 judge days for program-group cases filed in 2000 and 337 judge days for program-group cases filed in 2001.

- When the program-group reductions were annualized and potential reductions if the program were available to control-group cases are added, the total potential time saving from the reduced number of court events was estimated at 479 judge days per year (with an estimated monetary value of approximately $1.4 million per year).

- Reductions in court workload were most pronounced for unlimited Auto PI cases and limited contract cases.

- There were also fewer postdisposition compliance problems and fewer new proceedings initiated in program-group cases, suggesting that the pilot program may have reduced the court's future workload.

Introduction

In an earlier section, this report discussed the substantial impact the San Diego pilot program had on the court's workload by reducing the number of cases tried. In this section, the pilot program impacts on the court's workload are further examined by comparing the frequencies of various pretrial court events in the program group and control group. The analysis in this section focuses on three major types of court events: (1) case management conferences (CMCs), (2) motion hearings,[168] and (3) other pretrial

[168] Motion hearings are grouped into three distinct types in the San Diego court's case management system quick, medium, and heavy motions. Examples of quick motions are ex parte, motions to dismiss, and simple discovery motions, medium motions include motions to continue trial and longer discovery motions; and heavy motions include demurrers and motions for summary judgment.

hearings.[169] First, the numbers of pretrial events in program-group[170] cases as a whole and in each of the program subgroups are discussed. Second, the overall number of these events that took place in program-group and control-group cases closed during the study period are compared. Third, the numbers of these events occurring in the various subgroups within the program group are examined. The different patterns of these events by case type are then analyzed. Finally, this section analyzes the implications of this reduced workload by estimating the amount of judicial time potentially saved through the reduction in pretrial court events and the monetary value of that time.

Workload Within the Program Group

Table III-21 shows the average number of pretrial court events in unlimited program-group cases as a whole and for each of the subgroups of cases within the program group. Table III-22 shows the same information for limited program-group cases.[171]

Table III-21. Average Number of Various Court Events for Unlimited Cases in San Diego, by Program Subgroup

	Number of Cases	CMCs	Motions	Others	Total
Program Subgroups					
Not referred to mediation	5,746	0 69	1.18	0 60	2.47
Settled before mediation	627	0.88	0.30	0 18	1 36
Removed from mediation	1,050	1.00	0.88	1 88	3 75
Settled at mediation	1,855	0.90	0.38	0 17	1 44
Did not settle at mediation	1,762	1 24	1.38	0 79	3.41
Total Program Group	11,040	0 85	1 00	0 66	2 51

Unlimited program-group cases that were referred to mediation but settled before mediation had the lowest overall number of total court events among all the subgroups of unlimited cases in the program group, followed by cases that settled at mediation and cases that were not referred to mediation. In contrast, unlimited program-group cases that were referred to mediation but later removed from the mediation track and cases that went to mediation but did not settle at mediation had higher numbers of court events. Thus, when the overall average number of court events in the program group as a whole was calculated, cases in these two groups pulled that average number higher, offsetting to some degree the lower average number of court events among cases that settled before and at mediation and that were not ordered to mediation.

[169] Examples of other pretrial hearings include default prove-up hearing, OSC (order to show cause) hearings, and settlement conferences

[170] It is important to remember that program-group cases include all cases that experienced any element of the pilot program, including cases that were not referred to mediation It is also important to remember that only at-issue cases in the program group and control group were included in these comparisons.

[171] Note that these tables include only the program-group cases that had reached disposition by the end of the data collection period; therefore, the total number of cases and breakdown by subgroup are different from those in Figure III-1, Figure III-2, and Table III-1, which include all program-group cases.

This pattern—low numbers of events in cases that settled at or before mediation and high numbers of events in cases that were removed from or did not settle at mediation—was fairly consistent across all three types of court events, with one exception: cases that were not referred to mediation had the lowest number of CMCs of all the subgroups.

Table III-22. Average Number of Various Court Events for Limited Cases in San Diego, by Program Subgroup

	Number of Cases	CMCs	Motions	Others	Total
Program Subgroups					
Not referred to mediation	3,462	0 42	0 25	0 44	1 12
Settled before mediation	291	0 90	0.13	0 26	1.30
Removed from mediation	453	1.00	0.49	1 70	3.19
Settled at mediation	845	0.89	0.14	0 17	1 19
Did not settle at mediation	503	1.34	0.54	0 74	2.61
Total Program Group	5,554	0.65	0 27	0 52	1 44

With one exception, the pattern of court events among the subgroups of limited program-group cases was similar to that in unlimited cases. In contrast to unlimited cases, limited program-group cases that were not referred to mediation, by far the largest subgroup, had the smallest overall average number of court events of all the subgroups, even smaller than for cases that settled at or before mediation. This low overall number of court events appears to stem largely from the low number of CMCs in cases not referred to mediation.

Overall Comparison of Workload in Program and Control Groups

Table III-23 compares the average number of CMCs, motion hearings, and other pretrial hearings in the program and control groups in San Diego.

As shown in this table, the pilot program in San Diego resulted in substantial reductions in the overall number of pretrial events for both limited and unlimited cases in the program.

For unlimited cases, Table III-23 shows that average number of all pretrial hearings was 16 percent lower in the program group than in the control group. The pilot program had the greatest impact on motion hearings in unlimited cases, with a reduction of 25 percent for program cases compared to cases in the control group. Other pretrial hearings were reduced by 16 percent. There was virtually no difference in the numbers of CMCs conducted in unlimited program- and control-group cases.

For limited cases, the overall average number of pretrial events was 22 percent lower in the program group than in the control group. In contrast to unlimited cases, for limited

cases the pilot program in San Diego consistently reduced all three event types. Table III-23 shows that the average number of CMCs for limited cases in the program was reduced by 15 percent compared to cases in the control group; the average number of motion hearings was lower by 19 percent; and other hearings for program cases experienced a substantial 32 percent reduction.

Table III-23. Average Number of Pretrial Hearings for Cases in San Diego

		Average # of Pretrial Hearings			
	# of Cases	*CMCs*	*Motions*	*Others*	*Total*
Unlimited					
Program	11,040	0.85	1.00	0 66	2.51
Control	4,493	0.84	1 35	0 81	3 00
% Difference		1%	-26%***	-19%***	-16%***
Limited					
Program	5,554	0 65	0 27	0.52	1 44
Control	1,279	0 75	0.33	0 77	1 85
% Difference		-13%***	-18%***	-32%***	-22%***

Note: Percentage difference between program and control is calculated as (program—control) / control.
*** $p < 5$, ** $p < .10$, * $p < .20$.

Analysis of Subgroups Within the Program Group

As was done with time to disposition, litigant satisfaction, and litigants costs, to better understand how different cases within the program group were influenced by the elements of the pilot program that they experienced, the average number of pretrial court events in each of the subgroups within the program group was compared to the number of such events in similar cases in the control group.[172]

Overall, these comparisons provide strong support for the conclusion that, for both limited and unlimited cases, the court's workload was reduced when settlement was reached at mediation. Unlimited program-group cases that settled at mediation had 45 percent fewer court events overall compared to similar cases in the control group. Similarly, limited program-group cases that settled at mediation had 40 percent fewer court events overall compared to like cases in the control group. These comparisons also support the conclusion that the court's workload was reduced when cases settled *before* mediation; unlimited program-group cases that settled before mediation had 45 percent fewer court events overall compared to similar cases in the control group.[173]

[172] The regression analysis method described in Section I B was used to make these subgroup comparisons.
[173] Because of the small number of limited cases that settled before mediation in the survey sample (only 10 cases), the regression analysis did not produce conclusive results about whether limited cases that settled before mediation had fewer court events

The reduction in the total number of court events in cases that settled at or before mediation stemed from reductions in the numbers of motion hearings and other pretrial hearings, not from any reduction in the number of CMCs. The analysis showed that unlimited cases that settled at mediation had 75 percent fewer motion hearing, and 70 fewer other pretrial hearings than similar cases in the control group, but that unlimited program-group cases that settled at mediation actually had 16 percent more CMCs than like cases in the control group. Similarly, limited cases that settled at mediation had 70 percent fewer motion hearings and 90 percent fewer other pretrial hearings but 50 percent more CMCs compared to like cases in the control group. Similarly, unlimited program-group cases that settled before mediation had 80 percent fewer motion hearings but also had 16 percent more CMCs compared to like cases in the control group.

Interestingly, these comparisons did not find an increase in the court's overall workload when cases did not settle at mediation. No statistically significant difference was found in the overall total number of pretrial events in cases that went to mediation but did not settle at mediation compared to similar cases in the control group. It appears that while there were increases in the number of CMCs in these cases, this increase was offset by decreases in the number of other hearings. In unlimited program-group cases, the number of CMCs was 48 percent higher in cases that did not settle at mediation compared to similar cases in the control group, but the number of other pretrial hearings was lower than for similar cases in the control group (the size of this difference was not clear). Similarly, for limited program-group cases, the number of CMCs was 97 percent higher in cases that did not settle at mediation compared to similar cases in the control group, but the number of other pretrial hearings in these cases was 40 percent lower than in similar control-group cases.

For cases that were not referred to mediation or were removed from the mediation track, the results of the subgroup comparisons were different in unlimited and limited cases. No statistically significant difference was found between unlimited program-group cases that were not referred to mediation and similar control-group cases in terms of the number of CMCs, motions, or other hearings. However, for limited program-group cases, the comparison suggested a reduction in the number of motion hearings in cases that were not referred to mediation compared to similar control-group cases. For unlimited program-group cases that were removed from mediation, the comparisons show no statistically significant difference in the total number of pretrial events compared to similar cases in the control group; increases in the number of CMCs and other pretrial hearings in these cases were offset by decreases in the number of motion hearings. However, for limited program-group cases, the total number of court events was higher in cases that were removed from the mediation track compared to similar cases in the control group; in contrast to unlimited cases, there was no decrease in the number of motion hearings to offset the increase in CMCs in these cases.

Overall, the results of this subgroup analysis support the following conclusions:

- When cases are settled at or before mediation, the number of motions and other hearings are significantly reduced.

- Participating in mediation and not reaching settlement at the mediation does not significantly increase the total number of pretrial events.

- When cases are referred to mediation but then removed from the mediation track, the number of case management conferences and other hearings may be increased.

Comparison of Workload Between Different Case Types

Table III-24 compares the average numbers of various court events in the program group and control group by case type.

As this table shows, for both unlimited and limited program-group cases reductions in "other" hearings were evident across all the case types. Similarly, there were reductions in the numbers of motion hearings for all case types in the program group except limited "other" cases. However, there were differences in the sizes of the reductions for different case types. Among unlimited program-group cases, the largest reductions were in Auto PI cases, with a 30 percent reduction in motions and a 35 percent reduction in "other" hearings compared to control-group cases. The second largest reductions among unlimited program-group cases came in Non-Auto PI cases, with a 25 percent reduction in motions and a 15 percent reduction in "other" hearings compared to control-group cases.

For limited cases, by far the largest reductions were in contract cases, with a 28 percent reduction in motions, a 38 percent reduction in "other" hearings, and a 26 percent reduction in the number of CMCs compared to control-group cases. The second largest reductions were in Auto PI cases, with a 13 percent reduction in motions, a 28 percent reduction in "other" hearings, and a 9 percent reduction in the number of CMCs compared to control-group cases.

Table III-24. Comparison of Number of Hearings in San Diego by Case Type

	CMCs			Motion Hearings			Other Hearings		
	Program	*Control*	*% Difference*	*Program*	*Control*	*% Difference*	*Program*	*Control*	*% Difference*
Unlimited									
Auto PI	0 83	0.83	0%	0 39	0 56	-30%***	0 69	1.06	-35%***
Non-Auto PI	0 96	0 91	5%***	1 14	1.53	-25%***	0 76	0 89	-15%***
Contract	0 79	0 80	-1%	1 11	1.46	-24%***	0 54	0 57	-5%
Other	0 86	0.85	1%	1 67	2.21	-24%***	0 62	0.65	-5%
Total	0 85	0.84	1%	1 00	1.35	-26%***	0 66	0.81	-19%***
Limited									
Auto PI	0 73	0 80	-9%***	0 2	0 23	-13%	0 67	0 93	-28%***
Non-Auto PI	0.83	0 77	8%	0 37	0 38	-3%	0.67	0 94	-29%***
Contract	0 54	0.73	-26%***	0.29	0 4	-28%***	0 37	0.6	-38%***
Other	0 65	0.62	5%	0.5	0 44	14%	0.52	0 59	-12%
Total	0 65	0 75	-13%***	0.27	0 33	-18%***	0.52	0 77	-32%***

Note Percentage difference is calculated as (program—control) / control.
*** $p < 5$, ** $p < 10$, * $p < 20$

Impact of Reduced Number of Court Events on Judicial Time

To provide a better understanding of the impact on the court from the reduction in court events, the amount of judicial time that could be saved from the reduction in the number of events in program-group cases filed in 2000 and 2001was estimated. Based on this calculation, the reduced number of pretrial court events translates into a potential saving of 479 judicial days per year that could be used in other cases that need judicial time and attention.

The same method used earlier to calculate the number of trials avoided was used to calculate the number of court events avoided. Actual event data from closed cases filed in 2000 and 2001 were used to calculate the number of events that would have taken place in program-group cases had these events occurred at the same rate as in the control group. This figure was then compared with the actual number of events per year in the program group.

Table III-25 shows the results of this calculation: approximately 3,000 fewer court events were held in program-group cases filed during the 10-month period that the pilot program operated in 2000, and 4,700 fewer events were held in program-group cases filed in 2001.

Table III-25. Program Impact on Court's Workload per Year in San Diego

	Number of Cases	Total Number of Court Events		Estimated Savings in Judge Time (Days)	Estimated Monetary Value of Time Saved
		Actual	Estimated Reduction		
2000					
Limited	2,653	4,033	849	27	$80,730
Unlimited	4,817	13,055	2,215	279	$834,210
Total	7,470	17,088	3,064	306	$914,940
2001					
Limited	2,901	3,975	1,450	52	$155,480
Unlimited	6,223	14,687	3,236	285	$852,150
Total	9,124	18,662	4,686	337	$1,007,630

The numbers of court events avoided was translated into judicial time saved by using estimates of judicial time spent on each type of event provided by judges in survey responses.[174] Based on these figures, the smaller number of court events in the program group translates to total estimated time savings of 306 judicial days for cases filed in 2000 and 337 judicial days for cases filed in 2001.

As noted in the section discussing the implications of the pilot program's reduction in trial rates, many court costs, including judicial salaries, are fixed, so judicial time savings from the reduced court workload does not translate into fungible cost savings that can be reallocated to cover other court expenses. Instead, the time saved could be used by judges to focus on those cases that most needed their and attention, thereby improving court services in these cases.

To help understand the value of the time saved from these reductions in pretrial events, however, the estimated monetary value at this time was calculated. The potential reduction in judicial days was multiplied by an estimate of the current daily cost of operating a courtroom, $2,990 per day.[175] Based on this calculation, the monetary value

[174] Surveys completed by judges in the San Diego court (four responses) provided estimates of time spent on various court events, including CMCs, motion hearings in three categories according to the amount of time required for the hearings (light, medium, and heavy motions), and trial readiness and trial call conferences Time estimates included chamber time for preparation before the events and time spent in following up on the decisions made during the hearing events For limited cases, the average estimated time was 12 5 minutes for CMCs, 28 8 minutes for light motions, 45 5 minutes for medium motions, 59 3 minutes for heavy motions, and 10 minutes for the two other pretrial hearings For unlimited cases, the relative figures for each court-event type were 12 5, 28.5, 61, 95, and 17 8 minutes respectively.

[175] This estimated cost includes salaries for a judge and associated support staff but not facilities or general overhead costs In the Fiscal Year 2001–2002 Budget Change Proposal for 30 new judgeships, the Finance Division of the Administrative Office of the Courts estimated that each new judgeship would have a total cost of at $642,749 This figure includes the total cost of salaries, benefits, and operating expenses for each new judgeship and its complement of support staff a bailiff, a court reporter, two courtroom clerks, a legal

of the judicial time saved from the pilot program's reduction in court events is estimated to be approximately $0.9 million for cases filed during the first 10 months of the program in 2000 and approximately $1.0 million for cases filed during 2001.

As with reduced trial rates, the potential saving if the pilot program were applied to all general civil cases courtwide was also calculated. This was done in two steps: first, by calculating the number of court events that might have been avoided in the control group on an annual basis had cases in the control group experienced the same rates of court events as those in the program group, and, second, by adding that result to annualized savings from reductions in court events in the program group. As Table III-26 shows, the potential combined annual saving from both the program and control groups was estimated at 479 judge days, which has a monetary value of approximately $1.4 million.

Table III-26. Potential Annual Impact on Court Events of Courtwide Program in San Diego

		Total Number of Court Events			
	Number of Cases	*Actual*	*Estimated Potential Reduction*	*Estimated Potential Savings in Judge Time (Days)*	*Estimated Monetary Value of Potential Time Saving*
Program					
Limited	3,030	4,364	1,212	41	$122,590
Unlimited	6,022	15,116	2,950	303	$905,970
Total	9,052	19,480	4,162	344	$1,028,560
Control					
Limited	698	1,285	279	10	$29,900
Unlimited	2,451	7,353	1,200	125	$373,750
Total	3,149	8,638	1,479	135	$403,650
Program and Control Combined					
Limited	3,728	5,649	1,491	51	$152,490
Unlimited	8,473	22,469	4,150	428	$1,279,720
Total	12,201	28,118	5,641	479	**$1,432,210**

Long-Term Program Impact on Court's Workload

The above analysis of the impact of the San Diego program on the court's workload focused on various court events that took place before the case reached disposition. To determine if there was also long-term program impact on court workload after the cases had reached disposition, attorneys in both the program group and control group were

secretary, and a research attorney (Judicial Council of Cal , Fiscal Year 2001–2002 Budget Change Proposal, No. TC18)

surveyed approximately six months after their cases had reached disposition to see if there were differences in compliance or finality of the disposition Among other things, attorneys were asked whether the party responsible for payment or performance had complied with the agreement or judgment and whether any additional court proceedings had been considered or initiated to enforce the settlement or judgment in the case.[176] Tables Table III-27 and Table III-28 compare the responses of attorneys in program- and control-group cases to these questions.

As shown in Table III-27, 2 percent more of the survey respondents in the control-group cases indicated that the party responsible for payment or performance under the agreement or judgment reached in the case had not fully complied. Similarly, Table III-28shows that almost 5.5 percent more of the survey respondents in the control-group cases indicated that additional court proceedings had been initiated to enforce the agreement or judgment.

Table III-27. Compliance With Agreement/Judgment

	Program Group		Control Group		Difference** [177]
Party Responsible for Compliance Has:	*N*	%	*N*	%	
Complied in full	742	91 15%	575	89 56%	1.59%
Partially complied	44	5 41%	32	4 98%	0 43%
Not complied at all	28	3.44%	35	5 45%	-2.01%
Total	814	100 0%	642	100.0%	

*** $p < 5$, ** $p < 10$, * $p < .20$.

Table III-28. Additional Court Proceedings to Enforce Agreement/Judgment

	Program Group		Control Group		Difference** [178]
Additional Proceedings Were:	*N*	%	*N*	%	
Considered	22	5 4%	10	6 0%	- 6%
Initiated	17	4 1%	16	9.5%	-5 4%
Neither	371	90 5%	142	84.5%	6.0%
Total	410	100 0%	168	100.0%	

*** $p < 5$, ** $p < .10$, * $p < .20$.

[176] Other questions in this survey asked whether additional court proceedings were considered to modify or rescind/overturn the agreement/judgment, and whether there had been another lawsuit between the parties since the resolution of the cases. No apparent differences emerged between the program and control groups on these additional questions.

[177] Only the "complied in full" and "not complied at all" responses were examined in the calculation of the statistical significance of the differences

[178] Only the "initiated" and "neither" responses were examined in the calculation of the statistical significance of the differences

While the sizes of these differences and the number of cases involved are small,[179] the differences are statistically significant and are consistent with what was found when the responses to the survey in all five pilot programs were combined. The lower percentage of compliance problems and new proceedings initiated in program-group cases suggests that the pilot program in San Diego not only reduced court workload in the short term, but may also have reduced the court's future workload. Even this small percentage decrease in compliance problems and additional proceedings, like a small drop in the trial rate, could make an important difference when applied to all civil cases in the court that reach disposition each year.

Conclusion

There is strong evidence indicating that the pilot program in San Diego significantly reduced the court's workload. In addition to the reduction in trials discussed above, the pilot program reduced the average number of pretrial court events by approximately 16 percent in unlimited cases and 22 percent in limited cases compared to cases in the control group. The reductions were larger for cases that settled at mediation; the average number of court events was reduced by 40–45 percent for both limited and unlimited program-group cases that settled at mediation compared to like cases in the control group. The total annual potential time saving from this reduced number of court events is estimated at 479 judge days per year (with a monetary value of $1.4 million per year).

In addition, survey results indicate that there were fewer postdisposition compliance problems and fewer new proceedings initiated in program-group cases. This suggests that the pilot program not only reduced the court's workload in the short term but may also have reduced the court's future workload.

[179] Additional proceedings were considered or initiated in 39 program-group cases and 26 control-group cases

IV. Los Angeles Pilot Program

A. Summary of Findings

There is strong evidence that the Early Mediation Pilot Program in Los Angeles reduced the trial rate, case disposition time, and court workload, improved litigant satisfaction with the court's services, and lowered litigant costs in cases that resolved at mediation.

- **Mediation referrals and settlements**—560 unlimited cases that were filed between April and December 2001 were referred to mediation, and 399 of these cases were mediated under the pilot program. Of the unlimited cases mediated, 35 percent settled at the mediation and another 14 percent settled later as a direct result of the mediation, for a total resolution rate of approximately 49 percent. In survey responses, 78 percent of attorneys whose cases did not settle *at* mediation indicated that the mediation was important to the ultimate settlement of the case.

- **Trial rate**—The trial rate for unlimited civil cases in the program was reduced by approximately 30 percent compared to cases in the control groups. This reduction translates to a potential savings of more than 670 days in judicial time that could be devoted to other cases needing judges' time and attention. While this time saving does not translate into a fungible cost saving that can be reallocated to other purposes, its monetary value is equivalent to approximately $2 million per year.

- **Time to disposition**—The overall *average* time to disposition for program-group cases was approximately 19 days shorter and the *median* time to disposition was 23 days shorter, than for cases in the control departments. The disposition rate in the program group was higher than that in either control group for the entire study period. The pace of dispositions rose for program cases, reaching the fastest pace both around the time when case management conferences were held and when mediations were completed in the program group, suggesting that both the case management conference and the mediation may have increased dispositions. Among cases that settled at mediation, cases in the pilot program took less time to reach disposition than like cases in either control group that settled in the 1775 program. Among cases that did not settle at mediation, program-group cases took more time to reach disposition than like cases in either control group under the 1775 program.

- **Litigant satisfaction**—Attorneys in program-group cases were more satisfied with the court's services than attorneys in control-group cases. Attorneys whose cases settled at mediation under the pilot program were also more satisfied with both the outcome of the case and with the services of the court compared to attorneys in cases that settled at mediation under the 1775 program. However, attorneys whose cases did not settle at mediation under the Early Mediation Pilot Program were less satisfied with outcome of the case than attorneys whose cases did not settle at mediation under the 1775 program. Both parties and attorneys who participated in pilot program mediations expressed high satisfaction with their mediation experience,

particularly with the performance of the mediators. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

- **Litigant costs**—In cases resolved at mediation, 75 percent of attorneys responding to the study survey estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings per settled case estimated by attorneys was $12,636 in litigant costs and 66 hours in attorney time. Based on these attorney estimates, the total estimated savings in litigant costs in all 2001 cases that were settled at mediation was $1,769,039 and total estimated savings in attorney hours was 9,240. There was also evidence that both litigant costs and attorney hours were lower in program cases that settled at mediation under the Early Mediation Pilot Program compared to like cases in the control departments that settled at mediation under the 1775 program; both litigant costs and attorney hours were approximately 60 percent lower in program-group cases that settled at mediation compared to similar cases in the control groups.

- **Court workload**—The pilot program in Los Angeles reduced court's workload. In addition to the reduction in trials discussed above, the pilot program reduced the average number of "other" pretrial hearings in program cases by 11 percent compared to control cases in the participating departments and may also have reduced motion hearings in program-group cases compared to cases in both control groups. These decreases were partially offset by a 16 percent increase in the number of case management conferences (CMCs) in the program group compared to control cases in the participating departments. However, because motions and "other" pretrial hearings take more judicial time on average than case management conferences, the changes in the number of pretrial court events caused by the pilot program resulted in saving judicial time. The total potential time savings from the reduced number of court events was estimated at 132 judicial days per year (with a monetary value of $395,000 per year).

B. Introduction

This section of the report discusses the study's findings concerning the Early Mediation Pilot Program in Superior Court of Los Angeles County, which operated in 10 of the court's 69 civil departments at its central courthouse. Based on the criteria established by the Early Mediation Pilot Program legislation, this was a highly successful program, resulting in benefits to both litigants and the courts in the form of reduced trial rates, reduced disposition time, increased litigant satisfaction with the court's services, reduced pretrial court events, and reduced litigant costs in cases that resolved at mediation.

As further discussed below in the program description, the Los Angeles pilot program included five main elements:

- Information about the pilot program was required to be distributed to litigants at the time of filing;
- The court held an initial case management conference approximately five months after filing to assess the case's amenability to early mediation;
- The court had the authority to order litigants to participate in early mediation;
- Litigants in cases that were referred to mediation were required to complete mediation within 60–90 days of the mediation order or stipulation, and the court set a follow-up conference shortly after this date; and
- If litigants selected a mediator from the court's panel, the court paid the mediator for up to three hours of mediation services.

For purposes of this study, the court divided its unlimited civil cases into program-group cases and control-group cases. "Program-group" cases were exposed to one or more of the program elements described above, including being considered for possible referral to mediation under the pilot program; "control-group" cases were not exposed to any of these pilot program elements. Unlike in the other mandatory programs, the court in Los Angeles established two different "control groups" for unlimited cases: the 53 unlimited civil departments in the central Los Angeles courthouse that were not participating in the pilot program ("control departments") and one half of the cases randomly assigned to the 9 participating unlimited civil departments ("control cases"). Comparisons of disposition time, litigant satisfaction, and other outcome measures in the program group and the two control groups were used to show the overall impact of implementing this pilot program, with all of its elements, in the Los Angeles court.

It is important to remember that, while control-group cases were not eligible to participate in the pilot program, those cases were still eligible to participate in a different court mediation program established by Code of Civil Procedure section 1775 ("1775 program"). Therefore, comparisons between the program- and control-group cases in Los Angeles show the difference in outcomes attributable to being eligible for possible referral to mediation under the pilot program versus being eligible for possible referral to mediation under the 1775 program; they do not show the impact of having the pilot program as opposed to no mediation program at all.

It is also important to remember that, throughout this section, "program group" means cases exposed to any of the pilot program elements; it does not mean only cases that were referred to mediation or cases that were mediated. The program group includes cases that participated in the early case management conference but were not referred to mediation. It also includes cases that were referred mediation, but did not ultimately go to mediation, either because they were later removed from the mediation track by the court or because they settled before the mediation took place. Program-group cases exposed to different pilot program elements had very different dispute resolution experiences and different outcomes in terms of the areas being studied (disposition time, litigant satisfaction, etc.). In overall comparisons, the outcomes in all these subgroups of program-group cases were added together to calculate an overall average for the entire program group as a whole. As a result, within these overall averages, positive outcomes in some subgroups of cases—such as shorter disposition times in cases that settled at mediation—were often offset by less positive outcomes in other subgroups.

Because in Los Angeles, unlike in the other pilot programs, both cases in the program group and in the two control groups had access to a court mediation program, it was possible to compare the disposition time for cases in each program subgroup with the disposition time for control-group cases in the same subgroup. For example, the average disposition time of program cases that settled at mediation in the pilot program could be compared to the average disposition time of control-group cases that settled at mediation in the 1775 program. These subgroup comparisons provided information about the relative impact of the pilot program and the 1775 program on cases in the subgroups. For example, subgroup comparisons in Los Angeles provided information about whether the time to disposition in cases that settled at mediation in the pilot program was shorter than the time to disposition in similar cases that settled at mediation in the 1775 program. Unlike the other pilot program, these subgroup comparisons *did not* provide information about the whether the time to disposition in cases that settled at mediation in the pilot program was shorter than the time to disposition in similar cases that did not experience being mediated and reaching settlement at mediation.

Finally, it is important to remember that the emphasis in this pilot program was on early referral to and early participation in mediation. Cases were referred to mediation at approximately five months after filing and went to mediation at approximately eight months after filing. Thus, this study only addresses how cases responded to such early referrals and early mediation. It does not address how cases might have responded to later referrals or later mediation.

C. Los Angeles Mediation Pilot Program Description

This section provides brief background information on the Superior Court of Los Angeles County and its pilot mediation program. This description is intended to provide context for understanding the study findings presented later in this chapter.

The Court Environment in Los Angeles

Los Angeles is the most populous county in California, with approximately 9.5 million residents. The Superior Court of Los Angeles County is the largest court in California. It has a total of 429 authorized judgeships, representing nearly one-third of all authorized judgeships in the state.[180] In 2000, the year before this mediation pilot program began, approximately 49,000 unlimited general civil cases[181] were filed in Los Angeles, accounting for about one-fourth of the total unlimited cases filed statewide. A total of 168,000 limited civil cases were filed in the same year, representing 35 percent of the statewide total.[182]

At its central courthouse, where the pilot program operated, the Superior Court of Los Angeles County assigns different judges (departments) to handle limited and unlimited civil cases. Of the total 169 departments in the central Los Angeles courthouse, the court has dedicated 68 to handling civil cases, 6 to limited cases, and 62 to unlimited cases. Upon filing, cases are assigned at random to one of the limited or unlimited departments. For both limited and unlimited cases, the court uses an individual calendaring system—the same judge handles all aspects of a case from filing through disposition. In unlimited cases, judges in Los Angeles generally use a system of case management conferences, with the first conference set approximately 150–180 days after filing, to establish a schedule for trial and other relevant court events. This system of case management conferences is followed to a lesser extent for limited cases.

The Superior Court of Los Angeles County has historically disposed of civil cases relatively quickly. In 2000, the year before the Early Mediation Pilot Program was implemented, the superior court disposed of approximately 60 percent of its unlimited civil cases within one year, 83 percent within 18 months, and 93 percent within two years of filing. Similarly, the court disposed of 78 percent of its limited civil cases within one year, 88 percent within 18 months, and 93 percent within 24 months of filing.

Since 1994, the Superior Court of Los Angeles County has had a statutorily required mandatory mediation program for civil cases valued at $50,000 or less.[183] Under this

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[180] The Superior Court of Los Angeles County also has 167 commissioner and referee positions, for a total of 596 judicial officers.

[181] General civil cases include motor vehicle personal injury/property damage/wrongful death cases, other personal injury/property damage/wrongful death cases, and other civil complaints, including contract cases. General unlimited civil cases do not include probate cases, family law cases, or other civil petitions

[182] Judicial Council of Cal., Admin Off. of Cts , Rep on Court Statistics (2001) Fiscal Year 1990–1991 Through 1999–2000 Statewide Caseload Trends, p. 46. See the glossary for definitions of "unlimited civil case" and "general civil case "

[183] This program is authorized by Code Civ Proc.,§ 1775 et. seq.

program, known as the Civil Action Mediation Program or 1775 program, judges are authorized to order the parties in these smaller-valued cases to participate in mediation. The mediators in this program provide three hours of mediation services at no charge in each case; after three hours, the parties can choose whether to continue the mediation at the mediator's market rate. In 2000, the year before the court implemented the pilot program, the court referred approximately 13,500 cases to mediation under the 1775 program. Thus both the court and the attorneys who regularly practiced in the court had prior experience with mandatory court-ordered mediation of civil cases before the pilot program was put in place.

In addition to the 1775 program, the Superior Court of Los Angeles County offers litigants a variety of other alternative dispute resolution (ADR) options, including nonbinding arbitration (called judicial arbitration), voluntary and mandatory settlement conferences, mediation and settlement conferences for noncustody disputes in family law matters, and voluntary mediation for civil harassment disputes. In addition to the cases referred to the 1775 mediation program, another 10,500 cases were referred to one of these other court ADR options in 2000.

The Early Mediation Pilot Program Model Adopted in Los Angeles

The General Program Model

The Superior Court of Los Angeles County was required by statute to implement a mandatory mediation pilot program model. The statute also restricted the pilot program to only 10 departments in the court's central courthouse location in downtown Los Angeles (the Central District). The court selected one department for limited cases and nine departments for unlimited cases to implement the pilot program.

As noted in the introduction, under the Early Mediation Pilot Program statutes, in courts with mandatory mediation programs, the judges were given statutory authority to order eligible cases to mediation. The basic elements of the program implemented in the 10 departments in Los Angeles' Central District included:

- Information about the pilot program was required to be distributed to litigants at the time of filing;
- The court held an initial case management conference approximately five months after filing to assess the case's amenability to early mediation;
- The court had the authority to order litigants to participate in early mediation;
- Litigants in cases that were referred to mediation were required to complete mediation within 60–90 days of the mediation order or stipulation, and the court set a follow-up conference shortly after this date; and
- If litigants selected a mediator from the court's panel, the court paid the mediator for up to three hours of mediation services.

What Cases Were Eligible for the Program

Most general civil cases [184] filed after April 1, 2001, both limited and unlimited, were eligible for the program in Los Angeles. General civil cases that were not eligible for the program included complex cases and class actions. As will be discussed below, however, the number of limited civil cases referred to mediation under the pilot program during the study period (19 cases) was too small to make any meaningful comparisons between the program group and the control group for limited cases, so this report does not discuss the impact of the pilot program on limited civil cases.

How Cases Were Assigned to the Program and Control Groups

As noted in the introduction, for purposes of this study, the Judicial Council required the pilot courts implementing a mandatory mediation program model to provide for random assignment of a portion of eligible cases to a program group that participated in the pilot program and a portion of cases to a control group that was not eligible to participate in the pilot program. For unlimited cases in Los Angeles, the court established two different "control groups"—control departments and control cases.

As noted above, unlimited cases filed in the Superior Court of Los Angeles County are assigned randomly to different departments. Since only 9 of the 62 departments in the Central District handling unlimited civil cases were designated to participate in the pilot program, all unlimited cases assigned to the other 53 nonparticipating departments in the Central district formed the first "control group."[185] These nonparticipating departments are called "control departments" in this report.

The second control group for unlimited cases consisted of cases assigned to the nine participating unlimited departments from April to December of 2001 that were *not* eligible for the pilot program. When the court first implemented the pilot program in June of 2001, it decided to limit pilot program participation to only one half of the unlimited cases filed in the nine participating departments. All unlimited cases filed in the participating departments with case numbers ending in odd numbers were eligible for the pilot program; cases ending in even numbers were not eligible. [186] In this report, these ineligible even-number cases in the participating departments are called "control cases."

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[184] See the glossary for a definition of "general civil cases." Although the court did not began holding early case management conferences and making referrals to mediation under the pilot program until June 2001, since these conferences were set up to five months after filing cases filed starting in April 2001 were included in the program

[185] When the pilot program was first implemented in June of 2001, the court selected five unlimited departments to serve as a comparison group. The five departments were selected because usage of mediation services under the 1775 program in these departments tended to be lower historically than in other departments. It was believed that, in assessing the impact of the pilot mediation program relative to comparable cases with little or no use of mediation, these departments might serve as an appropriate baseline Data revealed, however, that some sizable numbers of cases were referred to mediation under the 1775 program in these departments during the study period Since information on mediation referrals and various case outcomes were available for unlimited cases in all nonparticipating departments in the Central District, it appeared more appropriate to examine the outcomes in all these departments.

[186] This control group within the participating departments was eliminated in January 2002.

While cases in the control departments and control cases in the participating departments were not eligible to participate in the pilot program, these cases were still eligible to participate in the preexisting 1775 program (as were cases in the program group). Because the pilot program was limited to only a small fraction of the civil departments in the Superior Court of Los Angeles County and because the court was required by statute to operate the 1775 program, the court did not stop the 1775 program when it implemented the Early Mediation Pilot Program. Both mediation programs operated simultaneously in the court during the pilot program period. Thus, cases in the 53 nonparticipating departments, as well as cases in the 9 participating departments, were eligible for mandatory referral to mediation under the 1775 program if they were valued at $50,000 or less or for voluntary participation in mediation if they were valued at more than $50,000.

How Cases Were Referred to Mediation in the Pilot Program

In unlimited cases, parties whose cases were assigned to the program group were given information about the pilot program at the time of filing. The information included a notice of assignment to the pilot program, a notice that they might be required to attend an early case management conference, a case management conference statement form, and a form for stipulating to participate in mediations.

All program cases were set for an early case management conference between 90 and 150 days after filing (the average time for this conference was 134 days after filing). In unlimited cases, if the parties filed a stipulation to mediation at least five days before the scheduled conference, the judge assigned to the case could cancel or continue the conference.

At the case management conference, the assigned judge conferred with the parties about ADR options and considered whether to order the case to mediation. Under the Early Mediation Pilot Program statutes, the court was required to consider the willingness of the parties to mediate in determining whether to refer a case to mediation. Thus while the pilot program in Los Angeles was mandatory in design, the wishes of the litigants played an important role in the mediation referral process, just as they would in a voluntary program.

How Mediators Were Selected and Compensated

When a case was referred to mediation, either by court order or by party stipulation, parties were required to select a mediator. Parties were free to select any mediator, whether or not that mediator was from the court's panel. However, the Early Mediation Pilot Program statutes provided that, if parties selected a mediator from the court's panel, they would not be required to pay a fee for the mediator's services. Thus the parties could receive up to three hours of mediation services at no cost to them if they selected a mediator from the court's panel. If the parties wanted to select a mediator who was not on the court's panel, they were required to get court approval at the case management conference.

Mediators on the Superior Court of Los Angeles County's pilot program panel were required to have 30 hours of approved mediation training, to have completed at least 8 mediations (at least 4 of which were in a court-annexed program), and to participate in at least 4 hours of continuing mediation education annually. Under the pilot program, the court paid its panel mediators for the first three hours of mediation services at a fixed hourly rate of $150. At the end of this 3-hour period, the parties were free to continue the mediation on a voluntary basis, but the parties were responsible for paying the mediator at the mediator's individual market rate.

When Mediation Sessions Were Held

If parties stipulated or were ordered to mediation, they were generally required to complete mediation within 60 days of that stipulation or order. If the parties wanted an extension beyond these original completion date set, they were required to request this extension from the judge to whom the case was assigned.

What Happened After the Mediation

All cases referred to mediation under the pilot program were set for a postmediation status conference. At the conclusion of the mediation, the mediator was required to submit a form to the court indicating whether the case was fully or partially resolved at the mediation session. If this form indicated that the case was fully resolved, the assigned judge could cancel the status conference. If this form indicated that the case was not resolved or only partially resolved, or if the mediator indicated that the mediation was continuing on a voluntary basis after the completion date, the status conference was held and the case was returned to the regular court litigation process.

How Cases Moved Through the Pilot Program

To understand the impact of the pilot program, it is helpful to understand the flow of cases through the court process and into the subgroups at cases that experienced different elements of the pilot program. Figure IV-1 provides a comparison of case-flow process for unlimited civil cases in the program group and control cases in the participating departments. As noted above, while control cases were not eligible for the pilot program, they were eligible for potential referral to mediation under the preexisting 1775 program. Therefore Figure IV-1 also reflects the flow through the 1775 program for control cases.

Figure IV-1 shows that from April to December 2001, a total of 1,358 unlimited cases in the program group were eligible for the pilot program, compared to 1,390 control cases eligible for the 1775 program in the participating departments.[187] About 40 percent (560 cases) of the cases in the program group were referred to mediation under the pilot program, which was substantially higher than 26 percent (368 cases) of control cases that were referred to mediation under the 1775 program.[188]

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[187] Case management conferences were held for approximately 60 percent of the total cases in the program group compared to 50 percent in the control group. Of the cases that were referred to mediation, a small percentage (5 percent) in the program were referred to mediation before any case management conferences were held, compared to 17 percent in the control group

[188] It should be noted here that, in other courts, the analysis was limited to at-issue cases, as mediation referrals were considered only after a case had become at issue. For unlimited cases in Los Angeles,

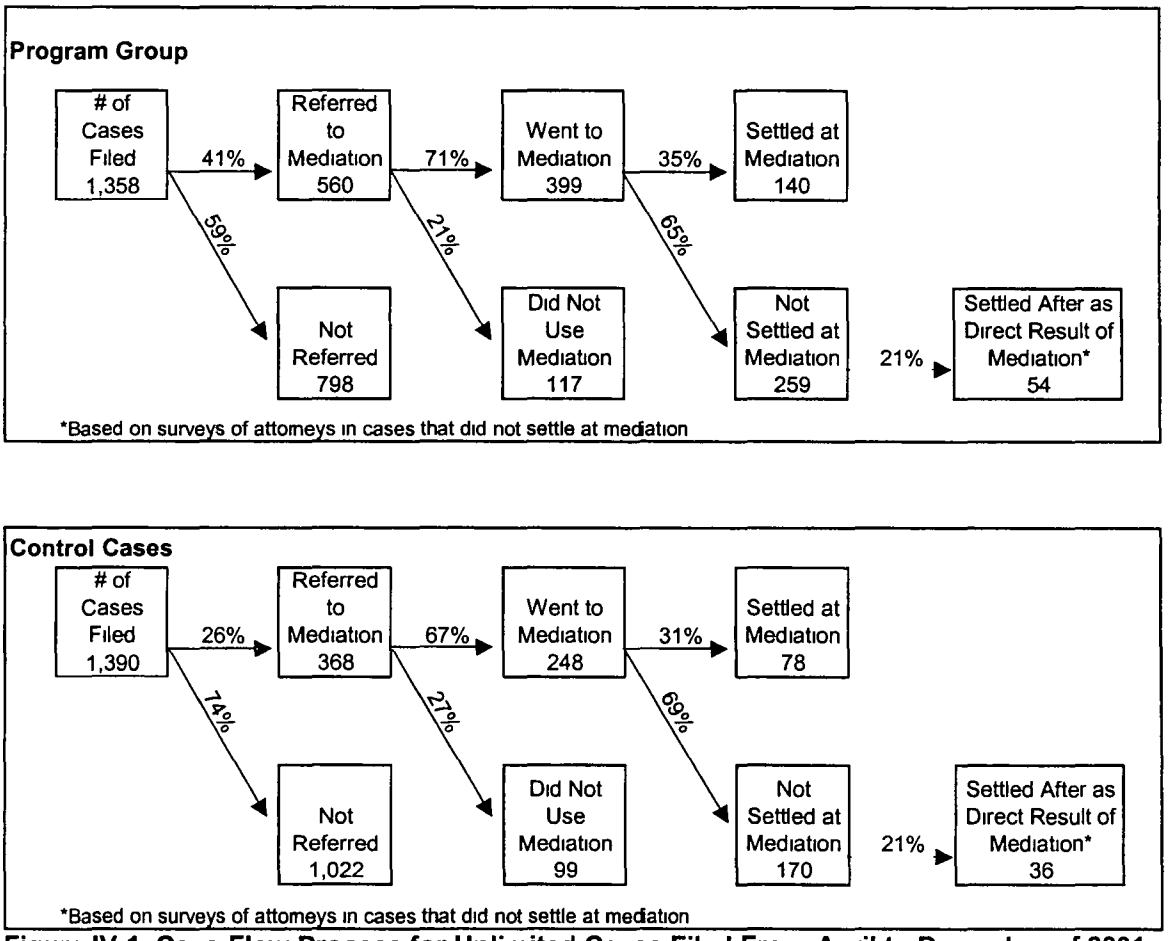

Figure IV-1. Case-Flow Process for Unlimited Cases Filed From April to December of 2001 in the Nine Participating Departments in Los Angeles

By the end of June 2003, when data collection ended, approximately 70 percent of the cases that were referred to mediation in both groups had gone to mediation. Of the cases referred to mediation, about 20 percent in the program group versus 27 percent of the control cases either settled before mediation or were removed from the program for various reasons. For a small percentage of cases in both groups, information regarding outcome of the referrals is not available.

Figure IV-1 shows that, at the last stage of the process, 35 percent of the cases that went to mediation in the program group settled at the mediation, compared to 31 percent in the control group. This settlement rate was based on information provided by the mediators after the mediation session had ended. Based on survey data provided by the attorneys, approximately 20 percent of the respondents indicated that while the case did not reach settlement at the end of the mediation session, mediation was directly responsible for subsequent settlement of the cases. With these cases included, total mediation settlement

however, it was not possible to consistently identify whether a case had become at issue Therefore, all cases were included in the analysis regardless of whether they had become at issue This makes the initial percentage of cases referred to mediation appear much lower than in the other pilot courts.

rate (either at the end of the mediation session or as a direct result of the mediation) is estimated to be 49 percent in the program group and 46 percent in the control group.

Conclusion

As noted in the introduction, each of the pilot programs examined in this study is different. In reviewing the results for the Los Angeles program, it is important to keep in mind the unique characteristics of this court and its pilot program. In particular, it is important to remember that mediation services under the preexisting 1775 program were still available to control-group cases. Therefore, comparisons of the program and control groups in Los Angeles show the differential impact of the pilot program compared to the 1775 program; they do not show the difference between the pilot program and no court mediation program at all.

D. Data and Methods Used in Study of Los Angeles Pilot Program

This section describes the data and methods used for the analysis of the Los Angeles program in this study. (See Section I.B. for more information on the overall data and methods used in this report.)

Data

Data from several sources were used for this study of the Los Angeles pilot program.

Data on Trial Rate, Case Disposition Time and Court's Workload

As more fully described in the Section I.B. on the overall data and methods used in this study, the primary source of data for assessing the pilot program's impact on trial rate, disposition time, and court workload was the court's case management system. Only data concerning cases filed in the Los Angeles Superior Court's Central District from April to December of 2001 was used; cases filed more recently were not used because there was insufficient follow-up time to track the final case outcomes.[189]

Although data were collected on both limited and unlimited cases, only the data on unlimited cases is discussed in this report. As noted above, the number of limited cases referred to mediation under the pilot program during the April to December 2001 study period (only 19 cases) was too small to make any valid comparisons. Data on limited cases filed in 2002 could not viably be used to supplement the data on 2001 cases for two reasons. First, the length of follow-up time available for cases filed in 2002 was insufficient to fully assess the various program impacts. Second, a new judge took over the limited civil cases pilot program department in October 2002. When patterns of case disposition for cases filed prior to the inception of the pilot program were examined, the data revealed differences between this new pilot program judge and other judges. Therefore, after the change in judges, it was difficult to determine whether differences between the limited program- and control-groups cases were due to the impact of the pilot program or reflected the management practices of the new pilot program judge.

As noted above, civil cases in the Superior Court of Los Angeles County are disposed of in a relatively short time. However, because the Los Angeles court did not begin its pilot program until April 2001, there was less follow up time for cases in this pilot program than in the other pilot programs. As of the end of the data collection period (July 2003), 88 percent of all the unlimited cases filed from April to December 2001 in the program group had been disposed of, compared to 87 percent of the control cases in the participating departments and 83 percent of the cases in the control departments. Because 12 to 17 percent of the cases had not reached disposition at the time the data collection ended, outcomes in these still-pending cases could ultimately affect the findings regarding pilot program impact, particularly on trial rates and court workload.

[189] There was only a six-month follow-up period between December 2002, when the last 2002 cases were filed, and July 2003, when data collection ended. This was not sufficient time for most cases to have reached disposition

However, because cases in the program and control groups both had the same follow-up time, the comparisons made between these groups are valid reflections of the differences in these groups within a minimum follow-up period of approximately 540 days.

Data on Litigant Costs and Satisfaction

As is also more fully described in Section I.B., analysis of program impact on litigant satisfaction and costs was based on data from surveys distributed: (1) to attorneys and parties who went to mediation between July 2001 and June 2002[190] (postmediation survey); and (2) to parties and attorneys in program and control-group cases that reached disposition during the same period (postdisposition survey).

Methods

Several methods were used in the study of the Los Angeles pilot program.

Comparisons of Outcomes in Program and Control-Group Cases

The main method of analysis used in the study of the Los Angeles pilot program was direct comparison of the outcomes in the program group with the outcomes in the two control groups: control cases in the participating departments and eligible cases in the control departments. As noted above, cases were assigned randomly to the program and control groups in Los Angeles. Because this random assignment process ensured that the case characteristics between the program and control groups would be equivalent, the results derived from direct comparisons between these groups are very reliable. With the same judges handling both program and control cases, differences between the program group and control cases in the participating departments may more clearly represent the impact of the pilot program.

There are two important things to note about these program/control-group comparisons in Los Angeles. First, as discussed in the program description, both control cases in the participating departments and cases in the control departments were still eligible for referral to mediation under the 1775 program. Therefore, comparisons between the program group and the control groups in Los Angeles *do not* show the impact of having a mandatory mediation program compared to having no court mediation program; these comparisons show the differential impact of the Early Mediation Pilot Program and the 1775 program. The principal differences between these two programs were:

- Early mediation status conferences in the pilot program were held approximately one to two months earlier, on average, than the regular case management conferences in the 1775 program;
- Judges in the pilot program could order any case to mediation regardless of the amount in controversy, whereas judges in the 1775 program could only order to mediation cases in which the amount in controversy was $50,000 or less;
- Mediations in the pilot program were held approximately one to two months earlier, on average, than mediations under the 1775 program;

[190] Additional surveys were also distributed in March 2003 to increase the sample size for comparison cases

- Mediators on the court's pilot program panel were required to meet higher qualification standards than mediators on the court's 1775 panel, including five more hours of mediation training, specific requirements for simulations/observations of mediations, and completion of at least eight mediations within the past three years; and
- In the pilot program, mediators from the court's panel were compensated by the court for their first three hours of mediation services, whereas mediators in the 1775 program were not compensated for their first three hours of mediation services.

Comparisons of the program and control groups in Los Angeles thus show the impact of these differences between the Early Mediation Pilot Program and the 1775 program.

Second, it is also important to remember that comparisons between the program and control groups in Los Angeles identify the impact of the pilot program as a whole, not just the impact of mediation. As discussed above in pilot program description, Los Angeles's pilot program had many elements, including the distribution of information about the mediation program, the possibility of an early case management conference, the possibility of being ordered to early mediation, and the possibility of participating in the mediation process itself. Not every case in the "program group" was mediated. The program group was made up of subgroups of cases that experienced different elements of the pilot program, that is, cases that participated in an early case management conference but were not referred to mediation at all; cases that were referred to mediation but did not experience mediation, either because they settled before mediation or were removed from the mediation track; and cases that actually went through mediation and either settled or did not settle at mediation. In the overall comparisons between the program group and control group, the program group includes all of these different subgroups of cases put together. To help understand this, the discussion of each of the outcome measures beings studied (disposition time, litigant satisfaction, etc.) starts with a table showing the average outcome score in each subgroup and in the program group as a whole.

Analysis of Subgroups of Cases Within the Program Group

In Los Angeles, unlike in the other pilot programs, both cases in the program group and in the two control groups had access to a court mediation program—program-group cases could be considered for referral to the pilot program and control-group cases could be considered for referral to the 1775 program. Therefore, in Los Angeles, unlike in any other pilot programs, it is possible to compare the outcomes for cases in each program subgroup with the outcomes for control-group cases in the same subgroup. For example, the average disposition time of program-group cases that settled at mediation in the pilot program could be compared to the average disposition time of control-group cases that settled at mediation in the 1775 program. Similar comparisons could be performed for other subgroups.

While the average outcome score for each subgroup in the program and control groups provides helpful descriptive information, comparisons between these average scores *do not* provide accurate information about the impact of the pilot program on the cases in the subgroup. Figure IV-2 below, describes the characteristics of unlimited cases in the three

largest subgroups in both the program group and control cases in Los Angeles. As can be seen from this figure, the cases in these subgroups are qualitatively different from one other—the case in different subgroups in the program group and within the same subgroup in the program and control groups have different characteristics. In direct comparisons of these subgroups, it is not possible to tell if differences in outcomes are due to the effect of the pilot program elements that these cases experienced or are due to these differences in case characteristics of cases in these subgroups.

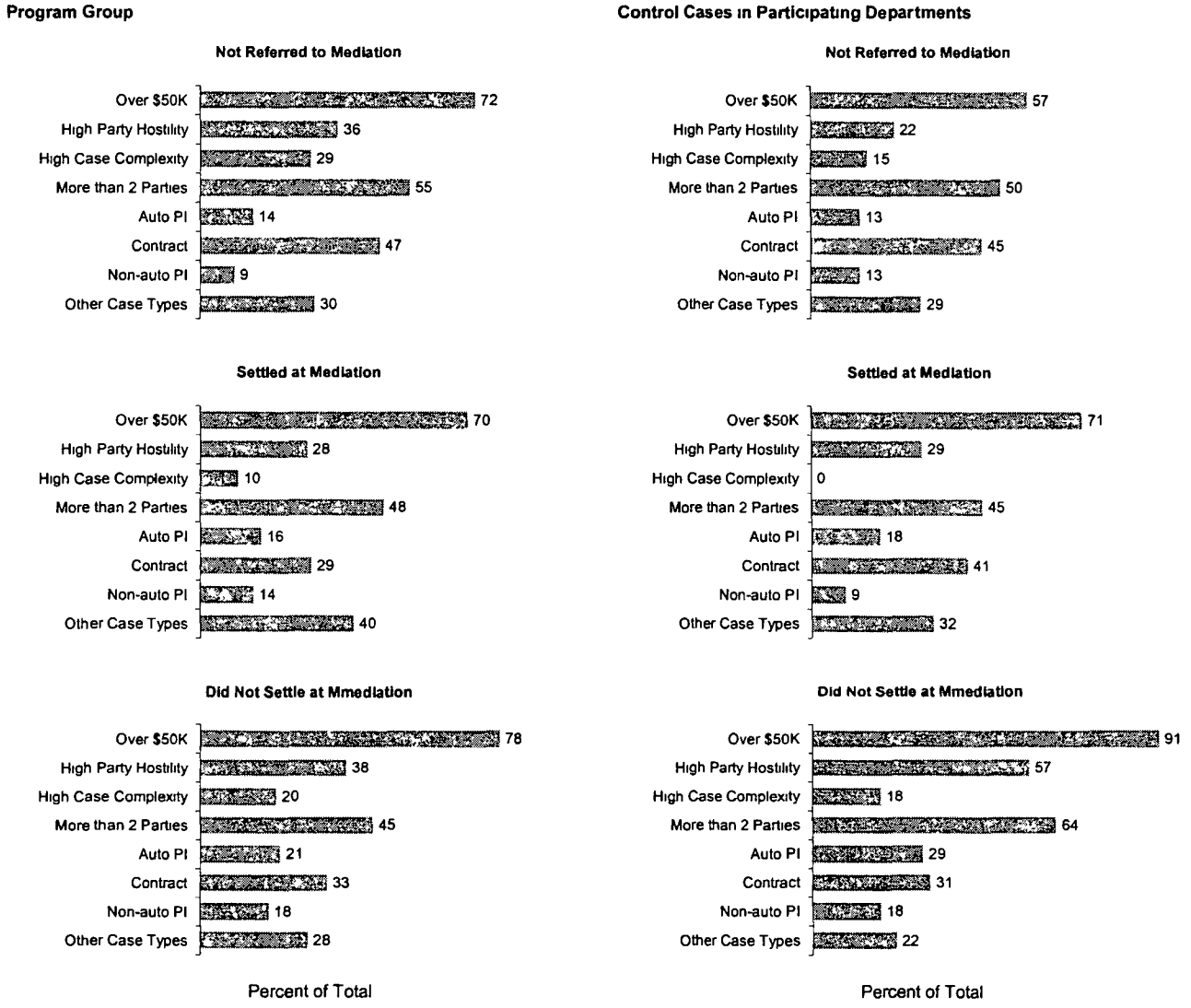

Figure IV-2. Case Characteristics of Subgroups for Unlimited Cases in Los Angeles

As more fully discussed in Section I.B., a method called regression analysis was used to take these case characteristics differences into account and compare cases in a subgroup only to the cases in the same subgroup in the control groups that have similar case characteristics. However, in Los Angeles, because the cases in the control groups had access to another court mediation program (the 1775 program), the results of this

comparison provide information about the relative impact of the pilot program and the 1775 program on cases in the subgroups. For example, these comparisons provide information about whether the time to disposition in cases that settled at mediation in the pilot program was shorter than the time to disposition for similar cases that settled at mediation in the 1775 program. Unlike in the chapters on the other pilot programs, these subgroup comparisons *do not* provide information about whether the time to disposition in cases that settled at mediation was shorter than the time to disposition in similar cases that did not experience being mediated and reaching settlement at mediation.

A couple of other limitations of this regression analysis should be also noted. First, because the information about case characteristics came from survey responses, the overall number of cases available for analysis was limited and the sample size in each subgroup was therefore relatively small. With these small numbers of cases in the subgroup for which survey responses are available, there is a risk that the survey data may not be representative of the cases in the overall population within each subgroup.

Second, postdisposition surveys were distributed to only five control departments, rather than all control departments. Therefore, differences between the program group and the control departments in regression analysis may not accurately reflect the differences between the program group and all control departments.

Because of these limitations, the regression results should interpreted with caution.

Comparisons of Outcomes in Cases Valued Over $50,000 in the Pilot Program and in the 1775 Program

As noted in the introduction, for the Los Angeles pilot program, the statutes establishing the Early Mediation Pilot Programs required the Judicial Council to report not only the same outcome measures as for the other four pilot programs—settlement rate, time to settlement, litigants' satisfaction with the dispute resolution process, and costs to the litigants and the courts—but also to compare court-ordered mediation under the pilot program with voluntary mediation in Los Angeles County. To fulfill this statutory requirement, this report compares outcomes in cases valued at over $50,000 referred to mediation in the Early Mediation Pilot Program and in the 1775 program. In the Early Mediation Pilot Program, judges could order cases of any value to mediation, so cases valued at over $50,000 were subject to court-ordered mediation in the pilot program. In contrast, in the 1775 program, judges were only authorized to order cases valued at $50,000 or less to mediation, but parties could stipulate to mediation in cases valued at over $50,000, so cases valued at over $50,000 had access to voluntary mediation in the 1775 program. Thus, comparing cases valued at over $50,000 referred to mediation in these two programs is one way of comparing court-ordered mediation under the pilot program to voluntary mediation.[191]

[191] In theory, pilot program cases could, instead, have been compared to cases voluntarily mediated outside the court system or to cases in which the parties stipulated to use mediation within the court system However, data on case outcomes in these other potential comparison groups was not available Data on trial rates, disposition time, litigant satisfaction, litigant costs, and court workload was available on the cases in both the Early Mediation Pilot Program and the 1775 programs

However, these comparisons do *not* provide a clear answer to whether court-ordered and voluntary referrals to mediation result in different outcomes. As outlined above, the pilot program and 1775 program differed from each other not only in terms of the authority to order cases valued at over $50,000 to mediation, but in other ways as well. Comparisons between cases valued at over $50,000 in the pilot program and 1775 program thus do not isolate differences in outcomes based on whether the mediation referrals were court-ordered or voluntary, but show the differences in outcomes that result from all of the differences between the whole pilot program model and the whole 1775 program model.

E. Program-Group Cases—Referrals, Mediations, and Settlements

Before making comparisons between the program group and control groups, it is helpful to first understand how the program group breaks down in terms of subgroups of cases that were not referred to mediation, that were referred to mediation but settled before mediation, that were referred to mediation but were later removed from the mediation track, and that went to mediation under the pilot program. It is also helpful to understand the impact of the pilot program mediation on the resolution of cases, both during and after the mediation.

As noted above, the program group in Los Angeles consisted of all the cases that could be considered for possible referral to mediation under the pilot program, not just cases that were referred to mediation or cases that went to mediation. More than 1,300 unlimited cases filed between April and December 2001 were eligible to be considered for possible referral to mediation under this pilot program. Table IV-1 shows a breakdown of these cases by subgroup.

Table IV-1. Program-Group Cases—Subgroup Breakdown

	Unlimited Cases	
Program Subgroup	*# of Cases*	*% of Total in Program Group*
Not referred to mediation	798	58 76
Settled before mediation	47	3.46
Removed from mediation	70	5 15
Settled at mediation	140	10.31
Did not settle at mediation	259	19 07
Mediation outcome unknown	44	3.24
Total program group	1,358	100 00

Of the 1,358 program-group cases, about 41 percent, or 560 cases were referred to mediation. The remaining 798 cases (59 percent) were not referred to mediation.

Of the cases that were referred to mediation, 117 were never mediated: 47 cases (3 percent) were settled before the mediation, and 70 cases (5 percent) were removed from the mediation track.

A total of 399 cases went to mediation under the pilot program during the study period; this represents approximately 29 percent of the unlimited program-group cases.

Of the cases that were mediated, 140 cases (approximately 35 percent of the mediated cases) reached full agreement at the mediation. As shown in
Table IV-2, attorney survey responses suggest that the proportion of cases fully resolved at mediation was slightly lower, at approximately 33 percent, but that another 6 percent reached partial agreement at the mediation.

Table IV-2. Proportion of Program-Group Cases Settled at Mediation

	Unlimited	
	# of Cases	% of Mediated Cases
Agreement	133	32.92
Partial agreement	24	5.94
Nonagreement	247	61.14
Total	404[192]	100 00

Even when cases did not reach settlement *at* mediation, the mediation still played an important role in the later settlement of cases. Table IV-3 shows that approximately 30 percent of attorneys in cases that were mediated under the pilot program but did not reach settlement at mediation indicated in responses to the postdisposition survey that the ultimate settlement of the case was a direct result of participating in the pilot program mediation. Another 27 percent indicated mediation played a very important role and still another 21 percent indicated mediation was somewhat important in to the ultimate settlement of the case. Altogether attorneys responding to the survey indicated that subsequent settlement of the case benefited from mediation, in approximately 78 percent of the cases in which the parties did not reach agreement at the end of the mediation session. For only 22 percent of the respondents was mediation was considered of "little importance" to the case reaching settlement.

Table IV-3. Attorney Opinions of Mediation's Importance to Subsequent Settlement

Importance of Participating in Mediation to Obtaining Settlement	Number of Responses	Percentage of Responses
Resulted Directly in Settlement	44	29 93
Very Important	39	26 53
Somewhat Important	31	21 09
Little Importance	33	22.45
Total	147	100 00

Adding together the cases where attorneys indicated subsequent settlement of the case was a direct result of participating in mediation and the cases that settled at mediation, the overall mediation resolution rate was approximately 49 percent for unlimited cases mediated under the pilot program.

[192] These figures are based on results of the postmediation survey. The total for mediated cases varied slightly from the figure for mediated cases in the court's case management system, which was used in the previous tables and figures

F. Impact of Los Angeles' Pilot Program on Trial Rates

Summary of Findings

The pilot program in Los Angeles significantly reduced the proportion of cases that went to trial.

- The trial rate for unlimited cases in the program group was approximately 30 percent lower than both that for control cases in the participating departments and for cases in the control departments: the trial rate for the program group was 2.9 percent compared to 4.2 percent in control cases and 4.1 percent in the control departments.

- At these lower trial rates, approximately 15 fewer cases were tried in the program group for cases filed during the first nine months of the pilot program. This reduction in trials translates into a total potential time savings of 48 trial days. Annualizing the program-group reductions and adding potential reductions if the program were available to cases that were in the control group, an estimated 227 fewer cases would be tried each year. This potential reduction in trials translates into a total potential time savings of 670 trial days per year in the unlimited departments in the Central District of the Superior Court of Los Angeles County.

- While this time saving does not translate into a fungible cost saving that can be reallocated for other purposes, the monetary value of the time freed up is approximately $2 million per year for cases filed.

- The trial rate in cases valued over $50,000 that were referred to mediation under the pilot program (court-ordered referrals) was approximately 31 percent lower than the trial rate of cases valued over $50,000 that were referred to mediation under the 1775 program (voluntary referrals) in the control departments.

Introduction

This section examines the impact of the pilot program in Los Angeles on the trial rate. First, it compares the proportion of disposed cases that went to trial in the program group with the proportion of the disposed control cases and cases in the control departments that went to trial. Second, it breaks down the analysis by case type to see whether the program impact on trial rate was different for different case types. The implications of this reduced trial rate are then analyzed by estimating the amount of judicial time potentially saved through the reduction in the number of trials and the monetary value of that time. Finally, trial rates in cases valued over $50,000 that were referred to mediation under the Early Mediation Pilot Program (court-ordered referrals) and such cases that referred to mediation under the 1775 program (voluntary referrals) are compared.

Overall Comparisons of Trial Rate in Program Group, Control Cases, and Control Departments

The pilot program in Los Angeles significantly reduced the trial rate for unlimited civil cases. As shown in Table IV-4, 2.9 percent of the cases in the program group went to trial compared to approximately 4 percent of both the control cases in the participating departments and the cases in the control departments.[193] This represents a decrease of approximately 30 percent in trial rate for cases in the program group.

Table IV-4. Trial Rate of Unlimited Cases Filed From April to December in 2001 in Los Angeles

	# of Cases Disposed	# of Cases Tried	% of Cases Tried	% Difference from Program Group
Program Group	1,210	35	2.9%	
Control Cases	1,212	51	4 2%	-31%**
Control Departments	11,683	477	4 1%	-29%***

*** p < 05, ** p < 10, * p < 20

Comparisons of Trial Rate by Case Type

Table IV-5 below compares the trial rates in the program and control cases in the participating departments by case type and Table IV-6 compares trial rates in the program group and the control departments by case type.

While the differences in trial rates between the program group and the two control groups for each case type were either only marginally significant or not statistically significant at all, the overall patterns indicate a positive program impact in reducing trial rates for program cases across almost all case types.

[193] Note that these trial rates reflect a minimum follow-up time of 540 days for those cases filed in December 2001. As noted in the section on data, as of the end of the data collection period (July 2003), 12 percent of program-group cases filed from April to December 2001 had not yet reached disposition, compared to 13 percent of the control cases in the participating departments and 17 percent of the cases in the control departments Because the percentage of the cases that had not reached disposition at the time the data collection ended is fairly large relative to the trial rate, outcomes in these still-pending cases will affect the final trial rate in all these groups and could ultimately affect the findings regarding overall pilot program impact on the trial rate However, because the percentage of still-pending cases is larger in the control groups (particularly in the control departments) than in the program group, it is likely that the differences in trial rates will further increase. A somewhat larger proportion of those cases that take longer to reach disposition are tried With more cases still pending, it is likely that a greater percentage of these longer-pending cases will be tried, raising the trial rate in the control groups further.

Table IV-5. Comparison of Trial Rates Between Program and Control Cases Within the Participating Departments, by Case Type

	Program Group			Control Cases			
	# of Disposed Cases	*# of Cases Tried*	*% of Cases Tried*	*# of Disposed Cases*	*# of Cases Tried*	*% of Cases Tried*	*% Difference*
Auto PI	203	4	2 0%	201	8	4.0%	-50%
Non-Auto PI	141	4	2 8%	165	4	2.4%	17%
Contract	496	15	3.0%	513	24	4 7%	-35%*
Other	370	12	3 2%	333	15	4 5%	-28%
Total	1,210	35	2.9%	1,212	51	4 2%	-31%**

*** p < 05, ** p < 10, * p < .20.

Table IV-6. Comparison of Trial Rates Between Program Group and Control Departments, by Case Type

	Program Group			Control Departments			
	# of Disposed Cases	*# of Cases Tried*	*% of Cases Tried*	*# of Disposed Cases*	*# of Cases Tried*	*% of Cases Tried*	*% Difference*
Auto PI	203	4	2 0%	1,505	84	5.6%	-65%*
Non-Auto PI	141	4	2 8%	1,980	75	3.8%	-25%*
Contract	496	15	3 0%	4,789	156	3.3%	-7%
Other	370	12	3 2%	3,409	162	4.8%	-32%*
Total	1,210	35	2 9%	11,683	477	4.1%	-29%***

*** p < .05, ** p < .10, * p < .20.

Impact of Reduced Trial Rate on Judicial Time

To provide a better understanding of the impact of reduced trial rates on the court, the amount of judicial time that could be saved from the reduction in the number of trials was estimated. Based on this calculation, the reduced trial rate translates into a potential savings of 670 trial days per year that could be used in other cases that needed judicial time and attention.

To calculate the number of trials avoided due to the pilot program, trial data for cases filed from April to December of 2001 was used to calculate, the number of trials that would have occurred in program-group cases if cases in the program group had had the

same trial rate as those in the control group.[194] This figure was then compared with the number of trials in the program group at the actual trial rate. Table IV-7 shows that the lower trial rate in the program group translates into 16 fewer cases tried in the program group for cases filed during the nine-month study period in 2001.

Table IV-7. Program Impact on Trial Rate in Los Angeles

	Actual number of tried cases	Estimated reduction in the number of cases tried	Estimated savings in trial days	Estimated monetary value of savings in trial days
Program Group	35	16	48	$143,520
Control Cases	51	16	48	$143,520
Total in Participating Departments	86	32	96	$287,040
Control Departments	477	139	411	$1,228,890
Total in Both Participating and Control Departments	563	171	507	$1,515,930

Data from the Superior Court of Los Angeles County's case management system shows that, on average, the court spends 2.9 days to try an unlimited civil case. Based on this figure, the smaller number of cases tried in the program group translates to a saving of 48 trial days.

Because many court costs, including judicial salaries, are fixed, this saving in judicial time from the reduced trial rate does not translate into a fungible cost saving that can be reallocated to cover other court expenses. Instead, the time saved could be used by the judges in Los Angeles to better focus on those cases that most needed judicial time and attention, improving court services in these cases.

To help understand the value of the potential time saving from the reduced trial rates under the pilot program, however, its estimated monetary value was calculated. These estimates are also shown in Table IV-8.

The monetary value of the estimated time savings was calculated by multiplying the potential reduction of trial days by an estimate of the current daily cost of operating a courtroom—$2,990 per day.[195] Based on this calculation, the monetary value of this time

[194] Alternatively, calculations could be made based on the even higher trial rate in the control departments. The control-case trial rate was used because, as noted above, with the same judges handling both program and control cases, differences between the program group and control cases in the participating departments may more clearly represent the impact of the pilot program

[195] This estimated cost includes salaries for a judge and associated support staff but not facilities or general overhead costs. In the Fiscal Year 2001–2002 Budget Change Proposal for 30 new judgeships, the Finance Division of the Administrative Office of the Courts estimated that each new judgeship would have a total cost of at $642,749 This figure includes the total cost of salaries, benefits, and operating expenses for each new judgeship and its complement of support staff a bailiff, a court reporter, two courtroom

saving is estimated to be approximately $144,000 for cases filed during the first nine months of the program.

The time savings among program-group cases is not the only potential time savings from the Los Angeles pilot program. If the control groups had been eliminated, and this program (including all of its elements) had been made available in all general civil cases filed in the Central District, the trial rate among the cases that were in the control groups would also have been reduced. To estimate the potential impact if this program had been applied to all general civil cases in the Central District, the number of trials that might have been avoided in the control groups was calculated under the assumption that cases in the control groups would have had the same trial rate as those in the program group. Table IV-7 shows that, with potential savings from all cases in both the participating departments and the control departments combined, total potential savings was estimated to be 507 trial days for cases filed during the nine-month study period.

To make it easy to see total potential *annual* savings, annualized figures for the reduction in trials in the program group were also calculated, as shown in Table IV-8. With the estimated annual reductions in trials in both the participating and control departments combined, a potential reduction of 227 trials per year was estimated, which translates to an estimated savings of 670 trial days in the Central District. The monetary value of these 670 days is estimated to be approximately $2 million per year.

Table IV-8. Potential Annual Impact on Trial Rate of Courtwide Program in Los Angeles

	Actual number of tried cases per year	Estimated reduction in the number of cases tried	Savings in trial days	Savings in court costs
Program Group	47	21	62	$185,380
Control Cases	68	21	62	$185,380
Total in Participating Departments	115	42	124	$370,760
Nonparticipating Departments	636	185	546	$1,632,540
Total in Both Participating and Control Departments	751	227	670	$2,003,300

Comparison of Trial Rates in Cases Valued Over $50,000 Referred to Mediation under Pilot Program (Court-Ordered Referral) and Under 1775 Program (Voluntary Referral)

Table IV-9 compares the trial rate in cases valued over $50,000 that were referred to mediation under the Early Mediation Pilot Program (court-ordered referrals) and cases valued over $50,000 that were referred to mediation under the 1775 program (voluntary

clerks, a legal secretary, and a research attorney (Judicial Council of Cal , Fiscal Year 2001–2002 Budget Change Proposal, No. TC18).

referrals). The trial rate for the pilot program cases was 30 percent lower than the trial rate in the control departments.

Table IV-9. Comparison of Trial Rates in Cases Over $50,000 Referred to Mediation

	# of Cases Disposed	# of Cases Tried	% of Cases Tried	% Difference From program Group
Program Group	349	22	6 30%	
Control Cases	210	14	6 67%	-5.4%
Control Departments	1,710	156	9 12%	-30 9%**

*** p < .05, ** p < .10, * p < 20.

As discussed in the section on data and methods, this comparison does not provide clear evidence that court-ordered referrals to mediation result in lower trial rates than voluntary referrals.[196] Because the pilot program and 1775 program differed from each other not only in terms of the authority to order cases valued over $50,000 to mediation but in other ways as well, it is not possible to isolate what pilot program element or elements caused this lower trial rate in the pilot program.

Conclusion

There is strong evidence that the pilot program reduced the trial rate in Los Angeles. The trial rate was 30 percent lower for unlimited cases in the program group than the trial rate for both control cases and the control departments.

By helping litigants in more cases reach resolution without going to trial, this pilot program saved a substantial amount of court time. With fewer cases going to trial, a potential saving of 670 trial days per year (with a monetary value of approximately $2 million) could be realized per year for all unlimited civil cases filed in the Central District of the Superior Court of Los Angeles County. This is valuable judicial time that could be devoted to other cases that need judges' time and attention

[196] If the trial rate reduction was solely the result the court-ordered versus voluntary nature of the referral, one would expect to see similar reductions in both the control cases and the control departments.

G. Impact of Los Angeles' Pilot Program on Case Disposition Time

Summary of Findings

The pilot program in Los Angeles reduced case disposition time:

- The *average* time to disposition in the program group was reduced by 19 days compared to cases in the control departments.

- The *median* time to disposition in the program was reduced by 23 days compared to cases in the control departments.

- The pace of dispositions quickened and program-group cases were disposed of fastest about the time of the early case management conference and early mediation, suggesting that the conference and mediation contributed to shortening that time to disposition. Program cases were also disposed of faster than control-group cases well before the time of the early case management conference, suggesting that the possibility of attending the early case management conference and being referred to early mediation may also have increased dispositions.

- There is evidence that suggests cases that settled at mediation in the pilot program took less time to reach disposition than like cases in either of the control groups that settled at mediation in the 1775 program, although the size of this difference is not clear. However, there is also evidence indicating that among cases that did not settle at mediation, cases that went through the pilot program took more time to reach disposition than like cases in either of the control groups that did not settle in mediation under the 1775 program.

- The greatest differences in disposition time were found between non-automobile personal injury cases (Non-Auto PI) and "other" cases in the program group compared to these case types in the control departments.

- The time to disposition in cases valued over $50,000 referred to mediation under pilot program (court-ordered referrals) was shorter than in such cases referred to mediation under the 1775 program (voluntary referrals).

Introduction

This section of the report examines the impact of the Los Angeles pilot program on time to disposition. First, the time to disposition in program group[197] cases as a whole and in each of the program subgroups in discussed. Second, the different patterns of case

[197] It is important to remember that program-group cases include all cases that experienced any element of the pilot program, including cases that were not referred to mediation.

disposition time between cases in the program group and control groups are compared, including the average and median time to disposition and the rate of disposition over time. Different patterns of disposition time for various subgroups of cases within the program group are then examined. Next, this section examines disposition time for different case types. Finally, disposition time in cases valued over $50,000 that were referred to mediation under the Early Mediation Pilot Program (court-ordered referrals) and such cases that referred to mediation under the 1775 program (voluntary referrals) are compared.

Disposition Time Within the Program Group

Table IV-10 shows the average time to disposition for unlimited cases both in the program group as a whole, and for each of the subgroups of cases within the program group.[198]

Table IV-10. Average Case Disposition Time (in Days) for Program-Group Cases in Los Angeles by Various Subgroups

	# of Cases	% of Total Within Group	Average Disp Time
Not referred to mediation	718	61%	204
Settled before mediation	47	4%	306
Removed from mediation	71	6%	275
Settled at mediation	130	11%	303
Did not settle at mediation	212	18%	398
Total	1,178	100%	258

As can be seen in Table IV-10, unlimited cases that were not referred to mediation (the largest subgroup) had the shortest time to disposition time among all the subgroups, followed by cases that were referred to mediation, but later removed from the mediation track. In contrast, cases that went to mediation but did not settle at mediation had the longest average disposition time. Thus, when the average time to disposition for the whole program group was calculated, cases in this latter subgroup pulled that average time to disposition higher, offsetting to some degree the lower average times to disposition among cases that that were not referred to mediation and cases that were removed from the mediation track.

[198] Note that this table include only program-group cases that had reached disposition by the end of the data collection period, therefore the total number of cases and breakdown by subgroup are different from those in Figure IV-1 and Table IV-1, which include all program-group cases. Also not included in Table IV-10 were 32 cases in the program group without information on the outcome of mediation Representing less than 3 percent the program-group cases, their exclusion had negligible effect on the overall comparisons.

Overall Comparisons of Time to Disposition in Program and Control Groups

Comparison of Average and Median Time to Disposition

Table IV-11 compares the average and median[199] time to disposition in the program group with the average and median time to disposition for control cases and control departments in Los Angeles.

Table IV-11. Case Disposition Time (in Days) for Unlimited Cases in Los Angeles

				Difference Between Program Group and	
	Program Group	*Control Cases*	*Control Departments*	*Control Group*	*Control Departments*
Number of Cases	1,210	1,212	11,638		
Average	261	267	280	-6	-19***
Median	241	248	264	-7	-23***

*** p < .05, ** p < .10, * p < .20

As this table shows, the *average* case disposition time of cases in the program group was 19 days less than the average for cases in the control departments. Measured by *median* time, the difference between the program group and control departments was greater, showing a reduction of 23 days. Averages are generally more affected than medians by outlying cases, which for these purposes would be cases with either unusually short or unusually long times to disposition. The median, therefore, may be a better measure of the typical case in the program and control groups. While the differences between average and median disposition time in program-group cases and control cases in the participating departments were not statistically significant, the direction of these differences, showing lower disposition time in the program group, was consistent with the findings from the comparison between program cases and control departments.

Both the average and median measures show only a modest impact from the program on the overall time to disposition. The relatively small size of this difference may seem counterintuitive given the large reduction in trial rate in the program group discussed in the previous section. Tried cases generally take the longest time to reach disposition, so reducing the proportion of these cases should reduce the overall time to disposition. However, tried cases represent a relatively small proportion of the cases within the program. Although the trial rate in the program group was only 2.9 percent, compared to 4 percent for both the control cases and the control departments, this reduction did not impact the vast majority of cases in the program group.

[199] Median represents the value at 50th percentile, with half of the cases reaching disposition before and half after the median time

In addition, it should be noted that a relatively large percentage of the cases had not reached disposition by the end of the data collection period in July 2003: 12 percent of program-group cases, 13 percent of the control cases in the participating departments and 17 percent of the cases in the control departments. The outcomes in these still-pending cases will ultimately affect the final average time to disposition in all these groups and could affect the findings regarding pilot program impact on the time to disposition. However, because the percentage of still-pending cases is larger in the control groups (particularly in the control departments) than in the program group, it is likely that the differences in time to disposition between the program and control groups will further increase.

Finally, it is also important to remember that, as discussed above in the pilot program description, the program group does not consist just of mediated cases; it includes cases in all of the subgroups listed in Table IV-10. As shown in that table, the cases in these subgroups had very different average times to disposition which offset each other to some degree when the overall average time to disposition in the program group was calculated.

Comparison of Case Disposition Timing

To better understand at what point in the litigation process the pilot program had its impact on the overall time to disposition, the patterns of case disposition rate over time from the filing of the complaint were examined. This analysis also provides information about whether the program impact on time to disposition occurred around the time when certain program elements, such as the case management conference, generally took place.

Figure IV-3 below compares the timing of case disposition in the program group and in the two control groups. The horizontal axes represent time (in months) from filing until disposition of a case and the vertical axes represent the cumulative proportion of cases disposed (or disposition rate). The wider, purple line represents the program group disposition rate and the thinner, black line the control group disposition rate. The gap between these two lines represents the difference in the disposition rates in the program group and control group at a given time from the filing of a complaint. The slope of the lines represents the pace at which cases were reaching disposition at a particular point in time; a steeper slope indicates more cases were reaching disposition at that time.

In addition to the timing of case disposition, the chart also shows when the case management conferences were held and mediation sessions were completed in the program and control group.[200] Case management conferences were held earlier in the program group: approximately five months after filing compared to six months for control cases in the participating departments and cases in the control departments. Mediation was also completed earlier in the program group: approximately eight months after filing compared to nine months for control cases and close to ten months in the control departments.

[200] Data on mediation dates were not available. Instead, case management data provided dates when the mediator filed with the court the Statement of Agreement and Nonagreement after the mediation session had been completed

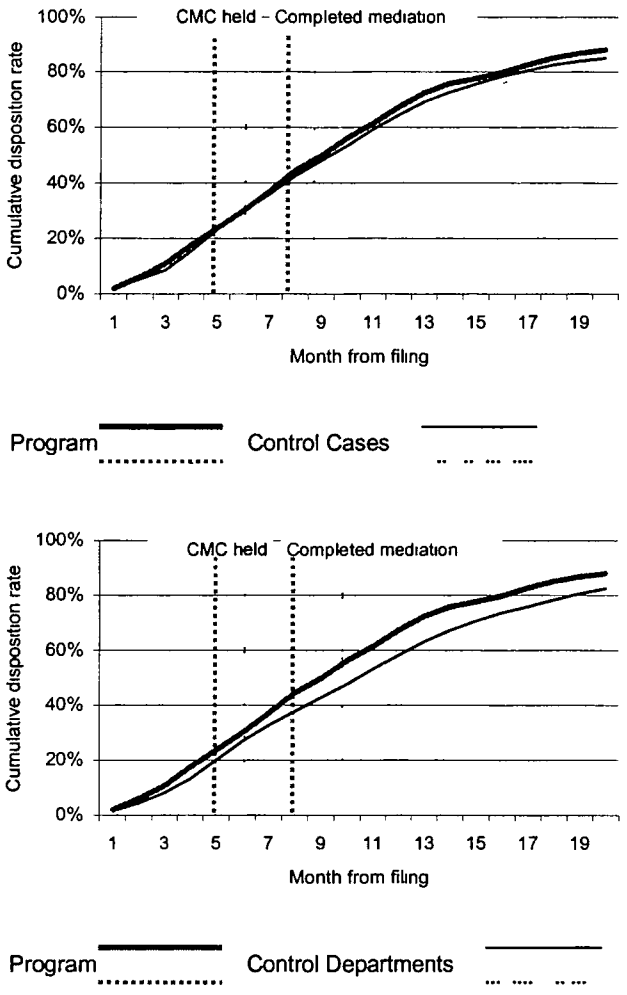

Figure IV-3. Case Disposition Rate over Time in Los Angeles

Looking first at the disposition rate in the program group, there were two points at which the pace of dispositions rose for program cases, reaching its fastest pace. The first of these points was at 5 months after filing—about the time, on average, when case management conferences were held in the program group. The second was at seven to eight months after filing—about the time, on average, when mediations were conducted and completed in the program group. The higher disposition rates close to the time when the case management conferences and mediations occurred in the program group supports the hypothesis that early conferences and early mediations expedited case disposition.

Turning to the comparison between the program group and control cases in the participating departments, although it is difficult to see in Figure IV-3, the disposition rate in the program group was higher than the rate for control cases for the entire 24-month follow up period, indicating that the pilot program increased the disposition rate. Between 3 to 4 months after filing, the disposition rate in the program group was

approximately 2 percent higher than that in the control cases. This gap becomes smaller for several months and then increases again at eight months after filing—about the time of the mediation in the program group—when the disposition rate in the program group is again about 2 percent higher than in the control cases. For the remainder of the follow-up period, the disposition rate in the program group stayed about 1.5 to 3.0 percent higher than the rate for control cases. The difference in disposition rate between the two groups was largest at approximately 13 months after filing when 72 percent of the cases in the program group had been disposed of compared to only 69 percent in the control group. While the gaps in the timing of case disposition between the program group and the control group were small, the differences were statistically significant.

Larger differences emerged when the disposition rate in the program group was compared to that in the control departments. Again, program-group cases had a higher disposition rate than in the control departments for the entire 24-month follow up period, indicating that the pilot program increased the disposition rate. Even before the point when, on average, the case management conference was held in the program group (5 months after filing), the disposition rate in the program group was well above that in the control departments; the disposition rate in the program group was 4.2 percent higher than in the control departments at 4 months after filing. From about 8 months after filing—about the time of the mediation in the program group—until 21 months after filing, when the disposition rates in both groups began to level off, the disposition rate in the program group remained about 5–9 percent higher than the rate for cases in the control departments. The difference in disposition rate between the two groups was largest at approximately 13 months after filing when 72 percent of the cases in the program group had been disposed of compared to only 63 percent in the control group.

The fact that the disposition rate was higher in the program group than in either of the control groups for the entire study period indicates that the pilot program had a positive impact on time to disposition. The fact that the program cases began to show significantly faster disposition rate than cases in either control group early in the litigation process suggests that Los Angeles's pilot program impacted some of these cases well before the cases were ready for mediation referrals, even before case management conferences were held in these cases. It supports the hypothesis that the possibility of attending an early case management conference, along with the possibility of being ordered to early mediation (both earlier than in the 1775 program), may have expedited case dispositions in some cases. The higher disposition rates at 5 and 8 months after filing—close to the time when the case management conferences and mediations occurred in the program group—supports the hypothesis that early conferences and early mediations also expedited case disposition.

Analysis of Subgroups Within the Program Group

It is important to note that the subgroup analysis for Los Angeles is different than in the other courts. In Los Angeles, unlike in the other pilot programs, both cases in the program group and in the two control groups had access to a court mediation program—program-group cases could be considered for referral to the pilot program and control-group cases could be considered for referral to the 1775 program. Therefore, in Los

Angeles, it is possible to compare the disposition time for cases in each program subgroup with the disposition time for control-group cases in the same subgroup. For example, the average case disposition time for program cases that settled at mediation in the pilot program can be compared to the average disposition time control group that settled in the 1775 program. Similar comparisons of time to disposition in subgroups can also be made. These comparisons provide information about the relative impact of the pilot program and the 1775 program on disposition time within these subgroups.

Average Disposition Times in Each Subgroup

Table IV-12 shows the average disposition time for the various subgroups in both the program and control groups and Figure IV-4 displays the same information with the subgroups ranked by their average disposition time.[201]

Table IV-12. Average Case Disposition Time (in Days) for Unlimited Cases in Los Angeles by Various Subgroups

	Program Group		Control Cases		Control Departments		Difference Between Program Group and:	
	% of Total Within Group	*Average Disp Time*	*% of Total Within Group*	*Average Disp Time*	*% of Total Within Group*	*Average Disp Time*	*Control Cases*	*Control Dept*
Not referred to mediation	61%	204	74%	230	77%	247	-26***	-43***
Settled before mediation	4%	306	5%	323	6%	346	-17	-40***
Removed from mediation	6%	275	2%	367	2%	393	-92***	-118***
Settled at mediation	11%	303	6%	352	6%	365	-49***	-62***
Did not settle at mediation	18%	398	12%	395	9%	421	3	-23***
Total	100%	258	100%	266	100%	278	-8	-20***

Note: Total number of cases in each group was 1,178 in program group, 1,199 in control group, and 11,581 in control departments. Not included in the table were 32 program-group cases, 13 control cases in the participating departments and 102 cases in the control departments without information on the outcome of mediation While these missing cases represent less than 3 percent the total cases in each group, their exclusion changes the overall comparisons slightly

*** p < 05, ** p < 10, * p < 20

In the program group as well as in both of the two control groups, cases that were not referred to mediation had the shortest time to disposition time and cases that did not settle at mediation had the longest time to disposition among all the subgroups. When the average time to disposition for the whole program and control groups were calculated, the disposition times in these two groups offset each other to some degree. In both of the control groups, the second shortest disposition time was in cases that settled before mediation, followed by cases that settled at mediation, and then cases that were referred to mediation, but later removed from the mediation track. In contrast, in the program group, this rank order was reversed: cases that were referred to mediation, but later

[201] Not included in Table IV-12 were 32 program-group cases, 13 control cases in the participating departments and 102 cases in the control departments without information on the outcome of mediation While these missing cases represent less than 3 percent the total cases in each group, their exclusion changes the overall comparisons slightly

removed from the mediation track had the second shortest time to disposition, followed by cases that settled at mediation, and then cases that settled before mediation.

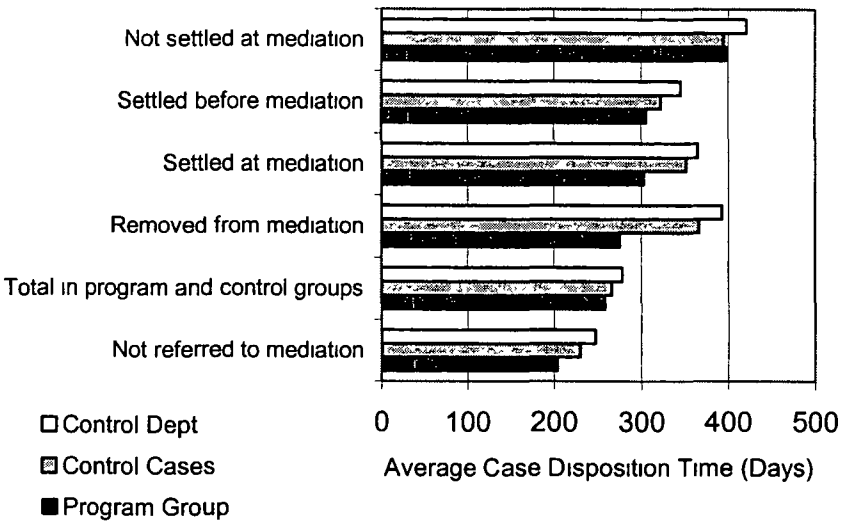

Figure IV-4. Average Case Disposition Time (in Days) for Unlimited Cases in Los Angeles by Various Subgroups

Looking for patterns across the program and control groups, Figure IV-4 shows that, with one exception,[202] the average case disposition time was noticeably shorter in the program group in all subgroups compared to both the control cases and the control departments.

In trying to understand how these subgroups contributed to the overall average time to disposition in the program group and in the two control groups, it is important to note not just the differences in the average time to disposition in each subgroup, but also the differences in the proportion of cases within each subgroup in the program group compared to two control groups. For example, Figure IV-4 shows that cases not referred to mediation had the shortest time to disposition of any of the subgroups in both the program and control groups. However, this subgroup represented a smaller portion of the program group than of the control groups: approximately 61 percent of all cases in the program group were not referred to mediation compared to 74 percent of the control cases in the participating departments and 77 percent of the cases in the control departments.[203] Since the control groups had more of these cases with short times to disposition, the overall average time to disposition in the control groups was shortened compared to the overall average in the program group.

[202] Program cases that did not settle at mediation had a slightly longer disposition time than control cases in the participating departments that did not settle at mediation.

[203] These differences in mediation referral rate among the three comparison groups are likely the result of judges in pilot program having greater authority to order larger cases to mediation

Similarly, cases that were referred to mediation but that did not settle at mediation had the longest case disposition time among all the subgroups in both the program and control groups. These cases represented a larger proportion of the program group (18 percent) than of either the control cases (12 percent) or the control departments (9 percent). Since the program group had more of these cases with longer times to disposition, the overall average time to disposition in the program group was lengthened compared to the control cases and control departments.

Thus, the relative distribution of the program and control-group cases in these two subgroups pulled the overall average time to disposition in the program group higher and the pulled overall average in the two control groups lower, narrowing the gap between these overall averages. This narrowing effect was offset to some degree by the fact that proportion of cases that settled at mediation, which had a relatively short time to disposition, was higher in the program group (11 percent) than in either the control cases or the control departments (6 percent), pulling the overall average time to disposition in the program group lower. However, the difference between the overall average time to disposition in the program group and in the two control groups was smaller because the program group had a lower proportion of non-referred cases and the higher proportion of cases that did not settle at mediation.

Program Impact on Time to Disposition in Each Subgroup

While the above breakdown of case disposition time by subgroups provides helpful descriptive information concerning different patterns of case disposition time in each subgroup and their contribution to the overall average time to disposition in the program and control groups, it does not necessarily show the degree to which differences in the average disposition time in the program and control subgroups are due to the impact of the pilot program. As noted in the discussion of data and methods, this is due to the possibility that program cases in a given subgroup are qualitatively different (have different case characteristics) from control-group cases in that same subgroup.

In order to better isolate the impact of the pilot program from the impact of these differences in case characteristics, regression analysis was used to compare the disposition time of program cases in each of the subgroups to the disposition time of similar control-group cases in the same subgroup. [204] These regression results show differences in disposition time between cases in the Early Mediation Pilot Program and cases in the 1775 program that are in the same subgroup.[205]

The results of these comparison suggest that, among cases that settled at mediation, cases that settled in the pilot program took less time to reach disposition than like cases in either of the control groups that settled in the 1775 program, although the size of this

[204] Please see Section I B for a description of the regression analysis method.

[205] No statistically significant difference was found between the disposition time for cases that were not referred to mediation in the pilot program and the disposition time of cases not referred to mediation in the 1775 program. Because regression analysis relies on case characteristic information that was gathered through surveys, sample size was too small for the subgroups of cases that settled before mediation or were removed from mediation to produce meaningful regression results for these subgroups

difference is not clear. This result makes sense given that mediations in the pilot program take place one to two months earlier than mediations in the 1775 program.

The results of these comparisons also indicate that, among cases that did not settle at mediation, cases that went through the pilot program took more time to reach disposition than like cases in either of the control groups that did not settle in mediation under the 1775 program. The comparison found that the average disposition time for program-group cases that did not settle at mediation was approximately 50 days longer than like control cases in the participating departments that did not settle at mediation. Compared to like cases in the control departments, the comparison found that disposition time was approximately 30 days longer for cases in the program group that did not settle at mediation. The reasons for this difference are not clear.

Additional Analysis of Cases That Did Not Resolve at Mediation

As noted at the beginning of this chapter, 78 percent of attorneys in cases in which the parties did not reach agreement at the end of the mediation session indicated that subsequent settlement of the case benefited from mediation. For only 22 percent of the attorneys surveyed was mediation considered of "little importance" to the case reaching settlement.

To examine whether there was a relationship between the time to disposition and how important mediation was to later settlement, program-group cases that were mediated but did not resolve at mediation were broken down based upon how the important the attorneys in these cases indicated the mediation was in a case's ultimate resolution. The time to disposition for these cases was then examined. Table IV-13 shows this breakdown.

Table IV-13. Case Disposition Time in Los Angeles for Program-Group Cases That Didn't Settle at Mediation, by Importance of Mediation on Subsequent Case Settlement

Attorney's Assessment of Impact of Mediation on Case Settlement after Mediation Nonagreement	# of Cases	%	Average Disposition Time
Direct Result of Mediation	43	30%	313
Very Important	39	27%	332
Somewhat Important	31	21%	338
Little Importance	32	22%	328
Total	145	100%	327

There appears to be some relationship between the importance of mediation to settlement and case disposition time in program cases. Specifically, the average disposition time rose as the importance of mediation to the ultimate settlement fell, at least up to the subgroup of program cases where the attorneys said mediation was only somewhat important to the settlement. For those program-group cases in which the attorneys reported the case settled as a direct result of mediation, the average disposition time was the shortest at 313 days; cases where the attorney reported mediation was very important to the subsequent settlement had somewhat longer average disposition time at 332 days;

and cases in which the attorneys reported the mediation was only somewhat important to the settlement had an even longer average disposition time at 338 days. The one somewhat anomalous result is that program-group cases in which the attorney indicated mediation was of little importance to the settlement had an average disposition time that was shorter than in cases where the attorney said mediation was very important to the settlement. However, when the time to disposition in cases in these subgroups were compared to each other with case characteristics held constant, no statistically significant differences in disposition time were found.[206]

Comparison of Time to Disposition by Case Type

To help understand whether the program has a greater impact on time to disposition in some cases types, the time to disposition by case type was examined. Table IV-14 shows the average case disposition time in the program and the two control groups broken down by case type.

Table IV-14. Average Case Disposition Time (in Days) for Unlimited Cases in Los Angeles, by Case Types

	Program Group		Control Cases		Control Departments		Difference Between Program Group and	
Case Type	*# of Cases*	*Average Disp. Time*	*# of Cases*	*Average Disp Time*	*# of Cases*	*Average Disp. Time*	*Control Cases*	Control Dept
Auto PI	203	261	201	273	1,980	279	-12	-18*
Non-Auto PI	141	297	165	276	1,505	327	21	-30***
Contract	496	250	513	258	4,789	259	-8	-9
Others	370	262	333	271	3,409	288	-9	-26***
Total	1,210	261	1,212	267	11,683	280	-6	-19***

*** p < 05, ** p < 10, * p < .20

Consistent with the comparison of the overall average disposition times in the program and control groups, the comparison between program cases and control cases in the participating departments did not find any statistically significant differences in disposition time for any case type. However, the overall patterns suggests a positive program impact in reducing disposition time for program cases across most case types. In comparisons between the program group and control departments, the disposition time for Non-Auto PI cases in the program group was 30 days shorter than for such cases in the control departments and the disposition time of "other" program cases was 26 days shorter. The comparison also suggested that automobile personal injury (Auto PI) cases in the program group might also have reached disposition more quickly.

[206] The regression analysis method described in Section I.B was used to make this comparison

Comparison of Case Disposition Time in Cases Valued Over $50,000 Referred to Mediation under Pilot Program (Court-Ordered Referral) and under 1775 program (Voluntary Referral)

Table IV-15 compares the time to disposition in cases valued over $50,000 that were referred to mediation under the Early Mediation Pilot Program (court-ordered referrals) and such cases referred to mediation under the 1775 program (voluntary referrals).

Table IV-15. Comparison of Case Disposition Time in Cases Over $50,000 Referred to Mediation

				Difference Between Program Group and:	
	Program Group	*Control Cases*	*Control Dept.*	*Control Cases*	*Control Dept.*
Number of Cases	349	210	1,710		
Average	362	382	396	-20***	-34***
Median	351	369	380	-18***	-29***

*** p < 05, ** p < 10, * p < .20

This table indicates that cases valued at over $50,000 referred to early mediation under the pilot program, measured by both average and median disposition times, were disposed of more quickly than cases valued over $50,000 that were referred to mediation under the 1775 program. However, it is not clear whether these differences are a result of a mandatory versus voluntary referral to mediation or at other differences between the pilot program and the 1775 program. As noted in Section I.B., there are a variety of programmatic differences between the Early Mediation Pilot Program and the 1775 program, including that case management conferences and mediations occur 1–2 months earlier in the pilot program. Comparisons between cases in these two programs therefore show the differences in time to disposition that result from all of the differences between the whole pilot program model and the 1775 program model. It is quite possible, for example, that the earlier case management conferences and mediations in the pilot program account for the difference in disposition time between these two programs. As discussed below in the chapter concerning the pilot program in Fresno, when the mediation referral and mediation were moved 2 ½ months earlier in Fresno, the program showed a 15–28 day reduction in the disposition time.

Conclusion

There is strong evidence that the pilot program in Los Angeles had a positive impact in reducing case disposition time. The *average* time to disposition in the program group was reduced by 19 days compared to cases in the control departments and the *median* time to disposition in the program was reduced by 23 days compared to cases in the control departments.

The data also indicates that the pace of dispositions quickened and program-group cases were disposed of fastest about the time of the early case management conference and early mediation, suggesting that the conference and mediation contributed to shortening

the time to disposition. Program cases were also disposed of faster than control-group cases well before the time of the early case management conference, suggesting that the possibility of attending the early case management conference and being referred to early mediation may also have increased dispositions.

Among cases that settled at mediation, there is evidence that suggests cases that settled in the pilot program took less time to reach disposition than like cases in either of the control groups that settled in the 1775 program, although the size of this difference is not clear. However, there is also evidence indicating that among cases that did not settle at mediation, cases that went through the pilot program took more time to reach disposition than like cases in either of the control groups that did not settle in mediation under the 1775 program.

H. Impact of Los Angeles' Pilot Program on Litigant Satisfaction

Summary of Findings

The pilot program in Los Angeles increased attorney satisfaction with the court's services:

- Both parties and attorneys in the Los Angeles program expressed high satisfaction when they used mediation under the pilot program. They were particularly satisfied with the performance of the mediators, with both parties and attorneys showing an average satisfaction score of approximately 6 on a 7-point scale. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to their friends.

- Attorneys in program-group cases were more satisfied with services provided by the court than attorneys in control-group cases.

- In comparisons of like cases in the program and control groups, attorneys whose cases settled at mediation under the Early Mediation Pilot Program were significantly more satisfied with both the outcome of the case and with the services of the court compared to attorneys in cases that settled at mediation under the 1775 program. Conversely, attorneys whose cases did not settle at mediation under the Early Mediation Pilot Program were less satisfied with outcome of the case than attorneys whose cases did not settle at mediation under the 1775 program. Among cases that were not referred to mediation, attorneys in pilot program cases were more satisfied with the litigation process and services provided by the court than attorneys in 1775 program cases.

- Attorneys across all case types except for Auto PI cases were generally more satisfied with the outcome, litigation process, and court's services in the Early Mediation Pilot Program.

- There was evidence suggesting that attorneys in cases valued over $50,000 referred to mediation under pilot program (court-ordered referrals) may have been more satisfied with the services provided by the court than attorneys in cases valued over $50,000 referred to mediation under the 1775 program (voluntary referrals).

Introduction

This section examines the impact of Los Angeles' pilot program on litigant satisfaction As described in detail in Section I.B. concerning the data and methods used in this study, data on litigant satisfaction was collected in two ways. First, in a survey administered at the end of the mediation in cases that went to mediation under the pilot program between July 2001 and June 2002 (postmediation survey), both parties and attorneys were asked about their satisfaction with various aspects of the mediation process. Second, in a separate survey administered shortly after cases reached disposition in cases disposed of

between July 2001 and June 2002 (postdisposition survey), parties and attorneys in both program and control cases were asked about their satisfaction with the outcome of their case, the court's services, and their overall litigation experience.

In this section, the satisfaction of parties and attorneys who used mediation under the pilot program as reported in the postmediation survey is first described. Second, the satisfaction of attorneys in program-group cases as a whole and in each of the program subgroups in discussed. Attorney satisfaction in the program group and two control group is then compared. Next, attorney satisfaction in the various subgroups within the program is examined. This is followed by an examination of the program impact on litigant satisfaction in different case types. Finally, attorney satisfaction in cases valued over $50,000 that were referred to mediation under the Early Mediation Pilot Program (court-ordered referrals) and such cases that referred to mediation under the 1775 program (voluntary referrals) are compared.

Overall Litigant Satisfaction for Cases That Used Pilot Program Mediation

As shown in Figure IV-5 below, both parties and attorneys who used mediation services in the pilot program expressed high satisfaction with all aspects of their mediation experience. Parties and attorneys who participated in mediation were asked to rate their satisfaction with the mediator's performance, the mediation process, the outcome of the mediation, the litigation process, and the services provided by the court on a scale from 1 to 7 where 1 is "highly dissatisfied" and 7 is "highly satisfied." Figure IV-5 shows the average satisfaction scores for both parties and attorneys in these mediated cases.

It is clear from this figure that parties and attorneys who used mediation services in the pilot program were highly satisfied with all aspects of the mediation experience. Most of the average satisfaction scores were in the "highly satisfied" range (5.0 or above) and none was below 4.1. Both parties and attorneys were most satisfied with the performance of mediators, with average satisfaction scores of 6.0 for attorneys and 5.8 for parties. They were also highly satisfied with the mediation services and services provided by the court, with average satisfaction scores about 5.7 for attorneys and 5.2 for parties. Both parties and attorneys were least satisfied with the outcome of the case; average outcome satisfaction scores were 4.9 for attorneys and 4.1 for parties.

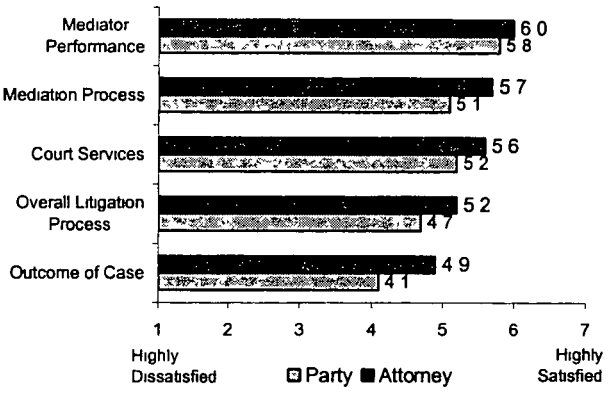

Figure IV-5. Party and Attorney Satisfaction in Mediated Cases in Los Angeles

Both parties and attorneys who participated in pilot program mediations were also asked for their views concerning the fairness of the mediation and their willingness to recommend or use mediation again. Using a scale from 1 to 5, where 1 is "strongly disagree" and 5 is "strongly agree", litigants were asked whether they agreed that the mediator treated the parties fairly, that the mediation process was fair, and that the mediation resulted in a fair/reasonable outcome. They were also asked whether they agreed that they would recommend the mediator to friends with similar cases, that they would recommend mediation to such friends, and that they would use mediation even if they had to pay the full cost of the mediation. Table IV-16 shows parties' and attorneys' average level of agreement with these statements in program-group cases.[207]

Table IV-16. Party and Attorney Perceptions of Fairness and Willingness to Recommend or Use Mediation (average agreement with statement)

Mediator Treated All Parties Fairly		Mediation Process Was Fair		Mediation Outcome Was Fair/ Reasonable		Would Recommend Mediator to Friends		Would Recommend Mediation to Friends		Would Use Mediation at Full Cost	
Parties	Attys	Parties	Attys	Parties	Attys	Parties	Attys	Parties	Attys	Parties	Attys
4 5	4 7	4 2	4 6	3 0	3.2	4 1	4 5	4 0	4.4	3 3	3 9

As with the satisfaction scores, most of the scores were in the strongly agree range (above 4.0) and all of the average scores were at or above the middle of the agreement scale (3.0). For both parties and attorneys, there was very strong agreement (average score of 4.0 or above for parties and 4.4 or above for attorneys) that the mediator treated the parties fairly, that the mediation process was fair, they would recommend the mediator to friends with similar cases, and that that they would recommend mediation to such friends. Both parties and attorneys indicated less agreement that they would use mediation if they had to pay the full cost; the average score was 3.3 for parties and 3.9 for attorneys. The

[207] A 5-point scale was used for these survey questions, rather than the 7-point scale used in the satisfaction questions

lowest scores related to the fairness/reasonableness of the mediation outcome, at only 3.0 for parties and 3.9 for attorneys.

It is clear from the responses to both these sets of questions that while parties and attorneys were generally very pleased with their mediation experience, overall they were less pleased or neutral in terms of the outcome of the mediation process (in fact, on both outcome questions, about more than 30 percent of the parties and attorneys responded that they were neutral). In evaluating this result, it is important to remember that this survey was administered at the end of the mediation and that in a large proportion of cases a settlement was not reached at end of the mediation. Not surprisingly, the way parties and attorneys responded to the two outcome questions depended largely on whether their cases settled at mediation. Average satisfaction with the outcome in program-group cases that settled at mediation was 6.09 for attorneys and 5.09 for parties, 50 percent higher than the average scores of 4.05 for attorneys and 3.4 for parties in cases that did not settle at mediation. Similarly, average attorney responses concerning the fairness/reasonableness of the outcome were 73 percent higher in cases that settled at mediation than in cases that did not (4.30 compared to 2.48) and party responses were almost 60 percent higher in cases that settled at mediation (3.74 compared to 2.36). When the scores in both cases settled and not settled at mediation were added together to calculate the overall average satisfaction with the outcome, the higher scores in cases that settled were offset by those in cases that did not, pulling the overall average toward the center

It is also clear from the responses to both these sets of questions that while both parties and attorneys were generally very pleased with their pilot program mediation experience, attorneys were more pleased than parties. Attorneys' average scores were consistently higher than those for parties on all of these questions. The gap between attorney and party satisfaction scores ranged from 0.2 for mediator performance to 0.8 for outcome of the case. The higher attorney satisfaction may, in part, reflect a greater understanding on the part of attorneys about what to expect from the pilot program mediation process. Given the fact that there was a court-connected mediation program in Los Angeles before the pilot program was introduced, many attorneys are likely to have participated in mediations before, so they are likely to have been familiar with the mediation process and to have based their expectations about the process on this knowledge. Parties are less likely to have participated in previous mediations and may not have known what to expect from the mediation process. This may suggest the need for additional educational efforts targeted at parties, rather than attorneys.

The higher scores for attorneys may also, in part, reflect the fact that attorneys' and parties' satisfaction were associated with different aspects of their mediation experiences. Attorneys' responses on only three of the survey questions were strongly correlated with their responses concerning satisfaction the mediation process—whether they believed that mediation process was fair, that mediation resulted in a fair/reasonable outcome, and that the mediation helped move the case toward resolution quickly.[208] In contrast, parties'

[208] Correlation measures how strongly two variables are associated with each other, i e. whether when one of the variables changes, the other is also likely to change (this does not necessarily mean that the change in

satisfaction with the mediation process was also strongly correlated with whether they believed that they had had an adequate opportunity to tell their side of the story during the mediation, that the mediation helped improve communication between the parties, that the mediation helped preserve the parties relationship, that the cost of using mediation was affordable, and that the mediator treated all parties fairly.[209]

Attorneys' responses to only two of the survey questions were strongly correlated with their responses regarding satisfaction with the outcome of the mediation—whether they believed that the mediation resulted in a fair/reasonable outcome and that the mediation helped move the case toward resolution quickly.[210] In contrast, parties' satisfaction with the mediation outcome was also strongly correlated with whether they believed that the mediation helped improve communication between the parties, that the cost of using mediation was affordable, and that the mediation process was fair.[211]

Finally, for attorneys, there was no strong correlation between any of their responses to these survey questions and their satisfaction with either the litigation process or the services provided by the court. In contrast, parties' satisfaction with the litigation process was correlated with whether they believed that the mediation helped improve communication between the parties, that the mediation helped preserve the parties relationship, that the mediation helped move the case toward resolution quickly, that the mediation process was fair, and that the mediator treated all parties fairly[212] Similarly, parties' satisfaction with the court services was strongly correlated with whether they believed that the mediation helped improve communication between the parties, that the cost of using mediation was affordable, that the mediation process was fair, and that the mediator treated all parties fairly.[213]

All of this indicates that parties' satisfaction with both the court and with the mediation was much more closely associated than attorneys' satisfaction with what happened within the mediation process—whether they felt heard and whether they felt the mediation helped with their communication or relationship with the other party—and with whether they believed that the cost of mediation was affordable. While most parties indicated that

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one caused the change in the other, but just that they tend to move together). Correlation coefficients range from -1 to 1, a value of 0 means that there was no relationship between the variable, a value of 1 means there was a total positive relationship (when one variable changes the other always changes the same direction), and a value of -1 means a total negative relationship (when one changes the other always changes in the opposite direction. A correlation coefficient of .5 or above is considered to show a high correlation. The correlation coefficients of these questions with attorneys' satisfaction with the mediation process were .55, .53, and 56, respectively.

[209]The correlation coefficients of these questions with parties' satisfaction with the mediation process were .48 and .58, .60 and .77, .50 and .65 and .69 and .69, respectively in unlimited and limited cases

[210]The correlation coefficients of these questions with attorneys' satisfaction with the outcome were .74 and .72 respectively.

[211]The correlation coefficients of these questions with parties' satisfaction with the outcome were .61, .50, and .57 respectively

[212]The correlation coefficients of these questions with parties' satisfaction with the litigation process were .50, .50, .52, .55, and .51 respectively.

[213]The correlation coefficients of these questions with parties' satisfaction with the courts' services were .50, .52, .56, and .51 respectively

they had had an adequate opportunity to tell their story in the mediation (80 percent gave responses that were above the neutral point on the scale), fewer parties thought that the mediation had improved the communication between the parties (50 percent) or preserved the parties relationship (30 percent)[214] and fewer thought that the cost of mediation was affordable (58 percent). These perceptions may therefore have contributed to parties' satisfaction scores being lower than those of attorneys.

Satisfaction Within the Program Group

Table IV-17 shows the average satisfaction scores for attorneys in program-group cases as a whole and for each of the subgroups of cases within the program group. Unlike for time to disposition, however, the data on litigant satisfaction is derived from attorney responses to surveys, not from the court's case management system, so the total number of cases for which satisfaction information is available is smaller. When this data was broken down into subgroups, the number of cases that were referred to mediation, but either settled before mediation or were removed from the mediation track was too small to provide reliable information,[215] so those subgroups are not shown in the table.

Table IV-17. Average Attorney Satisfaction in Unlimited Cases in Los Angeles, by Program Subgroups

	# of Responses*	Case Outcome	Overall Litigation Process	Court Services
Program Subgroups				
Not referred to mediation	39	5 2	5 4	5 6
Settled at mediation	158	6 2	5.7	5 9
Did not settle at mediation	337	4 3	5 0	5 3
Total Program Group	546	5 2	5.3	5 6

*Number of responses reported is for case outcomes, it varies slightly for litigation process and court services

As might have been expected, attorneys in cases that settled at mediation consistently expressed the highest level of satisfaction on all three measures—case outcome, the litigation process, and services provided by the courts. Thus, when the overall average satisfaction scores for unlimited cases in the program group were calculated, cases in this subgroup pulled those average satisfaction levels higher.

Attorneys whose cases did not settle at mediation had the lowest average satisfaction score with the outcome of the case. Thus, when the overall average scores for satisfaction with the outcome in the program group were calculated, the lower satisfaction scores in cases that did not settle at mediation pulled the average satisfaction with outcome lower.

[214] Note that in many types of cases, such as Auto PI cases, this simply many not have been relevant; 40 percent of parties and 52 percent of attorneys gave the neutral response to this question.

[215] There were only 4 cases referred to mediation, but settled before mediation and 8 cases referred to mediation, but later removed from mediation for which survey data was available.

Overall Comparison of Satisfaction in Program and Control Groups

Table IV-18 compares the overall average satisfaction scores of attorneys in the program group, control cases in the participating departments, and cases in the control departments concerning the outcome of their cases, the overall litigation process, and the services provided by the court.[216]

The pilot program had a positive impact on overall attorney satisfaction with the services provided by the court. Attorneys in the program group had an average satisfaction score of 5.6 with the court's services compared to 5.0 in the control cases and 5.1 in the control departments. The differences were statistically significant. Attorneys in the program group were also slightly more satisfied with the overall litigation process than attorneys in the control group and the control departments. The small difference of 0.3, however, was statistically not significant. Attorney satisfaction with regard to outcome of the case was virtually the same in the program group and the two control groups.

Table IV-18. Comparison of Attorney Satisfaction Between Program and Control Groups

	Case Outcome		Overall Litigation Process		Court Services	
	# of Responses	*Average Score*	*# of Responses*	*Average Score*	*# of Responses*	*Average Score*
Program Group	546	5.2	548	5 3	552	5 6
Control Cases	119	5.2	121	5 0	122	5.0
Control Departments	205	5 0	206	5.0	206	5.1
Differences in Average Scores						
Program-Control Cases		0 0		0 3		0 6***
Program-Control Departments		0 2		0.3		0 5***

*** p < .05, ** p < 10, * p < 20

Analysis of Subgroups

As noted above, in Los Angeles, unlike in the other pilot programs, both cases in the program group and in the two control groups had access to a court mediation program—program-group cases could be considered for referral to the pilot program and control-group cases could be considered for referral to the 1775 program. Therefore, in Los Angeles, is possible to compare the satisfaction levels of attorneys in cases in each

[216] Note that the overall averages used here have been adjusted to account for the proportion of cases in the various program subgroups In the Los Angeles survey data, there was an over-sampling of program cases that went to mediation relative to their proportion in the overall population of cases, postmediation surveys were distributed to all cases that were referred to mediation but surveys were only sent to a random sample of cases that were not referred to mediation. Since the proportions of various subgroups of cases were known from the population of all cases, these proportions were used to adjust the survey data by assigning different weights to cases in different subgroups. Thus program cases that went to mediation (which were over-represented in the survey) were given lower weights and program cases that were not referred to mediation (which were under-represented in the survey) were assigned higher weights.

program subgroup with the satisfaction levels of attorneys in control-group cases in the same subgroup. These comparisons provide information about the relative impact of the pilot program and the 1775 program on attorney satisfaction within these subgroups.

Average Satisfaction Scores in Each Subgroup

Table IV-19 compares the average attorney satisfaction scores on the three satisfaction measures in each of the subgroups in the program group as well in the subgroups of control cases in the participating departments and cases in the control departments. The same data is also shown in Figure IV-6 with the subgroups sorted by the average satisfaction score.

Table IV-19. Attorney Satisfaction in Los Angeles in Subgroups of Unlimited Cases

				Difference	
	Program Group	*Control Cases*	*Control Dept*	*Control Cases*	*Control Dept.*
Outcome					
Not referred to mediation	5 2	5 2	5 1	0 0	0.1
Settled at mediation	6 2	5.0	5.1	1 2***	1.1***
Did not settle at mediation	4 3	5.1	5 1	-0 8***	-0 8***
Total	5.2	5 2	5 0	0 0	0 2
Overall Litigation Process					
Not referred to mediation	5 4	4.9	5 0	0 5*	0 4*
Settled at mediation	5.7	5 3	5 3	0 4	0 4*
Did not settle at mediation	5.0	5 2	5 3	-0 2	-0.3*
Total	5.3	5 0	5.0	0.3	0 3
Court Services					
Not referred to mediation	5 6	4 9	5 0	0 7***	0 6***
Settled at mediation	5.9	5 5	5 6	0 4**	0 3*
Did not settle at mediation	5 3	5.3	5 5	0 0	-0 2
Total	5 6	5 0	5.1	0.6***	0.5***
Number of Cases					
Not referred to mediation	39	59	137		
Settled at mediation	158	20	27		
Did not settle at mediation	337	21	23		
Total	546	119	205		

Note. Number of responses reported is for case outcomes, it varies slightly for litigation process and court services. Totals also include cases that were referred to mediation but settled before mediation (4 cases in the program group, 16 control cases, and 15 control department cases) and cases that were referred to mediation but were later removed from the mediation track (8 cases in the program group, 3 control cases, and 3 control department cases)

*** p < .05, ** p < .10, * p < .20

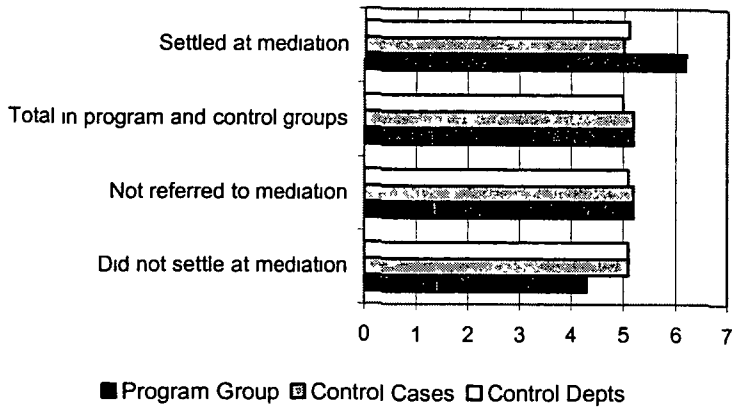
Looking first at patterns in terms of the rank order of the subgroups, in the program group as well as in both control groups, with one exception,[217] cases that settled at mediation had the highest satisfaction scores on all three measures—case outcome, the litigation process, and services provided by the courts—among all of the subgroups. Within the

[217] Among control cases, attorneys in cases that did not settle at mediation actually had the highest satisfaction with the outcome

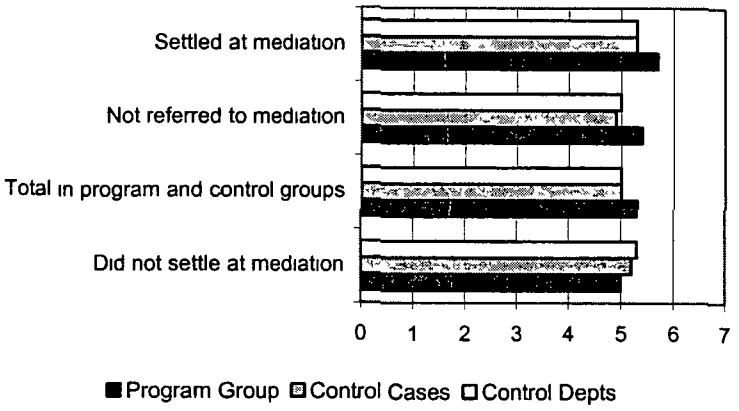
program group, cases that did not settle at mediation had the lowest satisfaction scores on all three measures among all of the subgroups. However, in the two control groups, it was cases that were not referred to mediation that had the lowest satisfaction with the litigation process and with the services provided by the court. Interestingly, in the two control groups, the average satisfaction scores with the outcome were almost the same in all three subgroups and the satisfaction with the litigation process and court services were almost the same in cases that were mediated, but did not resolve at mediation and cases that were mediated and resolved at mediation.

Looking at patterns across the program and control groups, on all three satisfaction measures—case outcome, the litigation process, and services provided by the courts—the satisfaction scores were higher in the program group than in either of control groups in every one of the subgroups except cases that did not resolve at mediation. For cases that did not settle at mediation, the satisfaction scores for the program group on all three satisfaction measures were uniformly lower than the scores in the control groups. Within cases that settled at mediation, the satisfaction scores were substantially higher for cases in the program group.

Outcome



Litigation Process



Court Services

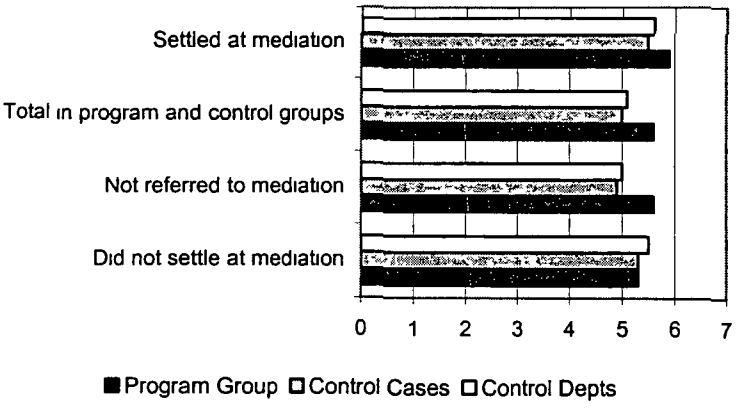


Figure IV-6. Attorney Satisfactions in Los Angeles for Unlimited Cases, by Various Subgroups

In trying to understand how these subgroups contributed to the overall average satisfaction scores in the program group and in the two control groups, it is important to note not just the differences in the average satisfaction in each subgroup, but also the differences in the proportion of cases within each subgroup in the program group compared to two control groups. For example, Table IV-19 shows that cases that were not referred to mediation had the lowest scores for satisfaction with the litigation process and the court's services in both of the control groups. As discussed in the section on time to disposition, this subgroup represented a larger portion of the control groups than of the program group: approximately 60 percent of all cases in the program group were not referred to mediation compared to 74 percent of the control cases in the participating departments and 77 percent of the cases in the control departments.[218] Since the control groups had more of these cases with lower satisfaction with the litigation process and the court's services, the overall average satisfaction on these two measures was lower in the control cases and control departments compared to the overall average in the program group.

This was offset to some degree by the fact that proportion of cases that cases that were referred to mediation but that did not settle at mediation was also higher in the program group. Cases that did not settle at mediation had the lowest satisfaction scores among all the subgroups in the program group and the lowest satisfaction with the outcome among the subgroups in both the control groups. These cases represented a larger proportion of the program group (18 percent) than of either the control cases (12 percent) or the control departments (9 percent). Since the program group had more of these cases with lower satisfaction scores, the overall average satisfaction scores in the program group were pulled lower compared to the control cases and control departments, particularly the score for satisfaction with outcome.

Program Impact on the Attorney Satisfaction in Each Subgroup

As previously discussed, while the above breakdown of attorney satisfaction by subgroups provides helpful descriptive information concerning different patterns of attorney satisfaction in each subgroup and their contribution to the overall average satisfaction levels in the program and control groups, it does not necessarily show the degree to which differences in the average satisfaction levels in the program and control subgroups are due to the impact of the pilot program. As noted in the discussion of data and methods, this is due to the possibility that program cases in a given subgroup are qualitatively different (have different case characteristics) from control-group cases in that same subgroup.

In order to better isolate the impact of the pilot program from the impact of these differences in case characteristics, regression analysis was used to compare the attorney satisfaction levels in program cases in each of the subgroups to the attorney satisfaction levels in similar control-group cases in the same subgroup. [219] These regression results

[218] These differences in mediation referral rates among the three comparison groups are likely the result of judges in pilot program having greater authority to order larger cases to mediation

[219] See Section I B for a description of the regression analysis method.

show differences in satisfaction between cases in the Early Mediation Pilot Program and cases in the 1775 program.[220]

The differences in satisfaction levels found in the regression analysis were similar to those that appear in Figure IV-6. Among cases that settled at mediation, attorney satisfaction with the outcome of the case was 18 percent higher in program cases that settled at mediation in the Early Mediation Pilot Program compared to like cases in both control groups that settled at mediation in the 1775 program. Attorney satisfaction with the court services was also approximately 10 percent higher in cases that settled at mediation in the pilot program compared to like cases in the control group that settled at mediation in the 1775 program. No statistically significant differences were found between attorney satisfaction with the litigation process in program and control-group cases that settled at mediation.

Among cases that did not settle at mediation, attorney satisfaction with outcome of the case was approximately 20 percent lower in cases that did not settle at mediation in the Early Mediation Pilot Program, compared to like cases in both comparison groups that did not settle in the 1775 program. There was also some evidence suggesting that attorney satisfaction with the overall litigation process was lower in cases that did not settle at mediation in the pilot program compared to like cases in the control departments, although the size of the impact is not clear. No statistically significant differences were found between attorney satisfaction with the court's services in program and control-group cases that did not settle at mediation.

Among cases that were not referred to mediation, attorney satisfaction with the litigation process was 10 percent higher in program cases that were not referred to mediation under the Early Mediation Pilot Program compared to like control cases in the participating departments that were not referred to mediation in the 1775 program. Attorney satisfaction with the court services in program cases not referred to mediation under the Early Mediation Pilot Program was also higher by approximately 15 and 10 percent, respectively—than in like cases in the control group and control departments that were not referred to mediation under the 1775 program. No statistically significant differences were found between attorney satisfaction with the outcome in program and control-group cases that were not referred to mediation.

There are several conclusions that might be drawn from these regression results. First, whether the case settled at mediation appeared to have a greater impact on attorney satisfaction with the outcome of the cases mediated in the Early Mediation Pilot Program than it did on satisfaction with the outcome in the cases mediated under the 1775 program. This may suggest that attorneys had higher expectations about the likelihood of settlement in the pilot program than they did under the 1775 program. Second, attorneys who participated in the Early Mediation Pilot Program were generally more satisfied with the services provided by the court than attorneys in the 1775 program, even when their cases were not referred to mediation. This may suggest higher satisfaction with the pilot

[220] Again, sample size was too small for the subgroups of cases that settled before mediation or were removed from mediation to produce meaningful regression results for these subgroups

program services overall, or perhaps higher satisfaction with the discretion exercised by the court in making referrals to mediation under the pilot program.

Comparison of Attorney Satisfaction by Case Type

Table IV-20 compares the different patterns of attorney satisfaction by case type.

Table IV-20. Attorney Satisfaction in Los Angeles for Unlimited Cases, by Case Type

	Average Satisfaction Scores			Difference Between Program Group and	
	Program Group	*Control Cases*	*Control Depts*	*Control Cases*	*Control Depts.*
Outcome					
Auto PI	4 8	5 6	5 3	-0 8**	-0.5
Non-Auto PI	5 1	4 8	5.1	0 3	0 0
Contract	5 2	5 0	5.0	0 2	0.2
Other	5 4	5 3	5 0	0 1	0 4
Total	5 2	5.2	5 0	0 0	0 2
Litigation Process					
Auto PI	5.3	5.4	5 2	-0.1	0 1
Non-Auto PI	5 3	4.9	4 9	0.4	0.4*
Contract	5.2	5.0	5 2	0.2	0 0
Other	5.2	4 9	4 8	0 3	0 4
Total	5 3	5 0	5 0	0.3	0.3
Court Services					
Auto PI	5 4	5.3	5 3	0.1	0 1
Non-Auto PI	5.6	5.0	4 5	0.6*	1 1***
Contract	5 5	4 8	5 3	0.7***	0.2
Other	5.8	5.1	5 0	0.7***	0 8***
Total	5.6	5.0	5.1	0.6***	0.5***

*** p < 05, ** p < 10, * p < 20

Consistent with the overall comparisons between the program and control groups, while the average satisfaction scores in the program group were generally higher than those for either control cases in the participating departments or cases in the control departments for most case types, only the differences in satisfaction with the court's services were statistically significant. The noticeable exception to this pattern was satisfaction with the outcome in Auto PI cases, which was substantially lower in the program group compared to Auto PI cases in both the control cases and the control departments. Positive program impacts on attorney satisfaction with the litigation process and court services were also smaller (or non-existent) in Auto PI cases compared to impacts on other case types.

Comparison of Litigant Satisfaction in Cases Valued Over $50,000 Referred to Mediation under Pilot Program (Court-Ordered Referral) and under 1775 program (Voluntary Referral)

Table IV-21 compares attorney satisfaction with the outcome of the case, the overall litigation process and with the services provided by the court in cases valued over $50,000 that were referred to mediation under the Early Mediation Pilot Program (court-ordered referrals) and such cases referred to mediation under the 1775 program (voluntary referrals).

Table IV-21. Comparison of Litigant Satisfaction in Cases Over $50,000 Referred to Mediation

	Case Outcome		Overall Litigation Process		Court Services	
	# of Responses	*Average Score*	*# of Responses*	*Average Score*	*# of Responses*	*Average Score*
Program Group	346	5.2	349	5.2	352	5 6
Control Cases	41	5.2	41	5.3	41	5.3
Control Departments	26	5 0	26	4.8	26	5 1
Difference Between Program and						
Control Cases		0.0		-0 1		0 3*
Control Departments		0 2		0 4*		0 5*

*** p < .05, ** p < 10, * p < .20.

This table suggests that attorneys in cases valued at over $50,000 referred to early mediation under the pilot program may have been more satisfied with the services provided by the court than attorneys in cases valued over $50,000 that were referred to mediation under the 1775 program. However, it is not clear whether these differences are a result of a mandatory versus voluntary referral to mediation or from other differences between the pilot program and the 1775 program. As noted in Section I.B., there are a variety of programmatic differences between the Early Mediation Pilot Program and the 1775 program, including that mediators in the pilot program were required to meet higher training and experience requirements. Comparisons between cases in these two programs therefore show the differences in attorney satisfaction that result from all of the differences between the whole pilot program model and the 1775 program model. It is quite possible, for example, that attorneys were more satisfied with the court's services in the pilot program because of the higher qualifications of the mediators in that program.

Conclusion

Both parties and attorneys in the Los Angeles program expressed high satisfaction when they used mediation under the pilot program. They were particularly satisfied with the

performance of the mediators, with both parties and attorneys showing an average satisfaction score of approximately 6 on a 7-point scale. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

The pilot program increased attorney satisfaction with the court's services; overall attorney satisfaction with the services provided by the court was higher in the pilot program group than in either of the control groups.

Attorneys expressed the highest satisfaction with the court's services, the litigation process, and with the outcome in pilot program cases that settled at mediation. As might have been expected, attorneys' satisfaction with the outcome in program cases appeared to be tied to whether or not their cases settled at mediation. Whether the case settled at mediation appeared to have a greater impact on attorney satisfaction with the outcome of the cases mediated in the Early Mediation Pilot Program than it did on satisfaction with the outcome in the cases mediated under the 1775 program. In comparisons of like cases in the program and control groups, attorneys whose cases settled at mediation under the Early Mediation Pilot Program were significantly more satisfied with the outcome of the case compared to attorneys in cases that settled at mediation under the 1775 program. Conversely, attorneys whose cases did not settle at mediation under the Early Mediation Pilot Program were less satisfied with outcome of the case than attorneys whose cases did not settle at mediation under the 1775 program. Attorneys who participated in the Early Mediation Pilot Program were also generally more satisfied with the services provided by the court than attorneys in the 1775 program, even when their cases were not referred to mediation. Among cases that were not referred to mediation, attorneys in pilot program cases were more satisfied with the litigation process and services provided by the court than attorneys in 1775 program cases. Similarly, attorneys in cases that settled at mediation in the pilot program were also more satisfied with the services provided by the court than attorneys in like cases settled at mediation in the 1775 program.

I. Impact of Los Angeles' Pilot Program on Costs for Litigants

Summary of Findings

There was evidence that litigants' costs and the attorney hours spent in reaching resolution were reduced in cases that settled at pilot program mediations in Los Angeles:

- There was evidence that both litigant costs and attorney hours were lower in program cases that settled at mediation under the Early Mediation Pilot Program compared to like cases in the control departments that settled at mediation under the 1775 program; both litigant costs and attorney hours were approximately 60 percent lower in cases that settled at mediation in the pilot program compared to similar cases in the control groups.

- In cases that resolved at mediation, 75% of attorneys responding to the study survey estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorneys per settled case was $12,636 in litigant costs and 66 hours in attorney time. Based on these attorney estimates, the total estimated savings in litigant costs in all 2001 cases that were settled at mediation was $1,769,039 and total estimated savings in attorney hours was 9,240.

- No statistically significant difference was found between litigant costs in those cases valued over $50,000 referred to mediation under the pilot program (court-ordered referrals) and under the 1775 program (voluntary referrals).

Introduction

This section examines the impact of the Los Angeles pilot program on litigants' costs. As described in detail in Section I.B. concerning the data and methods used in this study, information on litigant costs was collected in two ways. First, in a survey distributed at the end of the mediation in program cases that went to mediation between July 2001 and June 2002 (postmediation survey), attorneys in the subset of cases that resolved at mediation were asked to provide: (1) an estimate of the time they had actually spent on the case and their clients' actual litigation costs; and (2) an estimate of the time they would have spent and what the costs to their clients would have been had they not used mediation. The difference between these estimates of the actual litigant cost and attorney time and the potential costs and attorney time without using mediation represents the attorneys' subjective estimate of the litigant cost and attorney time savings when the case settled at the mediation. Second, in a separate survey administered shortly after disposition in both program and control-group cases disposed of between July 2001 and June 2002 (postdisposition survey), attorneys were asked to provide an estimate of the time they had actually spent on the case and their clients' actual litigation costs. Comparisons between the time and cost estimates in the program and control groups provide an objective measure of the pilot program's impact on litigant costs.

It is important to note that, as was discussed in the data and methods section, the data on litigant costs and attorney time from the postdisposition survey had a very skewed distribution: there were a few cases with very large litigant cost and attorney time estimates ("outlier" cases) that stretched out the data's range. While several methods were used to try to account for this skewed distribution, the range of the data was so broad that none of the differences found in direct comparisons between the program and control groups were statistically significant—it was not possible to tell with sufficient confidence whether the observed differences were real or simply due to chance.[221] The results of these comparisons are therefore not presented here.

In this section, the estimated actual litigant costs and attorney hours spent in program-group cases as a whole and in each of the program subgroups are discussed. Second, attorneys' estimates of actual litigant costs and attorney hours in the various subgroups within the program are compared to the costs and hours in similar cases in the control group. Attorneys' subjective estimates of litigant cost and attorney time savings in cases settled at mediation as reported in the postmediation survey are then presented. Finally, litigant costs and attorney hours in cases valued over $50,000 that were referred to mediation under the Early Mediation Pilot Program (court-ordered referrals) and such cases that were referred to mediation under the 1775 program (voluntary referrals) are discussed.

Litigant Costs and Attorney Hours Within the Program Group

Table IV-22 shows the average and median estimated litigant costs and attorney hours for cases in each of the program subgroups and in the program group as a whole. Median values are less sensitive than averages to the influence of "outlier" cases and thus may represent a more reliable picture of litigant costs and attorney hours in each subgroup.[222] As with the data on litigant satisfaction, the data on litigant costs and attorney time was derived from attorney responses to surveys, not from the court's case management system. Therefore, the overall number of cases for which comparative cost and time information is available is smaller than the number for which disposition time and court workload information is available. When this limited data was further broken down into subgroups, the number of cases that were referred to mediation, but settled before mediation or removed from mediation was too small to provide reliable information.[223] Therefore, these subgroups were not included in the tables or discussion below.

Program-group cases that settled at mediation had the lowest median litigant costs and attorney hours among all the subgroups. Cases that were not referred to mediation had the highest median and average litigant costs and attorney hours among all the subgroups.

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[221] There was a 90 percent probability that the observed differences found in direct comparisons between the program group and control cases in the participating departments were purely due to chance and a 60 percent probability that the observed differences between the program group and the control departments were due to pure chance

[222] Even though the extreme outlier cases were removed from our analysis sample, average values were still subject to the influence of a small number of cases with large values in costs or attorney hours, particularly when cases were further broken down into several subgroups.

[223] There were only 4 cases that settled before mediation and 5 cases that were removed from mediation in the program group for which survey data was available

The higher costs and hours in this subgroup offset the lower costs and hours in cases that settled at mediation when the overall average and median litigant costs and attorney hours for cases in the program group as a whole was calculated.

Table IV-22. Litigant Costs and Attorney Hours for Program Cases in Los Angeles, by Various Subgroups

	Number of Respondents	Average	Median
Litigant Costs			
Program Subgroup			
Not referred to mediation	26	$29,847	$10,000
Settled at mediation	99	$10,316	$5,000
Did not settle at mediation	182	$19,752	$6,065
*Total Program Group**	316	$23,867	$10,000
Attorney Hours			
Program Subgroup			
Not referred to mediation	28	105	50
Settled at mediation	111	54	31
Did not settle at mediation	196	108	40
*Total Program Group**	343	95	50

*Includes 4 cases settled before mediation and 4 (hours) or 5 (costs) cases removed from the mediation track

Analysis of Subgroups Within the Program Group

As noted above, in Los Angeles, unlike in the other pilot programs, both cases in the program group and in the two control groups had access to a court mediation program—program-group cases could be considered for referral to the pilot program and control-group cases could be considered for referral to the 1775 program. Therefore, in Los Angeles, it is possible to compare the litigant costs and attorney hours in cases in each program subgroup with litigant costs and attorney hours in control-group cases in the same subgroup.

Average and Median Litigant Costs and Attorney Hours in Each Subgroup

Table IV-23 and Table IV-24 compare the average and median litigant costs and attorney hours, respectively, for cases in each of the subgroups. Figure IV-7 shows the various subgroups ranked by the median values (i.e., 50th percentile values) for costs and attorney hours for program-group cases. Median values were used to rank the subgroups because, compared to average values, they are less sensitive to the influence of "outlier" cases and thus the rank orders may represent a more reliable picture.

Table IV-23. Litigant Costs for Unlimited Cases in Los Angeles, by Various Subgroups

	Number of Respondents	Average	Median
Program Group			
Not referred to mediation	26	$29,847	$10,000
Settled at mediation	99	$10,316	$5,000
Did not settle at mediation	182	$19,752	$6,065
Total Program	316	$23,867	$10,000
Control Cases			
Not referred to mediation	45	$26,336	$5,000
Settled at mediation	13	$13,062	$5,000
Did not settle at mediation	18	$18,435	$11,100
Total Control Cases	85	$24,210	$5,000
Control Departments			
Not referred to mediation	112	$31,630	$9,750
Settled at mediation	23	$13,409	$4,393
Did not settle at mediation	19	$20,200	$7,000
Total Control Departments	172	$29,594	$9,245

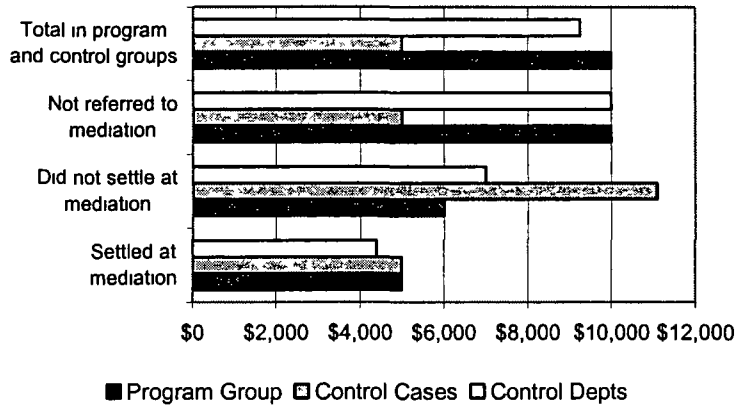
Table IV-24. Attorney Hours for Unlimited Cases in Los Angeles, by Various Subgroups

	Number of Respondents	Average	Median
Program Group			
Not referred to mediation	28	105	50
Settled at mediation	111	54	31
Did not settle at mediation	196	108	40
Total Program	343	95	50
Control Cases			
Not referred to mediation	47	119	35
Settled at mediation	11	135	30
Did not settle at mediation	18	130	48
Total Control Cases	86	120	36
Control Departments			
Not referred to mediation	119	118	50
Settled at mediation	22	88	45
Did not settle at mediation	19	95	50
Total Control Departments	177	116	50

Looking first for patterns within each of the groups, in both of the two control groups, as in the program group, cases that settled at mediation had the lowest *average* litigant costs among the subgroups, followed by cases that did not settle at mediation and then cases that were not referred to mediation. This same pattern hold true for the *median* litigants costs in the program group and the control departments. In both the program and control

groups, cases that were not referred to mediation had the highest *average* litigant costs.[224] In terms of attorney hours spent on cases, in each group, the rank order of the subgroups was different.

Litigant Costs



Attorney Hours

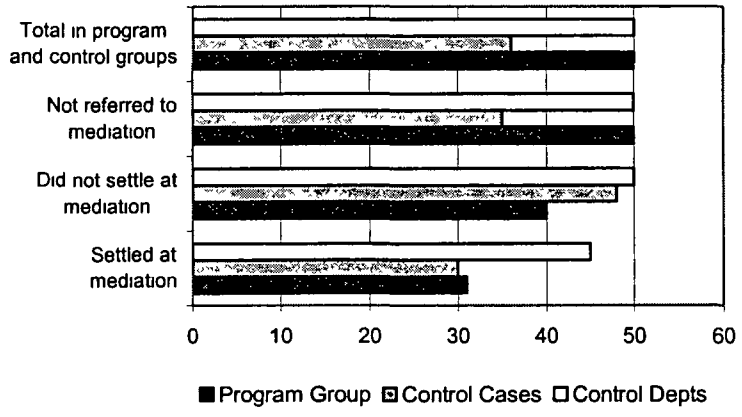


Figure IV-7. Median Litigant Costs and Attorney Hours for Unlimited Cases, by Various Subgroups

It was difficult to find any clear pattern to the differences between the program and control groups, however. As Table IV-23 shows, among the program and two control groups, none consistently had the lowest litigant costs or attorney hours across all of the subgroups. In addition, in most subgroups, the average and median litigant costs and hours did not follow the same patterns. For example, while among cases that settled at mediation, cases in the pilot program group had lower *average* litigant costs than cases in either control group, *median* litigant costs were higher in the program group than in the control departments.

[224] Note that the number of control cases settled at mediation for which we have survey responses is fairly small–13 cases for litigant costs and 11 cases for attorney time–so the results for this group may be less reliable than for the other groups.

Because the litigant cost and attorney hours data did not follow a consistent pattern, it is more difficult to assess how the subgroups contributed to the overall average and median litigant costs and attorney hours in the program group and in the two control groups. Looking only at the potential impact of cases that were not referred to mediation, since these make up the largest proportion of cases in all of the groups, Table IV-23 shows that control cases in the participating departments had the lowest *average* and *median* litigant costs. As discussed in the section on time to disposition, cases not referred to mediation represented a larger portion of the control groups than of the program group: approximately 60 percent of all cases in the program group were not referred to mediation compared to 74 percent of the control cases in the participating departments and 77 percent of the cases in the control departments. Since the control cases in the participating departments had more of these cases with lower average and median litigant costs, the overall average and median litigant costs for control cases was pushed lower compared to the overall average and median in the program group.

Program Impact on Litigant Costs and Attorney Hours in Each Subgroup

As previously discussed, while the above breakdown provides helpful descriptive information about the different patterns of litigant costs and attorney hours in the various subgroups and their contribution to the overall average/median litigant costs and attorney hours, it does not necessarily show the degree to which these averages/medians are due to the impact of the pilot program. As noted in the discussion of data and methods, this is due to the possibility that program cases in a given subgroup are qualitatively different (have different case characteristics) from control-group cases in that same subgroup.

In order to better isolate the impact of the pilot program from the impact of these differences in case characteristics, regression analysis was used to compare the litigant costs and attorney hours in program cases in each of the subgroups to those in similar control-group cases in the same subgroup.[225] These regression results show differences in litigant costs and attorney hours between cases in the Early Mediation Pilot Program and cases in the 1775 program.[226]

The regression results provided evidence to support the conclusion that both litigant costs and attorney hours were lower in program cases that settled at mediation under the Early Mediation Pilot Program compared to like cases in the control departments that settled at mediation under the 1775 program. Both litigant costs and attorney hours were approximately 60 percent lower in cases that settled at mediation in the pilot program compared to similar cases in the control groups. The regression analysis also suggested that litigant costs for cases that did not settle at mediation were lower for cases in the pilot program than in the control departments, although the size of the difference was not clear.

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[225] Please see Section I.B for a description of the regression analysis method.

[226] No statistically significant difference was found in the litigant cost and attorney hours in comparisons between pilot program cases that were not referred to mediation and similar control-group cases. Again, sample size was too small for the subgroups of cases that settled before mediation or were removed from mediation to produce meaningful regression results for these subgroups

Attorneys' Estimates of Mediation Resolution's Impact on Litigant Costs and Attorney Hours

Attorneys whose cases resolved at mediation believed overwhelmingly that the mediation had saved their clients money. Of the attorneys whose cases settled at mediation who responded to the postmediation survey, 75 percent estimated some cost savings for their clients.

Table IV-25 shows the average savings in both litigant costs and attorney hours estimated by these attorneys. It also shows what percentage savings this estimate represents. As shown in this table, in those cases in which the attorneys reported savings from resolving at mediation, the average cost savings per client was estimated to be approximately $18,500; average savings in attorney hours was estimated to be 90 hours. This represents a savings of approximately 68 percent in litigant costs and 63 percent in attorney hours.

Table IV-25. Savings in Litigant Costs and Attorney Hours from Resolving at Mediation - Estimates by Attorneys

% Attorney Responses Estimating Some Savings	87%
Litigant Cost Savings	
Number of Survey Responses	235
Average Estimated Cost Savings	$18,497
Average Estimated % Cost Savings	68%
Adjusted Average Estimated % Cost Savings	38%
Adjusted Average Estimated Savings Per Settled Case	$12,636
Total Number of Cases Settled at Mediation	140
Total Estimated Litigant Cost Savings in Cases Settled at Mediation	$1,769,039
Attorney Hours Savings	
Number of Survey Responses	240
Average Estimated Attorney Hour Savings	89
Average Estimated % Attorney Hour Savings	63%
Adjusted Average Estimated % Attorney Hour Saving	31%
Adjusted Average Estimated Attorney Hour Savings	66
Total Number of Cases Settled at Mediation	140
Total Estimated Attorney Hour Savings in Cases Settled at Mediation	9,240

Of the attorneys responding to the survey, 25 percent estimated either that there was no litigant cost or attorney hour savings (11 percent of respondents) or that litigant costs and attorney hours were increased compared to what would have been expended had mediation not been used to resolve the case (14 percent of respondents). With these cases included in the average, the adjusted average litigant cost savings estimated by attorneys per case settled at mediation was calculated to be $12,636 and the adjusted average attorney hour savings was calculated to be 66 hours. This represents estimated savings of approximately 38 percent in litigant costs and 31 percent in attorney hours.

Using this adjusted average for savings estimated by attorneys, a figure for the total estimated savings in all of the 2001 cases that settled at pilot program mediations in Los Angeles during the study period was calculated. Based on these attorney estimates, the total estimated litigant cost savings in the Los Angeles pilot program was $1,769,039 and the total estimated attorney hours saved was 9,240.

It should be cautioned that these figures are based on attorneys' estimates of savings; they are not figures for the actual savings in mediations resulting in settlements. The actual litigant cost and hour savings could be somewhat higher or lower than the attorney estimates. It should also be cautioned that these estimated savings are for cases settled at mediation only, not for all cases in the program group. There may also have been savings or increases in litigant cost or attorney hours in other subgroups of program cases, such as those that were referred to mediation but settled before the mediation took place or cases that were mediated but did not settle at the mediation.[227]

Comparison of Litigant Costs and Attorney Hours in Cases Valued Over $50,000 Referred to Mediation under Pilot Program (Court-Ordered Referral) and under 1775 program (Voluntary Referral)

Attorney estimates of litigant costs and attorney hours in cases valued over $50,000 that were referred to mediation under the Early Mediation Pilot Program (court-ordered referrals) were compared to the estimates in cases valued over $50,000 referred to mediation under the 1775 program (voluntary referrals). No statistically significant difference was found between estimated litigant costs or attorney hours in these cases.

Conclusion

- There was evidence that cases that settled at mediation under the Early Mediation Pilot Program had lower litigant costs and used less attorney time compared to like cases in the control departments that were settled at mediation under the 1775 program. Both litigant costs and attorney hours were approximately 60 percent lower in cases that settled at mediation in the pilot program compared to similar cases in the control groups.

- Attorneys in cases that resolved at mediation had a strong favorable perception about the cost-saving benefit of mediation. In cases resolved at mediation, 75% of attorneys responding to the study survey estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorneys per settled case was $12,636 in litigant costs and 66 hours in

[227] Some support for the conclusion that mediation may have reduced costs even in cases that did not settle at mediation comes from 65 postmediation survey responses in which attorneys in cases that did not settle at mediation provided litigant cost and attorney hours information even though this information had not been requested More than 50 percent of these survey responses indicated some savings in litigant costs, attorney hours, or both in these cases that were mediated but did not settle at mediation Taking into account those responses that estimated no savings or increased costs as well, the attorneys in these cases estimated average savings of 19 percent in litigant costs (39 percent median savings) and 21 percent in attorney hours (47 percent median savings) in these cases that did not settle at mediation.

attorney time. Based on these attorney estimates, the total estimated savings in litigant costs in all 2001 cases that were settled at mediation was $1,769,039 and total estimated savings in attorney hours was 9,240.

J. Impact of Los Angeles' Pilot Program on the Court's Workload and Costs

Summary of Findings

There is evidence indicating that the pilot program in Los Angeles reduced the court's workload for unlimited cases in the program:

- In addition to the reduction in trials discussed above, the pilot program reduced the average number of "other" pretrial hearings in program cases by 11 percent compared to control cases in the participating departments and may also have reduced motion hearings in program-group cases compared to cases in both control groups. However, there were also 16 percent more CMCs in the program group compared to control cases in the participating departments. The increase in case management conferences offset the decrease in other pretrial events so that overall reduction in pretrial court events was small and not statistically significant.

- Even though there was not a statistically significant reduction in the total number of pretrial events, because motions and "other" pretrial hearings take more judicial time on average than case management conferences, the changes in the number of pretrial court events caused by the pilot program resulted in saving judicial time. During the first 9 months of the program, a total of 4 judicial days worth of time was saved in the 9 participating departments that could be devoted to other cases needing judges' time and attention.

- Annualizing the program group reductions and adding potential reductions if the program were available to cases that were in the control groups, the total potential time savings from the reduced number of court events is estimated at 132 judicial days per year (with a monetary value of $395,000 per year).

- The regression results support the conclusion that court workload was reduced in cases that went to mediation under the Early Mediation Pilot Program compared to like cases in the control groups that went to mediation under the 1775 program, regardless of whether the parties settled or did not settle at mediation.

- The average number of pretrial court events in cases valued over $50,000 referred to mediation under the pilot program (court-ordered referrals) was smaller than in such cases referred to mediation under the 1775 program (voluntary referrals).

Introduction

In an earlier section, this report discussed the impact the Los Angeles pilot program had on the court's workload by reducing the number of cases tried. In this section, the program impacts on the court's workload are further examined by comparing the frequency of various pretrial court events in the program and control groups. The analysis in this section focuses on three major types of court events: (1) case management

conferences (CMCs), including early case management conferences for program cases, (2) motion hearings, and (3) other pretrial hearings. First, the number of pretrial events in program-group cases as a whole and in each of the program subgroups in discussed. Second, the overall number of these events that took place in program and control-group cases closed during the study period is compared. Third, the number of these events that occurred in the various subgroups is examined. This is followed by an examination of the different patterns of these events by case type. The potential time and cost savings for the court from the reduction in court events is then calculated. Finally, the numbers of pretrial court events in cases valued over $50,000 that were referred to mediation under the Early Mediation Pilot Program (court-ordered referrals) and such cases that were referred to mediation under the 1775 program (voluntary referrals) are compared.

Workload within the Program Group

Table IV-26 shows the average number of pretrial court events in unlimited program-group cases as a whole and for each of the subgroups of cases within the program group.

Table IV-26. Average Number of Various Court Events for Unlimited Cases in Los Angeles, by Program Subgroup

	Number of Cases	CMCs	Motions	Others	Total
Program Subgroups					
Not referred to mediation	718	0 59	0 27	0.96	1 82
Settled before mediation	47	1 49	0 69	0 93	3 10
Removed from mediation	71	1 55	0.35	1 06	2 96
Settled at mediation	130	1 42	0 43	1 03	2.87
Did not settle at mediation	212	2 09	0.88	1 81	4 78
Total Program Group	1,178	1 04	0 43	1 12	2.59

Program-group cases that were not referred to mediation (the largest subgroup) had the lowest overall number of total court events among all the subgroups of cases in the program group, followed by cases that settled at mediation and cases that were referred to mediation, but removed from the mediation track. In contrast, program-group cases that went to mediation but did not settle at mediation and cases that settled before mediation had higher numbers of court events. Thus, when the overall average number of court events in the program group as a whole was calculated, cases in these two groups pulled that average number higher, offsetting to some degree the lower average number of court events among cases that settled at mediation and that were not referred to mediation.

Overall Comparison of Workload in Program and Control Groups

Table IV-27 compares the average number of CMCs, motion hearings, and other pretrial hearings in the program group, control cases in the participating departments, and cases in the control departments in Los Angeles.

Table IV-27 shows that there were 11 percent fewer other pretrial hearings in program cases compared to control cases in the participating departments. The comparison also

suggests that there may have been fewer motion hearings in program-group cases compared to cases in both control groups. However, there were also 16 percent more CMCs in the program group compared to control cases in the participating departments. Overall, the decreases in the number of motions and other types of hearings in the program group were offset by the increases in the number of CMCs and therefore there was no statistically significant reduction in the overall total number of all these pretrial court events in the program group compared to control cases or control departments.

Table IV-27. Average Number of Pretrial Hearings for Unlimited Cases in Los Angeles

		Average # of Pretrial Hearings			
	# of Cases	*CMCs*	*Motions*	*Others*	*Total*
Program Group	1,210	1 06	0 45	1 12	2 64
Control Cases	1,212	0 91	0.50	1.26	2.66
Control Departments	11,683	1 05	0.50	1.18	2 74
% Difference Between Program Group and					
Control Cases		16%***	-10%	-11%***	-1%
Control Depts		1%	-10%*	-5%	-4%

*** p < 05, ** p < 10, * p < 20.

It is important to remember that a relatively large percentage of the cases filed in 2001 had not reached disposition by the end of the data collection period in July 2003: 12 percent of program-group cases, 13 percent of the control cases in the participating departments and 17 percent of the cases in the control departments. The outcomes in these still-pending cases will ultimately affect the final average number of pretrial court events in both the program and control groups, as more court events are likely to have taken place in these longer-pending cases, and could affect the findings regarding pilot program impact on court workload. However, because the percentage of still-pending cases is larger in the control groups (particularly in the control departments) than in the program group, it is likely that the differences in court workload between the program and control groups will further increase

Analysis of Subgroups

As noted above, in Los Angeles, unlike in the other pilot programs, both cases in the program group and in the two control groups had access to a court mediation program—program-group cases could be considered for referral to the pilot program and control-group cases could be considered for referral to the 1775 program. Therefore, in Los Angeles, it is possible to compare the number of pretrial court events in cases in each program subgroup with the number of pretrial court events in control-group cases in the same subgroup.

Average Number of Pretrial Events in Each Subgroup

Table IV-28 compares the average number of court events that took place in each of the five subgroups in the program group and the two comparison groups. The same data is also shown in Figure IV-8 with the subgroups sorted by the average number of each event type in the program group.

Table IV-28. Average Number of Various Court Events for Unlimited Cases in Los Angeles, by Various Subgroups

	Average Number of Court Events			Percent Difference Between Program and:	
	Program Group	*Control* Cases	*Control Dept.*	*Control* Cases	*Control Dept.*
CMCs					
Not referred to mediation	0.59	0.62	0 79	-5%	-25%***
Removed from mediation	1 49	1.48	1 97	1%	-24%***
Settled before mediation	1 55	1 35	1.62	15%	-4%
Settled at mediation	1 42	1.50	1 66	-5%	-14%***
Did not settle at mediation	2 09	1 97	2 23	6%	-6%*
Total	1 04	0.90	1 04	16%***	0%
Motions					
Not referred to mediation	0 27	0.40	0 42	-33%***	-36%***
Removed from mediation	0.69	0 97	0 99	-29%	-30%
Settled before mediation	0.35	0 52	0 53	-33%	-34%
Settled at mediation	0 43	0 36	0 53	19%	-19%
Did not settle at mediation	0.88	1 08	1 01	-19%	-13%
Total	0.43	0 50	0 50	-14%*	-14%**
Other Hearings					
Not referred to mediation	0.96	1 18	1.07	-19%***	-10%***
Removed from mediation	0 93	1 52	1.58	-39%***	-41%***
Settled before mediation	1 06	0 98	1 23	8%	-14%
Settled at mediation	1 03	1 18	1.40	-13%	-26%***
Did not settle at mediation	1 81	1.85	1 77	-2%	2%
Total	1 12	1.26	1.17	-11%***	-4%
Total Pretrial Hearings					
Not referred to mediation	1 82	2.20	2.28	-17%***	-20%***
Removed from mediation	3.10	3.97	4 55	-22%*	-32%***
Settled before mediation	2 96	2 86	3.38	3%	-12%
Settled at mediation	2 87	3.04	3.59	-6%	-20%***
Did not settle at mediation	4 78	4 89	5.01	-2%	-5%
Total	2 59	2 65	2 71	-2%	-4%*

*** p < 05, ** p < .10, * p < .20.

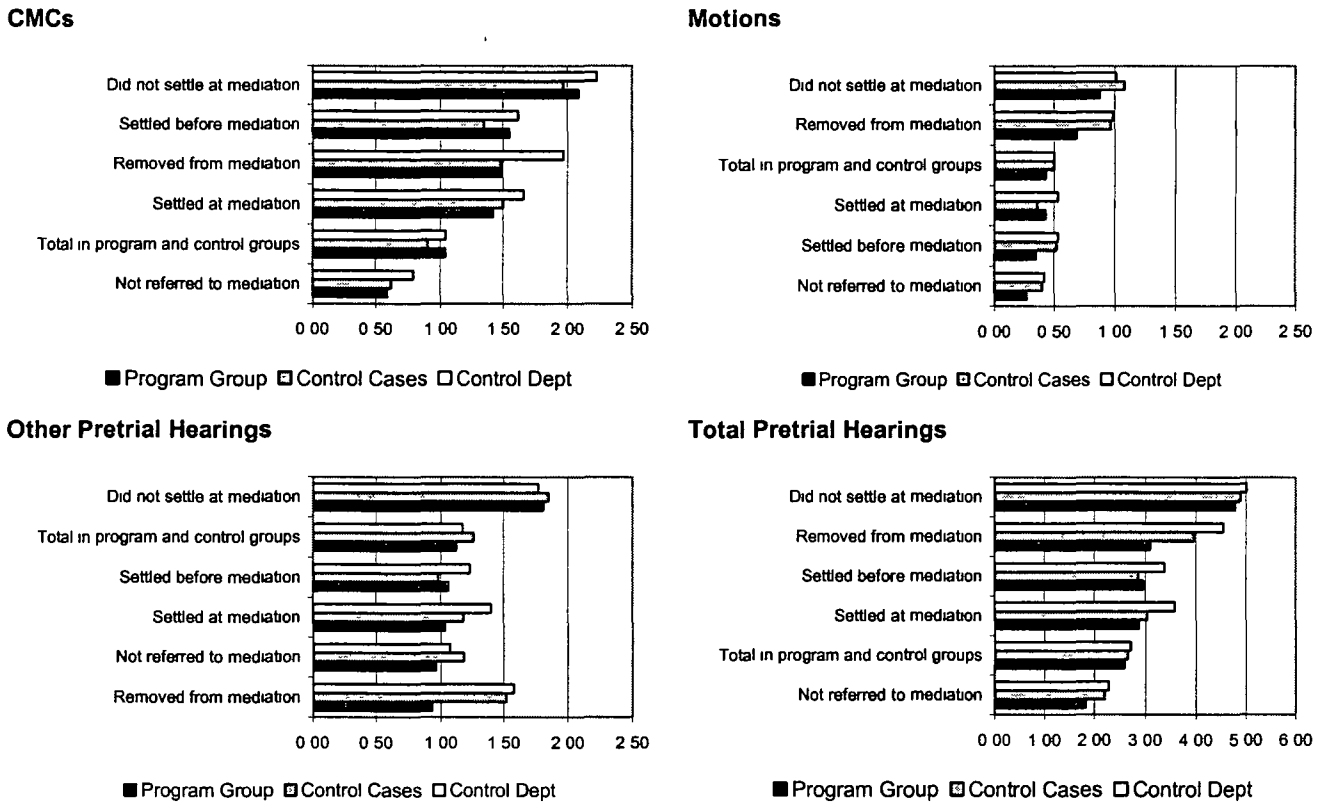

Figure IV-8. Average Number of Various Court Events for Unlimited Cases in Los Angeles, by Various Subgroups

Looking first for patterns within each of the groups, in the program group as well as in both of the control groups, cases that were not referred to mediation had the lowest average of total pretrial events among all the subgroups, followed by cases settled at and before mediation, and cases that were removed from mediation. Cases that did not settle at mediation had the highest number of total pretrial events, followed by cases that were removed from the mediation track. Thus, when the overall average of court events was calculated in all of the groups, the low number of events in cases that settled at or before mediation or that were not referred to mediation was offset to some degree by the high number of events in cases that did not settle at mediation.

This same pattern—cases not referred to mediation having the lowest number of events followed closely by cases that settled at or before mediation while cases that were removed from or did not settle at mediation had high numbers of court events—was fairly consistent across all three types of court events. The two exceptions to this pattern were: (1) program cases that settled before mediation had more CMCs than cases that were removed from mediation; and (2) program cases that were removed from mediation had the lowest number of "other" pretrial hearings than any other subgroup.

Looking for patterns across the different groups, program-group cases had fewer of all three types of pretrial court events than cases in the control departments in every single subgroup except one. The one exception was for "other" pretrial hearings in cases that

did not settle at mediation where the number of hearings was 2 percent higher in the program group. Program-group cases also had fewer total pretrial events and fewer motion hearings than control cases in the participating departments with two exceptions: program cases that settled at mediation had more motion hearings than control cases and program cases that settled before mediation had more total court events than control cases. Program cases that were not referred to mediation also had fewer of all three types of court events than control cases.

In trying to understand how these subgroups contributed to the overall average number of various court events in the program group and in the two control groups, it is important to note not just the differences in the average number of court events in each subgroup, but also the differences in the proportion of cases within each subgroup in the program group compared to two control groups. For example, the control groups had a higher proportion of cases not referred to mediation than the program group. Cases not referred to mediation had the lowest number of CMCs, therefore this subgroup pulled the overall average number of CMCs lower in the control departments to a greater extent than in the program group. Similarly, the program group had a higher proportion of cases that did not settle at mediation. Cases that did not settle at mediation had the highest number of CMCs, therefore this subgroup pulled the overall average number of CMCs higher in the program group to a greater extent than in the control departments.

Program Impact on the Number of Court Events in Each Subgroup

As previously discussed, while the above breakdown provides helpful descriptive information about the different patterns of pretrial court events in the various subgroups and their contribution to the overall numbers of these events, it does not necessarily show the degree to which these averages are due to the impact of the pilot program. As noted in the discussion of data and methods, this is due to the possibility that program cases in a given subgroup are qualitatively different (have different case characteristics) from control-group cases in that same subgroup.

In order to better isolate the impact of the pilot program from the impact of these differences in case characteristics, regression analysis was used to compare the numbers of pretrial events in program cases in each of the subgroups to the numbers of such events in similar control-group cases in the same subgroup.[228] These regression results show differences in court workload between cases in the Early Mediation Pilot Program and cases in the 1775 program.[229]

The regression results provided support for the conclusion that court workload was reduced in cases that went to mediation under the Early Mediation Pilot Program compared to like cases in the control groups that went to mediation under the 1775 program, regardless of whether the parties settled or did not settle at mediation. Among cases that went to mediation and settled at the mediation, there were 38 percent fewer

[228] Please see Section I.B for a description of the regression analysis method

[229] Because regression analysis relies on case characteristic information that was gathered through surveys, sample size was too small for the subgroups of cases that settled before mediation or were removed from mediation to produce meaningful regression results for these subgroups

CMCs in program-group cases that settled at mediation under the Early Mediation Pilot Program compared to control cases in the participating departments that settled at mediation under the 1775 program. The number of "other" pretrial hearings in program-group cases that settled at mediation were also lower than the number of these events in either control group that settled at mediation: program cases that settled at mediation in the Early Mediation Pilot Program had 60 percent fewer "other" hearings than cases in the control departments that settled at mediation under the 1775 program and the comparison with control cases in the participating departments that settled at 1775 program mediations also suggested that program cases had fewer "other" hearings, although the size of this reduction was not clear. Among cases that went to mediation and did not settle at the mediation, there were 20 percent fewer pretrial events in program-group cases that did not settle at mediation in the Early Mediation Pilot Program compared to like cases in the control departments that did not settle at mediation in the 1775 program. There were also 27 percent fewer CMCs in program-group cases that did not settle at mediation compared to like cases in the control departments. Thus, these comparisons indicate that there were fewer pretrial events in program cases that were mediated both when the cases settled at mediation and when the cases did not.

The regression analysis found offsetting decreases in different types of pretrial events among program cases that were not referred to mediation. Program cases that were not referred to mediation had 80 percent fewer "other" hearings compared to cases in the control departments that were not referred to mediation. There was also evidence suggesting some reduction in the number of CMCs for program cases not referred to mediation, although the size of the impact was not clear. On the other hand, the regression results also indicated that the number of motion hearings for program cases not referred to mediation was 60 percent higher than for control cases in the participating departments that were not referred to mediation.

Comparison of Workload between Different Case Types

Table IV-29 shows the average number of various court events by case type.

Overall, compared to control cases in the participating departments, both the total number of pretrial events and the number of "other" hearings were lower in the program group for all case types except Non-Auto PI cases. Similarly, compared to the control departments, the total number of pretrial events and the number of "other" hearings was lower (or the same) in the program group for all case types except contract cases. The number of motion hearings was much lower in the "other" case type in the program group than in either of the control groups: there were 24 percent fewer motion hearings in these "other" program cases compared to the control cases and 30 percent fewer compared to the control departments. For almost all case types, the number of CMCs in the program group was higher than that in either control group.

Table IV-29. Comparison of Number of Hearings in Los Angeles by Case Type

	Average Number of Court Events			Percent Difference Between Program Group and	
	Program Group	*Control Cases*	*Control Dept.*	*Control Cases*	*Control Dept.*
CMCs					
Auto PI	1 16	1 04	1.10	12%	5%
Non-Auto PI	1.38	1 03	1 36	34%***	1%
Contract	0.93	0 82	0.90	13%*	3%
Other	1 07	0.89	1 11	20%***	-4%
Total	1 06	0.91	1.05	16%***	1%
Motion Hearings					
Auto PI	0 21	0 20	0 18	5%	17%
Non-Auto PI	0 50	0 47	0 57	6%	-12%
Contract	0 46	0.47	0 41	-2%	12%
Other	0 55	0.72	0.79	-24%*	-30%***
Total	0.45	0.50	0.50	-10%	-10%*
Other Hearings					
Auto PI	0.93	1.17	1.02	-21%***	-9%
Non-Auto PI	1 16	1.07	1.25	8%	-7%
Contract	1.10	1.29	1.08	-15%***	2%
Other	1 26	1.35	1.38	-7%	-9%*
Total	1 12	1.26	1 18	-11%***	-5%
Total Hearings					
Auto PI	2 30	2 41	2 31	-5%	0%
Non-Auto PI	3.03	2 58	3 18	17%*	-5%
Contract	2 49	2 58	2.39	-3%	4%
Other	2 88	2.97	3.29	-3%	-12%***
Total	2 64	2 66	2.74	-1%	-4%

*** p < 05, ** p < .10, * p < 20.

Impact of Changes in Number of Court Events on Judicial Time

The overall comparison between the program and control groups indicated that the pilot program had a positive impact on the court's workload in the form of reducing the number of "other" pretrial hearings and potentially reducing the number of motion hearings compared to control cases in the participating departments. In terms of the total number of court events, this decrease in "other" hearings was offset by an increase in the number of CMCs for program-group cases compared to control cases, so that there was no statistically significant reduction in the total number of pretrial events. Similarly, the overall comparison also showed a possible reduction in the number of motion hearings compared to cases in the control departments, but no statistically significant reduction in the total number of court events.

Even though there was not a statistically significant reduction in the total number of court events in Los Angeles, because motions and "other" pretrial hearings take more judicial

time on average than case management conferences, a preliminary analysis was performed to assess the potential impact of the pilot program on overall judicial time. Based on the differences in average number of each of the three types of court events between the program and control groups and estimates of the average amount of time judges spent on these different court events, this analysis showed that the changes in the number of pretrial court events caused by the pilot program translates into a potential savings of 132 judicial days per year.

The same method was used to calculate the number of court events avoided due to the pilot program as was used earlier to calculate the number of trials avoided. Table IV-30 shows the results of this calculation for cases filed in the nine-month period in 2001.

Table IV-30. Program Impact on Court's Workload Per Year in Los Angeles

		Total Number of Court Events		*Estimated Savings in Judge Time (Days)*	*Estimated Monetary Value of Time Saved*
	Number of Cases	*Actual*	*Estimated Reduction*		
Program Group	1,210	3,183	48	4	$11,960
Control Cases	1,212	3,237	49	4	$11,960
Total Participating Departments	2,422	6,420	97	8	$23,920
Control Departments	11,683	31,895	1,168	92	$275,080
Total in Both Participating and Control Departments	14,105	38,315	1,265	100	$299,000

Using actual event data from closed cases filed in 2001, first the number of events that would have taken place in program-group cases was calculated, assuming cases in the program group had had the same rates of these events as the control cases in the participating departments. This figure was then compared with the number of events in the program group at the actual event rate, which yielded an estimated reduction of 48 court events in the program group. To translate the number of court events avoided into judicial time saved, estimated judicial time was used, which was provided by judges in survey responses of judicial time spent on these court events, including chamber time for preparation before the events and time spent in following up the decisions made during the hearing events. Based on these figures, it was estimated that the smaller number of court events in the program group translates to a total time savings of 4 judicial days.

As noted in the section discussing the implications of the pilot program's reduction in trial rates, because many court costs, including judicial salaries, are fixed, judicial time savings from the reduced court workload does not translate into a fungible cost savings that can be reallocated to cover other court expenses. Instead, the time saved can be used by judges to better focus on those cases that most need judicial time and attention, improving court services in these cases.

To help understand the value of the potential time savings, however, its estimated monetary value was calculated. The potential reduction in judicial days was multiplied by an estimate of the current daily cost of operating a courtroom—$2,990 per day.[230] Based on this calculation, the monetary value of the judicial time saved from the reduced number of court events in program cases filed between April and December of 2001 was approximately $12,000.

As with reduced trial rates, the potential saving if the pilot program were applied to all general civil cases courtwide was also calculated. This was done by calculating the number of court events that might have been avoided in both the control cases in the participating departments and the control departments, assuming cases in the two groups had had the same rates of court events as those in the program group. Since the number of control cases in the participating departments was similar to that in the program group, estimated savings in judicial time and court costs were the same as in the program group, with a savings of 4 judicial days (with a monetary value of approximately $12,000). Total savings in judicial time in the participating departments, including both program and control cases, was thus estimated to be 8 judicial days (with a monetary value of approximately $24,000).

Table IV-30 also shows estimated potential time savings in the control departments, assuming cases in the control departments had had the same rates of court events as in the program group. It shows that for cases filed during the nine-month period in 2001, a total of 1,168 court events would have been avoided in the control departments. This potential reduction in the number of court events translates into savings of 92 judicial days (with a monetary value of approximately $275,000). Combining this with the potential savings from the participating departments, the total potential time savings from cases filed from April to December 2001 in all unlimited departments in Central district was estimated to be 100 judicial days (with a monetary value of approximately $299,000).

To better understand the potential impact of the Los Angeles pilot program on an annual basis, Table IV-31 translated all the time savings calculations based on estimated number of cases filed during a twelve-month period. With cases in all unlimited departments combined, total potential annual savings in judicial time is estimated to be 132 judicial days (with a monetary value of approximately $395,000).

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[230] This estimated cost includes salaries for a judge and associated support staff but not facilities or general overhead costs In its Fiscal Year 2001—2002 Budget Change Proposal for 30 new judgeship, the Finance Division of the Administrative Office of the Courts estimated that each new judgeship would have a total cost of $642,749. This figure includes the total cost of salaries, benefits, and operating expenses for each new judgeship and its complement of support staff: a bailiff, a court reporter, two courtroom clerks, a legal secretary, and a research attorney (Judicial Council of Cal., Fiscal Year 2001—2002 Budget Change Proposal, No. TC18)

Table IV-31. Potential Annual Impact on Court Events in Los Angeles

	Number of Cases	Total Number of Court Events		Estimated Potential Savings in Judge Time (Days)	Estimated Monetary Value of Potential Time Saving
		Actual	Estimated Reduction		
Program Group	1,613	4,244	64	5	$14,950
Control Cases	1,616	4,315	64	5	$14,950
Total Participating Departments	3,229	8,559	128	10	$29,900
Control Departments	15,577	42,527	1,558	122	$364,780
Total in Both Participating and Control Departments	18,807	51,086	1,686	132	$394,680

Comparison of Court Workload in Cases Valued Over $50,000 Referred to Mediation under Pilot Program (Court-Ordered Referral) and under 1775 program (Voluntary Referral)

Table IV-32 compares the average number of pretrial events in cases valued over $50,000 that were referred to mediation under the Early Mediation Pilot Program (court-ordered referrals) and such cases referred to mediation under the 1775 program (voluntary referrals).

Table IV-32. Comparison of Court Workload in Cases Over $50,000 Referred to Mediation

	# of Cases	Average # of Pretrial Hearings			
		CMCs	Motions	Others	Total
Program Group	349	1.77	0.85	1.51	4.13
Control Cases	210	1.69	0.89	1 63	4 20
Control Dept	1,710	2.03	0.93	1.64	4.59
% Difference Between Program Group and					
Control Cases		5%	-4%	-7%	-2%
Control Dept		-13%***	-9%	-8%	-10%***

*** p < 05, ** p < 10, * p < 20.

This table indicates that there were fewer pretrial court events, particularly CMCs, in cases valued at over $50,000 referred to early mediation under the pilot program than in cases valued over $50,000 that were referred to mediation under the 1775 program. However, it is not clear whether these differences are a result of a mandatory versus voluntary referral to mediation or from other differences between the pilot program and the 1775 program. As noted in Section I.B., there are a variety of programmatic differences between the Early Mediation Pilot Program and the 1775 program, including

that mediators in the pilot program were required to meet higher training and experience requirements. Comparisons between cases in these two programs therefore show the differences in the number of pretrial court events that result from all of the differences between the whole pilot program model and the 1775 program model.

Conclusion

In addition to the reduction in trials discussed above, the pilot program in Los Angeles reduced the average number of "other" pretrial hearings in program cases by 11 percent compared to control cases in the participating departments and may also have reduced motion hearings in program-group cases compared to cases in both control groups. However, there were also 16 percent more CMCs in the program group compared to control cases in the participating departments. The increase in case management conferences offset the decrease in other pretrial events so that overall reduction in pretrial court events was small and not statistically significant.

Even though there was not a statistically significant reduction in the total number of pretrial events, because motions and "other" pretrial hearings take more judicial time on average than case management conferences, the changes in the number of pretrial court events caused by the pilot program resulted in saving judicial time. During the first 9 months of the program, a total of 4 judicial days worth of time was saved in the 9 participating departments that could be devoted to other cases needing judges time and attention. Annualizing the program group reductions and adding potential reductions if the program were available to cases that were in the control groups, the total potential time savings from the reduced number of court events is estimated at 132 judicial days per year (with a monetary value of $395,000 per year).

V. Fresno Pilot Program

A. Summary of Study Findings

There is strong evidence that the Early Mediation Pilot Program in Fresno reduced case disposition time, improved litigant satisfaction with the court's services and the litigation process, and decreased litigant costs in cases that resolved at mediation.

- **Mediation referrals and settlements**—Almost 1,300 cases that were filed in 2000 and 2001 (871 unlimited and 414 limited) were referred to mediation, and more than 700 of these cases (514 unlimited and 214 limited) were mediated under the pilot program. Of the unlimited cases mediated, 47 percent settled at the mediation and another 8 percent settled later as a direct result of the mediation, for a total resolution rate of approximately 55 percent. Among limited cases, 58 percent settled at mediation and another 3 percent settled later as a direct result of the mediation, for a total resolution rate of approximately 61 percent. In survey responses, 67 percent of attorneys whose cases did not settle *at* mediation indicated that the mediation was important to the ultimate settlement of the case.

- **Trial rate**—Because a large proportion of the cases being studied had not yet reached disposition, there was not sufficient data to determine whether the pilot program in Fresno had an impact on the trial rate.

- **Disposition time**—For unlimited cases filed in 2001, the average time to disposition in the program group was 39 days shorter than in the control group and the median time to disposition was 50 days shorter. For limited cases filed in 2001, the average time to disposition for cases in the program group was 26 days shorter than for cases in the control group and the median time to disposition was 6 days shorter. The results of regression analysis that accounted for case type differences suggest that the average time to disposition in the program group was 40 days shorter than in the control group for both unlimited and limited cases. For both unlimited and limited program-group cases, starting at about the time of the pilot program mediations occurred on average, the pace of dispositions outstripped that of cases in the control group, suggesting that the mediations contributed to shortening the time to disposition. Comparisons with similar cases in the control group indicate that when program-group cases were settled at mediation, the average disposition time was shorter, but when cases were mediated and did not settle at the mediation, the disposition time was longer.

- **Litigant satisfaction**—Attorneys in both unlimited and limited program-group cases were more satisfied with both the litigation process and the court's services than attorneys in control-group cases. Attorneys' satisfaction with the court's services, the litigation process, and the outcome of the case were all higher in program-group cases that settled at mediation than in similar control-group cases. While attorneys whose cases did not settle at mediation were less satisfied with the outcome of the case, they

were still more satisfied with both the litigation process and the services provided by the court than attorneys in like cases in the control group. This suggests that participating in mediation increased attorneys' satisfaction with both the litigation process and the court's services, regardless of whether the case settled at mediation. Both parties and attorneys who participated in pilot program mediations expressed high satisfaction with their mediation experiences, particularly with the performance of the mediators. They strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

- **Litigation costs**—There was evidence that both litigant costs and attorney time were reduced when cases resolved at mediation. Eighty-nine percent of attorneys whose cases resolved at mediation estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorneys per settled case was $9,915 in litigant costs and 50 hours in attorney time, for a total estimated savings of $3,619,136 in litigant costs and 24,455 in attorney hours in all 2000 and 2001 cases that settled at mediation.

- **Court workload**—Unlimited program-group cases filed in 2001 had 13 percent fewer motion hearings than cases in the control group, and limited program-group cases had 48 percent fewer motion hearings. However, this decrease in motions was offset by an increase in the number of case management conferences and other pretrial hearings in pilot program cases so that, overall, there was an increase in the total number of pretrial court events in the program group and a small increase in the judicial time spent on program cases during the study period. The increase in the number of case management conferences for program cases was understandable given court procedures (since changed) that required conferences in all program cases that did not settle at mediation and in most program cases when the parties wanted their case removed from the mediation track. The court's procedures did not generally require case management conferences in other cases. Unlimited program-group cases that settled at mediation had 45 percent fewer court events overall compared to similar cases in the control group. This overall reduction stemmed from reductions in motion and other hearings; there were 80 percent fewer motion hearings and 60 percent fewer other hearings in unlimited program cases that settled at mediation compared to like cases in the control group.

B. Introduction

This section of the report discusses the study's findings concerning the Early Mediation Pilot Program in the Superior Court of Fresno County. Based on the criteria established by the Early Mediation Pilot Program legislation, this was a successful program, resulting in benefits to both litigants and the courts in the form of reduced disposition time, improved litigant satisfaction with the court's services and the litigation process, and lower litigant costs in cases that resolved at mediation.

As further discussed below in the program description, the Fresno pilot program included four main elements:

- Cases were referred to early mediation on a random basis; they were not assessed for amenability to mediation before referral;
- Litigants could consent to the referral or, typically by attending a case management conference, could request that the court remove the case from the mediation track;
- The court had the authority to order the litigants to participate in early mediation; and
- If litigants selected a mediator from the court's panel, the court paid the mediator for up to four hours of mediation services.

For purposes of this study, the cases randomly referred to early mediation are called the "program group." The remaining cases that were otherwise eligible but were not referred to early mediation are called the "control group." Comparisons of the disposition time, litigant satisfaction, and other outcome measures in the program group and the control group were used to show the overall impact of implementing this pilot program, with all of its program elements, in the Fresno court.

It is important to remember that, throughout this section, "program group" means cases *referred* to mediation; it does not mean cases that were mediated. The program group includes cases that were referred but that did not ultimately go to mediation, either because they were later removed from the mediation track by the court or because they settled before the mediation took place.

It is also important to remember that the program-group cases exposed to different pilot program elements had very different dispute resolution experiences and different outcomes in terms of the areas being studied (disposition time, litigant satisfaction, etc.). In overall comparisons, the outcomes in all these subgroups of program cases were added together to calculate an overall average for the program group as a whole. As a result, within these overall averages, positive outcomes in some subgroups of cases—such as shorter disposition time in cases that settled at mediation—were often offset by less positive outcomes in other subgroups.

To provide a better understanding of how program-group cases in these subgroups may have been influenced by their exposure to different pilot program elements, comparisons were made between cases in these subgroups and control-group cases with similar case characteristics. Readers who are interested in the impact of specific pilot program

elements, such as the early mediation process, should pay particular attention to these subgroup analyses.

Finally, it is important to remember that the emphasis in this pilot program was on early referral to and early participation in mediation—cases were referred to mediation at 5–6 months after filing and went to mediation at 9–10 months after filing. Thus, this study only addresses how cases responded to such early referrals and early mediation. It does not address how cases might have responded to later referrals or later mediation.

C. Fresno Pilot Program Description

This section provides a brief overview of the Superior Court of Fresno County and its mediation pilot program. This description is intended to provide context for understanding the information presented later in this chapter concerning the impact of the pilot program.

The Court Environment in Fresno

Fresno is a largely rural county with one large urban center. It is one of the fastest growing counties in California with a current population of approximately 800,000. The superior court in Fresno County has 36 authorized judgeships. In 2000, the year this mediation pilot program began, approximately 9,000 unlimited general civil cases and 12,000 limited civil cases were filed in the Superior Court of Fresno County.[231]

The Superior Court of Fresno County has historically had limited resources for managing civil cases. The civil case docket was managed according to a master-calendar system, in which different judges were assigned to handle different aspects of a civil case, based on the judge who was available when the particular task needed to be performed. During the program period, one judge was assigned full time to hold law and motion hearings. Other judges, assigned mainly to hear criminal cases, were assigned to handle other aspects of civil cases as they were available. It was not until January 2003 that four judges were assigned to handle civil cases exclusively.

During most of the pilot program period, case management conferences were rarely conducted by judges. In October 2001, a new case management procedure was adopted in which case management conferences were set in all civil cases approximately 120 days after filing. These initial case management conferences, however, were conducted by court clerks and focused primarily on setting dates for mandatory settlement conferences, trial readiness hearings, and trials.

It has historically taken a relatively long time for unlimited civil cases in Fresno to reach disposition. In 1999, the year before the Early Mediation Pilot Program was implemented, the Superior Court of Fresno County disposed of 56 percent of its unlimited civil cases within one year of filing, 80 percent within 18 months, and 91 percent within two years. Disposition of limited cases was faster. The court disposed of 96 percent of its limited civil cases within one year of filing, 99 percent within 18 months, and 99 percent within 24 months.

Prior to the implementation of the pilot program in 2000, the court did not have any alternative dispute resolution (ADR) program for general civil cases. The only ADR program available was mediation services for small claims cases provided by the local

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[231] Judicial Council of Cal., Admin Off. of Cts , Rep. on Court Statistics (2001) Fiscal Year 1990-1991 Through 1999-2000 Statewide Caseload Trends, p. 46. See the glossary for definitions of "unlimited civil case," "limited civil case," and "general civil case."

Better Business Bureau. Thus, the pilot mediation program for limited and unlimited civil cases represented a new experience for both the court and the local bar association.

The Early Mediation Pilot Program Model Adopted in Fresno

The General Program Model

The Superior Court of Fresno County adopted a mandatory mediation pilot program model. As noted in the introduction, under the Early Mediation Pilot Program statutes, in courts with mandatory mediation programs, the judges were given statutory authority to order eligible cases to mediation. The basic elements of the program implemented in Fresno included:

- The court's ADR Administrator selected cases for referral to mediation on a random basis from eligible at-issue cases; cases were not assessed for amenability to mediation before being referred;
- Litigants were sent a notice when their case was referred to mediation under the pilot program;
- An early mediation status conference was set approximately 60 days after the notice of referral to mediation was sent to the parties;
- Litigants were given the option of consenting to the mediation referral by filing a stipulation to participate; the early mediation status conference was canceled in the event of such a stipulation;
- Parties could ask the court to void the referral to mediation (remove the case from the mediation track); this typically had to be done by attending the early mediation status conference and showing the judge good cause why the case was not appropriate for mediation;
- The court had the authority to order litigants to participate in early mediation;
- Litigants in cases that were referred to mediation were required to complete mediation within 60–90 days of the mediation order or stipulation;
- If litigants selected a mediator from the court's panel, the court paid the mediator for up to four hours of mediation services; and
- If the case did not settle at mediation, the court set a follow-up conference shortly after mediation.

What Cases Were Eligible for the Program

Most general civil cases,[232] both limited and unlimited, were eligible for the program in Fresno. General civil cases that were not eligible for the program included complex cases and class actions.

How Cases Were Assigned to the Program and Control Groups

For purposes of this study, the Judicial Council required the pilot courts implementing a mandatory mediation program model to provide for random assignment of a portion of eligible cases to a "program group" and a portion of cases to a "control group." "Program-group" cases were exposed to one or more of the program elements described above; "control-group" cases were not exposed to any of these program elements, but

[232] See the glossary for a definition of "general civil cases."

were otherwise subject to the same court procedures as the cases in the program group. It is important to remember that, throughout this section, "program group" means cases exposed to any of the pilot program elements, which in Fresno means that they received a notice from the court indicating that they had been selected for referral to mediation in the program, etc. It does not necessarily mean cases that were mediated.

In the Fresno pilot program, assignment to the program and control groups was determined by the referral to mediation under the pilot program. From a pool of at-issue cases eligible for the program, the court's ADR Administrator selected cases for referral to mediation. Cases referred to mediation were the program group and cases not referred to mediation were the control group.

The case assignment and mediation referral process went through two phases: before and after October 2001 when the court's new case management procedure was adopted.

During the first phase, before October 2001, on a weekly basis, the ADR Administrator reviewed the files of eligible civil cases in which the complaint had been filed approximately 90–120 days earlier to see if the defendant had responded (whether the case was at issue). The case files were arranged based upon the date of filing, and the ADR Administrator did not review the cases to determine their potential amenability to mediation or the parties' preferences concerning participation in mediation. The ADR Administrator simply selected eligible, at-issue cases for referral to mediation in the order they appeared until a predetermined number of cases had been selected for mediation. However, the ADR Administrator did try to ensure that a variety of case types and cases involving a variety of attorneys were referred to mediation. For example, if many automobile personal injury (Auto PI) cases had already been selected, a few Auto PI case files would be skipped so that some less common case types (such as medical malpractice cases) could be referred to mediation under the program. Similarly, if multiple cases involving a particular attorney had already been selected, the ADR Administrator would skip cases involving that attorney.

This case selection process resulted in the proportion of various case types in the program group differing from the proportion of these cases in the overall population of eligible cases. Thus, the case selection process during the first phase may not be considered completely random. However, the process was random within each case type, as no factor other than case types and attorneys associated with the cases influenced the case selection process.

In the second phase, after October 2001,[233] the case selection process was modified to integrate it with the new case management procedure. The ADR Administrator used weekly computer printouts of cases scheduled for appearance at case management conferences as the basis for selecting cases for referral to mediation. While the printouts contained information on whether a case had become at issue, there was no information on case type. Cases were randomly selected from these printouts for referral to

[233] Note that since the new case management conferences were set for approximately 120 days after filing of the complaint, these new procedures affected cases filed beginning in May or June 2001.

mediation. Therefore, after October 2001, the case selection process was completely random, without regard to case type or attorneys associated with the cases.

How Cases Were Referred to Mediation

Only cases in which the defendant responded to the complaint (cases that became at issue) were eligible for referral to mediation. Mediation requires participation of both sides to a case. This participation is not possible if the defendant has not responded to the complaint. As in all of the pilot courts, a large proportion of eligible cases in Fresno (approximately 40 percent of unlimited cases and 85 percent of limited cases) never became at issue and thus, were not eligible for referral to mediation.

As noted above, eligible at-issue cases in the Fresno program were referred to mediation on a random basis. Parties whose cases were referred to mediation were sent a notice of referral and information about the pilot program. This information package included notice of an early mediation status conference set within approximately 60 days. The package informed parties that they could consent to the mediation referral by filing a *Stipulation to Participate in Lieu of Early Mediation Status Conference,* a blank copy of which was in the package, and that, if they filed this form, they would not have to appear at the status conference. If parties wanted to void the referral to mediation, however, they generally had to appear at the status conference and show the judge good cause why the case was not appropriate for mediation.[234] In only approximately 10 percent of the cases (both limited and unlimited) were cases removed from mediation.

Since the referrals to mediation were made without any case assessment and only a small proportion of the referred cases sought to opt out of mediation, judges' views concerning cases' amenability to mediation and parties' wishes concerning mediation did not play an important role in the mediation referral process. This is a significant difference from the other two mandatory programs in this study (San Diego and Los Angeles) in which judicial assessment of case amenability was an integral element of the program design.

How Mediators Were Selected and Compensated

When a case was referred to mediation, parties were required to select a mediator. Parties were free to select any mediator, whether or not that mediator was from the court's panel. However, the Early Mediation Pilot Program statutes provided that, if parties selected a mediator from the court's panel, they would not be required to pay a fee for the mediator's services. Thus, the parties could receive up to four hours of mediation services at no cost to them if they selected a mediator from the court's panel.

Mediators on the Superior Court of Fresno County panel were required to have a minimum of 25 hours of formal mediation training.[235] The court provided a 25-hour

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[234] In some circumstances, such as when one of the parties declared bankruptcy, cases were removed from the mediation track without the court holding an early mediation status conference.

[235] During the first year of the program, attorneys could join the panel without first having completed any formal mediation training while non-attorneys were required to have a minimum of 25 hours of formal mediation training prior to joining the panel. After one year, all panel members, both attorneys and non-attorneys, were required to have completed 25 hours of formal mediation training

training program to potential panelists, but training was also available from other sources.[236] Potential panelists were also required to attend a mediator orientation program developed by the court that provided information about the legislation that created the pilot program and local procedures.

The court paid the panel mediators for the first four hours of mediation services. Initially mediators in unlimited civil cases were paid $100 per hour, up to a maximum of four hours, and mediators in limited civil cases were paid a flat $100 per case. Beginning July 2001, this rate structure was changed to $150 per hour, up to a maximum of four hours, for all cases. At the end of this four-hour period, the parties were free to continue the mediation on a voluntary basis, but the parties were responsible for paying the mediator at the mediator's individual market rate.

When Mediation Sessions Were Held

In general, parties were required to complete the mediation within 60 days of either the stipulation to participate or the court's order to mediation following the early mediation status conference. However, parties could get an extension for the mediation completion deadline of up to 150 days from the court's ADR Administrator for any reason. Such extensions were common.

What Happened After the Mediation

Before October 2001 when the court started holding case management conferences, the court would schedule a mediation status conference about the time the mediation was scheduled to be completed—approximately 60 days after the stipulation to participate was filed or the case was ordered to mediation in a early mediation status conference. At the conclusion of the mediation, the mediator was required to submit a form to the court indicating whether the case was fully or partially resolved at the mediation session. If the case settled, in mediation or before mediation, the status conference would be canceled and the case would be calendared for a dismissal hearing. If the case did not settle in the mediation, it would go to the status conference and be set for trial.

After the court started holding case management conferences in October 2001, the postmediation status conferences were no longer set. Every case was given a trial date at the first case management conference, so the parties did not need to return for a conference after the mediation to get a trial date.

How Cases Moved Through the Pilot Program

To understand the impact of this pilot program, it is helpful to understand the flow of cases through the court process and into the subgroups of cases that experienced different elements of the pilot program. Figure V-1 below depicts this process for unlimited cases filed in 2000 and 2001and Figure V-2 depicts the same process for limited cases.

[236] Mediation training from Fresno Pacific University, San Joaquin College of Law, the Better Business Bureau, and Pepperdine University was accepted by the court.

Unlimited Civil Cases

In 2000 and 2001, 6,195 unlimited civil cases were filed in the Superior Court of Fresno County. Approximately 60 percent of these cases (3,707 cases) became at issue and were eligible to be selected for mediation orders. From this pool of eligible cases, 23 percent (871 cases) were referred to mediation.[237]

As of November 2003, 59 percent (514 cases) of the cases referred to mediation had completed mediation. Approximately 40 percent of the cases that were referred to mediation did not go to mediation either because the cases settled before mediation or the parties opted out of the program. For a small 2 percent of the cases referred to mediation, the outcome of the mediation referral was not yet known, either because the mediation was still pending or information on the outcome of mediation was unavailable.

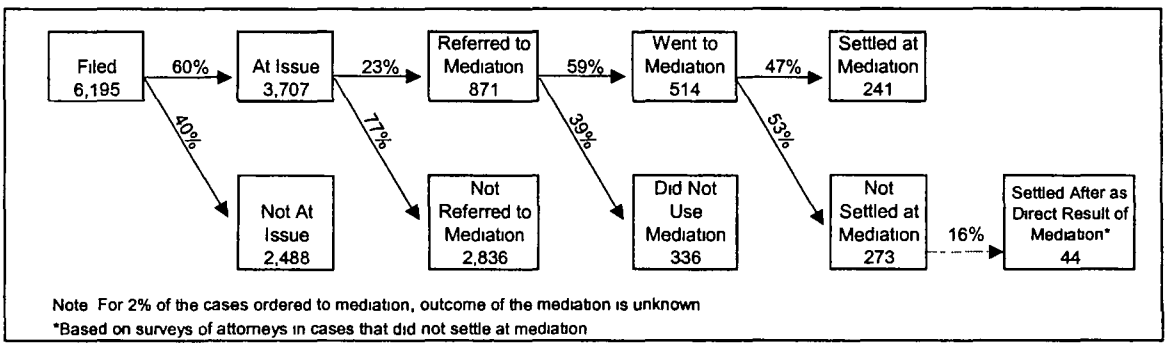

Figure V-1. Case Flow Process for Unlimited Cases Filed in 2000 and 2001

Of the unlimited civil cases that completed mediation, 47 percent settled at the end of the mediation. It should be noted that this settlement rate does not include cases that did not resolve at the end of mediation but reached resolution later as a direct result of mediation. Data from attorney surveys revealed that 16 percent of unlimited cases that did not settle at mediation attributed subsequent settlement of the cases directly to the mediation. Thus, the overall proportion of unlimited cases that completed mediation and reached settlement through mediation is estimated to be 55 percent.

Limited Civil Cases

The flow of limited cases through the court's process is different from the flow of unlimited cases.

[237] Note that, because of limits on funds, the court set a cap on the number of cases referred to mediation each month.

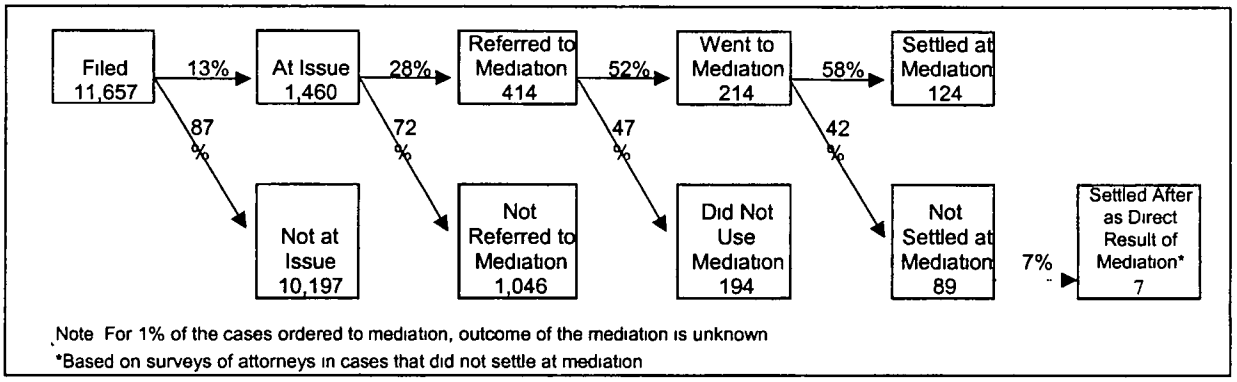

Figure V-2. Case Flow Process for Limited Cases Filed in 2000 and 2001

In 2000 and 2001, 11,657 limited civil cases were filed in the Superior Court of Fresno County. Of these, only approximately 13 percent (1,460 cases) ever became at issue and were eligible for mediation orders (compared to 60 percent for unlimited cases). Of these at-issue cases, 28 percent (414 cases) were referred to mediation (compared to 23 percent for unlimited cases).

Approximately 52 percent of the limited cases referred to mediation completed mediation. Approximately 47 percent of the limited cases that were referred to mediation did not go to mediation either because the cases settled before mediation or the parties opted out of the program. For the remaining 1 percent of the cases referred to mediation, the outcome of the mediation referral was not yet known, either because the mediation was still pending or information on the outcome of mediation was unavailable.

Of those limited cases that completed mediation, 58 percent reached agreement at the end of mediation (compared to 47 percent for unlimited cases). Of the attorneys in limited cases who responded to the survey, 7 percent whose cases did not settle at mediation attributed subsequent settlement of the cases directly to mediation. Thus, the overall proportion of limited cases completing mediation that reached settlement through mediation is estimated to be 61 percent (compared to 55 percent for unlimited cases).

Conclusion

As noted in the introduction, each of the pilot mediation programs examined in this study is different. In reviewing the results for the Fresno pilot program, it is important to keep in mind the unique characteristics of this court and its pilot program. In particular, as will be discussed below, it is important to note that the relatively long time to disposition in Fresno, because it affected the ability to determine if the program had an impact on the trial rate, and the change in case management procedures implemented by the court in October 2001, because it changed the timing of mediation referrals and altered the impact of the program on time to disposition.

D. Data and Methods Used in Study of Fresno Pilot Program

This section provides a brief description of the data and methods used to analyze the Fresno pilot program. (See Section I.B. for more information on the overall data and methods used in this report.)

Data

Several data sources were used in this study of the Fresno Pilot Program.

Data on Trial Rate, Disposition Time, and Court Workload

As more fully described in Section I.B., the primary source of data for assessing the pilot program's impact on trial rate, disposition time, and court workload was the court's case management system.

It is important to note three issues about this data that may affect the analysis of the program impact in Fresno: (1) the court's case management system was converted during the study period and some data on court events was lost during this conversion; (2) a large proportion of cases being studied had not reached disposition by the end of the data collection period; and (3) some cases that are shown as still pending in the court's case management system may actually have reached disposition but not have been properly closed in the case management system.

Limitations of Data in the Court's Case Management System

As noted earlier, data from the court's case management system was used to measure the program impact on case disposition time, trial rate, and court workload. During the study period, the court changed to a new case management system. The change took place in July 2000 for unlimited cases and in April 2001 for limited cases. During the conversion process, some of the information in the old case management system concerning the number of court events was not completely transferred into the new system. The conversion also affected information on case disposition time and trial rate. Because of these conversion issues, the number of cases disposed of, the number of cases that went to trial, and the number of court events in cases filed before the conversion were likely to be underreported in the case management system. These data problems appear to have had a greater impact on cases filed in 2000 than those filed in 2001. To address this, cases filed in 2000 and 2001 are examined separately in this report.

Proportion of Cases That Had Not Reached Disposition

Even with a follow-up time in the range of 15 to 40 months since filing, the court's case management data indicated that a significant proportion of cases included in this study had not reached disposition by November 2003 when the data collection period for this study ended.[238] Of the cases filed in 2000, the case management data indicate that approximately 20 percent of unlimited cases and 12 percent of limited cases remained pending at the end of the data collection period. For cases filed in 2001, the proportion of

[238] Data collection initially ended in June 2003 for all courts Additional data was obtained from the Fresno pilot court to allow for longer follow-up on case disposition.

still-pending cases was approximately 20 percent for unlimited cases and 15 percent for limited cases.[239] While, in an absolute sense, the percentage of pending cases does not seem high (more than 80 percent of the cases had reached disposition), particularly for examination of trial rates, where the number and percentage of tried cases is very small, accurately identifying program impact is difficult when data on 20 percent of the cases is not available.

Because the cases in both program and control groups had the same follow-up time, the comparisons made in this report between these groups are valid reflections of the differences in these groups within a minimum follow-up period of approximately 15 months. However, the final trial rate, time to disposition, and court workload in both the program and control groups is likely to change when still-pending cases reach disposition and their outcomes are known. Outcomes in pending cases could also affect the final levels of litigant satisfaction and costs. Therefore, the final outcome of comparisons made between the program and control groups when all of the cases in both groups have reached disposition may be different from the outcome reported in this study.

Because the percentage of still-pending cases is larger in the control group than in the program group, the way in which these pending cases are likely to impact the comparisons between the program and control groups can be projected for some of the outcome measures being studied. For example, with the data now available, the average case disposition time in the program group is shorter than that in the control group. Since the control group has a larger proportion of pending cases, when the final disposition times in all the pending cases are added in, the control group's average case disposition time is likely to increase to a greater extent than the average time to disposition in the program group. Thus, the difference between the program and control groups is likely to further increase—the disposition time in the program group will be lower than in the control group by an even larger percentage—when all the cases in both groups have reached disposition. Similar results could be expected in comparisons on trial rate and court workload, since it is likely that cases that take longer to reach disposition have somewhat higher trial rates and more court events. It is harder to predict how outcomes in the pending cases might affect the results relating to litigant satisfaction and costs.

It is possible, however, that the court's case management system data also shows some cases as pending that have actually reached disposition. A fairly large number of the cases shown as pending in the court's case management system showed no court activities for at least a year. Superior court staff confirmed that these cases might have reached disposition without being properly coded as closed in the case management system. To try to account for that possibility in this report, separate analyses were done on overall time to disposition and court workload using figures for closed cases and disposition time that assumed that all cases that had been pending for a year or more without any court event had actually reached disposition as of the date of the last court event shown in the case management system. The results of these separate analyses are reported in footnotes in the sections on time to disposition and court costs.

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[239] Cases in the program group had disposition rates that were approximately 4 to 8 percent higher than cases in the control group by the end of data collection

Data on Litigant Costs and Litigant Satisfaction

As is more fully described in Section I.B., analysis of program impact on litigant satisfaction and costs was based on data from surveys distributed (1) to attorneys and parties who went to mediation between July 2001 and June 2002[240] (postmediation survey) and (2) to parties and attorneys in program- and control-group cases that reached disposition during the same period (postdisposition survey).

Methods

Several methods were used in the study of the Fresno pilot program.

Comparisons of Outcomes in Program- and Control-Group Cases

As is more fully described in Section I.B., the main method of analysis used in the study of the Fresno pilot program is overall comparison of the outcomes in the program group as a whole with the outcomes in the control group. Cases were assigned to the program and control groups in Fresno through a process that, with the exception of case type, was random.[241] Because this assignment process ensured that the characteristics of the cases in the program and control groups would be similar, differences found in direct comparisons between these groups can reliably be attributed to impact from the pilot program.[242]

It is important to remember that comparisons between the program group and control group in Fresno identify the impact of the pilot program as a whole, not just the impact of mediation. As discussed above in the pilot program description, Fresno's pilot program had many elements, including the referral to mediation, the possibility of an early case management conference, the possibility of being ordered to early mediation, and the possibility of participating in the mediation process itself. Not every case in the program group was mediated. The program group is made up of subgroups of cases that experienced different elements of the pilot program—that is, cases that were referred to mediation but did not ultimately go to mediation, either because they were later removed from the mediation track by the court or because they settled before the mediation took place, and cases that actually went through mediation and either settled or did not settle at mediation. In overall comparisons between the program group and control group, the program group includes all of these different subgroups of cases put together. To help understand this, the discussion of each of the outcome measures beings studied (disposition time, litigant satisfaction, etc.) starts with a table showing the average outcome score in each subgroup and in the program group as a whole.

Regression Analysis of Subgroups Within the Program Group

While the average outcome score for each subgroup provides helpful descriptive information, comparisons between the average scores in different subgroups or between

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[240] Additional surveys were distributed in March 2003 to increase the sample size for comparison cases

[241] As was noted in the program description, because, up until October 2001, the ADR Administrator tried to ensure that a variety of case types and cases involving a variety of attorneys were referred to mediation, there was an overrepresentation of certain case types in the program group.

[242] Comparisons were also done using regression analysis to take into account the different proportions of various case types in the program and control groups.

the subgroups and the control group as a whole ***do not*** provide accurate information about the impact of the pilot program on the cases in the subgroup. Figure V-3 and Figure V-4 below describe the characteristics of unlimited and limited cases in each program subgroup in Fresno. As can be seen from these figures, the cases in these subgroups are qualitatively different from one another. In direct comparisons, it is not possible to tell if differences in outcomes in the subgroups are due to the effect of the pilot program elements that these cases experienced or due to these different characteristics of the cases in these subgroups. As more fully discussed in Section I.B., regression analysis was used to take these differences in case characteristics into account and compare cases in a subgroup only to the cases in the control group that have similar case characteristics. The results of these subgroup comparisons more accurately identify whether there were differences in outcomes resulting from the effect of the pilot program elements experienced by these cases.

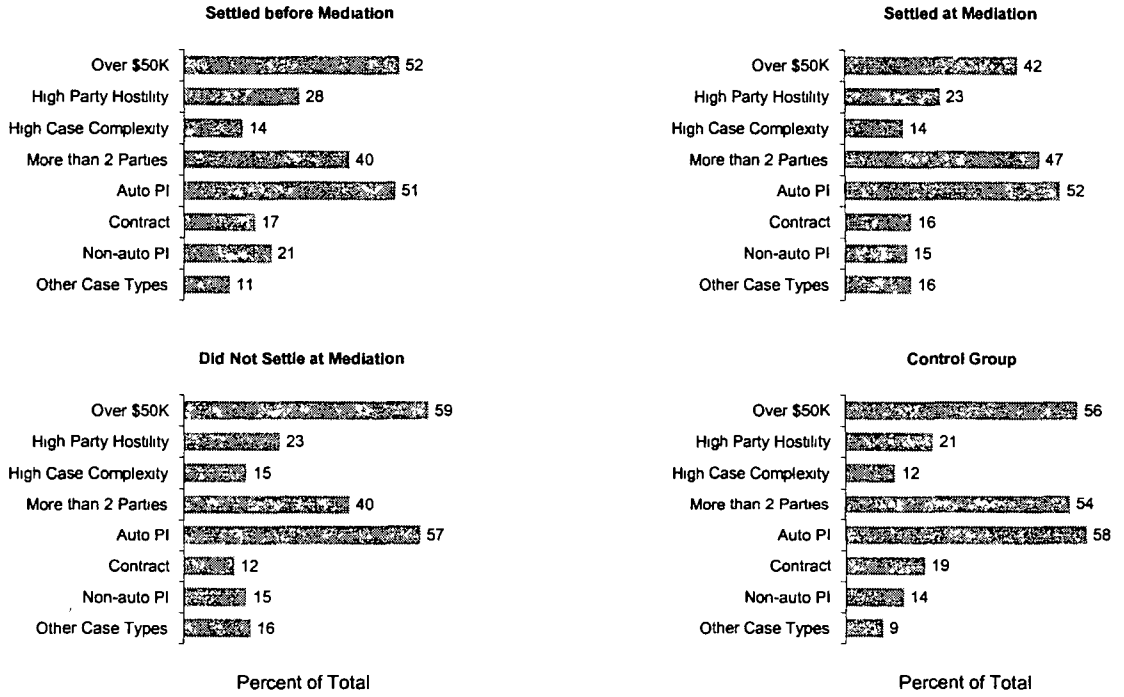

Figure V-3. Case Characteristics of Program Subgroups for Unlimited Cases in Fresno

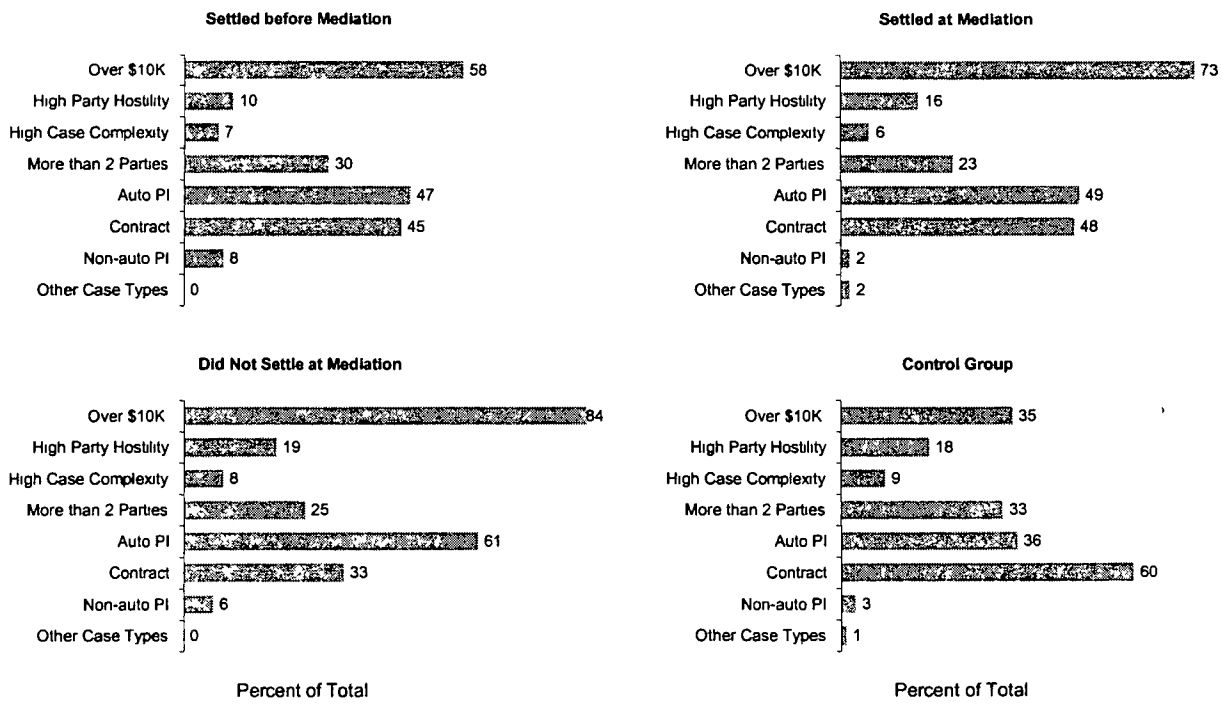

Figure V-4. Case Characteristics of Program Subgroups for Limited Cases in Fresno

E. Program-Group Cases—Referrals, Mediations, and Settlements

Before making comparisons between the program and control groups, it is helpful to first understand how the program group breaks down in terms of the subgroups of cases that settled before mediation, were removed from the mediation track, and went to mediation under the pilot program. It is also helpful to understand the impact of the pilot program mediation on the resolution of cases, both during and after the mediation.

As noted above, the program group in Fresno consists of all the cases that were *referred* to mediation under the pilot program, not just cases that went to mediation. Almost 1,300 of the eligible cases filed in 2000 and 2001 (871 unlimited and 414 limited) were referred to mediation under this program. Table V-1 breaks these cases down into subgroups based on what happened with the case after the mediation referral.

Table V-1. Program-Group Cases—Subgroup Breakdown

	Unlimited Cases		Limited Cases	
Program Subgroup	*# of Cases*	*% of Total in Program Group*	*# of Cases*	*% of Total in Program Group*
Settled before mediation	224	25 72	141	34 06
Removed from mediation	112	12 86	53	12 80
Settled at mediation	241	27 67	124	29 95
Did not settle at mediation	273	31 34	89	21 50
Mediation outcome unknown	21	2.41	7	1.69
Total program group	871		414	

Of the cases that were referred to mediation, 530 were never mediated: 365 cases (224 unlimited and 141 limited cases) were settled before the mediation and 165 cases (112 unlimited cases and 53 limited cases) were removed from the mediation track. This represents about 40 percent of the program group (38 percent of the unlimited program cases and 47 percent of the limited program cases).

As shown in Table V-2, a total of 727 cases (514 unlimited and 213 limited cases) went to mediation under the pilot program. Of the unlimited cases that were mediated, 241 cases (47 percent of the unlimited mediated cases) reached full agreement at the mediation and another 10 reached partial agreement at the mediation. Of the limited cases that were mediated, 124 (59 percent of the limited mediated cases) reached full agreement at mediation.

Even when cases did not reach settlement *at* mediation, the mediation still played an important role in the later settlement of cases. Table V-3 shows that 13 percent of the attorneys in cases that were mediated under the pilot program but did not reach settlement at mediation indicated in responses to the postdisposition survey that the ultimate settlement of the case was a direct result of participating in the pilot program

mediation.[243] Another 28 percent indicated mediation played a very important role, and still another 26 percent indicated mediation was somewhat important in the ultimate settlement of the case. Altogether, attorneys responding to the survey indicated that subsequent settlement of the case benefited from mediation in approximately 67 percent of the cases in which the parties did not reach agreement at the end of the mediation session. For only 33 percent of the respondents was mediation considered of "little importance" to the case reaching settlement.

Table V-2. Proportion of Program-Group Cases Settled at Mediation

	Unlimited		Limited	
	# of Cases	% of Mediated Cases	*# of Cases*	% of Mediated Cases
Agreement	241	46.89	124	58.22
Partial Agreement	10	1.95	0	0 00
Nonagreement	263	51.17	89	41 78
Total	514	100 00	213	100 00

Table V-3. Attorney Opinions of Mediation's Importance to Subsequent Settlement

Importance of Participating in Mediation to Obtaining Settlement	Number of Responses	Percentage of Responses
Resulted Directly in Settlement	13	13 40
Very Important	27	27.84
Somewhat Important	25	25 77
Little Importance	32	32.99
Total	97	100 00

Adding together the cases in which the attorneys indicated subsequent settlement of the case was a direct result of participating in mediation and the cases that settled at mediation, the overall mediation resolution rate was approximately 55 percent for unlimited cases mediated under the pilot program and approximately 62 percent for limited cases.

Among the five pilot programs, Fresno had by far the lowest rate of mediations among those unlimited cases that were referred to mediation (10 percent lower than the 70 percent overall average), as well as the second lowest mediation resolution rate at 55 percent. This is probably due, at least in part, to the fact that, unlike any of the other pilot programs, in Fresno cases were referred to mediation on a random basis, and were not assessed for amenability to mediation before being referred. As a result, some kinds of cases that were screened out before referral in the other pilot programs were probably

[243] Data from both limited and unlimited cases was combined for this analysis, in order to provide a larger number of cases.

referred to mediation in Fresno and either dropped out before the mediation took place or were mediated but did not resolve at the mediation.

F. Impact of Fresno's Pilot Program on Trial Rates

Summary of Findings

Because the percentage of cases that go to trial is very small and a large proportion of the cases being studied had not yet reached disposition when data collection ended, the number of these cases that were tried during the study period was very small. Therefore, there was not sufficient data to determine whether the pilot program in Fresno had an impact on trial rates.

Trial Rates in the Program and Control Groups

Table V-4 shows the number and percentage of the closed cases in the program and control groups that went to trial.

Table V-4. Comparison of Trial Rates Between Program and Control Groups

	Program Group			Control Group			
	# of Cases Disposed	*# of Cases Tried*	*% of Cases Tried*	*# of Cases Disposed*	*# of Cases Tried*	*% of Cases Tried*	*% Difference*
Unlimited							
2000	201	11	5.5%	1,246	25	2.0%	173%***
2001	533	19	3 6%	978	38	3 9%	-8%
Limited							
2000	168	1	0.6%	495	5	1 0%	-41%
2001	196	9	4.6%	411	15	3 6%	26%

*** p < 05, ** p < 10, * p < 20

Given the very small number of tried cases, it was not possible to accurately discern the patterns of trial rates in the program and control groups. Comparisons between these groups therefore do not provide reliable information about the impact of the pilot program on trial rates. None of the differences shown were statistically significant.

The number of tried cases is small for a combination of reasons. First, the proportion of civil cases that go to trial is generally very small, typically ranging from 3 to10 percent. Second, the civil caseload in Fresno is modest. Applying a small trial rate to a modest caseload, the total number of cases that is ultimately likely to be tried is small. Finally, and most importantly, as noted in the previous section on data and methods, a relatively large proportion of the cases filed during the study period had not reached disposition when data collection ended in November 2003. Of the eligible cases filed in 2000, approximately 20 percent of unlimited cases and 12 percent of limited cases remained pending at the end of the data collection period. For cases filed in 2001, the proportion of still-pending cases was approximately 20 percent for unlimited cases and 15 percent for limited cases. It is reasonable to expect that many of these pending cases will ultimately go to trial, particularly since tried cases typically require a longer time to reach final

disposition. With a longer follow-up period, a larger number of cases will have been tried and the program impact on trial rates in Fresno could be assessed.

G. Impact of Fresno's Pilot Program on Case Disposition Time

Summary of Findings

The pilot program in Fresno reduced case disposition time for both limited and unlimited cases. The impact was more pronounced, however, for cases filed during 2001, the second year of the pilot program's operation.

- For unlimited cases filed in 2001, the average time to disposition in the program group was 39 days shorter than in the control group and the median time to disposition was 50 days shorter. For limited cases, the average time to disposition for cases in the program group was 26 days shorter than in the control group and the median time to disposition was 6 days shorter. The results of regression analysis that accounted for case-type differences suggest that the average time to disposition in the program group was 40 days shorter than in the control group for both unlimited and limited cases.

- The shorter case disposition time for program-group cases in 2001 appeared to be largely due to cases being ordered to mediation earlier, by an average of more than two months, compared to cases filed in 2000. The earlier time frame for mediation referrals in 2001 was in turn the result of a new early case management procedure adopted in 2001, which generally improved case processing for all general civil cases.

- For both unlimited and limited program-group cases, the pace of dispositions in the program group outstripped that in the control group at about the time of the pilot program mediations, suggesting that the mediation contributed to shortening the time to disposition.

- The average disposition time for unlimited cases in the program group that settled at mediation was 90 days shorter than the disposition time of like cases in the control group, and for unlimited cases that settled before mediation it was 144 days shorter than for like cases in the control group. Similarly, limited program-group cases that settled at or before pilot program mediations had an average disposition time that was 80 days shorter than the average for similar cases in the control group. Conversely, data suggests an increase of approximately 57 days in disposition time when unlimited program-group cases did not settle at mediation and 88 days when limited program-group cases did not settle at mediation compared to like cases in the control group. This highlights the importance of carefully selecting cases for referral to mediation.

- The program had a significant impact on disposition time in both limited and unlimited Auto PI cases as well as other types of unlimited personal injury cases. Case disposition time for these case types in the program group was almost 50 days shorter than for cases in the control group.

Introduction

This section of the report examines the impact of the Fresno pilot program on time to disposition. First, the pattern of case disposition time within the program group is examined. Second, the different patterns of disposition time of cases in the program and control groups are compared, including the average and median time to disposition and the rate of disposition over time. Different patterns of disposition time for various subgroups of cases within the program group are then examined. Finally, this section examines disposition time for different case types.

Disposition Time Within the Program Group

Table V-5 and Table V-6 show the average time to disposition for unlimited and limited cases both in the program group as a whole and for each of the subgroups of cases within the program group.[244] As noted in the section on data and methods, because of changes that occurred in the court's electronic case management system in 2000 as well as changes in the court's case management procedures that were instituted in 2001, cases filed in 2000 and 2001 are examined separately.[245]

Table V-5. Average Case Disposition Time (in Days) for Unlimited Program-Group Cases in Fresno, by Program Subgroups

	2000 Cases		2001 Cases		All Program-Group Cases		
Program Subgroups	*# of Cases*	*Average Disposition Time*	*# of Cases*	*Average Disposition Time*	*# of Cases*	*% of Total in Program Group*	*Average Disposition Time*
Settled before mediation	46	378	160	327	206	28%	338
Removed from mediation	19	482	60	462	79	11%	467
Settled at mediation	63	401	161	362	224	31%	373
Did not settle at mediation	71	679	146	486	217	30%	549
Total program group*	199	503	527	397	726	100%	426

*8 unlimited cases without available information on mediation outcomes not included.

As can be seen in these tables, cases (both limited and unlimited and those filed in 2000 and in 2001) that were referred to mediation, but settled before mediation, had the shortest disposition time among all the subgroups, followed by cases that settled at mediation. In contrast, cases that were referred to mediation, but later removed from the mediation track, and cases that went to mediation but did not settle at mediation had longer average disposition times. Thus, when the average time to disposition for the whole program group was calculated, cases in these latter two subgroups pulled that

[244] Note that these tables include only program-group cases that reached disposition by the end of the data collection period. Therefore the total number of cases and breakdown by subgroup are different from those in Figure V-1, Figure V-2, and Table V-1.

[245] The longer average disposition time for cases filed in 2000 compared to cases filed in 2001 reflects the different follow-up time available for these two groups of cases a minimum of 35 months has elapsed since filing for 2000 cases compared to only 23 months for 2001 cases Due to the different follow-up time, differences in case disposition time between cases filed in the two years should not be interpreted as an indication of whether the average disposition time has improved during the two-year period

average higher, offsetting to some degree the lower average disposition times among cases that settled before and at mediation.

Table V-6. Average Case Disposition Time (in Days) for Limited Program-Group Cases in Fresno, by Program Subgroups

	2000 Cases		2001 Cases		All Program-Group Cases		
Program Subgroups	*# of Cases*	*Average Disposition Time*	*# of Cases*	*Average Disposition Time*	*# of Cases*	*% of Total in Program Group*	*Average Disposition Time*
Settled before mediation	54	293	75	290	129	36%	291
Removed from mediation	18	383	24	297	42	12%	334
Settled at mediation	57	327	55	292	112	31%	310
Did not settle at mediation	37	471	39	432	76	21%	451
Total program group*	166	354	193	320	359	100%	336

*5 limited cases without available information on mediation outcomes not included

Overall Comparison of Disposition Time in Program and Control Groups

Comparison of Average and Median Time to Disposition

Table V-7 compares the overall average and median case disposition time in the program and control groups.

Table V-7. Case Disposition Time (in Days) in Fresno

	Number of Cases		Average			Median		
	Program	*Control*	*Program*	*Control*	*Difference*	*Program*	*Control*	*Difference*
Unlimited								
Filed in 2000	201	1246	503	506	-3	441	458	-17
Filed in 2001	533	978	400	439	-39***	348	398	-50***
Limited								
Filed in 2000	168	495	358	368	-10	344	309	35
Filed in 2001	196	411	321	347	-26**	294	300	-6

*** p < .05, ** p < 10, * p < .20

For cases filed in 2000, none of the differences was statistically significant.

For cases filed in 2001, there were significant reductions in disposition time in the program group compared to the control group. The average disposition time for unlimited cases in the program group that were filed in 2001 was 39 days shorter than the disposition time for cases in the control group, and the median disposition time for

program cases was 50 days shorter. The average time to disposition for limited program cases filed in 2001 was 26 days shorter than in the control group.[246]

As was noted above in the program description, for cases filed before May or June of 2001, the ADR Administrator tried to ensure that a variety of case types were referred to mediation. This resulted in there being a different proportion of some case types in the program and the control groups. As the average case disposition time tended to vary across different case types, the overall differences in case disposition time between the program and the control groups could be affected by the different proportion of case types in these groups. To isolate the impact of the program from these case type differences, regression analysis was done on time to disposition in the program and control groups, controlling for the case type.[247] For cases filed in 2000, the regression analysis did not find a statistically significant difference in the average time to disposition between the program and control groups for either limited or unlimited cases. For cases filed in 2001, the regression analysis indicated, with a high degree of confidence, that the average disposition time for cases in the program group was 40 days shorter than in the control group for both limited and unlimited cases.

At least two factors may help explain why a positive program impact on case disposition time was evident only for cases filed in 2001. First, 2000 was the first year of operation for Fresno's pilot program and the first year of operation for any court-connected civil mediation program in Fresno. It seems likely that, without prior experience with a mediation program for general civil cases, an initial learning phase was required to streamline the various program procedures. As the process improved, the program impact may have increased. Both the ADR Administrator and attorneys in focus group discussions confirmed this initial learning process.

Second, and perhaps more significant, was the new case management procedure implemented by the court in October 2001 for all general civil cases filed starting in May or June 2001. Under the new procedure, a case management conference was scheduled approximately 120 days after filing. At this conference, the dates of various court events were assigned, including the dates for settlement conferences and trials. As discussed below, overall case-processing time improved significantly after the adoption of the new procedure and the mediation referrals and mediations occurred approximately two months earlier than they had in 2000 cases.

It is also important to note that, for unlimited cases filed in 2001, the proportion of cases that had been disposed of in the program group by the end of the data collection period was significantly higher than that in the control group—85 percent of program-group

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[246] As noted in the section on data and methods above, a large number of pending cases was found in the case management system that showed no docket activities for more than a year Using the assumption that all these cases had actually reached disposition as of the date of the last court event shown in the case management system, a separate comparison of the time to disposition in the program and control groups was done. The results for unlimited cases filed in 2001 remained largely unchanged However, the difference in case disposition rate between the program and control groups for limited cases filed in 2001 was no longer present

[247] See also the comparison of the program and control groups broken down by case type below

cases had been disposed of compared to 78 percent of control-group cases. Given the higher proportion of pending cases in the control group, average disposition time in the control group can be expected to increase more than in the program group when all cases have reached disposition. Thus, the gap in disposition time between the program and control group should grow even larger once all the 2000 and 2001 cases have reached disposition.

Comparison of Case Disposition Timing

To better understand at what point in the litigation process the pilot program had its impact on the overall time to disposition, the patterns of case disposition rate over time from the filing of the complaint were examined. This analysis also provides information about whether the program impact on time to disposition occurred around the time when certain program elements, such as mediation referrals and mediations, generally took place.

Figure V-5 compares the timing of case disposition in the program and control groups.[248] The horizontal axes represent time (in months) from filing until disposition of a case, and the vertical axes represent the cumulative proportion of cases disposed (or disposition rate). The wider, purple line represents the program group disposition rate and the thinner, blue line the control group disposition rate. The gap between these two lines represents the difference in the disposition rates in the program group and control group at a given time from the filing of a complaint. The slope of the lines represents the pace at which cases were reaching disposition at a particular point in time; a steeper slope indicates more cases were reaching disposition at that time.

Figure V-5 shows that for cases filed in 2000, the patterns of case disposition in the program and control groups were very similar. From filing to about 12 months after filing, the disposition rate in the program group lagged slightly behind that in the control group. After 12 months from filing, around the time when mediation took place, program-group cases were disposed of at a slightly higher rate than those in the control group. The overall pattern, however, was too similar to discern any significant program impact on case disposition time.

The disposition pattern for program-group cases filed in 2001 was dramatically different. At approximately 10 months after filing, about the time when unlimited program-group cases filed that year began to go to mediation, the pace of dispositions in the program group increased to its highest level and the proportion of program-group cases disposed of began to outstrip that in the control group. The difference in disposition rate between the two groups was largest at approximately 14 months after filing, when 58 percent of unlimited cases in the program group had been disposed of, compared to approximately 41 percent in the control group. The quickening in the pace of dispositions at the time of the mediation supports the hypothesis that, for unlimited cases, participation in the program's early mediation expedited the time to disposition.

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[248] As was done for the overall comparison of disposition time in the program and control groups, the analysis on timing of case disposition was also separated for the two years

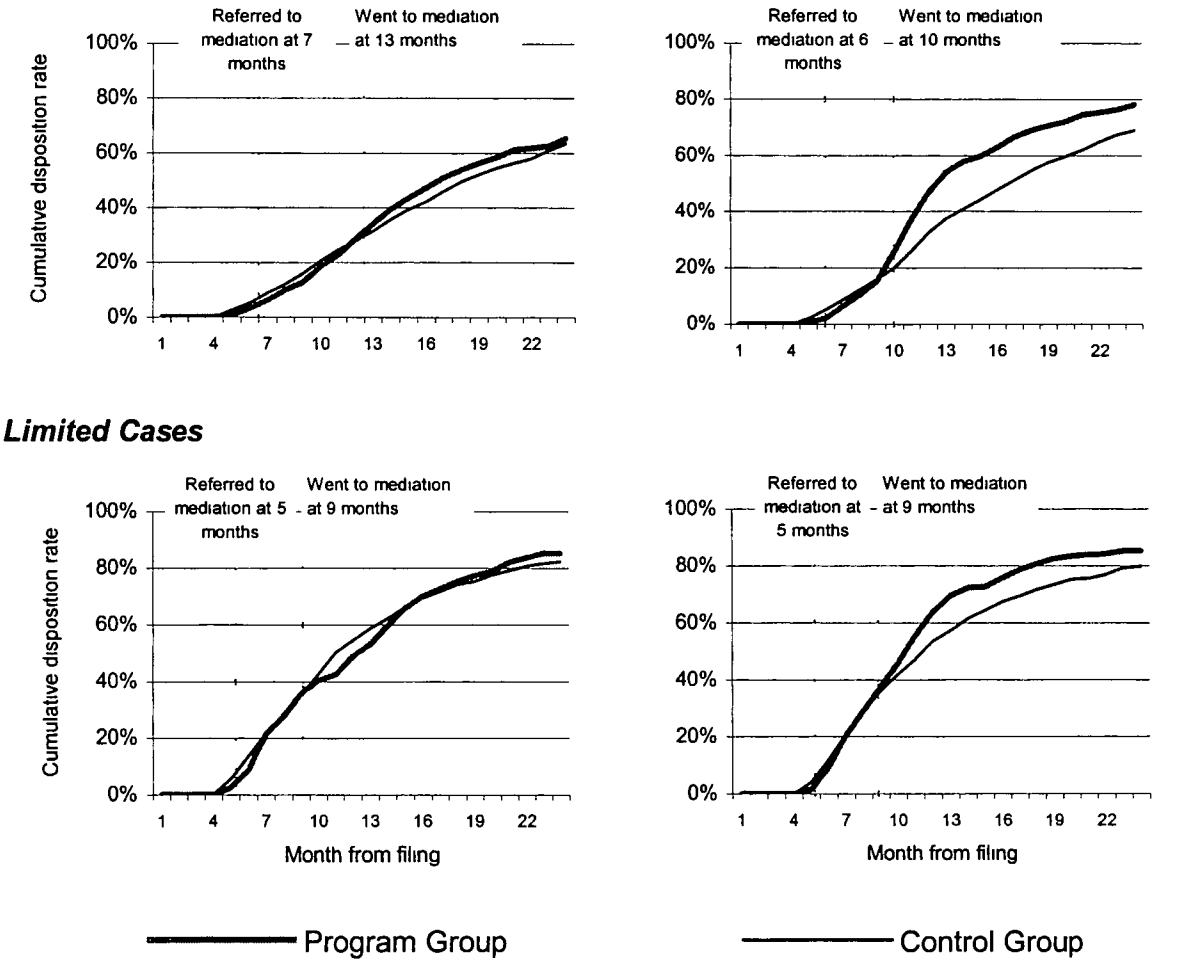

Figure V-5. Disposition Rate of Unlimited and Limited Cases Filed in 2000 and 2001

The patterns for limited cases were similar to those for unlimited cases. There were no significant differences between the program and control groups for cases filed in 2000, but for cases filed in 2001 the program group showed a higher disposition rate beginning about the time mediations took place. For cases filed in 2001, at approximately 9 months after filing, about the time when limited program cases went to mediation on average, the proportion of cases disposed of in the program group began to rise faster than in the control group. At 13 months after filing, approximately 12 percent more cases in the program group had been disposed of than in the control group.[249] The higher disposition

[249] The higher disposition rate shown here for limited cases in the program filed in 2001 could be exaggerated due to incomplete disposition data in the court's case management system. A large number of pending cases in the case management system showed no docket activities for well over a year during the study period The court staff in Fresno confirmed that some cases may have reached disposition but the disposition information might not have been properly entered into the case management system. To assess the impact of these cases on our analyses, a separate comparison was performed with all cases that had had no docket activities for more than 12 months coded as if they had been closed as of the date of the last coded court event. With these cases treated as closed, the difference in case disposition rate between the

rates at the time when the mediation occurred in the program group supports the hypothesis that participating in early mediation in Fresno also expedited disposition of limited cases.

Impact of Case Management Conference, Mediation Referral, and Mediation Timing on Overall Time to Disposition in Unlimited Cases

This section examines how the timing of three program events—case management conferences, mediation referrals, and mediation sessions—might have contributed to the different patterns of case disposition for unlimited cases filed in 2001. As noted in the description of the Fresno pilot program, the court adopted a new case management procedure in October 2001 that required all cases (both program and control) to appear at case management conferences set at approximately 120 days after filing. This new procedure also affected both when cases were referred to mediation under the pilot program and when they actually went to mediation.

Timing of Case Management Conferences

Figure V-6 shows, for all unlimited cases filed in 2001 (both program and control) by month of filing, (1) the average time (in days) from filing to appearance at the first case management conference and (2) the proportion of cases disposed of 12 months after filing. For cases filed in January 2001, the average time from filing to first appearance at the case management conference was approximately 500 days.[250] For cases filed around March 2001, the average time from filing to case management conference had fallen to approximately 300 days, and for cases filed in June 2001 it declined to approximately 150 days after filing. The major change in the timing of case management conferences coincided with the implementation of the new case management conference procedures in October 2001. These new case management conferences were set at about 120 days after filing, so cases filed beginning in May to June 2001 experienced the new conference procedures.

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program and control groups for limited cases filed in 2001 was no longer present. The results for unlimited cases filed in 2001, however, remained largely unchanged

[250] This very long average time to the first case management conference might have resulted from the small number of cases in which case management conferences were being held at that time, typically only for difficult cases that required special judicial attention

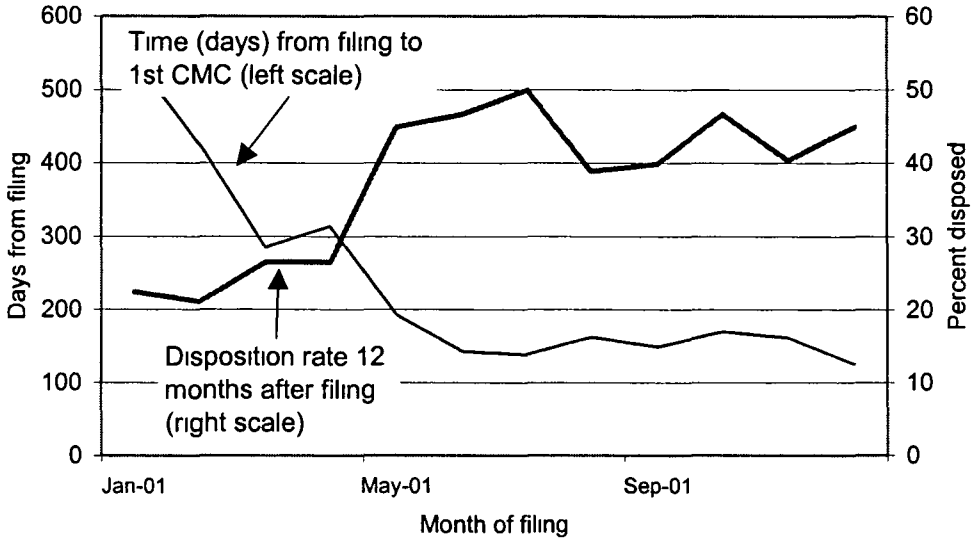

Figure V-6. Relationship Between Timing of Case Management Conference (CMC) and Case Disposition Rate—Unlimited Cases Filed in 2000 and 2001

The disposition rate at 12 months after filing follows a trend that is almost the mirror opposite of the case management conference trend line. Of cases filed in January 2001, only approximately 20 to 25 percent were disposed of within 12 months after filing. The disposition rate then rose dramatically for cases filed between May and June 2001, to approximately 45 percent of the cases, and has remained at a similar level since that time.

The opposite trends in the timing of case management conferences and case disposition rate for cases filed in 2001 suggests that the new early case management conferences expedited disposition for all unlimited civil cases in Fresno.

Timing of Mediation Referrals and Mediation Sessions

As discussed above, the change in the court's case management procedures affected all the court's civil cases, including both those in the program group and the control group, and improved the case disposition time for all civil cases filed after May 2001. However, as seen in Figure V-5 above, program-group cases filed in 2001 were disposed of at a faster rate than cases in the control group. This additional reduction in time to disposition in the program group appears to stem from the fact that mediation referrals were made earlier and mediation sessions were held earlier.

Figure V-7 below shows, for unlimited program cases filed in 2000 and 2001, (1) the average length of time (in days) from filing to referral to mediation, (2) the average time from filing to the mediation session, and (3) the proportion of program-group cases disposed of within 12 months of filing. As can be seen in this figure, the turning point in the timing of both mediation referrals and mediation sessions occurred for cases filed between May and June 2001, the same cases that first experienced the new early case management conference procedures. When the new early case management conferences were implemented, the court began making mediation referrals by selecting cases set for

those conferences, rather than through a separate review process. For cases filed before May 2001, mediation referrals were made approximately 230 days after filing. For cases filed after May 2001, the length of time from filing to mediation referrals declined to an average of 150 days, a drop of 80 days. Since mediations were generally required to take place within 60 days of the mediation referral, the earlier referrals resulted in earlier mediations. For cases filed before May 2001, mediation sessions were held approximately 370 days after filing. For cases filed after May 2001, sessions were held at approximately 295 days, 75 days earlier.

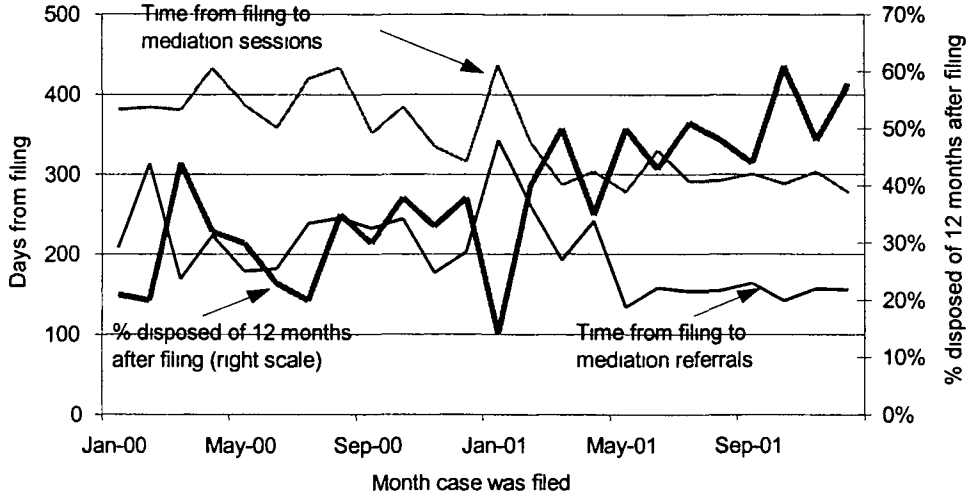

Figure V-7. Timing of Mediation Orders, Mediation Sessions, and Proportion of Cases Disposed of for Unlimited Cases in the Program Group

The third trend line in Figure V-7, the proportion of program-group cases disposed of within 12 months after filing, follows a trend that is the opposite of the mediation referral and mediation session trend lines—showing a higher disposition rate as the mediation referrals and sessions were held earlier. Of program cases filed from January 2000 until May 2001, approximately 30 percent were disposed of within 12 months after filing; for cases filed after May 2001 the average disposition rate within 12 months of filing rose to about 50 percent.

The analysis above shows that case disposition time improved for all cases as a result of the new early case management conferences implemented in October 2001. The analysis further suggests that early case management conferences precipitated earlier mediation referrals and mediation sessions that, in turn, resulted in earlier case disposition for cases in the program group.

Other information provided by the court staff supports the conclusion that the combination of the mediation pilot program and the new case management procedures have had a profound effect on the time to disposition in the Fresno court. Staff note that the court's civil case backlog has now been virtually eliminated. At the beginning of 2003, there were approximately 120 cases ready for trial for which no courtroom was

available. All of these cases had to be continued, delaying disposition. As of the end of 2003, the court anticipates that there will be fewer than 20 cases ready for trial that remain pending on the court's calendar.

Analysis of Subgroups Within the Program Group

As discussed above in the section on methods, to better understand how different cases within the program were influenced by the elements of the pilot program that they experienced, the disposition time of cases in each of the subgroups within the program group was compared to the disposition time of similar cases in the control group.[251]

The results of this comparison suggest that the pilot program reduced the time to disposition for both unlimited and limited program cases that settled at or before mediation. Unlimited program-group cases that settled at pilot program mediations had an average disposition time that was 90 days shorter than the average for similar cases in the control group, and program cases that settled before mediation had an average disposition time that was 144 days shorter. Similarly, limited program-group cases that settled at or before pilot program mediations had an average disposition time that was 80 days shorter than the average for similar cases in the control group.

The comparison also found evidence that not settling at the pilot program mediation resulted in a longer disposition time. Unlimited program-group cases that were mediated under the pilot program but did not settle at the mediation had an average disposition time that was 57 days longer than the average for similar cases in the control group. Similarly, limited cases in the program group that did not settle at mediation had an average disposition time that was 88 days longer than similar cases in the control group.

Overall, these regression results support the conclusion that cases are disposed of more quickly than they otherwise would have been when they are resolved at or before mediation, but that it takes even longer to reach disposition if cases do not resolve at mediation than it would have if the cases had not been mediated at all. These findings make intuitive sense. When mediations are conducted relatively early and cases are settled at or before those early mediations, one would expect that the average time to disposition for those settled cases would be reduced when compared to similar cases that were not mediated and settled under the pilot program. It also makes sense that, on average, it generally takes longer to reach disposition in program-group cases that do not settle at mediation compared to similar cases that were not in the program group. These program-group cases essentially took a detour off the litigation path to participate in mediation and then came back to the litigation path when the cases did not settle at mediation; it is understandable that this detour took some additional time. It is important to note, however, that the increases in average disposition time in cases that did not settle at mediation did not outweigh the positive impact that the pilot program had on other cases. The pilot program reduced the overall disposition time for program-group cases as a whole.

[251] These subgroup comparisons were made using the regression analysis method described in Section I B.

Additional Analysis of Cases That Did Not Resolve at Mediation

As noted at the beginning of this chapter, 67 percent of the attorneys in cases in which the parties did not reach agreement at the end of the mediation session indicated that subsequent settlement of the case benefited from mediation. For only 33 percent of the attorneys surveyed was mediation considered of "little importance" to the case reaching settlement.

To examine whether there was a relationship between the time to disposition and the importance of mediation to later settlement, program-group cases that were mediated but did not resolve at mediation were further broken down into subgroups based on how important attorneys in these cases believed the mediation was to be their case's ultimate resolution. The time to disposition for cases in each subgroup was then examined. Data from both limited and unlimited cases were combined for this analysis to provide a larger number of cases. Table V-8 shows this breakdown.

Table V-8. Average Case Disposition Time (in Days) in Fresno for Limited and Unlimited Cases That Did Not Settle at Mediation, by Importance of Mediation to Subsequent Settlement

Attorneys' Assessment of Mediation's Impact on Case Settlement After Mediation Nonagreement	# of Cases	% of Total	Average Disposition Time
Direct Result of Mediation	13	13%	470
Very Important	27	28%	443
Somewhat Important	25	26%	439
Little Importance	32	33%	454
Total	97	100%	449

As also shown in Table V-8, there was no clear relationship between how important attorneys indicated the mediation was to the settlement of the case and case disposition time. Cases that settled as a direct result of mediation actually had the longest time to disposition of any of the groups of cases, and cases in which the mediation was only somewhat important to the ultimate settlement had the shortest time to disposition, although the differences among these subgroups are statistically not significant.[252]

The times to disposition of cases in these subgroups was also compared to each other using regression analysis to take account of case characteristic differences. This analysis found no significant differences in time to disposition between cases grouped by the importance of the mediation to the settlement and like cases in the control group.

Comparison of Time to Disposition by Case Type

To help understand whether the program has a greater impact on time to disposition in some case types, the time to disposition by case type was examined. Table V-9 shows

[252] Probability of 0.95 (based on F test from ANOVA) indicates a 95 percent probability that the different patterns among the groups could be due to chance.

the average disposition time for all eligible cases in the program and control groups filed during 2000 and 2001, broken down by case type.

For cases filed in 2000, the average disposition time in the program group was shorter than in the control group for all case types except unlimited Auto PI cases and limited contract cases. However, with the exception of limited Auto PI cases, none of the differences for cases filed in 2000 were statistically significant.

Table V-9. Comparison of Case Disposition Time Between Program and Control Groups by Case Type

	Filed in 2000			Filed in 2001		
Case Type	Program	Control	Difference = Program - Control	Program	Control	Difference = Program - Control
Unlimited						
Auto PI	522	507	15	384	429	-45***
Non-Auto PI	533	548	-15	422	466	-44***
Contract	486	494	-8	409	412	-3
Other	449	475	-26	420	468	-48*
Total	503	506	-3	400	439	-39***
Limited						
Auto PI	367	420	-53**	323	402	-79***
Non-Auto PI	–	–	–	379	327	52
Contract	352	340	12	289	310	-21
Other	–	–	–	440	317	123
Total	358	368	-10	321	347	-26**

*** p < 05, ** p < 10, * p < 20

For cases filed in 2001, there were statistically significant reductions in disposition time for both unlimited and limited Auto PI cases and for unlimited non-automobile personal injury (Non-Auto PI) cases. Even though the comparisons in some of the other unlimited case types did not show statistically significant differences, there was a consistent general pattern of reduced disposition time for all unlimited case types.

This analysis of disposition time by case type confirms the previous findings concerning the overall positive program impact on case disposition time for unlimited cases filed in 2001. It also indicates that the pilot program had a positive impact on the time to disposition of limited Auto PI cases filed in both 2000 and 2001.

Conclusion

There is strong evidence that the Fresno pilot program had a positive impact on case disposition time. The impact was more pronounced, however, for cases filed during 2001, the second year of the pilot program's operation, than for cases filed during 2000. For cases filed in 2001, based upon regression analysis results, the average time to

disposition in the program group was 40 days shorter for both limited and unlimited cases than in the control group.

Several factors may have led to the more pronounced program impact for cases filed in 2001. Given that 2000 was the first year of the pilot program's operation, an initial learning phase may have been required to streamline the various program procedures As the process improved, benefits of the program emerged. Both the program administrator and attorneys in focus group discussions confirmed this initial learning process.

Perhaps more significant, however, was the new case management procedure implemented by the court in October 2001 for all general civil cases. The data shows that case-processing time for all cases in the court improved significantly after the adoption of the new procedure. Furthermore, it appears that the new procedure helped reduce case disposition time for unlimited cases in the program group even further by shortening the time from filing to mediation referrals and mediation sessions. This combination also appears to have helped the court eliminate its civil case backlog.

For both unlimited and limited program-group cases, the pace of dispositions in the program group outstripped that in the control group about the time when the pilot program mediations took place on average, suggesting that the mediation contributed to shortening the time to disposition

The data also suggests that the overall impact of the mediation pilot program on time to disposition depended on whether cases settled at the mediation. With case characteristics controlled for, the data suggests that both unlimited and limited cases that settled at mediation had a significantly shorter disposition time compared to like cases in the control group. On the other hand, the data also suggests that disposition time for both limited and unlimited cases were increased when the case did not reach settlement at mediation. This finding suggests that the key to further reducing the overall time to disposition may lie in increasing the proportion of cases that settle at the early mediation. This, in turn, suggests the importance of trying to identify and refer to mediation those cases most amenable to settlement in an early mediation process.

H. Impact of Fresno's Pilot Program on Litigant Satisfaction

Summary of Findings

The pilot program in Fresno increased attorney satisfaction with both the court's services and with the litigation process, and settling at mediation significantly increased attorney satisfaction with the outcome, the litigation process, and the court's services.

- Both parties and attorneys in the Fresno program expressed high satisfaction when they used mediation under the pilot program. They were particularly satisfied with the performance of the mediators, with both parties and attorneys showing an average satisfaction score of approximately 6 or more on a 7-point scale. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

- Attorneys in program-group cases were more satisfied with both the litigation process and with services provided by the court than attorneys in control-group cases.

- Attorneys in both unlimited and limited program-group cases that settled at early mediation were significantly more satisfied with the outcome of the case, their litigation experience, and the services provided by the court compared to attorneys in like cases in the control group.

- While attorneys whose cases did *not* settle at mediation were less satisfied with the outcome of the case, they were more satisfied with both the litigation process and with the services provided by the court than attorneys in similar control-group cases. This suggests that participating in mediation increased attorneys' satisfaction with both the litigation process and the court's services, regardless of whether their cases settled at mediation.

- Attorneys in unlimited automobile personal injury cases in the program group were more satisfied with all aspects of their experience—the case outcome, the litigation process, and the court's services—than attorneys in such cases in the control group. Attorneys in other unlimited personal injury cases and limited contract cases were also significantly more satisfied with the court's services.

Introduction

This section examines the impact of Fresno's pilot program on litigant satisfaction. As described in detail in Section I.B. concerning the data and methods used in this study, data on litigant satisfaction were collected in two ways. First, in a survey administered at the end of the mediation in cases that went to mediation between July 2001 and June 2002 (postmediation survey), both parties and attorneys were asked about their satisfaction with various aspects of their mediation and litigation experiences. Second, in a separate survey administered shortly after cases reached disposition in cases disposed of

between July 2001 and June 2002 (postdisposition survey), parties and attorneys in both program and control cases were asked about their satisfaction with the outcome of their case, the court's services, and their overall litigation experience.

In this section, the satisfaction of parties and attorneys who used mediation under the pilot program is first described. Second, the satisfaction of attorneys in program-group cases as a whole and in each of the program subgroups is discussed. Attorney satisfaction in the program group and the control group is then compared.[253] Next, attorney satisfaction in the various subgroups within the program is examined. Finally, the program impact on litigant satisfaction in different case types is examined.

Overall Litigant Satisfaction for Cases That Used Pilot Program Mediation

As shown in Figure V-8, both parties and attorneys who used mediation in the pilot program expressed very high levels of satisfaction with their experiences. Parties and attorneys who participated in mediation were asked to rate their satisfaction with the mediator's performance, mediation process, outcome of the mediation, the litigation process, and services provided by the court on a scale from 1–7 where 1 is "highly dissatisfied" and 7 is "highly satisfied." Figure V-8 shows the average satisfaction scores for both parties and attorneys in these mediated cases.

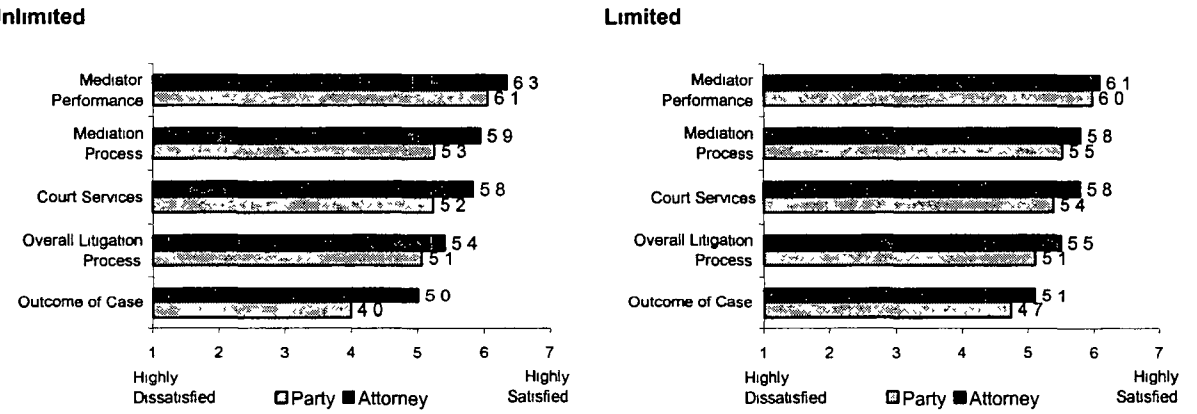

Figure V-8. Party and Attorney Satisfaction in Mediated Cases in Fresno

It is clear from this figure that parties and attorneys who used mediation services in the pilot program were highly satisfied with all aspects of their mediation experiences; all the average satisfaction scores, except for party satisfaction with the outcome of the case, were 5 points or higher. Both parties and attorneys were most satisfied with the performance of mediators, with average satisfaction scores of 6.1–6.3 for attorneys and 6.0–6.1 for parties. They were also highly satisfied with the mediation process and services provided by the court, with average satisfaction scores about 5.8 for attorneys

[253] As was discussed above in Section I B., since we received only a limited number of party responses to the postmediation survey in the control group, all comparisons between the program and control groups were based only on attorney responses to this survey.

and 5.2–5.5 for parties. Both parties and attorneys were least satisfied with the outcome of the case; average outcome satisfaction scores were 5.0–5.1 for attorneys and 4.0–4.7 for parties.

Both parties and attorneys who participated in pilot program mediations were also asked for their views concerning the fairness of the mediation and their willingness to recommend or use mediation again. Using a scale from 1–5, where 1 is "strongly disagree" and 5 is "strongly agree," litigants were asked to indicate whether they agreed that the mediator treated the parties fairly, the mediation process was fair, and the mediation resulted in a fair/reasonable outcome. They were also asked whether they agreed that they would recommend the mediator to friends with similar cases, they would recommend mediation to such friends, and they would use mediation even if they had to pay the full cost of the mediation. Table V-10 shows parties' and attorneys' average level of agreement with these statements in unlimited and limited program-group cases.[254]

Table V-10. Party and Attorney Perceptions of Fairness and Willingness to Recommend or Use Mediation (average agreement with statement)

	Mediator Treated All Parties Fairly		Mediation Process Was Fair		Mediation Outcome Was Fair/ Reasonable		Would Recommend Mediator to Friends		Would Recommend Mediation to Friends		Would Use Mediation at Full Cost	
	Parties	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*	*Parties*	*Attys*
Unlimited Cases	4.5	4 8	4 2	4.7	2 9	3 4	4 3	4 7	4 2	4.7	3 6	4 2
Limited Cases	4 5	4 7	4.3	4.6	3.5	3 6	4 3	4 5	4 2	4 6	3 4	4 2

As with the satisfaction scores, most of the scores were in the "strongly agree" range (above 4.0) and all of the average scores except for parties' responses concerning the outcome were above the middle of the agreement scale (3.0). For both parties and attorneys, there was very strong agreement (average score of 4.2 or above for parties and 4.5 or above for attorneys) that the mediator treated the parties fairly, the mediation process was fair, they would recommend the mediator to friends with similar cases, and they would recommend mediation to such friends. Both parties and attorneys indicated less agreement that they would use mediation if they had to pay the full cost; the average score was 3.4–3.6 for parties and 4.2 for attorneys.[255] The lowest scores related to the fairness/reasonableness of the mediation outcome, at only 2.9–3.5 for parties and 3.4–3.6 for attorneys.

It is clear from the responses to both these sets of questions that while parties and attorneys were generally very pleased with their mediation experiences, overall they were

[254] A 5-point scale was used for these survey questions, rather than the 7-point scale used in the satisfaction questions.

[255] While fewer parties and attorneys agreed with this statement, the court's staff believe that the pilot program has educated attorneys about the value of mediation and that these attorneys have become more willing to use mediation, including private, party-paid mediation

less pleased or neutral in terms of the outcome of the mediation process (in fact, on both outcome questions, about more than 25 percent of the parties and attorneys responded that they were neutral). In evaluating this result, it is important to remember that this survey was administered at the end of the mediation and that in a large proportion of cases a settlement was not reached at the end of the mediation. Not surprisingly, the way parties and attorneys responded to the two outcome questions depended largely on whether their cases settled at mediation. Average satisfaction with the outcome in program-group cases that settled at mediation was 6.00 for attorneys and 5.20 for parties on a 7-point scale, approximately 50 percent higher than the average scores of 4.08 for attorneys and 3.34 for parties in cases that did not settle at mediation. Similarly, responses concerning the fairness/reasonableness of the outcome averaged approximately 60 percent higher for both attorneys (4.28 compared to 2.66 on a 5-point scale) and parties (3.83 compared to 2.41) in cases settled at mediation than in cases that did not settle at mediation. When the scores in both cases settled and not settled at mediation were added together to calculate the overall average, the higher scores in cases that settled were offset by those in cases that did not, pulling the overall average score for satisfaction with the outcome toward the center.

It is also clear from the responses to both these sets of questions that while both parties and attorneys were generally very pleased with their pilot program mediation experiences, attorneys were more pleased than parties. Attorneys' average scores were consistently higher than those for parties on all of these questions. The gap between attorney and party satisfaction scores ranged from 0.1 for mediator performance in limited cases to 1.0 for outcome of the case in unlimited cases. The higher attorney satisfaction may reflect a greater understanding on the part of attorneys about what to expect from the mediation process. Many attorneys are likely to have participated in mediations before, so they are likely to have been familiar with the mediation process and to have based their expectations about the process on this knowledge. Parties are less likely to have participated in previous mediations and may not have known what to expect from the mediation process This may suggest the need for additional educational efforts targeted at parties, rather than attorneys.

The higher scores for attorneys may also, in part, reflect the fact that attorneys' and parties' satisfaction were associated with different aspects of their mediation experiences. Attorneys' responses on only four of the survey questions were strongly correlated with their responses concerning satisfaction with the mediation process—whether they believed the mediation process was fair, whether they believed the mediation resulted in a fair/reasonable outcome, whether they believed the mediation helped move the case toward resolution quickly, and whether they believed the mediator treated all parties fairly.[256] In contrast, parties' satisfaction with the mediation process was also strongly or

[256] Correlation measures how strongly two variables are associated with each other, i.e , when one of the variables changes, how likely is the other to change (this does not necessarily mean that the change in one caused the change in the other, but just that they tend to move together). Correlation coefficients range from -1 to 1; a value of 0 means that there was no relationship between the variable, a value of 1 means there was a total positive relationship (when one variable changes, the other always changes in the same direction), and a value of -1 means a total negative relationship (when one changes, the other always changes in the opposite direction). A correlation coefficient of .5 or above is considered to show a high

moderately correlated with whether they believed that they had had an adequate opportunity to tell their side of the story during the mediation, that the mediation helped improve communication between the parties, that the mediation helped preserve the parties' relationship, and that the cost of using mediation was affordable.[257]

For attorneys, responses to only two of the survey questions were strongly correlated with attorneys' responses regarding satisfaction with the outcome of the mediation—whether they believed the mediation resulted in a fair/reasonable outcome and that the mediation helped move the case toward resolution quickly.[258] In contrast, parties' satisfaction with the mediation outcome was also strongly or moderately correlated with whether they believed that the mediation helped improve communication between the parties, that the cost of using mediation was affordable, that the mediation helped preserve the parties' relationship, and that the mediation process was fair.[259]

Finally, for attorneys, responses to only one of the survey questions was even moderately correlated with attorneys' responses regarding satisfaction with the courts' services—whether they believed the mediation resulted in a fair/reasonable outcome.[260] Only three responses were moderately correlated with satisfaction with the overall litigation process—whether they believed that the mediation helped improve communication between the parties, that the mediation helped move the case toward resolution quickly, and that the mediation resulted in a fair/reasonable outcome.[261] In contrast, parties' satisfaction with the litigation process was also correlated with whether they believed that the mediation helped preserve the parties' relationship, that the cost of using mediation was affordable, and that the mediation process was fair.[262] Similarly, parties' satisfaction with the court services was correlated with whether they believed that the mediation helped improve communication between the parties, that the mediation helped preserve the parties' relationship, that the mediation helped move the case toward resolution quickly, that the cost of using mediation was affordable, that the mediation process was fair, and that the mediator was fair.[263]

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correlation The correlation coefficients of these questions with attorneys' satisfaction with the mediation process were 58 and 66, .51 and 47, .51 and 40, and 48 and .65, respectively in unlimited and limited cases.

[257]The correlation coefficients of these questions with parties' satisfaction with the mediation process were .42 and .43, 54 and .60, 42 and 48, and 53 and 66, respectively in unlimited and limited cases.

[258]The correlation coefficients of these questions with attorneys' satisfaction with the outcome were 76 and .81, and .70 and 70, respectively in unlimited and limited cases

[259]The correlation coefficients of these questions with parties' satisfaction with the outcome were .59 and 48, .44 and .57, .73 and .62, and .37 and .57, respectively in unlimited and limited cases.

[260] The correlation coefficient of this question with attorneys' satisfaction with the court's services was 43 and 27, respectively in unlimited and limited cases

[261] The correlation coefficients of this question with attorneys' satisfaction with the litigation process were .38 and 48, .42 and 21, and .43 and .34, respectively in unlimited and limited cases

[262]The correlation coefficients of these questions with parties' satisfaction with the litigation process were 36 and 41, 44 and 56, .53 and .59, respectively in unlimited and limited cases.

[263]The correlation coefficients of these questions with parties' satisfaction with the courts' services were .37 and 44, .29 and 42, 44 and .51, .53 and 60, .49 and .58, and .40 and .45, respectively in unlimited and limited cases.

All of this indicates that parties' satisfaction with both the court and with the mediation was much more closely associated than attorneys' satisfaction with what happened within the mediation process—whether they felt heard and whether they felt the mediation helped their communication or relationship with the other party—and with whether they believed that the cost of mediation was affordable. While most parties indicated that they had had an adequate opportunity to tell their story in the mediation (86 percent gave responses that were above the neutral point on the scale), fewer parties thought that the mediation had improved the communication between the parties (58 percent) or preserved the parties' relationship (31 percent)[264] and fewer thought that the cost of mediation was affordable (58 percent). These perceptions may therefore have contributed to parties' satisfaction scores being lower than those of attorneys.

Satisfaction Within the Program Group

Table V-11 shows the average satisfaction scores for attorneys in unlimited program-group cases as a whole and for each of the subgroups of cases within the program group.

[264] Note that in many types of cases, such as Auto PI cases, this simply many not have been relevant; 41 percent of parties and 57 percent of attorneys gave the neutral response to this question.

Table V-12 shows the same information for limited program-group cases. Unlike for time to disposition, however, the data on litigant satisfaction is derived from attorney responses to surveys, not from the court's case management system, so the total number of cases for which satisfaction information is available is smaller. When this data was broken down into subgroups, the number of cases that were removed from mediation was too small to provide reliable information,[265] so that subgroup is not shown in the tables.

Table V-11. Attorney Satisfaction in Fresno for Various Subgroups Within the Program for Unlimited Cases

	Number of Respondents	Case Outcome	Overall Litigation Process	Court Services
Settled before mediation	61	5 0	4 9	5 0
Settled at mediation	157	6 0	5.8	6.2
Did not settle at mediation	245	4 4	5.1	5 5
Total Program Group*	466	5 0	5.3	5 7

Note Sample sizes vary slightly for each satisfaction measure.
*Includes 3 cases removed from the mediation track

As might have been expected, attorneys in cases that settled at mediation consistently expressed the highest level of satisfaction on all three measures—case outcome, litigation process, and services provided by the courts. Thus, when the overall average satisfaction scores for unlimited cases in the program group were calculated, cases in this subgroup pulled those average satisfaction levels higher.

[265] There were only three unlimited cases and eight limited cases in the program group that were removed from mediation for which survey data was available

Table V-12. Attorney Satisfaction in Fresno for Various Subgroups Within the Program for Limited Cases

	Number of Respondents	Case Outcome	Overall Litigation Process	Court Services
Settled before mediation	29	5.0	4 8	5.0
Settled at mediation	64	5.8	5 6	5.8
Did not settle at mediation	94	4 4	5 3	5 6
Total Program Group*	195	5.0	5.3	5 6

Note Sample sizes vary slightly for each satisfaction measure
*Includes 8 cases removed from the mediation track

Attorneys whose cases did not settle at mediation had the lowest average satisfaction scores with the outcome of the case. Thus, when the overall average scores for satisfaction with the outcome in the program group were calculated, the lower satisfaction scores in cases that did not settle at mediation pulled the average satisfaction with outcome lower.

In contrast, it was in cases that settled before mediation that attorneys expressed the lowest average satisfaction with both the litigation process and the services provided by the court. Thus, when the overall average scores for satisfaction with the outcome in the program group were calculated, the lower satisfaction scores in cases that settled before mediation pulled the average satisfaction with the litigation process and the court's services lower.

Overall Comparison of Satisfaction in Program and Control Groups

Table V-13 compares the average satisfaction scores of attorneys in the program and control groups concerning the outcome of their cases, the overall litigation process, and the services provided by the court.

The pilot program had a positive impact on overall attorney satisfaction with the litigation process and with the services provided by the court in both unlimited and limited cases. Attorneys in the program group were more satisfied with the services provided by the court and with the litigation process than attorneys in the control group. Attorneys in the program group had an average satisfaction score of 5.3 with the litigation process compared to 5.0 in the control group; the .3 difference was statistically significant. There was an even greater impact on satisfaction with the services provided by the court. The average satisfaction score in the program group was 5.7 for unlimited cases and 5.6 for limited cases compared to 5.0 for unlimited cases and 4.9 for limited cases in the control group. The .7 difference in these scores was statistically significant. Overall attorney satisfaction with outcome, however, was virtually the same in the program group and the control group.[266]

[266] As discussed above, satisfaction with the outcome in the program group was dependent on whether the case resolved at mediation

Table V-13. Comparison of Attorney Satisfaction Between Program and Control Groups

	Case Outcome		Overall Litigation Process		Court Services	
	# of Respondents	*Average Score*	*# of Respondents*	*Average Score*	*# of Respondents*	*Average Score*
Unlimited Cases						
Program	467	5.0	487	5.3	481	5 7
Control	183	5.0	184	5 0	186	5.0
Difference (Program–Control)		0 0		0 3***		0 7***
Limited Cases						
Program	197	5.0	201	5.3	200	5 6
Control	88	4 9	88	5.0	88	4 9
Difference (Program–Control)		0 1		0 3***		0.7***

*** p < 05, ** p < .10, * p < .20

As was noted above in discussion of time to disposition, for cases filed before May or June 2001, due to efforts of the ADR Administrator to ensure that a variety of case types were referred to mediation, there were different proportions of some case types in the program and the control groups. As the average satisfaction score tended to vary across different case types, the overall differences in litigant satisfaction between the program and the control groups could be affected by the different proportion of case types in these groups. To isolate the impact of the program from these case type differences, a regression analysis was done on litigant satisfaction in the program and control groups controlling the case type.[267] The regression analysis results showed the same increase in litigant satisfaction with both the litigation process and the services provided by the court as reported above.

Analysis of Subgroups Within the Program Group

As was done with time to disposition, to better understand how different cases within the program group were impacted by the elements of the pilot program that they experienced, attorney satisfaction in each of the subgroups within program group was compared to attorney satisfaction in similar cases in the control group.[268]

The results of these comparisons provide strong support for the conclusion that settling at mediation increased attorney satisfaction on all three-satisfaction measures. In both unlimited and limited program-group cases, attorney satisfaction with the outcome of the cases was 20 percent higher in cases that settled at mediation compared to that for similar cases in the control group, attorney satisfaction with the litigation process was 14–17

[267] See also the comparison of the program and control groups broken down by case type below

[268] These subgroup comparisons were made using the regression analysis method described in the methods section.

percent higher, and attorney satisfaction with the services of the court was 15 percent higher. [269]

As might have been expected, attorney satisfaction with the outcomes in program cases was tied to whether or not their cases settled at mediation. While satisfaction with the outcome was higher in program-group cases that settled at mediation, at least for unlimited cases, it was 10 percent lower in program-group cases that did not settle at mediation compared to similar cases in the control group.

However, satisfaction with the court's services and the litigation process was not tied to whether cases settled at mediation; while satisfaction with both the court's services and the litigation process was higher for program-group cases that settled at mediation, these measures were also higher for program-group cases that participated in mediation but did *not* settle at mediation. Attorney satisfaction with the services provided by the court was 10 percent higher for unlimited program-group cases that were mediated but did not settle at the mediation and 15 percent higher for limited program-group cases than for similar cases in the control group. Similarly, satisfaction with the litigation process was 10 percent higher for limited program-group cases that participated in mediation but did not settle at the mediation than for similar cases in the control group. The comparison also suggested that satisfaction with the litigation process was higher for unlimited cases that did not settle at mediation than for similar cases in the control group, but the size of the difference was not clear. These results suggest that it was the experience of participating in a pilot program mediation that was the key to increasing attorney satisfaction with the services of the court and the litigation process. Attorneys whose cases were mediated were more satisfied with the court's services and the litigation process regardless of whether their cases settled or did not settle at the mediation.

Overall, the results of these regression analyses support the conclusions that

- The experience of reaching settlement at mediation significantly increased attorney satisfaction with all aspects of their dispute resolution experiences.
- Attorney satisfaction with the outcomes in program cases was tied to whether or not the cases settled at mediation.
- The experience of mediating a case increased attorney satisfaction with both the litigation process and the services of the court, even if the case did not resolve at mediation.

Comparison of Attorney Satisfaction by Case Type

Table V-14 compares the different patterns of attorney satisfaction by case type. This table shows that the pilot program significantly increased attorney satisfaction in Auto PI

[269] No statistically significant differences were found between attorney satisfaction levels in program-group cases that were settled *before* mediation and similar cases in the control group

cases. Attorneys in unlimited Auto PI cases in the program group were more satisfied with all aspects of their experience—the case outcome, the litigation process, and the court's services—than attorneys in such cases in the control group. Attorneys in limited Auto PI cases were also more satisfied with both the litigation process and the court's services than attorney is such cases in the control group. The table also shows that attorneys in other unlimited personal injury cases and limited contract cases were also significantly more satisfied with the court's services. Even though the comparisons in some of the other case types did not show statistically significant differences, there was a consistent general pattern of higher satisfaction with the litigation process and with the court's services across all case types.

Table V-14. Attorney Satisfaction in Fresno, by Case Type

	Case Outcome			Overall Litigation Process			Court Services		
Case Type	Program	Control	Difference (Program–Control)	Program	Control	Difference (Program–Control)	Program	Control	Difference (Program–Control)
Unlimited Cases									
Auto PI	5 2	4.8	0 4**	5 6	5 0	0 6***	5 8	4 9	0.9***
Non-Auto PI	5 0	5.0	0 0	5.2	4.9	0 3	5 6	4 7	0 9***
Contract	4 8	5 3	-0 5*	4 9	5 0	-0.1	5.5	5 2	0.3
Other	4 8	5 2	-0 4	5 1	5 0	0 1	5 4	5 3	0 1
Total	5.0	5 0	0.0	5 3	5.0	0.3***	5 7	5 0	0.7***
Limited Cases									
Auto PI	5 0	4 6	0 4	5 4	4 8	0.6**	5 6	4 9	0.7***
Non-Auto PI	4.6	5 0	-0.4	5 1	5 0	0 1	5.9	5 0	0.9
Contract	5 2	4.9	0 3	5.2	5.0	0.2	5.5	4 9	0.6***
Other	5 8	1 0	4 8	5.4	2 0	3 4	5 8	1 0	4 8
Total	5 0	4 9	0 1	5 3	5 0	0 3***	5 6	4 9	0.7***

*** p < .05, ** p < 10, * p < 20

Conclusion

Both parties and attorneys in the Fresno program expressed high satisfaction when they used mediation under the pilot program. They were particularly satisfied with the performance of the mediators, with both parties and attorneys showing an average satisfaction score of approximately 6 or more on a 7-point scale. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

The pilot program increased overall attorney satisfaction with both the litigation process and the services provided by the court. As might have been expected, attorney satisfaction with the outcomes in program cases was tied to whether or not their cases settled at mediation: while satisfaction with the outcome was higher in program-group cases that settled at mediation, at least for unlimited cases, it was lower in program-group cases that did not settle at mediation.

Attorneys whose cases settled at mediation were significantly more satisfied with the outcome of the case, their litigation experience, and with the services of the court compared to attorneys in similar cases in the control group. However, while attorneys whose cases did not settle at mediation were less satisfied with outcome of the case, they were still more satisfied with both the litigation process and with the services provided by court than attorneys in similar cases in the control group. Overall, these results indicate that participating in mediation increased attorney satisfaction with both the litigation process and the court's services, regardless of whether the case settled at mediation.

Attorneys in unlimited automobile personal injury cases in the program group were more satisfied with all aspects of their experience—the case outcome, the litigation process, and the court's services—than attorneys in such cases in the control group. Attorneys in other unlimited personal injury cases and limited contract cases were also significantly more satisfied with the court's services.

I. Impact of Fresno's Pilot Program on Costs for Litigants

Summary of Findings

There was evidence that litigants' costs and the attorney hours spent in reaching resolution were reduced in cases that settled at pilot program mediations in Fresno.

- Estimates of actual attorney time spent in reaching resolution were 20 percent lower in program-group cases that settled at mediation than for similar cases in the control group.

- In cases settled at mediation, 89 percent of attorneys responding to the study survey estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorneys per settled case was $9,915 in litigant costs and 50 hours in attorney time. Based on these attorney estimates, a total of $3,619,136 in litigant costs and 24,455 in attorney hours was estimated to have been saved in all 2000 and 2001 cases that were settled at mediation.

Introduction

This section examines the impact of the pilot program on litigant costs. As described in detail in Section I.B. information on litigant costs was collected in two ways. First, in a survey distributed at the end of the mediation in cases that went to mediation between July 2001 and June 2002 (postmediation survey), attorneys in the subset of cases that resolved at mediation were asked to provide (1) an estimate of the time they had actually spent on the case and their clients' actual litigation costs and (2) an estimate of the time they would have spent and what the costs to their clients would have been had they not used mediation. The difference between these estimates represents the attorneys' subjective estimate of the litigant cost and attorney time savings when the case settled at the mediation. Second, in a separate survey administered shortly after disposition in both program and control cases disposed of between July 2001 and June 2002 (postdisposition survey), attorneys were asked to provide an estimate of the time they had actually spent on the case and their clients' actual litigation costs. Comparisons between the time and cost estimates in the program and control groups provide an objective measure of the pilot program's impact on litigant costs.

As discussed in the data and methods section, however, the data on litigant costs and attorney time from the postdisposition survey had a very skewed distribution: there were a few cases with very large litigant cost and attorney time estimates ("outlier" cases) that stretched out the data's range. While several methods were used to try to account for this skewed distribution, the range of the data was so broad that none of the differences found in direct comparisons between the program and control groups were statistically significant—it was not possible to tell with sufficient confidence whether the observed

differences were real or simply due to chance.[270] The results of these comparisons are therefore not presented here.

In this section, the estimated actual litigant costs and attorney hours spent in program-group cases as a whole and in each of the program subgroups are discussed. Second, attorney estimates of actual litigant costs and attorney hours in the various subgroups within the program group are compared to the costs and hours in similar cases in the control group. Finally, attorneys' subjective estimates of litigant cost and attorney time savings in cases settled at mediation are presented.

Litigant Costs and Attorney Hours Within the Program Group

Table V-15 shows the average and median estimated litigant costs and attorney hours for unlimited cases in each of the program subgroups and in the program group as a whole. Table V-16 shows the same information for limited cases.[271] As with the data on litigant satisfaction, the data on litigant costs and attorney time was derived from attorney responses to surveys, not from the court's case management system. Therefore, the overall number of cases for which comparative cost and time information is available is smaller than the number for which disposition time and court workload information is available. When this limited data was further broken down into subgroups, the number of cases that were removed from mediation was too small to provide reliable information.[272] Therefore, this subgroup was not included in the tables below.

As can be seen from these tables, cases that settled at mediation (both limited and unlimited) has the lowest median and average litigant costs among all the subgroups. Average costs were highest for cases (both limited and unlimited) that did not settle at mediation. Median costs did not follow this pattern. Unlimited cases that settled at mediation had the highest median costs and limited cases that settled at mediation had the same median costs as cases that were mediated but did not settle at the mediation. Thus, when the overall average and median litigant costs were calculated, these two groups offset the lower costs for cases that settled before mediation, pulling the average and median higher.

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[270] In direct comparisons, some statistically significant differences were found in the average or median attorney hours devoted to certain types of cases in the program and control groups However, because in data sets with very skewed distribution, such as this litigant cost and attorney hours data, comparisons of either averages or medians can show differences that do not accurately reflect true differences in the comparison groups, additional analyses using logged data were done When comparisons were made using this logged data, the differences between the program and control groups disappeared

[271] Even though the extreme outlier cases were removed from our analysis sample, average values were still subject to the influence of a small number of cases with large values in costs or attorney hours, particularly when cases were further broken down into several subgroups. Median values are less sensitive than averages to the influence of "outlier" cases and thus may represent a more reliable picture of litigant costs and attorney hours in each subgroup

[272] There were only three unlimited cases and six limited cases in the program group that were removed from mediation for which this survey data was available.

Table V-15. Litigant Costs and Attorney Hours for Unlimited Cases in Fresno, by Program Subgroups

	Number of Respondents	Average	Median
Litigant Costs			
Program Subgroup			
Settled before mediation	54	$11,220	$3,000
Settled at mediation	131	$13,218	$4,375
Did not settle at mediation	125	$16,303	$4,200
*Total Program Group**	313	$14,605	$4,000
Attorney Hours			
Program Subgroup			
Settled before mediation	56	77	30
Settled at mediation	133	57	30
Did not settle at mediation	127	105	40
Total Program Group	318	80	35

*Includes 3 cases removed from the mediation track

Table V-16. Litigant Costs and Attorney Hours for Limited Cases in Fresno, by Program Subgroups

	Number of Respondents	Average	Median
Litigant Costs			
Program Subgroup			
Settled before mediation	23	$1,902	$1,000
Settled at mediation	52	$4,848	$2,500
Did not settle at mediation	55	$12,639	$2,500
Total Program Group	134	$7,455	$2,000
Attorney Hours			
Program Subgroup			
Settled before mediation	24	31	20
Settled at mediation	53	56	20
Did not settle at mediation	56	79	20
Total Program Group	139	59	20

*Includes 6 cases removed from the mediation track

In terms of attorney hours spent resolving the case, cases that did not settle at mediation had the highest average and median number of hours. Among unlimited cases, those that settled at mediation had the lowest average and median hours, but among limited cases, it was cases that settled before mediation that had the lowest average number of hours and all subgroups had the same median number of hours. Thus, when the overall average and median number of attorney hours spent in reaching resolution were calculated, these two

groups offset the higher number of hours for cases that did not settle at mediation, pulling the average and median lower.

Analysis of Subgroups Within the Program

As was done with time to disposition and litigant satisfaction, to better understand how different cases within the program were impacted by the elements of the pilot program that they experienced, average litigant costs and attorney hours in each of the subgroups within the program group was compared to the costs and hours in similar cases in the control group.[273] In order to increase the sample size and thus, the reliability of the results, however, instead of analyzing unlimited and limited cases separately, the data on both types of cases was combined for this analysis.[274]

Even with this combined analysis, only one statistically significant finding emerged from the regression analysis. For unlimited cases, the regression analysis indicated that attorney time spent on cases that settled at mediation was reduced by 20 percent compared to similar cases in the control group. These results are consistent with the other study results showing positive impacts on time to disposition and satisfaction when cases settled at mediation.

Attorney Estimates of Mediation Resolution's Impact on Litigant Costs and Attorney Hours

Attorneys whose cases resolved at mediation believed overwhelmingly that mediation had saved their clients money. Of the attorneys whose cases settled at mediation who responded to the postmediation survey, 89 percent estimated some cost savings for their clients.

Table V-17, shows the average savings in both litigant costs and attorney hours estimated by these attorneys. It also shows what percentage savings these estimates represent. As shown in this table, in those cases in which the attorneys reported savings from resolving at mediation, the average cost saving per client was estimated to be approximately $14,000; the average saving in attorney hours was estimated to be about 70 hours. These attorney estimates represent a cost saving of approximately 60 percent, on average, and a time saving of about 55 percent.

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[273] These subgroup comparisons were made using the regression analysis method described in Section I.B

[274] The reliability of the regression analysis, like the direct comparisons between the program and control groups, was affected by the skewed distribution of the litigant cost and attorney time data With the program group divided into unlimited and limited cases, the analysis produced no statistically significant results. Combining all unlimited and limited cases created a larger sample size that increased the reliability of the regression results Note that whether the case was unlimited or limited was accounted for in the combined analysis by making this unlimited/limited designation one of the variables used in the regression In addition, before the data on unlimited and limited cases was combined, separate regression analyses were performed on unlimited and limited cases These separate analyses suggested program impacts of the same type in the same subgroups as the combined analysis, however, the statistical significance of the observed differences was lower than in the combined analysis.

Table V-17. Savings in Litigant Costs and Attorney Hours From Resolving at Mediation—Estimates by Attorneys

% Attorney Responses Estimating Some Savings	89%
Litigant Cost Savings	
Number of survey responses	142
Average cost saving estimated by attorneys	$14,091
Average % cost saving estimated by attorneys	63%
Adjusted average % cost saving estimated by attorneys	36%
Adjusted average saving per settled case estimated by attorneys	$9,915
Total number of cases settled at mediation	365
Total litigant cost saving in cases settled at mediation based on attorney estimates	$3,619,136
Attorney Hours Savings	
Number of survey responses	128
Average attorney-hour saving estimated by attorneys	73
Average % attorney-hour saving estimated by attorneys	54%
Adjusted average % attorney-hour saving estimated by attorneys	43%
Adjusted average attorney-hour saving estimated by attorneys	67
Total number of cases settled at mediation	365
Total attorney hour savings in cases settled at mediation based on attorney estimates	24,455

Of the attorneys responding to the survey, 11 percent estimated either that there was no litigant cost or attorney hour savings (3 percent of responses) or that litigant costs and attorney hours were increased compared to what would have been expended had mediation not been used to resolve the case (8 percent of responses). With these cases included in the average, the adjusted average litigant cost savings estimated by attorneys per case settled at mediation was calculated to be $9,915, and the adjusted average attorney hour savings estimated by attorneys was calculated to be 67 hours. These attorney estimates represent savings of approximately 36 percent in litigant costs and 43 percent in attorney hours per case settled at mediation

This adjusted average was used to calculate the total estimated savings in all of the 2000 and 2001 cases that settled at pilot program mediations in Fresno during the study period. Based on these attorney estimates, the total estimated litigant cost saving in the Fresno pilot program was $3,619,136, and the total estimated attorney hours saved was 24,455.

It should be cautioned that these figures are based on attorney estimates of savings; they are not figures for the actual savings in mediations resulting in settlements. The actual litigant cost and hour savings could be somewhat higher or lower than the attorney estimates.[275]

[275] As reported above, the comparison between estimated actual attorney hours in cases that settled at mediation and similar cases in the control group that was done using regression analysis indicated that attorney hours were 20 percent lower in program-group cases that settled at mediation, rather than the 43 percent lower estimated by attorneys

It should also be cautioned that these estimated savings are for cases settled at mediation only, not for all cases in the program group. There may also have been savings or increases in litigant cost or attorney hours in other subgroups of program cases, such as those that were referred to mediation but settled before the mediation took place or cases that were mediated but did not settle at the mediation.[276]

Conclusion

There was evidence that both litigant costs and attorney time spent before reaching resolution was reduced when cases resolved at mediation.

Estimates of actual attorney time spent in reaching resolution were 20 percent lower in program-group cases that settled at mediation than for similar cases in the control group.

In cases that resolved at pilot program mediations, 89 percent of attorneys responding to the study survey estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorneys per case settled at mediation was $9,915 in litigant costs and 67 hours in attorney time. Based on these attorney estimates, total savings of $3,619,136 in litigant costs and 24,455 in attorney hours were estimated for all 2000 and 2001 cases that were settled at mediation.

[276] Some support for the conclusion that mediation may have reduced costs even in cases that did not settle at mediation comes from 49 postmediation survey responses in which attorneys in cases that did not settle at mediation provided litigant cost and attorney hours information even though this information had not been requested. Of these survey responses, 69 percent indicated some savings in litigant costs, attorney hours, or both in cases that were mediated but did not settle at mediation Taking into account those responses that estimated no savings or increased costs as well, the attorneys in these cases estimated average savings of 36 percent in litigant costs (40 percent median savings) and 38 percent in attorney hours (50 percent median savings) in cases that did not settle at mediation

J. Impact of Fresno's Pilot Program on the Court's Workload

Summary of Findings

There is strong evidence that the pilot program in Fresno reduced the number of motion hearings for cases in the program. However, this reduction in court workload was offset by an increase in the number of case management conferences required under the procedures initially followed by the court during the study period.

- There were 13 percent fewer motion hearings in unlimited 2001 program-group cases and 48 percent fewer motion hearings in limited 2001 program-group cases compared to cases in the control group. However, the average number of case management conferences and "other" pretrial hearings was considerably higher in the program group than in the control group for both unlimited and limited cases. The increase in case management conferences and "other" hearings offset the decrease in motion hearings so that, overall, there was an increase in the total number of pretrial court events in the program group and a small increase in the judicial time spent on program cases during the study period.

- The increases in the number of case management conferences for program cases was understandable given the court procedures (since changed) that required case management conferences in all program cases that did not settle at mediation and in most program cases when the parties wanted their cases removed from the mediation track, but did not generally require case management conferences in other cases.

- Unlimited program-group cases that settled at mediation had 45 percent fewer court events overall compared to similar cases in the control group. This overall reduction stemmed from reductions in motion and "other" hearings. There were 80 percent fewer motion hearings and 60 percent fewer "other" hearings in the unlimited program cases that settled at mediation compared to similar cases in the control group. Not settling at mediation did not seem to have any negative impact on the number of motion hearings.

- The number of case management conferences was significantly higher across all case types in the program group. There was a consistent general pattern of decreases in motion hearings in limited cases and increases in "other" hearings in both limited and unlimited cases across all types of program cases, although the differences for each case type were not statistically significant or were only marginally significant.

Introduction

This section examines the impact of the pilot program in Fresno on the court's workload by comparing the frequency of various pretrial court events in the program and control groups. The analysis in this section focuses on the following three major types of court

events: (1) case management conferences (CMCs),[277] including early case management conferences for program cases; (2) motion hearings; and (3) other pretrial hearings.[278] First, the number of pretrial events in the program-group cases as a whole and in each of the program subgroups is discussed. Second, the overall number of these events that took place in the program-group and control-group cases that closed during the study period is compared. Third, the number of these events that occurred in the various subgroups within the program is examined. The different patterns of these events by case type are then analyzed. Finally, the potential impact of the program on judicial time due to changes in the number of court events is calculated.

As previously noted, event data for cases filed in 2000 was incomplete due to the conversion of the case management system implemented in 2000 and early 2001.[279] Therefore, the analyses in this section were based only on cases filed in 2001. Limitations of the data, including the large proportion of pending cases in both the program and control groups, requires that caution be exercised in interpreting the size of the differences observed between the program and control groups.

Workload Within the Program Group

Table V-18 shows the average number of pretrial court events in unlimited program-group cases as a whole and for each of the subgroups of cases within the program group. Table V-19 shows the same information for limited program-group cases.[280]

Table V-18. Average Number of Various Court Events (Per Case) for Unlimited Cases in Fresno, by Program Subgroup

	Number of Cases	CMCs	Motions	Other Pretrial Hearings	Total
Program Subgroups					
Settled before mediation	160	0 46	0.28	0.11	0.84
Removed from mediation	60	0.87	0 68	0 22	1.77
Settled at mediation	161	0.51	0.20	0.09	0 80
Did not settle at mediation	146	0.56	0.42	0 44	1 42
Total Program Group	527	0 55	0 34	0 21	1 09

[277] The first CMCs held beginning in October 2001 were not included in the calculation of total CMCs. These CMCs were conducted by court clerks, not judges The main focus of the workload measures examined in this study was on court events conducted by the judges To distinguish the first CMCs held by the court clerks and later CMCs held by judges, both of which were recorded in the court's case management system using the same code, CMCs held within 130 days of filing were considered first CMCs and excluded from the calculation

[278] "Other hearings" include Orders to Show Cause (OSC) hearings and settlement conferences.

[279] Court events in the case management system for unlimited cases prior to July 2000 were not completely converted into the new system. Similarly for limited cases, the conversion that took place in early 2001 did not convert all court events into the new system.

[280] Note that these tables include only program-group cases that had reached disposition by the end of the data collection period, therefore the total number of cases and breakdown by subgroup are different from those in Figure V-1, Figure V-2 and Table V-1, which include all program-group cases.

As can be seen in Table V-18, unlimited cases in the program group that settled either before or at mediation consistently had the lowest number of all three types of court events among all the subgroups. Cases that settled at mediation had particularly low numbers of motion hearings and other types of hearings compared to other program subgroups. Thus, when the overall average number of court events for unlimited cases in the program group was calculated, these subgroups pulled that average lower.

On the other hand, unlimited program-group cases that were removed from mediation and cases that did not settle at mediation had the highest number of all three types of court events. Cases that were removed from mediation had the highest number of both CMCs and motion hearings; total hearings in this subgroup were also the highest among all the subgroups. Thus, when the overall average number of court events was calculated for unlimited cases in the program group as a whole, cases in these two subgroups pulled that average higher, offsetting the lower average number of events in cases that settled at or before mediation.

Table V-19. Average Number of Various Court Events (Per Case) for Limited Cases in Fresno, by Program Subgroup

	Number of Cases	CMCs	Motions	Other Pretrial Hearings	Total
Program Subgroups					
Settled before mediation	75	0 52	0.05	0.04	0 61
Removed from mediation	24	0 96	0 13	0 25	1 33
Settled at mediation	55	0.44	0.05	0 04	0 53
Did not settle at mediation	39	0.79	0 21	0 13	1 13
Total Program Group	193	0.61	0.09	0.08	0 78

The pattern of court events among the program subgroups in limited cases was similar to that in unlimited cases. Limited cases that settled at or before mediation had lower numbers of court events and cases that were removed from mediation or did not settle at mediation had higher numbers of court events. As in the unlimited cases, these subgroups offset each other to some degree when the average for the whole program group was calculated.

Overall Comparison of Workload in Program and Control Groups

Table V-20 compares the average number of CMCs, motion hearings, and other pretrial hearings held in program and control-group cases filed in 2001.

Table V-20 shows that there were 13 percent fewer motion hearings in unlimited cases and 48 percent fewer motion hearings in limited cases in the program group compared to cases in the control group. However, Table V-20 also shows that there were 67 percent more CMCs in unlimited cases and 144 percent more CMCs in limited cases in the program-group cases compared to the control-group cases. Other pretrial hearings in the

program group were also higher compared to the control group for both unlimited and limited cases. Overall, the decrease in the number of motion hearings was offset by the increases in the number of CMCs and other pretrial hearings, and therefore the total of all these pretrial court events was 25 percent higher for unlimited cases and 51 percent higher for limited cases in the program group than the overall number of events in the control-group cases.[281]

Table V-20. Average Number of Pretrial Hearings for Cases Filed in 2001

		Average # of Pretrial Hearings			
	# of Cases	*CMCs*	*Motions*	*Others*	*Total*
Unlimited					
Program	533	0.55	0 34	0.21	1 10
Control	978	0 33	0 39	0.17	0.88
% Difference		67%***	-13%	24%*	25%***
Limited					
Program	196	0 61	0.11	0 08	0 80
Control	411	0 25	0.21	0.06	0 53
% Difference		144%***	-48%***	33%	51%***

*** p < 05, ** p < 10, * p < .20

As was noted above in the discussion of time to disposition, for cases filed before May or June 2001, due to efforts of the ADR Administrator to ensure that a variety of case types were referred to mediation, there were different proportions of some case types in the program and control groups. As the number of court events may vary across different case types, the overall differences in the number of events between the program and control groups could be affected by the different proportions of case types in these groups. To isolate the impact of the program from these case type differences, a regression analysis was done on the number of events in the program and control groups, controlling for case type.[282] The regression analysis results were very similar to the results of the program/control comparison above. They showed similarly large increases

[281] As noted in the section on data and methods a large number of pending cases was found in the case management system that showed no court events for at least one year Under the assumption that all these cases had actually reached disposition as of the date of the last court event shown in the case management system, a separate comparison of the number of court events in program- and control-group cases that had reached disposition was done The percentage of additional case management conferences in the program group increased to 77 percent, and the percentage decrease in motion hearings went down to 9 percent, but otherwise the results for unlimited cases filed in 2001 remained largely unchanged. Similarly, small changes also occurred for limited cases the percentage decrease in additional case management conferences in the program group increased to 150 percent, and the percentage of motion hearings went down to 44 percent

[282] See also the comparison of the program and control groups broken down by case type below

in number of CMCs as reported above, with slightly more for limited cases and slightly less for unlimited cases. The regression also showed the same decline in the number of motion hearings for limited cases in the program group. For unlimited cases, however, the regression showed no difference in the number of motion hearings between the program and control groups. Overall, the regression showed similar increases in the total number of court events, at 46 percent for limited cases and 29 percent for unlimited cases.

The finding that there were more case management conferences in program cases is understandable given the case management and pilot program procedures that were in place in Fresno until October 2001. Up until October 2001, case management conferences were not held in most cases in Fresno.[283] However, in program-group cases (cases referred to mediation), if the parties did not want to go to mediation, they were generally required to attend an early mediation status conference in order to be removed from this track (almost 13 percent of program cases were removed from this track). No similar conference was required for control-group cases. Likewise, in cases that did not settle at mediation (almost 30 percent of the program-group cases), a postmediation status conference was held. No similar conference was required for control-group cases. Thus, for a large percentage of program cases in Fresno, the pilot program procedures required additional, special court conferences that were not required in the control group. As a result, on average there were more court events (increased court workload) in program cases during the study period. The Superior Court of Fresno County has since changed its case management procedures so that additional case management conferences are not required in program cases.

As with the analysis of case disposition time in the previous section, it is also important to note that a significant proportion of cases in both the program and control groups had not reached final disposition by the end of the data collection period and thus, the court events for these pending cases were not included in this analysis. Since the proportion of pending cases is larger in the control group than in the program group, the overall average number of various court events is likely to increase more for cases in the control group than for those in the program group when all cases have reached disposition. The ultimate impact of these pending cases on the final comparisons of court events between the program and control groups is uncertain.

Analysis of Subgroups Within the Program Group

As was done with time to disposition, litigant satisfaction, and litigants costs, to better understand how different cases within the program were impacted by the elements of the pilot program that they experienced, the average number of pretrial court events in each of the subgroups within the program group was compared to the number of such events in similar cases in the control group.[284]

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[283] As indicated in the program description, the court instituted a new case management conference procedure in October 2001, so that such conferences are now held in most cases.

[284] These subgroup comparisons were made using the regression analysis method described in Section I B

Overall, for unlimited cases, these comparisons provide strong support for the conclusion that when settlement is reached at mediation, the court's workload is reduced. Unlimited program-group cases that settled at mediation had 45 percent fewer court events overall compared to similar cases in the control group. This overall reduction stemmed from reductions in motion and "other" hearings. Motion hearings in unlimited cases that settled at mediation were reduced by approximately 60 percent and "other" hearings were reduced by more than 80 percent compared to similar cases in the control group. The regression analysis did not find any statistically significant difference in the number of CMCs between unlimited program cases that settled at mediation and similar cases in the control group. The comparisons also found 20 percent fewer "other" hearings in cases that settled before mediation than in similar cases in the control group.

On the other hand, there is also strong support for the conclusion that not settling at mediation increases the overall number of court events in unlimited cases. The comparisons showed that in unlimited cases that did not settle at mediation, the overall number of court events increased by about 65 percent compared to similar cases in the control group. This increase was largely due to an increase in the number of CMCs. The comparison indicated that the average number of CMCs for unlimited cases that did not settle at mediation was more than two times higher than that for similar cases in the control group. Again, this finding makes sense in terms of the program procedures, which, until October 2001, required a postmediation status conference in all cases that did not resolve at mediation.

Similarly, limited cases that did not settle at mediation had more court events overall than similar cases in the control group. The comparison showed that in limited cases that did not settle at mediation, the overall number of court events increased by almost 300 percent compared to similar cases in the control group. Again, as with unlimited cases, this increase in court events was largely due to an increase in CMCs; the comparison showed that there were over eight times more CMCs in limited cases that did not settle at mediation compared to like cases in the control group. However, unlike unlimited cases, the number of CMCs was also more than three times higher in limited program-group cases in limited settled at or before mediation. This may reflect the fact that CMCs were so rarely held in limited that even a few such conferences in limited cases in would have constituted a large percentage increase.

Overall, the results of these regression analyses support the following conclusions:

- Settling at mediation had a positive impact on reducing the court's workload in unlimited cases in the form of fewer motion and "other" pretrial hearings;

- Settling the dispute before mediation may have had a similar positive impact in reducing the number of "other" hearings in unlimited cases; and

- Not settling at mediation had a large negative effect on the number of CMCs in both unlimited and limited cases; this was probably due to the fact that a postmediation conference was required in all cases that did not settle at mediation.

Comparison of Workload Between Different Case Types

Table V-21 shows the average number of various court events for cases in the program and control groups by case type.

It is clear that the number of CMCs for program-group cases, both limited and unlimited, was consistently higher than that in the control group across all case types, with increases ranging from 46 percent for unlimited Non-Auto PI cases to 300 percent for limited contract cases. All differences for various case types were statistically significant. Again, as discussed above in relation to the overall program- and control-group comparison, this finding makes sense given the program procedures that required CMCs whenever a case did not settle at mediation or in most cases in which the parties wanted to remove a case from the mediation track.

Table V-21 Comparison of Number of Hearings in Fresno by Case Type

	CMCs			Motion Hearings			Other Hearings		
	Program	*Control*	*% Difference*	*Program*	*Control*	*% Difference*	*Program*	*Control*	*% Difference*
Unlimited									
Auto PI	0 54	0.33	64%***	0.18	0 14	29%	0 20	0 16	25%
Non-Auto PI	0.52	0.35	46%***	0 35	0.45	-22%	0.21	0 16	31%
Contract	0.54	0 26	108%***	0 76	0 57	33%	0 24	0 17	41%
Other	0 65	0 35	86%***	0.65	0 96	-32%	0 23	0.20	15%
Total	0 55	0 33	67%***	0 34	0 39	-13%	0 21	0 17	24%*
Limited									
Auto PI	0 65	0 41	59%***	0.12	0.19	-37%	0.04	0 03	33%
Non-Auto PI	0 61	0 29	110%*	0.09	0 14	-36%	0 04	0 04	0%
Contract	0 52	0 13	300%***	0.10	0.25	-60%*	0.17	0 08	113%**
Other	0 75	0 40	88%	0.00	0.00	-	0 25	0 10	150%
Total	0.61	0 25	144%***	0 11	0.21	-48%***	0.08	0 06	33%

*** p < 05, ** p < 10, * p < .20

The table also shows that while only limited contract cases showed a statistically significant increase in the number of "other" hearings, there was a consistent general pattern of increases in these hearings across all types of program cases, both unlimited and limited. For limited cases, the table also shows a similar consistent pattern of decreases in the number of motion hearings in limited cases, although the differences for each case type were not statistically significant or only marginally significant.

Impact of Reduced Number of Court Events on Judicial Time

The overall comparison between the program and control groups indicated that the pilot program had a positive impact on reducing the court's workload in the form of fewer motion hearings for limited cases. However, for both limited and unlimited cases there

were also substantial increases in the number of CMCs and "other" pretrial hearings for program-group cases. In addition, as pointed out above, there were uncertainties concerning the overall program impact on various court events, as a significant proportion of pending cases in both the program and control groups was not included in the analysis.[285]

Despite these uncertainties, a preliminary analysis was performed to assess the potential impact of the pilot program on the court's overall workload. Table V-22 shows the results of this preliminary analysis. Based on the differences in the average number of each of the three types of court events in the program and control groups, and on estimates of the average amount of time judges spent on these different court events, this analysis showed that the pilot program had a small negative impact on judicial workload. Under the program procedures followed during the study period, the increase in pretrial events under the pilot program required approximately seven additional judicial days to complete per year.

Table V-22 Program Impact on Court's Workload per Year in Fresno

		Total Number of Court Events		*Estimated Savings in Judge Time (Days)*	*Estimated Monetary Value of Time Saved*
	Number of Cases	*Actual*	*Estimated Reduction*		
Program					
Limited	197	158	-55	0.5	$1,394
Unlimited	533	587	-112	-2.9	-$8,656
Total	730	745	-167	-2 4	-$7,262
Control					
Limited	411	214	-115	1 0	$2,908
Unlimited	978	871	-205	-5 3	-$15,884
Total	1,389	1,085	-320	-4 3	-$12,975
Program and Control Combined					
Limited	608	372	-170	1 4	$4,303
Unlimited	1,511	1,458	-317	-8.2	-$24,540
Total	2,119	1,830	-487	-6 8	**-$20,238**

[285] As noted above, a large number of the pending cases found in the case management system had had no court events recorded in the case management system for over a year When a separate program/control group analysis was done using the assumption that all these cases had actually reached disposition as of the date of the last court event shown in the case management system, the increase in the overall number of court events in the program group was even higher.

Actual event data from 2001 program-group cases that had reached disposition was used to calculate first the number of events that would have taken place in control-group cases had these events occurred at the same rate as in program-group cases. This figure was then compared with the actual number of events per year in the program. Because the decreases in motion hearings were offset by increases in case management conferences and other hearings, Table V-22 shows increases (negative numbers for estimated reductions in court events) in the total number of court events due to the pilot program's impact.

The number of court events were translated into judicial time saved or added, using estimates of judicial time spent on these court events, including chamber time for preparation before the events and the time spent in following up on the decisions made during the hearing events.[286] Despite the increase in the number of total court events, increases in the court's workload were minimal when the number of court events was translated into judicial time spent on these court events. This is because, in general, the estimated amount of judicial time required for motion hearings (which were reduced in the program group) was substantially higher than the time for CMCs and "other" pretrial hearings (which increased in the program group). Thus, the additional judicial time required because of the greater number of CMCs and "other" pretrial hearings in the program cases was almost completely offset by the time saved from the reduced number of motion hearings. In fact, for limited cases, the pilot program resulted in an overall reduction in judicial time. Overall, however, between both unlimited and limited cases, this preliminary analysis suggests that the increases in court events required an additional 2.4 days of judicial time.

Because many court costs, including judicial salaries, are fixed, increases in judicial workload do not necessarily translate into cost increases. Instead, the increased time takes away from the time that judges can spend on trials and other matters that require their attention. To help understand the value of the potential time increases, however, their estimated monetary value was calculated. The potential changes in judicial days were multiplied by an estimate of the current daily cost of operating a courtroom—$2,990 per day.[287] Based on this calculation, the monetary value of the additional judicial time actually spent during the pilot program was $7,262.

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[286] Surveys from judges in the five pilot courts provided estimates of the amount of time they spent on different types of court events. For limited cases, the average estimated time was 8 minutes for CMCs and 53 minutes for motion hearings For unlimited cases, the figures were 18 and 72 minutes for CMCs and motion hearings, respectively For all other hearings, which were not included in the judges' survey, a conservative estimate was used, with 5 minutes allotted for limited and 10 minutes for unlimited cases.

[287] This estimated cost includes salaries for a judge and associated support staff but not facilities or general overhead costs In the fiscal year 2001–2002 budget change proposal for 30 new judgeships, the Finance Division of the Administrative Office of the Courts estimated that each new judgeship would have a total cost of at $642,749. This figure includes the total cost of salaries, benefits, and operating expenses for each new judgeship and its complement of support staff, including a bailiff, a court reporter, two courtroom clerks, a legal secretary, and a research attorney (Judicial Council of Cal., fiscal year 2001–2002 budget change proposal, No TC18).

In addition, the potential impact on court workload if the pilot program were to be applied to all general civil cases courtwide was also calculated. This was done by calculating the number of court events that might have been avoided (or increased) in the control group, assuming these events occurred at the same rate in the control group as in the program group. While this analysis indicated some negative program impact on the court's workload, the size of the impact was relatively small. Table V-22 shows that increases in total judicial time, including that for control-group cases had these cases also been eligible for the pilot program, amounted to about eight days per year, which has an estimated monetary value of approximately $20,000.

The analysis above, although preliminary in nature due to various uncertainties, suggests that while the pilot program required more judicial time to be devoted to case management, the net impact on the court's workload was almost neutral because of the positive program impact in reducing the number of motion hearings. Note also that the court has now changed its proceedings so that additional special case management conferences are no longer held in program cases.

Conclusion

There is strong evidence that the pilot program in Fresno reduced the number of motion hearings for cases in the program. There were 13 percent fewer motion hearings in unlimited 2001 program-group cases, and 48 percent fewer motion hearings in limited 2001 program-group cases compared to cases in the control group. The number of motion hearings was consistently lower for limited cases in the program group across all case types. Reductions in the overall number of motion hearings could be attributed primarily to the positive impact from cases that settled at mediation. Unlimited program-group cases that settled at mediation had 80 percent fewer motion hearings compared to similar cases in the control group. They also had 60 percent fewer "other" hearings and 45 percent fewer court events overall compared to similar cases in the control group.

However, this reduction in court workload was offset by an increase in the number of case management conferences and other hearings required under the procedures initially followed by the court during the study period; the average number of case management conferences and "other" pretrial hearings was considerably higher in the program group than in the control group for both unlimited and limited cases. The increase in case management conferences and "other" hearings offset the decrease in motion hearings, so that, overall, there was an increase in the total number of pretrial court events in the program group and a small increase in the judicial time spent on program cases during the study period. The increases in the number of case management conferences for program cases was understandable given the court procedures (since changed) that required conferences in all program cases that did not settle at mediation and in most program cases when the parties wanted their case removed from the mediation track, but did not generally require case management conferences in other cases.

VI. Contra Costa Pilot Program

A. Summary of Study Findings

There is evidence that the pilot program in Contra Costa reduced disposition time and litigant costs and increased attorney satisfaction with the litigation process and the services provided by the court.

- **Mediation referrals, mediations, and settlements**—1,650 cases that were filed in the Superior Court of Contra Costa County in 2000 and 2001 were referred to mediation and almost 1,200 of these cases were mediated under the pilot program. Of the cases mediated, 53 percent settled at the mediation and another 7 percent settled later as a direct result of the mediation, for a total resolution rate of approximately 60 percent. In survey responses, 75 percent of attorneys whose cases did not settle *at* mediation indicated that the mediation was important to the ultimate settlement of the case.

- **Trial rate**—No statistically significant reduction in the trial rate was found either in comparisons between cases filed before and after the program began or in comparisons between cases in which the litigants stipulated to mediation and those in which they did not. However, this does not necessarily indicate that the pilot program had no impact on the trial rate; there were limitations associated with the comparisons that made it difficult to evaluate whether the program affected trial rates.

- **Disposition time**—There was evidence that the pilot program decreased disposition time. Pre-post program comparisons suggested that the median disposition time for cases filed after the pilot program began was shorter than the median disposition time for cases filed before the program began. These comparisons also showed that the disposition rate for post-program cases was higher than that for pre-program cases for the entire 34-month period studied, but most noticeably between 6 and 12 months after filing, when it ranged from about 1.5 to 3 percent higher than that for pre-program cases. Comparisons between disposition rates in cases in which the litigants have stipulated to mediation and cases in which they did not showed that while nonstipulated cases began to resolve earlier than stipulated cases, from 9 to 18 months after filing, stipulated cases were disposed of at a faster pace than nonstipulated cases and ultimately more stipulated than nonstipulated cases had reached disposition by the end of 18 months after filing. The pace of dispositions for stipulated cases was fastest at 9 months after filing, about the time that mediations took place, suggesting that mediations increased the pace of dispositions among stipulated cases. Comparisons with similar stipulated and nonstipulated cases confirmed that when cases were settled at mediation, the average disposition time was shorter, but also indicated that when cases were mediated and did not settle at the mediation, the disposition time was longer.

- **Litigant satisfaction**—Attorneys in which the litigants have stipulated to mediation cases were more satisfied with the overall litigation process and services provided by the court than attorneys in cases in which the litigants did not stipulate to mediation. They were, however, less satisfied with outcome of the case compared to attorneys in nonstipulated cases. Attorneys' levels of satisfaction with the court's services, the litigation process, and with the outcome of the case were all higher in stipulated cases that settled at mediation than in similar nonstipulated cases. Attorneys in stipulated cases that went to mediation and did not settle at mediation were also more satisfied with the court's services than attorneys in similar nonstipulated cases. This suggests that participating in mediation increased attorneys' satisfaction with the court's services, regardless of whether their cases settled at mediation. Both parties and attorneys who participated in pilot program mediations expressed high satisfaction with their mediation experience, particularly with the performance of the mediators. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

- **Litigant costs**—There was evidence that the pilot program reduced both litigant costs and attorney time, particularly in cases that settled at mediation. Litigant costs were approximately $7,500 lower in cases in which the litigants stipulated to mediation compared to those in which the litigants did not stipulate to mediation. Both direct comparisons between stipulated and nonstipulated cases disposed of in over six months and comparisons between litigant costs and attorney hours in stipulated cases and nonstipulated cases with similar characteristics using regression analysis also suggested that both litigant costs and attorney hours were reduced in stipulated cases. Regression analysis also suggests that litigant costs were reduced by 50 percent or more and attorney hours were reduced by 40 percent in both cases that were settled at mediation and in cases that did not settle at mediation compared to similar nonstipulated cases. Eighty-seven percent of attorneys whose cases resolved at mediation estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorneys per settled case was $16,197 in litigant costs and 78 hours in attorney time, for a total estimated savings of $9,993,839 in litigant costs and 48,126 attorney hours in 2000 and 2001 cases that settled at mediation.

- **Court workload**—The evidence concerning the Contra Costa pilot program's impact on the court's workload was mixed. In pre-post program comparisons, the average number of case management conferences held per case was 27 percent higher and the number of "other" pretrial hearings was 11 percent higher the year after the program began compared to a year before the pilot program began. The increase in case management conferences may have been due, at least in part, to the introduction of the Complex Litigation Pilot Program in 2000. In comparisons of stipulated and nonstipulated cases, stipulated cases had fewer motion hearings but more CMCs than nonstipulated cases, so that the total number of all pretrial events was essentially the same in both groups. However, comparisons of only those cases disposed of in over six months suggested that the total number of hearings may have been lower in the stipulated group. In addition, when cases settled at mediation, the total number of

court events was 20 percent lower, on average, in stipulated cases compared to nonstipulated cases with similar characteristics. Conversely, similar comparisons suggested that the number of pretrial hearings may have increased when cases did not settle at mediation.

B. Introduction

This section of the report discusses the study's findings concerning the Early Mediation Pilot Program in the Superior Court of Contra Costa County. Based on the criteria established by the Early Mediation Pilot Program legislation, this was a successful program, resulting in benefits to both litigants and the courts in the form of reduced disposition time, improved litigant satisfaction with the court's services and the litigation process, and lower litigant costs in cases that resolved at mediation. However, it was difficult to measure the full impact of the pilot program because there was not a good comparison group–a group of cases with similar characteristics as those participating in the program but without access to the program – against which to measure these impacts.

As outlined below in the program description, the Contra Costa pilot program had four main elements:

- The court distributed ADR information at the time of filing;
- The court set an initial case management conference approximately 140 days (approximately 5 months) after filing to assess case amenability for mediation or another form of ADR;[288]
- Litigants chose whether to participate in early mediation; the court did not have the authority to order the litigants to participate in early mediation; and
- If litigants selected a mediator from the court's panel, the mediator provided between two and three hours of mediation services at no cost to the parties.

For purposes of this study, cases that were filed the year before the pilot program began that would have met the program eligibility requirements are called "pre-program" cases. Eligible cases filed after the program began are called "post-program" cases. The cases in which the parties stipulated to participate in early mediation are called "stipulated cases." The remaining cases that were otherwise eligible but in which the parties did not stipulate to early mediation are called "nonstipulated cases." Overall comparisons of trial rates, disposition time, and other outcome measures between pre-program and post-program cases and between stipulated and nonstipulated cases were used to try to identify the impact of the pilot program in Contra Costa.

However, it is important to keep in mind that both of these comparisons had limitations that restricted their capacity to identify the full impact of Contra Costa's mediation pilot program. Because the pilot program in Contra Costa was a continuation of an existing court mediation program with some changes in program design, comparisons between pre-program and post-program cases in Contra Costa show only the added impact of these incremental changes to the mediation program. Pre-post program comparisons *do not* provide information about the impact of having voluntary mediation services available to the litigants compared to having no mediation program at all.

Comparisons between stipulated and nonstipulated cases similarly *do not* provide information about the impact of having voluntary mediation services available to the

[288] These conferences actually took place at six months after filing, on average.

litigants compared to having no mediation program at all. Ideally, these comparisons show the impact of agreeing to go to early mediation. However, because stipulated and nonstipulated cases are qualitatively different from each other, any differences in outcome are likely to be due, at least in part, to these qualitative differences. One of the clearest differences between these two groups in Contra Costa was that the nonstipulated group included a large percentage of "easy" cases – cases that reached disposition within six months of filing with few court events and very few trials – while the stipulated group included almost none of these cases. Therefore it is necessary to examine the two additional comparisons that were made to try to account for the differences in the characteristics of stipulated and nonstipulated cases: (1) comparisons of outcomes in only those stipulated and nonstipulated cases that reached disposition in more than six months; and (2) comparisons made using regression analysis between stipulated cases and nonstipulated cases with similar case characteristics.

In addition, it is important to remember that, throughout this section, "post-program" or "stipulated" cases does not mean cases that were mediated. Post-program cases include all the cases filed after the pilot program was implemented that met the program eligibility requirements, including both stipulated and nonstipulated cases. Stipulated cases include cases in which the parties stipulated to mediation, but that did not ultimately go to mediation, either because they were later removed from the mediation track by the court or because they settled before the mediation took place. It is also important to remember that post-program cases in which the parties did not stipulate to mediation and stipulated cases exposed to different pilot program elements had very different dispute resolution experiences and different outcomes in terms of the areas being studied (disposition time, litigant satisfaction, and the other outcomes). In overall comparisons using pre-program and post-program cases, the outcomes in all these subgroups of eligible cases were added together to calculate an overall average for the post-program group as a whole. Similarly, in overall comparisons using stipulated and nonstipulated cases, the outcomes in all these subgroups of stipulated cases were added together to calculate an overall average for the stipulated group as a whole. As a result, within these overall averages, positive outcomes in some subgroups of cases, such as shorter disposition time in cases that settle at mediation, were often offset by less positive outcomes in other subgroups.

To provide a better understanding of how stipulated cases in these subgroups may have been influenced by their exposure to different pilot program elements, comparisons were made between cases in these subgroups and non-stipulated cases with similar case characteristics. Readers who are interested in the impacts of specific pilot program elements, such as the early mediation process, should pay particular attention to these subgroup analyses.

Finally, it is important to remember that the emphasis in this pilot program was on early referral to and early participation in mediation. Cases were referred to mediation about six months after filing and went to mediation about nine months after filing. Thus, this study addresses only how cases responded to such early referrals and early mediation; it does not address how cases might have responded to later referrals or later mediation.

C. Contra Costa Mediation Pilot Program Description

This section provides a brief description of the Superior Court of Contra Costa County and its Early Mediation Pilot Program. This description is intended to provide context for understanding the study findings presented later in this chapter.

The Court Environment in Contra Costa

Contra Costa County is a fairly large county that combines urban, suburban and rural/agricultural regions. The county has a total population of slightly less than 1 million people. The Superior Court of Contra Costa County is of medium size compared to other trial courts in California, with 33 authorized judgeships. In 2000, the year that this mediation pilot program began, approximately 7,828 unlimited general civil cases and 10,130 limited civil cases were filed in the Superior Court of Contra Costa County.[289]

The Superior Court of Contra Costa County manages its limited and unlimited civil cases separately. Unlimited civil cases are assigned to one of 5 judges (departments) that handle civil cases in the court's main location. These judges use an individual (direct) calendaring system for unlimited civil cases – meaning that the same judge handles all aspects of a case from filing through disposition. An initial case management conference is held in unlimited civil cases approximately 140 days after filing to establish a schedule for trial and other relevant court events. The court has historically disposed of its unlimited civil cases relatively quickly: in fiscal year 1998-1999, shortly before the Early Mediation Pilot Program was implemented, the Contra Costa Superior court reported that it disposed of 80 percent of its unlimited civil cases within one year, 94 percent within 18 months, and 96 percent within two years of filing.

The Superior Court of Contra Costa County has had a long-standing commitment to offering its civil litigants alternative dispute resolution (ADR) options, including mediation. Since 1993, the court has had a voluntary mediation program called EASE (Extra Assistance to Settle Early) for unlimited civil cases. The option of participating in the EASE program was typically discussed at the initial case management conference and, in many cases, the assigned judge would urge the parties to stipulate to this program. The court maintained a panel of mediators who agreed to provide the first 2 hours of EASE mediation services to litigants at no charge; any mediation services provided after the initial 2-hours were paid for by the parties at the mediator's standard market rate. In 1999, the year before the pilot program was implemented, stipulations to EASE were filed in approximately 1,000 cases. Thus both the court and the local bar had prior experience with court-annexed, voluntary mediation of civil cases before the pilot program was put in place.

In addition to the EASE program, the Contra Costa Superior Court also offers litigants a variety of other ADR options, including neutral case evaluation (called *SCAN - Summary*

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[289] Judicial Council of Cal , Admin Off. of Cts., Rep. on Court Statistics (2001) Fiscal Year 1990–1991 Through 1999–2000 Statewide Caseload Trends, p 46. Please see the glossary for definitions of "unlimited civil case" and "general civil case."

Case Assessment by Neutrals), non-binding arbitration (called judicial arbitration), settlement conferences conducted by experienced trial attorneys (called *SMART - Special Mentors Actively Resolving Trials*), and trials conducted by attorneys appointed as pro tem judges (called *TOT - Trials On Time*).

The Early Mediation Pilot Program Model Adopted in Contra Costa

The General Program Model

The Superior Court of Contra Costa County adopted a voluntary mediation pilot program model. The program was essentially an expansion of the court's preexisting mediation program (EASE), and incorporated the main features of that program. The basic elements of the program implemented in Contra Costa included:

- The court distributed ADR information at the time of filing;
- The court set an initial case management conference approximately 140 days (approximately 5 months) after filing to assess case amenability for mediation or another form of ADR;[290]
- Litigants chose whether to participate in early mediation; the court did not have the authority to order the litigants to participate in early mediation;
- In cases where the litigants stipulated to mediation, attorneys were required to confer with ADR program staff as soon as possible following the stipulation; and
- If litigants selected a mediator from the court's panel, the mediator provided up to two hours of mediation services at no cost to the parties.

What Cases Were Eligible for the Program

Only unlimited cases were eligible for the program in Contra Costa. While all unlimited general civil cases[291] were eligible, certain case types, including complex cases, had few or no cases referred to mediation under the pilot program.

How Cases Were Referred to Mediation

Only cases in which the defendant responded to the complaint (cases that became "at issue") were eligible for referral to mediation. Mediation requires participation of both sides to a case. This participation is not possible if the defendant has not responded to the complaint. As in all the pilot courts, a large percentage of eligible cases in Contra Costa (approximately 30 percent of unlimited cases) never became at issue and thus were not eligible for referral to mediation.[292]

Parties were encouraged to stipulate to mediation at the earliest possible opportunity, either before, at, or within two weeks after the initial case management conference. At the time of filing, parties were given a notice regarding the pilot program, a blank form that could be used to stipulate to participation in the pilot project, and a notice of their initial case management date. The information package also notified litigants that they could stipulate to mediation before the case management conference and that, if they filed

[290] These conferences actually took place at 6 months after filing, on average

[291] See the glossary for a definition of "unlimited case" and "general civil case "

[292] As discussed below, cases that never became at issue (cases that were disposed of through default) were not included among the nonstipulated group for purposed of this study.

such a stipulation to mediation, they would not be required to attend the case management conference.

If parties did not stipulate to mediation, they were required to attend the initial case management conference. At this conference, the assigned judge conferred with the parties about ADR options offered by the court, including mediation. The judge did not have the authority to order parties to participate in mediation, but in many cases, the assigned judge would strongly urge the parties to stipulate to mediation. Thus while the pilot program in Contra Costa was voluntary in design, litigants often felt pressured to agree to participate in the mediation process, just as they would in a mandatory program.

How Mediators Were Selected and Compensated

Within 15 days of filing the stipulation, parties were required to identify a mediator and submit a declaration to the court confirming the selection of the mediator. Parties were free to select any mediator, whether or not that mediator was from the court's panel. However, mediators on the court's panel were required to provide litigants with up to three hours of services (one hour of preparation time and two hours of mediation time) at no charge. Thus the parties could receive some mediation services at no cost to them if they selected a mediator from the court's panel.

Mediators on the Superior Court of Contra Costa County panel were required to have 25 hours of mediation training, to have completed at least 10 mediations, and to participate in the court's mediator orientation program.

When Mediation Sessions Were Held

Parties were required to complete mediation within 90-100 days of their stipulation to mediation.

What Happened After the Mediation

Under the Early Mediation Pilot Program statutes, at the conclusion of the mediation, the mediator was required to submit a form to the court indicating whether the case was fully or partially resolved at the mediation session. If this form was not returned shortly after the mediation deadline, the court's ADR program staff would follow up with the mediator. If the mediator indicated that the case was not resolved or only partially resolved, or if the mediator indicated that the mediation was continuing after the 90-day period, the case was set for another case management conference.

How Cases Moved Through the Mediation Program

To understand the impact of this mediation program, it is helpful to understand the flow of cases through the court process. Figure VI-1 below depicts this for unlimited cases filed in Contra Costa in 2000 and 2001.

As shown in Figure VI-1, a total of 6,838 unlimited civil cases were filed in Contra Costa Superior Court during 2000 and 2001. Of the total unlimited cases filed, 70 percent

(4,820 cases) became at issue and were eligible to be considered for referral to mediation.[293]

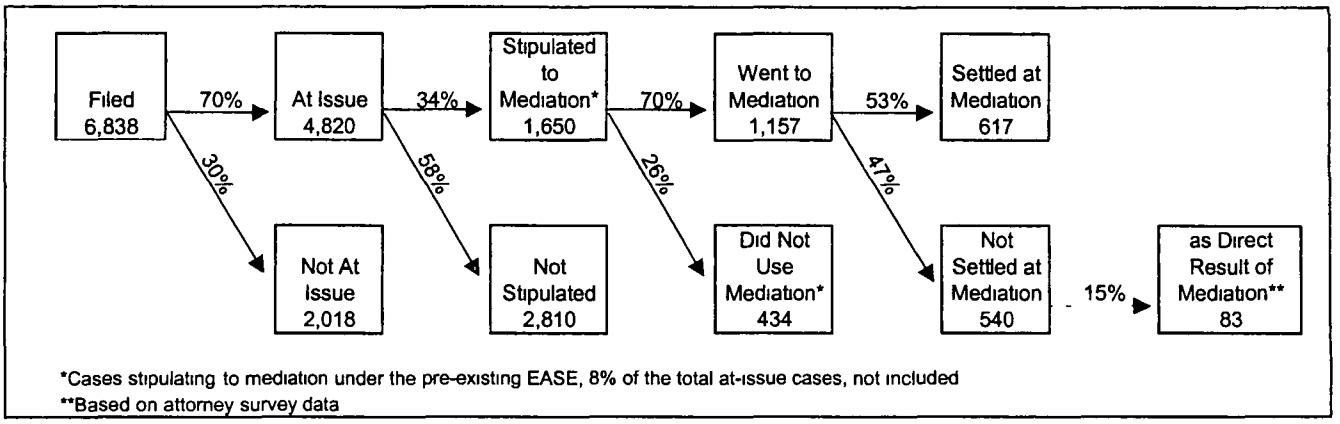

Figure VI-1. Case Flow for Unlimited Cases Filed in 2000 and 2001 in Contra Costa

In approximately 35 percent of the at-issue cases (1,650 cases), the parties stipulated to mediation under the pilot program. Not included in the flow chart were 360 cases in which the parties stipulated to mediation under the preexisting EASE program (EASE cases), which represented 8 percent of the total at-issue cases. During the two-year period, the percentage of cases stipulating to mediation in the pilot program rose from 26 percent to 41 percent. There was also a small increase in the overall proportion of cases stipulating to mediation under both mediation programs, from 39 percent for cases filed in 2000 to 44 percent for cases filed in 2001.

Of the cases that were referred to mediation under the pilot program, 70 percent (1,157 cases) completed mediation. Approximately 26 percent of the cases referred to mediation ultimately did not use mediation, because the case settled before mediation or the parties otherwise determined that mediation would not be appropriate. A small percentage (4%) of the cases referred to mediation had not reported the outcome of the mediation by the end of the data collection period.

Of the cases that completed mediation under the pilot program, 53 percent (617 cases) fully settled at the end of the mediation. Another 4 percent reached partial agreement at the mediation. It should be noted that this settlement rate does not include cases that did not resolve at the end of mediation but that subsequently resolved as a direct result of the mediation. Analysis of attorney survey data revealed that respondents in approximately 15 percent of unlimited cases that did not settle at mediation attributed subsequent settlement of their cases directly to the mediation. Thus the overall proportion of unlimited cases that completed mediation and reached settlement through mediation is estimated to be 60 percent.

[293] Case management conferences were held in 75 percent (3,619) of these at-issue cases

Conclusion

As noted in the introduction, each of the pilot mediation programs examined in this study is different. In reviewing the results for the Contra Costa Superior Court program, it is important to keep in mind the unique characteristics of this court and its pilot program. It is particularly important to remember that the pilot program was essentially an expansion of the court's preexisting mediation program, because this was significant for whether it was possible to measure the pilot program's impact through pre-program and post-program comparisons.

D. Data and Methods Used in Study of Contra Costa Pilot Program

This section provides a brief description of the data and methods used in the analysis of the Contra Costa pilot program. (See Section I.B. for more information on the overall data and methods used in this report.)

Data

Several data sources were used in this study of the Contra Costa Pilot Program.

Data on Trial Rate, Disposition Time, and Court's Workload

As more fully described in Section I.B., the primary source of data for assessing the pilot program's impact on trial rate, disposition time, and court workload was the court's case management system. For cases during the program period, only data concerning cases filed in 2000 and 2001 were used; cases filed more recently were not used because there was not sufficient follow-up time for tracking their final outcomes. In order to do pre-/post-program comparisons, data on cases filed in 1999 was also used.

While all general civil cases were eligible for referral to mediation, certain case types, such as complex cases, had few or no cases referred to mediation under the pilot program. These case types were excluded from the analysis sample.

As noted above, civil cases in Contra Costa Superior Court have historically been disposed of in a relatively short time. By the end of data collection for this study in June 2003, the court had disposed of 97 percent of the eligible cases filed in 1999, 95 percent of those filed in 2000, and 90 percent of those filed in 2001. This high disposition rate enhances the overall reliability of the study's results because the final outcomes of almost all the cases in the study group are known.

Data on Litigant Satisfaction and Costs

As is also more fully described in Section I.B., analysis of program impact on litigant satisfaction and costs was based on data from surveys distributed (1) to attorneys and parties who went to mediation between July 2001 and June 2002 ("postmediation survey") and (2) to parties and attorneys in stipulated and nonstipulated cases that reached disposition during the same period ("postdisposition survey").

Methods

Unlike in the pilot courts with mandatory programs, in Contra Costa, there was no randomly assigned control group of cases in which the pilot program was not available, so program-control group comparisons could not be used to examine the impacts of the Contra Costa pilot program. Instead, two other types of comparisons were used: (1) comparisons between cases filed before the pilot program began and cases filed after the program began (pre-post program comparisons), and (2) comparisons between cases in which the parties stipulated to mediation and those in which the parties did not stipulate

to mediation. Both of these methods had limitations in determining the impact of Contra Costa's pilot program.

Pre-Post Program Comparisons

Pre-post comparisons were used to examine the Contra Costa pilot program's impact on the trial rate, time to disposition, and court workload. As noted in Section I.B. in pre-post comparisons, data concerning a particular outcome measure, such as the trial rate, for all cases filed in 1999 that would have met the program eligibility criteria (pre-program cases) is compared with data on that outcome measure for all eligible cases filed in 2000 (post-program cases). Other things being equal, any observed difference in the outcome measures between pre-/post-program cases can be attributed to the impact of the pilot program.

There are two things to note about the use of this method in examining the Contra Costa program. First, the pre-post comparison method measures the impact of the changes that were introduced in the "post" program period. However, in Contra Costa, as noted above in program description, the pilot program was a continuation of an existing mediation program with some changes in program design, including higher qualification requirements for panel mediators and a greater emphasis on parties' voluntary use of the mediation. Many of the basic mediation program features, including the timelines for case management conferences and mediation sessions, remained largely same as in the "pre" program period. Thus, in Contra Costa, the results from pre-post comparisons *do not* provide information about the impact of having voluntary mediation services available to the litigants compared to no mediation program at all; these results show only the added impact of the incremental changes introduced by the pilot program compared to the preexisting mediation program.

Second, in order for differences in the outcomes found in these pre-post comparisons to be attributable to the impact of the pilot program, the only difference in the treatment of the pre-program and the post-program must be the introduction of the pilot program. In Contra Costa Superior Court, there were no known differences in the characteristics of the cases filed in 1999 and 2000.[294] However, there was one other change in civil case management practices introduced in 2000 that may have impacted the pre-post comparisons, particularly those concerning court workload. In 2000, the court implemented a Complex Litigation Pilot Program. While cases that were designated as complex cases in the court's case management system were identified and excluded from the pre-post comparison, there were some cases in the post-program period that were included in the Complex Litigation Pilot Program but that could not be screened out from the pre-post comparison. Since Complex Litigation Pilot Program involved intensive case management by the court, these cases were far more likely to have had larger numbers of case management conferences.

[294] Comparisons showed that the proportion of different case types filed in each year was the same.

Comparisons Between Stipulated and Nonstipulated Cases

Comparisons between eligible cases in which the parties stipulated to mediation and eligible cases in which the parties did not stipulate to mediation were used to examine the Contra Costa pilot program's impact on litigant costs and satisfaction, as well as to provide additional information about trial rates, time to disposition, and court workload. As discussed in Section I.B., there are important limitations to these comparisons because stipulated and nonstipulated cases are qualitatively different from each other. One of the clearest differences between these two groups in Contra Costa was that the nonstipulated group included a large percentage of "easy" cases – cases that reached disposition within six months of filing with few court events and very few trials – while the stipulated group includes almost none of these cases. Two additional comparisons were therefore made to try to account for the differences in the characteristics of stipulated and nonstipulated cases. First, outcomes in only those stipulated and nonstipulated cases that reached disposition in more than six months were compared. Second, using regression analysis, comparisons between stipulated cases and nonstipulated cases with similar case characteristics. In this regression analysis, the variables taken into account included all the case characteristics about which data was available in this study as well as whether the case resolved within 6 months or in over 18 months. However, as noted in the methods Section I.B., it is almost certain that there were additional "unknown" case characteristics that were not appropriately accounted for in these regressions. Therefore, the findings from regression analyses reported below should be interpreted with caution.

E. Stipulated Cases –Mediations and Settlements

Before making comparisons of stipulated and nonstipulated cases, it is helpful to first understand how the group of stipulated cases breaks down in terms of the subgroups of cases that settled before mediation, were removed from the mediation track, and that went to mediation under the pilot program. It is also helpful to understand the impact of the pilot program mediation on the resolution of cases, both during and after the mediation.

Almost 5,000 unlimited cases filed in 2000 and 2001 in the court became at issue and were eligible to be considered for referral to mediation.[295] In 1,650 of these eligible cases, the parties stipulated to participate in mediation under the pilot program. Table VI-1 breaks these stipulated cases down into subgroups based on what happened with the case after the stipulation to mediation.

Table VI-1. Stipulated Cases—Subgroup Breakdown

Subgroups of Stipulated Cases	# of Cases	% of Total in Stipulated Group
Settled before mediation	257	15.58%
Removed from mediation	177	10 73%
Settled at mediation	617	37 39%
Did not settle at mediation	540	32 73%
Mediation outcome unknown	59	3 58%
Total Stipulated Cases	1,650	100%

Of the cases that stipulated to mediation under the pilot program, 434 were never mediated: 257 cases (about 15 percent of the stipulated cases) were settled before the mediation and 177 cases (about 11 percent) were removed from the mediation track. This represents about 26 percent of the stipulated cases. A small percentage (less than 4%) of the cases that stipulated to mediation had not reported the outcome of the mediation by the end of the data collection period.

A total of 1,157 unlimited cases (70 percent of the stipulated cases) went to mediation under the pilot program in Contra Costa. Of these mediated cases, 617 cases (53 percent of the mediated cases or about 37 percent of the whole stipulated group) reached full agreement at the mediation. As shown in Table VI-2 below, another 34 cases mediated under the pilot program (3 percent of the mediated cases) also reached partial agreement at the mediation.

[295] Case management conferences were held in 75 percent (3,619) of these at-issue cases.

Table VI-2. Proportion of Cases Settled at Mediation

	Unlimited	
	# of Cases	*% of Mediated Cases*
Agreement	617	53.33%
Partial agreement	34	2 94%
Nonagreement	506	43.73%
Total		100%

Even when cases did not reach settlement *at* mediation, the mediation was still likely to have played an important role in the later settlement of the cases. Table VI-3 shows that approximately 15 percent of attorneys in cases that were mediated under the pilot program but did not reach settlement at mediation indicated that the ultimate settlement of the case was a direct result of participating in the pilot program mediation. Another 28 percent indicated that mediation played a very important role, and still another 30 percent indicated that mediation was somewhat important to the ultimate settlement of the case. All together, attorneys responding to the survey indicated that subsequent settlement of the case benefited from mediation in approximately 75 percent of the cases in which the parties did not reach agreement at the end of the mediation session. For only 25 percent of the respondents mediation was considered of "little importance" to the case reaching settlement.

Table VI-3. Attorney Opinions of Mediation's Importance to Subsequent Settlement

Importance of Participating in Mediation to Obtaining Settlement	Number of Responses	Percentage of Responses
Resulted directly in settlement	17	15.45%
Very important	31	28 18%
Somewhat important	34	30.91%
Little importance	28	25 45%
Total	110	100%

Adding together those cases where the survey respondents indicated that subsequent settlement of the case was a direct result of participating in mediation and those cases that settled at the mediation session, the overall resolution rate in mediation under the Contra Costa pilot program was approximately 60 percent.

F. Impact of Contra Costa's Pilot Program on Trial Rates

Summary of Findings

No statistically significant reduction in the trial rate was found in this study:

- In a pre-post comparison, the trial rate for all eligible cases filed in 2000 (the first year of the pilot program) was virtually the same, at four percent, as for cases filed in 1999 (the year before the pilot program began).

- The trial rate among cases in which the litigants stipulated to mediation and that reached disposition in more than 6 months was lower than the trial rate among nonstipulated cases that reached disposition in the same period, but the differences in trial rates between these two groups was not statistically significant.

However, this does not necessarily indicate that the pilot program had no impact on the trial rate; there were limitations associated with both these comparisons that made it difficult to clearly see all program impacts.

Introduction

This section examines the impact of the pilot program in Contra Costa on the trial rate. First, a comparison between the proportion of disposed cases that went to trial among cases filed before and after the pilot program (pre-post comparisons) is presented. Second, trial rates in stipulated and nonstipulated cases filed in 2000 and 2001 are compared, including comparisons of cases that reached disposition in six or more months and comparisons made using regression analysis. However, for the reasons noted above in Section I.B., there are important limitations on the results of both these comparisons.

Pre-/Post-Program Comparison of Trial Rates

Table VI-4 compares the trial rates for closed cases filed in 1999, the year before the pilot program began, and 2000, the first year of the pilot program. There was no statistically significant difference in the trial rates in these two groups, the trial rates are nearly identical at 4.20 percent for cases filed in 1999 and 4.13 percent for cases filed in 2000.

Table VI-4. Pre-/Post-Program Comparison of Trial Rate in Contra Costa

	# of Cases Disposed	# of Cases Tried	% of Cases Tried
Program cases filed in 2000	2,228	92	4 13%
Pre-program cases filed in 1999	2,165	91	4.20%
% Difference			-2%

Note Only cases that reached disposition within 900 days from filing were included to allow for same length of follow-up time.

*** p < .05, ** p < .10, * p < .20.

However, as discussed in Section I.B., because the pilot program in Contra Costa was an expansion of a preexisting court mediation program with some incremental changes in program design, this pre-post program comparison does not show the impact on trial rates of having a mediation program available to the litigants versus not having a mediation program at all. Instead, this comparison can only show the impact on the trial rate that is attributable to the new program features introduced by the pilot program – the higher mediator qualifications and greater emphasis on voluntary agreement to mediate. Thus, the similarity in trial rates shown in this pre-post comparison indicates that these changes in program design did not appreciably impact the overall trial rate in the court.

It is also possible that, because 2000 was the first year of the pilot program, the program was still being implemented and had not fully stabilized. One indication of this is that in 2000, approximately 30 percent of the cases in which the parties stipulated to mediation were stipulations under the court's preexisting EASE mediation program. In 2001, the second year of the pilot program, EASE cases dropped to five percent of all cases that stipulated to mediation. The trial rate for 2000 might, therefore, not be the best measure of the full pilot program impact on the court's trial rate. However, the relatively short follow-up time available for cases filed in 2001 (only approximately 540 days between filing and the end of the data collection period for cases filed in December of 2001), does not allow for very reliable comparisons of trial rates between cases filed in 1999 and cases filed in 2001. When trial rates in 1999 and 2001 were compared with the same follow-up time of 540 days from filing, no statistically significant difference in trial rates was found.

Trial Rates for Stipulated and Nonstipulated Cases

Table VI-5 shows the trial rates for all stipulated and nonstipulated cases that were filed in 2000 and 2001.

Table VI-5. Trial Rate of Stipulated and Nonstipulated Cases Filed in 2000 and 2001 in Contra Costa

	# of Cases Disposed	# of Cases Tried	% of Cases Tried
Stipulated	1,545	67	4.33%
Nonstipulated	2,571	107	4.16%
% Difference in trial rates			4%

*** p < 05, ** p < 10, * p < .20.

As with the pre-post-program comparison, no statistically significant difference was found between the trial rates in these two groups of cases. The trial rate for stipulated cases was 4.33 percent compared to 4.16 percent for nonstipulated cases.

As noted in Section I.B., however, direct, overall comparisons between stipulated and nonstipulated cases do not provide reliable information concerning the program impact

because of qualitative differences in the cases in these two groups. Two additional comparisons were done to try to account for these comparability problems. First, comparisons were made between stipulated cases and nonstipulated cases that reached disposition after more than six months. Second, the trial rate among stipulated cases was compared to the trial rate among nonstipulated cases with similar cases characteristics using regression analysis.

Table VI-6 below compares the trial rates of stipulated and nonstipulated cases filed in 2000 and 2001 in Contra Costa that were disposed of within six months of filing and that were disposed of more than six months after filing. The table shows that there were almost no trials in cases that were disposed of within six months of filing. Thus, when the overall trial rate for the nonstipulated group as a whole was calculated, this large group of "easy" cases in the nonstipulated group pulled the overall average trial rate in the nonstipulated group lower.

Table VI-6. Trial Rate of Stipulated and Nonstipulated Cases in Contra Costa Disposed of within Six Months and After Six Months

	Disposed of Within Six Months After Filing			Disposed of Over Six Months After Filing		
	# of Cases Disposed	*# of Cases Tried*	*% of Cases Tried*	*# of Cases Disposed*	*# of Cases Tried*	*% of Cases Tried*
Stipulated	26	0	0.00%	1,519	67	4 41%
Nonstipulated	558	3	0.54%	2,013	104	5 17%
% Difference			-100%			-15%

*** p < 05, ** p < 10, * p < 20.

The trial rate for nonstipulated cases that reached disposition more than six months after filing was 5.1 percent, higher than the 4.4 percent trial rate for stipulated cases that reached disposition more than six months after filing. However, the difference in the trial rates for these two groups was not statistically significant. No statistically significant difference was found either when stipulated cases were compared to nonstipulated cases with similar characteristics using regression analysis.[296]

However, similarities between the Contra Costa pilot program and the programs in San Diego and Los Angeles suggest that this result may simply reflect the difficulties in making comparisons between stipulated and nonstipulated cases. The Contra Costa pilot program shared many features with the programs in San Diego and Los Angeles

[296] As noted in Section I.B , this analysis controlled for those case characteristics about which data was available from the case management system. However, it is almost certain that there were additional "unknown" case characteristics that were not appropriately accounted for in these regressions Therefore, findings from these analyses should be interpreted with caution

programs. All these programs used case management conferences conducted by judges to consider mediation referrals, the conferences were conducted at similar times (approximately five months after filing on average in San Diego and Los Angeles and six months after filing in Contra Costa), the rate of referrals to mediation were similar (47 percent in San Diego and 41[297] percent in Los Angeles and Contra Costa[298]), the rate of mediations among referred cases were similar (68 percent in San Diego, 71 percent in Los Angeles, and percent in 70 Contra Costa), these mediations were held at similar times (approximately eight months on average after filing in San Diego and Los Angeles and nine months after filing in Contra Costa), and the mediation settlement rates in San Diego (58 percent) and Contra Costa (60 percent) were similar. All of these courts also had prior experience with court mediation programs and generally disposed of their civil cases relatively quickly. Given these similarities, there is a strong possibility that not finding a statistically significant difference in the trial rates of stipulated and nonstipulated cases in Contra Costa does not show that the pilot program had no impact on trial rates, but instead reflects the difficulties in identifying program impact through this stipulated/nonstipulated case comparison.

Conclusion

No statistically significant reduction in the trial rate was found either in comparisons between cases filed before and after the program began or in comparisons between cases in which the litigants stipulated to mediation and those in which they did not. However, this does not necessarily indicate that the pilot program had no impact on the trial rate; there were limitations associated with the comparisons that made it difficult to clearly see program impacts.

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[297] As noted above, the referral rate in Los Angeles would be higher if it were calculated in the same way as for the other courts (using only at-issue cases as the base number of eligible cases), but it was not possible to accurately identify at-issue cases from the courts case management system data

[298] As noted above, this was the referral rate during the second year of the Contra Costa pilot program. During the first year of the program, a substantial number of cases were still being referred to the court's preexisting program.

G. Impact of Contra Costa's Pilot Program on Case Disposition Time

Summary of Findings

The pilot program in Contra Costa had a positive impact on case disposition time, although the size of the impact was small:

- The pre-post program comparison suggests that the median disposition time for cases filed after the pilot program began was shorter than the median disposition time for cases filed before the program began.

- The disposition rate for post-program cases was higher than that for pre-program cases for the entire 34-month follow-up period, indicating that the pilot program reduced disposition time. The higher disposition rate for post-program cases was clearest between 6 and 12 months after filing, when it ranged from about 1.5 to 3 percent higher than that for pre-program cases.

- In overall, direct comparisons, cases in which the parties stipulated to mediation had a longer average disposition time compared to nonstipulated cases. However, in direct comparisons of only those cases disposed of in over six months, there was essentially no difference in either the average or median time to disposition in the stipulated and nonstipulated groups.

- While nonstipulated cases began to resolve earlier than stipulated cases, from 9 to 18 months after filing, stipulated cases were disposed of at a faster pace than nonstipulated cases and ultimately more stipulated than nonstipulated cases had reached disposition by the end of 18 months after filing. The pace of dispositions for stipulated cases was fastest at 9 months after filing, about the time that mediations took place, suggesting that mediations increased the pace of dispositions among stipulated cases.

- The data suggests that average disposition time for stipulated cases that settled at mediation was shorter than the disposition time of like nonstipulated cases. Conversely, the data indicates that stipulated cases did not settle at mediation took longer to reach disposition than similar nonstipulated cases. This suggests the importance of carefully selecting cases for referral to mediation.

Introduction

This section presents an analysis of the Contra Costa pilot program's impact on time to disposition. Similar to the previous section on trial rates, a pre-/post-program comparison is presented first, including comparisons both of the average and median time to disposition and the rate of disposition over time. Second, comparisons of case disposition time in cases that stipulated to mediation and those that did not stipulate to

mediation are presented, including both the average and median time to disposition and the rate of disposition over time. Finally, different patterns of disposition time for various subgroups of cases within the stipulated group are also presented.

Overall Comparisons of Disposition Time in Pre-/Post-Program Cases

Comparison of Average and Median Disposition Time

Table VI-7 below compares the average and median[299] time to disposition for cases filed in 1999, the year before the pilot program started (pre-program cases), and 2000, the year after the pilot program started (post-program cases).

Table VI-7. Pre-/Post-Program Comparison of Disposition Time in Contra Costa

	Number of cases	Average	Median
Program cases filed in 2000	2,228	358	328
Pre-program cases filed in 1999	2,165	359	336
Differences		-1	-8*

*** p < .5, ** p < 10, * p < .20.

As this table shows, the median disposition time for cases filed after the pilot program began was 8 days shorter than the median disposition time for cases filed before the program began. This suggests that Contra Costa's pilot program resulted in a small reduction in the overall median disposition time for unlimited cases.

Comparison of Case Disposition Timing

To better understand at what point in the litigation process the pilot program had its impact on the overall time to disposition, the patterns of case disposition rate over time from the filing of the complaint were examined. This analysis also provides information about whether the program impact on time to disposition happened around the time when certain program elements, such as case management conferences and mediations, generally took place.

Figure VI-2 compares the timing of case disposition among pre-program and post-program cases.[300] The horizontal axes represent time (in months) from filing until disposition of a case, and the vertical axes represent the cumulative proportion of cases disposed (or disposition rate). The wider, purple line represents the post-program disposition rate, and the thinner, black line represents the pre-program disposition rate. The gap between these two lines represents the difference in the disposition rates among pre-program and post-program cases at a given time from the filing of a complaint. The slope of the lines represents the pace at which cases were reaching disposition at a

[299] Median represents the value at the 50th percentile, with half of the cases reaching disposition before and half after the median time

[300] We combined the data for cases filed in 2000 and 2001, as the data for both years as showed similar patterns in disposition rate over time

particular point in time; a steeper slope indicates that more cases were reaching disposition at that time.

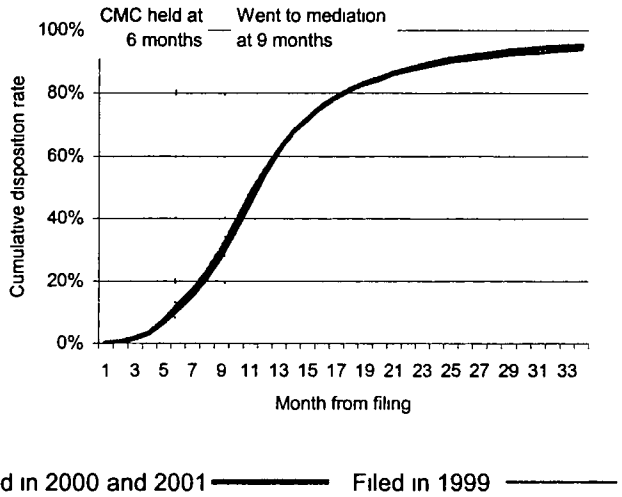

Figure VI-2. Comparison of Case Disposition Rate for Cases Filed Before and After Program in Contra Costa

The overall pattern of case disposition rates in the two groups is very similar. However, the disposition rate for post-program cases was actually higher than that for pre-program cases for the entire 34-month follow-up period, indicating that the pilot program reduced disposition time. The higher disposition rate for post-program cases is clearest between 6 and 12 months after filing. During this period, the disposition rate for post-program cases ranged from about 1.5 to 3 percent higher than that for pre-program cases. This difference was largest at 11 months after filing, when 48 percent of the post-program cases had reached disposition compared to only 45 percent in the pre-program group. While this difference is small, it is statistically significant. Near the end of the 34-month follow-up period, post-program cases also had a slightly higher disposition rate compared to pre-program cases. However, this difference, a little more than one percent higher for post-program cases, is not statistically significant.

As with trial rates, the general similarity in the overall average and median disposition time and in the patterns of case disposition rates between pre-/post-program cases appears to reflect the fact that the pilot program was an expansion of a mediation program that was already operating in the court in 1999.

Analysis of Stipulated and Nonstipulated Cases

Time to Disposition in Stipulated Cases

Table VI-8 shows the average time to disposition for both stipulated cases as a whole, and for each of the subgroups of cases within the stipulated group.[301]

Table VI-8. Average Case Disposition Time for Stipulated Cases, by Subgroups

Subgroups of Stipulated Cases	# of Cases	% of Total	Average Disposition Time
Settled before mediation	255	17%	307
Vacated from mediation	157	10%	420
Settled at mediation	604	40%	342
Did not settle at mediation	486	32%	442
Total Stipulated Cases	1,502	100%	377

Cases that stipulated to mediation, but settled before mediation had the shortest time to disposition among all the stipulated subgroups, followed by cases that settled at mediation. In contrast, cases in which the parties stipulated to mediation, but that were later vacated from mediation and cases that went to mediation but did not settle at mediation had average disposition times that were longer. Thus, when the average time to disposition for the whole stipulated group was calculated, cases in these two subgroups pulled that average time to disposition higher, offsetting to some degree the lower average times to disposition among cases that settled before and at mediation.

Overall Comparisons of Time to Disposition in Stipulated and Nonstipulated Cases

Comparison of Average and Median Time to Disposition

Table VI-9 compares the average and median[302] times to disposition in stipulated and nonstipulated cases.

Table VI-9. Case Disposition Time (in Days) in Contra Costa for Cases Filed in 2000 and 2001

	Stipulated	Non-stipulated	Difference
Number of Cases	1,545	2,571	
Average Time to Disposition	378	333	45***
Median Time to Disposition	347	306	41***

*** p < 05, ** p < .10, * p < .20.

[301] Note that these tables include only cases that had reached disposition by the end of the data collection period; therefore the total number of cases and breakdown by subgroup are different from those in Figure VI-1 and Table VI-1, which include all stipulated cases

[302] The median represents the value at the 50th percentile, with half of the cases reaching disposition before and half after the median time.

This table shows that, measured by either the overall average or median, cases in which the parties stipulated to mediation took longer to reach disposition than cases in which the parties did not stipulate to mediation. The overall average disposition time in stipulated cases was 45 days longer (41 days in median) compared to the overall average for nonstipulated cases.

As noted in Section I.B., however, direct, overall comparisons between stipulated and nonstipulated cases do not provide reliable information concerning the program impact because of qualitative differences in the cases in these two groups. Two additional comparisons were done to try to account for these comparability problems. First, comparisons were made between stipulated cases and nonstipulated cases that reached disposition after more than six months. Second, the disposition time among stipulated cases was compared to the disposition time among nonstipulated cases with similar case characteristics using regression analysis.

Table VI-10 below compares the average and median times to disposition of stipulated and nonstipulated cases filed in 2000 and 2001 in Contra Costa that were disposed of within six months of filing and that were disposed of more than six months after filing. As was discussed in Section I.B., there was a very large group of nonstipulated cases that reached disposition within six months of filing, but only a very small number of stipulated cases that were disposed of within this timeframe. Therefore, when the overall time to disposition for the nonstipulated group as a whole was calculated, the large group of cases disposed of within six months in the nonstipulated group pulled the overall average and median disposition time in the nonstipulated group lower. However, in direct comparisons of only those cases disposed of in over six months, there is essentially no difference in either the average or median time to disposition in the stipulated and nonstipulated groups.

Table VI-10. Average Time to Disposition of Stipulated and Nonstipulated Cases in Contra Costa Disposed of within Six Months and After Six Months

	Disposed of Within Six Months After Filing			Disposed of Over Six Months *After Filing*		
	Stipulated	*Non-stipulated*	*Difference*	*Stipulated*	*Non-stipulated*	*Difference*
Number of Cases	26	558		1,519	2,013	
Average	149	133	16***	382	388	-6
Median	155	140	15**	349	349	0

*** p < 05, ** p < .10, * p < .20.

Two separate regression analyses were also done: one with cases disposed of within six months included and one with these cases excluded. The regression with cases that were disposed of within six months included indicated that cases in the stipulated group took 60 days longer to reach disposition than cases in the nonstipulated group with similar case characteristics. The regression excluding cases disposed of within six months also

suggested that cases that stipulated to mediation took longer to reach disposition than similar cases in the nonstipulated group, however the size of the difference between the two groups was not clear.[303]

Overall, these comparisons suggest that, on average, cases in which the parties stipulated to mediation took longer to reach disposition than nonstipulated cases.

Comparison of Case Disposition Timing
To better understand the timing of disposition in the stipulated and nonstipulated groups and how disposition in the stipulated group might relate to various elements of the pilot program, the patterns of case disposition rate over time from the filing of the complaint were examined.

Figure VI-3 compares the timing of case disposition in stipulated and nonstipulated cases.[304] The horizontal axes represent time (in months) from filing until disposition of a case, and the vertical axes represent the cumulative proportion of cases disposed (or disposition rate). The wider, purple line represents the disposition rate for stipulated cases, and the thinner, black line represents the disposition rate for nonstipulated cases. The gap between these two lines represents the difference in the disposition rates for stipulated and nonstipulated cases at a given time from the filing of a complaint. The slope of the lines represents the pace at which cases were reaching disposition at a particular point in time; a steeper slope indicates that more cases were reaching disposition at that time.

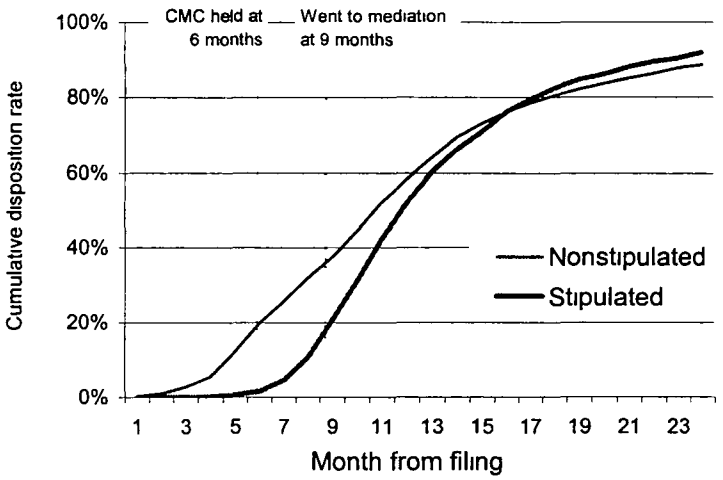

Figure VI-3. Case Disposition Rate Over Time in Contra Costa - Cases Filed in 2000 and 2001

[303] As noted in Section I B , this analysis controlled for those case characteristics about which data was available from the case management system and from the surveys. However, it is almost certain that there were additional "unknown" case characteristics that were not appropriately accounted for in these regressions Therefore, findings from these analyses should be interpreted with caution

[304] We combined the data for cases filed in 2000 and 2001, as the data for both years showed similar patterns in disposition rate over time.

Figure VI-3 shows several things. First, it shows, as discussed in Section I.B., that six months after filing, approximately 20 percent of nonstipulated cases had already reached disposition whereas almost none of stipulated cases had reached disposition by that time. It also shows that the pace of dispositions accelerated to its fastest level at about 9 months after filing, about the time that the mediations occurred among stipulated cases, and then stayed higher than for nonstipulated cases until about 18 months after filing. Finally, this figure shows that at approximately 18 months after filing, the cumulative proportion of stipulated cases disposed of surpassed that for nonstipulated cases.

Overall, this figure shows that while nonstipulated cases begin to resolve earlier, beginning at about the time when, on average, mediations took place, stipulated cases were disposed of faster than nonstipulated cases and ultimately more stipulated than nonstipulated cases had reached disposition by the end of 18 months. The fact that the pace of dispositions among stipulated cases accelerated to its fastest level at about 9 months after filing suggests that participation in mediation may increase the rate of disposition for stipulated cases.

Analysis of Subgroups Within the Stipulated Group

To better understand how different cases within the program were influenced by the elements of the pilot program that they experienced, the disposition time of stipulated cases in each of the subgroups was compared to the disposition time of similar nonstipulated cases.[305] Two separate comparisons were done: one with cases disposed of within six months included and one with these cases excluded. The comparison that includes cases that were disposed of within six months indicated that cases in the stipulated group that went to mediation but did not resolve at mediation took 102 days longer to reach disposition than cases in the nonstipulated group with similar case characteristics. The comparison excluding cases disposed of within six months also suggested a negative impact on time to disposition when cases did not resolve at mediation, showing that cases that went to mediation but did not resolve at mediation took 67 days longer to reach disposition than cases in the nonstipulated group with similar case characteristics. In addition, this second comparison also suggested that there was a positive impact on the time to disposition for cases that did settle at mediation compared to similar cases in the nonstipulated group, however the size of this impact was not clear.[306]

Overall, these results suggest that cases that resolve at mediation may be disposed of more quickly than they otherwise would have been, but that it takes even longer to reach disposition if cases do not resolve at mediation than it would have if the cases had not been mediated at all.

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[305] The regression analysis method described in the methods Section I B was used to make these subgroup comparisons. However, because it is almost certain that there were additional "unknown" case characteristics that were not appropriately accounted for in these regressions, the findings from these analyses should be interpreted with caution.

[306] No statistically significant differences in the time to disposition were found between cases that settled before mediation or cases that were vacated from mediation and similar cases in the nonstipulated group

Conclusion

The pilot program in Contra Costa had a positive impact on case disposition time, although the size of the impact was small. In pre-post program comparisons, the median disposition time for cases filed after the pilot program began was shorter than the median disposition time for cases filed before the program began. These comparisons also showed that the disposition rate for post-program cases was higher than that for pre-program cases for the entire 34-month period studied, but most noticeably between 6 and 12 months after filing, when it ranged from about 1.5 to 3 percent higher than that for pre-program cases.

Overall comparisons between stipulated and nonstipulated cases did not show any reduction in average disposition time. However, comparisons between disposition rates in these two groups showed that while nonstipulated cases began to resolve earlier than stipulated cases, from 9 to 18 months after filing, stipulated cases were disposed of at a faster pace than nonstipulated cases and ultimately more stipulated than nonstipulated cases had reached disposition by the end of 18 months after filing. The pace of dispositions for stipulated cases was fastest at 9 months after filing, about the time that mediations took place, suggesting that mediations increased the pace of dispositions among stipulated cases.

The analysis also suggested that average disposition time for stipulated cases that settled at mediation was shorter than the disposition time of like nonstipulated cases. Conversely, the analysis suggested longer disposition time when stipulated cases did not settle at mediation. This suggests the importance of carefully selecting cases for referral to mediation.

H. Impact of Contra Costa's Pilot Program on Litigant Satisfaction

Summary of Findings

The pilot program in Contra Costa increased attorney satisfaction with the court's services and the litigation process, and settling at mediation increased attorney satisfaction with the outcome, the litigation process, and the court's services.

- Both parties and attorneys in Contra Costa expressed high satisfaction when they used mediation. They were particularly satisfied with the performance of the mediators; both parties and attorneys showed an average satisfaction score of approximately 6 on a 7-point scale. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

- Attorneys in stipulated cases were more satisfied with the overall litigation process and services provided by the court compared to attorneys in nonstipulated cases; however, they were less satisfied with outcome of the case.

- Attorneys whose cases settled at mediation were significantly more satisfied with the outcome of the case, their litigation experience, and with the services of the court compared to attorneys in like cases in the nonstipulated group.

- While attorneys whose cases did not settle at mediation were less satisfied with the outcome of the case, they were more satisfied with the court's services than attorneys in similar nonstipulated cases. This suggests that participating in mediation increased attorneys' satisfaction with the court's services, regardless of whether their cases settled at mediation.

Introduction

This section examines the impact of Contra Costa's pilot program on litigant satisfaction. As described in detail in Section I.B. concerning the data and methods used in this study, data on litigant satisfaction were collected in two ways. First, in a survey administered at the end of the mediation in cases that went to mediation between July 2001 and June 2002 ("postmediation survey"), both parties and attorneys were asked about their satisfaction with various aspects of their mediation and litigation experiences. Second, in a separate survey administered shortly after cases reached disposition in cases disposed of between July 2001 and June 2002 ("postdisposition survey"), parties and attorneys in both stipulated and nonstipulated cases were asked about their satisfaction with the outcome of their case, the court's services, and their overall litigation experience.

The postmediation survey's results regarding the satisfaction of parties and attorneys who used mediation under the pilot program are first described. Second, attorney satisfaction in stipulated and nonstipulated cases, as indicated in the postdisposition survey, is

compared.[307] Finally, attorney satisfaction in the various subgroups within the stipulated group is examined.

Overall Litigant Satisfaction for Cases That Used Mediation

As shown in Figure VI-4, both parties and attorneys who used mediation in the pilot program expressed very high levels of satisfaction with their experiences. Parties and attorneys who participated in mediation were asked to rate their satisfaction with the mediator's performance, the mediation process, the outcome of the mediation, the litigation process, and the services provided by the court on a scale from 1 to 7 where 1 is "highly dissatisfied" and 7 is "highly satisfied." Figure VI-4 shows the average satisfaction scores for both parties and attorneys in these mediated cases.

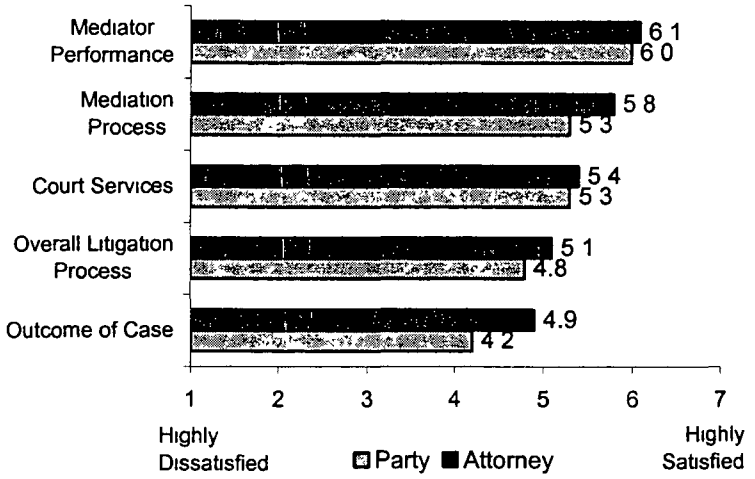

Figure VI-4. Party and Attorney Satisfaction in Mediated Cases in Contra Costa

It is clear from this figure that parties and attorneys who used mediation services in the pilot program were highly satisfied with all aspects of the mediation experience. None of the average satisfaction scores was below 4.2. Both parties and attorneys were most satisfied with the performance of mediators, with average satisfaction scores of 6.1 for attorneys and 6.0 for parties. They were also highly satisfied with the mediation process and the services provided by the court, with average satisfaction scores about 5.4-5.8 for attorneys and 5.3 for parties. Both parties and attorneys were least satisfied with the outcome of the case; average outcome satisfaction scores were 4.9 for attorneys and 4.2 for parties.

Both parties and attorneys who participated in pilot program mediations were also asked for their views concerning the fairness of the mediation and their willingness to recommend or use mediation again. Using a 1–5 scale, where 1 is "strongly disagree" and

[307] As was discussed above in Section I.B., since only limited number of party responses to the postmediation survey were received in nonstipulated cases, all comparisons between stipulated and nonstipulated cases were based only on attorney responses to this survey

5 is "strongly agree," litigants were asked to indicate whether they agreed that the mediator treated the parties fairly, that the mediation process was fair, and that the mediation resulted in a fair/reasonable outcome. They were also asked whether they agreed that they would recommend the mediator to friends with similar cases, that they would recommend mediation to such friends, and that they would use mediation even if they had to pay the full cost of the mediation. Table VI-11 shows parties' and attorneys' average level of agreement with these statements.[308]

Table VI-11. Party and Attorney Perceptions of Fairness and Willingness to Recommend or Use Mediation (average agreement with statement)

Mediator Treated All Parties Fairly		Mediation Process Was Fair		Mediation Outcome Was Fair/ Reasonable		Would Recommend Mediator to Friends		Would Recommend Mediation to Friends		Would Use Mediation at Full Cost	
Parties	Attys	Parties	Attys	Parties	Attys	Parties	Attys	Parties	Attys	Parties	Attys
4 5	4 7	4 2	4 6	3 1	3 5	4.3	4 5	4 2	4 6	3.5	4.1

As with the satisfaction scores, most of the scores were in the "strongly agree" range (above 4.0) and all of the average scores were above the middle of the agreement scale (3.0). For both parties and attorneys there was very strong agreement (average score of 4.2 or above for parties and 4.5 or above for attorneys) that the mediator treated the parties fairly, that the mediation process was fair, that they would recommend the mediator to friends with similar cases, and that that they would recommend mediation to such friends. Both parties and attorneys indicated less agreement that they would use mediation if they had to pay the full cost; the average score was 3.5 for parties and 4.1 for attorneys. The lowest scores related to the fairness/reasonableness of the mediation outcome, at only 3.1 for parties and 3.5 for attorneys.

It is clear from the responses to both these sets of questions that while parties and attorneys were generally very pleased with their mediation experiences, overall they were less pleased or neutral in terms of the outcome of the mediation process (in fact, on both outcome questions, about more than 20 percent of the parties and attorneys responded that they were neutral). However, in evaluating this result, it is important to remember that this survey was administered at the end of the mediation and that in a large proportion of cases a settlement was not reached at end of the mediation. Not surprisingly, the way parties and attorneys responded to the two outcome questions depended largely on whether their cases settled at mediation. Average satisfaction with the outcome in cases that settled at pilot program mediations was 5.93 for attorneys and 5.15 for parties on a 7-point scale, almost 60 percent higher than the average scores of 3.78 for attorneys and 3.22 for parties in cases that did not settle at mediation. Similarly, responses concerning the fairness/reasonableness of the outcome averaged 4.24 for attorneys and 3.79 for parties on a 5-point scale, in cases settled at mediation, more than 60 percent higher than the 2.58 for attorneys and 2.32 for parties in cases that did not

[308] Please keep in mind that a 5-point scale was used for these survey questions, rather than the 7-point scale used in the satisfaction questions.

settle at mediation. When the scores in both cases settled and not settled at mediation were added together to calculate the overall average, the higher scores in cases that settled were offset by those in cases that did not, pulling the overall average toward the center.

It is also clear from the responses to both these sets of questions that while both parties and attorneys were generally very pleased with their pilot program mediation experiences, attorneys were more pleased than parties. Attorneys' average scores were consistently higher than those of parties on all of these questions. Attorney satisfaction scores ranged from .1 higher than party scores (for satisfaction with the mediator's performance) to .7 higher (for satisfaction with the outcome). The higher attorney satisfaction may reflect a greater understanding on the part of attorneys about what to expect from the mediation process. Given that there was a court-connected mediation program in Contra Costa before the pilot program was introduced, many attorneys are likely to have participated in mediations before, so they are likely to have been familiar with the mediation process and to have based their expectations about the process on this knowledge. Parties are less likely to have participated in previous mediations and may not have known what to expect from the mediation process. This may suggest the need for additional educational efforts targeted at parties, rather than attorneys.

The higher scores by attorneys may also, in part, reflect the fact that attorneys' and parties' satisfaction was associated with different aspects of their mediation experiences. Attorneys' responses on only three of the survey questions were strongly correlated with their responses concerning satisfaction with the mediation process—whether they believed the mediation process was fair, whether they believed the mediation resulted in a fair/reasonable outcome, and whether they believed the mediation helped move the case toward resolution quickly.[309] In contrast, parties' satisfaction with the mediation process was also strongly correlated with whether they believed the mediation helped improve communication between the parties, whether the mediator treated all parties fairly, and whether the cost of using mediation was affordable.[310]

Attorneys' responses to only two of the survey questions were strongly correlated with their responses regarding satisfaction with the outcome of the mediation—whether they believed the mediation resulted in a fair/reasonable outcome and whether they believed the mediation helped move the case toward resolution quickly.[311] In contrast, parties'

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[309] Correlation measures how strongly two variables are associated with each other, i e , when one of the variables changes, how likely is the other to change (this does not necessarily mean that the change in one caused the change in the other, but just that they tend to move together) Correlation coefficients range from -1 to 1; a value of 0 means that there was no relationship between the variable, a value of 1 means there was a total positive relationship (when one variable changes, the other always changes the same direction), and a value of -1 means a total negative relationship (when one changes, the other always changes in the opposite direction). A correlation coefficient of 5 or above is considered to show a high correlation The correlation coefficients of these questions with attorneys' satisfaction with the mediation process were 54, .58, and 60, respectively.

[310] The correlation coefficients of these questions with parties' satisfaction with the mediation process were 58, 50, and 58, respectively.

[311] The correlation coefficients of these questions with attorneys' satisfaction with the outcome were .79 and .73, respectively

satisfaction with the mediation outcome was also strongly correlated with whether they believed the mediation helped improve communication between the parties and whether the cost of using mediation was affordable.[312]

Finally, for attorneys, there was no strong or even moderate correlation between any of their responses to these survey questions and their satisfaction with either the litigation process or the services provided by the court. In contrast, parties' satisfaction with the litigation process was moderately correlated with whether they believed the mediation helped improve communication between the parties, helped preserved the parties' relationship, helped move the case toward resolution quickly, resulted in a fair/reasonable outcome, was affordable, and was fair.[313] Similarly, parties' satisfaction with the court services was correlated with their responses to whether they believed the mediation process was fair and the cost of using mediation was affordable.[314]

All of this indicates that parties' satisfaction with both the court and the mediation was much more closely associated than for attorneys with what happened within the mediation process—whether they felt the mediation helped with their communication or relationship with the other party—and whether they believed that the cost of mediation was affordable. Only moderate percentages of parties thought that the mediation had improved the communication between the parties (58 percent) or preserved the parties' relationship (28 percent),[315] and only a moderate percentage thought that the cost of mediation was affordable (62 percent). These perceptions may therefore have contributed to lower satisfaction scores from parties than from attorneys.

Litigant Satisfaction in Stipulated Cases

Table VI-12 shows the average satisfaction scores for attorneys in stipulated cases as a whole and for each of the subgroups of stipulated cases.

As can be seen in Table VI-12, cases that settled at mediation had the highest satisfaction scores on all three satisfaction measures – outcome of the case, the services provided by the court, and the litigation process. Satisfaction with the outcome and the litigation process was also high in cases that settled before mediation. In addition, satisfaction with the court's services was relatively high in cases that did not settle at mediation. In contrast, cases that did not settle at mediation had the lowest average satisfaction with the outcome of the case. The lower satisfaction with the outcome in this subgroup helps explain the relatively low overall satisfaction with the outcome for the stipulated group as a whole. when the average for the whole stipulated group was calculated, cases in this subgroup pulled that average satisfaction score lower, offsetting to some degree the higher average satisfaction in cases that settled before and at mediation.

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[312]The correlation coefficients of these questions with parties' satisfaction with the outcome were .60 and .51, respectively.

[313]The correlation coefficients of these questions with parties' satisfaction with the litigation process were 45, 40, 45, 49, .45, and 45, respectively.

[314]The correlation coefficients of these questions with parties' satisfaction with the courts' services were 40 and 42, respectively.

[315] Note that in many types of cases, such as Auto PI cases, this simply may not have been relevant, 43 percent of parties and 57 percent of attorneys gave the neutral response to this question

Table VI-12. Attorney Satisfaction for Stipulated and Nonstipulated Cases, by Subgroups

	# of Responses*	Case Outcome	Overall Litigation Process	Court Services
Settled before mediation	13	5 9	5 3	5.0
Vacated from mediation	10	5 4	4.9	4 6
Settled at mediation	334	5.9	5 3	5.5
Did not settle at mediation	387	4 1	4 9	5 3
Total stipulated cases	744	5 0	5.1	5.4

*Number of responses reported is for case outcomes, it varies slightly for litigation process and court services.

Overall Comparison of Satisfaction Between Stipulated and Nonstipulated Cases

Table VI-13 compares the average satisfaction scores of attorneys in stipulated and nonstipulated cases concerning the outcome of their cases, the overall litigation process, and the services provided by the court.

Table VI-13. Comparison of Attorney Satisfaction Between Stipulated and Nonstipulated Cases

	Number of Responses	Case Outcome	Overall Litigation Process	Court Services
Stipulated	785	4.95	5.10	5 36
Nonstipulated	130	5 30	4 74	4 68
Difference (Stipulated - Nonstipulated)		-0.35***	0.36***	0 68***

Note Sample sizes vary slightly for the three satisfaction measures
*** p < .05, ** p < 10, * p < .20

Table VI-13 shows that attorneys in stipulated cases were more satisfied with the overall litigation process and services provided by the court than were attorneys in nonstipulated cases. The difference in satisfaction between the two groups was especially large with regard to court services, with attorneys in stipulated cases showing an average score of 5.36 compared to 4.68 for attorneys in nonstipulated cases. It suggests that, when attorneys stipulated to mediation in the pilot program, their overall satisfaction with court services was enhanced.

As previously noted, however, direct, overall comparisons between stipulated and nonstipulated cases do not provide reliable information concerning the program impact because of qualitative differences in the cases in these two groups. Two additional comparisons were done to try to account for these comparability problems. First, comparisons were made between stipulated cases and nonstipulated cases that reached

disposition after more than six months. Second, the average satisfaction scores of attorneys in stipulated cases were compared to the satisfaction scores of attorneys in nonstipulated cases with similar case characteristics using regression analysis.

Table VI-14 below compares the average satisfaction scores of attorneys only in those stipulated and nonstipulated cases that were disposed of more than six months after filing.[316] The satisfaction scores were almost the same as those in Table VI-13, with significantly higher attorney satisfaction with the litigation process and the court's services in stipulated cases, but lower attorney satisfaction with the outcome.

Table VI-14. Litigant Satisfaction in Stipulated and Nonstipulated Cases in Contra Costa Disposed of in More than Six Months

	Number of Responses	Case Outcome	Overall Litigation Process	Court Services
Stipulated	784	4.95	5.10	5.36
Nonstipulated	114	5.25	4 77	4.70
Difference (Stipulated-Nonstipulated)		-0 30***	0.33***	0 66***

Note. Sample sizes vary slightly for the three satisfaction measures
*** p < .05, ** p < 10, * p < .20

Consistent with these findings (and the findings in other pilot programs), the regression analysis indicated that attorney satisfaction with the services of the court was 12 percent higher in stipulated cases than in nonstipulated cases with similar characteristics. Similarly, the regression indicated that attorney satisfaction with the litigation process was 5 percent higher in stipulated cases than in nonstipulated cases with similar characteristics. Finally, the regression indicated that attorney satisfaction with the outcome of the case was 6 percent lower in stipulated cases than in nonstipulated cases with similar characteristics.[317]

Analysis of Subgroups Within the Stipulated Group

As was done with time to disposition, to better understand how different cases within the stipulated group were affected by the elements of the pilot program that they experienced, attorney satisfaction in each of the subgroups of stipulated cases was compared to attorney satisfaction in nonstipulated cases with similar characteristics.[318]

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[316] There were not a sufficient number of survey responses in stipulated cases disposed of within six months to present a comparison of these cases in the stipulated and nonstipulated groups.

[317] As noted in Section I.B , this regression analysis controlled for those case characteristics about which data was available from the case management system and from the surveys, as well as for whether the cases were disposed of within 6 months or in over 18 months. However, it is almost certain that there were additional "unknown" case characteristics that were not appropriately accounted for in these regressions Therefore, findings from these analyses should be interpreted with caution

[318] The regression analysis method described in Section I.B. was used to make these subgroup comparisons For the reasons noted in the preceding footnote, the findings from these analyses should be interpreted with caution

As in the other pilot programs, the results of these comparisons provide strong support for the conclusion that settling at mediation increased attorney satisfaction on all three satisfaction measures. In stipulated cases that settled at mediation, attorney satisfaction with the outcome of the cases was 13 percent higher compared to like nonstipulated cases, attorney satisfaction with the litigation process was 9 percent higher, and attorney satisfaction with the services of the court was 15 percent higher.

As might have been expected, attorneys' satisfaction with the outcome in stipulated cases corresponded to whether or not their cases settled at mediation. While satisfaction with the outcome was 13 percent higher in stipulated cases that settled at mediation, it was 20 percent lower in stipulated cases that did not settle at mediation compared to similar nonstipulated cases.

However, satisfaction with the court's services was not tied to whether cases settled at mediation. Not only was satisfaction with the court's services 15 percent higher in stipulated cases that settled at mediation compared to like nonstipulated cases, it was also 11 percent higher in stipulated cases that participated in mediation but did *not* settle at mediation. These results suggest that it was the experience of participating in a pilot program mediation that was the key to increasing attorneys' satisfaction with the services of the court: attorneys whose cases were mediated were more satisfied with the court's services regardless of whether their cases settled or did not settle at the mediation.[319]

Overall, the results of this subgroup analysis support the following conclusions:

- The experience of reaching settlement at mediation significantly increased attorneys' satisfaction with all aspects of their dispute resolution experiences.

- Attorneys' satisfaction with the outcome in stipulated cases corresponded to whether or not their cases settled at mediation, but the experience of mediation increased attorneys' satisfaction with the services of the court, even if the case did not resolve at mediation.

Conclusion

Both parties and attorneys in the Contra Costa program expressed high satisfaction when they used mediation. They were particularly satisfied with the performance of the mediators, with both parties and attorneys showing an average satisfaction score of approximately 6 on a 7-point scale.

Attorneys in stipulated cases were also more satisfied with the overall litigation process and services provided by the court compared to attorneys in nonstipulated cases; however, they were less satisfied with outcome of the case. When the stipulated group was broken down into subgroups, the analysis indicated that attorneys whose cases

[319] No statistically significant differences on any of the satisfaction measures were found between stipulated cases that were settled before mediation or that were vacated from mediation and similar cases in the nonstipulated group

settled at mediation were significantly more satisfied with the outcome of the cases, their litigation experience, and with the services of the court compared to attorneys in like cases in the nonstipulated group. While attorneys whose cases did not settle at mediation were less satisfied with the outcomes of their cases, they were more satisfied with the court's services than attorneys in similar nonstipulated cases. This suggests that participating in mediation increased attorney satisfaction with the court's services, regardless of whether their cases settled at mediation.

I. Impact of Contra Costa's Pilot Program on Costs for Litigants

Summary of Findings

The pilot program reduced litigant costs and the number of hours attorneys spent on cases, particularly in cases that settled at mediation.

- In direct comparisons between stipulated and nonstipulated cases, average litigant costs were approximately $7,500 lower in cases in which the litigants stipulated to mediation compared to those in which the litigants did not stipulate to mediation. Both direct comparisons between stipulated and nonstipulated cases disposed of in over six months and comparisons between litigant costs and attorney hours in stipulated cases and nonstipulated cases with similar characteristics using regression analysis also suggested that both litigant costs and attorney hours were reduced in stipulated cases.

- Litigant costs and attorney hours were lower in both stipulated cases that settled at mediation and in stipulated cases that *did not* settle at mediation compared to nonstipulated cases with similar characteristics.

- In cases that settled at mediation, 80 percent of attorneys responding to the study survey estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorney per settled case were $16,197 in litigant costs and 78 hours in attorney time. Based on these attorney estimates, a total of $9,993,839 in litigant costs and 48,126 in attorney hours was estimated to have been saved in all 2000 and 2001 cases that were settled at mediation.

Introduction

This section examines the impact of the Contra Costa pilot program on litigants' costs. As described above in Section I.B., information on litigant costs was collected in two ways. First, in a survey distributed at the end of the mediation in cases that went to mediation between July 2001 and June 2002 ("postmediation survey"), attorneys in the subset of cases that resolved at mediation were asked to provide (1) an estimate of the time they had actually spent on the cases and their clients' actual litigation costs; and (2) an estimate of the time they would have spent and what the costs to their clients would have been had they not used mediation. The difference between these estimates represents the attorneys' subjective estimate of the litigant cost and attorney time savings when the case settled at the mediation. Second, in a separate survey administered shortly after disposition in both stipulated and nonstipulated cases between July 2001 and June 2002 ("postdisposition survey"), attorneys were asked to provide an estimate of the time they had actually spent on the case and their clients' actual litigation costs. Comparisons between the time and cost estimates in the program cases and nonprogram cases provide an objective measure of the pilot program's impact on litigant costs.

Because data on litigant costs was gathered through surveys conducted only in 2001 and 2002, pre-post program comparisons concerning litigant costs were not possible, so comparisons of stipulated and nonstipulated cases were used to try to identify the impact of the pilot program on litigant costs and attorney hours.

This section first discusses the estimated actual litigant costs and attorney hours spent in stipulated cases as a whole and in the subgroups of stipulated cases. Second, overall comparisons between attorneys' estimates of actual cost and attorney time in stipulated and nonstipulated cases are presented. Third, litigant costs and attorney hours in the various subgroups within the stipulated group are examined. Finally, attorneys' subjective estimates of litigant cost and attorney time savings in cases settled at mediation as reported in the postmediation survey are presented.

Litigant Costs and Attorney Hours in Stipulated Cases

Table VI-15 shows the average and median estimated litigant costs and attorney hours for stipulated cases in the various subgroups and in the stipulated group as a whole.

Table VI-15. Litigant Costs and Attorney Hours for Stipulated and Nonstipulated Cases, by Subgroups

	# of Responses	Average	Median
Litigant Costs			
Settled at mediation	204	$12,904	$5,500
Did not settle at mediation	186	$18,107	$5,000
Total stipulated cases*	403	$15,207	$5,500
*This total includes 8 cases settled before mediation and 5 cases vacated from mediation			
Attorney Hours			
Settled at mediation	227	52	30
Did not settle at mediation	197	110	35
Total stipulated cases*	440	80	35
*This total includes 9 cases settled before mediation and 7 cases vacated from mediation			

As noted above, the data on litigant costs and attorney time were derived from attorney responses to surveys, not from the court's case management system. Therefore, the overall number of cases for which comparative cost and time information was available was smaller than the number of cases for which other outcome data were available. When this data was further broken down into subgroups, the number of cases that were settled before mediation and that were vacated from mediation was too small to provide reliable information.[320] Therefore, these subgroups were not included in this table.

[320] Survey data on litigant costs and attorney hours was available for only 8-9 cases settled before mediation and 5-7 cases vacated from mediation

As can be seen in Table VI-15, both average litigant costs and average and median attorney hours were lower in cases that settled at mediation than in cases that did not settle at mediation. The litigant costs and attorney hours in these two categories of cases offset each other to some degree when the overall average litigant cost and attorney hours for all stipulated cases was calculated.

Overall Comparison of Estimated Litigant Costs and Attorney Hours in Stipulated and Nonstipulated Cases

Table VI-16 compares attorney estimates of actual litigant cost and attorneys hours in stipulated and nonstipulated cases.

Table VI-16. Costs for Litigants and Attorney Hours in Stipulated and Nonstipulated Cases in Contra Costa

	Number of Respondents	Average	Median
Litigation Cost			
Stipulated	424	$14,843	$5,500
Nonstipulated	104	$22,349	$8,000
Difference (Stipulated - Nonstipulated)		-$7,506**	-$2,500
Attorney Hours			
Stipulated	460	79	35
Nonstipulated	106	99	50
Difference (Stipulated - Nonstipulated)		-20	-15

*** p < 05, ** p < 10, * p < .20.

This table shows that, unlike in any of the other pilot programs, in Contra Costa, average litigant costs estimated by attorneys in stipulated cases were significantly lower than those in nonstipulated cases. Average litigant costs in stipulated cases was approximately $7,500 (or about 33 percent) lower than in nonstipulated cases. While the table also shows reductions in median litigant costs and in both average and median attorney hours, none of these differences is statistically significant.

However, as noted above in the Section I.B., direct comparisons between the overall average of stipulated and nonstipulated cases do not provide reliable information concerning the program impact because of differences in the cases in these two groups. Two additional comparisons were done to try to account for these comparability problems. First, comparisons were made between stipulated cases and nonstipulated cases that reached disposition after more than six months. Second, the average litigant costs and attorney hours spent in stipulated cases was compared to the litigant costs and attorney hours in nonstipulated cases with similar case characteristics using regression analysis.

Table VI-17 below compares the average and median litigant costs and attorney hours in stipulated and nonstipulated cases filed in 2000 and 2001 in Contra Costa that were disposed of more than six months after filing.[321] Similar to the previous comparison, this comparison shows that stipulated cases that reached disposition in six or more months had lower *average* litigant costs than nonstipulated cases disposed during this same time period. This comparison indicates that average litigant costs are approximately $10,500 (or 41 percent) lower in stipulated cases than in the nonstipulated cases disposed of in more than six months. In addition, this comparison also shows that, on average, attorneys spent 36 fewer hours (or 31 percent less time) in the stipulated cases that reached disposition in six or more months than in nonstipulated cases that resolved within this same time period. Unlike the averages, however, the differences in *median* litigant costs and attorney hours were not statistically significant.

Table VI-17. Costs for Litigants and Attorney Hours in Stipulated and Nonstipulated Cases in Contra Costa Disposed of in More than Six Months

	Number of Respondents	Average	Median
Litigation Cost			
Stipulated	423	$14,870	$5,500
Nonstipulated	87	$25,346	$10,000
Difference (Stipulated - Nonstipulated)		-$10,476***	-$4,500
Attorney Hours			
Stipulated	459	79	35
Nonstipulated	89	115	60
Difference (Stipulated - Nonstipulated)		-36**	-25

*** p < 05, ** p < .10, * p < .20.

Consistent with these findings, the regression analysis indicated that average litigant costs in cases in stipulated cases were 60 percent lower than in nonstipulated cases with similar case characteristics. Similarly, the regression indicated that attorney hours in stipulated cases were 43 percent lower than in nonstipulated cases with similar case characteristics.[322]

Analysis of Subgroups Within the Stipulated Group

As was done with time to disposition and litigant satisfaction, to better understand how different cases within the program were influenced by the elements of the pilot program

[321] There was not a sufficient number of survey responses concerning litigant cost and attorney time in stipulated cases disposed of within six months to present a comparison of these cases in the stipulated and nonstipulated groups

[322] As noted in Section I.B , this regression analysis controlled for those case characteristics about which data was available from the case management system and from the surveys, as well as for whether the cases were disposed of within 6 months or in over 18 months However, it is almost certain that there were additional "unknown" case characteristics that were not appropriately accounted for in these regressions Therefore, findings from these analyses should be interpreted with caution.

that they experienced, average litigant costs and attorney hours in each of the subgroups of stipulated cases were compared to the costs and hours in similar nonstipulated cases.[323]

The results of this comparison support the conclusion that settling at mediation reduced litigant costs and attorney time. The comparison indicated that litigant costs were 50 percent lower in stipulated cases that were settled at mediation compared to nonstipulated cases with similar characteristics. Similarly, attorney hours were 40 percent lower in stipulated cases that settled at mediation than in nonstipulated cases with similar characteristics. These results are consistent with the study results on litigant costs and attorney hours in the other pilot programs. They are also consistent with the earlier Contra Costa program study results showing positive impacts on time to disposition and satisfaction when cases settled at mediation.

Unlike in the other pilot programs, however, the analysis in Contra Costa also indicated that litigant costs were lower in stipulated cases that *did not* settle at mediation compared to nonstipulated cases with similar characteristics. The comparison indicated that litigant costs were 68 percent lower and that attorney hours were 40 percent lower in stipulated cases that did not settle at mediation compared to nonstipulated cases with similar characteristics.

Overall, these regression results suggest that participating in mediation, whether the case settles at mediation or not, reduced litigant costs and attorney time.

Attorneys' Estimates of Mediation Resolution's Impact on Litigant Costs and Attorney Hours

Attorneys whose cases resolved at mediation overwhelmingly believed that the mediation had saved their clients money. Of the attorneys whose cases settled at mediation and who responded to the postmediation survey, 80 percent estimated some cost savings for their clients.

[323] The regression analysis method described in Section I B was used to make these subgroup comparisons. For the reasons outlined in the preceding footnote, the findings from these analyses should be interpreted with caution.

Table VI-18 shows the average savings in both litigant costs and attorney hours estimated by these attorneys. It also shows what percentage savings these estimates represent. As shown in this table, in those cases in which the attorneys reported savings from resolving at mediation, the average cost saving per client they estimated was approximately $23,000; average saving in attorney hours was estimated to be 95 hours. These attorney estimates represent a saving of more than 60 percent, on average, in both litigant costs and attorney time.

Table VI-18. Savings in Litigant Costs and Attorney Hours From Resolving at Mediation—Estimates by Attorneys

% Attorney Responses Estimating Some Savings	80%
Litigant Cost Savings	
Number of survey responses	235
Average cost saving estimated by attorneys	$22,980
Average % cost saving estimated by attorneys	65%
Adjusted average % cost saving estimated by attorneys	34%
Adjusted average saving per settled case estimated by attorneys	$16,197
Total number of cases settled at mediation	617
Total litigant cost saving in cases settled at mediation based on attorney estimates	$9,993,839
Attorney Hours Savings	
Number of survey responses	240
Average attorney-hour saving estimated by attorneys	95
Average % attorney-hour saving estimated by attorneys	61%
Adjusted average % attorney-hour saving estimated by attorneys	48%
Adjusted average attorney-hour saving estimated by attorneys	78
Total number of cases settled at mediation	617
Total attorney hour savings in cases settled at mediation based on attorney estimates	48,126

Of the attorneys responding to the survey, 20 percent estimated either that there were no litigant cost or attorney-hour savings (9 percent of responses) or that litigant costs and attorney hours were increased compared to what would have been expended had mediation not been used to resolve the case (11 percent of responses). With these cases included in the average, the adjusted average litigant cost savings per case settled at mediation was calculated to be $16,197, and the adjusted average attorney-hour saving estimated by attorneys was calculated to be 78 hours. These attorney estimates represent savings of approximately 34 percent in litigant costs and 48 percent in attorney hours per case settled at mediation.

This adjusted average was used to calculate the total estimated savings in all of the 2000 and 2001 cases that settled at pilot program mediations in Contra Costa during the study period. Based on these attorney estimates, the total estimated litigant cost saving in the Contra Costa pilot program was $9,993,839, and the total estimated attorney hours saved was 48,126.

It should be cautioned that these figures are based on attorneys' estimates of savings; they are not figures for the actual savings in mediations resulting in settlements. The actual litigant cost and hour savings could be somewhat higher or lower than the attorney estimates.[324]

[324] As reported above, the comparison using regression analysis indicated that litigant costs were 50 percent lower and attorney hours were 40 percent lower in stipulated cases that settled at mediation compared to

It should also be cautioned that these estimated savings are for cases settled at mediation only, not for all cases in the program. There may also have been savings or increases in litigant cost or attorney hours in other subgroups of stipulated cases, such as those that stipulated to mediation but settled before the mediation took place or cases that were mediated but did not settle at the mediation.[325]

Conclusion

There is evidence that the pilot program in Contra Costa reduced costs for litigants and the hours attorney were required to spend to reach resolution in cases, particularly in cases that settled at mediation. In direct comparisons between stipulated and nonstipulated cases, average litigant costs were approximately $7,500 lower in cases in which the parties stipulated to mediation compared to those in which the parties did not stipulate to mediation. Both direct comparisons between stipulated and nonstipulated cases disposed of in over six months and comparisons between litigant costs and attorney hours in stipulated cases and nonstipulated cases with similar characteristics using regression analysis also suggested that both litigant costs and attorney hours were reduced in stipulated cases.

Both litigant costs and attorney hours were significantly lower in stipulated cases that settled at mediation, as well as in stipulated cases that *did not* settle at mediation, compared to nonstipulated cases with similar characteristics. In cases that settled at mediation, 80 percent of attorneys responding to the study survey estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorney per settled case were $16,197 in litigant costs and 78 hours in attorney time. Based on these attorney estimates, a total of $9,993,839 in litigant costs and 48,126 in attorney hours was estimated to have been saved in all 2000 and 2001 cases that were settled at mediation.

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nonstipulated cases with similar characteristics, in comparison to the savings of 34 percent in litigant costs and 48 percent in attorney time estimated by attorneys

[325] As reported above, the comparison using regression analysis indicated that stipulated cases that *did not* settle at mediation had litigant costs that were 68 percent lower and attorney hours were 40 percent lower than nonstipulated cases with similar characteristics Additional support for the conclusion that mediation may have reduced costs even in cases that did not settle at mediation comes from 54 postmediation survey responses in which attorneys in cases that did not settle at mediation provided litigant cost and attorney-hour information even though it had not been requested. Approximately 50 percent of these survey responses indicated some savings in litigant costs, attorney hours, or both in these cases that were mediated but did not settle at mediation When responses that estimated no savings or increased costs are also taken into account, the attorneys in these cases estimated average savings of 18 percent in litigant costs (0 percent median savings) and 32 percent in attorney hours (50 percent median savings) in cases that did not settle at mediation.

J. Impact of Contra Costa's Pilot Program on the Court's Workload

Summary of Findings

The evidence concerning the Contra Costa pilot program's impact on the court's workload was mixed:

- There was evidence that the court's workload increased the year after the pilot program was instituted. The average number of case management conferences held per case was 27 percent higher in 2000 compared to 1999, the year before the pilot program began and the average number of "other" pretrial hearings was 11 percent higher. There was no statistically significant difference in the number of motion hearings. The increase in case management conferences may have been due, at least in part, to the introduction of the Complex Litigation Pilot Program in 2000.

- In overall, direct comparisons of stipulated and nonstipulated cases, stipulated cases had fewer motion hearings but more CMCs than nonstipulated cases, so that the total number of all pretrial events was essentially the same in both groups. However, comparisons of only those cases disposed of in over six months suggested that the total number of hearings may have been lower in the stipulated group.

- The court's workload was reduced when cases settled at mediation. The total number of court events was 20 percent lower, on average, in stipulated cases that settled at mediation compared to nonstipulated cases with similar characteristics. Conversely, similar comparisons suggested that the number of pretrial hearings may have been increased when cases did not settle at mediation.

Introduction

In this section, the impact of the Contra Costa pilot program on the court's workload is examined by looking at the frequency of various pretrial court events. The analysis focuses on three major types of court events: (1) case management conferences (CMCs),[326] (2) motion hearings,[327] and (3) other pretrial hearings.[328] As in the sections on trial rate and disposition time, a pre-/post-program comparison is presented first. Second, comparisons of court workload in cases that stipulated to mediation and those that did not stipulate to mediation are presented. Finally, different patterns of court workload in the various subgroups of stipulated cases are examined.

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[326] CMCs include three types of conferences as captured by the docket codes in the case management system in Contra Costa First Status Conference, Case Management Conference, and Further Case Management Conference

[327] Motion hearings include summary judgment motions and all other motions.

[328] Examples of other pretrial hearings include Order to Show Cause (OSC), Default Hearing, and Issue Conference Hearing

Pre-/Post-Program Comparison of Court's Workload

Table VI-19 compares the average number of CMCs, motion hearings, and other pretrial hearings in cases filed in 1999, the year before the pilot program began, and 2000, the first year of the pilot program. This table shows that the average number of CMCs was 27 percent higher for post-program cases than that for pre-program cases. The table also shows that the average number of "other" pretrial hearings for post-program cases was 11 percent higher than that for pre-program cases. Together, these resulted in an 18 percent increase in the overall number of pretrial hearings. No statistically significant difference in the number of motion hearings was found in this pre-/post-program comparison.

Table VI-19. Pre-/Post-Program Comparison of Court's Workload in Contra Costa

		Average # of Pretrial Hearings			
	# of Cases	*CMCs*	*Motions*	*Others*	*Total*
Program cases filed in 2000	2,228	1.31	0 47	0.51	2.28
Pre-program cases filed in 1999	2,165	1 03	0 44	0 46	1.93
% Difference		27%***	7%	11%**	18%***

*** p < .05, ** p < 10, * p < .20

As noted in the Data and Methods section above, the higher number of case management conferences in 2000 may stem, at least in part, from the fact that the court instituted a Complex Litigation Pilot Program 2000 that involved intensive management of complex case by the court. While cases that were designated as complex cases in the court's case management system were identified and excluded from the pre-post comparison, there were some cases in the post-program period that were included in the Complex Litigation Pilot Program but that could not be screened out from the pre-post comparison. These cases are likely to have had larger numbers of case management conferences that may have affected the pre- and post- program comparison.[329]

Pretrial Hearings in Stipulated Cases

Table VI-20 shows the average number of pretrial hearings held in stipulated cases in the various subgroups and in the stipulated group as a whole.

As can be seen in this table, cases that settled at or before mediation had the smallest number of court events among all the stipulated subgroups. In contrast, cases in which the parties stipulated to mediation, but that were later vacated from mediation and cases that went to mediation but did not settle at mediation had more CMCs and hearings

[329] It should also be noted that the pre-post comparisons were based on cases filed in 2000 that were closed within 900 days from filing. Thus, pretrial hearings that occurred after 900 days in cases filed in 2000 and that occurred in cases filed in 2001 were not included in the comparison. The final number of pretrial hearings for pre-/post-program cases could change with this additional information included. When comparisons were done of cases filed in 1999, 2000, and 2001 that had been closed within 550 days after filing, case events in both 2000 and 2001 were higher than those in 1999. There was also a slight increase from 2000 to 2001 on all three events.

overall. The larger number of court events in these last two subgroups helps explain the relatively high overall number of pretrial hearings for the stipulated group as a whole. When the average for the whole stipulated group was calculated, cases in these two subgroups pulled that average number of court events higher, offsetting to some degree the lower average number of court events among cases that settled before and at mediation.

Table VI-20. Average Number of Various Pretrial Hearings Held in Stipulated and Nonstipulated Cases, by Subgroups

	# of Cases	CMCs	Motions	Others	Total
Settled before mediation	255	1.03	0 09	0 40	1.52
Vacated from mediation	157	1.82	0.57	0 78	3.16
Settled at mediation	604	1.13	0 18	0.29	1.60
Did not settle at mediation	486	1 79	0 66	0.77	3.21
Total stipulated cases	1,502	1 40	0.36	0.51	2.27

Overall Comparisons of Court Workload in Stipulated and Nonstipulated Cases

Table VI-21 shows the average number of CMCs, motion hearings, and other pretrial hearings held in cases in which the litigants stipulated to mediation and cases in which the litigants did not stipulate to mediation.

Table VI-21. Average Number of Court's Workload for Cases in Contra Costa

		Average # of Pretrial Hearings			
	# of Cases	*CMCs*	*Motions*	*Others*	*Total*
Stipulated	1,545	1 42	0.37	0.52	2.31
Nonstipulated	2,571	1 27	0 49	0 48	2 23
% Difference		12%***	-24%***	8%*	4%

*** p < 05, ** p < 10, * p < .20

Cases in which the parties stipulated to mediation had fewer motion hearings, but more CMCs and other pretrial hearings compared to nonstipulated cases. The overall average number of pretrial hearings was slightly higher for stipulated cases than for nonstipulated cases, but the difference was not statistically significant.

As previously noted, direct comparisons between the overall average of stipulated and nonstipulated cases do not provide reliable information concerning the program impact because of differences in the cases in these two groups. Two additional comparisons were done to try to account for these comparability problems. First, comparisons were made between stipulated cases and nonstipulated cases that reached disposition after

more than six months. Second, the average number of pretrial court events in stipulated cases was compared to the number of these events in nonstipulated cases with similar case characteristics using regression analysis.

Table VI-22 compares the average number of pretrial hearings held in stipulated and nonstipulated cases filed in 2000 and 2001 in Contra Costa that were disposed of within six months of filing and that were disposed of more than six months after filing.

Table VI-22. Average Number of Pretrial Hearings Held in Stipulated and Nonstipulated Cases in Contra Costa Disposed of within Six Months and After Six Months

		Average # of Pretrial Hearings			
	# of Cases	*CMCs*	*Motions*	*Others*	*Total*
Cases Disposed of Within Six Months of Filing					
Stipulated to EMPP	26	1 00	0.19	0 15	1.35
Nonstipulated	558	0 41	0 15	0.13	0.68
% Difference		143%***	27%	15%	99%***
Cases Disposed of Over Six Months After Filing					
Stipulated to EMPP	1,519	1.43	0.37	0.53	2.33
Nonstipulated	2,013	1 51	0.58	0.57	2 66
% Difference		-5%	-36%*	-7%	-12%*

*** p < 05, ** p < 10, * p < 20

This table shows that cases that reached disposition within six months of filing had much lower numbers of pretrial events. Since the nonstipulated group had a much higher proportion of cases that reached disposition within six months of filing, when the overall average number of pretrial hearings in the nonstipulated group as a whole was calculated, the large group of cases disposed of within six months in the nonstipulated group pulled that average lower. In contrast with the simple comparison of all stipulated and nonstipulated cases above, when the average number of court events in only those stipulated and nonstipulated cases that reached disposition in six or more months was compared, the results suggest that there were fewer pretrial hearings overall in the stipulated group. Using regression analysis, the comparison of pretrial events in stipulated cases and nonstipulated cases with similar characteristics, however, did not find any statistically significant differences in the number of pretrial hearings in these groups.[330]

[330] As noted in Section I B., this regression analysis controlled for those case characteristics about which data was available from the case management system and from the surveys, as well as for whether the cases were disposed of within 6 months or in over 18 months However, it is almost certain that there were additional "unknown" case characteristics that were not appropriately accounted for in these regressions. Therefore, findings from these analyses should be interpreted with caution.

Analysis of Subgroups Within the Stipulated Group

As was done with time to disposition, litigant satisfaction, and litigant costs, to better understand how different cases within the program were influenced by the elements of the pilot program that they experienced, the average number of pretrial court events in each of the subgroups of stipulated cases were compared to the number of these events in similar nonstipulated cases.[331]

As in the other pilot courts, the results of this comparison support the conclusion that when cases settled at mediation, the court's workload was reduced. The comparison indicated that stipulated cases that settled at mediation had 20 percent few pretrial hearings overall than nonstipulated cases with similar case characteristics. The reduction in the total number of court events in cases that settle at or before mediation stemmed from reductions in the numbers of motion hearings and other pretrial hearings, not from CMCs. The analysis showed that stipulated cases that settled at mediation had 40 percent fewer motion hearings and 45 percent fewer other pretrial hearings than similar nonstipulated cases. However, no statistically significant difference in the number of CMCs was found in this comparison.

This comparison also indicated, however, that cases in the stipulated group that went to mediation but did not resolve at mediation had 30 percent more pretrial hearings overall than cases in the nonstipulated group with similar case characteristics. This comparison found approximately 90 percent more motion hearings in stipulated cases that did not settle at mediation compared to nonstipulated cases with similar characteristics and also indicated that there were more other pretrial hearings in these cases, but the size of this difference was not clear.[332]

Overall, these regression results suggest that cases that resolve at mediation may have fewer pretrial hearings than they otherwise would have but that cases do not resolve at mediation may have more court events than they would have if the cases had not been mediated at all.

Conclusion

The evidence concerning the Contra Costa pilot program's impact on the court's workload was mixed. There was evidence that the court's workload increased the year after the pilot program was instituted. The average number of case management conferences held per case was 27 percent higher in 2000 compared to 1999, the year before the pilot program began and the average number of "other" pretrial hearings was 11 percent higher. The increase in case management conferences may have been due, at least in part, to the introduction of the Complex Litigation Pilot Program in 2000.

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[331] The regression analysis method described in Section I.B. was used to make these subgroup comparisons. For the reasons outlined in the preceding footnote, the findings from these analyses should be interpreted with caution.

[332] No statistically significant differences were found in the numbers of pretrial events in cases that settled before mediation or cases that were vacated from mediation when compared with similar cases in the nonstipulated group

In overall, direct comparisons of stipulated and nonstipulated cases, stipulated cases had fewer motion hearings but more CMCs than nonstipulated cases, so that the total number of all pretrial events was essentially the same in both groups. However, comparisons of only those cases disposed of in over six months suggested that the total number of hearings may have been lower in the stipulated group.

The court's workload was reduced when cases settled at mediation. The total number of court events was 20 percent lower, on average, in stipulated cases that settled at mediation compared to nonstipulated cases with similar characteristics. Conversely, similar comparisons suggested that the number of pretrial hearings may have been increased when cases did not settle at mediation.

VII. Sonoma Pilot Program

A. Summary of Study Findings

There is evidence that the pilot program in Sonoma reduced disposition time, reduced the court's workload, increased attorney satisfaction with the litigation process and the court's services, and reduced litigant costs in cases that settled at mediation.

- **Mediation referrals, mediations, and settlements**—737 cases that were filed in 2000 and 2001 were referred to mediation and 574 of these cases were mediated under the pilot program. Of the unlimited cases mediated, 62 percent settled at the mediation. In survey responses, 90 percent of attorneys whose cases did not settle *at* mediation indicated that the mediation was important to the ultimate settlement of the case.

- **Trial rate**—Because a large proportion of the cases being studied had not yet reached disposition, there was not sufficient data to determine whether the pilot program in Sonoma had an impact on the trial rate.

- **Disposition time**—The pilot program had a positive impact on case disposition time for both limited and unlimited cases. The average disposition time for limited cases filed after the program began was 37 days shorter than the average for limited cases filed before the program began. The disposition rate for unlimited post-program cases was higher than for pre-program cases for the entire 34-month follow-up period. The pace of dispositions for limited post-program cases accelerated about the time when, under the court's rules, early mediation status conferences were set, suggesting that this conference played a role in improving disposition time. Comparisons of the disposition rates in stipulated and nonstipulated cases showed that while nonstipulated cases begin to resolve earlier, once stipulated cases begin reaching disposition, they were disposed of faster than nonstipulated cases and ultimately more stipulated than nonstipulated cases reached disposition by the end of 34 months. The fact that stipulated cases were disposed of fastest between 6 and 12 months after filing, about the time that mediations would have occurred under the court's pilot program rules, suggests that participation in mediation may have increased the rate of disposition for stipulated cases.

- **Litigant satisfaction**—Attorneys in stipulated cases were more satisfied with the overall litigation process and services provided by the court. Both parties and attorneys expressed high satisfaction when they used mediation through the Sonoma pilot program, particularly with the services of the mediators. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

- **Litigant costs**—There was evidence that both litigant costs and attorney time were reduced when cases resolved at mediation. Ninety-five percent of attorneys whose

cases resolved at mediation estimated some savings in both litigant costs and attorney hours from using mediation to reach settlement. Average savings estimated by attorneys per settled case were $25,965 in litigant costs and 93 hours in attorney time. Based on these attorney estimates, a total of $9,243,430 in litigant costs and 33,108 in attorney hours was estimated to have been saved in all 2000 and 2001 cases that were settled at mediation.

- **Court workload**—There was evidence that the pilot program reduced the court's workload. Comparisons between cases filed before and after the pilot program began indicated that average number of "other" pretrial hearings was 15 percent lower in unlimited cases filed after the pilot program began than in unlimited cases filed before the program began. Comparisons between stipulated and nonstipulated cases using regression analysis to control for differences in case characteristics indicated that the average number of motion hearings was 50 percent lower in cases in which the parties stipulated to mediation compared to similar cases in which the parties did not stipulate to mediation and that the average number of "other" pretrial hearings was 45 percent lower. The smaller number of court events in cases filed after the pilot program began means that the time that judges would have been spent on these events could be devoted to other cases needing judicial time and attention. The total time saving from the reduced number of court events was estimated at 3.2 judge days per year (with an estimated monetary value of approximately $9,700 per year).

B. Introduction

This section of the report discusses the study's findings concerning the Early Mediation Pilot Program in the Superior Court of Sonoma County. Based on the criteria established by the Early Mediation Pilot Program legislation, this was a successful program, resulting in benefits to both litigants and the courts in the form of reduced disposition time, reduced court workload, improved litigant satisfaction with the court's services and the litigation process, and lower litigant costs in cases that resolved at mediation. However, limitations of the data available made it difficult to identify the pilot program elements that contributed to these positive impacts.

As further discussed below in the program description, the Sonoma pilot program included five main elements:

- The court distributed alternative dispute resolution (ADR) information at the time of filing;
- The court set an initial case management conference approximately 120 days (approximately 4 months) after filing;
- The director of the Office of Alternative Dispute Resolution (ADR Director) conducted the initial case management conference and used mediation techniques to try to help the parties reach agreement on a case management plan, including ADR use and discovery;
- Litigants chose whether to participate in early mediation; the court did not have the authority to order the litigants to participate in early mediation; and
- If litigants chose to participate in mediation, they paid the full cost of the mediation services.

For purposes of this study, cases that were filed the year before the pilot program began that would have met the program eligibility requirements are called "pre-program" cases. Eligible cases filed after the program began are called "post-program" cases. The cases in which the parties stipulated to participate in early mediation are called "stipulated cases." The remaining cases that were otherwise eligible but in which the parties did not stipulate to early mediation are called "nonstipulated cases."

Overall comparisons between pre-program and post-program cases were used to try to identify the impact of the pilot program in Sonoma on trial rates, disposition time, and court workload. Because, unlike in Contra Costa, the Superior Court of Sonoma County did not have a mediation program before the pilot program was introduced, these pre-post program comparisons worked fairly well to identify the impact of introducing the pilot program, with all of its features, into the court.

Overall comparisons between stipulated and nonstipulated cases were used to try to identify the impact of the pilot program in Sonoma on litigant satisfaction and costs. Unlike the pre-post comparisons, these stipulated-nonstipulated comparisons *do not* provide information about the impact of having voluntary mediation services available to the litigants compared to having no mediation program at all. Ideally, these comparisons show the impact of agreeing to go to early mediation. However, because stipulated and

nonstipulated cases are qualitatively different from each other, any differences in outcome are likely to be due, at least in part, to these qualitative differences. Therefore it is necessary to examine the two additional comparisons that were made to try to account for the differences in the characteristics of stipulated and nonstipulated cases: (1) comparisons of outcomes in only those stipulated and nonstipulated cases that reached disposition in more than six months and (2) comparisons made using regression analysis between stipulated cases and nonstipulated cases with similar case characteristics.

In addition, it is important to remember that, throughout this section, "post-program" or "stipulated" cases does not mean cases that were mediated. Post-program cases include all the cases filed after the pilot program was implemented that met the program eligibility requirements, including both stipulated and nonstipulated cases. Stipulated cases include cases in which the parties stipulated to mediation, but did not ultimately go to mediation, either because the case was later removed from the mediation track by the court or because it settled before the mediation took place.

It is also important to remember that post-program cases in which the parties did not stipulate to mediation and stipulated cases exposed to different pilot program elements had very different dispute resolution experiences and different outcomes in terms of the areas being studied (disposition time, litigant satisfaction, and the other outcomes). In overall comparisons using pre-program and post-program cases, the outcomes in all these subgroups of eligible cases were added together to calculate an overall average for the post-program group as a whole. Similarly, in overall comparisons using stipulated and nonstipulated cases, the outcomes in all these subgroups of stipulated cases were added together to calculate an overall average for the stipulated group as a whole. As a result, within these overall averages, positive outcomes in some subgroups of cases, such as shorter disposition time in cases that settled at mediation, were probably offset by less positive outcomes in other subgroups.

Unlike in the other pilot programs, however, because many of the mediators who conducted mediations under this program did not provide information about the outcome of the mediation process to the court, there was not sufficient data in Sonoma to break stipulated cases down into these subgroups. Therefore, unlike in the chapters concerning the other pilot program, readers will not find any analysis in this chapter of the unique outcomes within the subgroups of program cases. Without this mediation outcome information, the court also did not have data on when mediations actually took place. In addition, because the court's case management system contained the date case management conferences were set, not when they were actually held, the court did not have information about when these conferences took place. Without this data on case management and mediation timing, it was difficult to determine what impact these events may have had on disposition time.

C. Sonoma Pilot Program Description

This section provides a brief description of the Superior Court of Sonoma County and its Early Mediation Pilot Program. This description is intended to provide context for understanding the study findings presented later in this chapter.

The Court Environment in Sonoma

Sonoma County is a medium-size county with a total population of slightly less than half a million. The Superior Court in Sonoma County is the smallest of the five pilot program sites, with 16 authorized judgeships. In 2000, the year that this mediation pilot program began, approximately 4,600 unlimited general civil cases and 3,900 limited civil cases were filed in Superior Court of Sonoma County.[333]

Seven of the 16 judges in the Superior Court are assigned to handle civil cases. Civil cases are managed using a master-calendar system in which different judges are assigned to handle different aspects of a civil case based on what judge is available at the time a particular task needs to be performed in the case. Before the court implemented the pilot program, case initial management conferences were generally scheduled at approximately 200 days after filing.

It has historically taken a relatively long time for unlimited civil cases in Sonoma to reach disposition. In 1999, the year before the Early Mediation Pilot Program was implemented, the Superior Court of Sonoma County reported that it disposed of 48 percent of its unlimited civil cases within one year, 70 percent within 18 months, and 82 percent within two years of filing. Limited cases were disposed of more quickly: the court disposed of 87 percent of its limited civil cases within one year, 94 percent within 18 months, and 98 percent within two years of filing.

Before the pilot program was implemented, the court did not have a mediation program for general civil cases. However, the local bar association had been actively involved in providing education on ADR and promoting the use of private mediation since the early 1990s. Approximately five years before the pilot program began, the local bar association worked with the court to develop a local rule that required attorneys to advise their clients about ADR and to certify to the court that they had done so. Two years before the pilot program began, representatives from the dispute resolution section of the local bar association began to attend case management conferences at the court to provide litigants with information on ADR and referrals for ADR services. Thus, while the pilot program was new to the court, the bar had some prior experience with assessment and referral to ADR in civil cases.

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[333] Judicial Council of Cal., Admin. Off. of Cts., Rep. on Court Statistics (2001) Fiscal Year 1990–1991 Through 1999–2000 Statewide Caseload Trends, p. 46. Please see the glossary for definitions of "unlimited civil case" and "general civil case."

The Early Mediation Pilot Program Model Adopted in Sonoma

The General Program Model

The Superior Court of Sonoma County adopted a voluntary mediation pilot program model. The basic elements of the program implemented in Sonoma included:

- The court distributed ADR information at the time of filing;
- The court set an initial case management conference approximately 120 days (approximately 4 months) after filing;
- The ADR Director conducted the initial case management conference and used mediation techniques to try to help the parties reach agreement on a case management plan, including ADR use and discovery;
- Litigants chose whether to participate in early mediation, the court did not have the authority to order the litigants to participate in early mediation; and
- If litigants chose to participate in mediation, they paid the full cost of the mediation services.

What Cases Were Eligible for the Program

All general civil cases, including both limited and unlimited cases, were eligible for the program in Sonoma.[334]

How Cases Were Referred to Mediation

Only cases in which the defendant responded to the complaint (cases that became "at issue") were eligible for referral to mediation. Mediation requires participation of both sides to a case. This participation is not possible if the defendant has not responded to the complaint. As in all the pilot courts, a large percentage of eligible cases in Sonoma (approximately 30 percent of unlimited cases and 80 percent of limited cases) never became at issue and thus were not eligible for referral to mediation.[335]

Parties were encouraged to stipulate to mediation at the earliest possible opportunity. At the time of filing, parties were given a notice regarding the pilot program, a blank form that could be used to stipulate to mediation, and a notice indicating the date of their initial case management conference (called an Early Mediation Status Conference [EMSC]). The information package also notified litigants that if they filed a stipulation to mediation before the EMSC, they would not be required to attend this conference.

If parties did not stipulate to mediation, they were required to attend the initial EMSC. At this conference, the ADR Director conferred with the parties about whether the case was amenable to mediation or other forms of ADR. Since the court did not have the statutory authority to make mandatory referrals to mediation, participation in mediation was based entirely on the voluntary choice of the parties. The ADR Director also used mediation techniques to try to help the litigants reach agreement on an overall case management plan, addressing discovery, motions, and other matters.

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[334] See the glossary for a definition of "general civil cases."

[335] As discussed below, cases that never became at issue (cases that were disposed of through default) were not included among the nonstipulated group for purposed of this study.

How Mediators Were Selected and Compensated

If the parties stipulated to mediation, they were required to select a mediator; the stipulation form included a space for the name of the mediator selected. The court contracted with the local bar association to maintain a panel mediators on behalf of the court. However, parties were free to select any mediator, whether or not that mediator was from the bar's panel. Many parties selected mediators who were not on the local bar association panel. The court generally did not recommend specific mediators unless the parties could not agree on a mediator on their own. Parties were required to pay the full costs for the mediators' services at market rate.

When Mediation Sessions Were Held

The court generally set an initial deadline for the parties to complete mediation within 60 to 90 days of their stipulation to mediation. However, parties could request an extension on the time to complete mediation by filing a written request or requesting the extension in person when they attended the "review hearing" following the expiration of the deadline. The ADR Director rarely denied such extension requests.

What Happened After the Mediation

When parties stipulated to mediation, the ADR Director generally set the case for a review hearing shortly after the date set for completion of the mediation. If the parties filed a dismissal or notice of settlement at least 10 days before the date for this review hearing, the hearing was cancelled. If the review hearing took place, the ADR Director discussed the status of the case with the attorneys. In cases that had gone to mediation, but did not settle at mediation, the ADR Director worked with the parties to try to overcome any remaining obstacles to settlement. In many cases, this resulted in settlement at or shortly after the review hearing. In other cases, the matter was set for a later settlement conference with the ADR Director.

Under the pilot program statutes, at the conclusion of the mediation, the mediator was also required to submit a form to the court indicating whether the case was fully or partially resolved at the mediation session. However, in a large number of the cases that stipulated to mediation in Sonoma these forms were not submitted to the court by mediators.[336] Without these forms, in many cases, the court was not able to determine whether the mediation took place and, if so, what the outcome of the mediation was. The court followed-up on stipulated cases through surveys and telephone calls to obtain this information, but complete information about many of these cases was never obtained.

How Cases Moved Through the Mediation Program

To understand the impact of Sonoma's pilot program, it is helpful to understand the flow of cases through this program and the court process. Figure VII-1 below depicts this for

[336] This may be due, at least in part, to the fact that many parties chose to use mediators who were not on the panel of mediators maintained by the local bar association for the court These non-panel mediators are less likely to have been familiar with the court's mediation policies and procedures

unlimited cases filed from March 2000 to December 2001 and Figure VII-2 for limited cases filed during the same period.[337]

Several limitations of these caseflow charts should be noted. First, according to court staff, stipulations may not have been filed in all the cases in which the parties agreed to use mediation, at least during the first year of the pilot program. Therefore, the figures presented in these charts for cases stipulating to mediation (and subsequently going to mediation as well) may be an underestimate. Second, because, as discussed above, complete mediation outcome data was not obtained from the mediators in Sonoma, in Figure VII-1, the number of unlimited cases that went to mediation and the number of cases that subsequently settled at mediation were extrapolated from a sample of cases in which the attorneys responded to requests for information through telephone interviews and surveys.[338] Because this mediation outcome information was supplied by attorneys, rather than mediators, it is possible that the number of settlements *at* mediation may be over-reported; attorneys may have reported cases as settled *at* mediation when the resolution was actually reached shortly after the mediation session, but as a result of mediation.[339] Finally, for limited cases, there was not sufficient on the outcomes of mediations to complete the latter half of the chart.

Unlimited Cases

As shown in Figure VII-1, a total of 3,839 unlimited civil cases were filed in Superior Court of Sonoma County from March 2000 to December 2001. Of the total unlimited cases filed, 65 percent (2,511 cases) became at issue and were eligible to be considered for referral to mediation.[340] Of the cases that became at issue, parties in approximately 28 percent (691 cases) stipulated to mediation.[341]

Based on a sample of cases with available information on mediation outcomes, it was estimated that approximately 83 percent of the cases in which the parties stipulated to mediation actually went to mediation. From this sample, it was also estimated that 62 percent of the cases that went to mediation reached settlement at the mediation.

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[337] Since the pilot program began in March of 2000, in this report all references to cases filed in 2000 include only cases filed from March to December during the year.

[338] The court took several measures to try to fill this information data gap, including telephone interviews with attorneys in July 2001 and letters sent to attorneys in June 2002 requesting information on the outcome of mediation A follow-up survey was also mailed to attorneys in March 2003 All of this information was used in estimating the proportion of cases that went to mediation and the proportion that settled and did not settle at mediation

[339] When mediators use the standard Judicial Council ADR-100 form Statement of Agreement or Nonagreement to report outcomes of the mediation, the outcomes were reported as of the end of the last mediation session. Survey data from other courts indicated consistently that approximately 15 to 20 percent of the cases that originally did not settle at mediation attributed subsequent resolution of the case directly to the mediation Without complete outcome information in Sonoma, it was not possible to obtain similar information on these cases in Sonoma based on follow-up surveys.

[340] Early mediation status conferences were held for 62 percent (1,569 cases) of cases that became at issue.

[341] Of those stipulating to mediation, approximately 20 percent stipulated before the first EMSC was held.

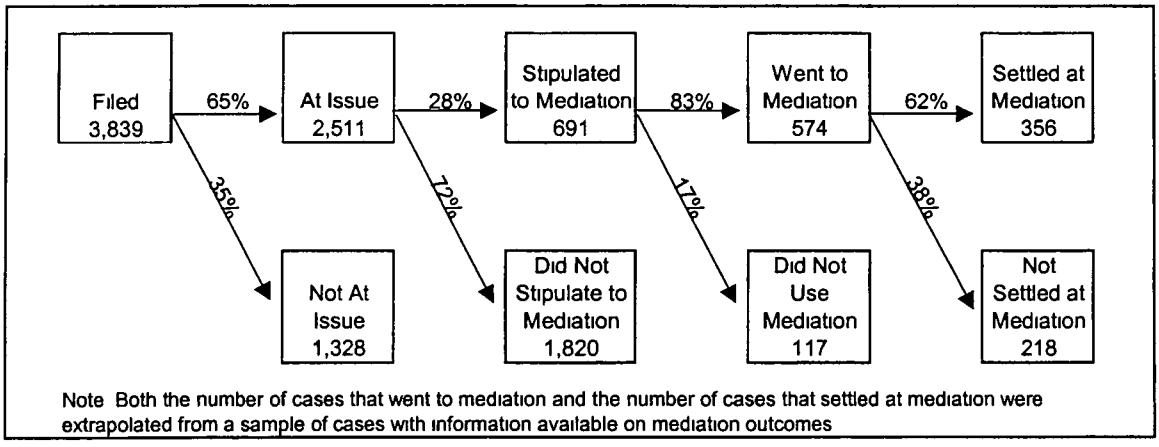

Figure VII-1. Case Flow for Unlimited Cases Filed in 2000 and 2001 in Sonoma

Limited Cases

While the total number of limited and unlimited cases filed in 2000 and 2001 was similar (3,839 unlimited and 3,922 limited cases), the proportion of limited cases going through the mediation process was significantly lower. First of all, only 17 percent (655 cases) of the limited cases filed became at issue. Of the total at-issue cases, only 7 percent (46 cases) stipulated to mediation.[342] As noted above, there was not sufficient mediation outcome information in these limited cases to determine the proportion of stipulated cases that went to mediation and the proportion of those cases that settled at mediation.[343]

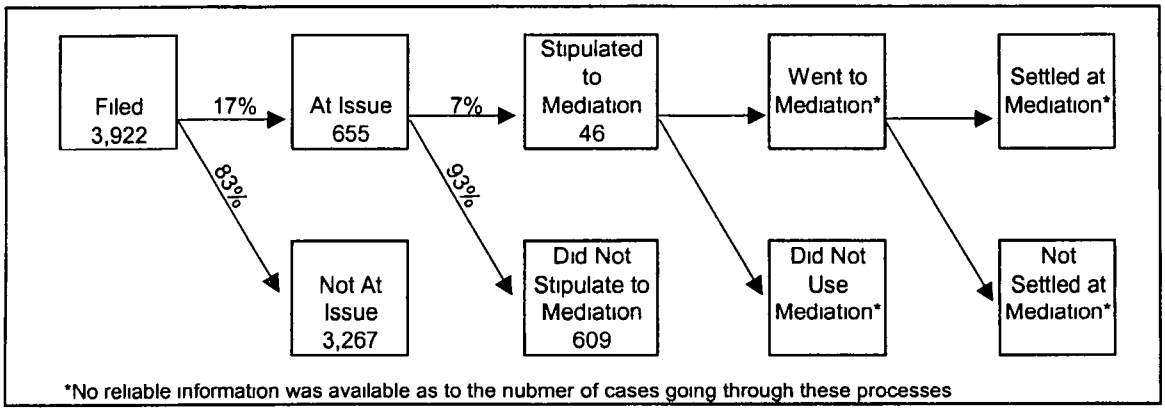

Figure VII-2. Case Flow for Limited Cases Filed in 2000 and 2001 in Sonoma

Conclusion

As noted in the introduction to this study, each of the pilot mediation programs examined in this study is different. In reviewing the results for the Superior Court of Sonoma County program, it is important to keep in mind the unique characteristics of this court

[342] However, early mediation status conferences were held in approximately 70 percent (436 cases) of the limited cases that became at issue

[343] Only 14 cases provided information on the outcome of mediation 8 of the 14 cases did not go to mediation, and 5 of the 6 cases that went to mediation settled at the mediation

and its pilot program, particularly the focus on the case management conferences and the relatively long disposition time, as that impacted the availability of complete data on the outcome of cases in the study.

D. Data and Methods Used in Study of Sonoma Pilot Program

This section provides a brief description of the data and methods used in the analysis of the Sonoma pilot program. (See Section I.B. for more information on the overall data and methods used in this report.)

Data

Several data sources were used in this study of the Sonoma pilot program.

Data on Trial Rate, Disposition Time, and Court's Workload

As more fully described in Section I.B., the primary source of data for assessing the pilot program's impact on trial rate, disposition time, and court workload was the court's case management system. For cases during the program period, only data concerning cases filed in 2000[344] and 2001 were used; cases filed more recently were not used because there was not sufficient follow-up time for tracking their final outcomes. In order to do pre-/post-program comparisons, data on cases filed in 1999 was also used.

It is important to point out several data issues that may affect the analysis of the program impact in Sonoma.

First, a large proportion of cases being studied had not reached disposition by the end of the data collection period. As noted above, unlimited civil cases in Superior Court of Sonoma County are disposed of at a relatively slow pace. By the end of data collection for this study in June 2003, the court had disposed of only 83 percent of the eligible unlimited cases filed in 2000, and only 60 percent of those filed in 2001. For limited cases filed during the same period, the proportion of cases disposed of was higher: 86 percent for those filed in 2000 and 77 percent for those filed in 2001. While, in an absolute sense, the percentage of pending cases does not seem high (more than 80 percent of the 2000 cases had reached disposition), particularly for examination of trial rates, where the number and percentage of tried cases is very small, accurately identifying program impact is difficult when data on 20 percent of the cases is not available.

To ensure that the comparisons made in this report between these pre-/post-program cases are valid reflections of the differences in these groups, cases with the same maximum follow-up period were compared. However, the final trial rate, time to disposition, and court workload in both the pre-/post-program groups is likely to change when still-pending cases case reach disposition and their outcomes are known. Outcomes in pending cases could also affect the final levels of litigant satisfaction and costs. Therefore, the final outcome of comparisons made when all of the cases in both groups have reached disposition may be different from the outcome reported in this study.

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[344] When the program started operation in March 2000, only cases that were filed on or after March 1, 2000, were eligible for the program Therefore, only cases filed after that date were included in the sample, and all references to 2000 cases in Sonoma in this report represent cases filed from March 1 to December 31.

Second, as noted above, complete, reliable mediation outcome information was not available in Sonoma. Nor was there any "pre-program" information about the number of cases filed in 1999 in which the parties stipulated to or used mediation. Without this information, it was not possible to look separately at all post-program cases that settled before mediation, settled at mediation, and did not settle at mediation to see how these subgroups of cases affected the overall group of stipulated cases or to see how these different groups of cases might have been affected by their pilot program experiences. It was also not possible to compare the mediation stipulation rate or mediation use rate before and after the introduction of the pilot program. For the subgroup of mediated cases in which mediation outcome information was available, information about time to disposition and court workload in cases that settled and did not settle at mediation is provided.

Third, the small number of limited cases that stipulated to mediation—22 cases in 2000 and 27 cases in 2001—makes it difficult to draw reliable conclusions from comparisons between stipulated and nonstipulated limited cases.

Finally, the court's case management system did not contain complete information about the number and dates of case management conferences, including early mediation status conference, actually held; the system recorded conferences set, but not whether and when those set were actually held. It was therefore not possible to include information about case management conferences in the analysis of court workload.

Data on Litigant Satisfaction and Costs

As is also more fully described in Section I.B., analysis of program impact on litigant satisfaction and costs was based on data from surveys distributed (1) to attorneys and parties who went to mediation between July 2001 and June 2002 ("postmediation survey") and (2) to parties and attorneys in stipulated and nonstipulated cases that reached disposition during the same period ("postdisposition survey").

The number of survey responses received in limited cases in which the parties stipulated to mediation was too small (18 survey responses) to make use of this data either for comparisons with stipulated cases or for purposes of regression analyses. Therefore, comparisons between stipulated and nonstipulated cases with regard to litigant satisfaction and litigant costs and regression results for all of the outcome measures being studied were based on unlimited cases only.

Methods

Unlike in the pilot courts with mandatory programs, in Sonoma, there was no randomly assigned control group of cases in which the pilot program was not available, so program-control group comparisons could not be used to examine the impacts of the Sonoma pilot program. Instead, two other types of comparisons were used: (1) comparisons between cases filed before the pilot program began and cases filed after the program began (pre-post program comparisons), and (2) comparisons between cases in which the parties stipulated to mediation and those in which the parties did not stipulate to mediation.

Pre-Post Program Comparisons

Pre-post program comparisons were used as the primary method to examine the Sonoma pilot program's impact on the trial rate, time to disposition, and court workload. Because, unlike in Contra Costa, the Superior Court of Sonoma County did not have a mediation program before the pilot program was introduced, to the extent that full data on the outcomes was available, these pre-post program comparisons worked fairly well to identify the impact of introducing the pilot program, with all of its program features, into the Superior Court of Sonoma County.

Comparisons Between Stipulated and Nonstipulated Cases

Comparisons between eligible cases in which the parties stipulated to mediation and eligible cases in which the parties did not stipulate to mediation were used to examine the Sonoma pilot program's impact on litigant costs and satisfaction, as well as to provide additional information about trial rates, time to disposition, and court workload. As discussed in Section I.B., there are important limitations to these comparisons because stipulated and nonstipulated cases are qualitatively different from each other. As in Contra Costa, one of the differences between these two groups was that the nonstipulated group included a larger percentage of "easy" cases—cases that reached disposition within six months of filing with few court events and very few trials—than the stipulated group.[345] Two additional comparisons were therefore made to try to account for the differences in the characteristics of stipulated and nonstipulated cases. First, outcomes in only those stipulated and nonstipulated cases that reached disposition in more than six months were compared. Second, using regression analysis, comparisons were made between stipulated cases and nonstipulated cases with similar case characteristics. In this regression analysis, the variables taken into account included all the case characteristics about which data was available in this study as well as whether the case resolved within 6 months or in over 18 months. However, as noted in the methods Section I.B., it is almost certain that there were additional "unknown" case characteristics that were not appropriately accounted for in these regressions. Therefore, the findings from regression analyses reported below should be interpreted with caution.

[345] The difference in the proportion of these "easy" cases in the stipulated and nonstipulated groups was smaller in Sonoma than in Contra Costa because, due to the generally longer disposition time in Sonoma, very few unlimited cases reached disposition within six months in Sonoma

E. Stipulated Cases—Mediations and Settlements

Before making comparisons of pre-program and post-program cases or stipulated and nonstipulated cases, it is helpful to first have a sense of the number of cases that were eligible for the pilot program, the number that stipulated to mediation, and the number that went to mediation under the pilot program. It is also helpful to have a sense of the pilot program's impact on the resolution of cases, both during and after the mediation.

More than 2,500 unlimited cases and 650 limited cases filed in 2000 and 2001 in the court became at issue and were eligible to be considered for referral to mediation. In 737 of these eligible cases (691 [28 percent] of the unlimited at issue cases and 46 [7 percent] of the limited at issue cases), the parties stipulated to participate in mediation under the pilot program. Based on a sample of cases with available information on mediation outcomes in unlimited cases, it was estimated that approximately 574 (83 percent) of the unlimited cases in which the parties stipulated to mediation actually went to mediation. From this sample, it was also estimated that 356 (62 percent) of the unlimited cases that went to mediation fully settled at the mediation.[346]

Even when cases did not reach settlement *at* mediation, the mediation was still likely to have played an important role in the later settlement of the cases. Table VII-1 shows that approximately 3 percent of attorneys in cases that were mediated under the pilot program but did not reach settlement at mediation indicated that the ultimate settlement of the case was a direct result of participating in the pilot program mediation. Another 52 percent indicated that mediation played a very important role, and still another 34 percent indicated that mediation was somewhat important to the ultimate settlement of the case. All together, attorneys responding to the survey indicated that subsequent settlement of the case benefited from mediation in approximately 90 percent of the cases in which the parties did not reach agreement at the end of the mediation session. For only 10 percent of the respondents mediation was considered of "little importance" to the case reaching settlement. Note, however, that the number of survey responses in most of these categories was small, so these results should be interpreted with caution.

Table VII-1. Attorney Opinions of Mediation's Importance to Subsequent Settlement

Importance of Participating in Mediation to Obtaining Settlement	Number of Responses	Percentage of Responses
Resulted directly in settlement	1	3 45%
Very important	15	51.72%
Somewhat important	10	34 48%
Little importance	3	10.34%
Total	29	100 00%

[346] No partial settlements at mediation were reported in Sonoma

Adding together those cases where the survey respondents indicated that subsequent settlement of the case was a direct result of participating in mediation and those cases that settled at the mediation session, the overall resolution rate in mediation under the Sonoma pilot program was estimated to be 62 percent.

F. Impact of Sonoma's Pilot Program on Trial Rate

Summary of Findings

Because the percentage of cases that go to trial is very small and a large proportion of the cases being studied had not yet reached disposition when data collection ended, the number of these cases that were tried during the study period was very small. Therefore, there was not sufficient data to determine whether the pilot program in Sonoma had an impact on the trial rate.

Introduction

This section examines the program impact on trial rate in Sonoma. First, differences in trial rates between cases filed before and after the pilot program began are presented. The trial rates between stipulated and nonstipulated cases are then compared. As noted above in the method section, results from comparisons between stipulated and nonstipulated cases should be interpreted with caution.

Pre-/Post-Program Comparison of Trial Rates

Table VII-2 shows the number and percentage of the closed cases filed in 1999 (pre-program) and those filed in 2000 (post-program) that went to trial. Only cases with a minimum follow-up time of approximately 900 days and a maximum follow-up time of approximately 1,200 days were included in this analysis.

Table VII-2. Pre-/Post-Program Comparison of Trial Rate in Sonoma

	Program Cases Filed in 2000			Pre-program Cases Filed in 1999			
	# of Cases Disposed	*# of Cases Tried*	*% of Cases Tried*	*# of Cases Disposed*	*# of Cases Tried*	*% of Cases Tried*	*% Difference*
Unlimited	947	28	3.0%	500	16	3 2%	-8%
Limited	256	6	2.3%	207	9	4.3%	-46%

*** p < 05, ** p < 10, * p < 20

While this comparison indicates that the trial rates for both limited and unlimited cases were lower in the post-program period, the differences shown were not statistically significant—it was not possible to tell with sufficient confidence whether the differences were real or due to chance. The lack of statistical significance is due mainly to the small number of tried cases: only 16 unlimited 1999 cases were tried and only 9 1999 and 6 2000 limited cases were tried. Given the small number of tried cases, particularly of limited cases, it was not possible to accurately discern the patterns of trial rates in the pre-/post-program periods. Comparisons between these groups therefore do provide reliable information about the impact of the pilot program on trial rates.

The number of tried cases is small for a combination of reasons. First, the proportion of civil cases that go to trial is generally very small, typically ranging from 3–10 percent. Second, the civil caseload in Sonoma is fairly modest. Applying a small trial rate to a modest caseload, the total number of cases that is ultimately likely to be tried is fairly small. Finally, and most importantly, as noted in the previous section on data and methods, a relatively large proportion of the cases filed during the study period had not reached disposition when data collection ended in June 2003. Within the same follow-up period for both pre-/post-program cases, nearly 20 percent of the cases in both groups remained pending. It is reasonable to expect that many of these pending cases will ultimately go to trial, particularly since tried cases typically require longer time to reach final disposition. With a longer follow-up period, a larger number of cases will have been tried and the program impact on trial rate in Sonoma could be assessed.

Trial Rates for Stipulated and Nonstipulated Cases

Table VII-3 compares the trial rates of stipulated and nonstipulated cases, both unlimited and limited, filed in 2000 and 2001 that had reached disposition by the end of the data collection period.

Table VII-3. Trial Rate of Stipulated and Nonstipulated Cases Filed in 2000 and 2001 in Sonoma

	Stipulated Cases			Nonstipulated Cases			
	# of Cases Disposed	*# of Cases Tried*	*% of Cases Tried*	*# of Cases Disposed*	*# of Cases Tried*	*% of Cases Tried*	*% Difference*
Unlimited	554	11	2 0%	1230	30	2 4%	-19%
Limited	40	0	0 0%	490	13	2 7%	-100%

*** p < 05, ** p < .10, * p < 20.

As with the pre-post program comparison, while this stipulated-nonstipulated case comparison indicates that the trial rates for both limited and unlimited cases were lower in stipulated cases, the differences shown were not statistically significant.[347] As with the pre-post program comparison, the lack of statistical significance in due mainly to the small number of cases that had been tried by the end of the data collection period. Overall, only 41 unlimited cases in the two groups combined had gone to trial and only 13 limited cases (all in the nonstipulated group) had gone to trial. The small number of tried cases was again due in large part to the significant proportion of cases that had not reached disposition. For cases filed in 2000, 17 percent remained pending and for those filed in 2001, 40 percent has yet to reach disposition.

Furthermore, as discussed in Section I.B., direct, overall comparisons between stipulated and nonstipulated cases do not provide reliable information concerning the program

[347] No statistically significant results emerged when the analysis was restricted to cases filed in 2000 either.

impact because of qualitative differences in the cases in these two groups. Regression analysis was used to control for these qualitative differences, comparing trial rates in stipulated cases with those in nonstipulated cases with similar case characteristics. Like the direct comparisons, the regression analysis did not find any statistically significant difference in the trial rates for stipulated and nonstipulated cases.[348] Again, this is most likely due to the small number of tried cases available for analysis.

Conclusion

Although both the pre-post program comparison and the stipulated-nonstipulated case comparisons showed reductions in the trial rate, these results were not statistically significant—it was not possible to tell with sufficient confidence whether the differences shown were real or due to chance. The lack of statistical significance stemmed from the fact that the number of cases tried during the study period was very small. The number of tried cases is small mainly because, as noted in the previous section on data and methods, a large proportion of the cases being studied had not reached disposition when data collection ended. With a longer follow-up period, a larger number of cases will have been tried and the program impact on trial rate in Sonoma could be assessed.

[348] As noted in Section I B , this regression analysis controlled for those case characteristics about which data was available from the case management system and from the surveys, as well as for whether the cases were disposed of within 6 months or in over 18 months. However, it is almost certain that there were additional "unknown" case characteristics that were not appropriately accounted for in these regressions. Therefore, findings from these analyses should be interpreted with caution.

G. Impact of Sonoma's Pilot Program on Case Disposition Time

Summary of Findings

The pilot program in Sonoma had a positive impact on case disposition time for both limited and unlimited cases:

- The average disposition time for limited cases filed after the pilot program began was 37 days shorter than the average for limited cases filed the year before the program began.

- The disposition rate for unlimited post-program cases was higher than for pre-program cases for the entire 34-month follow-up period. The pace of dispositions for limited cases accelerated about the time when, under the court's rules, early mediation status conferences were set, suggesting that these conferences played an important role in improving disposition time.

- Comparisons between stipulated and nonstipulated cases found no significant difference in average disposition time for the two groups. However, comparisons of the disposition rates in these groups showed that while nonstipulated cases begin to resolve earlier, once stipulated cases began reaching disposition, they were disposed of faster than nonstipulated cases and ultimately more stipulated than nonstipulated cases reached disposition by the end of 34 months. The fact that stipulated cases were disposed of fastest between 6 and 12 months after filing, about the time that mediations were to occur under the court's pilot program rules, suggests that participation in mediation may have increased the rate of disposition for stipulated cases.

- Cases that settled at mediation were resolved an average of 131 days faster than cases that did not settle at mediation.

Introduction

This section presents an analysis of the Sonoma pilot program's impact on time to disposition. Similar to the previous section on trial rates, a pre-/post-program comparison is presented first, including comparisons of both the average and median time to disposition and the rate of disposition over time. Second, comparisons of case disposition time in cases that stipulated to mediation and those that did not stipulate to mediation are presented, including both the average and median time to disposition and the rate of disposition over time.

Overall Comparisons of Disposition Time in Pre-/Post-Program Cases

Comparison of Average and Median Disposition Time

Table VII-4 below compares the average and median[349] time to disposition for cases filed in 1999, the year before the pilot program started (pre-program cases), and 2000, the year after the pilot program started (post-program cases).

Table VII-4. Pre-/Post-Program Comparison of Disposition Time in Sonoma

	Number of Cases	Average	Median
Unlimited cases			
Program cases filed in 2000	947	482	436
Pre-program cases filed in 1999	500	496	456
Differences		-14	-20
Limited cases			
Program cases filed in 2000	256	374	330
Pre-program cases filed in 1999	207	411	346
Differences		-37**	-16

*** p < 5, ** p < 10, * p < .20

This table shows that Sonoma's pilot program resulted in a reduction in the overall average disposition time for limited cases. The average disposition time for limited post-program cases was 37 days shorter than the average for limited pre-program cases. While Table VII-4 also shows reductions in the average and median disposition times for unlimited cases and the median disposition time for limited cases, these differences were not statistically significant—it was not possible to tell with sufficient confidence whether the differences were real or due to chance.

As noted above, there were very few stipulations to mediation in limited cases—stipulations were filed in only 46 (7 percent) of the 655 2000 and 2001 limited cases that became at-issue in Sonoma. Given this small number of limited stipulated cases, it is unlikely that the reduction in disposition time in limited post-program cases was the result of the stipulations or mediations in these cases. Rather, it seems likely that this reduction in disposition time was the result of program elements that preceded these stipulations—the distribution of the ADR information package and the Early Mediation Status Conferences (EMSCs) conducted by the ADR Director.

Comparison of Case Disposition Timing

To better understand at what point in the litigation process the pilot program had its impact on the overall time to disposition, the disposition rate over time in pre-/post-

[349] Median represents the value at the 50th percentile, with half of the cases reaching disposition before and half after the median time

program cases were examined. This analysis also provides information about whether the program impact on time to disposition occurred around the time when EMSCs were scheduled to take place.

Figure VII-3 compares the timing of case disposition for pre-program and post-program cases.[350] The horizontal axes represent time (in months) from filing until disposition of a case, and the vertical axes represent the cumulative proportion of cases disposed (or disposition rate). The wider, purple line represents the post-program disposition rate, and the thinner, black line represents the pre-program disposition rate. The gap between these two lines represents the difference in the disposition rates for pre-program and post-program cases at a given time from the filing of a complaint. The slope of the lines represents the pace at which cases were reaching disposition at a particular point in time; a steeper slope indicates that more cases were reaching disposition at that time.

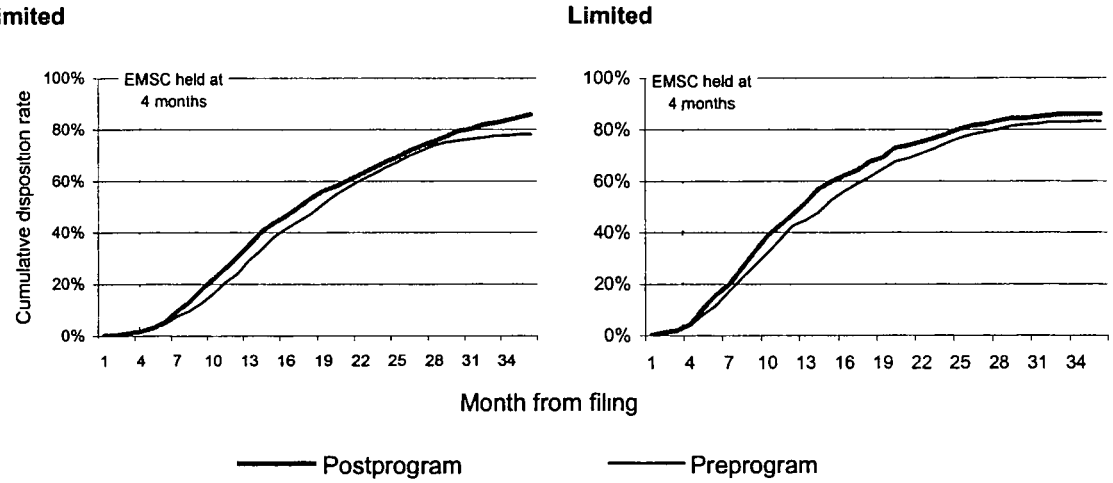

Figure VII-3. Comparison of Case Disposition Rate for Cases Filed Before and After Program in Sonoma

For unlimited cases, the disposition rate for post-program cases was higher than that for pre-program cases for the entire 34-month follow-up period, indicating that the pilot program reduced disposition time. In Figure VII-3, the higher disposition rate for post-program cases is clearest starting at approximately 7 months after filing when the pace of dispositions for post-program cases increased and cumulative disposition rate for post-program cases began to significantly outstrip the rate for pre-program cases. This difference in disposition rates was largest at 14 months after filing, when 40 percent of the post-program cases had reached disposition compared to only 33 percent in the pre-program group. These differences in disposition rates were statistically significant.

Similarly, for limited cases, the disposition rate for post-program cases was higher than that for pre-program cases for the entire 34-month follow-up period. The higher

[350] Data for cases filed in 2000 and 2001 were combined, as the data for both years as showed similar patterns in disposition rate over time.

disposition rate for post-program cases is clearest starting at about 5 months after filing when the pace of dispositions for post-program cases increased and cumulative disposition rate for post-program cases began to pull away from that for pre-program cases. This difference in disposition rates was largest at 14 months after filing, when 57 percent of the post-program cases had reached disposition compared to only 48 percent in the pre-program group. Unlike for unlimited cases, however, the difference between the disposition rates for pre-/post-program limited cases was not statistically significant.

Figure VII-3 also shows the time period at which early mediation status conferences would have taken place under the court's rules[351]—at about four months after filing. This is about the same point at which pace of dispositions among the post-program limited cases began to rise sharply. This timing suggests that the status conferences had a positive impact on expediting limited case disposition.

It is important to remember that in this pre-post program comparison, all eligible civil cases are included in the post-program group, not just those that stipulated to mediation. Thus, the program impact on time to disposition seen in Figure VII-3 and the apparent impact of the early mediation status conference in limited cases extends to all the eligible civil cases, including those that did not stipulate to mediation.

Overall Comparison of Time to Disposition in Stipulated and Nonstipulated Cases

Comparison of Average and Median Disposition Time

Table VII-5 compares the average and median[352] times to disposition in stipulated and nonstipulated cases. As this table shows, no statistically significant differences were found between the average or median disposition times for stipulated and nonstipulated cases—while the table shows that the average disposition times for both unlimited and limited stipulated cases were longer than those for nonstipulated cases, it was not possible to tell with sufficient confidence whether these differences were real or due to chance.

As noted in Section I.B., however, direct, overall comparisons between stipulated and nonstipulated cases do not provide reliable information concerning the program impact because of qualitative differences in the cases in these two groups. Two additional comparisons were done to try to account for these comparability problems. First, comparisons were made between stipulated cases and nonstipulated cases that reached disposition after more than six months. Second, the disposition time among stipulated cases was compared to the disposition time among nonstipulated cases with similar case characteristics using regression analysis.

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[351] As discussed in the section on data and methods, data on when initial case management conferences were actually held, as opposed to when they were originally set, was not available in Sonoma Patterns in the other pilot courts indicated that, on average, these conferences typically took place later than the time period provided under the courts' rules.

[352] The median represents the value at the 50th percentile, with half of the cases reaching disposition before and half after the median time.

Table VII-5. Case Disposition Time (in Days) in Sonoma for Cases Filed in 2000 and 2001

	Stipulated	Nonstipulated	Difference
Average			
Unlimited	448	437	11
Limited	384	347	37
Median			
Unlimited	400	412	-12
Limited	347	314	33
Number of Cases			
Unlimited	554	1,230	
Limited	40	490	

*** p < 05, ** p < .10, * p < 20

Table VII-6 below compares the average and median times to disposition of stipulated and nonstipulated cases filed in 2000 and 2001 in Sonoma that were disposed of within six months of filing and that were disposed of more than six months after filing.

Table VII-6. Average Time to Disposition of Stipulated and Nonstipulated Cases in Sonoma Disposed of within Six Months and After Six Months

	Disposed of Within Six Months after Filing			Disposed of Over Six Months after Filing		
	Stipulated	*Nonstipulated*	*Difference*	*Stipulated*	*Nonstipulated*	*Difference*
Average						
Unlimited	147	130	17	453	474	-21***
Limited	166	132	34	389	410	-21
Median						
Unlimited	162	139	23***	403	446	-43***
Limited	166	135	31	350	376	-26
Number of Cases						
Unlimited	10	132		544	1,098	
Limited	1	111		39	379	

*** p < .05, ** p < 10, * p < .20.

This table shows that when only those cases that reached disposition in more than six months are compared, both the average and median disposition time for unlimited stipulated cases were shorter than those for nonstipulated cases. The table also shows that the average and median disposition time for limited stipulated cases that reached

disposition in six or more months was shorter than that for nonstipulated cases, but the difference shown was not statistically significant. Because there was only one limited stipulated cases that reached disposition within six months, the comparisons between limited stipulated and nonstipulated cases disposed of within six months do not provide reliable information.

Two separate regression analyses were also done: one with cases disposed of within six months included and one with these cases excluded. [353] The regression with cases that were disposed of within six months included indicated that stipulated cases took longer to reach disposition than nonstipulated cases with similar case characteristics, although the size of the difference was uncertain. The regression excluding cases disposed of within six months showed virtually no difference in disposition time between the stipulated and nonstipulated cases.[354]

Comparison of Case Disposition Timing

To better understand the timing of disposition in the stipulated and nonstipulated groups and how disposition in the stipulated group might relate to various elements of the pilot program, the patterns of case disposition rate over time from the filing of the complaint were examined.

Figure VII-4 compares the timing of case disposition in stipulated and nonstipulated cases.[355] The horizontal axes represent time (in months) from filing until disposition of a case, and the vertical axes represent the cumulative proportion of cases disposed (or disposition rate). The wider, purple line represents the disposition rate for stipulated cases, and the thinner, black line represents the disposition rate for nonstipulated cases. The gap between these two lines represents the difference in the disposition rates for stipulated and nonstipulated cases at a given time from the filing of a complaint. The slope of the lines represents the pace at which cases were reaching disposition at a particular point in time; a steeper slope indicates that more cases were reaching disposition at that time.

[353] As discussed in Section I.B., the regression analyses done in this study rely on information about case characteristics gathered from the study's surveys. There were not enough survey responses in limited stipulated cases to obtain the necessary case characteristic information about limited cases, so the regression analysis was done only for unlimited cases

[354] As noted in Section I.B., this analysis controlled for those case characteristics about which data was available from the case management system and from the surveys However, it is almost certain that there were additional "unknown" case characteristics that were not appropriately accounted for in these regressions Therefore, findings from these analyses should be interpreted with caution.

[355] The data for cases filed in 2000 and 2001 were combined, as the data for both years as showed similar patterns in disposition rate over time. Note also that the total number of limited stipulated cases for which disposition information was available was fairly small, only 40 cases.

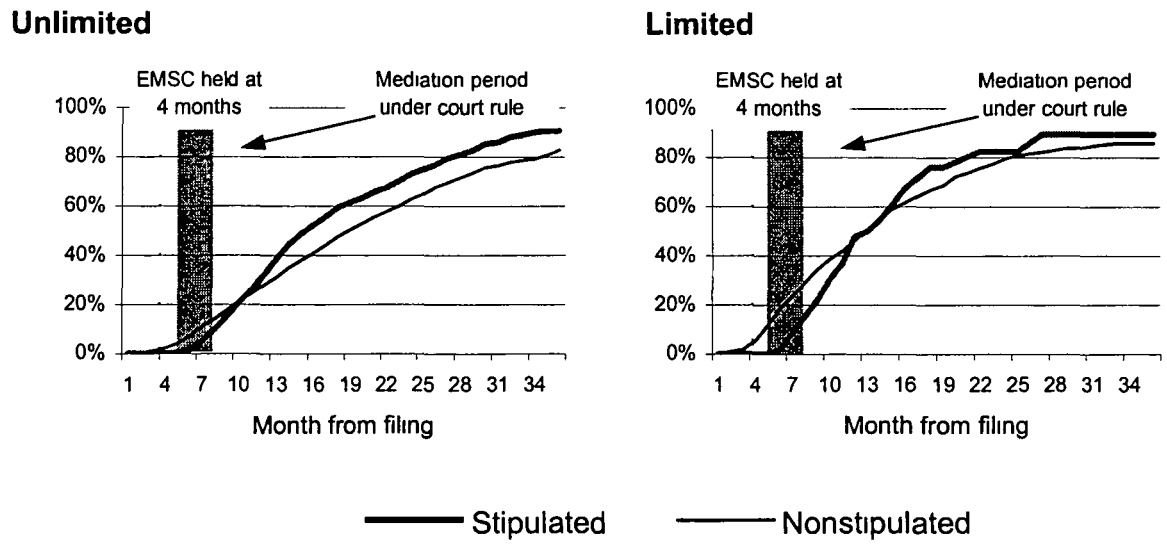

Figure VII-4. Cumulative Case Disposition Rate Over Time for Cases in Sonoma

Figure VII-4 shows several things. First, it shows that, at six months after filing, approximately 20 percent of limited and 8 percent of the unlimited nonstipulated cases had already reached disposition whereas almost none of stipulated cases had reached disposition by that time. It also shows that from about 6 months after filing until approximately 12–13 months after filing, stipulated cases were being disposed of at a faster pace than nonstipulated cases (indicated by the steeper slope of the purple line). This coincides with the time when mediations in the stipulated group generally would have occurred under the court's rules (approximately 6–9 months after filing). Finally, this figure shows that at approximately 11 months after filing for unlimited cases and about 12 months after filing for limited cases, the proportion of stipulated cases disposed of began to surpass that for nonstipulated cases. After this cross-over point, unlimited cases maintained a difference of about 9–12 percent in disposition rate between stipulated and nonstipulated cases, and limited cases maintained a 4–9 percent difference between the two groups, indicating that a higher percentage of the stipulated cases than the nonstipulated cases had reached disposition by the end of the data collection period.

Overall, this figure shows that while nonstipulated cases begin to resolve earlier, once stipulated cases begin reaching disposition, they were disposed of faster than nonstipulated cases and ultimately more stipulated than nonstipulated cases reached disposition by the end of 34 months. The fact that stipulated cases are disposed of fastest between 6 and 12 months after filing suggests that participation in mediation may have increased the rate of disposition for stipulated cases.

To the extent that the participating in mediation did positively impact the time to disposition, that impact is likely to have come from cases that resolved at mediation. Among those mediated cases for which outcome information was available, cases that settled at mediation reached disposition 131 days faster than cases that did not settle at mediation: the average disposition time for cases settled at mediation was 366 days compared to 497 days for cases that did not settle at mediation.

Conclusion

Based on comparisons between cases filed before and after the pilot program began, there was clear evidence showing that the overall case disposition rate improved after the pilot program was implemented by the court. For limited cases, the overall average time to disposition was 37 days shorter in post-program cases than in pre-program. For unlimited cases, the disposition rate for post-program cases was higher than that for pre-program cases for the entire 34-month follow-up period. Since these pre-post comparisons examine impacts on all cases that were eligible for the program, these positive results suggest that the pilot program expedited disposition for both stipulated and nonstipulated cases. The fact that the pace of dispositions for limited cases accelerated about the time when, under the court's rules, early mediation status conferences were set suggests that this conference played a role in improving disposition time.

In direct comparisons between stipulated and nonstipulated cases in the program, no significant difference was found between the average or median time to disposition in the two groups for either limited or unlimited cases. Similarly, regression analysis that controlled for differences in case characteristics between the stipulated and nonstipulated groups did not provide any conclusive evidence that there was any difference in average case disposition time between the two groups. However, comparisons of the disposition rates in stipulated and nonstipulated cases showed that while nonstipulated cases begin to resolve earlier, once stipulated cases begin reaching disposition, they were disposed of faster than nonstipulated cases and ultimately more stipulated than nonstipulated cases reached disposition by the end of 34 months. The fact that stipulated cases were disposed of fastest between 6 and 12 months after filing, about the time that mediations would have occurred under the court's pilot program rules, suggests that participation in mediation may have increased the rate of disposition for stipulated cases.

H. Impact of Sonoma's Pilot Program on Litigant Satisfaction

Summary of Findings

There is evidence that the pilot program increased litigant satisfaction with the both litigation process and the services provided by the court.

- Both parties and attorneys in Sonoma expressed high satisfaction when they used mediation under the pilot program. They were particularly satisfied with the performance of the mediators, with both parties and attorneys showing an average satisfaction score of more than 6 on a 7-point scale. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

- Attorneys in stipulated cases were more satisfied with the litigation process and services provided by the court compared to attorneys in nonstipulated cases.

- Attorneys in cases that settled at mediation were much more satisfied with the outcome of the case than attorneys in cases that did not settle at mediation—average satisfaction with the outcome was 6.0 in cases that settled at mediation but only 4.5 in cases that did not. Satisfaction with the litigation process and the court's services was also higher in cases that settled at mediation than in cases that did not.

Introduction

This section examines the impact of Sonoma's pilot program on litigant satisfaction. As described in detail in Section I.B. concerning the data and methods used in this study, data on litigant satisfaction were collected in two ways. First, in a survey administered at the end of the mediation in cases that went to mediation between July 2001 and June 2002 ("postmediation survey"), both parties and attorneys were asked about their satisfaction with various aspects of their mediation and litigation experiences. Second, in a separate survey administered shortly after cases reached disposition in cases disposed of between July 2001 and June 2002 ("postdisposition survey"), parties and attorneys in both stipulated and nonstipulated cases were asked about their satisfaction with the outcome of their case, the court's services, and their overall litigation experience.

The postmediation survey's results regarding the satisfaction of parties and attorneys who used mediation under the pilot program are first described. Attorney satisfaction in stipulated and nonstipulated cases, as indicated in the postdisposition survey, is then compared.[356]

[356] As was discussed above in Section I B , since only limited number of party responses to the postmediation survey were received in nonstipulated cases, all comparisons between stipulated and nonstipulated cases were based only on attorney responses to this survey.

Overall Litigant Satisfaction for Cases That Used Mediation

As shown in Figure VII-5, both parties and attorneys who used mediation in the pilot program expressed very high levels of satisfaction with their experiences. Parties and attorneys who participated in mediation were asked to rate their satisfaction with the mediator's performance, the mediation process, the outcome of the mediation, the litigation process, and the services provided by the court on a scale from 1 to 7 where 1 is "highly dissatisfied" and 7 is "highly satisfied." Figure VII-5 shows the average satisfaction scores for both parties and attorneys in these mediated cases.

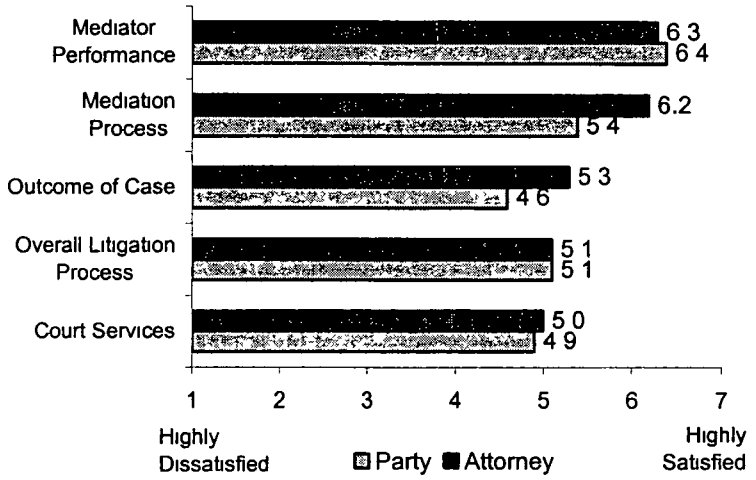

Figure VII-5. Party and Attorney Satisfaction in Mediated Cases in Sonoma

It is clear from this figure that parties and attorneys who used mediation services in the pilot program were highly satisfied with all aspects of the mediation experience. None of the average satisfaction scores was below 4.6. Both parties and attorneys were most satisfied with the performance of mediators, with average satisfaction scores satisfaction score of 6.3–6.4. They were also highly satisfied with the mediation process, with a satisfaction score of 6.2 for attorneys and 5.4 for parties. Parties were least satisfied with the outcome of the case, with an average satisfaction score of 4.6. Attorneys were least satisfied with the services provided by the court, with an average satisfaction score of 4.9.

Both parties and attorneys who participated in pilot program mediations were also asked for their views concerning the fairness of the mediation and their willingness to recommend or use mediation again. Using a 1–5 scale, where 1 is "strongly disagree" and 5 is "strongly agree," litigants were asked to indicate whether they agreed that the mediator treated the parties fairly, that the mediation process was fair, and that the mediation resulted in a fair/reasonable outcome. They were also asked whether they agreed that they would recommend the mediator to friends with similar cases, that they would recommend mediation to such friends, and that they would use mediation even if

they had to pay the full cost of the mediation. Table VII-7 shows parties' and attorneys' average level of agreement with these statements.[357]

Table VII-7. Party and Attorney Perceptions of Fairness and Willingness to Recommend or Use Mediation (average agreement with statement)

Mediator Treated All Parties Fairly		Mediation Process Was Fair		Mediation Outcome Was Fair/ Reasonable		Would Recommend Mediator to Friends		Would Recommend Mediation to Friends		Would Use Mediation at Full Cost	
Parties	Attys	Parties	Attys	Parties	Attys	Parties	Attys	Parties	Attys	Parties	Attys
4 7	4.8	4 4	4 7	3.3	3 8	4.6	4 6	4 4	4 7	3 6	4.0

As with the satisfaction scores, most of the scores were in the "strongly agree" range (above 4.0) and all of the average scores were above the middle of the agreement scale (3.0). For both parties and attorneys there was very strong agreement (average score of 4.4 or above for parties and 4.6 or above for attorneys) that the mediator treated the parties fairly, that the mediation process was fair, that they would recommend the mediator to friends with similar cases, and that that they would recommend mediation to such friends. Both parties and attorneys indicated less agreement that they would use mediation if they had to pay the full cost; the average score was 3.6 for parties and 4.0 for attorneys. The lowest scores related to the fairness/reasonableness of the mediation outcome, at only 3.3 for parties and 3.8 for attorneys.

It is clear from the responses to both these sets of questions that while parties and attorneys were generally very pleased with their mediation experiences, overall they were less pleased or neutral in terms of the outcome of the mediation process (in fact, on both outcome questions, more than 20 percent of the parties and 12 percent of the attorneys responded that they were neutral). However, in evaluating this result, it is important to remember that this survey was administered at the end of the mediation and that in a large proportion of cases a settlement was not reached at end of the mediation. Not surprisingly, the way parties and attorneys responded to the two outcome questions depended largely on whether their cases settled at mediation. Average satisfaction with the outcome in cases that settled at pilot program mediations was 6.17 for attorneys and 5.20 for parties on a 7-point scale, about 40 percent higher than the average scores of 4.55 for attorneys and 3.64 for parties in cases that did not settle at mediation. Similarly, responses concerning the fairness/reasonableness of the outcome averaged 4.51 for attorneys and 3.94 for parties on a 5-point scale, in cases settled at mediation, 40 and 66 percent higher, respectively, than the 3.22 for attorneys and 2.38 for parties in cases that did not settle at mediation. When the scores in both cases settled and not settled at mediation were added together to calculate the overall average, the higher scores in cases that settled were offset by those in cases that did not, pulling the overall average toward the center.

[357] Please keep in mind that a 5-point scale was used for these survey questions, rather than the 7-point scale used in the satisfaction questions.

It is also clear from the responses to both sets of questions that while both parties and attorneys were generally very pleased with their pilot program mediation experiences, attorneys were generally more pleased than parties. Attorneys' average scores were consistently higher than those of parties on all of these questions with the exception of the one concerning satisfaction with the mediator's performance. Attorney satisfaction scores ranged from .1 higher than party scores (for satisfaction with the court's services) to .7 higher (for satisfaction with the outcome). The higher attorney satisfaction may reflect a greater understanding on the part of attorneys about what to expect from the mediation process. Many attorneys are likely to have participated in mediations before, so they are likely to have been familiar with the mediation process and to have based their expectations about the process on this knowledge. Parties are less likely to have participated in previous mediations and may not have known what to expect from the mediation process. This may suggest the need for additional educational efforts targeted at parties, rather than attorneys.

The higher scores by attorneys may also, in part, reflect the fact that attorneys' and parties' satisfaction was associated with different aspects of their mediation experiences. Attorneys' responses on only two of the survey questions were strongly correlated with their responses concerning satisfaction with the mediation process—whether they believed the mediation resulted in a fair/reasonable outcome and that the mediation helped move the case toward resolution quickly.[358] In contrast, parties' satisfaction with the mediation process was also strongly correlated with whether they believed that they had had an adequate opportunity to tell their side of the story during the mediation, that the mediation process was fair, and that the mediator treated all parties fairly.[359]

Attorneys' responses to the same two survey questions noted above—whether they believed the mediation resulted in a fair/reasonable outcome and that the mediation helped move the case toward resolution quickly—were also strongly correlated with their responses regarding satisfaction with the outcome of the mediation.[360] In contrast, parties' satisfaction with the mediation outcome was also strongly correlated with whether they believed that the cost of using mediation was affordable, that the mediation process was fair, and that the mediator treated all parties fairly.[361]

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[358] Correlation measures how strongly two variables are associated with each other, i.e., when one of the variables changes, how likely is the other to change (this does not necessarily mean that the change in one caused the change in the other, but just that they tend to move together). Correlation coefficients range from -1 to 1; a value of 0 means that there was no relationship between the variable, a value of 1 means there was a total positive relationship (when one variable changes, the other always changes the same direction), and a value of -1 means a total negative relationship (when one changes, the other always changes in the opposite direction. A correlation coefficient of .5 or above is considered to show a high correlation. The correlation coefficients of these questions with attorneys' satisfaction with the mediation process were .60 and .66, respectively.

[359] The correlation coefficients of these questions with parties' satisfaction with the mediation process were .51, .72, and .68, respectively

[360] The correlation coefficients of these questions with attorneys' satisfaction with the outcome were .86 and .75, respectively

[361] The correlation coefficients of these questions with parties' satisfaction with the outcome were .55, .58, and .54, respectively

Finally, for attorneys, there was no strong or even moderate correlation between any of their responses to these survey questions and their satisfaction with the litigation process. In contrast, parties' satisfaction with the litigation process was strongly or moderately correlated with whether they believed that they had had sufficient time to prepare for the mediation, that the mediation helped move the case toward resolution quickly, that the cost of using mediation was affordable, that the mediation process was fair, and that the mediator treated all parties fairly.[362]

All of this indicates that parties' satisfaction with both the litigation process and the mediation was much more closely associated than for attorneys with what happened within the mediation process—whether they felt they had an opportunity to tell their story and whether the mediation helped move the case toward resolution quickly—and whether they believed that the cost of mediation was affordable. While most parties indicated that they had had an adequate opportunity to tell their story in the mediation (89 percent gave responses that were above the neutral point on the scale), fewer parties thought that the mediation had helped move the case toward resolution quickly (64 percent) and fewer thought that the cost of mediation was affordable (62 percent). These perceptions may have contributed to lower satisfaction scores from parties than from attorneys.

Overall Comparison of Satisfaction Between Stipulated and Nonstipulated Cases

Table VII-8 compares the average satisfaction scores of attorneys in stipulated and nonstipulated cases concerning the outcome of their cases, the overall litigation process, and the services provided by the court.

Table VII-8. Comparison of Attorney Satisfaction Between Stipulated and Nonstipulated Cases in Sonoma

	Number of Responses	Case Outcome	Overall Litigation Process	Court Services
Stipulated	256	5.29	5.18	5.10
Nonstipulated	197	5 40	4.85	4.86
Difference (Program - Control)		-0.11	0.33***	0.24**

Note Sample sizes vary slightly for the three satisfaction measures
*** p < 05, ** p < 10, * p < 20

Table VII-8 shows that attorneys in stipulated cases were more satisfied with the overall litigation process and services provided by the court than were attorneys in nonstipulated cases. The difference in satisfaction between the two groups was especially large with regard to the litigation process, with attorneys in stipulated cases showing an average score of 5.18 compared to 4.85 for attorneys in nonstipulated cases, a statistically

[362]The correlation coefficients of these questions with parties' satisfaction with the litigation process were .40, .45, 45, 59, and .52, respectively

significant .33 difference. It suggests that, when attorneys stipulated to mediation in the pilot program, their overall satisfaction with the litigation process and court's services was enhanced.

Consistent with results from other courts, the data also shows that attorneys in stipulated cases were less satisfied with the outcome of the case than attorneys in nonstipulated cases. The average satisfaction with the outcome in cases where the parties stipulated to mediation was 5.29 compared to 5.4 in nonstipulated cases; however, this .11 difference was not statistically significant. The survey data suggests that the lower outcome satisfaction score in stipulated cases was mainly due to the substantially lower satisfaction in cases that did not settle at mediation. Attorneys in stipulated cases that did not settle at mediation reported an average score of 4.5 for satisfaction with the outcome compared to an average score of 6.0 for attorneys whose cases settled at mediation. Although satisfaction with the litigation process and the court's services was also higher in cases that settled at mediation than cases that did not, the differences between the scores were much smaller than for satisfaction with the outcome.

As previously noted, however, direct, overall comparisons between stipulated and nonstipulated cases do not provide reliable information concerning the program impact because of qualitative differences in the cases in these two groups. Two additional comparisons were done to try to account for these comparability problems. First, comparisons were made between stipulated cases and nonstipulated cases that reached disposition after more than six months. Table VII-9 below compares the average satisfaction scores of attorneys in cases that were disposed of more than six months after filing.[363] The satisfaction scores were almost the same as those in Table VII-8, with higher attorney satisfaction with the litigation process and the court's services in the stipulated cases than in nonstipulated cases.

Table VII-9. Litigant Satisfaction in Stipulated and Nonstipulated Cases in Sonoma Disposed of in More than Six Months

	Number of Responses	Case Outcome	Overall Litigation Process	Court Services
Stipulated	253	5.28	5.17	5 1
Nonstipulated	169	5 34	4 85	4 88
Difference (Program - Control)		-0 06	0 32***	0 22*

Note Sample sizes vary slightly for the three satisfaction measures.
*** p < 05, ** p < 10, * p < .20

Second, the average satisfaction scores of attorneys in stipulated cases were compared to the satisfaction scores of attorneys in nonstipulated cases with similar case characteristics using regression analysis. This analysis produced results similar to those from the direct

[363] There were not a sufficient number of survey responses in stipulated cases disposed of within six months to present a comparison of these cases in the stipulated and nonstipulated groups

comparison. It indicated that attorney satisfaction with the overall litigation process was 6 percent higher in stipulated cases than in nonstipulated cases with similar characteristics. It also indicated that attorney satisfaction with the court's services was higher in stipulated cases than in nonstipulated cases with similar characteristics, although the size of the difference was not clear. No statistically significant difference in attorney satisfaction with outcome of the case was found between stipulated and nonstipulated cases.[364]

Together, the regression results and the results of the comparison of average satisfaction in cases disposed of in over 6 months support the conclusion that attorneys were more satisfied with the court's services and with the litigation process when there was a stipulation to use mediation.

Conclusion

Both parties and attorneys who used mediation in the program expressed high satisfaction with their mediation experience. They were particularly satisfied with the performance of the mediators, with an average satisfaction score over 6 on a 7-point scale. They also strongly agreed that the mediator and the mediation process were fair and that they would recommend both to others.

Attorneys in cases that settled at mediation were much more satisfied with the outcome of the case than attorneys in cases that did not settle at mediation—average satisfaction with the outcome was 6.0 in cases that settled at mediation but only 4.5 in cases that did not. Although satisfaction with the litigation process and the court's services was also higher in cases that settled at mediation than cases that did not, the differences between the scores were much smaller than for satisfaction with the outcome.

Results from both direct comparisons of stipulated and nonstipulated cases and regression analyses controlling for differences in the characteristics of the cases in these two groups indicated that attorneys in stipulated cases were more satisfied with both the overall litigation process and services provided by the court compared to attorneys in nonstipulated cases. There was no significant difference in attorney satisfaction between the two groups with regard to outcome of the case.

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[364] As noted in Section I B , this regression analysis controlled for those case characteristics about which data was available from the case management system and from the surveys, as well as for whether the cases were disposed of within 6 months or in over 18 months. However, it is almost certain that there were additional "unknown" case characteristics that were not appropriately accounted for in these regressions Therefore, findings from these analyses should be interpreted with caution

I. Impact of Sonoma's Pilot Program on Costs for Litigants

Summary of Findings

There is evidence that the pilot program reduced litigant costs and the number of hours attorneys spent in cases that settled at mediation.

The vast majority—95 percent—of attorneys whose cases settled at mediation who responded to the postmediation survey estimated some cost savings for their clients. Average savings estimated by attorneys per settled case were $25,965 in litigant costs and 93 hours in attorney time. Based on these attorney estimates, a total of $9,243,430 in litigant costs and 33,108 in attorney hours was estimated to have been saved in all 2000 and 2001 cases that were settled at mediation.

Introduction

This section examines the impact of the pilot program on litigants' costs. As described above in Section I.B., information on litigant costs was collected in two ways. First, in a survey distributed at the end of the mediation in cases that went to mediation between July 2001 and June 2002 ("postmediation survey"), attorneys in the subset of cases that resolved at mediation were asked to provide (1) an estimate of the time they had actually spent on the cases and their clients' actual litigation costs and (2) an estimate of the time they would have spent and what the costs to their clients would have been had they not used mediation. The difference between these estimates represents the attorneys' subjective estimate of the litigant cost and attorney time savings when the case settled at the mediation. Second, in a separate survey administered shortly after disposition in both stipulated and nonstipulated cases between July 2001 and June 2002 ("postdisposition survey"), attorneys were asked to provide an estimate of the time they had actually spent on the case and their clients' actual litigation costs. Comparisons between the time and cost estimates in the program cases and nonprogram cases provide an objective measure of the pilot program's impact on litigant costs.

Because data on litigant costs was gathered through surveys conducted only in 2001 and 2002, pre-post program comparisons concerning litigant costs were not possible, so comparisons of stipulated and nonstipulated cases were used to try to identify the impact of the pilot program on litigant costs and attorney hours. However, as was discussed in section I.B., the data on litigant costs and attorney time from the postdisposition survey had a very skewed distribution: there were a few cases with very large litigant cost and attorney time estimates ("outlier" cases) that stretched out the data's range. While several methods were used to try to account for this skewed distribution, the range of the data was so broad that the differences found in direct comparisons between stipulated and nonstipulated cases as a whole were not statistically significant—it was not possible to tell with sufficient confidence whether the observed differences were real or simply due to chance. The results of these comparisons are therefore not presented here. What is presented in this section are attorneys' subjective estimates of litigant cost and attorney time savings in unlimited cases that settled at mediation.

Attorneys' Estimates of Mediation Resolution's Impact on Litigant Costs and Attorney Hours

Attorneys whose cases resolved at mediation in the Sonoma pilot program overwhelmingly believed that the mediation had saved their clients money. Of the attorneys whose cases settled at mediation and who responded to the postmediation survey, 95 percent estimated some cost savings for their clients.

Table VII-10 shows the average savings in both litigant costs and attorney hours estimated by these attorneys. It also shows what percentage savings these estimates represent. As shown in this table, in those cases in which the attorneys reported savings from resolving at mediation, the average cost saving per client they estimated was approximately $27,000 (median of $14,000); average savings in attorney hours was estimated to be 120 hours (median of 68 hours). These attorney estimates represent savings of approximately 65 percent in litigant costs and 60 percent in attorney time, on average.

Table VII-10. Savings in Litigant Costs and Attorney Hours from Mediation in Sonoma—Estimates by Attorneys

% Attorney Responses Estimating Some Savings	80%
Litigant Cost Savings	
Number of survey responses	235
Average cost saving estimated by attorneys	$27,773
Average % cost saving estimated by attorneys	64%
Adjusted average % cost saving estimated by attorneys	58%
Adjusted average saving per settled case estimated by attorneys	$25,965
Total number of cases settled at mediation	356
Total litigant cost saving in cases settled at mediation based on attorney estimates	$9,243,540
Attorney Hours Savings	
Number of survey responses	240
Average attorney-hour saving estimated by attorneys	119
Average % attorney-hour saving estimated by attorneys	62%
Adjusted average % attorney-hour saving estimated by attorneys	46%
Adjusted average attorney-hour saving estimated by attorneys	93
Total number of cases settled at mediation	356
Total attorney hour savings in cases settled at mediation based on attorney estimates	33,108

Of the attorneys responding to the survey, 5 percent estimated either that there were no litigant cost or attorney-hour savings (1 percent of responses) or that litigant costs and attorney hours were increased compared to what would have been expended had mediation not been used to resolve the case (4 percent of responses). With these cases included in the average, the adjusted average litigant cost savings per case settled at mediation was calculated to be $25,965, and the adjusted average attorney-hour saving

estimated by attorneys was calculated to be 90 hours. These attorney estimates represent savings of approximately 58 percent in litigant costs and 46 percent in attorney hours, per case settled at mediation.

This adjusted average was used to calculate the total estimated savings in all of the 2000 and 2001 cases that settled at pilot program mediations in Sonoma during the study period. Based on these attorney estimates, the total estimated litigant cost saving in the Sonoma pilot program was $9,243,430, and the total estimated attorney hours saved was 33,108.

It should be cautioned that these figures are based on attorneys' estimates of savings; they are not figures for the actual savings in mediations resulting in settlements. The actual litigant cost and hour savings could be somewhat higher or lower than the attorney estimates.

It should also be cautioned that these estimated savings are for cases settled at mediation only, not for all cases in the program. There may also have been savings or increases in litigant cost or attorney hours in other subgroups of stipulated cases, such as those that stipulated to mediation but settled before the mediation took place or cases that were mediated but did not settle at the mediation.[365]

Conclusion

Attorneys whose cases resolved at mediation believed overwhelmingly that the mediation had saved their clients money. The vast majority—95 percent—of attorneys whose cases settled at mediation who responded to the postmediation survey estimated some cost savings for their clients. Average savings estimated by attorneys per settled case were $25,965 in litigant costs and 93 hours in attorney time. Based on these attorney estimates, a total of $9,243,430 in litigant costs and 33,108 in attorney hours was estimated to have been saved in all 2000 and 2001 cases that were settled at mediation.

[365] Some support for the conclusion that mediation may have reduced costs even in cases that did not settle at mediation comes from 14 postmediation survey responses in which attorneys in cases that did not settle at mediation provided litigant cost and attorney-hour information even though it had not been requested. All except one of these survey responses indicated some savings in litigant costs, attorney hours, or both in these cases that were mediated but did not settle at mediation. When responses that estimated no savings or increased costs are also taken into account, the attorneys in these cases estimated average savings of 62 percent in litigant costs (60 percent median savings) and 29 percent in attorney hours (55 percent median savings) in cases that did not settle at mediation.

J. Impact of Sonoma's Pilot Program on Court's Workload and Court Costs

Summary of Findings

There was evidence that the pilot program in Sonoma reduced the court's workload.

- There was evidence suggesting that the court's workload decreased after the pilot program was instituted. The average number of "other" pretrial hearings was 15 percent lower in unlimited cases filed after the pilot program began than in unlimited cases filed before the program began.

- There was also evidence suggesting that the court's workload decreased in cases in which parties stipulated to mediation. Cases in which the parties stipulated to mediation had fewer motion and other pretrial hearings compared to nonstipulated cases. Regression analysis controlling for differences in case characteristics indicated that the average number of motion hearings was 50 percent lower in cases in which the parties stipulated to mediation compared to similar cases in which the parties did not stipulate to mediation and that the average number of "other" pretrial hearings was 45 percent lower.

- The smaller number of court events in cases filed after the pilot program began means that the time that judges would have been spent on these events could be devoted to other cases needing judicial time and attention. The total time saving from the reduced number of court events was estimated at 3.2 judge days per year (with an estimated monetary value of approximately $9,700 per year).

Introduction

In this section, the impact of the Sonoma pilot program on the court's workload is examined by looking at the frequency of various pretrial court events. The analysis focuses on two major types of court events: (1) motion hearings and (2) other pretrial hearings. Unlike in the other pilot courts, case management conferences are not included in this examination. As noted in the discussion of data available in Sonoma, the court's case management system did not contain sufficient information concerning case management conferences for comparison purposes.

As in the previous sections on trial rates, case disposition time, and litigant satisfaction and costs, a pre-/post-program comparison is presented first. Comparisons of court workload in cases that stipulated to mediation and those that did not stipulate to mediation are then presented.

Pre-/Post-Program Comparison of Court's Workload

Table VII-11 compares the average number of motion hearings and other pretrial hearings in cases filed in 1999, the year before the pilot program began, and 2000, the first year of the pilot program's operation.

This comparison suggests that, for unlimited cases, the average number of "other" hearings was 15 percent lower in cases filed after the pilot program began than in cases filed before the program began. This suggests that the pilot program reduced the court's workload.

Table VII-11. Pre-/Post-Program Comparison of Court Hearings in Sonoma

	# of Cases	Average # of Pretrial Hearings: Motions	Others	Total
Unlimited				
Program cases filed in 2000	947	0.34	0.52	0 86
Pre-program cases filed in 1999	500	0.34	0 61	0 95
% Difference		0%	-15%*	-9%
Limited				
Program cases filed in 2000	256	0.23	0.45	0 68
Pre-program cases filed in 1999	207	0.18	0 55	0.73
% Difference		28%	-18%	-7%

*** p < .05, ** p < .10, * p < 20.

While the table also shows that the overall average number of pretrial hearings in both unlimited and limited cases filed after the pilot program began was lower than in cases filed before the program began, the difference between the pre-/post-program cases was not statistically significant—it was not possible to tell with sufficient confidence whether the difference shown was real or due to chance.[366] It is also important to remember that, unlike in the other pilot courts, the comparison does not include case management conferences. In some of the other pilot courts, reductions in the number of motion and other pretrial hearings were offset by increases in the number of case management conferences.

[366] In addition to tests of statistical significance, other methods were used to try to identify the program impact on the total number of pretrial events Analyses were done including events in pending cases, and the trend of total court events by month of filing from 1999 to 2000 was examined. The evidence of program impact remained uncertain. It should also be noted that the pre-post comparisons were based on cases filed in 2000 that were closed 900–1,200 days from filing. Thus, pretrial hearings that occurred after 1,200 days in cases filed in 2000 and as well as event that occurred in cases filed in 2001 were not included in the comparison The final number of pretrial hearings for pre-/post-program cases could change with this additional information included

Overall Comparison of Workload Between Stipulated and Nonstipulated Cases

Table VII-12 compares the average number of motion hearings and other pretrial hearings held in cases in which the parties stipulated to mediation and cases in which the parties did not stipulate to mediation. As shown in this table, unlimited cases in which the parties stipulated to mediation had fewer of both types of pretrial hearings than cases in which the parties did not stipulate to mediation. Limited cases also had fewer motion hearings, but the difference in the overall number of court events in stipulated and nonstipulated limited cases was not statistically significant.[367]

Table VII-12. Average Number of Various Court Hearings for Cases in Sonoma

		Average # of Pretrial Hearings		
	# of Cases	*Motions*	*Others*	*Total*
Unlimited				
Stipulated	554	0.18	0.30	0 48
Nonstipulated	1,230	0 36	0.57	0.93
% Difference		-50%***	-47%***	-48%***
Limited				
Stipulated	40	0 00	0 45	0 45
Nonstipulated	490	0.24	0 47	0 71
% Difference		-100%***	-4%	-36%

*** p < 05, ** p < 10, * p < .20

As previously noted, however, direct comparisons between the overall average of stipulated and nonstipulated cases do not provide reliable information about program impact because of differences in the cases in these two groups. Two additional comparisons were done to try to account for these comparability problems. First, comparisons were made between stipulated cases and nonstipulated cases that reached disposition after more than six months. Second, the average number of pretrial court events in stipulated cases was compared to the number of these events in nonstipulated cases with similar case characteristics using regression analysis.

[367] As noted in the introduction to this chapter on the Sonoma pilot program, it is important to remember that stipulated cases include cases that had very different pilot program/litigation experiences, including cases that did not go to mediation, cases that went to mediation and settled, and cases that went to mediation and did not settle at mediation Unlike in the other pilot programs, because insufficient mediation outcome information was available, it was not possible to provide a complete breakdown of court workload in these different subgroups of stipulated cases However, among stipulated cases for which outcome information was available, the number of motion hearings was 68 percent lower in unlimited cases that settled at mediation than in unlimited cases that went to mediation but did not settle.

Table VII-13 compares the average number of pretrial hearings held in stipulated and nonstipulated cases filed in 2000 and 2001 in Sonoma that were disposed of within six months of filing and that were disposed of more than six months after filing. The results from the comparison of only those stipulated and nonstipulated cases that reached disposition in six or more months were similar to the results when all stipulated and nonstipulated cases were compared. Unlimited cases in which the parties stipulated to mediation had fewer motion hearings and fewer "other" pretrial hearings than cases in which the parties did not stipulate to mediation. Limited cases in which the parties stipulated to mediation also had fewer motion hearings. Unlike the prior comparison, however, this comparison also indicated that the overall number of court events in limited stipulated cases was lower than for limited nonstipulated cases.

Table VII-13. Average Number of Pretrial Hearings Held in Stipulated and Nonstipulated Cases in Sonoma Disposed of within Six Months and After Six Months

	Cases Disposed of Within Six Months after Filing				Cases Disposed of Over Six Months after Filing			
		Average # of Pretrial Hearings				*Average # of Pretrial Hearings*		
	# of Cases	*Motions*	*Others*	*Total*	*# of Cases*	*Motions*	*Others*	*Total*
Unlimited								
Stipulated	10	0 00	0 00	0 00	544	0 19	0.30	0 49
Nonstipulated	132	0 09	0 09	0.18	1,098	0 40	0 63	1.02
% Difference		-100%	-100%	-100%		-53%***	-52%***	-52%***
Limited								
Stipulated	1	0 00	0.00	0 00	39	0 00	0 46	0 46
Nonstipulated	111	0 11	0.03	0 14	379	0.28	0 60	0 88
% Difference		-100%	-100%	-100%		-100%***	-23%	-48%**

*Statistically significant at 95 percent confidence level

The regression analysis also produced similar results. This analysis showed that the average number of motion hearings was 50 percent lower in cases in which the parties stipulated to mediation compared to similar cases in which the parties did not stipulate to mediation and that the average number of "other" pretrial hearings was 45 percent lower.[368] Taken together, these results supports the conclusion that the court's workload was reduced when parties stipulated to participate in mediation.

[368] The variable for disposition time in the regression analyses had little impact on the estimates of program impact on motion hearings It had a significant impact on the estimate of program impact on other hearings Without the time variable, other hearings were estimated to be 30 percent lower in nonstipulated cases, with 80 percent confidence level. With the disposition variable included, the size of the estimated impact increased to 45 percent and confidence level increased to 94 percent. As noted in Section I.B , however, this regression analysis controlled for those case characteristics about which data was available from the case management system and from the surveys, as well as for whether the cases were disposed of within 6 months or in over 18 months. However, it is almost certain that there were additional "unknown" case characteristics that were not appropriately accounted for in these regressions. Therefore, findings from these analyses should be interpreted with caution.

Impact of Reduced Number of Court Events on Judicial Time

The overall comparison between the cases filed before and after the pilot program began indicated that the pilot program had positive impact in reducing the court's workload in the form of fewer "other" hearings in unlimited cases. However, this same analysis did not find a statistically significant decrease in the overall total number of court events in either unlimited or limited cases—it was not possible to tell with sufficient confidence whether the decrease shown was real or due to chance. In addition, information about the number of case management conferences was not available, so these pretrial events could not be included in the comparison.

Despite the uncertainty about whether the pilot program reduced the total number of court events, a preliminary analysis was performed to assess the potential impact of the pilot program on the court's overall workload. Table VII-14 shows the results of this preliminary analysis. Based on the differences in average number of between the pre-/post-program cases and estimates of the average amount of time judges spent on these court events, this analysis showed that the pilot program had a small positive impact on judicial workload, saving approximately 3 judge days worth of time per year.

Table VII-14. Program Impact on Court's Workload Per Year in Sonoma

		Total Number of Court Events		*Estimated Savings in Judge Time (Days)*	*Estimated Monetary Value of Time Saved*
	Number of Cases	*Actual*	*Estimated Reduction*		
Limited	307	139	30	0 4	$1,276
Unlimited	1,136	591	103	2 8	$8,495
Total	1,444	730	133	3 2	**$9,770**

Actual event data from cases filed in 1999 (pre-program) and 2000 and 2001 (post-program) that had reached disposition was used to calculate the number of events that would have taken place in the post-program cases had these events occurred at the same rate as in pre-program cases. This figure was then compared with the actual number of events per year in post-program cases. Table VII-14 shows the result of this calculation: approximately 30 fewer court pretrial hearings were held in limited cases and approximately 103 fewer were held in unlimited cases.

The number of court events were translated into judicial time saved using estimates of judicial time spent on these court events, including chamber time for preparation before the events and the time spent in following up on the decisions made during the hearing events, provided by judges in survey responses.[369] Based on these figures, the smaller

[369] Surveys from judges in the five pilot courts provided estimates of the amount of time they spent on different types of court events. For limited cases, the average estimated time was 8 minutes for CMCs and 53 minutes for motion hearings. For unlimited cases, the figures were 18 and 72 minutes for CMCs and motion hearings, respectively. For all other hearings, which were not included in the judges' survey, a conservative estimate was used, with 5 minutes allotted for limited and 10 minutes for unlimited cases

number of court events in cases filed after the pilot program began translates to total estimated time savings of 3.2 judicial days.

Because many court costs, including judicial salaries, are fixed, judicial time savings from the reduced court workload do not translate into fungible cost savings that can be reallocated to cover other court expenses. Instead, the time saved could be used by judges to focus on other cases that needed their time and attention, thereby improving court services in these cases.

To help understand the value of the potential time savings, however, its estimated monetary value was calculated. The potential reduction in judicial days was multiplied by an estimate of the current daily cost of operating a courtroom, $2,990 per day.[370] Based on this calculation, the monetary value of the judicial time saved from the pilot program's reduction in court events is estimated to be $9,770.

The analysis above, although preliminary in nature due to various uncertainties, suggests that the Sonoma pilot program decreased the court's workload, freeing up judges' time for other cases needing judicial time and attention.

Conclusion

There was evidence suggesting that the court's workload decreased after the pilot program was instituted. The average number of "other" pretrial hearings was 15 percent lower in unlimited cases filed after the pilot program began than in unlimited cases filed before the program began.

There was also evidence that stipulating to mediation reduced the court's workload. Cases in which the parties stipulated to mediation had fewer motion and other pretrial hearings compared to nonstipulated cases. Regression analysis controlling for differences in case characteristics indicated that average number of motion hearings was 50 percent lower in cases in which the parties stipulated to mediation compared to similar cases in which the parties did not stipulate to mediation and that the average number of "other" pretrial hearings was 45 percent lower.

The smaller number of court events in cases filed after the pilot program began means that the time that judges would have been spent on these events could be devoted to other cases needing judicial time and attention. The total time saving from the reduced number of court events was estimated at 3.2 judge days per year (with an estimated monetary value of approximately $9,700 per year).

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[370] This estimated cost includes salaries for a judge and associated support staff but not facilities or general overhead costs. In the Fiscal Year 2001–2002 Budget Change Proposal for 30 new judgeships, the Finance Division of the Administrative Office of the Courts estimated that each new judgeship would have a total cost of at $642,749 This figure includes the total cost of salaries, benefits, and operating expenses for each new judgeship and its complement of support staff a bailiff, a court reporter, two courtroom clerks, a legal secretary, and a research attorney (Judicial Council of Cal., Fiscal Year 2001–2002 Budget Change Proposal, No. TC18)

VIII. Glossary

At Issue
A case is considered at issue when a defendant named in a complaint responded to the complaint by filing an answer or other responsive pleading with the court. In the pilot programs, only at-issue cases were considered for referrals to mediation, as mediation requires parties on both sides to participate in the resolution process.

Control Group
A group of cases established through a process of random assignment for purpose of evaluating the impact of a particular program. Program procedures are applied to cases in the program group but not to those in the control group.

Disposition
Termination of a case pending before the court after all issues and parties involved in the case have reached final resolution. This was indicated in the court's docket as judgment or dismissal entered.

Disposition Rate
The proportion (percentage) of cases filed during a given period that has reached final disposition within a given follow-up period.

Disposition Time
Total elapsed time (measured in days or months) from filing of a complaint to final disposition of the case based on court's docket record.

Early Mediation Status Conference
Conducted by judges (or ADR Director in Sonoma), Early Mediation Status Conferences were used primarily to assess case amenability to mediation and to encourage parties to use mediation at an early stage of the litigation process. Early Mediation Status Conferences were typically held earlier than regular case management conferences.

Eligible Case
Cases that met the eligibility requirements for the pilot programs established by statutes and the rules of the court.

Follow-up Time
A period of time during which information concerning status of a case is available. It starts from a specific event (for example, filing date) until data collection ends. Thus with longer follow-up time, information on final status of the cases would be more complete and reliable.

General Civil Case
As defined by Code of Civil Procedure Section 1731(b), general civil case means all civil cases except probate, guardianship, conservatorship, family law (including proceedings under the Family Law Act, Uniform Parentage Act, and Uniform Child Custody Jurisdiction Act; freedom from parental custody and control proceedings; and adoption proceedings), juvenile court proceedings, small claims, and other civil petitions, as

defined by the Judicial Council on the effective date of this section, including petitions for a writ of mandate or prohibition, temporary restraining orders, harassment restraining orders, domestic violence restraining orders, writs of possession, appointment of a receiver, release of property from lien, and change of name.

Limited Civil Case
General civil cases in which the amount of damages are valued under $25,000.

Mandatory Program
A pilot program in which the judges were given statutory authority to order cases to mediation.

Mediation
A process in which a neutral person facilitates communication between disputants to assist them in reaching a mutually acceptable agreement.

Program Group
A program group consists of cases that participated in any element of the pilot program.

Random Assignment
A procedure used to create two or more comparable (statistically equivalent) groups for purpose of evaluating program impacts. Through random assignment a case is assigned to either the program or control group without considering characteristics of the cases, thus assuring the comparability of the cases in the groups.

Regression Analysis
A statistical procedure used to predict or explain changes in an outcome of interest based on information concerning all relevant variables. The analysis produces a figure that indicates the independent impact of each variable on the outcome when other variables are held constant.

Self-Selection Bias
Self-selection bias arises when characteristics of a case may have influenced the initial placement of a case into the program or comparison group. In voluntary programs, a party may decide to participate (self-select) in the program because of perceived benefit of mediation, willingness of the parties to settle the dispute, and numerous other factors. When self-selection bias is present, observed differences between the comparison groups could be due to the impact of the program or they could be due to self-selection bias, thus making it difficult to reliably isolate the program impact.

Statistical Significance (p-value)
Statistical significance indicates the degree to which an observed difference between comparison groups reflect a true difference between the groups or simply due to chance (a "fluke"). Expressed in probability terms, the level of statistical significance provides a measure to assess the reliability of study findings. For example, a probability value of .05 associated with a finding means that there is a 5 percent probability that the finding could be due to pure chance, which indicates high reliability of the study result.

Stipulation to Mediation
Voluntary agreement reached by parties to use mediation.

Survival Analysis
A statistical procedure used to assess the impact of a program by comparing the "survival (or failure) rate" between two or more groups within a given follow-up period. Each case in the comparison groups is tracked from the time it entered the analysis (e.g., when a case was filed) until a specific event had occurred (e.g., when a case reached final disposition). At different intervals of time during a given follow-up period (e.g., each month after the filing of a case), the proportion of cases in a group that had experienced the particular event being studied is calculated. Survival (failure) rates over time between two or more groups can then be compared to assess the overall impact of a program on the different groups. Given that the survival (failure) rates are being tracked continually during the follow-up period, the timing of the impact from a program can also examined.

Trial Rate
The proportion of disposed cases that went to trial (either by jury or bench) regardless of whether the entire trial proceedings were completed.

Unlimited Civil Case
General civil cases in which the amount of damages claimed is valued over $25,000.

Voluntary Program
A pilot program in which parties participate in the mediation on a voluntary basis.

Appendix A. Early Mediation Pilot Program Statutes

CODE OF CIVIL PROCEDURE SECTION 1730-1743

1730. (a) The Judicial Council shall establish pilot programs in four superior courts to assess the benefits of early mediation of civil cases. In two of these pilot program courts, the court shall have the authority to make mandatory referrals to mediation, pursuant to this title.

(b) The Judicial Council shall select the courts to participate in the pilot program.

(c) In addition to the pilot programs established under subdivision (a), the Judicial Council shall establish a pilot program in the Los Angeles Superior Court in 10 departments handling civil cases. These departments shall have the authority to make mandatory referrals to mediation, pursuant to this title. The court shall be responsible for paying the mediator's fees, to the extent provided in Section 1735.

1731. As used in this title:

(a) "Alternative dispute resolution process" or "ADR process" means a process in which parties meet with a third party neutral to assist them in resolving their dispute outside of formal litigation.

(b) "General civil case" means all civil cases except probate, guardianship, conservatorship, family law (including proceedings under the Family Law Act, Uniform Parentage Act, and Uniform Child Custody Jurisdiction Act; freedom from parental custody and control proceedings; and adoption proceedings), juvenile court proceedings, small claims, and other civil petitions, as defined by the Judicial Council on the effective date of this section, including petitions for a writ of mandate or prohibition, temporary restraining orders, harassment restraining orders, domestic violence restraining orders, writs of possession, appointment of a receiver, release of property from lien, and change of name.

(c) "Mediation" means a process in which a neutral person or persons facilitate communication between disputants to assist them in reaching a mutually acceptable agreement.

1732. (a) Except as otherwise provided by rule pursuant to subdivision (b), this title shall apply to all general civil cases filed in the pilot courts after January 1, 2000.

(b) The Judicial Council may, by rule, exempt specified categories of general civil cases from the provisions of this title.

1733. Any party who has been ordered to mediation pursuant to this title, or who has participated in a voluntary mediation with all of the other parties, is exempt from being compelled to participate in any other judicially ordered arbitration or mediation.

1734. (a) Notwithstanding Section 68616 of the Government Code or any other provision of law, in cases subject to this title, the court may hold a status conference not earlier than 90 days and not later than 150 days after the filing of the complaint. However, at or before the conference, any party may request that the status conference be

continued on the grounds that the party has been unable to serve an essential party to the proceeding.

(b) At this status conference, the court shall confer with the parties about alternative dispute resolution processes and, in Los Angeles Superior Court and the other two pilot program courts authorized to make mandatory referrals to mediation, the court may refer the parties to mediation in accordance with this title, if the court, in its discretion, determines there is good cause for ordering mediation. Before making a referral, the court shall consider the willingness of the parties to mediate.

1735. (a) Each pilot program court authorized to make mandatory referrals to mediation pursuant to this title shall establish a panel of mediators.

(b) In cases referred to mediation pursuant to this title, the parties shall select the mediator. The mediator selected by the parties need not be from the court's panel of mediators. If the parties do not select a mediator within the time period specified in the rules adopted by the Judicial Council, a mediator shall be selected by the court from the court's panel of mediators. If a mediator from the court's panel is not available to mediate a case referred pursuant to this subdivision in a timely manner, this title shall not apply.

(c) If the mediator is not from the court's panel, the court may approve compensation for the fees for that mediator's services from court funds pursuant to subdivision (d). Otherwise, the parties shall be responsible for paying any fees for the mediator's services, and each party to the proceeding shall share equally in the fee of the mediator, except where the parties agree otherwise. If the mediator is from the court's panel of mediators, the parties shall not be required to pay a fee for the mediator's services.

(d) The Judicial Council shall adopt rules to implement this section, including rules establishing requirements for the panels of mediators, the procedures to be followed in selecting a mediator, and the compensation of mediators who conduct mediations pursuant to this title.

1736. The mediator shall schedule the early mediation within 60 days following the early status conference, unless any party requests a later date that is within 150 days following the early status conference or the court finds, for good cause, that a later date is necessary, or where counsel, a party, or the mediator is unavailable during that time period, or the court finds that discovery reasonably necessary for a meaningful mediation cannot be conducted prior to the end of that period.

1737. Trial counsel, parties, and persons with full authority to settle the case, shall personally attend the mediation, unless excused by the court for good cause. If any consent to settle is required for any reason, the party with the consent authority shall be personally present to the mediation. If no trial counsel, party, or person with full authority to settle a case is personally present at the mediation, unless excused for good cause, the party who is in compliance with this section may immediately terminate the mediation.

1738. (a) All statements made by the parties during a mediation under this title shall be subject to Sections 703.5 and 1152, and Chapter 2 (commencing with Section 1115) of Division 9 of, the Evidence Code.

(b) Any reference to a mediation or the statement of nonagreement filed pursuant to Section 1739 during any subsequent trial shall constitute an irregularity in the proceedings of the trial for the purposes of Section 657.

1739. (a) In the event that the parties to mediation are unable to reach a mutually acceptable agreement and any party to the mediation wishes to terminate the mediation at any time, then the mediator shall file a statement of nonagreement. This statement shall be in a form to be developed by the Judicial Council.

(b) Upon the filing of a statement of nonagreement, the matter shall be calendared for trial, by court or jury, both as to law and fact, insofar as possible, so that the trial shall be given the same place on the active list as it had prior to mediation, or shall receive civil priority on the next setting calendar.

1740. (a) Submission of an action to mediation pursuant to this title shall not suspend the running of the time periods specified in Chapter 1.5 (commencing with Section 583.110) of Title 8 of Part 2, except as provided in this section.

(b) If an action is or remains submitted to mediation pursuant to this title more than four years and six months after the plaintiff has filed the action, then the time beginning on the date four years and six months after the plaintiff has filed the action and ending on the date on which a statement of nonagreement is filed pursuant to this section shall not be included in computing the five-year period specified in Section 583.310.

1741. Any party who participates in mediation pursuant to this title shall retain the right to obtain discovery to the extent available under the Civil Discovery Act of 1986 (Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4).

1742. On or before January 1, 2003, the Judicial Council shall submit a report to the Legislature and to the Governor concerning the pilot programs conducted pursuant to this title. The report shall examine, among other things, the settlement rate, the timing of settlement, the litigants' satisfaction with the dispute resolution process and the costs to the litigants and the courts. The report shall also include a comparison of court ordered mediation, as provided in Section 1730, to voluntary mediation in Los Angeles County. The Judicial Council shall, by rule, require that each pilot program court provide the Judicial Council with the data that will enable the Judicial Council to submit the report required by this section.

1743. This title shall remain in effect only until January 1, 2004, an as of that date is repealed, unless a later enacted statute deletes or extends that date.

Appendix B. Early Mediation Pilot Program Rules

CHAPTER 6. Mediation Pilot Program Rules

Title Five, Special Rules for Trial Courts-Division III, Alternative Dispute Resolution Rules for Civil Cases-Chapter 6 Mediation Pilot Program Rules renumbered effective January 1, 2001. Adopted as Chapter 3, effective January 1, 2000.

Rule 1640. Purpose and application

Rule 1640.1. Exemption from pilot program

Rule 1640.2. Cases exempt from mandatory referrals to mediation

Rule 1640.3. Panel of mediators

Rule 1640.4. Early mediation status conference

Rule 1640.5. Status conference statement

Rule 1640.6. Selection of mediator

Rule 1640.7. Compensation of mediators

Rule 1640.8. Filing of statement by mediator

Drafter's Notes

2000-New rules 1640-1640.8 establish (a) exemptions from the mediation pilot programs, (b) mediator selection and compensation requirements, and (c) other procedures for the mediation pilot programs.

Rule 1640. Purpose and application

The rules in this chapter implement title 11.5, commencing with section 1730, of part 3 of the Code of Civil Procedure, relating to mediation pilot programs and, as provided in section 1730, apply only to the pilot program courts selected by the Judicial Council.

Rule 1640 adopted effective January 1, 2000.

Rule 1640.1. Exemption from pilot program

The following types of actions are exempt from the mediation pilot programs under Code of Civil Procedure section 1730 et seq.:

(1) Class actions,

(2) Small claims actions,

(3) Unlawful detainer actions, and

(4) Actions subject to arbitration pursuant to subsection (d) of Code of Civil Procedure section 1141.11.

Rule 1640.1 adopted effective January 1, 2000.

Rule 1640.2. Cases exempt from mandatory referrals to mediation

The following cases are exempt from mandatory referral to mediation under Code of Civil Procedure section 1730 et seq. and these rules:

(1) Any case that has previously been ordered to mediation pursuant to Code of Civil Procedure section 1730 et seq.

(2) Any case in which the parties file a joint statement certifying that all parties have previously participated in a voluntary mediation.

(3) Any case in which a stipulation by all parties to participate in a mediation is filed at or before the early status conference.

Rule 1640 2 adopted effective January 1, 2000.

Rule 1640.3. Panel of mediators

(a) Each pilot program court shall maintain a panel of mediators.

(b) Each court, in consultation with local ADR providers and bar associations, shall establish the minimum qualifications required for a mediator to be included on the court's panel, including training and experience requirements. In developing these minimum requirements, the court shall take into consideration section 33 of the Standards of Judicial Administration and section 3622 of title 16, California Code of Regulations, relating to the Dispute Resolution Programs Act. The required qualifications shall not include membership in the State Bar or a local bar association.

(c) Each court shall adopt ethical standards applicable to the mediators on the court's panel. These ethical standards shall include, but not be limited to, provisions addressing mediator disclosure, impartiality and avoidance of bias or the appearance of bias, both during and after the mediation.

(d) In courts authorized to make voluntary referrals to mediation, as a condition for inclusion on the court's panel, each court shall require that mediators agree to serve

on a pro bono or reduced-fee basis in at least one case per year, if requested by the court.

Rule 1640.3 adopted effective January 1, 2000.

Rule 1640.4. Early mediation status conference

(a) A pilot program court may hold an early mediation status conference, as provided in Code of Civil Procedure section 1734.

(b) A pilot program court may provide by local rule for the cancellation or continuation of the early mediation status conference if the parties file a stipulation to participate in mediation or another ADR process.

Rule 1640.4 adopted effective January 1, 2000.

Rule 1640.5. Status conference statement

(a) In the two pilot program courts selected to make mandatory referrals to mediation, the court shall require, by local rule, that, prior to the status conference, the parties serve and file an early mediation status conference statement. This statement shall include:

(1) A discussion of the appropriateness of the case for referral to mediation; and

(2) A list of three nominees to serve as mediator.

(b) In the other pilot program courts, the court may provide for a status conference statement by local rule.

Rule 1640.5 adopted effective January 1, 2000

Rule 1640.6. Selection of mediator

(a) Within 15 days of filing a stipulation to participate in mediation or of being ordered to mediation by the court, the parties shall select a mediator and provide the court with written notice of the name, address, and telephone number of the mediator selected. The mediator selected by the parties need not be from the panel of mediators maintained by the court under rule 1640.3.

(b) In the two pilot program courts selected to make mandatory referrals to mediation, if the parties do not select a mediator within the time period specified in subdivision (a) above, then no later than 20 days after the stipulation to mediation is filed or the case is ordered to mediation by the court, the court shall select a mediator from the panel of mediators provided for in rule1640.3.

(c) In the pilot program courts that are not authorized to make mandatory referrals to mediation, the court shall provide by local rule for the mediator selection procedure to be followed if the parties do not select a mediator within the time period specified in subdivision (a) above.

Rule 1640.6 adopted effective January 1, 2000.

Rule 1640.7. Compensation of mediators

(a) In the two pilot program courts selected to make mandatory referrals to mediation:

(1) The court shall provide for the compensation of mediators on its panel of mediators who provide mediation services in the pilot program. Parties ordered to mediation pursuant to Code of Civil Procedure section 1730 et seq. shall not be required to pay a fee for the services of a mediator on the court's panel of mediators.

(2) Unless the court specifically approves court compensation for a mediator who is not on the court's panel of mediators, the parties shall be responsible for any fees for such mediator's services. The court shall, by local rule, establish a procedure for parties to submit requests for court compensation of mediators who are not on the court's panel but who were selected by the parties to provide mediation services in cases ordered to mediation under Code of Civil Procedure section 1730 et seq. The rate of compensation paid to mediators who are not on the court's panel shall not be higher than the rate paid to mediators on the court's panel. The court may provide by local rule for a maximum amount of fees that it will pay to mediators who are not on the court's panel.

(b) In the other pilot program courts, unless otherwise provided by local rule, the parties shall be responsible for paying any fees for the mediator's services.

Rule 1640.7 adopted effective January 1, 2000.

Rule 1640.8. Filing of statement by mediator

Within 10 days of the conclusion of the mediation, the mediator shall file a statement on Judicial Council Form ADR-100, advising the court whether the mediation ended in full agreement, partial agreement, or nonagreement.

Rule 1640.8 adopted effective January 1, 2000.

Appendix C. Survey Instruments

A. Postmediation Survey for Attorneys

Post-Mediation Questionnaire for Attorneys and Parties without Counsel
Early Mediation Pilot Project Evaluation, Judicial Council of California

Confidentiality of questionnaire responses:
Your answers will be used for the sole purpose of evaluating the pilot program. Information from the surveys will be presented only in aggregate form, your identity will not be revealed to the judge, mediator, or other parties in this case.

For parties without counsel: all references in the questions to "my client" mean you.
You can complete this survey online at www.courtinfo.ca.gov/courts/trial/emppsurvey.htm.

Please fill in the bubbles completely. Mark only one answer for each question and DO NOT check or X your answer choices.

USE NO. 2 PENCIL ONLY
or
Blue or Black Ink Pen

Right ✓ Wrong ✗

Background Information

1 Are you

- Plaintiff's attorney
- A plaintiff without counsel
- Defendant's attorney
- A defendant without counsel
- Other (please specify) _____

2 How many times before this have you used mediation in a civil lawsuit?

0 1 2 3 4 5 6 7 8 9 10+

3 Number of parties (plaintiffs and defendants) in this case?

2 3 4 5 6 7 8 9 10+

4 Is an insurance carrier involved in the process of resolving this case?

Yes No

5. What is your assessment of this case in terms of

	Very High	High	Medium	Low	Very Low
a. factual complexity of the case					
b. legal complexity of the case					
c. initial hostility between the parties					
d. likelihood the parties will have an ongoing relationship					

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6 How much money in damages was originally sought in this case, including compensatory and punitive damages?

- $0
- $10,001 - 25,000
- $50,001 - 100,000
- $500,001 - 1 Million
- $1 - 10,000
- $25,001 - 50,000
- $100,001 - 500,000
- > 1 Million

7 What was the outcome of mediation in this case?

- Entire case was resolved
- Case was partially resolved
- No portion of the case was resolved

8 Listed below are actions the court might have taken to encourage mediation use and benefits you might have expected from mediation use. Please indicate how important each of the following was to your decision to use mediation in this case.

Please mark "Not Applicable" if the court did not take a listed action or you did not expect a listed benefit from the mediation.

	Very Important	Somewhat Important	No Importance	Not Applicable
Court Actions				
a. court provided information about mediation				
b. court provided mediation services at low/no cost				
c. court urged us to use mediation				
d. court ordered the case to mediation				
Expected Benefits of Mediation				
e. to get a better understanding of the strengths and weaknesses of parties' positions				
f. to improve communication between the parties				
g. to increase likelihood of preserving parties' relationship				
h. to increase opportunity for my client to participate in resolving the case				
i. to speed up resolution of the case				
j. to resolve the case at lower costs				
k. to get a better outcome in the case				
l. to get a reality check for my client				

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DO NOT MARK IN THIS AREA

9 How much of each of the discovery activities listed below did you do prior to this mediation?

	Completed	Some	A Little	None
a interrogatories				
b inspection demands				
c party depositions				
d exchange of relevant documents				
e expert/witness depositions				

Mediation Process and the Mediator

10 Mediators may use a variety of techniques and tools to help parties resolve their disputes. Thinking about the mediation in this case, please indicate the extent to which the mediator used or emphasized each of the following techniques, if any, and, whether you think the technique was helpful in increasing the prospect for resolution of this case.

	Used	Used a little	Not at All	Helpful	No Effect	Had Negative Effect
a expressed his/her opinion about the likely outcome of the case at trial						
b held private meetings with individual parties						
c engaged the parties in face-to-face discussions of the dispute						
d helped the parties identify and consider different ways of settling the dispute						
e urged the parties to accept a particular settlement proposal						
f helped the parties understand each other's underlying interests and needs						
g helped the parties themselves assess the strengths and weaknesses of their positions						

Please indicate how much you agree with each of the following statements regarding the mediation in this case.

	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
11 I had sufficient time before the mediation date to adequately prepare for the mediation					
12 Sufficient discovery had been completed prior to the mediation					
13 My client had an adequate opportunity to explain his or her side of the story during the mediation					
14 Mediation helped improve communication between the parties					
15 Mediation helped preserve the parties' relationship					
16 Mediation helped move the case toward final resolution quickly					
17 Mediation resulted in a fair/reasonable outcome in this case					
18 The cost of using mediation to resolve this case was affordable to my client					
19 The mediation process was fair					
20 The mediator treated all parties fairly					
21 I would recommend the mediator to future clients					
22 I would recommend mediation to future clients with similar cases					
23 I would recommend mediation to future clients even if they must pay the full cost of mediation					

Satisfaction with Mediation and the Court

24 How satisfied or dissatisfied are you with each of the following?

	Very Satisfied			Neutral			Very Dissatisfied
a process of mediation in this case	7	6	5	4	3	2	1
b outcome of mediation in this case	7	6	5	4	3	2	1
c performance of the mediator in this case	7	6	5	4	3	2	1
d services provided by the court for this case	7	6	5	4	3	2	1
e litigation process in this case from filing through mediation	7	6	5	4	3	2	1

If the case settled for your party in the mediation, please continue on the next page. If the case DID NOT settle, please stop here, except for comments you might want to add at the end.

v 4

Case Outcome

25 What is the total dollar amount of the settlement, for or against your client

26 Was there any non-monetary relief in the settlement agreement reached in the mediation?

27 Compared to your initial expectations about mediation, was the mediation outcome

Costs and Time Spent on the Case

28 To assess the cost and time impact of mediation, please give us your best estimates of the amount of time you spent on the case and the costs to your client. Total costs include attorney fees and other costs, but not the cost of any settlement paid.

Please write the amount of time and costs in whole numbers (no decimals) in the boxes and fill in the appropriate bubble below each box. Below is an example for a case that required 25.3 hours and cost 7,500 dollars.

EXAMPLE

29 Considering the typical litigation process this case would have gone through WITHOUT mediation, please give us your best estimates of how much time and cost would have been required if mediation had not been used.

Additional comments on mediation or court services would be appreciated

Thank you very much for taking the time to complete this questionnaire.

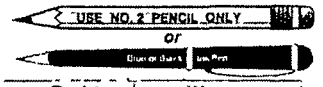
B. Postmediation Survey for Parties

Post-Mediation Questionnaire for Parties
Early Mediation Pilot Project Evaluation, Judicial Council of California

Confidentiality of questionnaire responses:
Your answers will be used for the sole purpose of evaluating the pilot program. Information from the surveys will be presented only in aggregate form, your identity will not be revealed to the judge, the mediator, or other parties in this case.

You can complete this survey online at
www.courtinfo.ca.gov/courts/trial/emppsurvey.htm

Please fill in the bubbles completely. Mark only one answer for each question and DO NOT check or X your answer choices.



Case Information

1 Are you the

- Plaintiff
- Defendant
- Other (*please specify*) _____

2. How many times before this one have you used mediation in a civil lawsuit?

- 0
- 1
- 2 - 3
- 4 - 5
- 6 - 9
- 10 +

3 What is the likelihood that you will have an ongoing relationship with the party on the other side in this case?

Very High | High | Medium | Low | Very Low

Mediation Process

Please indicate how much you agree with each of the following statements regarding the mediation in this case.

	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
4 I had sufficient time before the mediation date to adequately prepare for the mediation					
5 I had an adequate opportunity to explain my side of the story during the mediation					
Folding Line					
6 Mediation helped improve communication between the parties					
7 Mediation helped preserve the parties' relationship					
8 Mediation helped move the case toward final resolution quickly					
9 Mediation resulted in a fair/reasonable outcome in this case					
10 The cost of using mediation to resolve this case was affordable					
11 The mediation process was fair					
12 The mediator treated all parties fairly					
13 I would recommend the mediator to friends with a similar case					
14 I would recommend mediation to friends with a similar case					
15 I would use mediation even if I had to pay the full cost of mediation					

Satisfaction

16 How satisfied or dissatisfied are you with the following.	Highly Satisfied				Neutral		Highly Dissatisfied
a process of mediation in this case	7	6	5	4	3	2	1
b outcome of mediation in this case	7	6	5	4	3	2	1
c performance of the mediator in this case	7	6	5	4	3	2	1
d services provided by the court for this case	7	6	5	4	3	2	1
e litigation process in this case from filing through mediation	7	6	5	4	3	2	1

17 Compared to your initial expectations about mediation, was the mediation outcome

- Better than expected
- About the same as expected
- Worse than expected

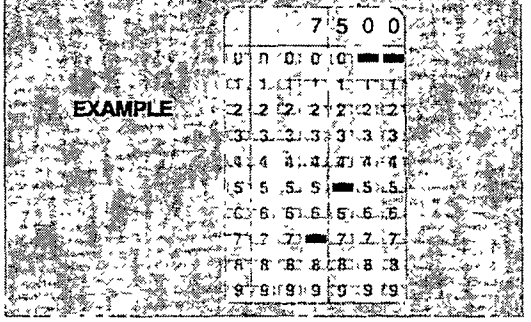
Cost of the Case

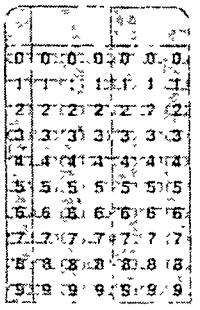
If your case DID NOT settle at mediation, please SKIP to Question 19.

18 Approximately how much money did you spend on reaching resolution in this case, including attorney fees but not the cost of any settlement paid

Please write the total cost in whole numbers (no decimals) in the boxes and fill in the appropriate bubble below each box. Below is an example for a case that cost $ 7,500.

EXAMPLE





Your Background Information (*optional*)

As is the case with all information collected in this survey, your background information will remain strictly confidential. It will be used for the sole purpose of assessing the quality and effectiveness of the services provided by the courts.

Folding Line

19. You are
- Female
- Male

20 Your age group is
- < 30
- 30 - 39
- 40 - 49
- 50 - 59
- 60 and over

21 Your race / ethnic group is
- Asian / Pacific Islander
- Black / African American
- Hispanic (all races)
- Native American / Eskimo / Aleut
- White (non-Hispanic)
- Other (*specify*)

22 Your total ANNUAL household income before taxes is
- $ 0 - 10,000
- $ 10,001 - 30,000
- $ 30,001 - 50,000
- $ 50,001 - 100,000
- $ 100,001 - 150,000
- $150,001 +

23 Highest level of school you completed
- Some high school
- High school graduate / GED
- Some college
- College graduate
- Post graduate / professional

Additional comments on mediation or court services would be appreciated

Thank you very much for taking the time to complete this questionnaire.

v 4 3004864

DO NOT MARK IN THIS AREA

PMP PAGE 2

C. Postdisposition Survey for Attorneys

Post-Disposition Questionnaire for Attorneys and Parties without Counsel
Early Mediation Pilot Project Evaluation, Judicial Council of California

Confidentiality of questionnaire responses:
Your answers will be used for the sole purpose of evaluating the pilot program. Information from the surveys will be presented only in aggregate form; your identity will not be revealed to the judge or other parties in this case.

For parties without counsel, all references in the questions to "my client" mean you.
You can complete this survey online at www.courtinfo.ca.gov/courts/trial/emppsurvey.htm

Please fill in the bubbles completely. Mark only one answer for each question and DO NOT check or X your answer choices

USE NO. 2 PENCIL ONLY
or
Blue or Black Ink Pen

Right ■ Wrong ✓ ▭ ✗ ●

Background Information

1 Are you
- Plaintiff's attorney
- Defendant's attorney
- A plaintiff without counsel
- A defendant without counsel
- Other (*please specify*)

2 Number of parties (plaintiffs and defendants) in this case?
- 2
- 3 - 4
- 5 - 9
- 10 +

3 Is an insurance carrier involved in the process of resolving this case?
- Yes
- No

4 What is your assessment of this case in terms of

	Very High	High	Medium	Low	Very Low
a factual complexity of the case					
b legal complexity of the case					
c mutual hostility between the parties					
d likelihood the parties will have an ongoing relationship					

5 How much money in damages was originally sought in this case, including compensatory and punitive damages?
- $0
- $10,001 - 25,000
- $50,001 - 100,000
- $500,001 - 1 Million
- $1 - 10,000
- $25,001 - 50,000
- $100,001 - 500,000
- 1 Million +

6 How was this case resolved?
- Settled, including settlement at mediation
- Summary judgment
- Jury trial
- Judicial arbitration award
- Court trial
- Other (*please specify*)

Folding Line

7 If this case was SETTLED, how important were the following factors in obtaining settlement?

SKIP to Question 8 if your answer in Question 6 above was other than settled.

	Required Directly in Settlement	Very important	Somewhat important	Little importance	Not Applicable
a participating in mediation					
b participating in judicial arbitration					
c participating in settlement conference					
d having a trial date set					

Litigation Process

Please indicate how much you agree with each of the following statements about the litigation process used to resolve this case

	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
8 My client had an adequate opportunity to explain his or her side of the story during the litigation process to the judge or other "neutral" providing dispute resolution services in this case					
9 The litigation process helped improve communication between the parties					
10 The litigation process helped preserve the parties' relationship					
11 The litigation process helped move this case toward final resolution quickly					
12 The litigation process resulted in a fair/reasonable outcome in this case					
13 The cost of using the litigation process to resolve this case was affordable to my client					
14 The litigation process was fair					
15 I would recommend the litigation process used in this case to future clients with similar cases					

v 4 2014522

DO NOT MARK IN THIS AREA

16 How much of each of the discovery activities listed below did you do prior to resolution of this case?

	Completed	Some	A Little	None
a. interrogatories				
b. inspection demands				
c. party depositions				
d. exchange of relevant documents				
e. expert/witness depositions				

Case Outcome

17 When did the parties reach a settlement agreement, or receive a decision from the court?

Enter the month, day, and year (MMDDYY) in the boxes at the right and fill in the appropriate bubble below each box

18 Was the total dollar amount of the settlement/decision for or against your client

- Higher than you expected
- About the same as you expected
- Lower than you expected
- Settlement/decision did not include monetary relief

19 Was there any non-monetary relief in the settlement agreement or decision reached in this case?

- Yes
- No

20 Compared to your initial expectations when this case was filed, was the outcome

- Better than expected
- About the same as expected
- Worse than expected

Satisfaction

Folding Line

21 How satisfied or dissatisfied are you with the following?

	Highly Satisfied			Neutral			Highly Dissatisfied / Case Not Resolved
a. outcome of this case	7	6	5	4	3	2	1
b. services provided by the court for this case	7	6	5	4	3	2	1
c. litigation process in this case from filing through case resolution	7	6	5	4	3	2	1

Costs and Time Spent on the Case

22 Please give us your best estimates of the amount of time you spent on the case and the costs to your client. Total costs include attorney fees and other costs, but not the cost of any settlement paid

Please write the amount of time and costs in whole numbers (no decimals) in the boxes and fill in the appropriate bubble below each box. Below is an example for a case that required 25.3 hours and cost 7,500 dollars.

EXAMPLE: 25 | 7500

a. Total HOURS spent on the case

b. Total cost of the case

v 4

D. Postdisposition Survey for Parties

Post-Disposition Questionnaire for Parties
Early Mediation Pilot Project Evaluation, Judicial Council of California

Confidentiality of questionnaire responses:
Your answers will be used for the sole purpose of evaluating the pilot program. Information from the surveys will be presented only in aggregate form, your identity will not be revealed to the judge or other parties in this case.

You can complete this survey online at www courtinfo.ca gov/courts/trial/emppsurvey.htm

Please fill in the bubbles completely. Mark only one answer for each question and DO NOT check or X your answer choices

USE NO. 2 PENCIL ONLY
or

Right	Wrong
— ■ —	✓ ▭ X ◉

Case Information

1 Are you the

- ○ Plaintiff
- ○ Defendant
- ○ Other (*please specify*) _____

2. What is the likelihood that you will have an ongoing relationship with the party on the other side in this case?

Very High	High	Medium	Low	Very Low
○	○	○	○	○

Case Resolution Process

Please indicate how much you agree with each of the following statements about the litigation process used to resolve this case

	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
3 I had an adequate opportunity to explain my side of the story during the litigation process to the judge or other "neutral" providing dispute resolution services in this case	○	○	○	○	○
4 The litigation process improved communication between the parties	○	○	○	○	○
Folding Line					
5 The litigation process helped preserve the parties' relationship	○	○	○	○	○
6 The litigation process helped move the case toward final resolution quickly	○	○	○	○	○
7 The litigation process resulted in a fair/reasonable outcome	○	○	○	○	○
8 The cost of using the litigation process to resolve this case was affordable	○	○	○	○	○
9 The litigation process was fair	○	○	○	○	○
10. I would recommend the litigation process used in this case to friends with similar cases	○	○	○	○	○

Satisfaction

11 How satisfied or dissatisfied are you with the following	Highly Satisfied			Neutral			Highly Dissatisfied
a outcome of this case	○ 7	○ 6	○ 5	○ 4	○ 3	○ 2	○ 1
b. services provided by the court for this case	○ 7	○ 6	○ 5	○ 4	○ 3	○ 2	○ 1
c litigation process in this case from filing through case resolution	○ 7	○ 6	○ 5	○ 4	○ 3	○ 2	○ 1

12 Compared to your initial expectations when this case was filed was the outcome

○ Better than expected ○ About the same as expected ○ Worse than expected

v 4

PDP PAGE 1

Cost of the Case

13 Approximately how much money did you spend on reaching resolution in this case including attorney fees but not the cost of any settlement paid.

Please write the total cost in whole numbers (no decimals) in the boxes and fill in the appropriate bubble below each box. Below is an example for a case that cost $ 7,500.

EXAMPLE

	7	5	0	0
0	0	0	0	0
1	1	1	1	1
2	2	2	2	2
3	3	3	3	3
4	4	4	4	4
5	5	5	5	5
6	6	6	6	6
7	7	7	7	7
8	8	8	8	8
9	9	9	9	9

Total cost of the case

0	0	0	0	0	0
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9

Your Background Information (*optional*)

As is the case with all information collected in this survey, your background information will remain strictly confidential. It will be used for the sole purpose of assessing the quality and effectiveness of the services provide by the courts.

Folding Line

14 You are
- Female
- Male

15 Your age group is
- < 30
- 30 - 39
- 40 - 49
- 50 - 59
- 60 and over

16 Your race / ethnic group is
- Asian / Pacific Islander
- Black / African American
- Hispanic (all races)
- Native American / Eskimo / Aleut
- White (non-Hispanic)
- Other (*specify*) _____

17 Your total ANNUAL household income before taxes is
- $ 0 - 10,000
- $ 10,001 - 30,000
- $ 30,001 - 50,000
- $ 50,001 - 100,000
- $ 100,001 - 150,000
- $150,001 +

18 Highest level of school you completed
- Some high school
- High school graduate / GED
- Some college
- College graduate
- Post-graduate / professional

Additional comments on the litigation process or court services would be appreciated

_____

_____

_____

_____

_____

_____

Thank you very much for taking the time to complete this questionnaire.

v 4 4013751

DO NOT MARK IN THIS AREA

PDP PAGE 2

E. Durability Survey

1 How long has it been since the case was resolved?
- O Under six months
- O Six months to one year
- O Over one year

2 To the best of your recollection, how was this case ultimately resolved?
- O Settlement at mediation
- O Settlement after non-agreement at the mediation
- O Other settlement without using mediation
- O Entry of judicial arbitration award as judgment
- O Verdict/judgment after trial
- O Involuntary dismissal by court (e g default) ***SKIP TO 16***
- O Other *(please specify below)*

If case was involuntarily dismissed by court (e.g default), skip to 16. Otherwise, please continue

3 If the case was resolved by settlement, to what degree was your client involved in the process of settling the case.
- O A little
- O Somewhat
- O A lot

4 Did the settlement/judgment in this case include monetary damages?
- O Yes
- O No ***SKIP TO 6***

5 If yes, compared to the original amount sought, was the settlement or judgment amount
- O Substantially lower
- O Somewhat lower
- O About the same
- O Somewhat higher
- O Substantially higher

6 Was there any non-monetary relief in the settlement agreement/judgment?
- O Yes
- O No

7 Was the relief provided by the settlement agreement or judgment in your client's favor or other party's favor?
- O In favor of my client
- O In favor of other party
- O Both

8 In the agreement/judgment, was the requirement for payment or performance of other duties.
- O Immediate upon settlement/judgment
- O Scheduled to be completed within six months
- O Scheduled to be completed within one year
- O Scheduled to be completed over a year
- O Other *(please specify below)*

9 To date, has the party responsible for payment or performance under the agreement or judgment
- O Complied in full
- O Partially complied
- O Not complied at all
- O NA / DK

10 Do you feel that the agreement or judgment in this case fully addressed.

a. The legal issues in the dispute between parties?
- O Yes
- O No

b. The emotional issues (if any) underlying dispute?
- O Yes
- O No
- O NA

11 After agreement was reached or judgment rendered

a. Did a dispute between parties over any legal issues involved in case continue or re-emerge?
- O Yes
- O No

b. Did anger, resentment or other emotions that fueled the original dispute continue or re-emerge?
- O Yes
- O No
- O NA

12 After agreement was reached/judgment rendered, how many additional interactions between sides in the case were needed before compliance with agreement/judgment began?
- O None
- O Some
- O Many

13 Were any additional court proceedings considered or initiated in this case to

	Considered	Initiated	Neither
a. Enforce agreement/judgment?	O	O	O
b. Modify agreement/judgment?	O	O	O
c. Rescind/overturn the agreement or judgment?	O	O	O
d. Other? *(please specify below)*	O	O	O

14 Is there or has there been another lawsuit between the parties about different issues since the resolution of this case?
- O Yes
- O No

15 Please answer the following using a scale from 1 to 5, where 1 = *Not At All* and 5 = *Completely*

	Not at all				Completely		
a. Overall, was the *outcome* in this case fair?	①	②	③	④	⑤	DK	NA
b. Overall, was *process* for resolving this case fair?	①	②	③	④	⑤	DK	NA
c. Are you satisfied with *overall* outcome?	①	②	③	④	⑤	DK	NA

16 Since the mediation pilot program began in 2000, to what degree have you become more or less likely to use the following techniques in your civil cases?

	Much less likely				Much more likely		
a. Mediation	①	②	③	④	⑤	DK	NA
b. Judicial arbitration	①	②	③	④	⑤	DK	NA
c. Contractual arbitration	①	②	③	④	⑤	DK	NA
d. Settlement conferences	①	②	③	④	⑤	DK	NA
e. Trial	①	②	③	④	⑤	DK	NA
f. Other ADR	①	②	③	④	⑤	DK	NA

(Please specify)

17 Please indicate whether you have changed the way you tend to conduct litigation in civil cases since the mediation pilot program began in 2000 by doing more or less of each of the following activities early in a case (e.g before a mediation)

	A lot less	A little less	No change	A little more	A lot more
a. Meet and confer with the other side	①	②	③	④	⑤
b. Settlement negotiations	①	②	③	④	⑤
c. Voluntary exchange of case information	①	②	③	④	⑤
d. Demand for production of documents	①	②	③	④	⑤
e. Interrogatories	①	②	③	④	⑤
f. Party depositions	①	②	③	④	⑤
g. Expert/witness depositions	①	②	③	④	⑤
h. Other changes? *(please specify)*					

18 Please indicate how much you agree or disagree with the following statements using a scale from 1 to 5, where 1 = *Strongly Disagree* and 5 = *Strongly Agree*
Since the mediation pilot program began

	Strongly Disagree		Neutral		Strongly Agree
a. My relationships with other counsel have become more cooperative.	①	②	③	④	⑤
b. I discuss mediation with my clients more often	①	②	③	④	⑤
c. I use mediation on a voluntary basis more often	①	②	③	④	⑤
d. I do less discovery in cases going to mediation than in other cases	①	②	③	④	⑤
e. I do same amount of discovery in cases going to mediation as in other cases, but I do it earlier to be prepared for mediation	①	②	③	④	⑤
f. I wait to do some discovery because the case might settle at mediation without the need for the discovery.	①	②	③	④	⑤
g. I wait to do some discovery because mediation may serve the needs of certain discovery	①	②	③	④	⑤

19 Are you

- O Plaintiff's attorney
- O Plaintiff without counsel
- O Defendant's attorney
- O Defendant without counsel
- O Other *(please specify)*

20 Please estimate how many times you used mediation:

a. Before the pilot program started in 2000?

b. As part of this court's early mediation pilot program since 2000?

21 Number of parties (plaintiffs and defendants) in this case.
- O 2
- O 3-4
- O 5-9
- O 10 or more

22 Was an insurance carrier involved in the resolution of this case?
- O Yes
- O No

23 Using a scale from 1 to 5 where 1 = *Very Low* and 5 = *Very High*, what is your assessment of this case in terms of

	Very low				Very high
a. Factual complexity	①	②	③	④	⑤
b. Legal complexity	①	②	③	④	⑤
c. Initial hostility between the parties	①	②	③	④	⑤
d. Likelihood of ongoing relationship between parties	①	②	③	④	⑤

24 Sometimes two parties are not evenly matched; one side may have more experience in court, may have legal help or may be able to tell their side of the case in a more convincing manner, where the other may not possess any of these attributes
How evenly matched were your client and the other party? Would you say:

- O The other party had a great advantage
- O The other party had a slight advantage
- O We were pretty evenly matched
- O My client had a slight advantage
- O My client had a great advantage
- O NA / DK

25 How much money in damages was originally sought in this case, including compensatory and punitive damages?
- O $0
- O $1-10,000
- O $10,001-25,000
- O $25,001-50,000
- O $50,001-100,000
- O $100,001-500,000
- O $500,001-1 million
- O $1 million or more

F. Mediator Survey

1 Total hours of mediation training
- ☐ Under 20
- ☐ 21 – 40
- ☐ 41 – 80
- ☐ More than 80

2 Number of cases in which have served as mediator
- ☐ Under 20
- ☐ 20 – 50
- ☐ 51 – 100
- ☐ More than 100

3 Educational level
- ☐ High school graduate
- ☐ Some college
- ☐ College or university degree
- ☐ Post-graduate degree

4 Professional background *(check all that apply)*
- ☐ Full time dispute resolution neutral
- ☐ Retired Judge or bench officer
- ☐ Lawyer
- ☐ Other (please specify) _____

5 Which court(s) EMPP panel(s) are you on and how long have you been on the panel?

	Less Than 12 Months	*13 to 24 Months*	*More Than 24 Months*
☐ Contra Costa	☐	☐	☐
☐ Fresno	☐	☐	☐
☐ Los Angeles	☐	☐	☐
☐ San Diego	☐	☐	☐
☐ Sonoma	☐	☐	☐
☐ None	☐	☐	☐

6 In how many of each type of case listed below were you appointed/selected as an EMPP mediator? *(Please estimate if necessary)*
- _____ Auto PI
- _____ Non-Auto PI
- _____ Contract
- _____ All Others

7 How many times were you subsequently selected to conduct a private mediation by parties or attorneys for whom you served as an EMPP mediator?
- ☐ 0
- ☐ 1 – 2
- ☐ 3 – 5
- ☐ 6 - 10
- ☐ More than 10 times

How often (if ever) did the following happen in your EMPP mediations and how important do you think each was in the cases **NOT** resolving in mediation?

	Often	*Sometimes*	*Rarely*	*Never*	*Very Important*	*Somewhat Important*	*Little or No Importance*
a. The subject matter of the case did not seem appropriate for mediation.	☐	☐	☐	☐	☐	☐	☐
b. The case was referred to mediation too early	☐	☐	☐	☐	☐	☐	☐
c. The deadline for completing mediation was too early.	☐	☐	☐	☐	☐	☐	☐
d. The following participants appeared by telephone							
Plaintiff(s)	☐	☐	☐	☐	☐	☐	☐
Plaintiff's counsel	☐	☐	☐	☐	☐	☐	☐
Defendant(s)	☐	☐	☐	☐	☐	☐	☐
Defendant's counsel	☐	☐	☐	☐	☐	☐	☐
Insurance company representative(s)	☐	☐	☐	☐	☐	☐	☐
e. The following were excused from participating in the mediation:							
Plaintiff(s)	☐	☐	☐	☐	☐	☐	☐
Defendant(s)	☐	☐	☐	☐	☐	☐	☐
Insurance company representative(s)	☐	☐	☐	☐	☐	☐	☐
f. The following did not seem to understand the mediation process:							
Plaintiff(s)	☐	☐	☐	☐	☐	☐	☐
Plaintiff's counsel	☐	☐	☐	☐	☐	☐	☐
Defendant(s)	☐	☐	☐	☐	☐	☐	☐

Defendant's counsel	☐	☐	☐	☐	☐	☐	☐
Insurance company representative(s)	☐	☐	☐	☐	☐	☐	☐
g. The following did not seem to want to participate in the mediation:							
Plaintiff(s)	☐	☐	☐	☐	☐	☐	☐
Plaintiff's counsel	☐	☐	☐	☐	☐	☐	☐
Defendant(s)	☐	☐	☐	☐	☐	☐	☐
Defendant's counsel	☐	☐	☐	☐	☐	☐	☐
Insurance company representative(s)	☐	☐	☐	☐	☐	☐	☐
h The following did not seem willing to negotiate							
Plaintiff(s)	☐	☐	☐	☐	☐	☐	☐
Plaintiff's counsel	☐	☐	☐	☐	☐	☐	☐
Defendant(s)	☐	☐	☐	☐	☐	☐	☐
Defendant's counsel	☐	☐	☐	☐	☐	☐	☐
Insurance company representative(s)	☐	☐	☐	☐	☐	☐	☐
i. The following did not seem prepared for the mediation:							
Plaintiff(s) & counsel	☐	☐	☐	☐	☐	☐	☐
Defendant(s) & counsel	☐	☐	☐	☐	☐	☐	☐
Insurance company representative(s)	☐	☐	☐	☐	☐	☐	☐
j. The following did not seem to have enough information to mediate the case							
Plaintiff(s) & counsel	☐	☐	☐	☐	☐	☐	☐
Defendant(s) & counsel	☐	☐	☐	☐	☐	☐	☐
Insurance company representative(s)	☐	☐	☐	☐	☐	☐	☐
k. The following did not seem to be working well with their counsel:							
Plaintiff(s)	☐	☐	☐	☐	☐	☐	☐
Defendant(s)	☐	☐	☐	☐	☐	☐	☐
l. Counsel did not seem to be working well with each other	☐	☐	☐	☐	☐	☐	☐
m. The parties could not afford sufficient hours of mediation time (beyond any time covered by the court)	☐	☐	☐	☐	☐	☐	☐
n. There were language or other communication barriers	☐	☐	☐	☐	☐	☐	☐
o. Other (Please Specify) _____	☐	☐	☐	☐	☐	☐	☐

9 How often (if ever) did you do the following in your EMPP mediations, and how important do you think each was in the cases resolving in mediation?

		Always	*Often*	*Rarely*	*Never*	*Very Important*	*Somewhat Important*	*Little or No Importance*
a.	Met with counsel and parties in joint session	☐	☐	☐	☐	☐	☐	☐
b.	Met with some or all counsel or parties individually	☐	☐	☐	☐	☐	☐	☐
c.	Encouraged parties to communicate in each other's presence	☐	☐	☐	☐	☐	☐	☐
d.	Encouraged parties to share their emotions	☐	☐	☐	☐	☐	☐	☐
e.	Encouraged parties to discuss concerns or interests underlying the dispute	☐	☐	☐	☐	☐	☐	☐
f.	Encouraged parties to explore solutions beyond those available through court	☐	☐	☐	☐	☐	☐	☐
g.	Provided an evaluation of the legal merits of the case	☐	☐	☐	☐	☐	☐	☐
h.	Provided an opinion or evaluation of the likely outcome of case at trial	☐	☐	☐	☐	☐	☐	☐
i.	Made recommendations regarding whether parties should settle	☐	☐	☐	☐	☐	☐	☐

Please indicate whether you think the EMPP program has had a positive or negative impact on the following, where 5 = very positive and 1 = very negative

		Very positive				*Very Negative*
		5	*4*	*3*	*2*	*1*
10	Increasing awareness and understanding of mediation by					
	a. Judges	☐	☐	☐	☐	☐
	b. Attorneys	☐	☐	☐	☐	☐
	c. Parties to litigation	☐	☐	☐	☐	☐
	d. Insurance representatives	☐	☐	☐	☐	☐
	e. Public	☐	☐	☐	☐	☐
11	Increasing willingness to use mediation by					
	a. Attorneys	☐	☐	☐	☐	☐
	b. Parties	☐	☐	☐	☐	☐
	c. Insurance representatives	☐	☐	☐	☐	☐
	d. Public	☐	☐	☐	☐	☐

12	Increasing willingness to compensate mediators for their services by:					
	a. Attorneys	☐	☐	☐	☐	☐
	b. Parties	☐	☐	☐	☐	☐
	c. Insurance representatives	☐	☐	☐	☐	☐
	d. Public	☐	☐	☐	☐	☐

G. Survey of Judicial Time on Hearings and Related Activities[371]

Court:

☐ Program Department ☐ Control Department

Please provide your best estimate of the average amount of time (in minutes) you spend per conference/hearing in a civil case on the following types of events. Please include the amount of time you spend discussing any of these matters with your research attorney, but not time spent by the research attorney for preparation, event or follow up.

CONFERENCES:

Case Management Conferences

	Average Preparation Time Before Conference	Average Time for Conference	Average amount of Follow-up Time After Conference
Limited Cases			
Unlimited Cases			

Trial Readiness Conferences

	Average Preparation Time Before Conference	Average Time for Conference	Average amount of Follow-up Time After Conference
Limited Cases			
Unlimited Cases			

Trial Call

	Average Preparation Time Before Conference	Average Time for Conference	Average amount of Follow-up Time After Conference
Limited Cases			
Unlimited Cases			

[371] This is the survey form distributed to judges in San Diego The event information in the court's docket data allowed more detailed breakdown of various types of court events The survey forms distributed in all other courts requested estimates of judicial time on case management conferences and motion hearings.

MOTION HEARINGS:

Light Motion Hearings - including
Ex Parte Appearances, Reading Settlements into the record, Motions to Dismiss, Simple Discovery Motions

	Average Preparation Time Before Hearing	Average Time for Hearing	Average amount of Follow-up Time After Hearing
Limited Cases			
Unlimited Cases			

Medium Motion Hearings, including:
Longer Discovery Motions, Motions to Compel Arbitration/Confirm Awards, Motions to Continue Trial, Motions for Good Faith Settlement Determination, Post-Trial Motions
Motion for Leave to Amend

	Average Preparation Time Before Hearing	Average Time for Hearing	Average amount of Follow-up Time After Hearing
Limited Cases			
Unlimited Cases			

Heavy Motion Hearings, including:
Demurrers/Simple Motions to Strike, Preliminary Injunctions, Special Motions to Strike (SLAPP Motions), Summary Judgment and Summary Adjudication Motions

	Average Preparation Time Before Hearing	Average Time for Hearing	Average amount of Follow-up Time After Hearing
Limited Cases			
Unlimited Cases			

Instructions for Survey of Judicial Time

"Average" Time Spent

We are trying to gather information about the *average* amount of time that judges in your court typically spend in preparing, holding, and completing any necessary follow-up to conferences and motion hearings.

To estimate the average time you spend, you can first estimate the total amount of time that you spend on each event type within, say, a one-week period and then divide the total amount of time by the number of cases that appeared in those events. For example, if you spent 4 hours (240 minutes) on case management conferences during a one-week period, and during that period you held conferences in 30 cases, the average time per conference per case would be 8 minutes (240 minutes divided by 30 cases).

Case Type in Time Estimates

In your time estimates, please exclude case types that are not eligible for the pilot mediation program in your court, such as unlawful detainer, construction defect, complex cases or small claims appeals.

Case Management Conference

Please include both Early mediation status conferences for pilot program cases and regular case management conferences in making your estimates.

Estimates of "Chamber Time" Spent in Preparing and Following up Hearing Events

In addition to time in conducting the conferences or hearings, please also provide separate estimates on "chamber time" spent in preparing for the conferences or hearings, as well as time spent in following up on decisions made during the conferences or hearings, such as issuing orders. Follow-up time does not include subsequent conferences or hearings that might result from the specific events included in your time estimates.

If you hold your hearings in the chamber, please consider this time as time for the hearing or conference.

Appendix D. Survey Distribution and Response Rate

A. Postmediation Survey

Postmediation surveys were filled out by parties and attorneys in program cases in each pilot court that used mediation under the pilot program. Parties who were represented by attorneys were asked to fill out a shorter survey form (party forms); attorneys, parties without representation, and other mediation participants (mainly insurance representatives) were asked to filled out a longer survey form (attorney forms).

The postmediation surveys were distributed from July 2001 to June 2002 as cases in the pilot programs were being referred to mediation.[372] In San Diego, a random sample was drawn from the large number of cases referred to mediation. In all other courts, the samples for postmediation surveys included all cases that were referred to mediation during the survey period.

The surveys were distributed by mediators at the end of mediation session to persons who participated in the mediation. When a case was referred to mediation, the courts sent a package of survey forms to the mediator along with other court documents.[373] Participants who received the survey forms were asked to either give the completed survey form to the mediator before leaving the last mediation session or to mail the response to the "evaluation research project" staff at the court.

To track survey responses, all participants who received the survey forms were asked to fill out an "attendance sheet" with their name and address, which was mailed to the court by the mediator regardless of whether the survey form was completed.

Using the names and addresses from the attendance sheets, two follow-up reminders were mailed to parties and attorneys who had received survey forms but had not returned completed surveys. The first reminder was a postcard mailed two weeks after the attendance sheets were received by the courts. The second reminder was mailed two weeks later to those who had not responded; a new survey form was also included in the second reminder.

In all, the five pilot courts distributed approximately 15,000 postmediation survey forms (7,602 attorney forms and 7,480 party forms) to the mediators. Of the 15,000 party and attorney surveys mailed to the mediators, 9,615 attendance sheets were received by the courts (4,926 for attorney forms and 4,689 for party forms). The number of attendance sheets received represents the total number of survey forms that were actually distributed by the mediators to mediation participants in the pilot programs.

Table D-1 below shows the survey response rates for the party and attorney survey forms. Overall, of the 4,926 attorney survey forms distributed by the mediators (i.e., distributed surveys in which the attendance sheets were later mailed to the courts), 2,505 respondents completed the surveys providing valid data; this represents an overall response rate of 51

[372] To increase sample size in Sonoma, additional postmediation surveys were distributed in January 2003

[373] In Los Angeles, some mediators received a package of survey forms prior to case referrals and were asked to distribute the survey forms whenever a case went to mediation.

percent in the five pilot courts.[374] The overall response rate for party surveys is lower at 37 percent, with 1,719 responses for a total of 4,689 surveys distributed.[375]

Table D-1. Distribution and Response Rate of Postmediation Surveys

	Attorney Survey			Party Survey		
Court	Total Distributed	Total Valid Responses	Response Rate	Total Distributed	Total Valid Responses	Response Rate
Contra Costa	1,411	652	46%	1,425	380	27%
Fresno	807	496	61%	788	353	45%
Los Angeles	1,201	609	51%	931	449	48%
San Diego	1,176	566	48%	1,283	458	36%
Sonoma	331	182	55%	262	79	30%
Total	4,926	2,505	51%	4,689	1,719	37%

[374] Some surveys were returned without any of the questions answered Some completed responses could not be used because case numbers for those responses could not be identified To identify the case number of a particular response, both the case number and a different number assigned to that survey form need to be correctly entered into the survey tracking database at the time when the survey form was initially mailed to the mediator. If either one was incorrect or missing, the linkage of a survey form with the case is lost This linkage is necessary because information from both the surveys and the courts' case management system was combined in the analysis

[375] If the base number for calculating the response rates were the total number of survey forms that the courts mailed to the mediators (15,082), the overall response rate would be 33 percent for attorney surveys and 23 percent for party surveys These rates, however, are underestimates of the actual response rates because they do not take into consideration cases that were referred to mediation but the parties resolved the dispute without using mediation (thus the surveys could not have been distributed to the attorneys and parties), or cases that went to mediation but the mediators may not have distributed the surveys to the participants. On the other hand, the response rates presented in Table D-1 could be overestimates because the surveys may have been distributed at the end of a mediation session but the attendance sheets were not mailed to the courts If none of the participants in that mediation responded to the survey, and the court did not have information from attendance sheets to ascertain that surveys had been distributed to the participants in that mediation, then the case was not included in the base number for calculating the response rates, leading to inflated response rates than actually were

B. Postdisposition Survey

Postdisposition surveys were mailed directly by the court to attorneys and parties from July 2001 to September of 2002.[376] Random samples were drawn from eligible cases that had been filed since the pilot program began and reached disposition as of the time sample selection. The only cases that were not selected for the postdisposition surveys were cases in the program that went to mediation and settled at mediation. These mediated cases that settled were already included in the postmediation survey.

As with the postmediation survey, there are two different survey forms: one for parties represented by attorneys and one for attorneys and self-represented parties. Based on information from the courts' case management system, the attorney survey forms were first mailed to attorneys and self-represented parties. Contact information for parties who were represented by attorneys was not available in the courts' case management system. Therefore, attorneys who were sent the postdisposition survey forms were asked to provide their clients' names and addresses. Thereafter, party surveys were sent to those parties whose attorneys had responded to the attorney survey and provided their client contact information in the responses.

As with the postmediation survey, two survey reminders were mailed for the postdisposition surveys. Two weeks after the initial mailing, a reminder postcard was mailed to those who had not responded; a reminder letter with another copy of the survey form was mailed again four weeks after the initial mailing.

In all five courts, a total of 6,891 postdisposition surveys were mailed (6,173 to attorneys and 718 to parties), as shown in

[376] Since the pilot program in Los Angeles did not begin operation until June of 2001, more than a year later than in other courts, distribution of postdisposition surveys began in July of 2002 in Los Angeles to allow for sufficient time for program cases to reach disposition. To increase sample size, additional surveys were distributed again from February to April 2003 in Los Angeles, Fresno, and Sonoma, but for attorneys only

Table D-2. The overall response rate for attorney surveys is 45 percent, with 2,767 valid responses for 6,173 surveys mailed. Party surveys had a similar response rate at 42 percent, with 300 valid responses for 718 surveys mailed. While the response rates are similar for the attorney and party surveys, the sample size for party surveys was fairly small, as only a small proportion of attorney respondents provided their clients' contact information. When Los Angeles began distribution of the postdisposition surveys in July of 2002, other courts already completed their survey data collection. Based on party response data from these courts, it was realized that the postdisposition party surveys were unlikely to generate a large sample size. As a result, the postdisposition survey in Los Angeles did not include party surveys.

Table D-2. Distribution and Response Rate of Postdisposition Surveys

	Attorney Survey			Party Survey		
Court	Total Distributed	Total Valid Responses	Response Rate	Total Distributed	Total Valid Responses*	Response Rate
Contra Costa	751	332	44%	82	36	44%
Fresno	1,219	538	44%	186	67	36%
Los Angeles	1,044	488	47%	-	-	-
San Diego	2,171	1,001	46%	396	179	45%
Sonoma	988	408	41%	54	18	33%
Total	6,173	2,767	45%	718	300	42%

C. Validity of Postmediation and Postdisposition Survey Data

The analyses of program impact on litigant costs and satisfaction were based on attorney survey data from both the postmediation and postdisposition surveys. Therefore, it is important to ensure that the combined survey data from these two surveys accurately reflects the population of cases from which the surveyed cases were drawn.

There are two sources that could lead to skewed survey data:

1. Surveys were not distributed to a *random* sample in the population of cases; and
2. Those who received the survey and chose to respond to the survey may have certain characteristics that were systematically different from those who did not respond to the survey.

As noted above in the discussion of survey distribution, the postmediation and postdisposition surveys were distributed either to all cases in the pilot programs or to a sample of cases that was randomly selected based on a computer program. The random sample selection process, along with the high response rate from attorneys in the range of 40 to 50 percent, greatly enhanced the validity of the survey data.

Additional analyses were performed to ensure that the survey data was not skewed due to other sources such as the different characteristics of respondents relative to nonrespondents. Here a comparison can be made between the survey data and the population of all cases based on case type information that is available in both data sets. Table D-3 shows the percentage breakdowns by case type in the survey sample and all cases in the pilot programs. As can be seen in the table, the composition of cases in the survey sample and in all cases was very similar. For example, 38 percent of survey respondents in Contra Costa was from Auto PI cases compared to 36 percent in the population. The other four courts revealed similar proportion of Auto PI cases in the survey sample and all cases in the population. With only a few exceptions, the differences in various case types between the survey and the population of all cases generally fell within only a few percentage points. These comparison results indicate high validity of the survey data in representing the population of cases in the pilot programs.

Table D-3. Percentage Breakdown of Survey and Population Cases by Case Type

	Contra Costa		Fresno		Los Angeles		San Diego		Sonoma	
Case Type	*Survey*	*All Cases*	*Survey*	*All Cases*	*Survey*	*All Cases*	*Survey*	*All Cases*	*Survey*	*All Cases*
Auto PI	38 0%	36.1%	48 4%	47 7%	16 0%	15.4%	34 2%	33 8%	40 8%	42.4%
Contract	19.2	19.3	26 8	30 7	35 3	42.1	28.9	31 1	19.5	24.0
NonAuto PI	20.4	22 7	13 7	12 8	13.8	13.5	21 5	18 7	24 4	18 6
Other	22 3	21.9	11.1	8 8	35.0	29.1	15 5	16.4	15 4	14 9

D. Durability Survey

This survey was designed to assess the long-term impact of mediation on resolution of the disputes and attorneys' litigation practice due to their experience with mediation. The survey was conducted first in July 2002 with the assistance of the Public Research Institute of San Francisco State University. It was mailed to attorneys and self-represented parties based on a random sample of cases that were filed since the pilot program began and had been disposed of for over six months. The random samples included both cases that used mediation and those that used other methods to resolve the dispute.

Initial analysis of the survey data revealed uncertain results regarding the impact of mediation on durability. Therefore, the same survey was mailed to a different sample of cases in April 2003 in order to increase the total sample size. In the second mailing, a larger proportion of tried cases were selected, in order to better explore differences in cases compliance with resolutions imposed by the court and resolutions agreed to by the parties. Auto PI cases were excluded from the second mailing as these cases were found to involve very little compliance issues.

Table D-4. Distribution and Response Rate of Durability Survey

Court	Total Distributed	Total Valid Responses	Response Rate
Contra Costa	1,765	390	22%
Fresno	868	282	32%
Los Angeles	631	202	32%
San Diego	1,949	673	35%
Sonoma	501	177	35%
Total	5,714	1,724	30%

In both waves of the survey mailings, one follow-up reminder with another copy of the survey was mailed two weeks after the initial mailing. As shown in Table D-4, a total of 5,714 surveys were mailed in the two distributions. The overall response rate in the five courts was 30 percent with a valid sample size of 1,724.

E. Mediator Survey

Mediator surveys were distributed to all panel mediators in the pilot courts in September 2002. There was no follow-up reminder in this survey. As shown in Table D-5, a total of 948 mediator surveys were mailed and 407 valid responses were received, with an overall response rate of 43 percent.

Table D-5. Distribution and Response Rate of Mediator Survey

Court	Total Distributed	Total Valid Responses	Response Rate
Contra Costa	253	90	36%
Fresno	100	37	37%
Los Angeles	328	162	49%
San Diego	155	97	63%
Sonoma	112	21	19%
Total	948	407	43%

F. Judge Time Survey

The judge time survey was an informal survey asking for judges' assistance in providing an estimate of the amount of time they spend on various court event. It is not intended to be a comprehensive and rigorous accounting of judges' allocation of time. The surveys were distributed in the pilot courts in May 2003 and in October 2003 to judges in the pilot courts whose caseload during the program period included civil cases. The survey was anonymous and there was no follow-up procedures adopted to track the response rates. Overall, a total of 14 responses were received from all the pilot courts.

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
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Report Summary

TO: Members of the Judicial Council

FROM: Task Force on Self-Represented Litigants
Hon. Kathleen E. O'Leary, Chair
Bonnie Hough, Supervising Attorney, Center for Families, Children & the Courts, 415-865-7668
Deborah Chase, Senior Attorney, Center for Families, Children & the Courts, 415-865-7598

DATE: February 10, 2004

SUBJECT: Report of the Task Force on Self-Represented Litigants and Statewide Action Plan (Action Required)

Issue Statement
The Task Force on Self-Represented Litigants was created by the Judicial Council to make recommendations to the council on how to respond to the growing number of self-represented litigants, an issue that is having a great impact on the court system. The task force was charged with reviewing current activities and developing a statewide action plan with recommendations for the future to assist the Judicial Council to efficiently and effectively implement its goals of increasing access to the courts and improving the quality of justice and service to the public. This report includes the Statewide Action Plan for Serving Self-Represented Litigants for approval by the Judicial Council.

Recommendation
The Task Force on Self-Represented Litigants recommends that the attached Statewide Action Plan for Serving Self-Represented Litigants be approved by the Judicial Council.

Rationale for Recommendation
The courts have experienced enormous growth in the number of self-represented litigants during the past several years. This increase is not confined to family law but spans the spectrum of civil litigation from small claims to unlawful detainer, probate and limited and general jurisdiction civil cases. Even in areas where the court may appoint counsel for indigent litigants, such as juvenile dependency and

criminal misdemeanors, the number of litigants without representation continues to grow. This increase is a critical issue for courts given current budget conditions.

The Judicial Council authorized the creation of a Task Force on Self-Represented Litigants in May 2001. Since that time, the task force has reviewed many important developments to improve access for self-represented litigants and make the court system more efficient and easier to navigate.

In July 2001, the Administrative Office of the Courts launched its self-help Web site *www.courtinfo.ca.gov/selfhelp*, the most comprehensive court self-help Web site in the country. In April 2003, a feature was added to the Web site so that all Judicial Council forms can be completed online, allowing litigants to easily prepare legible pleadings. In July 2003, *www.sucorte.ca.gov*, the Spanish language version of the site, was launched.

During this period, the Judicial Council has adopted a number of new forms and rules designed to allow self-represented litigants to navigate more effectively through the court system, including:

- Plain language domestic violence and adoption forms;
- New forms in family, juvenile, appellate, small claims, and civil law designed to assist self-represented litigants to file adequate pleadings;
- Forms and rules for limited scope representation in family law matters;
- A rule allowing the submission of hand-written pleadings;
- A form clarifying what services court clerks can and cannot provide to the public; and
- Ethical rules for operation of family law facilitator and family law information center programs.

Since the creation of the task force and implementation of the Judicial Council's operational goal that the number of self-help centers be increased, 58 new self-help centers have been created by local courts. Many of these centers are operated in partnership with legal services programs or other community agencies. Many have been supported with grant funds or the reallocation of existing resources. Five model self-help centers were funded to determine how to effectively provide services using technology and coordination of resources, as well as how to serve the large population of non-English-speaking litigants.

In 2001, the Judicial Council approved funding for local courts to develop action plans for serving self-represented litigants. These action plans were designed to build on the strategic planning efforts of local courts, which indicated that services to self-represented litigants were of high importance to the community. Forty-nine

courts have completed their action plans to date, and many have received subsequent grants to assist in implementing their plans. These grants have supported developing self-help centers or programs, creating and translating materials for self-represented litigants, and encouraging partnerships with community organizations.

In February 2003, an evaluation of three pilot family law information centers was presented to the Judicial Council for submission to the California Legislature. It documented that these self-help centers are extremely successful—serving more than 45,000 persons per year and receiving high customer satisfaction ratings from users and judicial officers. Two other major evaluations of self-help centers are currently under way and will be completed in March 2005. Preliminary reports indicate that these programs—the five model self-help centers and Equal Access Fund grants—are also very successful.

The task force reviewed these statewide efforts and all of the local plans in developing its recommendations. It has attempted to present a comprehensive statewide plan that effectively addresses the needs of self-represented litigants and responsibly uses and accounts for public resources necessary for its implementation. To the greatest extent possible, replication of existing best practices, collaborative efforts, development of standardized criteria for self help centers, and other cost-effective methods or procedures have been included in the recommendations. Mindful of the need to ensure the widest use of scarce public resources, the task force has designed processes and tools to measure outcomes. An effort has been made to identify both existing and potential funding sources.

Alternative Actions Considered

The Judicial Council could choose not to adopt this statewide action plan. Self-help centers could continue to be developed throughout the state. Each court could develop its own written materials and videotapes. However, access to justice would be inconsistent, and many efforts in creating informational materials would be duplicative.

Comments From Interested Parties

This proposed action plan was circulated for comment to presiding judges and executive officers, the State Bar, and other groups interested in the administration of justice. In addition, it was circulated to all family law facilitators, family law information centers, child support commissioners, legal services programs, law librarians, small claims advisors, court-based self-help centers, and local task forces on self-represented litigants as well as national groups concerned with self-represented litigants. Fifty-nine written comments were received. The comment chart is attached at page 137.

The action plan was very well received. No comments were received in opposition to the plan, although many commenters made recommendations or raised concerns about specific suggestions in the draft report. Twelve commenters who currently receive Dispute Resolution Prevention Act (DRPA) funds were concerned about the suggestion that those funds be used for self-help centers. The task force has clarified its intent. Because dispute resolution is a valuable tool for self-represented litigants, the task force believes that court-based self-help centers should work cooperatively with DRPA programs. None of the commenters from DRPA programs raised other concerns with the report, and a number of them specifically praised the task force's efforts and emphasized the need for self-help services.

Eight commenters raised concerns about a recommendation of the task force that there should be exploration of fees for some self-help services. Concerns were expressed that administrative costs would exceed the fees collected; that given the low income of the typical litigant needing self-help assistance, fees may deny access to even this limited assistance; and that charging a fee might cause litigants to believe they were establishing an attorney-client relationship. Persuaded by these comments, the task force decided to remove this recommendation.

Four county law librarians commented and suggested that their services should be better integrated in the action plan. The task force agreed and has specifically incorporated the efforts of county law libraries as a crucial part of the plan.

The plan received the endorsement of the State Bar of California's Board of Governors as well as its Standing Committee on Delivery of Legal Services and the California Commission on Access to Justice. The American Bar Association's Committee on Delivery of Legal Services also wrote in support.

Supportive comments were received from eight court administrators, seven legal services organizations, five private attorneys, and five family law facilitators. Other commenters included judicial officers, law professors, community organizations, self-help center staff, a law student, an evaluator, a planner and a self-represented litigant.

Implementation Requirements and Costs

Many of the recommendations of the Task Force on Self-Represented Litigants require no additional funding. Others, such as increasing the number of self-help centers in the state will require either an increase in or redeployment of funding. Suggestions for increasing funding are included in the proposal.

Attachments

Statewide Action Plan for Serving Self-Represented Litigants

JUDICIAL COUNCIL
OF CALIFORNIA

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SELF-REPRESENTED LITIGANTS

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STATEWIDE ACTION PLAN FOR SERVING SELF-REPRESENTED LITIGANTS

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EXECUTIVE SUMMARY

The Judicial Council's Task Force on Self-Represented Litigants has found a unity of interest between the courts and the public with respect to assistance for self-represented litigants. Lack of legal assistance is clearly an enormous barrier for the public. It also creates a structural gap for courts which are designed to work with litigants who are represented by attorneys. Managing cases involving self-represented litigants is a daily business event at every level of court operations—from filing through calendaring, records management, and courtroom hearings. As courts plan during this period of fiscal austerity, attention to the reality of these cases will be imperative for any realization of net savings. In order to increase access to justice for the public and enhance the court's ability to efficiently handle cases in which litigants are self-represented, the task force makes the following key findings.

KEY FINDINGS

1. Court-based staffed self-help centers, supervised by attorneys, are the optimum way for courts to facilitate the timely and cost-effective processing of cases involving self-represented litigants, to increase access to the courts and improve delivery of justice to the public.

2. It is imperative for the efficient operation of today's courts that well-designed strategies to serve self-represented litigants, and to effectively manage their cases at all stages, are incorporated and budgeted as core court functions.

3. Partnerships between the courts and other governmental and community-based legal and social service organizations are critical to providing the comprehensive field of services required for success.

The task force has worked to develop a comprehensive statewide plan that effectively addresses the ways in which courts handle cases involving self-represented litigants. In its assessment of the needs of self-represented litigants, the task force found that many of California's courts have already begun to implement strategies specifically designed to manage cases involving self-represented litigants more effectively. The task force commends them and finds a compelling need to enhance and expand these strategies throughout the state.

The growth in the numbers of pro per litigants has been documented in a myriad of reports and articles and particularly in the strategic

A GREAT-GRANDMOTHER'S STORY

Bernice came to her local court's self-help center asking for assistance regarding her *great-granddaughter*, Amy (age five). Bernice's granddaughter, the child's mother, suffered from a long history of mental illness and drug abuse and was living in a motel room. She would show up unannounced and ask Bernice to take care of the child "for a couple more days," but days turned into weeks. Bernice lives on a fixed income and could not afford an attorney. She was the only relative capable of caring for the child, and there was nowhere else for her to turn. The center was able to help Bernice fill out the forms to obtain guardianship of the child. Amy now receives regular medical and dental attention and is enrolled in preschool. Bernice's ability to seek guardianship has probably helped avoid foster care placement for Amy.

plans submitted by local courts to the Judicial Council. In its analysis of these strategic plans, the Judicial Council identified both social and economic trends that are generating ever-increasing numbers of self-represented litigants in the courts. Court operational systems, in accord with traditional adversary jurisprudence, have been designed to manage a flow of cases in which the vast majority of litigants have attorneys to represent them. The same economic trends currently creating adverse fiscal conditions for courts are also working to increase the population of self-represented litigants. This reality is unlikely to change any time soon.

Many local strategic plans made the link between improved assistance to self-represented litigants and the improvement of the management and administration of the courts. Fiscal benefits to the courts produced by pro per assistance programs have already been recognized. The success of these programs is critical for courts as they attempt to deal with current budget conditions. The task force believes that unless the impact on self-represented litigants is a fundamental consideration in planning, any redesign of court operations will not achieve positive net savings.

Fiscal Benefits to Courts

- Save time in courtrooms
- Reduce inaccurate paperwork
- Increase ability to identify conflicting orders
- Improve quality of information provided by litigants
- Diminish inappropriate filings
- Minimize unproductive court appearances
- Lower continuance rates
- Expedite case management and dispositions
- Promote settlement of issues
- Increase the court's overall ability to handle its entire caseload

Courts that work well for cases involving self-represented litigants also produce significant benefits to the community as a whole.

Pro Per Information

Over 4.3 million of California's court users are self-represented.

Some counties reported their pro per filing rates in local action plans to assist self-represented litigants.

Petitioner at Filing
(mean rates)

Unlawful Detainer*	34%
Family Law	67%
(Largest Counties = 72%)	
Probate	22%
General Civil	16%

*Judges and court staff report that the defendant in unlawful detainer cases is self-represented over 90% of the time.

Available Judicial Branch Statistical Information System (JBSIS) data for family law reports even higher pro per rates for petitioners at the time of disposition:

Petitioner at Disposition
(mean rates)

Dissolution	80%
Legal Separation	76%
Nullity	76%
Paternity	96%

Court-based Self-help Programs
*(Customer Contacts: 1-year period)**

Family Law Facilitators	over 450,000
Family Law Information Centers *(3 Counties)*	over 45,000

*Due to the complexity of family law matters, many litigants use the services of these programs repeatedly throughout the process of their cases.

California Courts Online Self-Help Center
(2003)

Over 1.6 million visits

All Judicial Council forms can now be filled out on this Web site.

BENEFITS TO THE GREATER COMMUNITY

- Improve the climate in which to conduct business
- Minimize employee absences due to unsettled family conflicts
- Lessen the amount of time lost from work due to repeated court appearances
- Relieve court congestion allowing all cases to be resolved more expeditiously
- Enhance timely disposition of contract and collection matters
- Promote public safety by increasing access to orders to prevent violence
- Support law enforcement with clear, written orders related to custody, visitation and domestic violence
- Lessen trauma for children at risk due to homelessness or family violence
- Significantly contribute to the public's trust and confidence in the court and in government as a whole

A DOMESTIC VIOLENCE STORY

Ann had been physically abused by her boyfriend Ron. She had managed to separate from him and obtain a restraining order. Ron works for the Health Maintenance Organization (HMO) that provided her healthcare. She has been a patient there for several years. Ron was using his employment to obtain personal information about Ann. The HMO had already provided some information to him, and was refusing to give Ann any information or protect her medical information from him. Ann went to her local court's self-help center. There she was assisted in filing a petition and obtaining a temporary restraining order, and obtaining a referral to a pro bono attorney to review the case and appear in court with her.

Our society is based upon the premise that disputes can be resolved peacefully, in a timely way, by the court system – rather than by violence. Failure to address the necessity of assisting self-represented litigants to obtain access to prompt and lawful remedies serves to further jeopardize California's already tenuous economy and diminish the quality of life Californians traditionally enjoy.

With its family law facilitator program, family law information centers, self-help Web site, self-help pilot projects, equal access partnership grants, and numerous innovative programs created by local courts in collaborations with law libraries, bar associations, and legal services, California has led the nation in beginning to address the reality of litigation involving those who represent themselves. The task force believes that California should continue in this leadership role.

Providing assistance to self-represented litigants clearly addresses the need of the self-represented public for information, but it is also a matter of administrative efficiency for courts. The task force believes that by directly confronting the enormity of pro per litigation, courts can improve the quality of their service to the public and reduce the time and cost of service delivery.

Recommendations

In crafting its recommendations, the task force has, to the greatest extent possible, attempted to include replication of existing best practices, collaborative efforts, development of standardized criteria for self-help centers, and other cost-effective methods or procedures. Mindful of the need to ensure the wisest utilization of scarce public resources, the task force has attempted to design processes and tools to measure outcomes. An effort has been made to identify both existing and potential funding sources.

The Task Force on Self-Represented Litigants has analyzed action plans to provide assistance to self-represented litigants that were developed by local trial courts, consulted with Judicial Council advisory committees on subject matter concerns, and met with experts on serving self-represented litigants. These recommendations are designed to assist California's courts to continue their leadership role in creating operational systems that work well for the timely, cost-effective and fair management of cases involving self-represented litigants and in improving access to justice for the public.

RECOMMENDATION I: SELF-HELP CENTERS

IN ORDER TO EXPEDITE THE PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND INCREASE ACCESS TO JUSTICE FOR THE PUBLIC, COURT-BASED, STAFFED SELF-HELP CENTERS SHOULD BE DEVELOPED THROUGHOUT THE STATE.

THE TASK FORCE RECOMMENDS THAT:

A. The Judicial Council continue to recognize self-help services as a core function of the trial courts and identify these services consistently in the budgetary process.

B. Courts use court-based, attorney-supervised, staffed self-help centers as the optimum way to facilitate the efficient processing of cases involving self-represented litigants, to increase access to the courts and improve the delivery of justice to the public.

C. Self-help centers conduct initial assessment of a litigant's needs (triage) to save time and money for the court and parties.

D. Court-based self-help centers serve as focal points for countywide or regional programs for assisting self-represented litigants in collaboration with qualified legal services, local bar associations, law libraries, and other community stakeholders.

E. Self-help centers provide ongoing assistance throughout the entire court process, including collection and enforcement of judgments and orders.

F. Administration of self-help centers should be integrated within a county or region to the greatest extent possible.

RECOMMENDATION II: SUPPORT FOR SELF-HELP SERVICES

A SYSTEM OF SUPPORT SHOULD BE DEVELOPED AT THE STATE LEVEL TO PROMOTE AND ASSIST IN THE CREATION, IMPLEMENTATION, AND OPERATION OF THE SELF-HELP CENTERS AND TO INCREASE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS.

THE TASK FORCE RECOMMENDS THAT:

A. A resource library with materials for use by self-help centers in the local courts be maintained by the Administrative Office of the Courts (AOC).

B. Technical assistance be provided to courts on implementation strategies.

C. Funding be sought for a telephone help-line service with access to AOC attorneys to provide legal and other technical assistance to self-help center staff.

D. The AOC serve as a central clearinghouse for translations and other materials in a variety of languages.

E. The California Courts Online Self-Help Center be expanded.

F. The Judicial Council continue to simplify its forms and instructions.

G. Technical training and assistance to local courts in the development and implementation of self-help technology on countywide or regional basis be continued.

H. Support for increased availability of representation for low- and moderate-income individuals be continued.

I. Work with the State Bar in promoting access for self-represented litigants be continued.

J. Technical assistance related to self-represented litigants be provided to courts that are developing collaborative justice strategies.

RECOMMENDATION III: ALLOCATION OF EXISTING RESOURCES

PRESIDING JUDGES AND EXECUTIVE OFFICERS SHOULD CONSIDER THE NEEDS OF SELF-REPRESENTED LITIGANTS IN ALLOCATING EXISTING JUDICIAL AND STAFF RESOURCES.

THE TASK FORCE RECOMMENDS THAT:

A. Judicial officers handling large numbers of cases involving self-represented litigants be given high priority for allocation of support services.

B. Courts continue, or implement, a self-represented litigant planning process that includes both court and community stakeholders and works toward ongoing coordination of efforts.

RECOMMENDATION IV: JUDICIAL BRANCH EDUCATION

IN ORDER TO INCREASE THE EFFICIENCY OF THE COURT AND TO MINIMIZE UNWARRANTED OBSTACLES ENCOUNTERED BY SELF-REPRESENTED LITIGANTS, A JUDICIAL BRANCH EDUCATION PROGRAM SPECIFICALLY DESIGNED TO ADDRESS ISSUES INVOLVING SELF-REPRESENTED LITIGANTS SHOULD BE IMPLEMENTED.

THE TASK FORCE RECOMMENDS THAT:

A. A formal curriculum and education program be developed to assist judicial officers and other court staff to serve litigants who navigate the court without the benefit of counsel.

B. The AOC provide specialized education to court clerks to enhance their ability to provide the public with high-quality information and appropriate referrals, as well as to interact effectively with the self-help centers.

C. The AOC, in consultation with the California Judges Association provide greater clarification of the extent to which judicial officers may ensure due process in proceedings involving self-represented litigants without compromising judicial impartiality.

RECOMMENDATION V: PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH

JUDICIAL OFFICERS AND OTHER APPROPRIATE COURT STAFF SHOULD ENGAGE IN COMMUNITY OUTREACH AND EDUCATION PROGRAMS DESIGNED TO FOSTER REALISTIC EXPECTATIONS ABOUT HOW THE COURTS WORK.

THE TASK FORCE RECOMMENDS THAT:

A. The AOC continue to develop informational material and explore models to explain the judicial system to the public.

B. Efforts to disseminate information to legislators about services available to, and issues raised by, self-represented litigants be increased.

C. Local courts strengthen their ties with law enforcement agencies, local attorneys and bar associations, law schools, law libraries, domestic violence councils, and other appropriate governmental and community groups so that information on issues and services related to self-represented litigants can be exchanged.

D. The Judicial Council continue to coordinate with the State Bar of California, Legal Aid Association of California, California Commission on Access to Justice, Council of California County Law Librarians, and other statewide entities on public outreach efforts.

E. Local courts be encouraged to identify and reach out to existing programs to better serve self-represented litigants.

RECOMMENDATION VI: FACILITIES

SPACE IN COURT FACILITIES SHOULD BE MADE AVAILABLE TO PROMOTE OPTIMAL MANAGEMENT OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO ALLOW FOR EFFECTIVE PROVISION OF SELF-HELP SERVICES TO THE PUBLIC.

THE TASK FORCE RECOMMENDS THAT:

A. Court facilities plans developed by the AOC include space for self-help centers near the clerks' offices in designs for future court facilities or remodeling of existing facilities.

B. Facilities include sufficient space for litigants to conduct business at the court clerk's office.

C. Facilities include sufficient space around courtrooms to wait for cases to be called, meet with volunteer attorneys, conduct settlement talks, and meet with mediators, interpreters, and social services providers.

D. Facilities include children's waiting areas for the children of litigants who are at the court for hearings or to prepare and file paperwork.

E. Information stations that provide general information about court facilities and services be placed near court entrances.

F. Maps and signage in several languages be provided to help self-represented litigants find their way around the courthouse.

RECOMMENDATION VII: FISCAL IMPACT

IN ADDRESSING THE CRITICAL NEED OF COURTS TO EFFECTIVELY MANAGE CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO PROVIDE MAXIMUM ACCESS TO JUSTICE FOR THE PUBLIC, CONTINUED EXPLORATION AND PURSUIT OF STABLE FUNDING STRATEGIES IS REQUIRED.

THE TASK FORCE RECOMMENDS THAT:

A. Continued stable funding be sought to expand successful existing programs statewide.

B. The AOC identify, collect, and report on data that support development of continued and future funding for programs for self-represented litigants.

C. Standardized methodologies to measure and report the impact of self-help efforts continue to be developed.

D. Uniform standards for self-help centers be established to facilitate budget analysis.

E. Efforts of the courts to seek supplemental public funding from local boards of supervisors and other such sources to support local self-help centers be supported and encouraged.

F. Coordination of local efforts among programs assisting self-represented litigants should be stressed in order to maximize services and avoid duplication.

G. AOC assistance with grant applications and other resource-enhancing mechanisms continue to be offered to local courts.

RECOMMENDATION VIII: IMPLEMENTATION OF STATEWIDE ACTION PLAN

TO PROVIDE FOR SUCCESSFUL IMPLEMENTATION OF THIS STATEWIDE ACTION PLAN, A SMALLER TASK FORCE CHARGED WITH THE RESPONSIBILITY OF OVERSEEING IMPLEMENTATION SHOULD BE ESTABLISHED.

THE TASK FORCE RECOMMENDS THAT:

A. The implementation task force consult with experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operations, and court-operated self-help services, as well as with partners such as bar associations, legal services, law libraries, and community organizations.

B. The number of members on the implementation task force should be limited, but members should be charged with the responsibility to seek input from non-members with unique knowledge and practical experience.

REPORT OF THE

TASK FORCE ON SELF-REPRESENTED LITIGANTS

Chief Justice Ronald M. George named the Judicial Council's Task Force on Self-Represented Litigants in May 2001. In response to the growing number of self-represented litigants, the task force members were charged with the following mission:

1. To coordinate the statewide response to the needs of self-represented parties;

2. To finalize development of a statewide pro per action plan and to launch implementation of that action plan, where appropriate;

3. To develop resources for pro per services, particularly for those activities in the statewide pro per action plan that require significant funding; and

4. To make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for self-represented parties.

The task force is chaired by Associate Justice Kathleen E. O'Leary, Court of Appeal, Fourth Appellate District. Its members are a diverse group of individuals from throughout the state representing the judiciary, the State Bar of California, trial court administration, court-based self-help centers, county governments, local bar associations, legal services, law libraries, and the public. (See Appendix 1 for task force roster.)

In this report, the task force has attempted present a comprehensive statewide plan that effectively addresses the way in which the court handles cases involving self-represented litigants. In its assessment of the needs of self-represented litigants, the task force found that many of California's courts have already begun to implement strategies specifically designed to manage cases involving self-represented litigants more effectively. The task force commends these courts and finds that there is a compelling need to enhance and expand these strategies throughout the state.

The growth in the numbers of pro per litigants has been documented in California and nationwide. In 2001, the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) identified the need for courts to design processes that work well for cases involving self-represented litigants as a priority. In accord, attendees at a 1999 National Conference on Public Trust and Confidence in the Courts ranked the

A FAMILY IN TROUBLE

Mr. Jorge Lopez and his family, who were all Spanish speaking, came to their local court's self-help center asking for assistance with a car accident matter. They had been trying without success to settle with the insurance company by themselves. The children had been hurt in the accident and required ongoing medical care. Damages had not been determined. The statute of limitations was going to run out that day. The center was able to assist them in completing and filing a complaint form so their cause of action could be preserved until they could obtain legal representation. They were then referred to a certified lawyer referral service.

cost of accessing the courts as the second most pressing issue for today's courts. At a 1996 National Conference of the Future of the Judiciary open access to the justice system was identified as one of the top five issues currently facing courts.

In California, many local strategic plans made the link between improved assistance to self-represented litigants and the improvement of the management and administration of the courts. In its analysis of these strategic plans, the Judicial Council identified both social and economic trends that are generating ever-increasing numbers of self-represented litigants in the courts. Court operational systems, in accord with traditional adversary jurisprudence, have been designed to manage a flow of cases in which the vast majority of litigants have attorneys to represent them. Strategies for handling cases without attorneys have typically not been addressed as a core function of the courts. The same economic trends currently creating adverse fiscal conditions for courts are also working to increase the population of self-represented litigants. This reality is unlikely to change any time soon.

The task force has found a unity of interest between the courts and the public with respect to assistance for self-represented litigants. Lack of legal assistance is clearly an enormous barrier for the public. It also creates a structural gap for the courts which are designed to work with litigants who are represented by attorneys. Many local strategic plans made the link between improved assistance to self-represented litigants and improvement of the management and administration of the courts.

Fiscal benefits to the courts produced by pro per assistance programs have already been documented in terms of savings in courtroom time; improvement in the quality of information given to judicial officers, reduction of inaccurate paperwork, inappropriate filings, unproductive court appearances and resulting continuances; and increases in expeditious case management and settlement services. The success of these programs is critical for courts as they attempt to deal with current budget conditions. It is imperative for the efficient operation of today's courts that well-designed strategies to serve self-represented litigants are incorporated throughout the full scope of court operations. The task force believes that unless the impact on self-represented litigants is a critical consideration in planning, any redesign of court operations will not be successful in producing positive net savings.

There is also a significant financial burden to the community at large when assistance for self-represented litigants in unavailable. Businesses suffer when congested court calendars delay collection efforts, cause extended employee absences, and hamper resolution of contract disputes. Public safety is compromised when litigants fail to obtain appropriate and enforceable orders to prevent domestic violence, receive child support, or obtain child custody. Perhaps most importantly,

AVOIDING LITIGATION

Jack and Lynn had been divorced for several years. Jack was moving some distance away, and they wanted information about changing their custody/visitation order, and whether they should also change child support. They came to their court's family law information center for help. Lynn and Jack were basically in agreement about the custody/visitation matters. The center attorney went through the child support guideline information with them, and they were also able to agree on a modification of child support. They were able to write up their agreement and submit it to the court for signature. Happily for these parents, and for the court, Jack and Lynn did not have to file a motion for the court to modify their orders, attend family court services mediation or participate in a court hearing.

public trust and confidence in the judicial process is undermined when justice is delayed or appears to be completely inaccessible to litigants who do not have access to legal help. Our society is based upon the premise that disputes can be resolved peacefully, in a timely way, by the court system – rather than by violence. Failure to address the necessity of assisting self-represented litigants to obtain access to prompt and lawful remedies serves to further jeopardize California's already tenuous economy, and diminish the quality of life Californians traditionally enjoy.

With its family law facilitator program, family law information centers, self-help Web site, self-help pilot projects, equal access partnership grants, and numerous innovative programs created by local courts in collaborations with law libraries, bar associations, and legal services, California has led the nation in beginning to address the reality of litigation involving self-represented litigants. The task force believes that California should continue in this leadership role. (A comprehensive description of California's self-help programs and projects is attached as Appendix 2.)

Background Information

In November 1999, the American Judicature Society held a National Conference on Self-Represented Litigants Appearing in Court, sponsored by the State Justice Institute. Chief Justice George appointed a team to attend the conference. The team developed a draft action plan that resulted in four regional conferences in California designed to encourage trial courts to develop their own action plans for serving self-represented litigants. To date 55 of California's 58 county courts have participated in this planning process, and 49 have completed their plans. The task force reviewed these action plans and a summary of the first 45 of these plans is attached as Appendix 3.

Through this planning process, local trial courts reported growing numbers of self-represented litigants in all areas of civil litigation. In those counties that reported the pro per rates in unlawful detainer, the average was 34 percent of petitioners (generally landlords) at the time of filing. Judicial officers and court staff estimate that over 90 percent of unlawful detainer defendants are self-represented. In probate, petitioners were self-represented an average of 22 percent at the time of filing. In family law, petitioners were pro per at the time of filing an average of 67 percent. In the large counties (with more than 50 judicial positions), that average was 72 percent. Available data from the Judicial Branch Statistical Information System presents rates in family law even higher for petitioners at the time of disposition. In dissolution at the time of disposition the average pro per rate was 80 percent; legal separation was 76 percent; nullity was 76 percent, and paternity was 96 percent. These data suggest that while some litigants may be able to afford representation at the time a case is initiated, they can not maintain it through disposition.

In one 12-month period, California's family law facilitator program handled over 450,000 contacts from self-represented litigants asking for help. Within the same time frame, the three family law information centers handled over 45,000 such requests. Due to the complexity of family law matters, many litigants use the services of these programs repeatedly throughout the process of their cases. In 2003, the California Courts Online Self-Help Center had over 1.6 million visits. Over 4.3 million of California's court users are self-represented. The number of Californians whose income is not sufficient to afford private legal representation (but is above

the limits of entitlement to free service from legal aid assistance programs or the public defender) continues to grow and results in larger numbers of self-represented litigants in even the juvenile law and criminal law departments.

Recommendations

In crafting its recommendations, the task force has, to the greatest extent possible, attempted to include replication of existing best practices, collaborative efforts, development of standardized criteria for self-help centers, and other cost-effective methods or procedures. Mindful of the need to ensure the wisest utilization of scarce public resources, the task force has attempted to design processes and tools to measure outcomes. An effort has been made to identify both existing and potential funding sources.

The task force has analyzed the action plan for serving self-represented litigants submitted by the local trial courts, consulted with Judicial Council advisory committees on subject matter concerns, and met with experts on serving self-represented litigants. These recommendations are designed to assist California's courts to continue their leadership role in creating operational systems that work well for the timely, cost-effective and fair management of cases involving self-represented litigants and for improving access to justice for the public.

RECOMMENDATION I: SELF-HELP CENTERS

IN ORDER TO EXPEDITE THE PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND INCREASE ACCESS TO JUSTICE FOR THE PUBLIC, COURT-BASED, STAFFED SELF-HELP CENTERS SHOULD BE DEVELOPED THROUGHOUT THE STATE.

THE TASK FORCE RECOMMENDS THAT:

A. The Judicial Council continue to recognize self-help services as a core function of the trial courts and identify these services consistently in the budgetary process.

Assistance for self-represented litigants and the efficient processing of cases involving self-represented litigants have become core operational processes of the court that directly affect its ability to achieve its mission, and appropriate funding should be provided. Budget request forms developed by the Judicial Council should consistently reflect these services as integral to the function of the court.

B. Courts use court-based, attorney-supervised, staffed self-help centers as the optimum way to facilitate the efficient processing of cases involving self-represented litigants, to increase access to the courts and improve the delivery of justice to the public.

A court-based, attorney-supervised, staffed self-help center is the optimum approach for both litigants and the court. Written instructional materials, resource guides, computer programs and Web sites, videos, and other materials should support self-help center staff. Without available staff assistance, these resources alone should not be considered a self-help center. Sufficient

support staff should also be provided to self-help center attorneys through training, additional staffing, and potential redeployment of existing staff.

Personal assistance by self-help center staff has been successfully provided through individual face-to-face assistance, workshops, teleconferencing, or telephone help lines. Services may be provided at court locations or in mobile vans, law libraries, jails, or other community locations. Some litigants are comfortable securing information exclusively through written materials or via the Internet. These services are helpful for those who find it difficult to take time from work or other responsibilities or who face geographic or physical challenges getting to a self-help center. It appears that the most desirable format for legal assistance varies based on the sophistication of the person seeking assistance, type of proceeding, complexity of the issues, availability of staffing resources, and volume of demand for services, along with a number of other factors.

The level of information and education given by self-help center staff distinguishes that role from the role normally played by a court clerk or other court staff. Self-help center staff must be able to understand the procedural complexities of a case from beginning to end. The triage function of the self-help center requires the ability to identify overlapping cases and issues, sometimes from multiple jurisdictions. In fact, checking local databases to identify multiple cases involving the same parties is an important function of the self-help center. Self-help center staff must also be able to operate various types of legal software for forms completion and child support calculations. A working familiarity with legal terminology, professional ethics, legal information management systems, public information contact techniques, and techniques to handle high emotional distress levels in litigants are all necessary for self-help center staff. The staff must also possess excellent listening skills and be able to competently teach basic legal procedure to self-represented litigants with diverse backgrounds, literacy or language issues, or learning disabilities. A current knowledge of legal and social community services currently available to self-represented litigants is essential so appropriate referrals can be made.

C. Self-help centers conduct initial assessment of a litigant's needs (triage) to save time and money for the court and parties.

Self-represented litigants need help in many areas of civil litigation. High numbers of individuals without legal representation are found in:

- Landlord/tenant
- Probate (including guardianships, conservatorships, and small estates)
- Small claims and consumer issues
- Family law
- Domestic violence
- Civil harassment
- Limited civil cases
- Traffic
- Misdemeanors
- Juvenile Dependency – caregivers
- Juvenile Delinquency – parents

It is clear that there are individuals who truly would be denied access to justice without full or partial representation by counsel. One of the most valuable services to the self-represented litigant is help with recognizing the need for legal counsel and referrals to appropriate legal resources in the community. This can create savings in court time otherwise spent repeatedly processing inaccurate or incomplete paperwork, calendaring unnecessary hearings, and dealing with repeated requests for legal advice made to judicial officers and other court staff. It also helps to discourage people from initiating complex lawsuits without legal representation in subject matter areas that require costly expert witnesses, difficult evidentiary proof, and other challenges impossible for a self-represented litigant to overcome.

Local courts should develop information regarding resources in their communities for those who need representation and implement appropriate referral systems. The self-help centers should be encouraged to work with qualified legal aid organizations and pro bono programs that can provide full representation, as well as certified lawyer referral and information services. Courts should support local bar associations and lawyer referral services programs to develop a panel of attorneys who provide unbundled legal services. Local courts can play a leadership role in encouraging discussion and development of seamless referral systems in their communities so members of the public can easily access the appropriate level of service. (Please refer to the diagram of service levels in Appendix 4.)

Identifying a litigant's issues and determining the adequate degree of necessary support early in the process increases court efficiency and allows for the most prudent allocation of resources. This assessment (triage) should occur when an individual first arrives at the self-help center seeking help and be reviewed when the individual returns to the self-help center. A qualified member of the court staff should conduct a brief needs assessment and direct the person appropriately. Staff need to know how to ask detailed direct questions to immediately identify the needs of the self-represented litigant and potential barriers such as language issues. Information on appropriate accommodations for litigants with disabilities should also be provided. Early intervention to assist with the correct completion of paperwork, explain procedural requirements including filing fees and costs, and provide basic information about court processes can save time for the court clerks, as well as the courtroom staff, and should avoid unnecessary continuances. These functions contribute greatly toward increasing public trust and confidence in the courts.

D. Court-based self-help centers serve as focal points for countywide or regional programs for assisting self-represented litigants in collaboration with qualified legal services, local bar associations, law libraries, and other community stakeholders.

Valuable support for those seeking assistance can be provided outside the court structure. It is strongly recommended that other effective efforts to support self-represented litigants be continued and encouraged. Support for staffing, facilities, and other needs can be obtained through partnership agreements and other collaborative efforts with private nonprofit legal

programs; local bar associations; law libraries; public libraries; law schools and colleges; professional associations for psychologists, accountants, and process servers; and other community groups and organizations.

Through aggressive networking and collective effort, a greater amount of services can be provided and a larger number of self-represented litigants can be assisted. One court cited its positive experiences with a mediation program for landlord-tenant disputes sponsored by the local board of realtors. County law libraries have been reliable and traditional sources of support for self-represented litigants. Nonprofit legal services organizations are providing help in a number of counties through both direct services and the services of pro bono attorneys. Many rural courts have developed successful models of sharing facilitator and self-help attorney services between counties.

Successful use of volunteers has been achieved throughout the state. The task force has identified many sources of a large number of potential volunteers to assist in these programs, including members of local bar associations; law students; attorneys emeritus; high school, college, and graduate students; retired persons; paralegal students; and retired judicial officers.

Community-focused planning processes by the local courts have been successful in involving representatives of these many different service providers in collaborative efforts with the courts to develop and implement enhanced services, including assistance for self-represented litigants.

E. Self-help centers provide ongoing assistance throughout the entire court process, including collection and enforcement of judgments and orders.

The task force recognizes that the need for bilingual staff and legal information and education for self-represented litigants is not limited to the preparation of forms but extends throughout the court process. Continuing triage and assessment of cases is critical to make sure that those litigants who are not capable of self-representation can be identified and referred to appropriate legal services.

Self-help centers should be encouraged to include an array of tasks designed to assist the public and the court in the processing of cases involving self-represented litigants. Examples of such tasks include:

(1) Positioning staff in the courtrooms to prepare orders, assist in reaching agreements, or answer questions;
(2) Helping to conduct mediations or other settlement processes;
(3) Offering assistance in status conferences, providing judicial officers with readiness information, and providing assistance to litigants with preparation of judgments;
(4) Assisting in coordination of related cases and in development of optimal court operations to expedite cases involving self-represented litigants;
(5) Serving as a resource for judicial officers and court staff on legal and procedural issues affecting self-represented litigants;

(6) Offering litigants information about enforcement of orders and judgments;
(7) Providing information that can assist litigants to comply with court orders;
(8) Serving as a single point of contact for community-based organizations and volunteers at the court; and
(9) Making information available to litigants about how to get help with the appellate process.

Self-help centers must be diligent in providing notice to litigants that the self-help center is not providing them with legal advice, that services of the center are available to both sides of a case, and there are limits on the confidentiality of information given to the self-help center.

F. Administration of self-help centers should be integrated within a county or region to the greatest extent possible.

Whenever possible, court-based pro per assistance services should be integrated within a county or regional self-help center system. Smaller counties may be better able to serve self-represented litigants by pooling resources to create cross-county programs. Litigants often have legal issues covering more than one area of law. Self-help centers should therefore strive to cover the comprehensive range of service areas affecting self-represented litigants and include such existing programs as the family law facilitators. For example, litigants with child support problems will frequently need help with issues within family law other than child support. Litigants with unlawful detainer cases may also have family law or small claims cases. Juvenile dependency litigants may also have domestic violence cases.

An integrated program is the most cost-effective way to maximize attorney resources. It facilitates the sharing of information among staff, broadens the reliable referral base, increases the opportunities for in-house training and expansion of professional expertise, promotes uniform procedures and forms, and allows members of the public to bring all of their questions to one program. This is not to say that a self-help center would provide services in only one location. Services can be provided in multiple court locations, community outposts, law libraries, jails, mobile vans, or whatever places most effectively increase access by the public. Whenever possible, services should be offered in the evenings or weekends for people who cannot come to the self-help center during regular business hours.

RECOMMENDATION II: SUPPORT FOR SELF-HELP SERVICES

A SYSTEM OF SUPPORT SHOULD BE DEVELOPED AT THE STATE LEVEL TO PROMOTE AND ASSIST IN THE CREATION, IMPLEMENTATION, AND OPERATION OF THE SELF-HELP CENTERS AND TO INCREASE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS.

THE TASK FORCE RECOMMENDS THAT:

A. A resource library with materials for use by self-help centers in the local courts be maintained by the Administrative Office of the Courts (AOC).

Collaborations between local court self-help centers are essential to the implementation of a statewide program. The purposes are to share best practices, increase consistency in the services provided and their delivery, increase efficiency of program development, and create an ability to address problems in a comprehensive manner. Critical work has already been done throughout the state to develop self-help materials to assist self-represented litigants with obtaining and enforcing court orders. Materials should be collected, expanded, and made available to local courts through resource libraries at the AOC and its regional offices. Web site designs, videos, brochures, translations, information packets, sample grant applications and partnership agreements, sample memorandums of understanding, volunteer training guides, and other materials can be easily replicated or modified for use in other parts of the state. Detailed information on self-represented litigant efforts that have been recognized with California court or bar awards should be showcased.

B. Technical assistance be provided to courts on implementation strategies.

The AOC should continue to provide funding to courts for the development, updating, and implementation of community-focused action plans for serving self-represented litigants. These planning efforts have been helpful to the courts in coordinating existing services as well as creating new services. The materials as a result of these planning efforts should be distributed statewide. Technical assistance should be provided to local courts in their efforts to serve self-represented litigants, including distributing information about promising and effective practices.

C. Funding be sought for a telephone help-line service with access to AOC attorneys to provide legal and other technical assistance to local self-help center staff.

The AOC should seek funding to provide assistance to the local courts by having staff available to assist with both legal subject matter expertise and knowledge about daily court operations. The AOC attorneys can serve as a resource for local self-help center staff and other court staff on legal and procedural matters involving self-represented litigants. Bilingual staff should be available to provide some telephone assistance to customers of court-based self-help centers that do not have bilingual staff available to answer questions.

D. The AOC serve as a central clearinghouse for translations and other materials in a variety of languages.

Self-represented litigants who face language and cultural barriers compose a significant segment of the Californians seeking access to justice without benefit of counsel. Several existing self-help programs have provided extensive services to non-English-speaking immigrants. Collaboration with local minority bar associations and other community nonprofit organizations should be fostered to help provide bilingual assistance. Creation of model protocols based on these achievements and the lessons learned, as well as a central clearinghouse and retention center for translations would be invaluable for courts with diverse populations. Key documents should be identified for translation and dissemination.

E. The California Courts Online Self-Help Center be expanded.

The California Courts Online Self-Help Center has provided assistance to an enormous number of Californians since its launch. In 2003, there were over 1.6 million users of the Web site. All Judicial Council forms can now be filled out online on this Web site. The AOC has now translated this site into Spanish and should create additional materials in other languages.

The self-help Web site should be expanded to include short videos in English and Spanish explaining various legal concepts critical to self-represented litigants, such as service of process, courtroom presentation, and the roles of judges and clerks. The Web site should include additional step-by-step guides and interactive features such as programs to help users decide where to file their cases, and prepare documents. Further development of Web site tools to assist the public in accessing legal information and to assist the court in serving the self-represented population of litigants should be supported and encouraged.

F. The Judicial Council continue to simplify its forms and instructions.

Recently the AOC has revised its domestic violence restraining order and adoption forms and instructions in a plain-English format. The response from the public has been very positive. Continued work to simplify forms and procedures, as well as to redesign forms in a plain-English format, should be supported and encouraged. Special attention should be given to fee waiver forms, and standardized procedures for issuing fee waivers should be implemented statewide.

The AOC should also continue its efforts to translate forms and instructions into more languages and to develop new forms that facilitate efficient case processing. The use of computer technology should be explored with respect to creating computerized documents that can impart content created in different counties and that allow pages to be tailored to meet the needs of users (including accommodations for people with different disabilities).

As advisory committees to the Judicial Council follow the Access Policy for Low-and Moderate-Income Persons adopted by the Judicial Council on December 18, 2001, and consider the impact of any proposed rules, forms, or procedures on low-income litigants, they should be especially mindful of the impact on self-represented litigants.

G. Technical training and assistance to local courts in the development and implementation of self-help technology on countywide or regional basis be continued.

Work has already been done on the development of technology designed to support self-help centers and provide distance-learning tools for the public. Examples are interactive forms programs; local Web site construction; videoconferencing for workshops, meetings, and court appearances; programs that allow clerks to create orders after hearings; expanded telephone systems for direct telephone assistance and direct-dial connections to language interpretation,

legal and other community services. The AOC should continue to assist local courts in developing these and other technologies to assist self-represented litigants and to provide training on how to incorporate technology into self-help centers.

H. Support for increased availability of representation for low- and moderate-income individuals be continued.

There are several approaches to meeting special needs and to increasing the availability of full representation for low- and moderate-income litigants. For example, partnerships between the judicial branch and nonprofit legal services organizations, the State Bar of California and local bar associations, the California Commission on Access to Justice, and the Legal Services Trust Fund Commission should be continued to increase funding for legal services in California.

The Judicial Council has adopted a resolution encouraging pro bono legal assistance, and the Chief Justice has demonstrated his personal commitment to this effort in many ways, including writing letters in support of pro bono and appearing at the State Bar's Annual Meeting to personally present the State Bar President's Pro Bono Service Awards each year. Judicial officers should be advised of the many ways in which they can join the Chief Justice in supporting pro bono work and other legal service efforts consistent with the California Code of Judicial Ethics provisions on impartiality. Local courts should consider promoting pro bono work through the recognition of programs or other procedures that make pro bono commitment less onerous for a lawyer.

An additional strategy is to increase representation is limited scope (unbundled) services. Limited scope representation allows a litigant to retain legal representation on a limited number of issues or tasks within a case, or for a single or limited number of court appearances. Many times it is the discovery process or judgment drafting that most challenges the self-represented litigant. Other times, the presence of an attorney at one hearing can help resolve a case. While full representation is optimal, the opportunity to retain counsel for a discrete portion of a case would be of enormous help to many. The concept of limited scope representation should continue to be pursued and supported. The AOC should provide training to judges and court staff on this concept and collaborate with the State Bar for the training of attorneys on limited scope representation.

I. Work with the State Bar in promoting access for self-represented litigants be continued.

Much can be accomplished by entities working together to promote access for self-represented litigants. These entities could help ensure coordination in developing resources and encourage efforts in this area. This could include recognizing and honoring, with awards and otherwise, individuals and organizations leading the way in providing access to self-represented litigants.

J. Technical assistance related to self-represented litigants be provided to courts that are developing collaborative justice strategies.

Many courts are now implementing collaborative justice strategies that integrate courts with community services. Examples are courts for mental health, juvenile justice, drug treatment, homeless, and community issues. Domestic violence courts have been implemented that collaborate with an array of service providers for families. Six mentor courts are in the process of developing a unified court for families model, and others have previously adopted this strategy. A number of the collaborative justice courts deal with high percentages of self-represented litigants. The AOC should provide technical assistance to these collaborative justice programs with issues relating to self-represented litigants. These courts provide holistic and helpful services for many self-represented litigants and should be encouraged.

RECOMMENDATION III: ALLOCATION OF EXISTING RESOURCES

PRESIDING JUDGES AND EXECUTIVE OFFICERS SHOULD CONSIDER THE NEEDS OF SELF-REPRESENTED LITIGANTS IN ALLOCATING EXISTING JUDICIAL AND STAFF RESOURCES.

THE TASK FORCE RECOMMENDS THAT:

A. Judicial officers handling large numbers of cases involving self-represented litigants be given high priority for allocation of support services.

In reviewing the practices of courts throughout the state, it became apparent to the task force that frequently the least experienced and sometimes the least knowledgeable judicial officers were given an assignment with a high population of self-represented litigants. Because self-represented litigants often lack a sophisticated understanding of the law, basic fairness dictates that the judicial officer hearing a matter without attorneys should possess a comprehensive knowledge of the law. The importance of assigning suitable and talented judicial officers and staff who possess the requisite energy and enthusiasm to deal with calendars with a high volume of self-represented litigants cannot be overstated. Presiding judges must provide sufficient resources to allow judicial officers and staff to provide quality service to self-represented litigants. Such resources might include access to additional courtroom support staff, assignment to courtrooms with the largest available space, increased security, and self-help center attorneys available in the courtrooms to provide procedural assistance. All too often calendars with the greatest frequency of self-represented litigants receive the smallest proportion of court resources.

Many times a person's only experience with the court system is as a self-represented litigant in a family, small claims, traffic, or unlawful detainer case. This single experience can determine an individual's trust and confidence in the courts and influence his or her perception of government as a whole. People often share their views with family members, friends, and co-workers, so one experience can have a ripple effect, influencing levels of trust in government institutions among the general public, far beyond those with firsthand negative experience.

B. Courts continue, or implement, a self-represented litigant planning process that includes both court and community stakeholders, and works toward ongoing coordination of efforts.

Many courts have developed enormously effective self-represented litigant planning groups that include participants from other governmental agencies, local bar associations and legal services groups, and numerous community participants. Courts have also forged valuable relationships in their communities through the community-focused court planning process. Collaborative planning among these stakeholders must be an ongoing process. Courts should be encouraged to continue these community and court planning groups and to conduct regular meetings of stakeholders to discuss ways to coordinate and enhance resources for self-represented litigants.

RECOMMENDATION IV: JUDICIAL BRANCH EDUCATION

IN ORDER TO INCREASE THE EFFICIENCY OF THE COURT AND TO MINIMIZE UNWARRANTED OBSTACLES ENCOUNTERED BY SELF-REPRESENTED LITIGANTS, A JUDICIAL BRANCH EDUCATION PROGRAM SPECIFICALLY DESIGNED TO ADDRESS ISSUES INVOLVING SELF-REPRESENTED LITIGANTS SHOULD BE IMPLEMENTED.

THE TASK FORCE RECOMMENDS THAT:

A. A formal curriculum and education program be developed to assist judicial officers and other court staff to serve the population of litigants who navigate the court without the benefit of counsel.

The surveys conducted by local courts in developing action plans to serve self-represented litigants indicate that these litigants rate the availability of staff to answer questions as the most valuable service the court can provide. In contrast, a similar inquiry of court personnel suggested that self-represented litigants could best be served not through direct staff service, but through written materials and other self-help support. (See Appendix 3.) Such a dichotomy is also evident in survey and anecdotal information gathered by this task force. This gap must be bridged, and it is hoped that education will assist in doing just that.

Judicial officers and court staff receive nominal, if any, education to prepare them to address the unique issues presented by self-represented litigants. A lawyer who is well acquainted with court rules and procedures and accustomed to courtroom and courthouse practices represents the traditional litigant. Most self-represented litigants do not routinely use the court and consequently they face and present particular challenges when they attempt to effectively access the justice system. Indicators from courts that provide assistance to self-represented litigants point to the fact that better informed litigants help the courts run smoothly. It is hoped that by providing staff with better skills to address these challenges direct service efforts will be viewed as more feasible and productive.

Conventional judicial branch education has been premised on the assumption that the typical person interacting with the courts is an attorney or other person with at least minimal training in the law (such as, attorney services, paralegals, or legal secretaries). Due to a variety of factors previously discussed, the California courts are now serving an increasing number of self-represented litigants who have not had formal legal training or education, many of whom also

have very limited English proficiency. Those charged with the responsibility of providing court services to this expanding group of litigants need special education and training to ensure fair and efficient delivery of services. Research should be conducted with judicial officers and litigants to determine effective strategies for communicating with self-represented litigants and to manage courtrooms in an efficient manner that allows litigants to have trust and confidence in the court.

In recent years education was offered to prepare judicial officers and court staff to work more effectively with litigants with distinct needs such as children or persons living with disabilities. Much thought was given to how the courts could accommodate unique requirements and still maintain the neutrality crucial to every fair adversarial proceeding. A model and delivery methods should be developed to provide judicial officers and court staff with the skills necessary to ensure that the needs of self-represented litigants are accommodated effectively within the bounds of impartiality. Subject matter areas should include:

- Duty of the court toward self-represented litigants
- Ethical constraints when dealing with self-represented litigants
- Working with self-help center staff to promote courtroom efficiency
- Simple and ordinary English language skill
- Effective techniques for interacting with self-represented litigants
- Cultural competency
- Creation of a fair process that promotes the perception of fairness
- Community outreach and education
- Common issues for self-represented litigants, such as fee waiver requests

Education for temporary judges, security staff, bailiffs, and others who often have significant interaction with self-represented litigants, but who often do not receive training in how to work effectively with them, should be developed and made mandatory whenever possible.

B. The AOC provide specialized education to court clerks to enhance their ability to provide the public with high-quality information and appropriate referrals, as well as to interact effectively with the self-help centers.

Particular attention should be given to continuing and expanding the training and education of court clerks. The expectation that clerks should answer questions for the public as long as no legal advice is given makes the need for increased training and education critical. The information provided to the public should be reliable and of high quality. If clerks are assigned to support self-help center attorneys, additional education is required to ensure the competence of the services provided. Subject matter areas should include:

- The difference between legal advice and legal information
- Working with self-help center staff to provide effective service to the public
- Working with the local community to develop lists of services available to self-represented litigants

- Uniform procedures for handling fee waiver requests
- An overview of substantive and procedural issues relevant to self-represented litigants
- Self-help Web site information available to court staff
- Creation of the perception of fairness and equal treatment of all court users
- Effective skills in dealing with people in crisis
- Cultural competency
- Use of simple and ordinary English language skills when explaining legal procedures

C. The AOC, in consultation with the California Judges Association, provide greater clarification of the extent to which judicial officers may ensure due process in proceedings involving self-represented litigants without compromising judicial impartiality.

The degree to which a judge is responsible for ensuring a fair hearing, and deciding what measures can be taken to protect constitutional safeguards for all litigants without compromising judicial impartiality, is a source of stress for judicial officers and for court staff as well. In particular, the situation in which an attorney represents one party and the other party is self-represented creates an extremely difficult courtroom environment. Judicial education in this area should attempt to provide judges with techniques they can employ to ensure due process and protect judicial impartiality.

RECOMMENDATION V: PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH
JUDICIAL OFFICERS AND OTHER APPROPRIATE COURT STAFF SHOULD ENGAGE IN COMMUNITY OUTREACH AND EDUCATION PROGRAMS DESIGNED TO FOSTER REALISTIC EXPECTATIONS ABOUT HOW THE COURTS WORK.

THE TASK FORCE RECOMMENDS THAT:

A. The AOC continue to develop informational material and explore models to explain the judicial system to the public.

Judicial officers should engage in community outreach and education programs consistent with standards of judicial administration. Public education programs can be conducted in collaboration with local bar associations, legal services, law libraries, and other members of the justice community. All too often the public forms its impressions and acquires its knowledge of the legal system based solely on how it is portrayed in the popular media. These depictions are often unrealistic and misleading and make it difficult for self-represented litigants to accurately anticipate and appropriately prepare for their day in court. To counter these distortions, judicial officers should be encouraged to engage in community outreach and education. Existing communication modes should be employed to better inform Californians about their courts.

Videotapes, speaker materials, and talking points on a variety of legal issues could be prepared for use by public-access television stations, self-help centers, law libraries, and other information outlets. Informational videotapes are shown before the court calendar is called in some courts to explain the basic procedures and legal issues to be covered. Development of educational materials describing court processes should be expanded. Presentations on cable television and public service announcements for radio and television should be considered. A law-related educational Web site should be developed for elementary school, middle school, and high school students. Programs such as Spanish-language radio programs should be encouraged to expand outreach to traditionally underserved populations. For example, information could be provided to alert immigrant populations in their native languages to the most commonly encountered differences between California's laws and those in their countries of origin.

B. Efforts to disseminate information to legislators about services available to, and issues raised by, self-represented litigants be increased.

Materials should be developed to more fully inform local and state legislators of the issues raised by self-represented litigants and to advise district and local staff as to how they might best direct constituents to services available to self-represented litigants. "Day on the Bench" events that courts conduct should include a visit to the self-help center. Collaborative intergovernmental endeavors to address the needs of self-represented litigants would be extremely productive.

C. Local courts strengthen their ties with law enforcement agencies, local attorneys and bar associations, law schools, law libraries, domestic violence councils, and other appropriate governmental and community groups so that information on issues and services related to self-represented litigants can be exchanged.

Local courts should make more training available to law enforcement agencies that must enforce the domestic violence, custody and visitation, eviction, and other orders made by the court. A law enforcement agency can be asked to enforce orders for which the individual seeking assistance has no written document, or arguing parties may present an officer with orders that appear to conflict. Information should be made available about enforcement of orders for self-represented litigants and the ways in which these orders can be modified through the court process. Courts should be encouraged to solicit ongoing input from law enforcement staff about problems they are experiencing enforcing court orders in the field. All participants in the justice community have valuable information that should be shared to the greatest extent possible.

The California justice structure represents a continuum of effort, beginning many times with an officer on the street and ending at some point in the court system. The need for cooperative and collaborative efforts to ensure efficient and consistent administration of justice, both in practice and in perception, must be instilled. Additionally local bar associations, law libraries, and other appropriate governmental and community groups should be consulted with regularly to share information on the needs of self-represented litigants and the services available for them. Collaborative training and outreach efforts should be encouraged.

D. The Judicial Council continue to coordinate with the State Bar of California, Legal Aid Association of California, California Commission on Access to Justice, Council of California County Law Librarians and other statewide entities on public outreach efforts.

Under the direction of the Judicial Council, coordination efforts among the AOC, State Bar of California, Legal Aid Association of California, California Commission on Access to Justice, Council of California County Law Librarians and other appropriate community organizations are critical to distributing information about statewide efforts and to supporting the work of local courts. Efforts to encourage community groups to assist litigants in using self-help Web sites and other technological resources are one example of outreach activities as are cosponsored conferences and workshops.

E. Local courts be encouraged to identify and reach out to existing efforts to better serve self-represented litigants.

Judicial officers and court administrators should be encouraged to identify and reach out to existing community efforts to better serve self-represented litigants. The task force is mindful of the need for judicial officers and courts to uphold the integrity and independence of the judiciary but believes local courts can work closely with appropriate partners without creating any appearance of partiality. Law librarians are an apt example of an appropriate court partner. They have expressed a strong desire to join forces with courts to provide services to self-represented litigants. The task force recognizes the extraordinary work law librarians currently do and the remarkable contribution they can make in cooperation with local self-help centers. Courts should seek out others in the community who can make similar contributions.

RECOMMENDATION VI: FACILITIES

SPACE IN COURT FACILITIES SHOULD BE MADE AVAILABLE TO PROMOTE OPTIMAL MANAGEMENT OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO ALLOW FOR EFFECTIVE PROVISION OF SELF-HELP SERVICES TO THE PUBLIC.

THE TASK FORCE RECOMMENDS THAT:

A. Court facilities plans developed by the AOC include space for self-help centers near the clerks' offices in designs for future courthouse facilities or remodeling of existing facilities.

A self-help center should be as close to the counter clerk's office as possible. Adequate space should be provided for self-help center staff to provide services to the public. Self-represented litigants need space to sit and work on their paperwork. Space should be available to conduct mediations with self-represented litigants. To maximize staff resources, space to conduct workshops should be provided. Copiers, computers, and other technological resources should be available in the self-help centers for self-represented litigants to use.

Courts should periodically assess how easy it is for court users to get around the courthouse. One idea is to develop an access checklist for court personnel to use that enables them to see the courthouse through the eyes of a first-time user. The tool should consider signage, how easy it is to find the self-help center, and other issues self-represented litigants face in navigating the court. Identification of courtrooms, including numbering, should be focused on helping the public easily find the correct location.

B. Facilities include sufficient space for litigants to conduct business at the clerk's office.

Court facilities should provide sufficient space for litigants to wait while conducting business. Waiting areas can contain written information, posters, flowcharts, and other types of information that help litigants be better informed by the time they reach the clerk's window.

C. Facilities include sufficient space around courtrooms to wait for cases to be called, meet with volunteer attorneys, conduct settlement talks, and meet with mediators, interpreters, and social services providers.

Frequently calendars with a high percentage of self-represented litigants are fairly large. This can be particularly true in family law. It is important for the safety of all concerned that a safe and sufficient space is provided for litigants to wait for their cases to be called. Problems arise if there is not enough space to sit in the courtrooms or the space is overcrowded, and the litigants are forced to wait in hallways without the support of courtroom staff. Space should also be made available at or near courtrooms for litigants to meet with service providers such as mediators, volunteer attorneys, interpreters, or social services providers.

D. Facilities include children's waiting areas for the children of litigants who are at the court for hearings or to prepare and file paperwork.

Litigants are often forced to bring children with them. Lack of funds or available child care is a common problem. Litigants are not able to supervise young children and also pay attention to instructions given to them by court staff. Without appropriate accommodations, children run unsupervised in the halls of the courthouse while the litigant is filling out forms. This creates frustration for other court users, court staff, and the parents. Valuable time is wasted, and safety is compromised.

Litigants often cannot find child care on the days of their hearings. Children are not allowed in the courtrooms in many family law departments. There is no way the parent can effectively participate in a hearing and handle a child at the same time. Again, this creates frustration for litigants and increased burden on court staff. Properly staffed children's waiting areas should be incorporated into all facilities. Courts should be encouraged to use the provisions of Government Code section 26826.3 to provide funding to staff these waiting rooms.

E. Information stations that provide general information about court facilities and services be placed near court entrances.

Information stations situated near entrances have proven to be very helpful to litigants in navigating their way around the court. Bilingual staff should be available whenever possible. This can be an ideal use of volunteers from the community who have no legal training. Litigants can be directed to their desired locations and to self-help centers and other resources. General questions about how to use the facility and the location of services can be addressed, and information about assistance for litigants with special physical and language needs can be available. Kiosks with general information about the court can be most useful when staff is unavailable.

F. Maps and signage in several languages be provided to help self-represented litigants find their way around the courthouse.

Signs, maps, and floor-plan charts have all proved useful to the public for providing information about how to use the courthouse. These should be translated into several languages. Universal signage should be developed to help litigants find common services, such as an information station.

RECOMMENDATION VII: FISCAL IMPACT

IN ADDRESSING THE CRITICAL NEED OF COURTS TO EFFECTIVELY MANAGE CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO PROVIDE MAXIMUM ACCESS TO JUSTICE FOR THE PUBLIC, CONTINUED EXPLORATION AND PURSUIT OF STABLE FUNDING STRATEGIES IS REQUIRED.

THE TASK FORCE RECOMMENDS THAT:

A. Continued stable funding be sought to expand successful existing programs statewide.

The Judicial Council should seek stable funding to support and expand valuable existing programs such as the family law information centers, family law facilitators, self-help pilot projects, planning grants for self-represented litigants projects, the Unified Courts for Families project, and the Equal Access Partnership Grant projects. Funding should be sought to expand successful pilot programs throughout the state.

Current programs operating to meet the needs of self-represented litigants rely on a variety of funding sources. Until adequate and stable funding is included in the judicial branch's appropriation, there can be no assurance that self-represented litigants throughout the state will have equal access to justice. Regrettably, access to justice presently is often dependent on the resourceful and vigilant efforts of local courts and communities to secure funding to support services for these litigants. It is imperative that the Judicial Council continue to explore and pursue funding strategies for self-represented litigant services.

Increases in filing fees to subsidize self-help centers were not considered appropriate at this time in light of competing critical needs such as court facilities and the fact that court fees are already heavily laden with a variety of special assessments. Should a realistic opportunity for the institution of such fees arise, it should be pursued.

Given the dire fiscal circumstances facing the state of California, and the judicial branch in particular, the task force felt it would be remiss if it did not consider policies and practices that may have potential for revenue generation. In that vein the task force considered the concept of user fees by including it in their first draft action plan. Comments received from experts in the fields of court administration and the administration of community legal services were highly negative. The Task Force was advised fees for self-help center services would not be cost effective. It was predicted that the costs of administration would exceed collections and detract significantly from the time available to provide services to the public and to the court itself. Concerns were also raised about the increased possibility of litigants believing that they were establishing an attorney-client relationship. Consequently, the task force has eliminated further pursuit of this strategy from its recommendations.

B. The AOC identify, collect, and report on data that support development of continued and future funding for programs for self-represented litigants.

The task force is very mindful of the current fiscal circumstances in California and recognizes the need for a thoughtful and cost-effective plan. A number of the suggested initiatives require ongoing funding and dovetail with ongoing work of the Judicial Council and the trial courts. Other proposals require new funding. Work needs to begin to develop a basis for continued and future funding. An attempt has been made to put forward measures that will save money as a result of consolidation, standardization, and other efficiencies.

Understanding that demonstrated need is a basic component of any successful funding request, the task force has tried to identify sources from which compelling data might be collected. The Judicial Branch Statistical Information System (JBSIS) should include information on whether or not one or both litigants are represented by counsel in all categories of cases. Existing operational data should be used whenever possible, and any additional data requirement should be coordinated in a manner likely to cause the least burden on the local courts. The information should be collected and reported by the AOC.

In addition to collecting uniform statistics from courts, a survey of local and state legislators should be considered to determine the number of constituent contacts they receive from self-represented litigants requesting legal assistance. Current information on state and local poverty demographics should be compiled and synthesized. Other community agencies may have data to assist in determining legal needs in specific areas. For example, organizations serving victims of domestic violence, the elderly or the homeless may also be able to contribute specific instances of demonstrated need for legal services. Needs assessments conducted by legal service providers and by other organizations such as the United Way are other sources of information.

C. Standardized methodologies to measure and report the impact of self-help efforts continue to be developed.

In addition to needs for service, the impact of programs for self-represented litigants must be documented and reported on. The AOC is currently conducting two major evaluations of self-help programs, and the results of those evaluations should be disseminated when completed in March 2005. The evaluation tools developed by these projects should be distributed to the courts to assist them in evaluating their local self-help centers. Strategies for determining and documenting cost savings would be of particular value.

Quality, not just quantity, of service must be calculated in evaluation of these programs. The impact of these services must be measured. Uniform definitions of terms must be established to allow for valid comparisons. New tools must be designed and implemented to capture efficacy data. Standard and periodic exit surveys or customer satisfaction inquiries should be considered throughout the state. These results will not only gauge success of a particular program, they will be useful in determining the relative effectiveness of individual parts of a program as compared with other services. A method should be crafted by which the impact of the self-help centers in expediting cases may be assessed. Examples of possible tools include review of court operations data, judicial surveys, and surveys of court staff. The effectiveness of computer and Web-based self-help programs should be studied.

D. Uniform standards for self-help centers be established to facilitate budget analysis.

Basic minimum standards should be established statewide. Criteria should include minimum staffing levels and qualifications, facilities requirements, referral systems, levels of service provided, and hours of operation. These standards should be incorporated into the development of uniform definitions of terms for the purpose of gathering meaningful data. The standards should be used to assist the courts in establishing a baseline for funding for self-help activities to assure equal access to core self-help assistance throughout the state.

E. Efforts of the courts to seek supplemental public funding from local boards of supervisors and other such sources to support local self-help centers be supported and encouraged.

Although we now have state court funding, many counties have made the decision to support local self-help projects and have worked out partnerships with their local courts and legal services programs to enhance their budgets for assistance to self-represented litigants. This represents an understanding by county governments of the constituent need for such services. It is hoped these endeavors will serve as an example for other counties of a sensible expenditure of public funding for meaningful constituent services.

F. Coordination of efforts among programs assisting self-represented litigants should be stressed to maximize services and avoid duplication.

Whenever possible, courts should look at the possibility of coordinating existing self-help assistance to save costs and provide more cohesive services for litigants. Courts should examine the possibility of co-locating with existing resources such as law libraries. Courts should also work closely with programs funded through the Dispute Resolution Program Act and Small Claims Advisors Act and seek to ensure collaboration whenever possible.

G. AOC assistance with grant applications and other resource-enhancing mechanisms continue to be offered to local courts.

The Judicial Council, through the AOC, should continue to provide assistance to local courts on how to obtain grant funding, offer centralized purchasing options to enhance buying power, and otherwise support local courts in obtaining resources for self-help efforts. Generic materials should be developed for the courts to use in seeking grants from appropriate outside sources.

RECOMMENDATION VIII: IMPLEMENTATION OF STATEWIDE ACTION PLAN

TO PROVIDE FOR SUCCESSFUL IMPLEMENTATION OF THIS STATEWIDE ACTION PLAN, A SMALLER TASK FORCE CHARGED WITH THE RESPONSIBILITY OF OVERSEEING IMPLEMENTATION SHOULD BE ESTABLISHED.

THE TASK FORCE RECOMMENDS THAT:

A. The implementation task force consult with experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operations, and court-operated self-help services, as well as with partners such as bar associations, legal services, law libraries, and community organizations.

The implementation of well-designed programs for self-represented litigants that effectively facilitate the expeditious management of their cases in court requires knowledgeable input from all levels of court operations. Participation of judicial officers and self-help attorneys is imperative. Expertise in court management, operations, facilities, and budgeting is also required. Additional expertise is needed in the areas of legislation and education for judicial officers and other court staff. Representatives of partners such as legal services programs, bar associations, law libraries, and community agencies should also be included.

B. The number of members on the implementation task force should be limited, but members should be charged with the responsibility to seek input from non-members with unique knowledge and practical experience.

Effective implementation of a comprehensive statewide plan to meet the needs of self-represented litigants requires varied and extensive subject matter expertise, knowledge and

understanding of practical concerns, and an in-depth understanding of court operations. It is believed that an implementation task force that included members who can provide all this information would be so large that it would be unworkable.

With this concern in mind, the task force recommends that the implementation task force membership be limited but include members who have ready access to a variety of groups and individuals who could serve as resources on an as-needed basis. Examples potential members or potential sources of expertise would include representatives from the bench who have accumulated knowledge and experience in cases involving self-represented litigants, the family law facilitators, self-help center attorneys or staff members, law librarians, Judicial Council advisory committees, legal services organizations, the Commission on Access to Justice, or State and local bar association committees and sections.

Conclusion

This task force has worked to develop a comprehensive statewide plan that addresses the critical need of courts to effectively manage cases involving self-represented litigants while providing assistance to the public. The handling of self-represented litigants is a daily business event at every level of the court operations – from filing through calendaring, records management, and courtroom hearings. As courts plan during this period of fiscal austerity, attention to the reality of these cases will be imperative for any realization of net savings. Providing assistance to self-represented litigants clearly addresses the need of the self-represented public for information, but it is also a matter of administrative efficiency for courts. The task force believes that by directly confronting the enormity of pro per litigation, courts can improve the quality of their service to the public and reduce the time and cost of service delivery.

While many litigants will need full or partial representation, the self-represented litigant population continues to grow and is well documented nationally and even internationally. California, in recognizing that the courts have a duty to provide all Californians with a fair and efficient process by which to resolve their disputes, has been in the forefront of the effort to provide services to self-represented litigants and thereby increase access to justice. In so doing, the critical need for courts to include planning for the effective management of cases involving self-represented litigants has become clear.

Courts are recognizing the cost benefits of attorney-supervised self-help centers in cases involving self-represented litigants. Cost savings have been found in reduction of time for judges and other court staff, elimination of inaccurate paperwork and unnecessary continuances, and expeditious case management and settlement services. These are but a few of the ways that self-help techniques work to maximize scarce resources for the courts.

As Chief Justice Ronald M. George has noted, the population appearing in today's courts has changed in every respect and, as a result, so have society's expectations. California can and should continue its leadership role in this regard.

RECOMMENDATION I: SELF-HELP CENTERS

IN ORDER TO EXPEDITE THE PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND INCREASE ACCESS TO JUSTICE FOR THE PUBLIC, COURT-BASED, STAFFED SELF-HELP CENTERS SHOULD BE DEVELOPED THROUGHOUT THE STATE.

THE TASK FORCE RECOMMENDS THAT:

Strategies:

I.A. **THE JUDICIAL COUNCIL CONTINUE TO RECOGNIZE SELF-HELP SERVICES AS A CORE FUNCTION OF THE TRIAL COURTS AND IDENTIFY THESE SERVICES CONSISTENTLY IN THE BUDGETARY PROCESS.**

1. Effective self-help services and management of cases involving self-represented litigants should be budgeted consistently.
2. Judicial Council budget request forms should reflect these services as a core court function.

I.B. **COURTS USE COURT-BASED, ATTORNEY-SUPERVISED, STAFFED SELF-HELP CENTERS AS THE OPTIMUM WAY TO FACILITATE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS, TO INCREASE ACCESS TO THE COURTS AND IMPROVE DELIVERY OF JUSTICE TO THE PUBLIC.**

1. Methods of service delivery may vary according to the needs of the individual and the legal complexities of the case.
2. For cases in which self-study methods are sufficient, written materials, forms with instructions, Web site information, videos, and other materials should be made available.
3. Personal contact with self-help center staff by telephone, workshop, or individual assistance is usually the most helpful type of service.
4. Sufficient support staff should be provided to self-help center attorneys through possible redeployment of existing court staff.
5. Services may be provided at the court, or in community centers, mobile vans, libraries, jails, or other community locations.

I.C. **SELF-HELP CENTERS CONDUCT INITIAL ASSESSMENT OF A LITIGANT'S NEEDS (TRIAGE) TO SAVE TIME AND MONRY FOR THE COURT AND PARTIES.**

1. When an individual first arrives at the courthouse seeking help, a qualified member of the self-help center staff should conduct a brief needs assessment and direct the person appropriately.
2. The self-help centers should be encouraged to work with qualified legal aid organizations that can provide full representation as well as with certified lawyer referral and information services and should encourage the development of panels of attorneys providing unbundled services.
3. Early intervention by self-help center staff to assist with the correct completion of paperwork, explain procedural requirements, and provide basic information about court processes can save time for the court clerks, as well as courtroom staff, and can prevent unnecessary continuances.
4. Some individuals can only gain meaningful access to the court with full-service legal representation. To meet that need:
   - Courts should develop guidelines to identify those who seek representation and a system of referrals.
   - Self-help centers should work with certified lawyer referral services, State Bar qualified legal services, and pro bono programs.
   - Local courts should promote pro bono representation with recognition programs or other incentives for attorneys.

Recommendation I: Self-Help Centers – continued

Strategies – continued

I.D. **COURT-BASED SELF-HELP CENTERS SERVE AS FOCAL POINTS FOR COUNTYWIDE OR REGIONAL PROGRAMS FOR ASSISTING SELF-REPRESENTED LITIGANTS IN COLLABORATION WITH QUALIFIED LEGAL SERVICES, LOCAL BAR ASSOCIATIONS, AND OTHER COMMUNITY STAKEHOLDERS.**

1. Partnerships with organizations such as nonprofit legal services; bar associations; public institutions; law libraries and public libraries; professional associations for psychologists, accountants, and process servers; and other appropriate organizations should be continued.
2. Aggressive networking and collaborative efforts can maximize resources in numerous ways, such as:
   - Providing facilities for workshops
   - Providing mediation
   - Providing assistance at law libraries
   - Providing volunteer accounting or psychological assistance in appropriate cases
3. Collaborative efforts can also provide volunteer staffing resources, such as:
   - Local attorneys, attorneys emeritus, and retired judicial officers for the self-help centers
   - Law student interns
   - Other student volunteers
4. The Judicial Council should continue to support ongoing community-focused strategic planning.

I.E. **SELF-HELP CENTERS PROVIDE ONGOING ASSISTANCE THROUGHOUT THE ENTIRE COURT PROCESS, INCLUDING COLLECTION AND ENFORCEMENT OF JUDGMENTS AND ORDERS.**

1. Existing self-help resources should be coordinated to incorporate programs such as the family law facilitator, the small claims advisor, court-based legal services, and other programs into centers where both family law and civil law information are provided.
2. Self-help centers should be encouraged to include an array of services designed to assist the public and the court in the processing of cases involving self-represented litigants. Examples of these services include:
   - Positioning staff in the courtrooms to prepare orders, assist in reaching agreements, or answer questions
   - Helping to conduct mediation and other settlement processes
   - Offering assistance in status conferences, providing judicial officers with readiness information and providing assistance to litigants with the preparation of orders and judgments
   - Assisting in coordination of related cases and in development of optimal court operations
   - Serving as a resource for judicial officers and court staff on legal and procedural issues affecting self-represented litigants
   - Offering litigants information about enforcement of orders and judgments
   - Providing information that can assist litigants about comply with court orders
   - Serving as a single point of contact for community-based organizations and volunteers at the court
   - Making information available to litigants about how to get help with the appellate process

Recommendation I: Self-Help Centers – continued	
I.F	**ADMINISTRATION OF SELF-HELP CENTERS SHOULD BE INTEGRATED TO THE GREATEST EXTENT POSSIBLE.** 1. Self-help centers should provide a comprehensive group of services and include such programs as the family law facilitator. 2. Consolidation of services should enhance the ability to: • Maximize attorney resources • Facilitate information sharing among staff • Broaden a reliable referral base • Increase opportunities for in-house trainings • Promote uniform procedures and forms • Allow members of the public to bring all their questions to one place • Set schedules to make the most efficient use of resources

RECOMMENDATION II: SUPPORT FOR SELF-HELP SERVICES

A SYSTEM OF SUPPORT SHOULD BE DEVELOPED AT THE STATE LEVEL TO PROMOTE AND ASSIST IN THE CREATION, IMPLEMENTATION, AND OPERATION OF THE SELF-HELP CENTERS AND TO INCREASE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS.

THE TASK FORCE RECOMMENDS THAT:

Strategies:

II.A.	**A RESOURCE LIBRARY WITH MATERIALS FOR USE BY SELF-HELP CENTERS IN THE LOCAL COURTS BE MAINTAINED BY THE ADMINISTRATIVE OFFICE OF THE COURTS (AOC).** 1. Materials that have been developed to assist self-represented litigants with obtaining and enforcing court orders should be collected and maintained. Examples include: • Web site designs, videos, brochures, translations, and informational packets • Administrative materials such as partnership agreements, memorandums of understanding, and volunteer training guides • Detailed information on self-represented litigant efforts that have been recognized by California court or other awards
II.B.	**TECHNICAL ASSISTANCE BE PROVIDED TO COURTS ON IMPLEMENTATION STRATEGIES.** 1. Regional conferences, training sessions, and online meetings should be planned. 2. The AOC have knowledgeable staff available to provide legal subject matter and operations assistance to local courts.
II.C.	**FUNDING BE SOUGHT FOR A TELEPHONE HELP-LINE SERVICE WITH ACCESS TO AOC ATTORNEYS TO PROVIDE LEGAL AND OTHER TECHNICAL SUPPORT TO LOCAL SELF-HELP CENTER STAFF.** 1. AOC attorneys serve as a resource for local programs. 2. Experts in legal and procedural subject matters and court operations should be available. 3. Bilingual staff should be available.
II.D.	**THE AOC SERVE AS A CENTRAL CLEARINGHOUSE FOR TRANSLATIONS AND OTHER MATERIALS IN A VARIETY OF LANGUAGES.** 1. Model protocols based on the success of self-help centers that provide services in languages in addition to English should be created. 2. A clearinghouse for translations and other materials should be developed.
II.E.	**THE CALIFORNIA COURTS ONLINE SELF-HELP CENTER BE EXPANDED.** 1. Efforts to expand the California Courts Online Self-Help Center should: • Provide additional material in different languages. • Add short videos in English and Spanish to explain concepts such as service of process and courtroom presentations. • Create interactive features and step-by-step guides. • Continue to add additional information.

Recommendation II: Support for Self-Help Services – continued	
Strategies – continued	
II.F.	**THE JUDICIAL COUNCIL CONTINUE TO SIMPLIFY ITS FORMS AND INSTRUCTIONS.** 1. Translation of forms and instructions into "plain language" should be expanded. 2. Work on simplification of forms and instructions should continue. 3. Efforts to translate forms and instructions into more languages should continue. 4. Forms for use with limited scope (unbundled) legal services should be developed. 5. Computerized forms that can create case-specific documents and meet the needs of persons with disabilities should be expanded.
II.G.	**TECHNICAL TRAINING AND ASSIST ANCE TO LOCAL COURTS IN THE DEVELOPMENT AND IMPLEMENTATION OF SELF-HELP TECHNOLOGY ON COUNTYWIDE OR REGIONAL BASIS BE CONTINUED.** 1. The AOC to provide training to self-help centers on the use of technology and how to guide self-represented litigants 2. The AOC to assist in development of self-represented litigant technology, such as: • Interactive forms programs and programs to help litigants develop agreements • Local Web site enhancement • Videoconferencing for workshops, meetings, and court appearances • Telephone help-lines and direct telephone lines to legal and social services resources in the community • Programs for clerks to draft orders after hearings in the courtrooms • Audiotapes in English and other languages with information on forms preparation, procedures, and the courtroom
II.H.	**SUPPORT FOR INCREASED AVAILABILITY OF REPRESENTATION FOR LOW- AND MODERATE-INCOME INDIVIDUALS BE CONTINUED.** 1. Partnerships between the judicial branch and nonprofit legal services organizations, the State Bar of California and local bar associations, the California Commission on Access to Justice, and the Legal Services Trust Fund Commission should be continued to increase funding for legal services. 2. Judicial officers should be advised of ways in which they can join with the Chief Justice in increasing pro bono work and other legal services, consistent with the Code of Judicial Ethics. 3. The provision of limited scope (unbundled) legal representation should be supported by training judicial officers and court staff and by collaborating with the State Bar for attorney training.
II.I.	**WORK WITH THE STATE BAR IN PROMOTING ACCESS FOR SELF-REPRESENTED LITIGANTS BE CONTINUED.** 1. The organizations should continue to coordinate in developing resources. 2. Honors and awards for efforts to assist self-represented litigants should be given.
II.J.	**TECHNICAL ASSISTANCE RELATED TO SELF-REPRESENTED LITIGANTS BE PROVIDED TO COURTS THAT ARE DEVELOPING COLLABORATIVE JUSTICE STRATEGIES.** 1. The AOC should provide assistance to courts with collaboration justice programs, such as: • Unified Courts for Families; Family drug courts; Domestic violence courts

RECOMMENDATION III: ALLOCATION OF EXISTING RESOURCES

PRESIDING JUDGES AND EXECUTIVE OFFICERS SHOULD CONSIDER THE NEEDS OF SELF-REPRESENTED LITIGANTS IN ALLOCATING EXISTING JUDICIAL AND STAFF RESOURCES.

THE TASK FORCE RECOMMENDS THAT:

Strategies:

III.A.	**JUDICIAL OFFICERS HANDLING LARGE NUMBERS OF CASES INVOLVING SELF-REPRESENTED LITIGANTS BE GIVEN HIGH PRIORITY FOR ALLOCATION OF SUPPORT SERVICES.** 1. The assignment of experienced, talented, and energetic judicial officers with a comprehensive knowledge of the substantive law to departments with high numbers of self-represented litigants—such as family law, small claims, traffic, or unlawful detainer—should be encouraged. 2. Judicial officers in assignments with large pro per populations should have additional staff support. 3. Courtroom assistance by a self-help center attorney should available to judicial officers and pro pers. 4. Sufficient courtroom staff should be provided to allow for efficient flow of calendars.
III.B.	**COURTS CONTINUE, OR IMPLEMENT, A SELF-REPRESENTED LITIGANT PLANNING PROCESS THAT INCLUDES BOTH COURT AND COMMUNITY STAKEHOLDERS AND WORKS TOWARD ONGOING COORDINATION OF EFFORTS.** 1. Working groups that have been formed for local action planning for self-represented litigants should be ongoing and active. 2. There should be monthly meetings of local stakeholders. 3. Participants might include the court, legal services programs, other governmental agencies, local bar associations, law libraries, public libraries, law schools, community colleges, other schools, community social services providers, and a wide variety of other community-based groups.

RECOMMENDATION IV: JUDICIAL BRANCH EDUCATION

IN ORDER TO INCREASE THE EFFICIENCY OF THE COURT AND TO MINIMIZE UNWARRANTED OBSTACLES ENCOUNTERED BY SELF-REPRESENTED LITIGANTS, A JUDICIAL BRANCH EDUCATION PROGRAM SPECIFICALLY DESIGNED TO ADDRESS ISSUES INVOLVING SELF-REPRESENTED LITIGANTS SHOULD BE IMPLEMENTED.

THE TASK FORCE RECOMMENDS THAT:

STRATEGIES:

IV.A. **A FORMAL CURRICULUM AND EDUCATION PROGRAM BE DEVELOPED TO ASSIST JUDICIAL OFFICERS AND OTHER COURT STAFF TO SERVE THE POPULATION OF LITIGANTS WHO NAVIGATE THE COURT WITHOUT THE BENEFIT OF COUNSEL.**

1. Curriculum development recently implemented to accommodate the needs of children in the courtroom should be used as a model for assisting self-represented courtroom participants while maintaining neutrality.
2. Pro tem judges should be included in this training. Subject matter should include:
   - The duty of the court toward self-represented litigants
   - Ethical constraints when dealing with pro pers
   - Working with self-help center staff to promote efficiency in the courtroom
   - Plain-English language skills
   - Effective techniques for interacting with self-represented litigants
   - Cultural competence
   - Community outreach and education

IV.B. **THE AOC PROVIDE SPECIALIZED EDUCATION TO COURT CLERKS TO ENHANCE THEIR ABILITY TO PROVIDE THE PUBLIC WITH HIGH-QUALITY INFORMATION AND APPROPRIATE REFERRALS, AS WELL AS TO INTERACT EFFECTIVELY WITH THE SELF-HELP CENTERS.**

1. Subject matter should include:
   - The difference between legal advice and legal information
   - Working with self-help center staff to provide effective service to the public
   - Community services available to self-represented litigants and coordination with staff to keep information current
   - Uniform procedures for handling fee waiver requests
   - An overview of substantive and procedural issues relevant to self-represented litigants
   - Self-help Web site information available to court staff
   - Creation of the perception of fairness and equal treatment of all court users, including cultural competence
   - Effective skills in dealing with people in crisis
   - Use of simple and ordinary English language skills when explaining legal procedures

IV.C **THE AOC, IN CONSULTATION WITH THE CALIFORNIA JUDGES ASSOCIATION, PROVIDE GREATER CLARIFICATION OF THE EXTENT TO WHICH JUDICIAL OFFICERS MAY ENSURE DUE PROCESS IN PROCEEDINGS INVOLVING SELF-REPRESENTED LITIGANTS WITHOUT COMPROMISING JUDICIAL NEUTRALITY.**

- Courtroom techniques when one party is represented and another is not
- Appropriate methods to help gain important information from pro pers without compromising neutrality

RECOMMENDATION V: PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH

JUDICIAL OFFICERS AND OTHER APPROPRIATE COURT STAFF SHOULD ENGAGE IN COMMUNITY OUTREACH AND EDUCATION PROGRAMS DESIGNED TO FOSTER REALISTIC EXPECTATIONS ABOUT HOW THE COURTS WORK.

THE TASK FORCE RECOMMENDS THAT:

Strategies:	
V.A.	**THE AOC CONTINUE TO DEVELOP INFORMATIONAL MATERIAL AND EXPLORE MODELS TO EXPLAIN THE JUDICIAL SYSTEM TO THE PUBLIC.** 1. Judicial officers should be encouraged to engage in community outreach and education programs. 2. Existing communication modes should be employed to better inform Californians about their courts. 3. Videotapes on a variety of legal issues should be prepared for use by public access television stations, self-help centers, law libraries 4. Information be developed for immigrant populations to differences between California's laws and those in their countries of origin. 5. A law-related educational Web site should be developed for elementary school, middle school, and high school students
V.B.	**EFFORTS TO DISSEMINATE INFORMATION TO LEGISLATORS ABOUT SERVICES AVAILABLE TO, AND ISSUES RAISED BY, SELF-REPRESENTED LITIGANTS BE INCREASED.** 1. Materials should be developed to more fully inform local and state legislators of the issues raised by self-represented litigants. 2. Implement a "Legislator's Day" in the self-help centers and provide referral materials, testimonials, and research demonstrating benefits to legislators who receive complaints related to access to the courts.
V.C.	**LOCAL COURTS STRENGTHEN THEIR TIES WITH LAW ENFORCEMENT AGENCIES, LOCAL ATTORNEYS AND BAR ASSOCIATIONS, LAW SCHOOLS, LAW LIBRARIES, DOMESTIC VIOLENCE COUNCILS, AND OTHER APPROPRIATE GOVERNMENTAL AND COMMUNITY GROUPS SO THAT INFORMATION ON ISSUES AND SERVICES RELATED TO SELF-REPRESENTED LITIGANTS CAN BE EXCHANGED.** 1. Training on enforcement of custody/visitation and restraining orders should be provided. 2. Information about the ways in which such orders are modified should be provided. 3. Courts should solicit regular input from law enforcement agencies about problems they are having with enforcement of court orders. 4. Courts should collaborate with these stakeholders in cross-trainings.
V.D.	**THE JUDICIAL COUNCIL CONTINUE TO COORDINATE WITH THE STATE BAR OF CALIFORNIA, LEGAL AID ASSOCIATION OF CALIFORNIA, CALIFORNIA COMMISSION ON ACCESS TO JUSTICE, COUNCIL OF CALIFORNIA COUNTY LAW LIBRARIANS AND OTHER STATEWIDE ENTITIES ON PUBLIC OUTREACH EFFORTS.** 1. Public outreach efforts to increase utilization of self-help Web sites and other technological resources 2. Cosponsoring conferences and workshops.
V.E.	**LOCAL COURTS BE ENCOURAGED TO IDENTIFY AND REACH OUT TO EXISTING EFFORTS TO BETTER SERVE SELF-REPRESENTED LITIGANTS.** 1. Judges and court administrators encouraged to meet and collaborate with community service providers 2. Identify and work with existing programs such as law libraries

RECOMMENDATION VI: FACILITIES

SPACE IN COURT FACILITIES SHOULD BE MADE AVAILABLE TO PROMOTE OPTIMAL MANAGEMENT OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO ALLOW FOR EFFECTIVE PROVISION OF SELF-HELP SERVICES TO THE PUBLIC.

THE TASK FORCE RECOMMENDS THAT:

Strategies:

VI.A.	**COURT FACILITIES PLAN DEVELOPED BY THE AOC INCLUDE SPACE FOR SELF-HELP CENTERS NEAR THE CLERKS' OFFICES IN DESIGNS FOR FUTURE COURT FACILITIES OR REMODELING OF EXISTING FACILITIES.** 1. The plans should include: • Space for workshops and mediations and a place where self-represented litigants can sit and work on their paperwork • Use of copiers, computers, and other technology in the self-help centers • Self-help services that are as close to the counter clerk's office as possible • An access checklist developed for court personnel that enables them to see the courthouse through the eyes of a first-time user • Identification of courtrooms (numbering, etc.) focused on helping the public easily find the correct location
VI.B.	**FACILITIES INCLUDE SUFFICIENT SPACE FOR LITIGANTS TO CONDUCT BUSINESS AT THE CLERK'S OFFICE.** 1. Sufficient space should be available while waiting at the court. 2. Helpful written information, pamphlets, and flowcharts can be available to help litigants be better prepared when their turn arrives.
VI.C.	**FACILITIES INCLUDE SUFFICIENT SPACE AROUND COURTROOMS TO WAIT FOR CASES TO BE CALLED, MEET WITH VOLUNTEER ATTORNEYS, CONDUCT SETTLEMENT TALKS, AND MEET WITH MEDIATORS, INTERPRETERS, AND SOCIAL SERVICES PROVIDERS.** 1. The courtroom should have sufficient seating space. 2. Safe spaces should be provided for domestic violence cases. 3. Space should be provided around courtrooms to meet with volunteer attorneys, self-help center staff, mediators, interpreters, or other social services providers.
VI.D.	**FACILITIES INCLUDE CHILDREN'S WAITING AREAS FOR THE CHILDREN OF LITIGANTS WHO ARE AT THE COURT FOR HEARINGS OR TO PREPARE AND FILE PAPERWORK.** 1. Supervised children's waiting areas should be available for the children of members of the public who are attending court hearings. 2. They should also provide for parents or guardians attending family court services mediations or using other court services.
VI.E.	**INFORMATION STATIONS THAT PROVIDE GENERAL INFORMATION ABOUT COURT FACILITIES AND SERVICES BE PLACED NEAR COURT ENTRANCES.** 1. General information about how to find and use court services should be provided.
VI.F.	**MAPS AND SIGNAGE IN SEVERAL LANGUAGES BE PROVIDED TO HELP SELF-REPRESENTED LITIGANTS FIND THEIR WAY AROUND THE COURTHOUSE.** 1. General information about courthouse use should be included. 2. Signs and information should be translated into several languages and universal signs developed.

RECOMMENDATION VII: FISCAL IMPACT

IN ADDRESSING THE CRITICAL NEED OF COURTS TO EFFECTIVELY MANAGE CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO PROVIDE MAXIMUM ACCESS TO JUSTICE FOR THE PUBLIC, CONTINUED EXPLORATION AND PURSUIT OF STABLE FUNDING STRATEGIES IS REQUIRED.

THE TASK FORCE RECOMMENDS THAT:

Strategies:

VII.A. CONTINUED STABLE FUNDING BE SOUGHT TO EXPAND SUCCESSFUL EXISTING PROGRAMS STATEWIDE.

1. Stable funding should be sought to expand successful programs including:
   - Family law facilitators
   - Family law information centers
   - Pilot self-help programs
   - Unified Courts for Families
   - Equal access funds for partnership grant programs

VII.B. THE AOC IDENTIFY, COLLECT, AND REPORT ON DATA THAT SUPPORT DEVELOPMENT OF CONTINUED AND FUTURE FUNDING FOR PROGRAMS FOR SELF-REPRESENTED LITIGANTS.

1. Implement uniform statistical reporting from local self-help centers statewide.
2. Local and state legislators should be surveyed about the number of constituent contacts they receive from pro per litigants requesting help.
3. State and local demographics on poverty and income levels should be collected and compiled.
4. Community organizations serving the homeless and other disadvantaged groups should be surveyed to identify needs for legal assistance.
5. The Judicial Branch Information System (JBSIS) should collect and report information on whether or not litigants are represented by counsel in all categories of cases.

VII.C. STANDARDIZED METHODOLOGIES TO MEASURE AND REPORT THE IMPACT OF SELF-HELP EFFORTS CONTINUE TO BE DEVELOPED.

1. Establish uniform definitions of terms to allow for valid comparisons.
2. Standardized exit or customer satisfaction surveys should be implemented.
3. Other evaluation tools should be designed and implemented to test quality of service as well as volume.
4. Methods to assess the success of the self-help centers in expediting the processing of pro per cases should be refined including:
   - Surveys of judicial officers
   - Surveys of court staff
   - Court operations data

Recommendation VII: Fiscal Impact – continued	
VII.D.	**UNIFORM STANDARDS FOR SELF-HELP CENTERS BE ESTABLISHED TO FACILITATE BUDGET ANALYSIS.** 1. Criteria for a self-help center must include: • Minimum staffing levels • Facilities requirements • Operating hours.
VII.E.	**EFFORTS OF THE COURTS TO SEEK SUPPLEMENTAL PUBLIC FUNDING FROM LOCAL BOARDS OF SUPERVISORS AND OTHER SUCH SOURCES TO SUPPORT LOCAL SELF-HELP CENTERS BE SUPPORTED AND ENCOURAGED.** 1. The success of those counties where the board of supervisors has funded legal self-help centers administered by the courts should be replicated.
VII.F.	**COORDINATION OF EFFORTS AMONG PROGRAMS ASSISTING SELF-REPRESENTED LITIGANTS SHOULD BE STRESSED TO MAXIMIZE SERVICES AND AVOID DUPLICATION.** 1. Courts should work closely with potential partners such as: • Small claims advisors • Dispute Resolution Program Act (DPRA) programs
VII.G.	**AOC ASSISTANCE WITH GRANT APPLICATIONS AND OTHER RESOURCE-ENHANCING MECHANISMS CONTINUE TO BE OFFERED TO LOCAL COURTS.** 1. The AOC should: • Help with grant writing and with applications for other grant funding • Provide advice on ethical issues in grant application and administration • Offer centralized purchasing options to enhance buying power

RECOMMENDATION VIII: IMPLEMENTATION OF STATEWIDE ACTION PLAN

TO PROVIDE FOR SUCCESSFUL IMPLEMENTATION OF THIS STATEWIDE ACTION PLAN, A SMALLER TASK FORCE CHARGED WITH THE RESPONSIBILITY OF OVERSEEING IMPLEMENTATION SHOULD BE ESTABLISHED.

THE TASK FORCE RECOMMENDS THAT:

Strategies:

VIII.A.	**THE IMPLEMENTATION TASK FORCE CONSULT WITH EXPERTS IN THE AREAS OF JUDICIAL EDUCATION, COURT FACILITIES, LEGISLATION, JUDICIAL FINANCE AND BUDGETING, COURT ADMINISTRATION AND OPERATIONS, AND COURT-OPERATED SELF-HELP SERVICES, AS WELL AS WITH PARTNERS SUCH AS BAR ASSOCIATIONS, LEGAL SERVICES, LIBRARIES, AND COMMUNITY ORGANIZATIONS.** 1. Through consultation, programs should be developed and implemented that: • Promote expeditious processing of cases involving self-represented litigants • Provide assistance to self-represented litigants that facilitates that process
VIII.B.	**THE NUMBER OF MEMBERS ON THE IMPLEMENTATION TASK FORCE SHOULD BE LIMITED, BUT MEMBERS SHOULD BE CHARGED WITH THE RESPONSIBILITY TO SEEK INPUT FROM NONMEMBERS WITH UNIQUE KNOWLEDGE AND PRACTICAL EXPERIENCE.** 1. Task force member should seek input from such individuals as: • Judicial officers with accumulated knowledge and experience in cases involving self-represented litigants • Family law facilitators • Self-help center attorneys • Judicial Council advisory committees • Legal services organizations • Law libraries • The Commission on Access to Justice • State and local bar association committee and sections

APPENDIX 1

MEMBERS OF THE TASK FORCE ON SELF-REPRESENTED LITIGANTS

Task Force Members

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Associate Justice, Court of Appeal, Fourth Appellate

HON ROSALYN M CHAPMAN
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HON ERICA YEW
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Judge, Superior Court of California, County of Contra Costa

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APPENDIX 2

CALIFORNIA COURTS' PROGRAMS FOR SELF-REPRESENTED LITIGANTS

Description of California Courts' Programs for Self-Represented Litigants

November, 2003

California's courts are facing an ever increasing number of litigants who go to court without legal counsel largely because they cannot afford representation. The courts are responding with a variety of innovative strategies that may be incorporated into an overall strategy of increasing access to justice. This paper attempts to describe the strategies and the context in which they operate.

California has a total of 58 counties and a population of 33.9 million.[1] The counties vary greatly in size and population demographics. The smallest is Alpine County, with a population of 1,208, and the largest is Los Angeles County, with a population of 9.5 million, approximately one-third of the state's entire population.[2] In one county it takes eight hours to drive from one courthouse to another. There are mountainous counties where litigants can't get from one end of the county to the other during the winter because the roads are impassable in the snow. There are counties with no active private attorneys, let alone legal services programs, and counties with a wide variety of resources that with coordination could be much more effective.

The California court system is the largest in the nation, with more than 2,000 judicial officers and 18,000 court employees. It also has one of the least complicated structures. There are three levels of courts in California: trial, appellate, and Supreme. There is one trial court in each county and as many as 1 to 55 court locations per county, six regional appellate court districts, and one Supreme Court comprised of seven justices.[3] In 1997, funding responsibility for the trial courts transferred from the counties to the state. In 1998, the trial courts, formerly divided into superior and municipal courts, unified into a one-tier trial court system. Trial court employees changed from being county employees to court employees in 2001. In 2002, the state began to assume responsibility from the counties for trial court facilities.[4] These efforts are intended to build a strong, accessible, statewide system of justice with consistent and adequate funding.[5]

The decision-making body for the California state court system is the Judicial Council. The council is the constitutionally created 27-member policymaking body of the California courts. The council is chaired by the Chief Justice and consists of 14 judges appointed by the Chief Justice, 4 attorney members appointed by the State Bar Board of Governors, 1 member from each house of the Legislature, and 6 advisory members, who include representatives of the California

[1] U.S Bureau of the Census, *United States Census 2000,* Table DP-1 Profile of General Demographic Characteristics 2000, Summary File 1 (SF1), *http //factfinder census gov* (as of Mar. 10, 2003)
[2] *Id.*
[3] See *http //www.courtinfo ca gov/reference/documents/cajudsys pdf* for additional information.
[4] For a history of judicial administration in California, see L Sipes, *Committed to Justice: The Rise of Judicial Administration in California* (San Francisco· Administrative Office of the Courts, 2002), excerpts at *http://www.courtinfo ca gov/reference/commjust.htm*
[5] See *http //www courtinfo ca gov/reference/documents/profilejc pdf.*

Judges Association and court executives (administrators). The council performs most of its work through internal and advisory committees and task forces.

The Administrative Office of the Courts is the staff agency of the Judicial Council. It has slightly over 500 employees. Among its divisions is the 55-member Center for Families, Children & the Courts (CFCC), whose mission is to improve the quality of justice and services to meet the diverse needs of children, youth, families, and self-represented litigants in the California courts.[6] Staff for CFCC's Equal Access Unit work to assist the courts in responding to the needs of self-represented litigants.

The reason for this focus is that there appear to be a growing number of litigants representing themselves in family courts, which leads to a variety of challenges. Courts report that many of these litigants require additional time at the clerk's office and in the courtroom because they do not understand the procedures or the limitations of the court. There also appear to be a growing number of cases that involve multiple filings in different types of proceedings. For example, new cases involving the same family may be filed in family law, domestic violence (both civil and criminal), child support, and guardianship proceedings—leading to differing results, including potential judicial determinations of different fathers. Some types of proceedings in California, such as traffic and small claims, have traditionally been composed primarily of self-represented litigants and have developed mechanisms to provide for informal procedures that diminish the need for legal assistance. The recent growth of self-represented litigants in family law is encouraging a rethinking of how self-represented litigants are served by courts throughout the system.

Nolo Press reports that when *How to Do Your Own Divorce in California* was published in 1971, only 1 percent of litigants proceeded without attorneys.[7] While there is no statewide data on the number of pro se litigants, it is clear that this number has dramatically expanded. In San Diego, for example, the number of divorce filings involving at least one pro se litigant rose from 46 percent in 1992 to 77 percent in 2000.[8] A review of case files involving child support issues conducted by the Administrative Office of the Courts between 1995 and 1997 showed that both parties were self-represented in child support matters 63 percent of the time, and that one party was self-represented in an additional 21 percent of cases. In only 16 percent of the cases were both parties represented by counsel.[9] In a similar study of case files from 1999, both parties were self-represented in 75 percent of the cases, and one parent was self-represented in an additional 14 percent. In only 11 percent of the cases were both parties represented by counsel.[10]

In a recent survey of pro se assistance plans submitted to the Administrative Office of the Courts by 45 of California's counties, estimates of the pro se rate in family law overall averaged 67

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[6] Administrative Office of the Courts, "Fact Sheet· Center for Families, Children & the Courts"(Jan. 2003), available at http://www.courtinfo.ca.gov/reference/documents/cfcc.pdf.

[7] E. Sherman, *How to Do Your Own Divorce in California* (Berkeley Nolo Press, 2001) p. 11.

[8] D. J. Chase and B. R. Hough, "Family Law Information Centers Benefits to Courts and Litigants" (forthcoming) 5 *Journal of the Center for Families, Children & the Courts*.

[9] Judicial Council of California, executive summary of *Review of Statewide Uniform Child Support Guideline, 1998*, at p. ES-5, available at http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/suppguide.pdf.

[10] Judicial Council of California, *Review of Statewide Uniform Child Support Guideline, 2001*, at p. 39, available at http://www.courtinfo.ca.gov/programs/cfcc/1058files2001/CH3.PDF.

percent. In the larger counties, that average was 72 percent.[11] In domestic violence restraining order cases, litigants are reported to be pro se over 90 percent of the time. One reason for this large number of self-represented litigants relates to the cost of attorney fees, which are not publicized generally, but in one list of attorneys willing to provide unbundled legal services in one suburban community, appear to range between $175 and $225 per hour.[12] The median household income in California was $47,493 per year in 1999.[13] Given that many persons in the midst of a divorce or separation are already facing financial challenges in setting up two separate households and otherwise dealing with financial issues, these hourly rates often seem prohibitive.

California's Chief Justice, Ronald M. George, has made access to justice a key goal and has been extremely supportive of efforts to improve services for self-represented litigants.[14] He regularly focuses a significant part of his State of the Judiciary address to a joint session of the Legislature on access to justice and services for self-represented litigants.[15] He regularly attends events such as the opening of the Spanish Self-Help Education and Resource Center in Fresno.[16] As chair-elect of the Conference of Chief Justices, he has also encouraged the leadership of chief justices in other states in increasing services to self-represented litigants.[17]

It is clear that the Chief Justice's leadership and support has made a huge difference in encouraging courts to expand services and make this issue a priority. In the strategic planning efforts of the Judicial Council, access to justice is the first of six goals. In its three-year operational plan, the council chose four specific objectives for increasing services to self-represented litigants. These included developing a self-help Web site, increasing the number of self-help centers in the state's courts, developing a statewide action plan for serving self-represented litigant, and having each trial court develop an action plan for serving self-represented litigants.[18]

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[11] *A Report and Analysis of Action Plans Throughout California: Integrating Services for Self-Represented Litigants Into the Court System, Center for Families, Children and the Courts,* (June 2003) http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/articles.htm#self

[12] Superior Court of California, County of Placer, "Attorneys Available for Consultations With 'Pro Per' Family Law Litigants" (2003)

[13] U.S Bureau of the Census, *United States Census 2000*, DP-1 Population and Housing Characteristics, Summary File 1 (SF1), http://factfinder.census.gov/bf/_lang=en_vt_name=DEC_2000_SF3_U_DP3_geo_id=04000US06.html

[14] See D. Whelan, "Big State, Big Crisis, Big Leadership: With California's Poverty Population Swelling, Chief Justice George Sets Bold Course" (Spring 2003) 2(1) *Equal Justice Magazine*, http://www.ejm.lsc.gov/EJMIssue4/judicialprofile/judicial_profile.htm.

[15] See, for example, R. M. George, State of the Judiciary address to a Joint Session of the California Legislature, Sacramento, Mar. 25, 2003, http://www.courtinfo.ca.gov/reference/soj032503.htm

[16] See, for example, R. M. George, Remarks at the Opening of the Superior Court of Fresno County's Spanish-Language Self-Help Education and Information Center (Oct. 10, 2002), http://www.courtinfo.ca.gov/reference/speech101002.htm

[17] See Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA), Resolution 31: In Support of a Leadership Role for CCJ and COSCA in the Development, Implementation and Coordination of Assistance Programs for Self-Represented Litigants (Aug. 2, 2002), http://www.ncsconline.org/WC/Publications/Res_ProSe_CCJCOSCAResolution31Pub.pdf. See also Conference of Chief Justices and Conference of State Court Administrators, *Final Report of the Joint Task Force on Pro Se Litigation* (July 29, 2002), http://www.ncsconline.org/WC/Publications/Res_ProSe_FinalReportProSeTaskForcePub.pdf

[18] Judicial Council of California, *Operational Plan. Leading Justice Into the Future, Fiscal Years 2000–2001 through 2002–2003,* pp. 2–3, http://www.courtinfo.ca.gov/reference/documents/opplan2k.pdf

These planning efforts are designed to focus attention on the issue of access to justice and to encourage community partnerships to build upon a framework of services in place in California. They also are designed to encourage a reexamination of existing resources to consider how to enhance their usefulness for self-represented litigants.

This paper attempts to describe the current structure in place, and identify some future directions suggested by these planning efforts.

Family Law Facilitators

Effective January 1, 1997, California Family Code section 10002 established an Office of the Family Law Facilitator in each of the state's 58 counties. The Judicial Council administers the program, providing over $11 million per year in federal funds to court-based offices that are staffed by licensed attorneys. These facilitators, working for the superior court, guide litigants through procedures related to child support, maintenance of health insurance, and spousal support. They assist with cases involving the local child support agency, many of which are public assistance reimbursement cases. In addition, many courts have enlisted volunteer attorneys or provide additional funding that enables facilitators to assist self-represented litigants in other family law areas, including divorce, custody, and visitation.[19]

By statute, family law facilitators provide services to both parties, do not represent either party, and do not form an attorney-client relationship.[20] This allows the court to provide assistance to litigants without compromising the court's neutrality. It also limits the level of assistance that can be provided. Guidelines for the operation of family law information centers and family law facilitators offices have been developed to assist court-based attorneys in this new ethical paradigm that has been followed by the majority of self-help programs operated in the courts.[21]

Facilitator services are available to all self-represented litigants; the act does not require an income-qualification test.[22] However, data from 2000 indicates that "82% of facilitator customers have a gross monthly income of under $2,000. Over 67% of facilitator customers have gross monthly incomes of under $1,500. Over 45% of facilitator customers have gross monthly incomes of under $1,000, and approximately one-fifth report gross monthly income of $500 or less."[23] In 2002, facilitators provided assistance to over 450,000 litigants.[24]

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[19] F. L. Harrison, D. J. Chase, and L T. Surh, "California's Family Law Facilitator Program: A New Paradigm for the Courts" (2000) 2 *Journal of the Center for Families, Children & the Courts* 61–98, *http //www.courtinfo.ca.gov/programs/cfcc/pdffiles/061harrison pdf.*

[20] Cal Fam. Code, § 10004, available at *http //www leginfo ca gov/calaw.html*

[21] See Cal Rules of Court, appen , div. 5 (Guidelines for the operation of family law information centers and family law facilitators offices), available at *http.//www courtinfo ca gov/rules/appendix/appdiv5 pdf.*

[22] Cal. Fam Code, § 10003, available at *http //www leginfo ca gov/ calaw.html.* +

[23] Harrison, Chase, and Surh, p 76, *available at* *http //www courtinfo.ca gov/programs/cfcc/pdffiles/061harrison pdf*

[24] *A Report and Analysis of Action Plans Throughout California· Integrating Services for Self-Represented Litigants into the Court System*, Center for Families, Children and the Courts, (June 2003) *http://www.courtinfo ca.gov/programs/cfcc/resources/publications/articles.htm#self*

Family law facilitators provide a range of services based upon the needs in their community and their assessment of what would be most effective.[25] In a survey taken in 1999, all offered assistance with forms and instructions, and nearly all provided informational brochures and videos and had staff to answer procedural questions. Two-thirds offered domestic violence assistance and nearly one-half provided litigants with access to copiers, fax machines, and other resources. "More than half of the facilitators reported that they provided mediation services, in which they meet with both parents and help work out child support issues. Other services reported included interpreters and rural outreach. Many facilitators make presentations to schools, homeless shelters, domestic violence organizations, radio talk shows, public access television, and jails on child support and the services provided by their offices. Facilitators' methods of providing services range from use of paralegal assistance (34 counties), to use of a legal clinic model (26 counties), to operation of self-help centers (24 counties)."[26] Since the time of that study, it appears that a growing number of facilitators are providing assistance in court to help answer questions, mediate cases, and provide assistance to the court with coordination, case review, calendar call, and referrals.[27]

The Administrative Office of the Courts offers training twice a year for facilitators in both substantive law as well as practical strategies for serving self-represented litigants. Facilitators are mandated to attend at least one of these training sessions,[28] and as a result of this regular contact and active e-mail discussions, they have developed a strong network.

Since family law facilitators are available in every court, they have formed the backbone of self-help activities throughout the state. By statute, they must be attorneys with family law litigation or mediation experience.[29] They are chosen by the judges in their county, and in a survey taken in 1999, facilitators on average had 12 years of law practice experience. Fourteen of the facilitators (23 percent) have served as judges or commissioners pro tem.[30] Most came from private practice and have good connections with their local bar. As experienced attorneys with the respect of both the bench and the bar, they have been able to alleviate many of the private bar's concerns about the program and to encourage changes in local rules and procedures to be more accommodating for self-represented litigants.

Surveyed customers of the family law facilitators were pleased with the services they had received and reported 99 percent of the time that they would return to the facilitator if they needed help in the future and that they would refer a friend or family member to the facilitator. When asked about the quality of service they had received from the facilitator, 96 percent

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[25] J. Byron, "Pro Pers Find Help In Family Matters," *Court News* (July–August 1998) p. 1, http://www courtinfo.ca.gov/courtnews/07980898 pdf.

[26] Judicial Council of California/Administrative Office of the Courts, *California's Child Support Commissioner System: An Evaluation of the First Two Years of the Program* (May 2000) page 43, http //www courtinfo ca.gov/programs/cfcc/pdffiles/csci2000.pdf

[27] See S. Alexander and T Suhr, "Effective Use of Facilitators in the Courtroom" (Aug. 2002), 3(2) *CFCC Update* 10–11, http //www courtinfo.ca gov/programs/cfcc/pdffiles/newsAug02 pdf.

[28] Cal Rules of Court, rule 5.35 (Minimum standards for the Office of the Family Law Facilitator), http://www courtinfo.ca gov/rules/titlefive/1180-1280.15-16 htm#TopOfPage

[29] Cal. Fam Code, § 10002, available at http://www leginfo ca.gov/calaw html

[30] Judicial Council of California/Administrative Office of the Courts, *California's Child Support Commissioner System. An Evaluation of the First Two Years of the Program* (May 2000) p. 34, http://www courtinfo ca.gov/programs/cfcc/pdffiles/cscr2000 pdf.

reported that the service was excellent or good.[31] Following are examples of comments from facilitator customers:

"The way the program is presently operated is excellent. There are not many people like you who are willing to help people with our problems the way your program does."
[These comments came from an illiterate man who dictated his responses.]

"*While the whole issue of child support has been one of the worst experiences of my life, this office has provided me with invaluable assistance."*

"Really helped us come to an agreement that both of us were happy with."

"Best service I've ever experienced with the judicial system."

"*I didn't know where to go for help and I couldn't afford an attorney or paralegal, and your office provided me with excellent service. . . ."*

"She [the paralegal] *is a light in a very dark tunnel."*[32]

The facilitators have also been much appreciated by the courts. As one judicial officer reported in a focus group:

"Since the facilitator has been in effect ... you don't have these long, long lines at the clerk's office. You don't have these incredible calendars that go on well into the noon hour because the judges are trying to explain to the pro pers. I think where you can see the cost-effectiveness most is in the courthouse, in the clerk's office, in the judge's courtroom. It's cutting down time tremendously."[33]

These efficiencies have also been helpful in encouraging bar support for the facilitator program. The support of the bench for the program, combined with the recognition that the litigants generally do not have the resources to hire private counsel and the willingness of facilitators to refer to the private bar when appropriate, seems to have greatly diminished initial concerns about the program.

Family Law Information Centers

Effective January 1, 1998, California Family Code section 15000 established a Family Law Information Center pilot project in order to help "low-income litigants better understand their obligations, rights, and remedies and to provide procedural information to enable them to better understand and maneuver through the family court system."[34] The Judicial Council administers

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[31] Satisfaction surveys from April through June 1999 from the Los Angeles County Office of the Family Law Facilitator

[32] Judicial Council of California/Administrative Office of the Courts, *California's Child Support Commissioner System An Evaluation of the First Two Years of the Program* (May 2000), p. 58, http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/cscr2000.pdf.

[33] *Id. at p 62.*

[34] Cal. Fam. Code, §15000, *http //www.leginfo.ca.gov/calaw html*

three pilot project centers in the Superior Courts of Los Angeles, Sutter, and Fresno Counties. The centers are supervised by attorneys and assist low-income self-represented litigants with forms, information, and resources concerning divorce, separation, parentage, child and spousal support, property division, and custody and visitation. Specific services that are offered by the Family Law Information Centers include:

- Information on the various types and nature of family law proceedings, including restraining orders, dissolution, legal separation, paternity, child support, spousal support, disposition of property, child custody, and child visitation;
- Information about methods available to seek such relief from the court;
- Guidance about required pleadings, instruction on how to complete them, and information explaining the importance of the information contained in these pleadings;
- Assistance in the preparation of orders after hearing;
- Information about the enforcement of orders;
- Referrals to community resources such as low-cost legal assistance, counseling, domestic violence shelters, parent education, mental health services, and job placement programs; and
- Interpreter services to the extent that these are available.

Family Code section 15010(k) sets out the standards for evaluating these pilot projects. The legislation states that the programs will be deemed successful if:

- They assist at least 100 low-income families per year;
- A majority of customers evaluate the Family Law Information Center favorably; and
- A majority of judges surveyed in the pilot project court believe that the Family Law Information Center helps expedite cases involving pro se litigants.

An evaluation of the project was completed in March 2003.[35] It demonstrated that these programs were a resounding success. The three pilot Family Law Information Centers provided services to more than 45,000 individuals each year, using $300,000 in grant funding and $120,000 in trial court funding annually.

[35] Judicial Council of California/Administrative Office of the Courts, *A Report to the California Legislature. Family Law Information Centers: An Evaluation of Three Pilot Programs* (Mar 1, 2003), http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/FLICrpt.htm.

Customers were overwhelmingly pleased with the services they received at the Family Law Information Centers. Many wrote narratives expressing enormous admiration for the staff and gratitude for the assistance they received. A survey of 1,364 customers from the period October 21, 2002, to December 31, 2002, had the following results:

- 95 percent felt they had been treated with courtesy and respect;
- 93 percent felt the service was helpful;
- 90 percent got help with forms;
- 87 percent felt they better understood their case;
- 82 percent felt better prepared to go to court;
- 83 percent believed they have a better understanding of the court;
- 78 percent reported receiving prompt service; and
- 92 percent would use the center again.

Typical comments of customers included the following:

"The Family Law Center has helped me every step of the way. I don't know where I'd be without it. The people are very helpful. I'm a single mom w/ low income and without this Center I would not [have] *been able to accomplish everything."*

"Very helpful and informative. I think more fathers would respond to court orders with the help they can receive. [Service was] *very directional and friendly, went through step-by-step process very quickly and with patience even though she had people waiting."*

"I am grateful that someone is able to help me understand the court process."

Twenty-four judicial officers in the pilot counties were interviewed to document their evaluation of the pilot Family Law Information Centers. These judicial officers also expressed a high degree of satisfaction with the service that the pilots provided to both the public and the court, as follows:

- 88 percent reported that the center helped expedite cases involving pro se litigants;
- 88 percent reported that the center saved courtroom time;
- 88 percent reported that the centers helped litigants provide correct paperwork to the court;
- 75 percent believed that the center helped the litigants come to court better prepared; and
- 67 percent believed that the center helped people understand how the law and court procedures were being applied in their cases.

Typical comments from judicial officers included the following:

"I often cannot even figure out what a case is about when the paperwork is prepared by a pro per without the help of the Family Law Information Center."

"They ask fewer questions, are more informed, and they are better able to stay on point."

"They are taking a day off work and we want to minimize that. They have families, sometimes two, to support so we want them to keep their jobs."

"They get a fair hearing, they feel confident that they are being heard and getting a fair shake."[36]

The majority of the judicial officers interviewed believe that the Family Law Information Centers (FLICs) save valuable time in the courtroom and expedite pro se cases as a whole. Many also expressed the opinion that FLICs are an integral part of managing family law cases because pro se litigants are often the parties in the majority of their calendars. Based upon this evaluation demonstrating that both the needs of the public and those of the court are well served by the centers, the Judicial Council has directed staff to develop a budget request for statewide funding of Family Law Information Centers.

Five Model Self-Help Centers

The 2001 State Budget Act provided funding totaling $832,000 to begin five pilot self-help centers that would provide various forms of assistance, such as basic legal and procedural information, help with filling out forms, and referrals to other community resources, to self-represented litigants. This project is aimed at determining the effectiveness of court-based self-help programs and providing information to the Legislature on future funding needs. The Judicial Council selected one of each of the five following models for funding beginning May 2002. These five programs will provide models for replication in other counties in addition to translated materials and technological solutions. A significant research component has been built into the models to try to evaluate the effectiveness of the centers in meeting key objectives.

Regional Model: Superior Court of California, County of Butte

Goals of the model: This is a regional program that is intended to serve at least two smaller counties. This model explores how counties that may not be able to afford a full-time attorney at a self-help center can share resources effectively with other counties. What agreements are necessary? What special challenges exist, and what can be done to overcome them?

Butte County's program: The Superior Court of Butte County is partnering with the courts in Glenn and Tehama Counties to provide assistance to self-represented litigants in the areas of small claims, unlawful detainer, eviction, fair housing, employment, Supplemental Security Income (SSI), enforcement of judgments, guardianships, name changes, family law issues not

[36] Judicial Council of California/Administrative Office of the Courts, executive summary of *A Report to the California Legislature: Family Law Information Centers An Evaluation of Three Pilot Programs* (Mar. 1, 2003), http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/FLICrpt.htm

addressed by the family law facilitator, bankruptcy, probate, general civil procedures, tax law, tenant housing, and senior law issues. An attorney coordinator conducts workshops and clinics through the use of real-time videoconferencing, enabling self-represented litigants in these three counties to receive assistance simultaneously. Information on the project is available at: http://www.buttecourt.ca.gov/self_help/default.htm.

Urban Collaboration Model: Superior Court of California, County of Los Angeles

Goals of the model: This is a program intended to coordinate self-help centers in a large jurisdiction. In some jurisdictions a number of self-help centers operate in or near the court, often with limited communication or sharing of resources. This is likely to lead to duplication of efforts and confusion for litigants. The urban collaboration model seeks to coordinate resources and provide a more seamless service delivery system for litigants.

Los Angeles County's program: The Superior Court of Los Angeles County's program creates a centralized Self-Help Management Center that will develop partnerships with the court, the local bar, local schools, and local social service organizations; coordinate self-help activities on a countywide basis; and standardize self-help intake procedures and protocols throughout the county. Services rendered by the center include the provision of informational materials about the court and its proceedings and procedures; instructions on how to complete forms; and the provision of reference materials about legal service providers, social service agencies, and government agencies, as well as other educational material. In coordination with existing self-help centers, the project is developing workshops and materials that can be offered throughout the county.

Technology Model: Superior Court of California, County of Contra Costa

Goals of the model: This is a program intended to emphasize the use of technology in providing services. As the number of self-represented litigants increases, technological solutions are being explored for completion of forms, provision of information, meeting with litigants at a distance, and other needed services. This model will utilize and evaluate the effectiveness of at least two methods of technology to provide services.

Contra Costa County's program: The Superior Court of Contra Costa County will deliver expert information and assistance via a combination of the Internet, computer applications, and real-time videoconference workshops to create a Virtual Self-Help Law Center for self-represented litigants with dissolution, child custody and visitation, domestic violence, civil, and guardianship cases. Virtual Self-Help Law Center resources will help parties navigate the court process; complete, file, and serve court forms; be prepared to handle their court hearings; understand and comply with court orders; and conduct certain mediations at a distance. The Contra Costa website is found at: http://www.cc-courthelp.org/.

Spanish-Speaking Model: Superior Court of California, County of Fresno

Goals of the model: The large number of Spanish-speaking litigants in California presents special challenges for self-help programs. This model seeks to provide cost-effective and

efficient services for a primarily Spanish-speaking population while exploring techniques for educating litigants about the legal issues and procedures in their cases.

Fresno County's program: The Spanish Self-Help Education and Information Center developed by the Superior Court of Fresno County serves self-represented litigants in the areas of guardianship, unlawful detainer, civil harassment, and family law. The center provides daily access to Spanish-language self-help instructions, established a volunteer interpreter bureau, provides a Spanish-speaking court examiner to review court documents, and sponsors clinics with rotating "how-to" lectures for the areas of law specified above. The Fresno website is found at: http://www.fresno.ca.gov/2810/SSHC/SSHC_esp.htm.

Multilingual Model: Superior Court of California, County of San Francisco

Goals of the model: California has a diverse population, with a large group of immigrants and litigants who speak many different languages and have significantly different experiences. This model seeks to provide self-help services to litigants who speak a wide variety of languages and to develop materials and techniques to address the needs of a multilingual, multicultural population.

San Francisco County's program: The Superior Court of San Francisco County's program establishes a Multilingual Court Access Service Project that assists self-represented litigants in family law, dependency mediation, probate, small claims, civil harassment, child support, and other general civil cases. The center creates formal partnerships with community-based organizations that provide services to ethnic populations and those that address legal issues for self-represented litigants. A bilingual attorney works with clients to ensure adequate services for them within the court and will provides referrals to appropriate community and legal agencies. Additional services include the translation of court materials, the development of a multilingual computerized self-help directory, and recruitment and coordination of multilingual interpreters. Information on the San Francisco program is found at: http://sfgov.org/site/courts_page.asp?id=19649.

Research component of the Model Self-Help Centers

The primary goal of the model self-help center research is to measure the overall effectiveness of the centers in several arenas. The centers may address several or all of the following outcomes:

- *Increased understanding of, and compliance with, the terms of court orders*
  Self-represented litigants, lacking an attorney to explain the system to them, often misunderstand orders made by the court. Self-help centers are expected to better educate self-represented litigants about the legal system and its procedures so they will be more likely to understand the court orders and the consequences of noncompliance. They will also be more likely to feel the court has been fair in its decision, leading them to take more responsibility in following its orders.

- *Increased access to justice*
  Much of the target population is unable to access the court system due to geographic/ transportation and language barriers, financial constraints, and a lack of knowledge and resources. As a result, many people who want to bring their cases to court simply cannot, and others may not even be aware that they have legal recourse. The self-help centers seek to bridge these gaps so that self-represented litigants will be better able to navigate and make proper use of the court system.

- *Increased likelihood of "just" outcomes in cases involving self-represented litigants*
  Many self-represented litigants come to court ill prepared and do not know how to properly present their cases. As a result, the court may lack information or have inaccurate information upon which to base its rulings. In turn, litigants may not get the outcome they were seeking and end up feeling that the system is unfair. Self-help centers will educate users so that they can present their best case and feel that their voice has been heard.

- *Increased user satisfaction with the court process*
  When self-represented litigants have improved access to the assistance they need, learn how to navigate the court system, and are better prepared to present their cases, the system can respond more appropriately to their needs and they will be more satisfied with their experiences.

- *Increased efficiency and effectiveness of the court system*
  Self-represented litigants often come to court with forms that are improperly filled out or with the wrong forms altogether. They are uninformed about court procedures and have to ask court clerks for assistance that should have been solicited prior to the court appearance. These types of issues slow down court proceedings and may even cause a matter to be continued. Self-help centers will provide assistance in filling out forms and educate self-represented litigants on procedures so they will be better prepared to handle matters so that their cases will move more smoothly through the system.

- *Increased education for court users so that their expectations are reasonable in light of the law and facts*
  Self-help centers will educate clients on the court system, legal terms, procedures, and their rights and responsibilities. When the mystery is removed from the process, self-represented litigants will have a more realistic view of the merits of their cases and potential recourse.

Secondary goals of the research include developing a profile of center users and determining which services and delivery methods are most helpful/effective.

Though the research is largely intended to measure the impact of the centers, the fact that these are innovative pilot programs requires that some process evaluation elements be incorporated into the research. This primarily involves documenting the development of the centers and tracking changes that might affect outcomes over time; describing program operations, including how the centers are set up and how services are delivered; and assessing the outreach

efforts and visibility of the centers. Additionally, a key objective of the project is to provide models for replication across the state, so the documentation should be sufficiently detailed to serve as a "blueprint" for replication of the programs in other counties.[37]

Other Court-Based Self-Help Centers

A growing number of courts have established self-help centers in addition to those provided by statute. These centers generally provide assistance with general civil matters as well as family law. While some partnerships were started between courts and local legal services agencies to provide services in courthouses in the 1980s,[38] the movement to develop these court-based programs began in the 1990s,[39] and in 1997, the first center that did not involve staffing by a legal services agency was created in Ventura County. None of these programs charge fees for service and all are open to all members of the public regardless of income, immigration status, or other common factors that can restrict services elsewhere. Restrictions relate to how much assistance can be provided and the types of law that can be covered.

Ventura County Self Help Legal Access Center

The Ventura program[40] has branches at the two main courthouses in the county as well as a branch in a predominantly Latino neighborhood and another that provides services via a mobile center in a converted 35-foot recreational vehicle. The center provides information on a variety of legal issues including:

- Adoption
- Conservatorship
- Guardianship
- Name change
- Small claims
- Unlawful detainer
- Civil harassment
- Appeals
- Civil

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[37] For a request for proposals (RFP) describing this research project and the objectives to be measured, see *http://www courtinfo ca gov/reference/rfp/selfhelp_pilot htm*

[38] For examples of some of these early partnership projects with legal services agencies, see F L. Harrison, D J Chase, and L T Surh, "California's Family Law Facilitator Program A New Paradigm for the Courts (2000) 2 *Journal of the Center for Families, Children & the Courts* 76, *http //www courtinfo ca.gov/programs/cfcc/pdffiles/061harrison pdf*, see also Cal. Fam. Code, §§ 20010—20026, available at *http //www leginfo ca gov/cgi-bin/waisgate?WAISdocID=59348015726+0+0+0&WAISaction=retrieve*, and §§ 20030–20043, available at *http //www leginfo ca gov/cgi-bin/waisgate?WAISdocID=59361416970+0+0+0&WAISaction=retrieve*, for two very interesting models for legislative creation of pilot programs These programs helped provide the framework for the family law facilitator program and have merged into that program in the pilot counties

[39] *Litigants Without Lawyers Find Assistance at Courts*, Janet Byron, Court News, March-April 1998, Judicial Council, http //www courtinfo ca gov/courtnews/03980498 pdf

[40] See The Superior Court of Ventura County's self-help Web site at *http.//courts countyofventura org/venturaMasterFrames5 htm*

- Jury service
- Traffic
- Juvenile
- Probate/estate planning
- Enforcement of criminal restitution orders
- Modification of probation
- Petitions for changes of plea or dismissals

The family law facilitator is available in the same location and provides a broad rage of family law assistance, including completing forms for litigants. Information is available in the form of books, videos, sample forms with instructions, brochures, and legal sites on the Internet. Trained staff is available to provide informational assistance to people needing help understanding the materials or completing court forms. Information is also provided on alternatives to civil litigation.

As the court with the first major civil self-help center in the state, Ventura developed a number of packets and sample forms that are available on its Web site. These materials have been adapted by other counties. It was also the first center to have a mobile center.

Nevada County Public Law Center

Another of these self-help centers is the Nevada County Public Law Center, which was established in March 2001. The center is part of a creative public outreach project undertaken by the court to improve access to justice for all members of the community. It provides information to people who are not represented by attorneys and who have any number of general and substantive legal issues, in the same areas as those addressed by the Ventura program.

Information is available in the form of books, videos, packets, brochures, computer forms, and online research sites and links. Free clinics and classes are held to explain court procedure, as well as substantive areas of law commonly encountered by people representing themselves ("pro se litigants"). Alternative dispute resolution (ADR) is offered as an alternative to litigation. A small claims advisor is available to answer questions about small claims actions. In addition, free tours of the courthouse are offered to those who may have a court matter now or in the future, to insure that they will feel comfortable about their knowledge of the type and location of relevant court services available to them. The Public Law Center is located in the county's law library which is housed at the Superior Court. Videoconferencing equipment is used to broadcast workshops offered by local attorneys to other courthouses in this mountainous community.[41]

Santa Clara Self Service Center

Santa Clara County, the home of the City of San Jose and the Silicon Valley, started a Self-Service Center in 2002. The office is intended to provide the public with a guide to navigate

[41] See the Superior Court of Nevada County's self-help Web site at *http://court.co.nevada.ca.us/services/self_help/sh_services.htm*.

the court system in Santa Clara County. At the Self-Service Center, members of the public have access to three computer workstations, which can be used to access legal Web sites and other law-related resources. An attorney and other staff members at the center are available to help the public. Forms can also be filled out online and then printed. In addition, pamphlets and books are available on topics ranging from divorce to tenants' rights to guidelines for nonparental relatives raising children.

A Self-Service CourtMobile travels throughout Santa Clara County bringing free legal resources and assistance to libraries and community centers within the county. The CourtMobile provides:

- Forms and form packets;
- Computers with Internet access to the court's self-service Web site;
- A VCR for watching videotapes with legal information;
- Help filling out legal forms;
- Help learning about court rules and processes; and
- Referrals to other legal resources.

Information about the program is available at the court's very comprehensive self-help Web site.[42]

Emerging Self-Help Programs

A number of smaller counties, including Lassen, Mariposa, Lake, and Inyo, have created self-help centers with implementation funds from planning efforts. Many of these programs are built upon the existing family law facilitator program. New programs are being created in Calveras, Alameda, and Marin Counties, as well as a tri-county effort involving Santa Cruz, San Benito, and Monterey Counties.

Each of these programs emphasizes partnerships with other community organizations, including legal services programs. They are under the direction of an attorney and also use court staff to provide support and information. This expansion of services is particularly striking in a time of significant cutbacks in court budgets.

Additionally, the Los Angeles County Board of Supervisors has funded the creation of four new self-help centers in the last two years. Following the Ventura model, these centers provide both family law and limited civil assistance, primarily in landlord/tenant and small claims matters. They are operated by legal services organizations in collaboration with and located at the court.

Equal Access Fund

The Equal Access Fund was created by the Budget Act of 1999 and has been continued in the Budget Acts of 2000, 2001, and 2002. Each of these budgets allocated $10 million to the

[42] See the Superior Court of Santa Clara County's self-help Web site at *http://www.scselfservice.org/default.htm*

Judicial Council to be distributed in grants to legal services providers through the Legal Services Trust Fund Commission of the State Bar (the commission). The budget control language provides for the following two kinds of grants:

- Ninety percent of the funds remaining after administrative costs are to be distributed to legal services programs according to a formula set forth in California's Interest on Lawyer Trust Accounts ("IOLTA") statute.

- Ten percent of the funds remaining after administrative costs are set aside for Partnership Grants to legal services programs for "joint projects of courts and legal services programs to make legal assistance available to pro per litigants."

101 organizations receive support from the Equal Access Fund according to the IOLTA formula.[43]

The Budget Act contains the following four essential elements for partnership grants:

- Recipients must be organizations that are eligible for a Legal Services Trust Fund Program grant.

- The funds must be granted for joint projects of legal services programs and courts.

- The services must be for indigent persons as defined in the Trust Fund Program statute.

- The services must be for self-represented litigants.

The partnership grants span a wide range of substantive, procedural, technical, and programmatic solutions. Eighteen programs have been started in courts throughout the state to assist litigants in cases involving domestic violence, guardianships, family law, landlords and tenants, and general civil assistance. All are required to include the following:

- A letter of support from the applicable court's presiding judge and the legal services provider's director.

- Agreements between the legal services programs and the courts. As part of the grant process we require recipients to develop a written agreement with the cooperating court indicating how the joint project, the court, and any existing self-help center, including the family law facilitator as appropriate, will work together.

[43] For a list of the organizations funded in 2001–2002, see *http://www.courtinfo.ca.gov/reference/rfp/documents/eaf_grant_recip.pdf*

- Projects must identify plans to provide for lawyers to assist and to provide direct supervision of paralegals and other support staff.

- Projects must establish protocols for use in the event of a conflict of interest, including: what, if any, resources would be available to individuals who cannot be served because of such conflicts; what would be the relationship between the provider and the pro per litigant; and other similar issues.

- Projects must anticipate and meet the needs of litigants who are not within the legal services provider's service area or are ineligible for their services. While this can be a challenge for organizations with limited funding, a number of applicants have developed collaborations with other legal services providers that will facilitate a broad availability of services. These solutions are being studied by the commission for possible applicability to other programs.

- Grant recipients are encouraged to find ways to address the needs of unrepresented litigants who do not meet the financial eligibility requirements (e.g., providing general information in the form of local information sheets, videos, workshops, etc.). Programs that have achieved success in this field are being closely evaluated so that ideas may be gleaned which might be effective for other programs that have yet to establish an effective referrals protocol.

- Projects must clearly state a policy regarding administration of financial eligibility standards, and must establish protocols to observe that policy.

The Legislature has required that the Judicial Council report on the efficiency and effectiveness of the Equal Access Fund in March 2005. The council has hired a researcher to coordinate this evaluation, which will include mandatory reporting as well as a toolkit of optional evaluation tools.[44]

Small Claims Advisors

The oldest of California's self-help programs is the Small Claims Advisors Program. This service, created in 1978, provides free assistance to litigants in small claims proceedings. California's small claims court was created in 1921 to provide a fair, fast, and inexpensive procedure for parties to resolve disputes that have a relatively small monetary value. Since 1990, the jurisdictional limit has been $5,000. The main features of small claims court include the following:

[44] For a request for proposals (RFP) describing the Equal Access evaluation project, see *http://www.courtinfo.ca.gov/reference/rfp/cfcc_eval.htm*

- Parties represent themselves; attorneys generally are not allowed at trial.
- There is no right to a jury trial.
- The plaintiff has no right to appeal an adverse decision, but the defendant may appeal. Appeals consist of a trial de novo in superior court.
- Third party assignees are not allowed; only the parties directly involved in the dispute may participate in small claims court.
- No unlawful detainer actions (evictions) may be filed.[45]

There is currently discussion of raising the small claims limits, in large part "because of the inability of parties to find attorneys who will handle cases between $5,000 to $10,000 for a fee that does not eat up all the potential award. It is often even difficult to find attorneys who will take those cases at all."[46]

By statute, counties must provide some level of assistance to small claims litigants, however services may (and do) vary in each county in accordance with local needs and conditions. In each county where more than 1,000 small claims actions are filed each year, the following services must be offered:

- Individual personal advisory services, in person or by telephone, and by any other means reasonably calculated to provide timely and appropriate assistance.
- Recorded telephone messages may be used to supplement the individual personal advisory services, but shall not be the sole means of providing advice available in the county.

Adjacent counties may provide advisory services jointly. For counties with fewer than 1,000 filings, recorded telephone messages providing general information relating to small claims actions filed in the county must be available during regular business hours and informational booklets must be made available to litigants.[47]

The statute provides that small claims "[a]dvisors may be volunteers, and shall be members of the State Bar, law students, paralegals, or persons experienced in resolving minor disputes, and shall be familiar with small claims court rules and procedures. Advisors may not appear in court as an advocate for any party."[48]

A recent report commissioned by the Judicial Council indicates that there are significant problems with this approach, as shown in the following quotes therefrom:

> In Fresno there is a small claims advisory center, using law students. The office is not in the courthouse, but rather in another downtown building. Neither of the two law students whom we interviewed had ever seen a small claims trial, although observing trials has now been added to the required training of the

[45] Administrative Office of the Courts, *Report of the California Three Track Civil Litigation Study* (prepared by Policy Studies, Inc., July 31, 2002) p. 2
[46] *Id.* at p 33.
[47] Cal Code Civ. Proc , § 116 940, available at· http.//www leginfo ca.gov/calaw.html .
[48] *Ibid.*

advisors. One advisor told us that the law students were not permitted to give legal advice, but merely advice on the process.

In San Diego there is a small claims advisor's office attached to the court, run by a full-time attorney, with non-attorney volunteers working under him. The volunteers are able to help people with process questions. The supervising attorney is able to assist the volunteers with legal questions.

In San Francisco, there is a full-time small claims advisor in the court and an advisor available full-time by telephone, paid by the court. Both are attorneys. The advisor located in the court sees about 30 litigants per day. Her office is behind the clerk's counter, and there is a sign-up sheet in the clerk's area. She can advise on filing, on what will be needed at trial. Under California law the small claims advisors are immune from suit for malpractice.[49]

As a result of this report, standards for small claims advisors and judicial officers are being reviewed as part of the discussion of raising the jurisdictional limits.

Forms

California has nearly 600 forms that must be accepted by all courts throughout the state. (See http://www.courtinfo.ca.gov/forms for a complete list of these forms.) Forms adopted for mandatory use must be used in the types of actions to which they pertain; forms approved for optional use must be accepted by the courts although litigants may choose, instead, to craft their own pleadings. Many types of cases are completed solely by the use of mandatory forms. These case types include family law, domestic violence, guardianship, probate, juvenile dependency, and landlord/tenant matters.California also has forms for discovery, including form interrogatories and requests for information.

Mandatory forms were initially developed in 1971 upon the passage of the Family Law Act which instituted no-fault divorce. They were designed to assist attorneys and judges fully plead and decide the elements of cases given this major change in the law. The number and variety of forms has increased dramatically since that time. As a result of these standardized forms, instructional materials, document assembly packages, and other methods of assisting litigants can be completed economically. These self-help instructional materials first appeared in 1971, starting with the Nolo Press book *How to Do Your Own Divorce in California.* This book, which provides the basics of California family law and explains how to complete the related mandatory forms, has sold over 800,000 copies and has sparked a large number of other books and now an extensive Web site *(http://www.nolo.com).*

The Judicial Council has also developed a variety of instructional materials to assist litigants in understanding the law and court procedures and in completing these forms: Instructional materials range from a 25-page guide on summary dissolution that contains sample forms and a

[49] Administrative Office of the Courts, *Report of the California Three Track Civil Litigation Study* (prepared by Policy Studies, Inc , July 31, 2002) pp 34–35.

sample agreement (http://www.courtinfo.ca.gov/forms/documents/fl810.pdf) to domestic violence forms and instructions (http://www.courtinfo.ca.gov/selfhelp/dv/dvforms.htm#get)..

Since these forms were designed with attorneys and judges in mind, they are not always easy for self-represented litigants to read and understand. While the Legislature has specifically directed the Judicial Council to develop certain procedures and forms with self-represented litigants in mind (such as the simplified financial statement[50] and simplified modification of order for child, spousal, or family support[51]), the same basic format has been used for the last 30 years. In January 2003, the Judicial Council approved its first major change to that format with the adoption of new plain-language domestic violence and adoption forms. These forms, which include graphics and larger type, were designed to be much simpler to read and understand by non-attorneys. The council undertook user testing of these forms with litigants, court staff, and law enforcement. For a sample proof of personal service see *http://www.courtinfo.ca.gov/forms/fillable/dv200.pdf*. For a sample temporary restraining order see *http://www.courtinfo.ca.gov/forms/fillable/dv110.pdf*. Other forms are being revised in areas of the law such as landlord/tenant, small claims, and child support, where many litigants are representing themselves.

All Judicial Council forms are now fillable online using Adobe® Acrobat®. Additionally, the California Courts Web site links to programs that help litigants complete forms using a simple question and answer format. These programs include the Superior Court of Sacramento County's e-filing program for small claims litigants (see *http://www.apps-saccourt.com/scc/*); EZLegalFile by the Superior Court of San Mateo County that allows for basic filings in family law, small claims, guardianships, and landlord/tenant matters (see *http://www.ezlegalfile.com/elf-welcome/index.jsp*); and I-CAN! by Orange County Legal Aid that offers a question and answer format as well as video (see *http:/www.icandocs.org/newweb/*). I-CAN! has been evaluated by researchers from the University of California at Irvine and found to be very easy for litigants—even those who did not read English—to use.[52] The Administrative Office of the Courts has provided funding for each of these programs and works with them to increase their effectiveness and availability for statewide use.

Language Access

Two hundred and twenty-four languages are spoken in California's courts.[53] Of the 32 percent of Californians who speak a language other than English, nearly 1 in 10 speak no English. Twenty-six percent of Californians are foreign born; 33 percent of those are from Asia and 56 percent are from Latin America.[54] From 1990 to1998, 1.8 million people legally immigrated to California from other countries. Estimates of undocumented aliens (principally from Latin American

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[50] Cal Fam. Code, § 4068(b), available at *http://www.leginfo.ca.gov/calaw.html*

[51] *Id.*, § 3680, available at http://leginfo.ca.gov/calaw html

[52] J W Meeker and R. Utman, *An Evaluation of the Legal Aid Society of Orange County's Interactive Community Assistance Network (I-CAN!) Project* (May 2002), *http://www.icandocs.org/newweb/eval.html*

[53] Administrative Office of the Courts, "Fact Sheet: Court Interpreters" (Jan 2003), available at *http://www.courtinfo.ca.gov/reference/documents/ctinterp.pdf*

[54] U.S Bureau of the Census, *United States Census 2000*, as reported in *Policy Paper. Language Barriers to Justice in California* (in draft by the Commission on Access to Justice)

countries) who come to California directly or through other states are as high as 225,000 per year.

When litigants with limited or no English proficiency try to access the court system without counsel, they face significant barriers. However, the statutory right to counsel exists only for criminal and domestic violence cases due to the implications for loss of liberty. The Administrative Office of the Courts has been working to seek funding to increase the availability of interpreters and has been actively involved in other efforts (e.g., recruitment) to increase the number of qualified interpreters.[55]

State funds are also provided to the courts to pay for interpreter services for low-income persons in cases involving domestic violence. This funding is based upon an evaluation of a pilot project where such funds were provided that found that interpreter services proved extremely useful in custody and visitation matters.[56]

Based upon the need for interpreters in other languages, all domestic violence forms and instructional materials developed by the Judicial Council are now available in English, Spanish, Vietnamese, Chinese, and Korean. Posters and postcards alerting litigants to this information have been developed and circulated to the courts and to legal services and social services agencies.

A number of courts have translated materials into different languages to reflect the needs in their community. These materials are now being gathered together on the California Courts Online Self-Help Center that is described below.

Web Site

On July 1, 2001, the Judicial Council launched an updated version of its comprehensive Online Self-Help Center (found at *www.courtinfo.ca.gov/selfhelp/)* for court users who do not have attorneys and others who wish to be better informed about the law and court procedures. This Web site provides more than 1,000 pages of information on legal issues that come before state courts with step-by-step instructions for many common proceedings. It also has over 2,400 links to other resources that provide additional legal information, including resources for areas of law such as bankruptcy and federal claims that are not within the jurisdiction of state courts. Most Californians (76 percent) use a computer at home, work, or school, and 65 percent say they use the Internet.[57]

The site is heavily used, as described in the chart below:

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[55] For a description of the efforts, including collaboration on training programs, see the page of the California Courts Web site devoted to court interpreters *http //www courtinfo ca gov/programs/courtinterpreters/.*

[56] Judicial Council of California/Administrative Office of the Courts, *Family Law Interpreter Pilot Program, Report to the Legislature* (2001), *http //www courtinfo.ca gov/programs/cfcc/pdffiles/FLIPP PDF*

[57] Administrative Office of the Courts, "Fact Sheet Online Self-Help Center Q&A, *www courtinfo ca.gov/selfhelp/*" (Jan. 2003), available at *http //www courtinfo.ca.gov/reference/documents/selfhelpqa.pdf.*

Month/Year	Hits	Views	User Sessions	Avg. Time (in minutes)
November 2002	1,493,321	377,393	102,394	11:07
December 2002	1,482,476	368,539	100,085	11:00
January 2003	2,134,175	620,728	128,051	13 04
February 2003	2,005,531	702,366	108,967	13:57
March 2003	2,064,202	577,798	124,231	12:47
April 2003	2,184,476	560,840	129,504	12·42
May 2003	2,381,386	563,902	139,055	12:10
June 2003	2,353,585	562,343	138,972	11:55
July 2003	2,655,946	598,293	149,193	11:41
August 2003	2,921,612	686,873	153,922	12:22
September 2003	2,670,430	654,915	140,930	13·16
October 2003	2,965 211	728,080	154, 105	13.55

The entire site was rewritten and redesigned to make it easier for non-attorneys to read and understand. The revised site was launched January 1, 2003. A number of features were added, including easy access to a service offered by law librarians to assist with basic legal research online at no charge. The entire Web site is being translated into Spanish, and the Spanish version of the site was launched July 28, 2003.

A new link was added at that time for materials available in foreign languages other than Spanish to help both litigants and those assisting them find translated materials easily. AOC staff is now working on templates to assist self-represented litigants in drafting legally enforceable agreements and logical declarations in common case types.

Many local courts have also developed helpful resources for litigants representing themselves. Examples include Santa Clara: http://www.scselfservice.org/default.htm; Ventura: http://courts.countyofventura.org/venturaMasterFrames5.htm; Los Angeles: http://www.lasuperiorcourt.org/familylaw/ and http://www.lasuperiorcourt.org/probate/index.asp?selfhelp=1; Sacramento: http://www.saccourt.com/index/family.asp, http://www.saccourt.com/index/ud.asp, and http://www.saccourt.com/index/smallclaims.asp; Stanislaus: http://www.stanct.org/courts/familylaw/index.html; Shasta: http://www.shastacourts.com/familylaw.shtml; Fresno: http://www.fresno.ca.gov/2810/SSHC/SSHC_esp.htm and Contra Costa; http://www.cc-courthelp.org/.

Videos

The Administrative Office of the Courts (AOC) offers several videos to help the estimated 94,500 self-represented litigants involved in custody mediation each year learn more about family court procedures. The award-winning *Focus on the Child* orients self-represented parents to court procedures, mediation, child custody evaluation, effective presentation of child-related information to the courts, parenting plans, and supervised visitation. The AOC also has developed videos on how to request a domestic violence restraining order and how to respond to a request for a domestic violence restraining order. These videos are available in English, Spanish, Vietnamese, Chinese, and Korean. Additional videos describe how to prepare court

forms for an uncontested divorce and how to prepare for a family law hearing. These videos are available in English and Spanish.

Videos developed by local courts have also been adapted for use statewide and are made available by the AOC. These include videos with step-by-step instructions for completing forms in paternity and divorce cases, an overview of guardianship procedures, a guide to court proceedings in landlord/tenant cases, and an orientation to small claims court[58].

Additional Informational Publications for Self-Represented Litigants

The AOC develops and distributes a wide variety of materials for self-represented litigants. These include:

- *Summary Dissolution Information:* Provides detailed instructions on how to complete forms for a summary dissolution and how to write a marital settlement agreement.[59]
- *How to Adopt a Child in California:* A handout on how to prepare adoption forms.[60]
- *Emancipation Pamphlet:* A guide for minors on the process for emancipation.[61]
- *What's Happening In Court? An Activity Book for Children Who Are Going to Court in California.*[62]
- *Guardianship Pamphlet:* A guide for adults considering becoming a guardian of a minor.[63]
- *Juvenile Court Information for Parents:* A guide for parents of minors charged with crimes.[64]
- *Dependency Court: How It Works:* A guide for parents whose children in dependency care.[65]

Community-Focused Planning Efforts

The Judicial Council established the Task Force on Self-Represented Litigants in 2001 to coordinate the statewide response to the needs of litigants who are representing themselves. The task force has been developing a statewide action plan on serving self-represented litigants. This work builds on an intensive community-focused planning process of the trial courts.

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[58] For a list of videos see http //www.courtinfo ca.gov/programs/cfcc/resources/publications/catalog htm

[59] Judicial Council form FL-810 (also available in Spanish as FL-811), http://www courtinfo ca.gov/forms/documents/fl810 pdf

[60] Judicial Council form ADOPT-050, http.//www courtinfo ca gov/forms/documents/adopt050 pdf

[61] Judicial Council form MC-301, http //www.courtinfo ca gov/forms/documents/mc301 pdf

[62] For PDF and interactive versions in English and Spanish, see http //www courtinfo.ca gov/programs/children htm.

[63] Judicial Council form JV-350 (also available in Spanish as JV-355), http.//www courtinfo ca gov/forms/documents/jv350.pdf

[64] Judicial Council form JV-060, http.//www courtinfo ca gov/forms/documents/jv060.pdf.

[65] Judicial Council form JV-055, http://www courtinfo.ca gov/forms/documents/jv055 pdf.

In the spring of 2001, the council sponsored four regional conferences to allow courts to discuss different models for providing self-help services and determine how to best meet the needs of self-represented litigants in their communities. Over 600 persons attended these conferences, representing 57 out of California's 58 counties.

Welcomes were extended by Chief Justice Ronald M. George and a representative from the State Bar Board of Governors. In each region, a judicial leader gave a keynote speech describing regional characteristics and issues. A plenary session on evaluation was held. Other plenary sessions concerned technology and cultural diversity. A resource center was set up at each conference to showcase innovations and distribute materials.

Thirty workshops were held at each conference. Topics included the following:

- Unbundling legal services;
- The changing role of court clerks and law librarians;
- Judicial communication and ethics;
- Making the courthouse more accessible for self-represented litigants;
- Funding for self-help programs;
- Alternative dispute resolution programs;
- Providing services to non-English-speaking litigants;
- Court partnerships with the bar and legal services agencies; and
- Technological resources to help self-represented persons.

Binders with materials for each of the sessions, as well as leading articles on the topic, were prepared for all participants and continue to be ordered by local planning groups.[66]

Three breakout sessions were held for counties to consider specific questions in developing an initial action plan. Facilitators were available for each of the groups. A county action plan packet was developed to help the participants identify the following:

- Resources currently available;
- Challenges facing self-represented litigants;
- Services needed in the community;
- Potential partners for providing services;
- What they were trying to achieve and the strategies they might use to evaluate that; and
- What objectives they wanted to focus on first and how to accomplish those objectives.

Breakout sessions were also held for professional groups such as facilitators, judges, court administrators, private attorneys, small claims advisors, and others to encourage regional networking and discussion.

In the course of the conferences, most courts developed initial action plans. The level of detail in the plans varied significantly among the counties. To encourage the further development of those plans and to encourage courts to obtain community input on them, the Judicial Council

[66] Binder contents are available at *http://www.courtinfo.ca.gov/programs/cfcc/resources/selfhelp/list.htm*.

made $300,000 of Trial Court Improvement Fund moneys available in fiscal year 2000–2001 to assist courts in developing their action plans. Forty courts applied for and were granted these planning funds. An additional $300,000 was offered in 2001–2002 and again in 2002–2003 to assist courts that had not yet received planning funds and to provide funding for courts that had created plans to begin implementation. To date, 44 plans have been received, 7 are still being developed, and 7 smaller courts have not developed plans. Each of the completed plans is posted on a password-protected Web site that is available to court employees throughout the state.

For the courts that developed plans, additional funds were provided for implementation. Projects include those establishing self-help centers in collaboration with local libraries, developing additional information on local Web sites, using computer programs to assist litigants in completing court forms, and reaching out to the community to provide training for volunteers from different ethnic backgrounds on how to assist self-represented litigants.[67]

The Judicial Council's Center for Families, Children & the Courts (CFCC) is currently developing a series of statewide Web-based discussions for those persons involved in the local courts planning committees. These discussions will focus on topics of interest, such as free and low-cost legal assistance, limited-scope legal representation (unbundling), technology, and self-help centers. By sharing the most recent information and resources, we hope to promote effective practices and minimize duplication of efforts as well as to maintain momentum for these new programs during lean budget years.

Education and Training

The Administrative Office of the Courts (AOC) sponsors a number of trainings for judges, court staff, attorneys, advocates, law enforcement and others who work with self-represented litigants. One AOC project that was specifically aimed at self-represented litigants themselves targeted foster parents. It produced an educational booklet, entitled "Caregivers and the Courts: a Primer on Juvenile Dependency Proceedings for California Foster Parents and Relative Caregivers,"[68] in English and Spanish versions to assist caregivers who wish to participate in juvenile court hearings. The booklet gives information about the dependency court process, the law relating to caregiver participation in court hearings, information the court may consider helpful, how to decide whether written reports or court attendance is more effective, tips for caregivers who are called to testify in court, de facto parent status, and local court culture.

Additionally, training was provided to foster parents and relative-caregivers groups on participation in the dependency court process. The training focused on general legal concepts and the practical aspects of caregiver participation in court. Research was conducted on the impact of that training on caregiver participation in juvenile court hearings and outcomes for children in care. The study also began to explore in a qualitative way what factors determine

[67] A short description of each of the implementation projects is available at http://www.courtinfo.ca.gov/programs/cfcc/resources/grants/selfgrants.htm.

[68] Judicial Council of California, "Caregivers and the Courts: A Primer on Juvenile Dependency Proceedings for California Foster Parents and Relative Caregivers, Judicial Council of California," English version available at http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/caregive.pdf.

how information from caregivers is or could be used in decision making, and what effects caregiver participation might have on the well-being of children in care. The report indicated that the training was very useful for the caregivers and that they were more likely to participate in hearings as a result. Since they often brought critical information about the children to the court's attention, the benefits of the training seemed significant.[69]

Court Clerk Training

In 2001, the Judicial Council adopted a standard form to be posted in court clerks' offices in lieu of other signage regarding legal advice to clarify what assistance court clerks can and cannot provide to self-represented litigants.[70] This form was based upon the analysis by John Greacen in his seminal article "No Legal Advice from Court Personnel! What Does that Mean?"[71] The following basic principles of this approach are that:

1. Court staff have an obligation to explain court processes and procedures to litigants, the media, and other interested citizens.

. . .

2. Court staff have an obligation to inform litigants, and potential litigants, how to bring their problems before the court for resolution.

. . .

3. Court staff cannot advise litigants whether to bring their problems before the court, or what remedies to seek.

. . .

4. Court staff must always remember the absolute duty of impartiality. They must never give advice or information for the purpose of giving one party an advantage over another. They must never give advice or information to one party that they would not give to an opponent.

. . .

5. Court staff should be mindful of the basic principle that counsel may not communicate with the judge ex parte. Court staff should not let themselves be used to circumvent that principle, or fail to respect it, in acting on matters delegated to them for decision.72

A broadcast training has been developed by the Administrative Office of the Courts to help clerks determine the difference between legal information and legal advice and encourage them to be more helpful to the public. The training is one and a half hours long and includes an introduction by the Chief Justice, presentation by John Greacen on his analysis, and a live discussion by court clerks, a judge, and an attorney regarding taped vignettes featuring court clerks providing legal information.

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[69] See Administrative Office of the Courts and National Center for Youth Law, *Caregivers in the Courts Improving Court Decisions Involving Children in Foster Care* (2002), http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/CaregiverES.pdf

[70] Judicial Council form MC-800, *Court Clerks Office Signage,* http://www.courtinfo.ca.gov/forms/documents/mc800.pdf.

[71] J. Greacen, "No Legal Advice from Court Personnel! What Does that Mean?" (American Bar Association, 1995) *The Judges' Journal*, at http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/SH-tab3.pdf

[72] *Id.* at pp 7–8

All California courts now have equipment to receive satellite broadcasts. This enables court staff to receive training and updates without having to travel from their courts. This training was the first offered to court clerks, and feedback forms indicated that over 1,000 people watched the supervisor broadcast and 1,500 watched the line clerk broadcast the first weeks it was offered. It's been offered nine times in the last two years.

Judicial Training

California's Administrative Office of the Courts has a nationally respected training arm with a long history of providing judicial training. They have offered a number of classes about effectively serving self-represented litigants.

AOC staff are currently working to expand the body of research and training resources available for judicial officers regarding self-represented litigants.[73] One article contributing to that effort is "Judicial Techniques for Cases Involving Self-Represented Litigants,"[74] appearing in the winter 2003 issue of *The Judges Journal.* Other research is being conducted into the procedural justice literature and how it might be used by judicial officers in managing their courts. Another piece is being developed to help judges consider how best to use family law facilitators and other court-based attorneys to assist them in managing a calendar effectively and maintaining a neutral courtroom.

A focus group of judges who are particularly effective with self-represented litigants is being planned to identify techniques and understandings that can be shared. A courtroom observation tool is being developed to identify what types of techniques seem particularly effective from the perspective of the litigants themselves.

Since California has a single-tier trial court system, many judges are transferred to assignments in which they have had no practical experience or legal training. This poses great challenges in a courtroom where neither litigant knows the law either and there are no attorneys to rely on for a clear written or verbal presentation of the facts and law. Training both on the substantive law and on practical skills in managing a courtroom of nonlawyers is critically needed..

Limited Scope Representation (Unbundling)

Limited scope representation is a relationship between an attorney and a person seeking legal services in which it is agreed that the scope of the legal services will be limited to specific tasks that the person asks the attorney to perform. This is also called "unbundling" and "discrete task representation."

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[73] See, for example, Web materials on how judges can communicate effectively with self-represented litigants, *http://www courtinfo ca.gov/programs/cfcc/pdffiles/SH-tab4 pdf.*

[74] R. A. Albrecht, J M. Greacen, B. R Hough, and R. Zorza, "Judicial Techniques for Cases Involving Self-Represented Litigants"(American Bar Association, winter 2003) 42(1) *The Judges' Journal* 16–48, *http://www.zorza net/JudicalTech.JJWi03.pdf.*

At the request of the president of the State Bar of California, the Commission on Access to Justice established a Limited Representation Committee. The committee was composed of representatives from the private bar and the judiciary, legal ethics specialists, and legal services representatives. Their work was informed by legal research and discussion as well as by a series of focus groups that included private attorneys, judicial officers, legal services representatives, insurance company representatives, lawyer referral service representatives, litigants, family law facilitators, and legal ethics specialists. Focus groups and individual interviews were also conducted with current and potential users of limited scope services.

In October 2001 the committee issued a *Report on Limited Scope Legal Assistance With Initial Recommendations.*[75] The Board of Governors of the State Bar of California approved those initial recommendations on July 28, 2001. Some of the recommendations, categorized by the committee as "court-related," called for the committee to work with the Judicial Council to adopt rules and forms.

Limited scope representation helps self-represented litigants

- Prepare their documents legibly, completely, and accurately;
- Prepare their cases based on a better understanding of the law and court procedures than they would haveif left on their own;
- Obtain representation for portions of their cases, such as court hearings, even if they cannot afford full representation; and
- Obtain assistance in preparing, understanding, and enforcing court orders.

This assistance can reduce the number of errors in documents; limit the time wasted by the court, litigants, and opposing attorneys because of the procedural difficulties and mistakes of self-represented litigants; and decrease docket congestion and demands on court personnel. In focus groups on this topic, judges indicated a strong interest in having self-represented litigants obtain as much information and assistance from attorneys as possible. They pointed to the California courts' positive experience with self-help programs such as the family law facilitator program, which educates litigants and assists them with paperwork. These programs, however, cannot meet the needs of all self-represented litigants and, because of existing regulations, must limit the services they can offer.

As called for in the Limited Representation Committee's report, the Judicial Council recently adopted forms and rules designed to help facilitate attorneys' provision of this assistance, including the following:

- A rule of court that allows attorneys to help litigants prepare pleadings without disclosing that they assisted the litigants (unless they appear as attorneys of record or seek the award of attorney fees based on such work);[76]
- A form to be filed with the court clarifying the scope of representation when the

[75] Limited Representation Committee of the California Commission on Access to Justice, *Report on Limited Scope Legal Assistance With Initial Recommendations* (Oct 2001), http://www.calbar.ca.gov/calbar/pdfs/reports/2001_Unbundling-Report.pdf.

[76] Cal. Rules of Court, rule 5.170 (effective July 1, 2003).

attorney and client have contracted for limited scope legal assistance;[77] and
- A simplified procedure for withdrawal from cases when an attorney is providing limited scope assistance.[78]

Some courts in other jurisdictions have expressed concern that providing anonymous assistance to a self-represented litigant defrauds the court by implying that the litigant has had no attorney assistance. The concern is that this might lead to special treatment for the litigant or allow the attorney to evade the court's authority. However, California's family law courts have allowed ghostwriting for many years. Family law facilitators, domestic violence advocates, family law clinics, law school clinics, and other programs and private attorneys serving low-income persons often draft pleadings on behalf of litigants.

Judicial officers in the focus groups reported that it is generally possible to determine from the appearance of a pleading whether an attorney was involved in drafting it. They also reported that the benefits of having documents prepared by an attorney are substantial.

In focus groups, private attorneys who draft pleadings on behalf of their clients revealed that they would be much less willing to provide this service if they had to put their names on the pleadings. Their reasons included the following:

- Fear of increased liability;
- Worry that a judicial officer might make them appear in court despite a contractual arrangement with the client limiting the scope of representation;
- Belief that they are helping the client tell his or her story, and that the client has a right to say things that attorneys would not include if they were directing the case;
- Concern that the client might change the pleading between leaving the attorney's office and filing the pleading in court;
- Apprehension that their reputation might be damaged by a client's inartful or inappropriate arguing of a motion;
- Concern that they would be violating the client's right to a confidential relationship with his or her attorney; and
- Worry that they may not be able to verify the accuracy of all the statements in the pleading, given the short time available with the client.[79]

The Judicial Council approved the logic that the filing of ghostwritten documents does not deprive the court of the ability to hold a party responsible for filing frivolous, misleading, or deceptive pleadings. A self-represented litigant makes representations to the court by filing a pleading or other document about the accuracy and appropriateness of those pleadings. (Code Civ. Proc., § 128.7(b).)[80] In the event that a court finds that section 128.7(b) of the Code of

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[77] Judicial Council form FL-950 (effective July 1, 2003).
[78] Cal. Rules of Court, rule 5.171 and Judicial Council forms FL-955, FL-956, and FL-958 (all effective July 1, 2003)
[79] From Judicial Council of California, Invitation to Comment W03-06, *Family Law. Limited Scope Representation*, (Winter 2003), at http://www.courtinfo.ca.gov/invitationstocomment/documents/w03-06.pdf.
[80] Cal Code Civ Proc., § 128.7, available at http://www.leginfo.ca.gov/calaw.html

Civil Procedure has been violated, the court may sanction the self-represented litigant. The court could also ask the litigant who assisted in preparation of the pleading and lodge a complaint with the State Bar about the attorney's participation in the preparation of a frivolous or misleading document, whether or not his or her name is on the pleading. (See Los Angeles County Bar Association, Formal Opinion No. 502, Nov. 4, 1999.)[81]

Under new rule 5.170, an attorney providing limited scope representation must disclose his or her involvement if the litigant is requesting attorney fees to pay for those services, so that the court and opposing counsel can determine the appropriate fees. Awarding attorney fees when a litigant receives assistance with paperwork or preparations for a hearing may also help encourage attorneys to provide this service. Family Code section 2032 states that the court "shall take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party's case adequately."[82] The only counsel many litigants can afford, even with attorney fees awards, is counsel willing to provide limited scope legal services. If a litigant were able to present a case "adequately" through coaching or assistance with preparation of a pleading, an award of fees might also be appropriate.

The Administrative Office of the Courts is also working with the Limited Representation Committee to develop training curricula for judicial officers on California's new rules and forms. It has developed an educational piece entitled "Twenty Things that Judicial Officers Can Do to Encourage Attorneys to Provided Limited Scope Representation (or how to get attorneys to draft more intelligible declarations and enforceable orders for self represented litigants)"[83]

Conclusion

As described above, California's courts have developed a large number of programs to increase access to justice for self-represented litigants. Many of these have developed creative solutions to long-standing problems regarding the propriety of the court's providing assistance to litigants, others are building upon technology to provide information, while still others explore fundamental assumptions about courtroom management. All are directed at the very basic concern raised by California's Chief Justice Ronald M. George in his State of the Judiciary address in 2001: "If the motto 'and justice for all' becomes 'and justice for those who can afford it,' we threaten the very underpinnings of our social contract."[84]

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[81] *Lawyers' Duties When Preparing Pleadings or Negotiating Settlement for In Pro Per Litigant*, Los Angeles County Bar Association Professional Responsibility and Ethics Committee, Formal Opinion No. 502 (Nov. 4, 1999), http://www.lacba.org/showpage.cfm?pageid=431

[82] Cal. Fam. Code, § 2032, available at http://www.leginfo.ca.gov/calaw.html.

[83] Administrative Office of the Courts, "Twenty Things That Judicial Officers Can Do to Encourage Attorneys to Provided Limited Scope Representation" (or how to get attorneys to draft more intelligible declarations and enforceable orders for self represented litigants), Administrative Office of the Courts, (April 2002), http://www.unbundledlaw.org/States/twenty_things_that_judicial_offi.htm

[84] R. M. George, State of the Judiciary address to a Joint Session of the California Legislature, Sacramento, Mar, 20, 2001, http://www.courtinfo.ca.gov/reference/soj0301.htm

APPENDIX 3

A REPORT AND ANALYSIS OF ACTION PLANS THROUGHOUT CALIFORNIA

Note: Since this report to the State Justice Institute was originally made, several more local courts have submitted their action plans to assist self-represented litigants.

A REPORT AND ANALYSIS OF ACTION PLANS THROUGHOUT CALIFORNIA

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Action Plans Summary Chart

The four Regional Conferences on Assisting Self-Represented Litigants in California in 2001 and this publication were made possible by a grant from the State Justice Institute (SJI-01-N-117), with supplemental funding from the Foundation of the State Bar of California and the State Bar of California. Points of view expressed herein do not necessarily represent the official positions or policies of the Judicial Council of California, the California Administrative Office of the Courts, the State Justice Institute, the Foundation of the State Bar of California, or the State Bar of California.

This is an excerpt from a report entitled "A Report and Analysis of Action Plans Throughout California: Integrating services for self-represented litigants into the court system" may be obtained from the Administrative Office of the Courts. The report is also available on the California Courts Web site: *www. courtinfo.ca.gov/programs/cfcc.*

I. Introduction

Assistance for unrepresented litigants has become one of the most crucial issues facing the court system as it works to enhance public trust and confidence. This report describes work that, with support from the State Justice Institute, has enabled courts throughout California to engage in community-focused planning to meet this challenge.

In November 1999, the American Judicature Society held a *National Conference on Self-Represented Litigants Appearing in Court*, sponsored by the State Justice Institute. Chief Justice Ronald M. George appointed a team to attend the conference, and others from California participated as speakers. The team developed a draft action plan that was submitted to the American Judicature Society in January 2000, in response to the conference.

Among its recommendations, the action plan called on Administrative Office of the Courts staff to seek a grant from the State Justice Institute to hold four regional conferences in California to encourage trial courts to develop their own action plans for serving self-represented litigants. The regional approach was used because needs and resources vary dramatically among California's 58 counties. California is an extremely large and diverse state. It ranges from Alpine County in the Sierra, with approximately 1,200 residents, to Los Angeles County, with more than 9,000,000 residents. There are counties with no private attorneys, let alone legal service programs, and counties with a wide variety of resources that with coordination could be much more effective. A different type of action plan to serve self-represented litigants is needed for each of these areas.

It is often enormously frustrating for a small county to hear from a larger one about all the wonderful things it is doing and to feel that it simply does not have the resources to replicate those programs. It can also be frustrating for large counties to hear about the small number of litigants who must be served in smaller counties. The goal was to provide replicable models and foster the participation of groups of counties with similar demographic issues so that they could talk to each other about what would work in their communities. In addition, by holding regional conferences, the costs of transportation and accommodations were significantly lowered. More people were able to attend and participate in discussions.

The conferences were designed to (1) enable a wide group of participants from each county to learn about some of the cutting-edge thinking about serving unrepresented litigants and (2) provide them an opportunity to hear from programs in other communities with similar demographics. California has numerous court-based self-help programs. These include small claims advisors, family law facilitators, and many legal services or pro bono programs. However, each of these has a different funding source, works with different litigants, and is already operating at breakneck speed - leaving no time to coordinate efforts, consider common issues, or develop a strategy to maximize the combined

resources. The goal was to provide key partners with a common base of knowledge and the time to begin developing an action plan to address the issues.

The grant proposal was funded, and four conferences were held in the spring of 2001. More than 600 persons attended these conferences, representing 57 out of 58 of California's counties. Attendance at the conferences was by invitation only. The Chief Justice sent a letter of invitation to all presiding judges, encouraging them to appoint a diverse team to attend the conference. Each conference was two days long and had a similar format.

Welcomes were extended by Chief Justice Ronald M. George and a representative from the State Bar Board of Governors. In each region, a judicial leader gave a keynote speech describing regional characteristics and issues. A plenary session on evaluation was held. Other plenary sessions concerned technology and cultural diversity. A resource center was set up at each conference to showcase innovations and distribute materials.

Thirty workshops were held at each conference. Topics included:

- Unbundling legal services
- The changing role of court clerks and law librarians
- Judicial communication and ethics
- Making the courthouse more accessible for self-represented litigants
- Funding for self-help programs
- Alternative dispute resolution programs
- Providing services to non-English speaking litigants
- Court partnerships with the bar and legal services agencies
- Technological resources to help self-represented persons

Binders with materials for each of the sessions, as well as leading articles on the topic, were prepared for all participants and continue to be ordered by local planning groups. The binder contents are available at *http://www.courtinfo.ca.gov/programs/cfcc/resources/selfhelp/list.htm*.

Three breakout sessions were held for counties to consider specific questions in developing an initial action plan. Facilitators were available for each of the groups. A county action plan packet was developed to help the participants identify:

- Resources currently available;
- Challenges facing self-represented litigants;
- Services needed in the community;
- Potential partners for providing services;
- What they were trying to achieve and the strategies they might use to evaluate that; and
- What objectives they wanted to focus on first, and how to accomplish those objectives.

Breakout sessions were also held for professional groups such as facilitators, judges, court administrators, private attorneys, small claims advisors, and others to encourage regional networking and discussion.

Evaluations from the conferences were very positive; some stated that it was the best conference that they had ever attended. Others commented that it was the first time they had ever been able to meet with partners in their community and that they were amazed at how much could be accomplished in those discussions.

In the course of the conferences, most courts developed initial action plans. The level of detail in the plans varied significantly among the counties. To encourage the further development of those plans and to encourage courts to obtain community input on them, the Judicial Council made $300,000 of Trial Court Improvement Funds available in 2000 – 2001 to assist courts in developing their action plans. Forty courts applied for and were granted these planning funds. An additional $300,000 was offered in 2001-2002 and again in 2002-2003 to assist courts that had not yet received planning funds and to provide funding for courts that had created plans to begin implementation. To date, 44 plans have been received, 7 are still being developed, and 7 smaller courts have not developed plans. Each of the completed plans is posted on a password-protected site that is available to court employees throughout the state.

This planning effort built on a major initiative launched by Chief Justice Ronald M. George in 1999 toward community-focused court planning to improve public trust and confidence in the courts and provide direction for the courts.

In that planning process, 41 of the 52 courts that submitted plans identified the need for increased access for self-represented litigants. Seventy-three percent of the courts identified at least four strategies for assisting self-represented litigants. Those strategies included self-help centers, informational materials, kiosks or public terminals, information and services through the Internet, expanded interpreting, training of court personnel, and use of lawyers and paralegals to provide information and assistance to self-represented litigants. See *www.courtinfo.ca.gov/programs/cfcc/* for a synopsis of the plans.

It is clear that the additional information available to the courts from the SJI-sponsored conferences, as well as the increased attention and focus on the needs of self-represented litigants, has led to a much more sophisticated approach to this issue.

The Administrative Office of the Courts is planning an online conference in late spring of 2003 in which self-represented litigant teams throughout the state will share what's been learned, brainstorm about new ideas, and identify ways to sustain the momentum through difficult budget years.

We hope that the following analysis of the action plans submitted to date will enhance the court community's understanding of how services for self-represented litigants can be incorporated into the core of the court's functions.

II. The Action Plans[1]

California has a total of 58 counties and a population of 33,871,648.[2] As already stated, the counties vary greatly in size and population demographics. The smallest is Alpine County, with a population of 1,208, and the largest is Los Angeles County, with a population of 9,519,338, approximately one-third of the state's entire population.[3] The court in each county was invited to submit a proposal for planning or for implementation of a plan. For purposes of this report, the courts have been divided into five categories defined by the number of judges allocated to each.

Category 1	Smallest	13 counties[4]	0 – 4 judges
Category 2	Small	15 counties[5]	5 – 14 judges
Category 3	Medium	12 counties[6]	15 – 49 judges
Category 4	Large	8 counties[7]	50 or more judges
Category 5	Regional	10 counties[8]	Multi – county proposals

For the most part, the multi-county proposals were submitted by smaller courts. The largest of these 10 courts was the Superior Court of Monterey County, with 18 judges allocated to it. All the other courts in this group have fewer than 15 judges, and 6 of them have fewer than 5.

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[1] A chart summarizing the proposals is attached at Appendix C.

[2] U S. Census Bureau, *United States Census* 2000, DP-1 Population and Housing Characteristics, Summary File 1 (SF1), *http://factfinder.census gov*, 3/10/03.

[3] Ibid.

[4] Alpine, Colusa, Del Norte, Inyo, Lake, Lassen, Mariposa, Modoc, Mono, Plumas, Siskiyou, Trinity, and Tuolumne.

[5] El Dorado, Humboldt, Imperial, Kings, Madera, Marin, Mendocino, Merced, Napa, Placer, San Luis Obispo, Shasta, Sutter, Yolo, Yuba

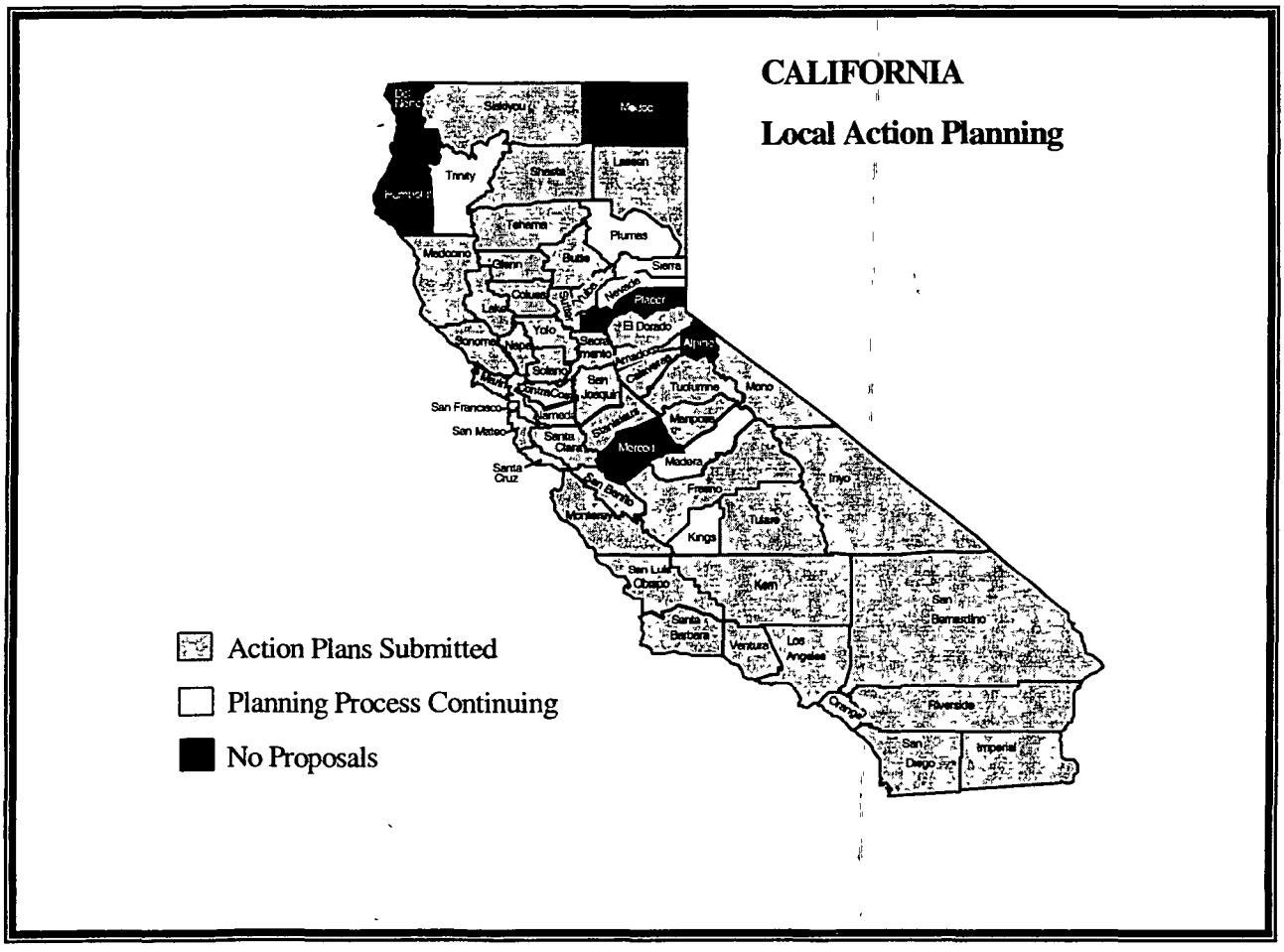
[6] Contra Costa, Fresno, Kern, Riverside, San Joaquin, San Mateo, Santa Barbara, Solano, Sonoma, Stanislaus, Tulare, and Ventura.

[7] Alameda, Los Angeles, Orange, Sacramento, San Bernardino, San Diego, San Francisco, and Santa Clara

[8] Butte/Glenn/Tehama, Calaveras/Amador, Monterey/Santa Cruz/San Benito, and Nevada/Sierra.

COURT	IMPLEMENTATION PLANS SUBMITTED	STILL IN PLANNING PROCESS	NOTHING PROPOSED
1. SMALLEST	8	2	3
2. SMALL	10	2	3
3. MEDIUM	12	–	–
4. LARGE	7	1	–
5. REGIONAL	8[8]	2[9]	–
TOTAL	**45**	**7**	**6**

Since the regional conferences on self-represented litigant assistance, the courts from 52 of California's 58 counties have submitted to the AOC proposals for programs to assist self-represented litigants. All counties with more than 15 judges have submitted proposals for either planning or implementation. Most of the courts have developed plans that they are now working on implementing, but a few are still in the planning stage.



[9] Represents one proposal covering two counties.

A. Needs Assessments

The local action plan proposals characterized the barriers faced by self-represented litigants by grouping their needs into six basic types: (1) access to legal information; (2) language access; (3) distance/geographic access; (4) income to afford private assistance; (5) training of court staff; and (6) settlement assistance.

1. ACCESS TO LEGAL INFORMATION

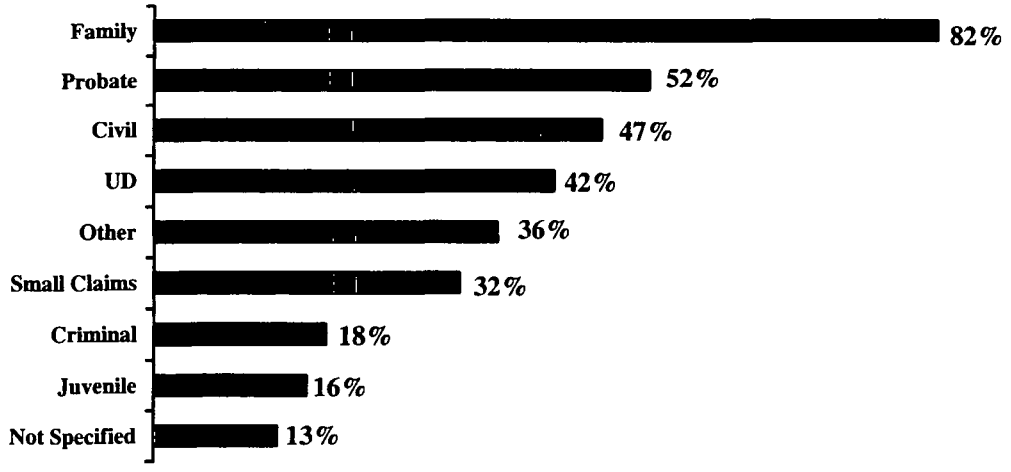
Lack of access to legal information for pro se litigants was the central theme in all the action plans that were submitted. Forty-nine percent of the plans specifically mentioned lack of information access in their needs assessment sections; the other 51 percent addressed it in their program designs.

The smallest counties (those with fewer than five judicial positions) expressed this concern more frequently in their needs assessments. These courts also reported a serious shortage of community resources for pro se litigants, particularly legal aid services. This lack of community resources tends to differentiate smaller, rural counties from larger, urban ones. There were no counties with more than 50 judicial positions that expressed a primary concern with a lack of community resources per se. In the large counties, the lack of access to legal information seemed to be attributed more frequently to the enormous numbers of people needing services compared to the size of the available services, and to language barriers.

Case Types

Most of the local action plans assessed the needs of self-represented litigants in terms of the case types in which they most frequently appear.

Pro Se Needs--by Case Type
% of local plans citing each case type (n = 45)



All the courts except the largest group reported that the greatest need for services is in the family law area. The largest courts cited unlawful detainer, small claims and civil cases as the ones where self-represented litigants have the greatest needs. The medium-sized and large courts were more likely to cite the need for services in probate guardianship and conservatorship cases. These differences among counties may be related to the greater availability in large counties of community-based services for self-represented litigants in family law. Another significant factor may be the fact that many smaller counties often have only a part-time family law facilitator,[10] or a facilitator funded only to assist with matters of child support. The larger counties have had full-time facilitators and have been better able to provide the additional funding required to allow the facilitators to expand services beyond just child support.

Among the cases making up the "Other" category were bankruptcy, SSI, immigration, appeals, tax, workers' compensation, and other public benefits.

There were eight counties that reported needing services in the criminal area for self-represented litigants. In seven of these, the assistance proposed was for traffic court matters. One county did not specify the types of criminal cases considered.

Five of the courts that specified needing services in family law cases indicated that they would seek to provide services in other, unspecified civil cases. Six courts did not specify which case types involved the most difficulty for self-represented litigants.

Size of the Demand for Self Represented Litigant Services in California

The only uniform data available about the size of the pro se population in California comes from the California Family Law Facilitator Survey Project. [11]

Although family law facilitators are funded specifically to provide assistance with child support-related issues, many courts have provided additional funding for these programs that allows them to offer assistance with other aspects of family law. The Family Law Facilitator Survey Project gathers uniform data from these programs monthly. Statewide, family law facilitators provided services to 463,680 self-represented litigants in calendar year 2002.[12]

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[10] Family law facilitators are attorneys who work for the courts, providing information to self-represented litigants with respect to child support. The funding for the family law facilitators limits them to working only on child support–related issues, particularly in title IV-D child support enforcement actions

[11] Family Law Facilitator Survey Project Data available at the California Judicial Council, Administrative Office of the Courts, San Francisco (2003).

[12] Some of these litigants used the services of facilitators on more than one occasion.

SELF-REPRESENTED LITIGANTS SEEKING HELP FROM THE FAMILY LAW FACILITATORS (FLFs)					
Action Plan/Planning Counties	Number of Counties	Total Population in 2002[13]	Percentage of Total Population	Pro Se Litigants Seeking Help From FLFs in 2002	Percentage of FLF Customers in 2002
Smallest < 5 judges	10	291,517	1%	13,608	3%
Small <15 judges	12	1,726809	5%	32,628	7%
Medium <50 judges	12	8,046,732	24%	129,468	28%
Large 50+ judges	8	22,015,452	65%	246,720	53%
Regional	10	1,167,503	3%	30,312	7%
No Proposals Submitted	6	623,635	2%	10,944	2%
Totals	58	33,871,648	100%	463,680	100%

The 52 courts that have participated in the self-represented litigant action planning process to date cover counties accounting for 98 percent of California's population of almost 34 million people. The family law facilitators in these counties account for 98% of those customers seeking help from facilitators statewide in family law matters. In the action-planning counties, the total number of self-represented litigants seeking help in family law matters from the facilitators in 2002 was 452,736.

California also funds three Family Law Information Centers located in three of the action-planning counties. In fiscal year 2001 – 2002, these Family Law Information Centers served 45,000 self-represented litigants in family law matters not covered by local family law facilitators.[14]

It was anticipated in all action plans that the number of self-represented litigants seeking help in family law matters would be very great. Twenty of the 45 action plans estimated the percentages of self-represented litigants in their family law courts. Those estimates ranged from 31 percent to 95 percent. The mean was 67 percent.

Less information was available about the demand for services for self-represented litigants in other areas of civil law. Los Angeles County estimated that it had 282,000 filings per year by self-represented litigants.

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[13] U.S Census Bureau, *United States Census 2000,* Summary File1,(*http://factfinder census gov*, 3/26/03).

[14] Family Law Information Centers: An Evaluation of Three Pilot Programs, A Report to the Legislature, Judicial Council of California (March 2003), *http://www.courtinfo.ca.gov/programs/cfcc/resources/publications /FLICrpt htm*

Five of the action plans estimated the percentages of self-represented litigants in unlawful detainer cases. Those estimates ranged from 13 percent to 95 percent. The mean was 34 percent.

Five of the action plans estimated the pro se rates in their probate departments. Those estimates ranged from 6 percent to 55 percent. The mean was 22 percent.

Ten of the action plans estimated the percentage of pro se litigants appearing in their civil departments, both limited and unlimited. Those estimates ranged from 6 percent to 50 percent. The mean was 16 percent.

One court estimated that 40 percent of juvenile dependency litigants appear without attorneys.

Most Helpful Kinds of Services

Self-Represented Litigant Surveys. Six of the courts conducted surveys of self-represented litigants asking them what sorts of services they believe are most useful to them. The choices were (1) staff to answer questions; (2) written instructional materials; (3) Web/Internet assistance; (4) referrals to attorneys; and (5) unspecified other types of assistance.

In all six surveys, litigants rated the availability of staff to answer their questions as the most valuable service. Likewise, in a recent study of three pilot family law information centers in California in which self-represented litigants were similarly surveyed, they responded that staff to answer questions was the most helpful service they had received.[15]

In the six action plan surveys, litigants rated written materials, such as forms with instructions and informational brochures, as the second most helpful type of assistance.

The litigants rated assistance on the Internet as third most helpful.

An equal number of survey respondents rated attorney referral and other unspecified services as fourth and fifth most helpful.

Court Staff Surveys. Three courts interviewed their staffs to assess the needs of pro se litigants. Interestingly, the clerks did not agree with the litigants on the priority of staff to answer questions. None of the court staffs rated this as the most desirable service for the court to offer to pro se litigants. Instead, all three groups ranked written materials, such as

[15] Id

forms with instructions and informational brochures, as most important for the court to offer.

Two groups ranked other forms of self-help (a walk-in self-help center and Web site information) as the second most important service to offer. Only one group ranked staff to answer questions as the second most important court service to pro se litigants.

Two groups ranked staff to answer questions as third in priority. One ranked attorney referral services as third.

The differences in perception between the self-represented litigants and the court staffs is interesting. Even more interesting are the responses of the court staffs when compared to their other answers about the sorts of information self-represented litigants most frequently requested from them. Two of the three court staff groups responded that pro se litigants most frequently asked for information about their legal options. One group reported that they were most commonly asked for forms; however, information about legal options was a very close second. These are not questions that seem easily addressed without knowledgeable staff available to answer questions. This seeming contradiction may be related to how court clerks have traditionally been trained with respect to answering questions from the public. In most cases, the traditional position is that clerks should not answer the public's questions for fear of inadvertently giving erroneous information or crossing a line into legal advice. Without a clear definition of which answers are information and which are advice, the position has been to simply refrain from answering any questions.

Staffs in three courts were asked what they felt was the most frustrating aspect of their jobs with respect to pro se litigants. In all three surveys, the court staffs responded that having to refuse to answer questions for pro se litigants when they knew the answers was the most frustrating. Also, in all the surveys, the court staffs responded that the most rewarding aspect of their jobs was feeling that they had been helpful to a litigant and that the litigant was appreciative of the help.

The frustration of court staffs in dealing with self-represented litigants may also express itself in the way responsibility for difficulties is attributed. For example, court staff members in the two surveys were asked what the greatest obstacles were for a pro se litigant outside the courtroom. In one of the groups, respondents seemed ready to place responsibility on the self-represented litigants for much of their own difficulties with the court. Here are some examples of their responses:

a. Self-represented litigants are unable to follow directions.
b. Self-represented litigants don't understand the legal procedures.
c. Self-represented litigants are hostile.
d. Self-represented litigants are unwilling to seek outside legal advice.

Asked what the obstacles inside the courtroom were, they responded:

a. Self-represented litigants don't pay attention.
b. Self-represented litigants don't understand the law.
c. Self-represented litigants don't understand why they are in court.
d. Self-represented litigants don't know how to present information.
e. Self-represented litigants are late for court.

Responses such as these were more frequent from staff members in the largest courts. Those are the courts where the enormous numbers of pro se litigants can be routinely overwhelming to the court staffs.

One study of judges may have relevance to this situation. It was found that when judges felt unable to spend adequate time hearing a case due to large caseloads and felt as if they were simply processing people, there was a tendency for these judges to withdraw their empathy and respect for the litigants.[16] The frustration of these judges is not dissimilar to that common among court staffs and may contribute to an array of negative perceptions of the pro se population. Insufficient staffing can add greatly to the frustration of both court personnel and the public.

Judicial Surveys. One court conducted a survey of its judicial officers with respect to the needs of pro se litigants. The judges who responded to that survey agreed with the self-represented litigants that the most helpful assistance was the availability of staff to answer questions. The second most helpful type of service was written materials, such as forms with instructions. The judges also reported that the type of information pro se litigants requested most frequently from them was information about their legal options.

In accord with the judges in this survey were 24 judges who were surveyed as part of the recent evaluation of the three pilot Family Law Information Centers. These judges were on family law assignments in all three counties. When asked what services they thought were most beneficial to the litigants, they reported that, aside from improvement in paperwork, having staff to answer their questions was the most beneficial to the litigants. Comments included:[17]

- "It gives the litigant the ability to sit down with someone who can provide guidance."
- "It is important that they have a live person who pays attention to them and provides accurate information."

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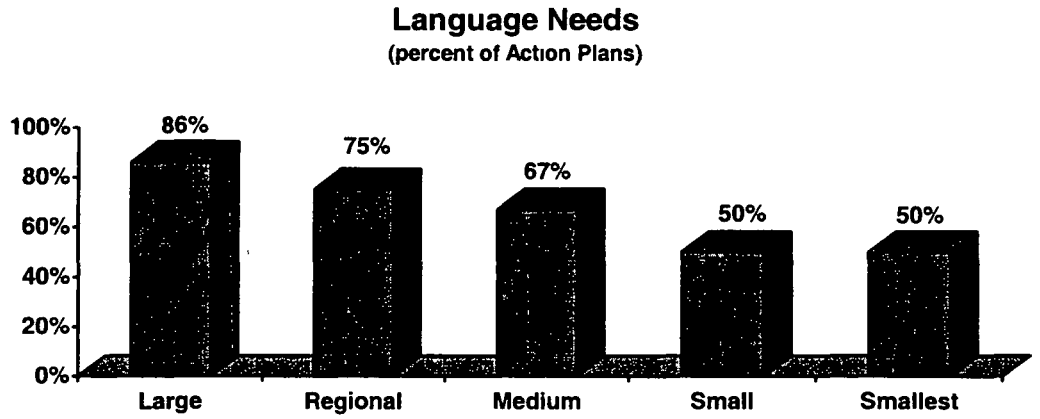
[16] I M. Zimmerman, Stress—What It Does to Judges and How It Can Be Lessened (1981) 20. *Judges Journal, 4 – 9*
[17] Family Law Information Centers An Evaluation of Three Pilot Programs, A Report to the Legislature, Judicial Council of California, March 2003. *http://www courtinfo ca.gov/programs/cfcc/resources/publications/FLICrpt htm*

2. LANGUAGE ACCESS

All of the action plans mentioned the need for language access—translation of written materials, videos, and other self-help materials into a variety of languages. The non-English language mentioned most frequently was Spanish.



Twenty-nine of the local action plans (64 percent) cited language in the needs assessment as a particularly important barrier for the self-represented litigants in their courts. Among the largest courts, 86 percent of the plans cited language access as a pressing need for the public.

The percentage of action plans citing language access in the needs assessment section increased with the size of the court responding. After large courts, the next largest percentage of action plans citing language access as a primary need came from the regional court groups, followed by the medium sized courts. The courts with fewer than 15 judicial positions were less likely to cite language barriers in their needs assessments.

3. GEOGRAPHIC/DISTANCE ACCESS

Twenty-six (58 percent) of the local action plans described serious problems self-represented litigants have in getting to locations where services are available.

Most of the counties that cited geographic difficulties proposed either physical helps, such as outpost facilities, mobile vans, or transportation to the courthouse, or the use of communications technology, such as telephone help lines, video-conferencing, or Web-based information systems. Most of the proposed solutions involving the physical helps came from the medium and large courts. Smaller courts tended to rely more heavily on technological solutions.

4. SELF-REPRESENTED LITIGANTS' INCOME

Nineteen of the 45 local action plans (42 percent) specifically referred to self-represented litigants' lack of financial resources. This lack was cited more often in the needs

assessments of the smaller counties (50 percent). All of the smaller counties that cited a shortage of available community resources also cited a lack of money as a barrier to legal information for the pro se population. Two of the three regional plans also cited a lack of money as a serious pro se issue. The large (29 percent) and medium (25 percent) counties cited lack of money for pro se litigants in their needs assessment sections somewhat less often

This concern about the lack of money available to the pro se population is supported by demographic data from the family law facilitator survey project published in 2000:

> Overall, 82 percent of facilitator customers have a gross monthly income of under $2,000. Over 67 percent of facilitator customers have gross monthly incomes of under $1,500. Over 45 percent of facilitator customers have gross monthly incomes of under $1,000, and approximately one-fifth report gross monthly income of $500 or less.
>
> In Los Angeles County, 77 percent of the customers report gross monthly incomes of under $2,000. Approximately 62 percent of Los Angeles customers report gross monthly incomes of under $1,500, 35 percent have incomes under $1,000, and 23 percent report incomes of $500 per month or less.
>
> Rural counties, particularly in Central California, with populations between 100,000 and 499,000, report the highest percentages of customers with incomes under $1,000 per month. Over 50 percent of facilitator customers in these counties report incomes that fall within this range. The highest percentages of monthly incomes of $500 or less were also reported in these counties.
>
> Only 18 percent of facilitator customers overall have gross monthly incomes of over $2,000. The highest percentages of those reporting gross monthly incomes between $2,000 and $3,000 per month are in urban counties (11.9 percent) and counties with populations over 1 million (12.7 percent) in both Southern California and the Bay Area. Los Angeles reports that 15 percent of its customers are in this income group. Only 6.8 percent of customers report gross monthly incomes of over $3,000. The highest percentages in this category are reported by counties with populations between 500,000 and 1 million (7.9 percent), primarily in the Bay Area (11.2 percent) and in Los Angeles County (8 percent). This suggests that facilitators in areas where the cost of living is higher and legal representation is more costly may see more individuals in this category. Nevertheless, in all but two Bay Area counties where the cost of living is extremely high, over 90 percent of facilitator customers had gross monthly incomes under $3,000.
>
> For the most part, facilitator customers are not likely to have income sufficient to afford full-service legal representation; however, their incomes may be just high enough to make them ineligible for assistance from Legal Services Corporation or IOLTA-funded legal services programs.[18]

[18] Harrison, F , Chase, D , Surh, T (2000) California's Family Law Facilitator Program: A New Paradigm for the Courts, *Journal of the Center for Families, Children & the Courts*, Vol 2, p. 76

In 2003 another cohort of self-represented litigants in family law was studied as part of an evaluation of three pilot Family Law Information Center programs. In that study, it was again reported that the majority of litigants had gross monthly incomes below $2,000. In the three counties studied, the percentage of self-represented litigants with incomes under $3,000 per month greatly exceeded the percentage of the general population with such incomes in those counties, according to the 2000 U.S. Census. The study also found that approximately 80 percent reported not being able to afford an attorney. Approximately half had tried to get help elsewhere and had been unsuccessful.[19]

5. TRAINING FOR COURT STAFF

Fourteen of the local action plans (31 percent) cited lack of training of court staff as a serious problem for self-represented litigants. None of the small or smallest counties mentioned this in the needs assessment. One of the regional plans mentioned lack of staff training in its needs assessment. Eight (67 percent) of the local action plans from medium-sized counties and three (43 percent) from the large counties cited training as a serious issue.

Two of the large courts that conducted staff surveys asked staff members about the manner in which they were trained. The choices were: (1) "learn as you go," (2) verbal instructions from supervisors, and (3) written policies and procedures. In both counties the majority of court staff reported that they were trained by the "learn as you go" method. In one of the counties, only 41 percent of the responding staff felt very confident that they understood how much help they could actually give a pro se litigant. In the other county, 42 percent either were not confident they understood how much help they could give a pro se litigant or felt confident but would like more training.

6. SETTLEMENT ASSISTANCE

Thirteen of the local action plans (29 percent) mentioned the lack of services available to help self-represented litigants reach agreements in their cases. The small and medium-sized counties were most likely to cite lack of settlement services in their needs assessments. Half of these went on to include settlement/mediation services in their program designs. One of the regional plans mentioned lack of settlement services but did not include a settlement component in its program design. None of the large counties mentioned lack of settlement services in the needs assessment; however, one of the large counties did include it as part of the case management component in its program design.

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[19] Family Law Information Centers. An Evaluation of Three Pilot Programs, A Report to the Legislature, Judicial Council of California, March 2003. *http://www.courtinfo ca gov/programs/cfcc/resources/publications/FLICrpt.htm*

B. Program Designs

The development of services to make legal information and education available to the public was the primary concern in all the action plans, but it was not the only concern. Assessments of the needs of self-represented litigants led the 45 courts that submitted action plans to design assistance programs around four strategic access-to-justice concerns:

a. Access to legal information and assistance, including legal representation;
b. Usability of legal systems;
c. Physical access to courthouse services; and
d. Usability of courthouse facilities.

Each group of courts, regardless of size, addressed these four areas to some degree.

ACCESS TO LEGAL INFORMATION AND ASSISTANCE

The areas of the law in which the local action plans proposed providing services reflected those set out in the needs assessments, with family law being the largest category. Forty-two (96 percent) of the 45 action plans proposed the establishment or extension of a self-help center, with staff to answer the questions of self-represented litigants. One of the small courts and two of the medium-sized courts proposed self-help-only services, without staff to assist.

The small court that proposed self-help-only services planned to provide those services in outposts in the community. Service delivery would consist of written and technological vehicles, including forms with written instructions, educational brochures, videos, computers, the Web, and a telephone tree.

The two medium-sized courts that proposed self-help-only services also planned to provide those services outside the courthouse, in the community. One planned to use a mobile van. Both plans provided for instructional materials, computers, kiosks with interactive forms, and videos. One plan included a telephone tree, and another proposed educational programming on cable television.

Staff-Assisted Self-Help Centers

Staffing strategies for the self-help centers did not vary much among the counties. Thirty-three (79 percent) of the 42 plans proposing self-help centers with staff to answer questions structured the staff around attorneys. Their staff descriptions also included paralegals, legal assistants, court clerks, law students, and resource coordinators.

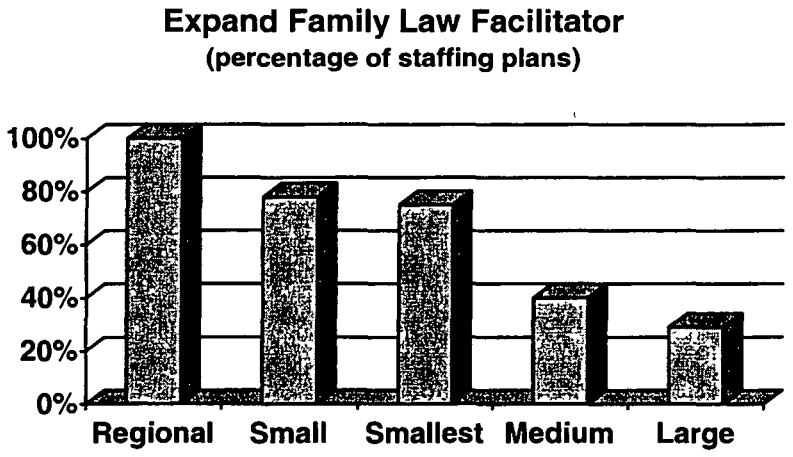
For the most part, the action plans provided for attorney supervision of the non-attorney staff. Only four counties proposed using paralegals or legal assistants without attorney supervision. Each size category had one of those four. Two of the smaller counties

proposed using court clerks in its self-help center, without attorney supervision. Two courts proposed using resource coordinators without attorney supervision, but these individuals were simply intended to provide referrals to other service providers. All of the plans that proposed staff in the "other" category also proposed attorney supervision. The use of attorneys and attorney supervision did not seem to vary according to court size.

Proposed Staffing Structures								
Counties	**Number of Counties With Staff**	**Type of Staff Proposed**						
		Attorney Supervisors		**Paralegal/ Legal Assistant**	**Court Clerk**	**Law Student**	**Resource Coordinator**	**Other**
		No. of Plans	% of Plans	No of Plans	No. of Plans	No. of Plans	No of Plans	No of Plans
Smallest < 5 judges	8	6	*75%*	4	3	0	1	0
Small <15 judges	9	9	*100%*	3	4	0	1	2
Medium <50 judges	10	5	*50%*	4	3	0	1	2
Large 50+ judges	7	5	*71%*	1	0	0	1	4
Regional	8	8	*100%*	0	0	3	0	5
Totals	42	33	*79%*	12	10	3	4	13

The "other" category includes small claims advisors, interpreters, individuals to walk self-help litigants with special needs through the entire court process, and various volunteers from the community.

There was variation, however, in whether and how the counties proposed to expand the services of their family law facilitators' offices. Twenty-seven (82 percent) of the 33 counties planning to provide attorney assistance proposed expanding their family law facilitators' offices. Some of the plans sought to expand the facilitator services to include matters other than child support. Others were simply seeking to increase existing facilitator services from part-time to full-time. The fact that the smaller counties were more likely to propose expansion of the family law facilitator services probably reflects a number of courts with only part-time facilitator services. One of the large courts included expansion of the facilitator service to provide case management and settlement conference services in family law. Several plans proposed building their self-help centers upon the foundations already established by the family law facilitators and expanding that service to provide assistance in all areas of civil litigation.



Service Delivery Methods

Individual Assistance and Workshops. The most frequent method proposed for providing legal information and education was the use of staff to answer questions. Twenty-eight (67 percent) of the 42 plans proposing staffed self-help centers envisioned delivery of this service through one-on-one communication. They proposed that staff be available in the self-help centers to help with the completion of correct paperwork and give information about court procedures throughout the process, from filing until judgment.

Another 14 (33 percent) of the courts proposing staffed programs planned to provide legal information and education through the use of workshops and clinics. Two of the three regional plans included workshops. Seven of the smallest and small courts also proposed conducting workshops.

None of the medium-sized courts and only one of the large courts proposed using workshops to provide legal information and assistance. In the large counties, this may reflect the fact that the action plans tend to focus on unlawful detainer and other civil litigation matters. Workshops are less optimal in time-sensitive matters such as answering unlawful detainer actions. Also, other civil matters do not have the same types of legal and procedural uniformity found in many family law matters. Workshops are less effective for groups with a wide diversity of issues.

Telephone Assistance. Nine (21 percent) of the action plans proposing staffed self-help centers also proposed a telephone help line to provide legal information and education to the public. All size categories except the smallest included at least one plan that proposed access to legal information by a telephone line answered by staff. Two of the regional plans included telephone access to legal information. One small county and one large

county also proposed making telephone assistance available. Two of the medium-sized county plans included help lines.

Courtroom Assistance. Ten (24 percent) of the local action plans proposing staffed self-help centers put forward the idea of using staff to provide assistance either in or near the courtroom. Specific courtroom services that were mentioned included providing procedural information to the litigants who were there for a hearing, conducting settlement negotiations on financial matters, and preparing orders after hearings. There were two action plans each from the small and medium counties and one regional plan that proposed one or another of these services.

Only one of the smallest counties included courtroom assistance in its action plan. That plan proposed providing compliance assistance to self-represented litigants by explaining court orders and helping them obtain court-ordered services, such as batterers' intervention, parent education, or supervised visitation.

Two of the large counties proposed courtroom assistance. One plan included family law facilitator staff to conduct case management conferences in addition to other courtroom assistance. The other large county plan included the provision of staff to accompany litigants with special needs to their court hearings and to help them obtain court-ordered services.

Written Materials. Thirty-two (71 percent) of the action plans specifically mentioned the use of written materials to instruct self-represented litigants in forms completion and basic court procedures. Written materials mentioned included forms packets with instructions, self-help books, procedural flowcharts, and easy reference cards. Also mentioned were instructional audiotapes and general information brochures about the court and how it operates. All three of the non-staffed plans relied heavily on such materials to assist the public. Twenty-nine (69 percent) of the courts proposing staff also proposed the use of written materials to supplement their services. Written materials were a major strategy for supplying language access. Most materials were planned to be translated into two or more non-English languages.

Use of Technology. All three of the action plans proposing self-help-only service centers also proposed various kinds of technology to assist the public. In addition, more than 90 percent of the 42 plans proposing staffed self-help centers also included technological strategies. The technology proposed by the local action plans fell into two major categories. First was technology intended to support and facilitate communication between self-represented litigants and staff. The second category was technology designed for use by litigants alone, without the necessity of staff.

Communication With Staff. Of the 42 action plans proposing staffed self-help centers, 38 (90 percent) proposed the use of technology, and 18 of those (47 percent) included technological ways by which communication between self-represented litigants and staff could be facilitated.

- *Telephone help lines.* As already discussed, 9 (21 percent) of the plans proposing staffed self-help centers also proposed implementing telephone help lines that would be answered in real time by the centers' staff . It is important to differentiate these help lines from telephone trees in which no live person would be available to answer individual callers' questions.

- *Videoconferencing.* Eight (19 percent) of the 42 counties with staffed action plans proposed using videoconferencing to connect litigants from more remote areas with staff at the self-help centers. Two of the smallest county plans and two of the regional plans proposed using videoconferencing technology to conduct workshops for the public. One plan each from the small and medium courts also proposed using videoconferencing to help staff assist the public. There were also two video-conferencing proposals from the large counties. In one of those plans, videoconferencing was proposed for conducting child custody mediations, and in the other it was to be used to conduct hearings for nonresident litigants.

- *Fax or e-mail.* One of the small courts proposed using the fax transmission to assist with forms completion for customers who could not make it to the court. One of the regional plans proposed answering questions for the public by e-mail.

- *Computer networking.* One of the smallest counties and two of the medium counties proposed creating a networking system between the court and community service providers. One of those in the medium courts also planned to develop a touch-screen referral network to help litigants contact service providers directly from the courthouse.

- *Other communication technology.* One of the medium-sized courts planned to use a telephone interpreter service to address language issues. One regional plan mentioned communication technology without further specification. Two plans proposed giving educational presentations on local cable television channels.

Self-Help-Only. Forty (93 percent) of all the action plans proposed the use of self-help-only technology. All three of the counties whose action plans did not include the use of staff to answer questions proposed the use of self-help-only technology. Thirty-seven (88

percent) of the 42 plans proposing staff also included self-help-only technology to provide additional assistance.

- *Computers available to the public.* All of the plans without staff and 31 (74 percent) of the ones with staff specified that they will have computers available for the public to use.

  1. Online assistance—One of the two medium-sized counties proposing non-staffed self-help centers proposed giving self-represented litigants online computer assistance with forms completion. Twenty-one (50 percent) of the plans with staff also included online assistance for the public.

  2. Website expansion—The two medium-sized courts proposing non-staffed programs indicated that they intended to expand their court web sites to provide more information to self-represented litigants. Nineteen (45 percent) of the plans with staff included expansion of court web sites to provide more information.

  3. Interactive forms programs—Two of the plans without staff and 12 (29 percent) of the plans with staff proposed the use of interactive forms programs to help self-represented litigants with paperwork.

- *Kiosks.* Two of the 3 plans without staff proposed the use of kiosks to help litigants fill out forms. The kiosks would contain interactive forms programs that include instructions. Sixteen of the programs with staff also proposed the use of kiosks, particularly in outpost locations. Eleven of these 16 plans proposed using kiosks in locations such as mobile vans, libraries, domestic violence shelters, or other community service locations.

- *Videos.* Two of the three plans without staff propose making instructional videos available to self-represented litigants. Seventeen (41 percent) of the plans with staff also included the use of instructional videos.

- *Telephone trees.* All three of the plans without staff proposed the use of telephone trees to deliver information to litigants. One of the regional plans suggested a 24-hour telephone tree service. None of the other staffed plans proposed the use of telephone trees.

Legal Representation Referrals

The majority (71 percent) of the action plans did not address the issue of full-service legal representation for self-represented litigants. The collaboration with local bar associations in most plans focused on providing services to litigants who would remain self-represented.

One of the plans without staff proposed having a directory of attorney referrals, promoting unbundling, and offering incentives for attorneys to work pro bono, such as calendar preference, pro bono credit, or MCLE credit. One of the regional court groups and one large court also proposed attorney incentives, such as calendar preference.

There was one action plan with staff in each of the county size categories that proposed making attorney referrals.

Eleven (26 percent) of the plans with staff proposed working with local bar associations to promote the unbundling of legal services.

USABILITY OF THE LEGAL SYSTEM

Thirty-two (71 percent) of the 52 total local action plans proposed system changes intended to improve the efficiency of court operations and increase the usability of the justice system for the public. Of those plans that proposed systems changes, 18 (56 percent) included changes in legal procedure and operations. The medium-sized and large courts were more likely to propose changes in legal processing.

Case Management

Eleven (61 percent) of those 18 counties proposed case management techniques to improve the processing of pro se cases. A variety of case management ideas was proposed.

One large court proposed assigning self-help center staff in family law cases to conduct status reviews for pro se litigants. This court had assessed the volume of pro se cases that were not prosecuted to judgment. It sought to clear its backlog of abandoned actions and to assist litigants in completing their cases. Litigants would be noticed to appear for a status conference with the self-help staff. The staff would then help the litigants proceed with the case, should they so desire. Settlement discussions would be conducted whenever possible, stipulations prepared and submitted, default paperwork completed, and the case set for trial when no agreement was possible.

Another large court had conducted a survey of courthouse users on a given day and found that a major complaint was the amount of time it took to conduct business at the courthouse. As a result, that plan included a proposal for staggered hearing times in hopes of reducing the amount of waiting time at court.

One of the smallest courts proposed clustering its domestic violence cases into a domestic violence court based on the assessment that this population was nearly 100 percent pro se. The clustering of cases is intended to facilitate making ancillary support services more available at the courthouse for the litigants. Another of the smallest courts proposed post-

hearing case management to help litigants comply with their court orders by facilitating access to court-ordered services. One of the largest counties also proposed providing post-hearing compliance assistance to self-represented litigants.

One medium-sized court proposed a system by which orders after hearings would be prepared for the litigants so that everyone could leave with an order in hand.

Another medium-sized court proposed having self-help center staff conduct pre-hearing orientations for litigants. This staff would review files prior to hearings to determine readiness to proceed. One regional plan and one small court also proposed pre-hearing orientations.

Simplification and Uniformity—Local Rules and Procedures

Eight (44 percent) of the 18 plans that included changes in legal rules and procedures proposed simplifying rules and procedures to assist both the court and litigants in case processing.

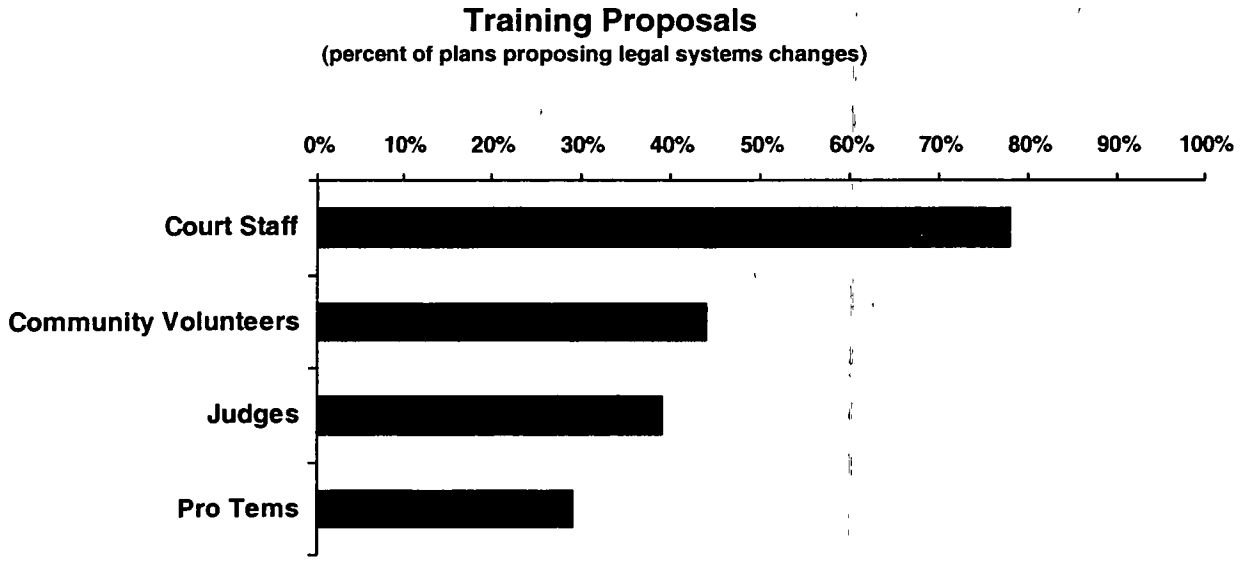
Four medium-sized counties made such proposals. Two proposed simplifying legal forms. One proposed simplifying local rules in family law, and another suggested simplifying the instructions that were handed out with the forms.

Three of the large counties also proposed changing local rules to simplify procedures. One of the counties also wanted to simplify the process by which the public could access case registry information and minute orders.

One of the regional plans clearly set the goal of developing uniform local rules among the three counties the program was servicing.

Training of Court Personnel

All 18 of the courts whose plans included changes in legal systems proposed training for court staff, judicial officers, and community volunteers with respect to the handling of pro se cases.



Fourteen of these 18 courts cited lack of training in their needs assessments. The other four included training in their program designs.

At least one plan from each county size group included training for court staff. The medium-sized and large counties were more likely to have plans that included training for staff. All eight of the medium-sized counties proposing legal systems changes included training for court staff. Those 8 counties made up 75 percent of all the medium-sized county action plans.

In the large counties, three mentioned training in their needs assessments; however, four included training for court staff in their program designs. Those four counties make up 75 percent of those proposing legal systems changes, and 57 percent of all in the large courts group.

Three of the smaller courts and one regional group also included training for court staff in their program designs.

Eight (44 percent) of the 18 courts that proposed training included training for volunteers from the community. None of the smallest counties proposed training for community volunteers. Two small counties, four medium counties, and two large counties proposed training for community volunteers. Two of the medium counties proposed a "train the trainers" strategy designed to teach community service providers how to assist self-represented litigants.

Eleven (61 percent) of these 18 action plans included proposals for training judges and pro tem judges. Eight of these plans came from large and medium-sized counties. Only two

small counties included judicial training in their plans. None of the smallest counties or regional plans proposed judicial training.

PHYSICAL ACCESS TO COURTHOUSE SERVICES

All of the local action plans had some strategy to address the issue of physical access to the courthouse. The plans for physical access fell into two basic categories: (a) in-person access and (b) technological access. As already noted, the smaller courts were more likely to propose technical access solutions. In those counties, resources tend to be scarcer, and the development of critical centralized services is still in progress. For example, many of the courts that still have only part-time family law facilitators fall within these smaller court categories. As a consequence, many of the action plans in this group focused on expanding the family law facilitator service and completing the development of other critical centralized services.

In-Person Access

The majority of plans citing geographic access as a barrier for self-represented litigants in their needs assessments proposed strategies to provide in-person physical access to the court facilities. The proposed solutions for in-person access follow.

Counties	Geographic Access Issues Cited		Proposed Solutions		
			Outpost Facilities	Mobile Vans	Transportation to Courthouse
	Number of Counties	Percentage in size category	Number of Counties	Number of Counties	Number of Counties
Smallest < 5 judges	5	63%	2	1	—
Small <15 judges	7	70%	5	—	1
Medium <50 judges	8	67%	4	3	
Large 50+ judges	3	43%	4	3	1
Regional	3	37%	3	5	3
Totals	**26**	58%	**18**	**12**	**5**

Proposed "outposts" included expansions of services to additional court locations in remote areas and placing specified services in libraries or community centers. One court proposed establishing regional traffic centers. Another proposed taking legal information services into the jails to make assistance with family law matters available to prisoners.

Technological Access

Nearly all of the action plans citing geographic access as a barrier for self-represented litigants made some sort of proposal for technical access to the court. There were 40 of the total 45 action plans that included technology strategies of various kinds. Over half of these included technology to help solve the geographic access problem.

Extended Hours. Seven counties proposed to extend the hours that the courthouse was open so that those unable to make it to the court during the workday could access the court after work or on a weekend day. One of the smallest, one small, and two medium-size counties proposed extending their hours. One of the regional plans also proposed to extend court hours. None of the large counties included this strategy in their action plans.

Courthouse Security. One court identified courthouse security as a physical access issue for victims of family violence. That plan included a proposal to increase security measures to protect the safety of such individuals when they have courthouse business to conduct.

TECHNOLOGICAL GEOGRAPHIC ACCESS STRATEGIES

Counties	Geographic Access Issues Cited		Proposed Solutions						
			Telephone Help Line (staffed)	Video-Conf.	Fax/ Email	On-Line/ Kiosks	Websites	Phone Tree	E-Filing
	Number of Counties	% in size category	Number of Counties	Number of Counties	Number of Counties	Number of Counties	Number of Counties	Number of Counties	Number of Counties
Smallest < 5 judges	5	63%	0	2	0	3	2	0	0
Small <15 judges	7	70%	1	1	1	1	3	1	0
Medium <50 judges	8	67%	2	1	0	6	8	2	0
Large 50+ judges	3	43%	1	1	0	4	2	0	2
Regional	3	37%	5	3	3	8	6	3	0
Totals	26	58%	9	8	4	22	21	6	2

USABILITY OF COURTHOUSE FACILITIES

General Information

Eighteen (40 percent) of the 45 action plans contained a proposal to provide the public with general information at the courthouse that would make it easier to use while doing court business.

Information Booths. Thirteen counties proposed installing information booths. These booths would have written materials about the court, instructions, and directions for courthouse facilities. No legal information or assistance would be available at the booths. Most of the plans that included information booths proposed that they be staffed with volunteers from the community.

Maps and Signage. Nine of the action plans proposed using signage at the courthouse to help litigants negotiate the facility . Five of the plans described detailed maps in the courthouse that would help people find the location they needed.

Facilities

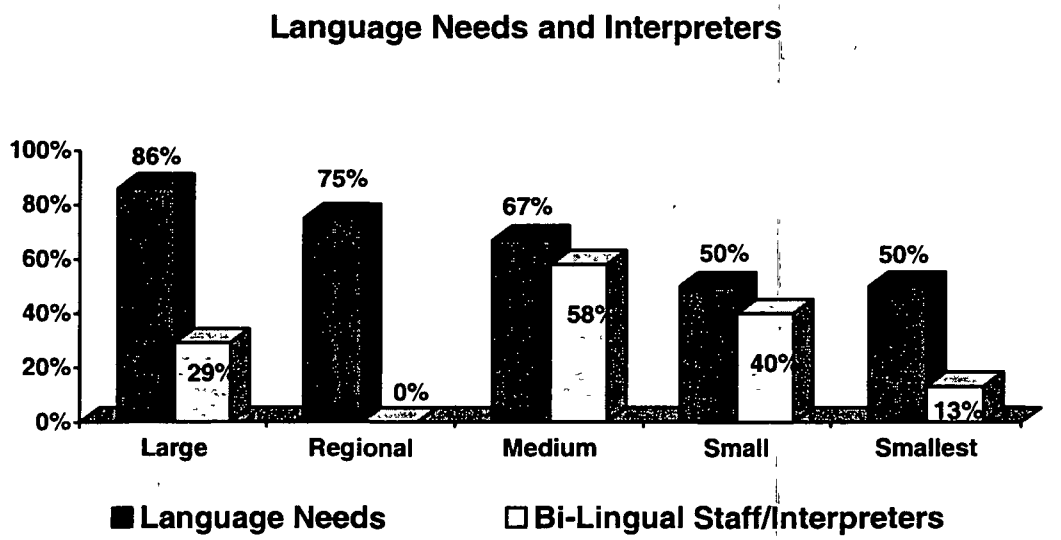
Sixteen (36 percent) of the action plans included proposals for changes in courthouse facilities that would help self-represented litigants use the courthouse.

Children's Waiting Rooms. Seven of the counties proposed the creation of children's waiting rooms. One regional court and at least one court from each of the other size categories proposed a children's waiting room. Thus, the need for this facility was not related to the size of the court but the number of children anticipated. Some plans included detailed descriptions of parents under tremendous stress coming to the courthouse and trying to conduct their business with small children in tow. The lack of a place for the children to wait causes frustration for both litigants and court staff.

Other Waiting Areas. One of the regional plans and one of the small counties proposed waiting areas for litigants who are at court for hearings. There was concern about overcrowding in the courtrooms. An additional concern was the need for a safe waiting area for victims of family violence who have a court hearing at which the alleged perpetrator is present.

Space for Self-Represented Litigants to Work. Nine courts proposed creating space in the courthouse for self-represented litigants to sit down and work. At the minimum, litigants need tables and chairs so they can sit and read instructions and complete forms. Additionally, five of the plans specified providing copy machines for the public to use at the courthouse.

Interpreter Services. As already mentioned, 29 (64 percent) of the total action plans cited language as a barrier for self-represented litigants. Fourteen (48 percent) of those 29 proposals included plans to make staff available to provide services in more than one language. All of the counties proposed the use of translated self-help materials. Fifteen (52 percent) of these counties have chosen to rely exclusively on such translated materials. The regional plans, for example, rely exclusively on translated materials.



The small and medium-sized counties were more likely to propose bilingual staff or interpreters to address the language issue. Seven out of the eight medium sized counties citing language access as a serious issue made such proposals. Two of the largest county plans proposed the use of bilingual staff or interpreters, while six proposed relying on translated self-help materials.

C. Community Partnerships

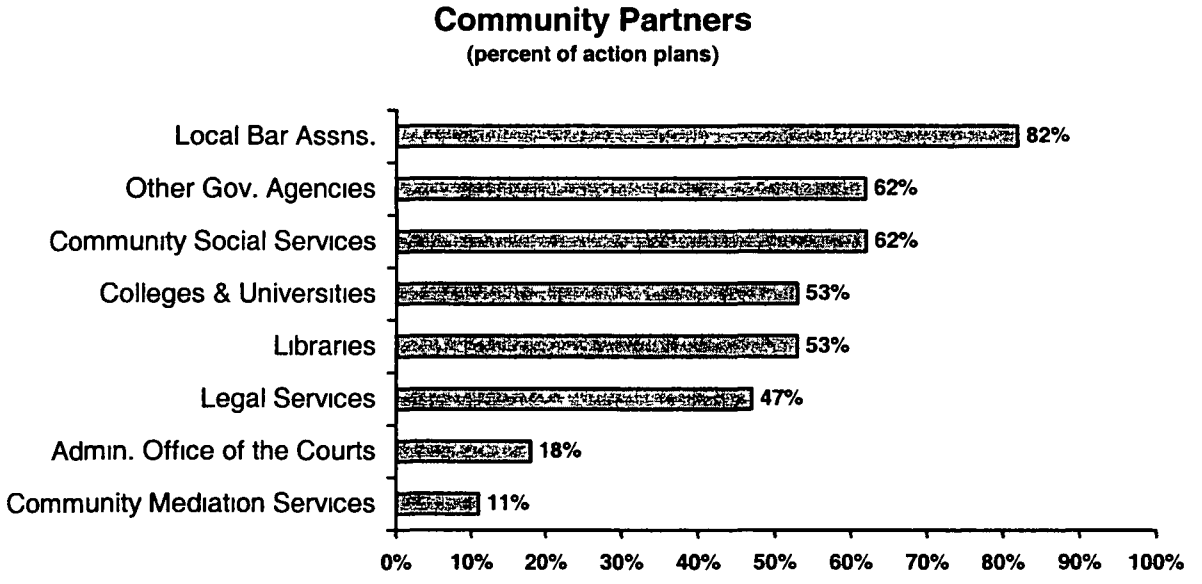
Partnerships between the court and other community service providers were pivotal to the development of these action plans. All the plans included multiple partners from both government and community in their planning process.

Other government agencies that were included were victim-witness programs, the Department of Child Support Services, district attorneys, public defenders, the Department of Social Services, boards of education, public health agencies, law enforcement agencies, a state hospital, departments of probation, and child care councils.

Examples of community social services and other community organizations that were included were churches, domestic violence services, chambers of commerce, the Rotary, Elks Clubs, Moose Lodges, vocational schools, neighborhood resource centers, senior citizen centers, parenting

programs, drug and alcohol programs, childcare centers, fair housing agencies, YWCA, fathers' support groups, the United Way, disability services, newspapers, and the Salvation Army.

College and university partners included both undergraduate programs and law schools. There were also several counties working with paralegal schools.



A few plans mentioned working with the California Administrative Office of the Courts as well as with the National Center for State Courts and courts from other counties.

The community participation in the planning process of the courts is noteworthy. Of the 45 courts that provided action plans, 35 had previously developed detailed community-focused strategic plans for their courts in which providing access to justice for self-represented litigants was cited as a high priority. Of the remaining ten courts, four included self-help centers with staff in their overall strategic plans, and four more included non-staffed self-help centers.

Collaboration with other government and community-based organizations has been central to most of the action plans. The first task in the Los Angeles County court's action plan, for example, was to coordinate the community-based services for self-represented litigants that were already operating at or around their numerous court locations.

Several of the partnerships that courts are crafting with schools, universities, and community centers involve translation of written instructions into several different languages. Some of the same organizations are serving as outposts for the courts where technological assistance (kiosks, etc.) can be located. Plans to use court staff or experts from local bar associations to train individuals in these locations frequently accompanies such proposals.

One of the main subjects of partnerships with local bar associations is limited-scope, or unbundled, legal representation. Bench/bar discussions about the realistic use of unbundling and the necessary

changes in local rules are frequently mentioned. Bench-bar groups are also reviewing local rules on other matters and working together to develop more pro bono services for the public. There are also proposals that include partnerships between the court and legal services to provide legal information and assistance to self-represented litigants.

In addition, partnerships with local newspapers and television and radio stations are mentioned as techniques to get general information about the court and news of available services out to the community.

Conclusion

To date, the courts in 52 of California's 58 counties have participated in the action planning for self-represented litigants. These 52 counties contain 98 percent of California's population of approximately 34 million people. Forty-five of the counties have already provided action plans; 7 are still in the planning process.

While the development of public access legal information and education through the creation of self-help centers remained the centerpiece of most local action plans, 71 percent moved beyond this first step to proposals for system changes designed to facilitate management of self-represented litigant cases.

DIRECT SERVICES TO SELF-REPRESENTED LITIGANTS

Approximately 93 percent of these action plans are structured around staffed self-help centers under the supervision of attorneys. Support staff included paralegals, court clerks, law students and other community volunteers. Over 80 percent planned to expand the role of their family law facilitator to all aspects of family law and/or to other civil matters. In both litigant and judicial surveys where services were rated according to usefulness, staff available to answer questions ranked first in importance. Access to staff is frequently supported by the proposed use of telephone help lines, videoconferencing, fax and e-mail, and the use of self-help assistance vans.

Self-help-only types of technology such as written forms with instructions, interactive online forms programs, Web site information, kiosks, and telephone trees are frequently proposed. In some plans, these tools are used in outpost locations away from the court and are intended to be used by self-represented litigants without staff to answer questions. In others, technology is part of a more comprehensive plan in which these tools are used to augment and support the work of the self-represented litigants assistance staff.

SYSTEMS CHANGES

Reviews of local rules and forms, case management systems, and calendaring strategies were proposed. Some plans proposed the use of staff resources, particularly attorneys, in courtrooms to conduct settlement negotiations, answer procedural questions, and prepare written orders and judgments. Others proposed using attorney staff to review files prior to hearings and determine

their readiness to proceed. One plan proposed having staff conduct prehearing orientations for the public.

Plans included proposals for case management in which staff attorneys would conduct routine status conferences and settlement negotiations and assist litigants with completing the court process. Adjustments in calendaring, clustering of similar cases, staggering hearing times, and rational numbering of courtrooms were all proposed as well.

Facilities changes were also included, such as children's waiting rooms, other waiting areas for litigants, space in the courthouse for litigants to sit and work on their paperwork, the availability of copying machines and phones for litigants to use, extended hours of service, transportation to court, and easier parking.

COLLABORATION AND RESOURCES

Critical to all of the action plans were the partnerships formed with other government and community-based organizations. These partnerships were particularly useful in the planning stages. Some of the partnerships were also central to the implementation of action plans. For example, the participation of local bars with respect to unbundled legal services, pro bono representation, and volunteer services to pro se litigants was important to many plans. Collaboration with colleges, universities, and community centers for translation of materials into many languages was often reported. And working with libraries and other community agencies to create outpost assistance in more remote areas was also extremely important.

Collaboration also helped address the issue of funding, the main barrier to full implementation of all the local action plans. Finding the requisite resources to provide adequate staff for the projects is an ongoing challenge, particularly during the current budget crisis in California. Although one court suggested charging for self-represented litigant services on a sliding scale, most of the action plans reported their dependence on grant funding from various government sources.

In conclusion, the courts in California have gained a tremendous amount of information about the optimal direction for pro se matters from two important sources: the family law facilitator program and the community-focused strategic planning process. The family law facilitator program pioneered court-operated self-help on a mass scale in the state. The court-community focused strategic planning process initiated ongoing dialogue and collaboration between the courts and their communities. The current action planning process has brought these two efforts together to create plans that reflect a comprehensive view of the justice system as it relates to self-represented litigants.

Appendix A

APPENDIX A

Action Plan Summary Chart

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Butte, Glen, Tehema	• Community Collaborations	Use Existing Resources Seek ADR Resources Outreach to churches, etc Research "Family Unity" system			<u>In General:</u> Schools Libraries DCSS Family Law Facilitator Legal Services Small Claims Advisory Parent Education Network Lawyer Referral Service
	• System Changes to make more "user-friendly"	Public transportation Jail services Electronic access Phone & email help Signage Children & other waiting rooms Handwritten pleadings Free consultations On-duty judge for orders Uniform rules & forms Social work training for court staff			
	• Provide Successful models of service delivery	Network with other counties Kiosk system DV Support Person Mobil Van Forms on court's website Incentive for attorneys (calendar preference)			
	• Technology & Education	Library Resources Computer programs-language Law School Library Services Outreach To High schools 24 hr. phone line	Chico State	Students	Schools, Libraries
	• Meet Access needs of diverse population	Self-Help Center Internet, I-CAN, local website, Copying, attorney referrals, Out-station locations	Courthouse Community	Attorney Coordinator	Self-Help Assistance Regional Project (SHARP) (Butte, Glen Tehama)*

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Calaveras, Amador	• Family Law Focus • SRL Education • Expansion of Resources and services for SRLs • Development of infrastructure to support SRL services	Self-help publications, on-line help; education programs, videos, staff assistance to answer questions SHC in new facility, resource for supervised visitation program, case mgmt & tracking in family law, expanding presentations; use of other technology; develop a community hotline Court Community Action Planning Team	New facility	Family Law Facilitator Family Court Services	Bar Association Legal Services of No, Calif. Calaveras Legal Assistance Service
Colusa	• Extend Family Law Facilitator	Make position full time	Courthouse	Attorney	Judicial Council
	• Enhance Pro Bono Services	Promote Unbundling		Attorney	State & Local Bars
	• Public Information – Website	Court Website			Judicial Council
Contra Costa	• Court Access & Customer Relations	Transportation to court Mobile services- FLF, hearings, filings, computers Maps & signage Children's waiting rooms SRL work areas – kiosks Interpreter service info	Courthouses Libraries Bus. Ctrs. Senior Ctrs. Schools Clubs Colleges	Coordinator/ Facilitator	Local Bar Legal Services Prison Law Office Sr. Legal Services Bay Area Legal La Raza Centro Friends Outside STAND Sr. Communitiess
	• Technology & Forms	I-CAN/ San Mateo Resource Information online Flowcharts Videos Forms access Links to other webs Education – court decorum Simplify rule CCTV	(same)		PD & DA DCSS Law Enforcement Board of Ed / Com Col Dist St Mary's & JFK Social Services

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	• Self-Help Resources	Self-Help Centers Written materials Workshops Videos Extended hours Video-conferencing Internet, computers, Copying	Each court Jails Libraries DCSS Bar Assn		Above, plus Small Claims Nat'l Center for Youth Law Family Law Facilitator ADR Legal Services for Children\ Elks, Moose Families First Ctr. For Law and the Deaf
	• Community Outreach & Education	Town Meeting	Community Locations		Above plus Dependency Mediation
	• Case Management	Fast track. family law (not cc/cv), Probate guard, juvenile, Conservatorships, and limited civil, Differential Assessment, ADR			
El Dorado	• Educating SRLs	Computer workstations Street Law Program	Volunteer attorneys	Placerville Lake Tahoe	Private Bar
	• Expansion of Services to SRLs	Expansion of Family Law Facilitators; allow FLF to do non-AB1058 family law and other civil litigation assistance – also have bi-lingual staff at So. Lake Tahoe	FLF attorneys	Placerville Lake Tahoe	
	• Expansion of Family Law Facilitator				

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Fresno	• Self-Help Center (Spanish model)	Self-Help Center – multiple languages Simplified forms & instructions Public service announcements	Near the Family Law Facilitator	Paralegal, Community Resource Mgr	Legal Services Local Bar
	• Mobile Access Unit	Hire permanent staff		Volunteers Attorneys	
	• Staff Training •	"Train the Trainers" (all court supervisors); Add SRL training to new judge and new employee training			
	• Technology	Website, kiosks; Internet; protocol database			Local Bar
	• Unbundling	Adopt rules & forms; Focus on family law pilot			
Inyo	• SRL Education	Self-Help publications; Written & online instructions, Videos, assistance from staff, educational programs			
	• Expansion of services & resources for SRLs	Videoconferencing; Computer & Software, Internet	Tecopa Community Center/Sm. Claims Advr		TCC
	• Expansion of Family Law Facilitator	Fulltime position, expand to cover custody/visitation & guardianship; Facilitate compliance w/orders	Courthouse	Family Law Facilitator	
Imperial	• Increased SRLs assistance • Assistance with matter not handled by SHC • Improve physical access	Self-Help Center – pamphlets; computers English/Spanish informational brochures into the community Website Provide transportation to services	Courthouse Pamphlets – law library	Family Law Facilitator Court staff Court staff	Bar Association – including San Diego Bar State Bar, AOC, other courts NCSC, AOC, other courts Salvation Army, Dial-a-Ride; Catholic Charities, ARC

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Kern	• Probate Assistance	Guardianship & Sm. Estates Written information, Document review; Easy Reference Cards Spanish service	Courthouse-Bakersfield	Legal Assistant	
Lake	• Educating SRLs • Expand Services	Expand FLF	Courthouse	Attorneys Paralegals	P D ADR Program
Lassen	• Assist SRLs • Educate the Public about the Court • Network with community agencies	Assist with adoption, custody/visitation, TROs; Conservatorships;Guardianships; Probate, Landlord Tenant, Civil Harassment; Appeals, Civil, Juvenile & Traffic Education materials, books, videos, packets, brochures, computer resources Same as above – written materials, staff to answer questions	Law Library; Courthouse	Family Law Facilitator, Volunteer Attorneys, Small Claims Advisor; Court Staff	Law Library Board Local Attorneys
Los Angeles	• All Areas - multiple locations	(Volume Data New SRL Filings 282,006/yr)	Central Family Central Civil, East LA, Pomona Citrus, Rio Hondo, Antelope Valley/ Palmdale/Lancaster; Glendale, Burbank, Pasadena, Alhambra, Santa Anita, San Fernando, Newhall/Santa Clarita, Van Nuys, Long Beach, San Pedro, Compton, Norwalk, Downey, Los Cerritos, Whittier Huntington Park, South Gate, Torrance/So Bay, Inglewood, Santa Monica, Beverly Hills, West LA/Airport, Culver City, Malibu		Courthouses: LAFLA Barristers DV Project Guard. Vol Project LAF-Long Beach Comm. Legal Services Jenesse Center Sm Claims Advr LA Housing Project FLF/FLIC Community Legal Services Law Schools Local Bars

SRL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Marin	• Self-Help Center. • Bi-lingual triage • Telephone assistance • Children's waiting area • Computer workstations • Videos • Meeting rooms • Referrals to attorneys • Unbundling • Clinics • Resource lists • Fax • Probation – restorative justice	Self-Help Center --- central point of entry	Courthouse-San Rafael	Attorney Coordinator Volunteer Attorneys Paralegals Interpreters Probation	Legal Services Law Libraries Mediation Services Social Services Public Guardian Community Organizations: Canal Comm Alliance, Latino Council PD Health & Human Services Probation
Mariposa	• Establish a DV Court • Mobile SHC Unit • Develop SHC	Study & develop proposal for a DV Court Purchase van in conjunction with other counties Computers, printers, video, instructional tapes; written materials, develop feedback questionnaires	Courthouse Courthouse	Judicial officer To be determined	Other county courts
Mendocino	• Self-Help Center	Community resource manual, ADR services, Information & referral, bilingual written materials, bilingual videos, kiosks, online assistance, computers, typewriters	Courthouse	Attorneys Volunteers	Local Bar AOC Day Care Provider Volunteers
	• Public Education	Teaching process by case type, video – guide to ct. procedures, pre-hearing clinics, bilingual forms packets			
	• Judicial Officer & Staff Education	Judicial training, pro tem training, clerk training, volunteer trainings			
	• Bilingual Staff	Bilingual attorney & staff Extended hours for filing			
	• Navigation & Court Locations	Directions, signage Court information booth			

SRL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Mono	• On-site consultation with Spanish-speaking paralegal • SRL information on website • On-site computers so SRLs can use internet • Community outreach				Local Bar Paralegals Spanish Interpreters\ Web Consultant
Monterey/ San Benito/ Santa Cruz	• Expanding Available Services	SRL Services	Community	CBO Provider	County Bar Associations AOC – Regional Office Volunteer attorneys Other volunteers DCSS Family Law Facilitators Law Libraries Law Schools Law School Intern Programs
		Hire a Pilot SHC Coordinator		Court staff – nos	
		Extend ESL services to Watsonville; expand civil assistance		Language Line	
		Extend hours of service – research possible locations, link SHC to Family Law Facilitator and extending hours	Family Law Facilitators?		
		Mobile van program - Get information from other courts			
	• Technology	Website; kiosks; I-Can; other software/TurboTax			
	• Education	Outreach clinics; workshops			
	• Informational Materials	Forms w/instructions/flowcharts; English/Spanish brochures			
	• Partnerships	Develop volunteer participation			

SRL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Napa	• Expand Family Law Services	Expanded Family Law Center	Courthouse	Family Law Facilitator	Local Bar Probation Legal Services Law Enforcement H&H Services Dept. Ed Schools Colleges PD & DA Library State Hosp
	• General Self-Help Center	Self-Help Center – Materials & referrals Information Center	Courthouse	Attorney Sr clerk (Spanish)	
	• General Public Information				
	• Technology	Video production/purchase			
	• Court outposts	Remote Center: UD, Fam Law; Sm Claims	Calistoga; Am Canyon		
Orange	• Court Rules, Procedures, Forms & Case Scheduling	Judicial training (clarity of orders) Easy access to minute orders Simplify rules & procedures Stagger hearing times Unbundling			
	• Education & Use of Volunteers	Comm. Resource Guidebook Volunteer interpreters Self-help videos/materials to -Comm Centers		Volunteers	Whittier Law School
	• Facilities & Expanded Services	Self-Help Centers Information counters Fact sheets of FAQs Re-number courtrooms rationally Regional traffic ticket centers	All courts		
		Mobile van Online services Accept handwritten forms		Attorneys Volunteers or Staff	
	• Technology	I-CAN Other kiosk info ("how to") e-filing Easy access to case information Create interactive forms		Volunteers	

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Riverside	• Information to Public	Resource Guide Informational brochures; videos Workshops Public Information Booths Interpreters for Translations	Courthouse Law libraries	Attorney	Gov Agencies Local Bar Law Libraries Faith Community Community Social Services
	• Expand Available Legal Services	Unbundling Calendar priority to pro bono attorneys Incentive for pro bono attorneys Local bar to adopt a 50-hour requirement Publicize low-cost legal services		Attorneys	
	• Regional SH Centers	Technology available		none	
	• Collaboration & Community Outreach	Court speakers bureau Provide information to jurors about low-cost legal services Establish Court Resource Development office to seek grant opportunities		All court staff	
	• Technology	Website, kiosks – I-CAN e-filing video-conferencing-hearings	Law libraries, shelters, community locations	none	
	• Transportation & Parking	Coordinate court times with bus schedules Expand time & signage on parking meters Security for DV victims Translate signage on parking meters Increase parking signage			
	• Training	Training staff, bench, protems, law libraries, agencies Publicize CJER materials Ask CJER for more training tapes on line			

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Sacramento	• Court/Community Liaison Program	Meet with SRL – in community prior to court Accompany to clinics Help with Technology – I-CAN, etc Assist attaching to services Evaluate litigant's experiences	CBO staff-by contract		Gov agencies CBOs Info Line VLSP
	• Community Based Court Service Centers	3 Centers + mobile unit Computers, Internet, I-CAN; e-filing Videoconferencing/hearings	Sr. Clerks; volunteer staff		
San Bernardino	• Community Outreach & Collaboration	Unbundling Information & referral Kiosk/computer forms	Law Libraries	Volunteers	Schools, service clubs, libraries, CBOs, churches, Legal Services, Chamber of Commerce, Local Bars
	• Family Law Resources	Expand Family Law Facilitator for non-AB1058 FL; DV assistance by FLF	Courthouse	Attorneys	Legal Services DV Services
	• Language Access	Translate materials into Spanish & Vietnamese	Community		Schools, service clubs, libraries, CBOs, churches, Legal Services, Chamber of Commerce Local Bars
	• Court User Information & Assistance	Written instructions, website, juror information Put in kiosks - remote sites	Courthouses		
	• Public interface at Courts	Information booths, signage, materials – flowcharts, maps, resource directories; computers	Courthouses		
	• Training	Sensitivity, customer service, judges, court staff Ed. about court for public	Libraries		
	• Regional Self-Help Centers	Instruction packets; child care; parking assistance	Regional Locations		
	• Publicity	Website; press releases, flyers, videos			

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
San Diego	• Inventory of Legal Resources	Legal & social services - directory	Countywide		United Way Inform SD Law Library
	• Self-Help Centers & Clinics	Expand Existing Services CH Clinic UD Clinic DV Clinic Family Law Facilitator Case Management	Courthouses & Community (library)	Attorneys Paralegals IT Staff	
	• Technology	I-CAN; On-Line Disso, e-filing sm claims			Legal Services Libraries Local Bars State Bar
	• Unbundling			Attorney	Local Bar
	• Funding	Research and collaborative funding			Legal Services, non-profits, libraries
San Francisco	• Multi-Language/Multi-cultural Service Center	Spanish; Cantonese, Vietnamese, Russian, Tagalog SRL services, I-CAN kiosks, SHC, Information Center	Courthouse Community Centers	Attorneys staff	VLSC Cooperative Restraining Order Clinic Bay Area Legal Services Law Library Hastings Law School, SF Bar Assn
San Joaquin	• Self-Help Center	Expand Family Law Facilitator Computers, written materials Expand to Manteca location	Courthouse	Attorney	
	• Technology	Website Video-conferencing	Courthouses, Community		Other Central Valley Courts; Dual Vocation Institute
	• Language Access	Language Line			Others· FL Cntr in Manteca Libraries Universities Women's Centers
	• Written Materials	Expand information packets			
	• Signage	Multi-lingual signage			

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	• Advertising	Outreach in local newspapers Directory of Services Phone book			Catholic Charities Sr Centers
	• Public Education	Videos, phone access Court-Community Leadership & Liaison Academy			
	• Court Staff	Training			
San Louis Obispo	• Expand FLF • Mediation Services • Small Claims Advisor • Self-Help Library • Reception Center • Implement Clinics • Resource Brochure • Video Series • New SHC	Community Law Night		attorney attorney clerks staff attorneys attorneys/ paralegals	Gov. Agencies Community Mediation Local Bar Local Colleges & Universities Newspapers Cable TV
San Mateo	• Self-Help Resources	Centralized Service Center Mobile unit Kiosks Video viewing Written materials – multi-lingual Public education	Courthouses (or near) In Community		Non-profits Local Bars Libraries Universities Law Schools
	• Access to Services	Computers, copiers, handouts, maps, Courtroom assistance Interpreter services Social service referrals – streamlined intake, ADR referrals			
		Pro bono Programs Law Student volunteers at court		Volunteers	
	• Technology	Expand Interactive Forms Program Enhancement website			
	• Collaboration	Staff training – on available resources Develop a communication plan			

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Santa Barbara	• Public Information/ Education	Informational packets & brochures, expand court's website, public information programs on rules, procedures, forms, options, referral lists Better signage at courthouse			Bar Assn Bar Foundation Board of Supervisors Small Claims Advisor SB Community Mediation Program
	• SRL Resource Center	Tables, chairs, staff to answer questions, reference materials in Spanish & English, videotape library		Volunteer attorneys, paralegals, secretaries, court staff	
	• Language Assistance	I-CAN kiosks, San Mateo SH website, interrupter availability I courtrooms;			
	• Court Rules & Procedures	Review & simplify			
	• Training	More training for court staff—develop a full curriculum		Volunteer Attorney	
	• ADR	Expand to Family Law			
	• Collaboration with the Bar	Unbundling, more mediation services work with DA on UPL issues			
	• Criminal/Traffic	Electronic trials by declaration, requests for continuances, extensions of time, etc			
Santa Clara	• Coordinate Information Booths Forms instructions	Phone service FAQ brochures Website & interactive forms	Courthouse, Mobile Unit Community Volunteers	Attorneys	Legal Services AOC Neighborhood Resource Centers Sr. Citizen Centers Schools Law Schools Paralegal Schools Libraries Religious/Ethnic Orgs

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	• Enhance Volunteer Services	Staffing Info Booths Attorneys for SH Center			
	• Self-Service Center & Mobile Unit	Centralized SH Center + mobile van Individual legal information Web access, forms & handouts Workshops	Court & Mobile Unit Community	Volunteers	
	• Language Access	Translation of Written Materials			
	• Staff Training	Volunteers, ct staff			
	• Community Outreach	Training & written information to community "experts" regularly in strategic limited subjects	Community	Volunteers	
Shasta	• Adjustment To Court Procedures	Review FL Court Files Expand ADR Generate more timely OAH procedures Review & Enhance training for Pro Tems in UDs	Courthouse	Staff	S.M A R.T.\Family Law Committee – Local Bar, Women's Refuge DCSS, Legal Services of No. CA, Senior Legal Services Above plus HelpLine, Inc VLSC, No. Valley Catholic Social Services Law Library, Redding Rancheria Shasta College, Simpson College, Chico State University, Student Day Care Assistance, Kids Turn, Cooperating as Separating Parents
	• Increase Low Cost Legal Assistance	Expand Family Law Facilitator Increase Volunteer Services at Women's Refuge Unbundling for private attorneys	Courthouse Community	Attorneys Volunteers Attorneys	
	• Increase Community Collaboration	Develop additional collaborations			
	• Establish a full-service SHC	Needs assessment; forms w/instructions; space for Family Law Facilitator; video information, information desk	Courthouse	Family Law Facilitator	

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	• Technology	Kiosks; enhance website, video-conferencing ability; computers	Courthouse Law Libraries		Program All above plus· Shasta Drug & Alcohol Program
Siskiyou	• Expand Family Law Facilitator – SRL Assistance to Public	Video-conferencing – outlying branches Front-end services to SRLs – doing a current needs assessment - SHC Refurbish computers for SHC Expanding SHC Hours, Community education Programs – videos MCLE program – unbundling/ADR	Courthouse	Family Law Facilitator	Bar Assn , Legal Secretaries Assoc.
		Children's Waiting Room	Courthouse		Family Interagency Service Council Siskiyou County Child Care Council
		ADR directory			County Law Library
		Recycling court files for pro per use		Court clerks	
		Public TV for educational materials – DV restraining orders for petitioners & respondents			Yreka – Channel 4
Solano	• Language Access	Translate written materials		Community volunteers	Community orgs.
	• Community Collaborations	Develop coordinated referral networks			Universities Community orgs Non-Profits

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	• Increase SRL services	Expand Family Law Facilitator – non-FL civil, Unbundling		Family Law Facilitator Private Attorney	Local Bar Legal Services
	• Simplify court processes & forms				
Sonoma	• Getting the word out	Ongoing service provider network Proactive exchange of information Public forums – career/employment fairs Education programs Recruitment – volunteers, interns	Courthouse community locations		CA Indian Legal Services California Parenting Institute CRLA Council on Aging DCSS Dads Make A Difference Disability Law Clinic Fair Housing of Sonoma FCS Friends Outside Grandparents Parenting. Again No. Bay Regional Center Petaluma People Service Center Recourse Mediation Services Sonoma Bar Assn Sonoma County Human Services Legal Aid Legal Services Foundation Sheriff Victim/Witness Sonoma State YWCA
	• Collaborations	Centralized services, Mobile community forum; Website services; "211" Information Line Services Collaborative in-service trainings; Commission on Community Resources			
	• Internet Connections	Centralized database, kiosks w/legal processes information; community access information – Cable TV; website links; public service segments/press releases			
	• Getting Legal Representation	Providing education to Bar, judges, community, Ongoing comprehensive training community clinics, mentoring programs, PSAs			

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	• Public Education	Annual service providers forum, Public forums – fairs, Information Hub, Intra-agency intra-departmental "Ride alongs", expanded hours SHAC			
	• Continuous Improvement	Monitoring of grant opportunities, expanded ADR and CASA; task force development			
Stanislaus	• Language Access in all areas	Language Line – bi-lingual staff-additional interpreters	Courthouse & community locations		CRLA Disability Resources (DRAIL) Stanislaus BHC Modesto Bee Dept. of Education Curbside News United Way Kinship Center Children's Coordinating Council DV Coordinating Council
	• Getting the Word Out	Legal Hotline; signage, brochures; outreach to schools, migrant education, head start, other community locations; service provider network, centralized resource and referral, touch screen computers w/ telephone help at the courthouse, Law Library, Community Service Agency			
	• Collaborations	Resource Fairs, Senior Information Days; STOAAC monthly meetings, meetings; in-service trainings, customer surveys, mentor & support groups, multi-cultural committee			Law Library, other libraries; DCSS, victim-witness; all other collaborations
	• Internet Connections	Standardized platform uniform reporting system countywide; accessibility & simplicity of information; instruction & education, public & private access, FAQs on website, user-friendly process & language			Same as above
	• Getting Legal Representation	Legal information at high school level, collaboration with non-profits for education; leadership training for community leaders			Existing collaborations

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
	• Increasing Understanding of the Courts and Service Providers	More free legal advice & information via SHC; information materials at clerks counters; conflict mgmt/resolution training available to all agencies, court directory of all services, website expansion			Add: VAWA Immigrant Refugee Program; Catholic Charities; Lions, Rotary, community cultural centers
Sutter	• Establish 3-year pilot SHC	Written materials in English and Spanish, research Sikh and Hmong interpreters	Books & pamphlets Workshops – subject matter like the Family Law Facilitator/Family Law Information Center; Videotape presentations	Courthouse or nearby – share space with the Family Law Facilitator Attorney, 2 clerical support; volunteer attorneys (1 bilingual staff)	Local Bar Assn
	• Charge people earning over $20K per year a fee – sliding scale up to $25/hr				

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Tulare	• Purchase of Computer Equipment • Purchase external CD-ROMs for computers in Family Law Facilitator's Office • Develop general courthouse brochure	4 computers/printers	Central & outlying courts	Family Law Facilitators	CRLA Small Claims Advisor\Law Library DV advocates College of Sequoias Paralegal program Tulare Office of Education C-SET job training
Tuolumne	• Coordinating Resources	Resource directory Training for other agencies Expand Family Law Facilitator Videos Workshops Written materials		Family Law Facilitator	Local Bar CPS Non-Profits Libraries DCSS Law Schools
	• Legal Advice	Legal aid to referrals from participating agencies	Courthouse	Contract Attorney	
	• Technology	Donated computers, printers, software video equipment, enhance website, online assistance			
	• Public Education	Workshops, videos clinics (eve/wkds)		Law student interns	

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Ventura	• Improve staffing & staff education • Public education & outreach • Technology • SRL helpful policies & procedures • Language access • Community collaborations	Expand current programs: Self-Help & Family Law Facilitators	Courthouse Community – Mobile Van	Attorneys Court clerks	Churches Schools Libraries Non-profits Health care Colleges
Yolo	• Public Access Desk	PAD. forms, instructions, nolo books, translations, computers, forms software	Main Courthouse		Law Schools
	• Expand Family Law Facilitator	Fulltime Position	2 courthouses		
	• Monthly Clinic Program	Instruction on how to file matters in court To be videotape and available at PAD	8/yr – outlying areas		
	• Traveling Court	Traffic, small claims – hearings			Community Orgs.
	• Mandatory Small Claims Mediation	Mediation program			Local Bar
	• Public Information	Information – 3 languages Website\brochures Public media			Newspapers, Cable TV, Community Orgs.

RL ACTION PLANS 2002 - Detail

COUNTY	Program Areas:	Plan:	Location(s):	Staffing	Partners:
Yuba	• Increasing Community Resources	Create handouts of local resources, create library of local resources	Courthouse & courthouse annex		
	• Improve Legal Information Assistance	Create information assistance; create family law brochure; create brochures for child support and domestic violence			
	• Funding	Apply for grants			
	• Operations	Extend FCS days	Courthouse		
	• Technology	SHC computers available	Courthouse		
	• Public Education	Handouts re: educational resources	Courthouse & Law Library		

Appendix 4

APPENDIX 4

LEVELS OF LEGAL ASSISTANCE

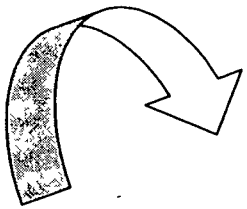
COURT

LEGAL SERVICES

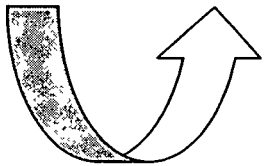
PRIVATE BAR

PARTNERS →

LEVELS OF SERVICE



Seamless System of Referrals



FULL SERVICE REPRESENTATION

Legal Services
(Income Eligibility)

Private Attorney

- Full Fee Representation
- Sliding Scale
- Pro Bono Representation
- Court Appointed Counsel

LIMITED REPRESENTATION & ADVICE ONLY

Legal Services
(Income Eligibility)

- No General Appearance
- Legal Advice Only
- Education & Referrals

Private Attorneys
(Fee for Service)

- Unbundled
- Advice Only
- Ghost Writing

NO ATTORNEY/CLIENT RELATIONSHIP

Court Operated Self-Help Center
Information & Education
(Most Have No Eligibility Limitations)

- Procedural Information
- Forms Assistance
- Referrals
- Community Education

Available to All Sides
No Legal Advice

Legal Services
Court-Based Self-Help
Information & Education
(Income Eligibility)

- Procedural Information
- Forms Assistance
- Referrals
- Community Education

Available to All Sides
No Legal Advice

Private Attorney
Pro Bono Volunteer at the Court
Information & Education
(No Income Eligibility)

- Procedural Information
- Forms Assistance
- Referrals
- Community Education

Available to All Sides
No Legal Advice

Self-Represented Litigants Action Plan

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1	Anthony P. Capozzi President State Bar of California 180 Howard St. San Francisco, CA 94105	A	Y	On behalf of the State Bar of California, I want to congratulate you and your Task Force on its valuable work developing this draft statewide action plan I also wish to express our appreciation to the Chief Justice and the Judicial Council for being willing to take the lead on a topic of such importance to the judiciary and the entire legal community The State Bar Board of Governors adopted the attached resolution, supporting the recommendations and offering to work closely with the Judicial Council on implementation of the report's recommendations and strategies Of particular note to the State Bar are the recommendations involving local bar associations, legal services programs, and other members of the legal community. As these recommendations indicate, lawyers and bar associations have key roles to play in increasing access to justice and improving court services for self-represented litigants. While a high percentage of self-represented litigants can navigate the courts if they receive well-designed self-help assistance, there are many others who require some level of actual legal representation As appropriately reflected in one of the strategies listed under the first Recommendation, it is critical that the system for serving pro per litigants have a mechanism for referring people to the appropriate level of service This will encourage those litigants who need legal help to contact a lawyer referral service or a legal services program for the level of service they need Because legal services programs are already underfunded and can only represent a small	No response required The Task Force will recommend that the Judicial Council direct the Implementation Task Force to accept the State Bar's offer to work on implementation of the plan

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				percentage of the low income persons seeking their services, the solution, however, is not merely to refer these litigants to a legal aid office for assistance. As the report makes clear, it is also important for the Bar and the Judiciary to work together to assure adequate funding for legal services programs for low-income Californians. Again, I congratulate you and the Judicial Council for this impressive action plan The increasing numbers of self-represented litigants in our courts poses a challenge for judges, court clerks, and opposing counsel, and this proposed action plan will serve us well as bench and bar work together over the coming months and years on implementation	
2.	Carol Huffine Evaluator			It is a good report and a very impressive undertaking I found only one thing I thought warranted bringing to your attention On pages 2 of the executive summary and 9 & 14 of the report itself there is reference to one million or more people using the on-line self help center. Unless a person who gets to the site is asked to identify him or her self, I do not understand how one can count number of users. So, I am wondering if the reference isn't to number of hits rather than people	Will clarify language
3	David Long Attorney			Great job! If the Judicial Council adopts this, I am betting it will be a national model.	No response required
4	A J. Tavares I-CAN! Project Manager Legal Aid Society of Orange County	A		Please change our link on page 46 to www icandocs org/newweb/ and the evaluation link to www.icandocs org/newweb/eval html It looks like your team has created a great plan	Will correct links
5.	Maggie Reyes-Bordeaux	AM		I have looked over the statewide action plan for	No response required

Positions A = Agree, AM = Agree only if modified, N = Do not agree

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Attorney Public Counsel			serving self-represented debtors and it looks great. I have a few recommendations pg 4 Section II C That court staff that is bilingual in English and any other language, but especially languages that are most needed by pro se debtors should be actively sought by the courts Section II E. That on-site computers providing self-help be available directly at the courthouse with full time staff on site. Section II H That networking with existing programs is vital to providing assistance to low-moderate income debtors Section IV A Need court officers that speak more than one language Section V: A Information videos be available to watch explaining what will be happening in court. Section VI C. That appointment times be made available to pro se debtors so that they can make arrangements with their work and/or babysitter when they are set to have a court hearing or meeting with an attorney That there be more flexibility with being able to have 2-3 options of a hearing date so that the debtor can come at a time when he does not have to miss work Possibly having late court dates so that debtors can come after work pg. 11. 3rd paragraph: That qualified members of	Will add language encouraging bilingual staff where possible Agree – added to VI E under "information stations " This recommendation is already in VI A. Agree and believe that concept is clearly stated Since court hearings must be conducted in English, it is unclear that this would be as helpful as having court staff who could assist litigants. Agree. Will add this to the section. Will add a recommendation that courts try to provide services during evenings and other non-traditional hours as budget considerations allow. The Task Force thinks that this could be

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				court staff be provided with or create standardized questionnaires soliciting information necessary to assess a client's legal needs	very useful, but is reluctant to suggest that this should be uniform statewide
				pg. 13 1st paragraph· It is essential to provide user friendly pro se packets with user friendly instructions.	Agree. Believe that is covered by informational packets
				pg 13 II. A. That information be provided directly to pro se debtors from the courts when a case is filed (via mail or in person)	The Task Force will suggest that local courts hand out resources.
				Pg 13. Bilingual staff must be made available . .	While bilingual staff is highly desirable, it may not always be possible.
				pg 14 Greater language capacity can be accomplished by having or developing greater partnerships with minority bar associations and non-profit organization that have a significant non-English speaking client base	Agree, will add this suggestion.
				pg 15 Providing malpractice insurance for pro bono cases is vital to encourage attorneys to take pro bono cases.	This insurance is generally provided by legal services programs providing pro bono assistance
				pg. 16. Providing MCLE credit for taking pro bono cases in areas of law where there is a great need by indigent consumers like family law and others	This is an issue that the State Bar would need to consider and is not within the purview of this Task Force
				pg 18. Having the courts provide listings of agencies that provide pro bono assistance to low- moderate income debtors at the time of filing is crucial	The Task Force is recommending tat a list of referrals be developed by the counties.
				pg 20 PSA's on TV and radio re· resources available to low-moderate income consumers in various languages	Agree, will add this suggestion.
				pg 22 Staff at the court house needs to be bilingual	Will add that it would be extremely helpful if

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				and actively asking pro se litigants whether they need assistance and provide them information so that they don't miss hearings or get lost in the process. pg 26. Partnerships with NOLO Press and possibly on-site references that are made available free or for a fee to people coming to the court house who want some guidance on litigating their case in pro se.	the persons staffing the information booths were bilingual. The Task Force is concerned about recommending partnerships with a for-profit venture.
6.	Fariba R. Soroosh Family Law Facilitator Superior Court of Santa Clara County	AM		Recommendation I, Section E, Page 20 I am glad to see that you have recognized the need to coordinate self help services with existing self help programs such as the Family Law Facilitator's Office. Our data shows, and statewide data corroborates this, that most self represented litigants need help in the family law area. Therefore, I propose that you go one step further and urge the local courts to centralize family law assistance through the Family Law Facilitator's Office and offer services for all other areas of law (probate, civil, small claims, etc.) through the self help centers The Family Law Facilitator program is already established and known to the self represented population and need only expand services to all areas of family law This would be possible if the family law assistance portion of the self help program funding was channeled through the Family Law Facilitator's Office The Family Law Facilitator staff would have to keep track of the time spent on AB1058 family law assistance versus self help type family law assistance (custody, visitation, divorce, etc.)	The Task Force thinks that services for self-represented litigants should be unified into an administratively consolidated program that includes the office of the Family Law Facilitator The Task Force clearly recognizes the importance of family law facilitators and recognizes that they may well be the base for this program.
7.	Lu Mellado Nevada County Law Librarian 201 Church St , Ste 9 Nevada City, CA 95959			On page 60 where the Nevada County Public Law Center is mentioned, it states· "The Public Law Center is located in the court's law library " The Nevada County Superior Court does not have it's own law library. The Public Law Center has a separate	Agree Will make that correction.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				office within the Nevada County Law Library, which is located inside the courthouse	
8.	Enrique Monteagudo University of San Diego School of Law (student)	A		I generally agree with the proposed changes. I would also add a component relating to the State Bar though. The State Bar could modify its rule of professional conduct pertaining to candor to the tribunal to require attorneys to provide the court with the basic legal arguments that apply to the pro-per. The attorney does not have to argue them persuasively, but at least present them in a neutral form This would only apply to the basic arguments and an attorney would not be penalized for omitting creative arguments that come with experience This modification would serve the court by presenting all relevant information to make a just decision on the merits. This modification would serve the pro-per by ensuring due process, which would be denied under ineffectiveness of counsel theories, as well as providing a rudimentary education to the pro-per. This 'education', which the Statewide Action Plan also seeks to provide, would focus the pro-per on legal issues (as opposed to tangential issues), thus making more efficient use of judicial resources Finally, this modification would serve the represented party by reducing the potential for a later appeal on due process grounds, while insuring that any necessary but omitted argument of the pro-per is provided in a neutral rather than persuasive manner.	The Task Force does not believe that this is within its purview and is a recommendation that would need to be considered by the State Bar
9.	Theresa Coleman CEO Ujamaa RMC	A		For those of us who are disabled (learning) there is no support for assistance to utilize this process. Many of us are denied our right to due process. The whole legal process has just passed us by If we cannot have access to the law, protection by the written text, and abused by elected officials and government agents what's the point	Will add language recognizing the importance of providing services to persons with learning disabilities
10.	Michael Berest Executive Officer			An effective self-help center needs staffing, particularly with a facilitator able to assist self-	Agree, believe that this is covered in recommendation I.

Positions A = Agree, AM = Agree only if modified, N = Do not agree

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Superior Court of Mariposa County			represented litigants with the filing of cases or documents. This not only reduces traffic on clerks, but also enhances access to and fairness within the court system, something recent directives establishing a minimum for court hours of public operation shows the Judicial Council still regard as significant objectives for state trial courts. Self-Help Center Facilitators, however, require ongoing funding, and in a time of budgetary cuts, attempting to provide this out of one's operations budget is ill advised Considering other potential reductions in service, local revenue may be spread too thin to be useful. The implementation of user fees in self-help centers--is impractical due to the numbers of self-represented litigants we have versus the salary local attorneys require to provide facilitator services, a quick estimate showed me such user fees would have to be upwards of $50 per litigant to cover costs we need to cover	Additional sources of funding will be sought to support the courts efforts. The Task Force recognizes that this recommendation may not be a practical one and this feedback from a small court is particularly helpful and will be conveyed to the Judicial Council
11	Sharon Kalemkiarian Attorney at Law San Diego	AM		I agree wholeheartedly with the need to open the courts and give some relief to the public and court staff through these recommendations. But there needs to be attention to how those changes will affect **represented** litigants, particularly in family law	This is an important issue for judicial education
12	Lorraine Woodwark Attorney at Law California	AM		Providing assistance for self-represented litigants is crucial. There are individuals (unauthorized practice of law individuals) out there who prey on the unsuspecting self-represented litigant which often results in a litigant spending more time and money on litigation as well as losing many rights Afterwards, these litigants seek the advice of an attorney to discover that attorneys are no longer able to represent them without fear of being subjected to malpractice.	Agree

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				The main concern for me is that this service should be provided to those unable to afford the services of an attorney and not for those who file frivolous and time consuming lawsuits. This service should be emphasized to assist an individual in order that they comply with local court rules, submit timely notices, and are not there to abuse the legal process or other parties. The following are problems which do not appear to have been addressed by this proposal· 1 Some self-represented litigants may have a disability requiring a court accommodation While the court has made great strides in providing accommodations, many people are unaware of being able to request accommodations for themselves or their witness(es) or even how to access them. This proposal needs to address the education of self-help centers providing assistance to the self-represented litigants in order to provide information on obtaining accommodations 2. The result of the self-represented litigant service should result in the court staff and justices requiring the same standards as that of an attorney. There are cases where self-represented litigants take advantage of filing and notice requirements, resulting in unnecessary expenses to opposing parties Recommend notice be provided to self-represented litigants that the judges will treat them the same as the other party and their lawyers in court, including requiring timeliness of submitting complaints, responses, notices, and other time sensitive procedures All parties will be required to abide by the local rules of court and applicable statutes.	The data of current self-help centers indicate that they are used primarily by litigants who do not have resources to hire counsel Often the centers will refer litigants to counsel There seems to be no evidence that more frivolous suits are filed. The Task Force does not think that center staff should be placed in the position of determining the merits of a lawsuit. 1. Agree Will add that information about appropriate court accommodations and resources 2. The issue of handling cases where one side is represented and the other is not is one that the Task Force believes deserves special consideration in Judicial Education

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				3. There needs to be a system of checking for a self-represented litigant filing multiple lawsuits against the same or many parties. The main purpose of the self-represented litigant service should be to provide direction and assistance for those filing lawsuits, not providing assistance for those seeking to file frivolous lawsuits. I recommend a database be maintained that tracks use of this service by an individual or a group using the service and be made available upon request to the public	3. There is a system in place for determining if a party is a vexatious litigant. Reports from courts and self-help centers suggest that this is not a significant problem and many centers do not maintain any personal data on the litigants they assist in order to prevent any confusion that they are establishing an attorney-client relationship
				4. This proposal does not discuss the liability of the court and those providing assistance at the self-help centers? I recommend having a disclaimer and waiver form that is signed for use of the self-help library.	4. Agree that Centers should provide litigants with clear information on the scope of their assistance.
				5. Recommend minimal service charge for forms and copies. This service charge should have the flexibility to increase and add more charges as necessary to offset costs.	5. This is a cost local courts may decide to collect There is some concern that the costs of administration may offset the revenues received.
13.	John Zeis Court Administrative Analyst Superior Court of Shasta County 1500 Court St., Room 205 Redding, Ca 96001	A		Agree.	No response required
14	Patricia Foster Tulare County Family Court Services 221 S. Mooney Blvd , Room 203 Visalia, CA 93291	A		The need for self-help centers that can provide assistance with ALL areas of court filings is imperative. Having sufficient personnel to staff these centers is another important service No matter how much internet availability there is, it does not spell ACCESS like talking to a real person does.	No response required
15	Stephen V Love Executive Officer Superior Court of San Diego	AM		According to the report, some local action plans state that Probate's rate of self-represented litigants (SRLs) is 55%, second only to family and unlawful	Agree. Will add language to make it clear that probate is an area where many self-represented litigants require assistance.

Positions A = Agree, AM = Agree only if modified, N = Do not agree

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	County 220 West Broadway San Diego, CA 92101			detainer SRL rates of 95% San Diego Superior Court's anecdotal SRL experience in Probate is at least at this rate, and may be even be higher (particularly in the area of guardianships) Our Probate Manager's experience in statewide discussions and committees has led her to conclude that many Probate Departments have been piecemealing together clinics and volunteer assistance to help with the SRL impact on the court. When Probate Managers get together for bi-annual meetings, the "hot topic" is how to handle the crippling affect pro per guardianships, and to a smaller extent conservatorships, have on the court's ability to move along cases in our care Appendix 3 of the draft plan summarizes survey results from various courts throughout the state· "The medium-sized and large courts were more likely to cite the need for services in probate guardianship and conservatorship cases. These differences among counties may be related to the greater availability in large counties of community-based services for self-represented litigants in family law." Although the report acknowledges that Probate Court encounters are with SRLs a majority of the time, there have been no concerted efforts (at a statewide level) made yet to meet this need The draft plan proposes actions to create or expand existing services, but the focus (particularly to the layperson) appears to be mainly on family law issues Minors and elderly/disabled citizens are at risk of abuse on a daily basis. The Probate Court has been charged with ensuring their safety both on a personal and financial level in guardianships and conservatorships However, the Probate function has	

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				not been given the attention and tools, financially or in resources, to help this most vulnerable segment of our population As a result, on a local level, we somewhat haphazardly offer them self-help booklets, clinics in varying degrees of competency, or nothing at all. Husbands and wives, who are for the most part competent to act in their own behalf, are given a great deal of assistance in filing family-related pleadings through the court's self-help/family law facilitator-type programs However, no solution has been offered for our most vulnerable citizens who are not competent to care for themselves let alone initiate legal actions. Proposed Modification: That the draft plan should include a recommendation to seek funding of self-help centers or programs that provide facilitator-type services in the area of Probate guardianships and conservatorships in much the same fashion offered to various family courts around the state (could be cited in Recommendation Set VII Fiscal Impact) Alternatively, the plan should include a recommendation that there be a concentrated effort to address the issues of SRL's in Probate.	
16.	Olivia Herriford Court Planning Consultant Herriford Consultant 2101 Vanderslice Ct. #18 Walnut Creek, CA 94596	AM		Recommendation V c __This recommendation lacks balance in the flow of information. When many of the courts developed their local action plans, law enforcement and community organizations provided perspectives that not only informed their plans tremendously, but help in determining public trends and priorities. Recommendation VII c _The findings related to measurement methodologies described in the report are consistent with my experience in assisting with the development of local action plans However, I	Agree. Will redraft to make it clear that this should be a two-way dialogue Law enforcement and community organizations have very valuable information for the court Agree that any new data requests should be carefully balanced against time necessary to complete the data collection, and that existing data sources should be

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				would add that there was some frustration with the possibility of yet another requirement for new data. I would suggest that the AOC use existing operations data as much as possible and help with the development of a minimum number of standard surveys to collect qualitative data Nevada County has begun development of measurement methodologies that apply surveys suggested by the Trial Court Performance Standards	used wherever possible
17.	Lori Green Managing Attorney Human Rights/Fair Housing Commission Carol Miller Justice Center Court Programs 301 Bicentennial Circle, Room 330 Sacramento, CA 95826	A	Y	On behalf of the Human Rights/Fair Housing Commission we agree with the proposed changes that the Judicial Council has drafted. The Human Rights/Fair Housing Commission of the City and County of Sacramento (later referred to as The Commission) is a Joint Powers Agency created by the City and County of Sacramento in 1963 The Commission has a strong presence within the Sacramento County Superior Court and Small Claims Court and has a history of assisting self-represented litigants Presently, at the Carol Miller Justice Center the Commission has four court programs that serve the self-represented litigant. The Small Claims Advisory Clinic, which is open Monday through Friday between 8 00 am and 4.30 pm provides free assistance to Small Claims litigants both in –person on a walk-in basis, and over the phone. The advisors, who are attorneys and law students, help individuals with substantive and procedural matters in Small Claims Actions. For the fiscal year 2002-2003 the Small Claims Advisory Clinic helped over 23,914 people. The Unlawful Detainer Advisory Clinic, which is open Monday through Friday between 8 00 am and 4:00 pm, provides free assistance to landlords and tenants in the eviction setting Advice is given on a walk-in basis only The advisors, who are attorneys and supervised law students, help individuals with	No response required

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				substantive and procedural matters involved in Unlawful Detainer Actions. For the fiscal year 2002-2003, the Unlawful Detainer Clinic assisted over 12,739 The Commission also provides mediation services to parties involved in Small Claims and Unlawful Detainer lawsuits. In a mediation session, a neutral mediator, who is an attorney or supervised law student, meets with both parties and helps them create a mutual agreement that resolves their lawsuit For the fiscal year 2002-2003, the Commission mediated 1662 small claims cases with a resolution rate of 82 8% and 293 unlawful detainer cases with a resolution rate of 79 2% As indicated by our statistics we assist a large number of people every year and the number of litigants we assist continues to grow. Therefore, we strongly support the Judicial Council's goal of providing more space in court facilities for self-help services as well as the continued exploration and pursuit of stable funding strategies The achievement of these goals will allow us to continue to serve the public and met the needs of the ever-growing populace	
18.	Stephen A Bouch Executive Officer Superior Court Napa County	AM	Y	**Recommendation I: Self-Help Centers** **A. The Judicial Council include self-help services as a core court function in the trial court budget process.** We strongly agree with this recommendation and strategy We support the distinction as a core function rather than grant funded, as grants become a liability when the goal is development of a consistent program and on-going services. **B. Courts utilize court-based, attorney-supervised, staff self-help centers as the**	No response required. No response required

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				optimum way to facilitate the efficient processing of case involving self-represented litigants and to increase access to justice for the public. We strongly agree with the idea that self-help centers be court-based and attorney supervised **E. Self-help centers provide ongoing assistance throughout the entire court process, including collection and enforcement of judgment and orders.** We believe this strategy is huge in concept and as such requires resources to implement it. As a result, we disagree with including it as a strategy under the first recommendation but think it should stand on its own as a separate recommendation. This format would allow the many issues included to be thoroughly explained. For example, collection and enforcement of judgment and orders appears to involve a policy shift This proposal should be flushed out and clarified on its own as a strategy **Recommendation II: Support for Self-Help Services** **H. The Judicial Council continue to support increased availability of representation for low- and moderate-income individuals.** We recommend that a new strategy be added under this recommendation that calls for new legislation to address the ethical and liability issues faced by the private bar in the area of unbundled services. **Recommendation III: Allocation of Existing Resources** **A. Judicial officers handling large numbers of**	Based upon reports from self-help centers and family law facilitators, the Task Force believes that this is already part of the service that most self-help centers provide, and thus, do not think that this should be broken out. Disagree Believe that this issue has been resolved by the Bar and that legislation is not required The specific reference to research attorneys will be removed. While

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				cases involving self-represented litigants be given high priority for allocation of support services such as research attorneys. We agree with the concept behind this strategy, however, court resources do not support its implementation. We need to strengthen the budget process to make this a realistic strategy	recognizing that these are extremely challenging times, the Task Force thinks that some resources currently available may be reallocated without additional cost.
				B. Courts continue, or implement, a self-represented litigant planning process that includes both court and community stakeholders, and works toward ongoing coordination of efforts. We agree that community collaboration is needed in the area of self represented litigants. We need accompanying resources, however We also need a specify policy statement from the Judicial Council regarding the extent to which courts are able to partner with community agencies The statement needs to clarify whether or how it is acceptable for judges to become involved with collaboration efforts to coordinate legal services for litigants	Standard 39 of the California Rules of Court "The Role of the Judiciary in the Community" provides some guidance as do materials developed for the court-community strategic planning efforts
				Recommendation IV: Judicial Branch Education **A. A formal curriculum and education program be developed to assist judicial officers and other court staff in dealing with the population of litigants who navigate the court without the benefit of counsel.** We support the recommendation for a formal curriculum for judicial officers and other court staff dealing with self represented litigants We think this should include sensitivity training for court personnel about litigants	Agree. Will clarify this in the description of training.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				Recommendation V: Public and Intergovernmental Education and Outreach **A. The AOC continue to develop informational material and explore models to explain the judicial system to the public.** We agree with this strategy but think it needs clarification and expansion	
				First, it should be clarified somewhere that help for self represented litigants is part of a larger education effort, envisioned as part of statewide community outreach. It would be much more helpful to the public if they understood the role of the courts in our society before they needed to avail themselves of court services Basic information about the purpose and function of the judicial branch as well as specific information about court procedures needs to be part of this larger effort	Agree. This is part of a major educational effort by the Judicial Council.
				Second, the strategy needs to clarify what types of outreach activities are acceptable for judicial participation Judges should have clear guidance on this issue, so that ethical dilemmas can be avoided.	Standard 39 of the California Rules of Court "The Role of the Judiciary in the Community" provides some guidance
				Third, we agree that reaching out in different languages needs to be part of the strategy, however, this is a huge issue that will require significant resources to address. Also, many immigrants coming to the court have not only language barriers but cultural barriers as well. Ideas for addressing these types of issues were included in the *Justice in the Balance 2020* report.	Agree This is part of an on-going effort of the courts.
				D. The Judicial Council continue to coordinate with the State Bar of California, the Legal Aid	Agree This is somewhat more

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				Association of California, the California Commission on Access to Justice, and other statewide entities on public outreach efforts. We agree with this strategy but think it should be expanded to include all appropriate public agencies and non-profit agencies Currently, there is a disconnect between the court and other agencies regarding service provision Emphasis needs to be placed on the sharing of consistent, accurate and up to date information **Recommendation VI: Facilities** **A. Court facilities plans developed by the AOC include space for self-help centers in designs for future courthouse facilities, or remodeling existing facilities.** We strongly agree with the recommendation to have self help services close to the clerk's office. We think that the court's commitment to self help services is illustrated by adequate space We would like to add a statement to the strategy that states to the extent possible satellite centers will be supported by the AOC. We agree with the concept behind courts seeing the courthouse through the eyes of a first time user, as stated in this strategy. We think this recommendation seems out of place here, however, as it is very specific compared to most of what is recommended We think the second paragraph should open with the statement "Courts should periodically assess how easy it is for court users to get around the courthouse. One idea is to develop..." **D. Facilities include children's waiting areas for**	complicated on a state level, and might best be accomplished by coalitions of non-profit agencies, but the general importance of reaching out to appropriate public and non-profit agencies is an important one The Task Force thinks that this is an issue that is dependent on a variety of factors that should be determined on a case-by-case basis. Will revise language as suggested.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				litigants who are at the court for hearings or to prepare and file paperwork. We strongly agree with the concept of children's waiting areas in the courthouse. We think clarification is needed, however. Does the AOC perceive children's waiting rooms as a function of the self help center or as part of the larger court operation? While we agree that these waiting rooms must be properly staffed, we are unsure what parameters are envisioned. For example, should these be volunteers, paid court staff, staff from other agencies, etc How will licensing and liability issues be addressed? **Recommendation VII: Fiscal Impact** **A. Continued stable funding be sought to expand successful pilot programs statewide.** We disagree with the wording for the first strategy It appears to conflict with the idea of 'stable funding' as pilot programs based on grants are inherently unstable Further, often staffing is not included as the funds are available for one time expenditures only. We think the wording of the strategy statement needs to be very specific, such as "Self help services should be made part of the statewide baseline budget process." We also recommended that the order of the paragraphs be reversed, so that the concepts of adequate and stable funding is the focus. We think that it should be clarified that grants are the last resort to develop a stable funding stream although beneficial for the creation of innovative pilot projects.	The Task Force believes that children's waiting rooms are part of a larger court operation and that the details of operation should be established by the courts themselves Agree Will revise language to delete the word "pilot "

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				A move away from grants as the primary source of funding to supplemental funding will enable programs to become part of operations while still maintaining the innovations that result from grants.	
				B. The AOC identify, collect, and report on data that support development of continued and future funding for programs for self-represented litigants. We agree that data collection is essential to support funding requests, but disagree with the wording of the second paragraph We think that it would be better to make a general statement that such "Other community agencies may have data to assist us in determining legal needs in specific areas. We should explore collaborations with the following agencies.." The list of agencies currently included in the second paragraph would follow	Agree, will make changes to language as suggested.
				D. Uniform standards for self-help centers be established. We agree with the concept of uniform standards, but suggest some changes to the wording We think the criteria should include "levels of service provided" and we think "experience" should be changed to "staffing qualifications". We are not sure that it is a good idea to include "hours of operation" as it will be difficult and perhaps unnecessary for courts to keep the same hours The needs will vary by court workload and demographic composition of each county.	The Task Force believes that hours of operation should be considered, although differences based upon population should certainly be considered. Levels of service provided and staffing qualifications will be included
				E. The feasibility of additional revenue generating techniques, such as fees for selected services by self-help centers, be explored if appropriate.	These are important points and will be reflected in the report.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				We disagree with this strategy and recommend its elimination from the report for the following reasons. First, we have already imposed large fee increases for filing court cases and documents The effect of this has been a huge surge in fee waivers, resulting in excessive administrative paperwork that must be processed. This same consequence is likely with self represented litigant services as in many cases, an inability to pay is the reason attorney services are not secured by the litigant in the first place Second, if we start out charging fees for these services, we will never have adequate funding. The services will be considered fee based and we will not have the opportunity to seek funding as the "die will be cast" The same inconsistent unreliable funding stream we have now with grants will exist under a fee based system as funds will be dependent on ability to pay. Finally, we would like to add a strategy to the report. We think that local networking of court self help centers is essential to the implementation of a statewide program. The purposes are to share best practices, increase consistency in services provided and their delivery, increase efficiency of program development and create an ability to address problems in a comprehensive manner.	Agree This suggestion will be included
19	M. Sue Talia Attorney at Law P.O. Box 2335 Danville, CA 94526-7335	A		I have thoroughly reviewed the Task Force's Action Plan and am pleased to have the opportunity to make comments. My comments focus on family law, as that is the area of my expertise, and that is where I have seen the greatest need, demanding the most innovative thinking in this area. First, I would like to congratulate the Task Force on it's thorough and carefully thought out plan. It is clear	No response required.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				that much time and effort has been invested by your members looking at these serious issues from a variety of perspectives. In my opinion, the challenge of meeting the needs of self-represented litigants is the most compelling issue facing our courts at the present time The effectiveness with which the courts and related interests address these issues and provide sensible, cost effective and practical solutions is the benchmark by which we may estimate the future effectiveness of the courts as an ongoing institution in our society. Address them effectively, and the evolution of the courts will be progressive, positive and successful. Fail to address them, or settle for interim, superficial solutions to these deep-seated problems, and I fear for the future of our legal system and the quality of justice which our citizens are entitled to expect from it I find much encouragement from the statement "there is a compelling need throughout the state for courts to change the way they have been doing business." The crisis faced by our courts requires nothing less than a full-scale overhaul of the system, starting with the way we think about the roles of litigants, lawyers and courts, and flowing through that process all the way to completely restructuring the way courts are designed and built, staffed and funded. It is clear that your task force took this view in addressing it's assigned task, and began by acknowledging the fact that "this is a reality that is unlikely to change any time soon." I would expand that statement to add that any change will not be in the direction of reverting to the courts and systems of the past. Rather, change is likely to consist of an acceleration of the societal pressures referenced in your Action Plan, taking us entirely in a new direction. **Recommendation #1**	The Task Force believes that this point has been made in the report. No response required Believe that the

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				Self help must be defined as a core function of the courts. While efforts may be made to streamline forms and procedures to make them more understandable and useful for the self-represented, that alone is just the start. It would be a cruel joke to offer only simplified forms without affording the litigant the accessible, reliable and timely explanations, staffing and other resources which allow for their effective use We *say* that our courts are open to all citizens, regardless of education, wealth or availability of representation. We don't always perform on this promise I like the quote from Justice Mayfield's dissenting opinion in *Moore v Price*, 914 S W 2d 318, 323 (Ark. 1996): "Lest the citizenry lose faith in the substance of the system and the procedures we use to administer it, we can ill afford to confront them with a government dominated by forms and mysterious rituals and then tell them that they lose because they did not know how to play the game or should not have taken us at our word." I cannot sufficiently emphasize the importance of staffing the self help centers Many of the litigant's questions do not require legal advice Rather, they require someone familiar with the system and procedures and how they work Manuals and written instructions are simply insufficient While literacy is often an issue, the problem is far more broad. Many people simply don't process information they receive in written form as effectively as they do when they receive it verbally. And for many, personal contact with a helpful staff person is essential Rather than being forced into a foreign and sterile atmosphere, they should be able to expect contact with a responsible, helpful *person.* A key component is staff training and relief from the prohibition which currently prevents clerks from	need for adequate staffing is discussed

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				offering the most basic and simple information, for fear that it will be construed as giving "legal advice." This issue is illustrated from a story which was told to me when I was conducting focus groups for the Limited Scope Task Force I had a focus group of litigants who had used limited scope representation. Among them was a woman whose disability payments were terminated by the insurance company. She was attempting to sue the carrier to reinstate the payments. After numerous attempts to get it right, she filed the action with the clerk. She asked the clerk at the window what the statute of limitations was. The clerk dutifully told her she couldn't offer legal advice When she explained that she had been trying for months to get the complaint filed and was afraid she was coming up against the statute, another clerk who was standing behind the one at the desk held up the correct number of fingers Relieved, she proceeded. This is a prime example of the kind of information which should be made readily available to litigants. Many areas of procedure fall into the definition of legal information, and it is ludicrous to prevent the very clerks who enforce them on a daily basis from sharing the information with litigants in the name of avoiding the "unauthorized practice of law" and protecting them from the possibility of misinformation. Court based self help centers should be staffed by individuals who are trained not only to do triage, as you recommend, but to expand the functions performed by the facilitators Collection and enforcement of judgments is a key area where little is currently available to self represented litigants. They went to court, they may have well gotten an enforceable written order (perhaps with the aid of the facilitator or a limited scope attorney). They think they have a right to receive payments. If, however, when	Agree, believe that this is covered by the recommendation.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				the payments aren't made as ordered, citizens are left without effective means to collect them (an often difficult and technical area), the order on which they relied becomes little more than a cruel joke, creating the illusion of a legal right without making it a reality on which they can rely. This is particularly important when the bulk of the litigants who fall into this category of being unable to enforce their support rights are among our poorest citizens, the very ones who can *least* afford either to survive without the payments which have been awarded to them or pay someone else to collect for them. Finally, I strongly support the recommendation to take the self help centers into the neighborhoods. The van is an excellent idea Even better would be neighborhood self help centers where the many self help litigants who live at a distance from the courts could obtain their forms, file pleadings, and the like. **Recommendation #2** The recommendations made by the task force will require serious support from the AOC Handouts and written materials are excellent by not sufficient by themselves. I commend the AOC for its efforts in making these materials available on the internet. However, many of the people who need these services are not computer literate This underscores the necessity of having staffed (and bilingual, where necessary) self help centers where then can get assistance in using the many resources which are already out there. It is interesting that you report that over one million people used the Self Help Website in 2002 When one considers how many others are not computer literate, the demand is staggering You recommend that the AOC continue to simplify	Believe that this may well be considered by courts, but has significant budget issues No response required

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				forms and instructions I fully agree. However, that also, requires further re-thinking of the courts. The example comes to mind of the large Vietnamese population in Santa Clara County If the forms are translated into Vietnamese, does this require clerks and bench officers also fluent in that language? I don't know the answer to this, but pose the question. I strongly support your recommendation that the AOC train clerks to issue orders after hearing in the courtroom Computer programs should be able to substantially simplify this function The reality is that all too many litigants go to court, think they "won," and have no clue how to reduce that into an enforceable order which they can take to an employer for a wage assignment	Translations are only available as informational sheets The completed forms cannot be submitted in Vietnamese
				Training and assignment of judges for the self-represented litigant calendars is essential. I agree that the AOC should provide training in these areas. The reality is that the calendars which are heavily self-represented are usually the least attractive in the court house They are frequently assigned to the least experienced bench officer, and are frequently understaffed The reverse should be the case. They should be the larger courtrooms, with more staff, and a greater proportion of the available resources than less active calendars/cases. I could not agree more with your statement that "The importance of assigning suitable and talented judicial officers and staff who possess the requisite energy and enthusiasm to deal with calendars with a high volume of self-represented litigants cannot be overstated." I suggest as a model of talent and enthusiasm Commissioner Liddle in Contra Costa County He handles a diverse calendar of DCSS matters, and when the Peter L. Spinetta Family Court Building was being designed, the courts wisely allocated the	No response required

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				largest and most prominent courtroom and the largest staff to that department I further agree with your statement that "All too often calendars with the greatest frequency of self-represented litigants receive the smallest proportion of court resources." The sad fact is that the average citizen, who pays the taxes to support the courts, only sees the inside of the building when obtaining a divorce Their common experience is to be treated shabbily indeed, shunted to the least attractive and seriously understaffed court room, pressured to present critical issues involving their families and futures in twenty minutes or less, and then hustled out to make way for the next case As you point out, this single experience will be the sole basis for determining the individual's trust and confidence in the courts Meanwhile, around the corner, a majestic courtroom with ample staff will devote the better part of a week to determining a $35,000 boundary dispute **Recommendation #4** I commend you for placing such a high priority on judicial branch education. Since the self represented frequently lack sophistication, fairness and justice demands that they have access to a talented judicial officer well versed in the law. Learning "on the come" to deal with the issues presented by the self-represented serves neither the judicial officer nor the litigant Australia has an excellent training film (available through Steve Adams of CFLR, I believe) which could serve as a model for such a program here. You are correct in identifying the gap between court staff's perception of what is needed and that of the litigant It is not surprising that many staff burn out from the overwhelming needs of those consulting	No response required

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				them It is important that staff receive direction from above, with enthusiasm It is equally important that staff work in teams with supportive colleagues These assignments are simply too stressful to throw a single staff person into the midst of the maelstrom without assistance. That would be a recipe for disaster. Too many staff consider the self represented a burden which takes them away from their "real" work This attitude must be bridged by better staff education and supportive and enthusiastic supervision. If they had better training, and were given the skills necessary to address the specific issues raised by self represented litigants, they would be less likely to burn out. You have correctly pointed out at page 18 the importance of giving courts and staff the skills necessary to face these challenges A different skill set is required to assist self-represented litigants than attorneys and their experienced staff The reality is that the situation is not going to change. The self represented are not going to go away, and the sooner the courts develop a program to teach the skills required to address their legitimate needs, the sooner the inevitable tensions which these conflicts create will be relieved. I have earlier addressed the issue of allowing court clerks to give more information than they currently do, and agree with your conclusion that this makes additional and effective training of court staff critical. **Recommendation #5** Outreach is an important element of your action plan. People do want to hear from the courts and know what is going on. One underutilized avenue is local cable television. In Contra Costa County, the court based informational programs are the most successful ones they do In addition to the talk show "For the Record," which addresses timely issues, this	Local cable television will be added to the list for outreach possibilities

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				is an excellent way to promote videos and training films, including role playing in the courts, which could be shown repeatedly on the cable network. I'm told that the local program on domestic violence is the most popular training film they have, and shows regularly. These programs aren't just aired once the cable show has regular slots where they are shown again and again. It is important to note that repetition is crucial A program which will not be relevant to a litigant in August may cover an issue which is critical in October Most local cable programming stations are looking for material to fill their airtime and would be glad to showcase these materials. I particularly like the suggestion for outreach to the legislators They need to be educated on the court perspective and brought into the solution fat the beginning There's another wrinkle, which ties in with not only staff self help centers, but encouragement of limited scope representation better educated and prepared self-represented litigants will result in fewer hearings which must be continued, and fewer wasted hearings. We all know that continuances cost the courts a huge amount of money and resources, and the hour of court time which is wasted because no one was ready to proceed can never be recovered And yes, it is self-evident that court based fees should used for court based services. Would that it were so. I support this goal. **Recommendation #6** There is a huge range of facilities in the state, and the task of bringing them all up to standard is a daunting one However, I commend the Peter L Spinetta Family Law Building in Contra Costa County (commonly referred to as the "Pine Street" court	No response required.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				house) as a model It isn't perfect, as it lacks the computers, staffing for the childcare center and some of the other resources which would ideally be available However, it was thoroughly researched and very well thought out Waiting areas and childcare space have been provided for. Litigants should not have to try to watch their children play in the halls of the courthouse while they are trying to obtain their restraining orders Children don't belong there, and the parents often don't have a viable alternative There should be a safe place for children to wait while their parents attend to their legal business. And, of course, I agree that the waiting rooms should be staffed and secure. Minimum standards for self help facilities is a good idea. However, they should allow for local idiosyncrasies. Different populations of litigants have differing needs, and while minimum standards would be helpful, they should be done in a way to encourage counties to amplify them to meet the needs of their local populations of litigants It is difficult to overestimate the importance of AOC assistance to local courts to obtain funding, enhance buying power and the like. I personally observed the results from the AOC funding in support of limited scope representation and the four regional conferences which resulted from your 1999 action plan Many of the counties to whom I spoke would never have been made aware of the resources and programs available, but for the work of the AOC in first, making the grants available and, equally importantly, putting on regional programs to teach the court personnel how to prepare effective grant proposals Without the direction of the AOC, they would have been unlikely to "get it together" sufficiently to put on the many programs which I have observed in the past three years This function is	

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				critical and should be encouraged and expanded Model Plan I addressed many of these issues in a Model Plan for overhauling the family law courts which I wrote in 1999. Attached is an excerpt from that plan which addresses self-help centers It was designed for a "better and more perfect world" where the allocation of public resources to families and children matches the priority given them in our public rhetoric. The full plan, which covers areas outside the scope of your action plan is available to anyone who would like to see it. In closing, I commend the task force on an impressive, thoughtful and thorough piece of work. You are right in your belief that only "by directly confronting the enormity of pro per litigation" can the courts improve the quality of their service to the public **FAMILY INFORMATION CENTERS** Family Information Centers would be established at neighborhood locations throughout the community Convenience to the court would not be the primary concern; convenience to the population requiring information would be Centers would, at a *minimum* provide the following: 1 Free, anonymous information to anyone wanting it. That information would include court forms, videos, a client library, (consisting both of relevant books and resources on computer), instructions on procedures and filling out forms, lists of mediators, unbundled attorneys, counselors and experts in specific areas, such as military or pension law 2. The centers would be staffed with clerks, who would be bilingual as appropriate Both the informational videos and the staff assistance would	This is a helpful vision of information that could be provided.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				be offered in the native tongue. 3 A bank of video monitors would be available with headphones. Videos would be available on any relevant topic, such as: How to use the facilities; How to fill out forms to obtain a restraining order, How to fill out forms to obtain other relief; Alternate resolution options, including mediation and unbundled representation, How to insulate the children from their parent's conflict, How to prepare an age-appropriate parenting plan which serves the needs of the children Where to find low-cost counseling or support groups, including support groups for children of divorce; How to calculate support (and child support would *not be solely tied to timeshare*), Where to find experts in specific fields and geographical areas, Where to find qualified mediators; Where to find attorneys willing to offer unbundled legal services How property is valued and divided, Applicable court procedures, . . . and literally any other topic which would assist them in making good choices For example, someone wanting to know how to obtain a restraining order would be directed to watch video #23, in Spanish if appropriate This video bank would be updated regularly to address frequently asked questions. 4 A second set of computers would run local support guidelines (after parties have viewed the instructional video). Technicians would be available to assist in support calculations 5 A third set of computers would be used for access to online resources They could also access	

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				web sites for mediators, evaluators, and other assistance. For example, if there is a question of the applicability of the Soldier's and Sailor's Relief Act, there should be a way to contact military experts on the spot to answer the question, or at least direct individuals where to look for necessary information. 6 A fourth set of computers would be reserved for use in preparing court forms and pleadings, the format of which would be vastly simplified. 7 Mediation materials would be readily available, including explanations of how it works, how to prepare for mediation, and lists of mediators in the area 8. Child care would be provided 9. Parenting, anger management, or other classes would be available, bilingual if appropriate. 10 Children's programs (such as the highly successful Kid's Turn in Northern California) would help kids cope with the divorce and give them a safe place to interact with other kids. These programs would be funded by the taxpayers because they would have a higher priority than courtrooms. 11. Kids could access on-line assistance at no charge, such as Not My Divorce, a bulletin board where kids can post messages about their feelings, at divorceinfo.com 12 Individuals would be able to obtain information on local counseling services, which would have sliding fee schedules. 13. The entire family information center would be free and anonymous. Technicians could offer assistance without keeping conflict of interest logs 14. The sites would be discreetly secure, so individuals wouldn't have to fear for their physical safety while using them Perimeter screening would be provided for security 15 Every effort would be made to assist people	

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				in obtaining relevant information, referring them to appropriate alternate resolution assistance and encouraging non-adversarial approaches to resolution 16. Hard core cases, such as those involving domestic violence, would be referred to another center, located at the courthouse, for handling through a different, formal process.	
20.	Carl R. Poirot Executive Director San Diego Volunteer Lawyer's Project cpoirot@sdvlp org	A		Overall Comment: The Statewide Action Plan for Serving Self-Represented Litigants is a comprehensive, practical and excellent blueprint that, if implemented, will result in a landmark improvement in providing access to the California justice system for all self-represented litigants, particularly those who are indigent or of modest means. We are especially supportive of Recommendation I and all of its Strategies, Recommendation II, Strategies D and H; Recommendation III B; Recommendation VI and all of its Strategies; Recommendation VII, Strategies A , C., and E. We look forward to working closely with the Judicial Council Task Force on Self-Represented Litigants to implement the Action Plan and we welcome any request you may have for our assistance and cooperation Suggested changes or additions are underlined Strategies I.B., 6 Self-help centers should work with certified lawyer referral services, and State Bar qualified legal services and pro bono programs, and . I C , 2. The self-help centers should be encouraged to work with qualified legal services organizations III.B , 4 Develop guidelines for identifying self-help litigants who, for whatever reasons, should seek legal representation and an organized system for referring such litigants to appropriate organizations, such as certified lawyer referral services programs, qualified	No response required. Agree. Will make appropriate change to language. Agree will make change to language. Agree. This will be included.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				legal services organizations and pro bono programs. Should a 5. be added, recommending that local courts report to the AOC annually on their respective planning process and their prior-year accomplishments? VII E , - Minimum staffing levels to provide core services, with appropriate referral mechanisms in place	Agree Will include this concept
21.	Jody Farrell Office of the Family Law Facilitator Superior Court of Orange County 341 The City Drive Orange, CA	A		I was on the committee for "Assisting Self-Represented Litigants Action Planning team" in 7/27/02 I agree with the Statewide Action Plan for Serving Self-Represented Litigants as proposed Excellent presentation. I would propose that since Facilitator's exist in most statewide courts that from an economic advantage, we expand the existing Facilitator's offices with trial court funding to provide services and assistance to the pro per that include services beyond Title IV-D funding Many facilitator's offices are freely staffed and could expand their services relatively easily without substantial funding for staff, space, products and services.	The Task Force thinks that services for self-represented litigants should be unified into an administratively consolidated program that includes the office of the Family Law Facilitator The Task Force clearly recognizes the importance of family law facilitators and recognizes that they may well be the base for this program
22.	Lorraine Torres Family Law Facilitator Superior Court of Orange County 341 The City Drive West Orange, CA 92868	A		Recommendations I, II, VII – Increase funding for expansion of FLF and FLIC A more stable non-grant generated source of funding is a laudable and hopefully attainable goal	No response required.
23	Lee C Pearce	A	N	I have had an opportunity to review the Action Plan for Self Represented Litigants, and would like to compliment the task force members on their thoughtful analysis of one of the most challenging issues facing our courts. It is clear that the forces which are requiring us to completely reevaluate the manner in which our courts serve the public are only going to accelerate Only by facing these issues squarely and uncompromisingly can we hope to make the changes which are necessary if our courts	No response required

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				are to effectively serve this huge segment of our population.	
				I strongly support the concept of neighborhood self help centers. Many of these people cannot get to the court, or can do so only with great inconvenience. We need to take the information to them, so that they can have the resources and knowledge to protect their rights All too many self represented litigants have no alternative to a bus ride of several hours (often with small children in tow), only to reach the court house and find there is limited information. This is not a criticism of the facilitators. They do a wonderful job, but there should be many more of them, and they should be available in the neighborhoods, where much of the population they serve resides	Will clarify that self-help services may be offered in a variety of locations
				It is essential that the self help centers be staffed. Litigants need to be able to talk to helpful staff who can point them in the direction of the resources they need. Without helpful staff, the system is simply overwhelming for most of them.	Agree. Believe that this is adequately addressed in the report.
				Similarly, the entire system, from forms to procedures, must be seriously simplified if these people are to be expected to navigate the system on their own	Agree. Believe that this is addressed in the report.
				Improved services will result in greater efficiency in calendars which are largely pro per. There will be fewer continuances, more intelligible pleadings, enforceable orders (and I strongly support the concept of court clerks having the ability to draft orders after hearing), and greater overall efficiency in the court house A second clerk should be available to prepare the orders. It is unreasonable to expect the clerk who is responsible for calendar management,	Agree. The opportunity to provide a second clerk may not be available due to budget considerations, but is an issue that should be considered in staffing calendars involving a large number of unrepresented litigants.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				marking exhibits, swearing witnesses, and all their other duties, to be preparing the orders after hearing as well	
				You should include practicing attorneys in your outreach Many will be threatened by the self help centers and view them as taking away their own livelihood It is important to educate them, and make it clear that the self represented are not current candidates to be clients, and not likely to become so It is taking nothing from them and their paying clientele. Similarly, it would be helpful to point out to them that increased efficiency on pro per calendars will result in more time being made available for cases where the parties are represented.	Agree The Task Force envisions incorporating local bar associations into outreach efforts
				Training in handling self represented litigants should be extended to pro tem attorneys, who assume a large amount of this burden in many courts. It is unreasonable and unfair to both the pro tems and the litigants, to thrust them onto these calendars with inadequate training.	Agree.
				Finally, I would add that there should be flexibility to allow local ability to adjust filing fees and other court fees to help underwrite these important services	The Task Force is concerned that adding flexibility would lead to increased differences in level of services available throughout the state
24.	Millemann, Michael mmillemann@law umaryland. edu	A		The plan is great and a model for other states to follow The final Handbook and Appendices on Limited Scope Legal Assistance are at http://www.abanet.org/litigation/taskforces/modest/home html	No response required
25.	Joseph Maizlish Martin Luther King Dispute Resolution Center 4182 S. Western Ave Los Angeles, CA 90062	AM		The executive summary suggest that 'court-based fees' be directed to legal assistance to self-represented litigants, but makes no mention of continuing to use part of those fees for mediation programs Those fees now support both court-based	Agree. Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA

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	jmaizlish@sclcla.org			mediation and community mediation agencies. Community mediation agencies handle many matters before filing and many after filing but before other proceedings Many self-represented defendants contact agencies listed in the ADR brochure which accompanies their summons, and use mediation to resolve their cases Yes, such litigants also need the legal assistance which the mediation agencies cannot provide, and thus the action plan will be very helpful to them. Please modify the action plan to assure reservation of a substantial portion of 'court-based fees' for court and community mediation services, both of which resolve even filed maters directly or lead to pre-trial resolutions, and very often assist in cases involving one or more self-represented litigants	agencies.
26.	Judge Lora J. Livingston Chair ABA Standing Committee on the Delivery of Legal Services	AM		I am writing on behalf of the ABA Standing Committee on the Delivery of Legal Services. The committee has had the opportunity to review the draft Statewide Action Plan for Serving Self-Represented Litigants and wishes to submit these brief comments First, please understand that our observations and comments are those of the committee and should not be construed to be those of the American Bar Association, nor should they be construed to reflect the policy of the ABA The mission of the ABA Standing Committee on the Delivery of Legal Services is to maximize access to legal services and justice to those of moderate income. In pursuit of that mission, we have researched and addressed issues of pro se litigation for the past 20 years. Among other things, our research was instrumental in the development of the original self-help center, established in Maricopa	No response required.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				County, Arizona, ten years ago. The committee applauds the efforts of the California Task Force on Self-Represented Litigants for the development of its statewide action plan. We encourage other states to pursue action plans of this nature. Specifically, we believe the advancement and support of self-help centers, as reflected in the report, will continue to address many of the needs of pro se litigants. We are particularly supportive of the measures set out in Recommendation II, which stress the use of technology and the collaboration with the State Bar in promoting access	No response required
				These recommendations are consistent with the committee's report on the hearing on access to justice issued earlier this year. The need to approach solutions to legal problems on a continuum was a common theme running throughout the hearing presentations and resulting strategies. People who have various avenues of information and services will be better positioned to effectively use the courts to meet their legal needs. The self-help centers, and their online counter-part, are able to provide pro se litigants with necessary information and administrative support. As we progress through the continuum, we find there are also those who need legal advice, if not full representation, to assist them in their decision-making processes. As a result, fostering ties between the courts' vehicles, such as self-help centers, and practicing lawyers is an essential ingredient to meet the needs of pro se litigants	No response required.
				We would also like to comment on two issues not fully addressed in the task force's report. First, we encourage the task force to stress the need to make court services available on those days and at those	Agree. Will add that services should be available at expanded times whenever possible given budget concerns

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				times when working people are less likely to be at work. While the outreach offered by the California Courts Online Self-Help Center is exemplary, we assume there are many people in need of services that are not Internet competent and that work during traditional court hours For those of moderate income, missing work will at best result in a lowered income and at worst result in the loss of their jobs. Second, we encourage the court to include within its plan the need to review court procedures in an effort to minimize the number of times people must come to the courthouse. We now have the capacity to employ strategies that reduce the need to appear, by either substituting electronic interface, or more simply, staffing hotlines. In some circumstances, a review of procedures, particularly for uncontested matters, may find that steps in the process can be eliminated and due process can be retained Additionally, replacing some matters that are historically judicial functions with more of an administrative procedure can meet the legal needs of those who are not fully represented by lawyers and reduce the burdens on the courts significantly.	The Task Force is not prepared to make this a blanket statement as some judicial models including drug court and domestic violence court are based upon multiple appearances to help support litigants in their efforts to make changes. However, this is an important issue for judicial education so that judges consider the impact of required multiple appearances The Task Force is not prepared to suggest that some traditionally judicial functions be made administrative.
27.	Sherri Lugenbeal 732A Curtola Parkway Vallejo, CA 94590			I'm sure any changes would be beneficial to the self-representing litigant BUT the bottom line is is there really help to the individual? Too much staff? Not enough hands on help? Too much BS? Probably Just get down to the nitty gritty please Help each self-representing litigant (not just certain departments of the court but all). They are there for a reason. They need help because the justice system has done them wrong or someone has abused there power They don't have any money or atleast not the thousands of dollars that a lawyer wants What happened to caring about right and wrong? What about the CHILDREN?! Someone needs to do something to save this	No response required.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				country Please try to make a difference I do	
28	Anne R Bernardo Director Tulare County Public Law Library 221 S. Mooney Blvd., Rm. 1 Visalia, CA 93291	AM		I applaud the Task Force on developing this very strong proposal I believe several Recommendations could be made stronger by specifically adding mention of developing a working relationship with the county public law libraries in the state and utilizing the resources of the county law libraries. Established since 1891, the county law libraries have long served as the frontline in the public's access to justice. Recommendation II,A With appropriate support, the county law libraries could serve as a resource library as well for use by the self-help centers. No need to duplicate efforts or materials. Recommendation VI,A. As many county law libraries are located in the courthouses and are being considered in future courthouse plans, locate the self-help centers near the law libraries for self-represented litigants convenience and shared resources	Agree. Will add the importance of working with law libraries to a number of recommendations The materials envisioned are somewhat different than those usually available at law libraries. These materials should also be made available to law libraries Agree This may well be appropriate depending upon the facilities available.
29.	Susan Hoffman Management Analyst Superior Court of San Luis Obispo County 1035 Palm St., Room 385 San Luis Obispo, CA 93408	A		Agree.	No response required
30.	Vicky L Barker Legal Director California Women's Law Center Los Angeles	A		The California Women's Law Center (CWLC) strongly supports task force recommendation I(e). The majority of women who contact us with legal issues have family law matters. Most women lack sufficient means to retain counsel, while at the same time earn too much to qualify for free legal representation. Most of these women find themselves interacting with the legal system as self-represented litigants.	No response required

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				The difficulty in obtaining enforceable court orders is a common problem for these litigants. They are often successful in obtaining a hearing and a bench ruling only to discover when a custody issue arises months or years later, that the minute order or bench ruling that they have obtained is not a valid, enforceable order By providing self-represented litigants with on-going assistance throughout the entire court process, including obtaining and enforcing valid court orders, self-help centers will fill a tremendous gap in services to these litigants.	
31	Caron Caines Neighborhood Legal Services 13327 Van Nuys Blvd. Pacoima, CA 91340 818-834-7512 ccaines@nls-la.org	A	Y	On behalf of Neighborhood Legal Services of Los Angeles County (NLS) I would like to thank you for the opportunity to comment on the Statewide Action Plan for Serving Self-Represented Litigants. The proposed Plan is excellent The Task Force on Self-Represented Litigants devised a thorough and thoughtful strategy The Plan, to a great extent, will meet the needs of millions of Californians who currently have no realistic options for legal assistance NLS is uniquely qualified to comment on the Plan because of its extensive experience in providing assistance to self-represented litigants. NLS has operated court based pro per clinics for over a decade. Starting in the early '90s, NLS established Domestic Violence Clinics at Los Angeles Courthouse in the San Fernando Valley. In 2000, NLS opened the first court-based Self-Help Legal Access Center in Los Angeles County. NLS now operates Self-Help Centers at Courthouses in Van Nuys, Pomona, Lancaster and Inglewood. Over 75,000 litigants have been assisted at NLS' Self-Help Centers. NLS operates these Centers in partnership with the Los Angeles Superior Court, the Legal Aid	No response required

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				Foundation of Los Angeles, local bar associations, law schools, colleges and other educational institutions As advocates who are actively working to increase access to justice for our low-income client community through the development of self-help models, we strongly support the Task Force's recommendation to develop Self-Help Centers throughout California. NLS' Self-Help Centers have been overwhelmingly successful. Over 30,000 individuals are helped each year at the Centers. For the most part, the people assisted at the Center are poor, under-educated and overwhelmingly women. Statistics kept regarding Center visitors reveal that 90 percent of the litigants are income eligible for NLS' free legal assistance. 70 percent of the litigants are very poor, falling below the federal poverty guidelines. Moreover, 37 percent of the litigants did not graduate high school and an additional 48 percent have acquired only a high school degree The people who are helped at the Self-Help Centers are bewildered by the court rules, procedures, and forms, and are overwhelmed by the sheer number of forms necessary to process their claim Without a Self-Help Center, most of these people would not have any effective access to the justice system. On Center evaluations many litigants express a common sentiment: "I had no place else to turn." The remaining recommendations of the Task Force are equally important to establishing an effective strategy for providing access to the courts for self-represented litigants When NLS established its first court based clinic over ten years ago, there were no support services available to us. Materials and	

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				standards had to be developed and court personnel had to be educated about our project The support, education, facilities and funding strategies recommended by the Task Force are critical for a healthy pro per assistance plan. NLS is committed to helping the Task Force realize its Plan in any way it can. Thank you once again for the opportunity to offer these comments. We look forward to working closely with the Judicial Council on other issues affecting those living in poverty	
32.	Ken Babcock Executive Director & General Counsel Public Law Center 601 Civic Center Dr West Santa Ana, CA 92701 kbabcock@publiclawcenter org	A	Y	My first general comment is to congratulate the Task Force for such a comprehensive analysis of this issue. The cataloguing of those things that have been done and the listing and analysis of those things that should be done is truly impressive While many of the Task Force's members are familiar with our work at the Public Law Center, I note for your information that we are a nonprofit legal services provider sponsored by the Orange County Bar Association The bulk of our services are provided by pro bono attorneys and law students, although we also provide direct services through our staff attorneys and paralegals Most of the direct services provided by our staff are to unrepresented litigants. While I could go through the draft Action Plan recommendation by recommendation and note "I agree with this recommendation" over and over again, instead I focus my specific comments on a few specific items. They are: 1 Recommendation I C This is one area where we want to emphasize our agreement with the draft	No response required No response required.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				Action Plan. The Plan accurately recognizes that there are some individuals for whom full or partial representation by counsel is critical It has been our experience that while court based self help resources provide many unrepresented litigants a very valuable service (be they self help centers, facilitators or computer kiosks), those resources do not presently perform the type of "triage" function described as a goal in the recommendation. A well planned and implemented triage system could produce a seamless referral system that would be easy to use for the litigant and efficient and economical for the participating partners in that system As soon as it became clear that an individual needed representation, the system could route that individual to those resources--be they legal services, pro bono, lawyer referral services or panels of lawyers willing to perform unbundled services That assessment should take place not only when the individual first encounters the self help resource, but should also occur midway and towards the end of the interaction between unrepresented litigant and the self help resource since it may not be readily apparent at first glance that representation by counsel is required. From our perspective, what happens now is a more ad hoc process by which sometimes that assessment occurs and sometimes it doesn't and by which some litigants are lucky enough to be sent in the right direction once their need for representation is known and others are not. We would encourage the report to suggest that local courts play a leadership role in encouraging discussion and development of such a seamless referral system in their communities. 2. Recommendation 1 D and III B: These	Agree with the importance of encouraging

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				recommendations suggest that the Judicial Council continue to support ongoing strategic planning and that local courts continue with their planning efforts. With the courts facing significant budget limitations, planning could be viewed by some as a non essential function. Moreover, there are some who may be more inclined to view strategic planning as "an event" rather than as a way of thinking. Yet because of planning efforts over the past few years, significant gains in increasing access to justice -- many of them described throughout the Action Plan -- have been made We suspect that in some counties, the planning efforts that resulted in community focused strategic plans or in the self help action plans described in Appendix 3 have ceased to function, leaving the plans to collect dust on shelves and the various elements of the justice community (i.e., the court, the organized bar, legal services providers, self help providers, etc.) without a coordinated, well thought out way of delivering services to unrepresented litigants. To ensure that gains continue to be made in this area, planning efforts should be made a high priority. Indeed, Strategy III B in the Action Plan accompanying the Recommendations suggests that working groups should be active and monthly meetings of stakeholders held. We suggest moving this action item up to the body of the recommendations to reflect the importance of ongoing planning activities. Also, the task force may want to consider a recommendation that those planning teams that have ceased to meet reconvene to review progress on plan implementation.	on-going meetings and planning. The Task Force is concerned about making a specific recommendation requiring groups to reconvene Statewide networking opportunities may provide a mechanism to encourage on-going meetings on a local level.
33.	Jona Goldschmidt Associate Professor Dept. of Criminal Justice Loyola University Chicago	AM	N	1. Overall, the plan is commendable. Every state needs to follow California's lead in making uniform the pro se (per) assistance programs, rather than allowing each local court to establish or not establish	1 No response required

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	820 N Michigan Ave. Chicago, IL 60611			such programs Justice is not local, but should be uniform across any jurisdiction. 2. I have an interest in seeing that the in-courtroom assistance is also uniform. Unfortunately, this is an element not addressed in the report. While judicial education (and clerk education) is covered in Recomm IV, the report does not address the crux of the matter, which is that judicial ethics reform is necessary in order to permit judges to assist pro pers in the presentation of their cases where they are unable to do so. In other words, where litigants do not understand the procedure for calling and interrogating witnesses, or offering their documents and tangible items into evidence, the court should assist them per the court's obligation to provide a meaningful hearing under the due process clause. To say that educational programs should be developed "to assist judicial officers and other court staff in dealing with" pro pers (Recomm IV, p. 17) only begs the question Concrete reforms in the language of judicial ethics rules are necessary to give the green light to judges who either do not render such assistance now, or who do so gingerly (and grudgingly) in the hope that the pro per's opposing counsel does not object on impartiality grounds, or who do so willingly but fear a charge of lack of impartiality. A protocol is necessary, in addition to reform of impartiality rules, in order to institutionalize reasonable judicial assistance to pro pers in accordance with the duty to provide a meaningful hearing See my article, "The pro se litigant's struggle for access to justice· Meeting the challenge of bench and bar resistance," in 40 Fam. Ct. rev. 36-62 (2002).	2. The Task Force thinks that this is an important issue that requires significant discussion, but is not convinced that changes to the ethical rules are required to assist self-represented litigants It is recommending that additional guidance be provided in cases in which one side is represented and the other is not

Positions. A = Agree, AM = Agree only if modified, N = Do not agree

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				3 The educational programs envisaged should be separate for court staff and judges, as the functions and ethical duties of each differ Protocols are needed for each group, as well as broad principles under which each should function. Most importantly, these programs should promote a paradigm shift in which court staff and judges no longer view self-represented litigants as a problem, but as a challenge for the court system to provide equal justice for all 4 The proposal to permit self-help center attorneys to be in the courtroom with pro pers (p. 17) is an interesting one, and, if funded adequately, could potentially be of great assistance to these litigants, unless the bar objects. Such objections are red herrings, however, because the typical pro per case is not one any attorney usually wants anyway	3 Agree, believe that this is considered in the report. 4. No response required.
34.	Bryan Borys Director Organizational Development and Education Superior Court of Los Angeles County	AM		I believe the Court should strongly support the action plan. With regard to specific recommendations, please see below· I. We should amplify Recommendation I and its call to the Judicial Council to consider self-help programs core court functions deserving of budget support. At the same time, however, the Council should encourage trial courts to develop partnerships with service delivery agencies in the pursuit of non-court based programs and other solutions that do not require trial court funding. II. We should also support the proposed model of AOC involvement in the form of "technical assistance" to the trial courts, with the AOC's role being to support the trial courts in their invention of local solutions to meet local needs. III. We believe the report makes unwarranted conclusions about the efficacy of research attorneys in managing the demands made by self-represented litigants, but support the	Agree Believe that this is covered in the discussion of the importance of partnerships and supporting efforts to obtain additional funding for legal services programs No response required. The specific suggestion regarding research attorneys will be deleted, but the concept of reallocating court resources to support calendars that involve large numbers of

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				argument that trial courts should be encouraged to continue local planning and coordination efforts. IV We would welcome CJER attention to this important issue and believe that the most fruitful path would be to develop common curriculum materials that would be simple enough to use by operations managers in the local trial courts, reducing the costs and logistics of statewide training sessions. V. Agree. VI No comment VII Agree, with the provision that any kind of "uniform standards" would be solely outcome-based and that the Council would never attempt to mandate one or more models of service provision. VIII. Agree, with the added provision that the statewide action plan also include significant coordination with non-court-based service providers In general, I believe the Council should be encouraging the development of a web of private/public partnerships, rather than the approach I see in the Action Plan, which focuses solely on court-based programs Two factors suggest that a partnership approach is warranted: (1) resource constraints· (2) the potential for conflict with service providers whose work assists the courts.	self-represented litigants is an important one. Agree that this would be very helpful. CJER has developed a number of methods for delivering training locally. No response required No response required It is unclear how the Council could determine statewide outcome measures, but this concern will certainly be taken into consideration. Consultation and coordination with a variety of service partners will be included Partnerships are an extremely valuable way of providing services, however the Task Force thinks that it is important that the court be responsible for coordination of court-based self-help services and that integration of these services throughout the court is critical to provide effective services
35.	Linda L. Wright Office of the Family Law Facilitator Superior Court of Los Angeles County 12720 S. Norwalk Blvd , Room 202 Norwalk , CA 90650	A		**Section 1C.** It may not be feasible to triage all individuals seeking assistance at a courthouse. The size of a courthouse and the physical location of the Self-Help Center may not be conducive to this concept Use of information booths in various locations could be utilized **Section I.D.** Coordination of court-based programs, non-profit organizations and other services should be done by a separate court-based organization, such as a Self-Help Management Project This project	Agree that triage may be structured in different locations under the direction of the Self-Help Center This solution may be appropriate in a large county such as Los Angeles One of the model self-help pilot programs is exploring this model and will have important lessons

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				could coordinate the services within the Self-Help Center with other non-profit organizations, lawyer referral services, volunteer programs and other similar organizations available for self-reprsented litigants. This overseeing project would help in eliminating duplicate services, locating partnerships with other organizations, and coordinating services not otherwise available at the Self-Help Center. This project could help in fashioning the best practices throughout the county, helping with uniformity in access to the court by litigants The Self-Help Center should focus on providing the day-to-day services to the self-represented litigant. This alone is more than a full time assignment Coordination of other programs, with different funding and service goals would (and is in Los Angeles) a full-time job Coordination by another funded program also eliminates the perception that all programs must conform to the Center's requirements and may not encourage a dialogue of what is the best practice for self-represented litigants. The current Self-Help Management Project has been instrumental in providing assistance to the Family Law Information Center **Section I.E.** We concur that there is a need for appellate services and that present funding does not permit services of this type With the use of unbundled services, the Self-Help Center could tap into the appellate attorney community and/ or partner with other non-profits offering this service and have them either available at the Center or on a referral list There is concern that triage of appellate issues may lead a self-represented litigant to believe that they are receiving legal advice and that there is an attorney-client relationship. While the Self-Help	to share with larger courts about ways to encourage coordination and collaboration. Procedural information regarding appellate remedies would be very helpful A number of appellate courts have developed informational manuals for self-represented litigants that help address basic questions.

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				Center could provide procedural information (number of days to appeal for example) substantive discussions (if you have a case and what type of record you will need to preserve your appeal), would require a lengthier triage and detailed attention to the proceedings This could mistakenly lead the self-represented litigant to expect legal advice **Section II.G.** In addition to providing technical training in the development and implementation of self-help technology, additional funding and/or technical support for maintenance and upkeep of local web site would e necessary. **Section IV.B.** Rather than training staff on community services available to self-represent litigants, court clerks should concentrate on focusing their referrals to the Self-Help Center Community services are ever changing and it would be better to have one site with the current information rather than require each family law clerk to familiarize themselves with all services. For example, the Family Law Information Center located at the Stanly Mosk Courthouse has an Advisor from InfoLine of Los Angeles available daily either in person or by telephone. This Advisor has an extensive computer program that lists over 4,500 social services available to litigants with services in such areas as housing, parenting classing, transportation, education/training, benefits and more A clerk will be limited in the type of triage for the litigant and/or family and may not be aware of the other services available outside of their area of law. This may not be an efficient use of the clerk's time. A referral sheet from the clerk to the Self-Help Center may better assist in the triage once the litigants have reached the Self-Help Center.	Ideally courts could focus their websites on local issues and link to statewide websites for common issues so that their updating responsibilities would be significantly lessened. The Task Force recognizes that the press of business is huge in many courts, however court clerks can often provide extremely helpful information about resources in their community While larger jurisdictions will have many resources, smaller courts will have a much more limited number that they will need to be aware of
36.	Gretchen Serrata	A		We are a 2 county, 4 office, rural FLF and Family	

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Self-Represented Litigants Action Plan

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Family Law Facilitator Superior Court of Nevada and Sierra Counties 201 Church St., Ste. 10 Nevada City, CA 95959			Law Self-Help Center. My staff and I reviewed the proposed plan and find it outstanding. Our only suggestion for change would be on page 11 – re. triage/assessment In our 6 years of experience we find it essential to include, as part of the triage/ assessment, a check of the parties names in the court case database, for all case numbers that may have information re· the family in question. For example, it is not uncommon to have a dissolution/parentage case and a child support case and a domestic violence case or 2 – all the same folks and kids yet the pro per DOES NOT realize there are 3-4 cases Once all cases related to the family are determined, the staff member performing the triage/assessment needs to pull all files and review them to properly determine the needs of the person seeking assistance We find this step saves time in the long run for all concerned When this step is missed, people are sometimes sent in the wrong direction and/or the court is making duplicate orders. Finally, page 79 says our counties – Nevada and Sierra, have our plan in process. We do not. We completed our plan in April 2003.	Checking the parties' names is a very valuable service to the parties and the courts, however, not every center will have access to such a case management system. It also may not be as crucial in non-family law matters Agree. Will revise report accordingly This report was written in March, 2003.
37.	Regina Deihl Legal Advocates for Permanent Parenting San Francisco, CA 94127	A	N	Increasing assistance to self-represented litigants will improve public faith and confidence in the judicial system, improve judicial decision making and efficiency, and provide access to justice for individuals unable to obtain private legal representation Most importantly, in an era of fiscal restraint, providing self-help assistance rather than encourage currently unrepresented individuals to request appointment of counsel in juvenile cases, is an cost-effective mechanism to provide a modicum of assistance while avoiding the high cost of appointed counsel.	No response required.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				Recommendation I Given the proven benefits (both to the courts and to the litigants themselves) of self-help centers focusing on family law matters, the Judicial Council should explore piloting a similar approach to assist currently self-represented persons in other areas of the law, including juvenile court. Judicial efficiency and the economic realities facing the courts require cost-effective measures to assist children's caregivers to provide input to the courts, rather than providing them with appointed counsel. Children's caregivers are experiencing difficulty accessing the juvenile courts for the following reasons· 1 Lack of awareness and assistance in filling out court forms, even in those jurisdictions where the court requires them to do so (e.g. in at least one jurisdiction, JV-290 must be submitted by each child's caregiver) 2 Some court clerks and other court personnel are unaware that children's caregivers have a statutory right to file documents and do not allow them to do so 3. Some children's caregivers report being told by other system participants to change the substance of the information being submitted to the juvenile court. 4 Confusion exists regarding notice and filing requirements in various jurisdictions for self-represented persons in juvenile courts By providing basic procedural information and developing appropriate protocols to enhance the functioning of the courts, improved judicial decision making and the well-being of children will be enhanced	Agree that services for children's caregivers and other self-represented litigants in juvenile court should be considered as part of self-help centers.

Self-Represented Litigants Action Plan

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				Recommendation II The Administrative Office of the Courts should continue its efforts to facilitate the exchange of information regarding self-help efforts that are obtaining positive results, including gatherings (in person or by video conferencing) to share the results of evaluations and strategies to improve access to the courts	Agree, this is included in the recommendation for resource library.
				In addition, the Judicial Council should continue to simplify its forms and instructions for use by self-represented persons, including those utilized in juvenile courts Amendments to Rules of Court should also be evaluated for clarity in providing self-represented persons with appropriate procedural mechanisms to file and serve documents.	Agree, believe that this is covered in the recommendation that the Judicial Council simplify its forms and procedures.
				Recommendation III. The Administrative Office of the Courts should continue its efforts to encourage courts to engage in dialog and collaboration with other stakeholders, including groups representing court users	Agree, believe that this is covered in discussions regarding partnerships
				Recommendation IV. Judicial officers should be trained to expect self-represented persons in their courtrooms and on effective strategies for allowing input without compromising the efficiency of the court process. Court personnel, such as bailiffs, court clerks, and others should also be trained in how to effectively interact with self-represented persons.	Agree, believe that this is covered in the discussions
				Recommendation V. Development of educational materials describing court processes should be expanded Uniformity in court procedures should be encouraged wherever possible to avoid confusion among self-represented	Agree, uniformity of procedure is extremely helpful to providing consistent information to all litigants.

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				persons in different jurisdictions Emphasis should be placed on assisting individuals in developing reasonable expectations regarding the court process and procedural information to address common difficulties (for example, procedures for enforcing court orders) Efforts should be made to provide information to the public about the goals and functioning of the juvenile court system. Often misunderstood, many individuals are unaware of the important role the juvenile court plays in the lives of dependent/delinquent children. Positive images of juvenile judicial officers and other system participants should be encouraged. Recommendation VI. Many juvenile courtrooms are in need of substantial repair or remodeling Parties (including a child's parents) sometimes have no place to confer with counsel or even to sit in the courtroom In addition, many courtrooms have walls separating counsel table from other areas of the courtroom This results in self-represented persons (and sometimes, the parties as well) being unable to hear what is occurring in the courtroom. Efforts should be made to provide sufficient space for individuals appearing in court to hear the proceedings. Physical obstructions that make the exchange of information between the court and self-represented persons difficult should be removed. Efforts should also be made to provide self-represented persons with information on how to "check in" at court and appropriate courtroom decorum. Recommendation VII.	There are many critical issues to improve facilities for all litigants in the court Agree These would be included in instructional materials, either in writing, audio or video formats.

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				Pilot projects can often provide models appropriate for replication in other jurisdictions Pilots should include rigorous evaluation components focused on quality, not just quantity of the services provided Efforts to identify improvements in the quality of judicial decision making should be included in evaluative efforts. Recommendation VIII. Implementation efforts should include input from individuals and/or groups representing court users While the perceptions of system professionals must have consideration, the goal of improving access to the courts by self-represented persons must include input from those individuals as well.	Agree The Judicial Council has made a strong commitment to evaluating all pilot programs Agree that the Implementation Task Force should include input from a variety of community partners and those representing court users.

Self-Represented Litigants Action Plan

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38	Debra F. Hodges Director of Planning, Projects, and Research Superior Court of Santa Clara County 191 N First St. San Jose, CA 95113	AM		Rec #5. after the phrase "foster realistic expectations," insert "based on accurate legal interpretations " Rec #6 D: add the wording, "AOC/JC should provide funding for certified licensed caregivers for oversight of children " Rec #7: E: delete phrase "such as fees for selected services by self-help centers." (This action would defeat the purpose of providing self-help centers) Rec #1, 2, 3, 4, and 8· Agree with proposed changes	This appears to be covered in the discussion already. The Task Force does not believe that this is within its purview. The issue of fees is one that must be carefully examined if it is to be implemented No response required.
39	Annette Heath Law Librarian Kern County Law Library 1415 Truxtun Ave., Rm 301 Bakersfield, CA 93301	AM		I would like to encourage the commission to continue to explore the possibility of perhaps partnering with county law libraries in some counties to bring about a self-help center. There are some small and rural counties who do not have the funds to provide a county law library, but perhaps could work with the courts in combining resources in order to provide a self-help center in those counties I have a strong feeling that in the counties where there is revenue shortfall for county law libraries there is also a revenue shortfall for the courts As you are probably aware, county law libraries receive 90%, if not more, of their funding from civil filing fees. There are probably some of county law libraries who may not be experiencing the same drastic funding shortfall as the smaller counties, but who would welcome the chance to partner with the courts in some fashion to bring about better assistance to self-represented litigants. Many law libraries already perform many of the services you are recommending on page 12 section E There are other county law	Agree. This is an effective strategy. Will revise language to make it clear that coordination with law libraries is very valuable.

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				libraries who aspire to provide these services, but for various financial reasons are unable to Your suggestion of a resource library in subsection A on page 13 is already available in many counties through the county law library The Council of California County Law Librarians (CCCLL) is an organization that includes law librarians from throughout the state of California. It is open to all 58 county law libraries We currently have a member of our organization, Ms Pat Pfremmer, on the commission. Although I cannot speak on behalf of CCCLL, I would strongly encourage the commission to fully explore what county law libraries currently provide and how these services can be utilized to help meet the needs of the self-represented litigant.	
40.	Commissioner Rebecca Wightman Superior Court of San Francisco County 400 McAllister San Francisco, CA 94102	A		Overall, this is an EXCELLENT Statewide Action Plan, and I am thrilled to see the AOC/Judicial Council seriously working on this issue re: self-represented litigants. OTHER COMMENTS· In reviewing the Action Plan itself (pp. 28-38), I have 3 minor comments (two of which are grammatical)· 1. RECOMMENDATION III. ALLOCATION OF EXISTING RESOURCES (p 32) -- Comment In reading III A as a whole, it seems to leave out "other court staff" in both 2. and 4. While research attorney support and courtroom staff are very important, the "behind the scenes" court staff are also critical for efficient flow of calendars, and should be mentioned in any efforts of a court to utilize existing resources Suggestion add "or other staff" (or something similar)	1. Agree, will make these additions

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				to both III.A 2. and 4 2 RECOMMENDATION I.E.2 (p 29) Comment: the 3rd sentence from bottom of list starting with "Providing information to assist " sounds grammatically incorrect Also, was it meant to be limited to "court-ordered services"? Suggestion: Re-phrase so it reads something like: "Providing information to assist litigants in complying with court orders or court-ordered services " 3 RECOMMENDATION II A.1 (p 30) Comment the 2nd item in #1 reads funny because it contains the words "include" and "such as" next to each other Suggestion: delete "include".	2. Agree. Will make this change. 3 Agree Will make this change.
41.	Suzanne Clark Morlock Director Self-Help Access Program Superior Courts of Butte, Tehama, and Glenn Counties	A	N	Recommendation 1: Self Help Centers See Pages 10 - 12 the task force is correct in its observation that the self-represented litigants prefer personal contact with staff Investment in Staff attorneys and support staff (clerical and paralegal) can save court time and court resources Bilingual staff is essential to a self help program. Large numbers on non-English speaking potential customers are effectively denied services if there is no one available to translate information for them. P 14- I have observed that procedures for issuing fee waivers vary considerably from county to county P 16- As the self help program assists litigants in areas other than Family Law, we find the Judges who deal with self represented litigants in areas such as Unlawful Detainer and Civil Harassment are having some problems when the litigants are unprepared to try their own cases The self help center does not teach litigants how to try their cases	Agree that bilingual staff is preferable whenever possible. Will include suggestion that procedures be uniform wherever possible No response required

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				P 17- Because of budget constraints, courts are relying heavily on grants to provide services in courtrooms, if any	No response required.
				P 17-18-19 Most SRL's do not want to take the time to read any written information provided to them. Many want (a) someone to do it for them or (b) someone to tell them exactly what to do Clerks do not have time to answer questions or provide detailed assistance at the counter The amount of information clerks are willing to give and what the clerks perceive to be legal information as opposed to legal advice varies widely among Butte, Glenn and Tehama Counties. Clerk's training cannot be over emphasized- and the self help center staff should receive the same training!!!!	No response required.
				Non-english speaking litigants need to be informed before they get into the courtroom that they must have a translator with them in all non- DV matters. There should be an effective means of providing this information to all persons who are going to appear in court, including those who do not visit a self help center.	This is an important suggestion for instructional information.
				P 20 Glenn court has an outstanding website- one we should all be proud of We are in the process of creating an action plan to inform the public about services available to SRL's	No response required
				P 22 The courts have still not addressed the needs of litigants who cannot find suitable child care. It would be ideal if each court had a children's center, however, the reality is that the courts facilities are already crowded and there is not sufficient staffing for	No response required

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				such a facility. Likewise, a $2-$5 increase in filing fees at this time is probably not feasible. Alternatives, such as requesting funding and trained volunteers who could supervise children (for instance, set up a child center in a room adjacent to the juvenile calendar courtroom Perhaps the local bar association or civic groups would be interested in providing funds to set up a center. Volunteers may be recruited and trained, or a part time position be established to provide supervision The self help center advises its customers not to bring children to court. P 24 The establishment of minimum standards for a self help center should be a priority! The self help centers are asked to respond to legal issues which are beyond the knowledge and experience of staff (and interns) almost daily. Many with complex legal issues are referred to private attorneys even though the customer cannot afford even a consultation fee. There is a constant pressure on the staff to provide information which is beyond their knowledge base, and therefore constant attorney supervision or at least availability is required. Access to legal information from the law library is normally the source of information recommended, but not available in Glenn County, for example. Staffing levels, experience and facilities requirements (ADA compliant) and hours of operation which give access to those who cannot afford to take time from work should be given careful consideration P 25 Fee based services may be necessary. If the decision to provide fee based services is made, then the court must provide staff to administer and collect the fees for services Fees for workshops could be	This is very valuable feedback. Agree that fees may pose significant administrative burdens that outweigh the revenue received This concern will be reflected in the report.

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				imposed and the price of a forms packet included in the price. For example- a fee of $50 00 for a dissolution workshop and packet could be charged, and for that price, a person could attend workshops for disso from initial filing to default judgment. A $15 00 fee for an OSC workshop would provide the forms, the workshop assistance and the FOAH Charging a nominal fee for forms would help defray costs. If the local board of supervisors could observe the operation of self help centers in full swing, support might be generated to continue the program, or at least part of it, with a combination of county and court support. P 26 participation of judicial officers and attorneys- we need to elevate awareness of the program among judicial officers and attorneys. A program for recognition of attorney involvement and contributions to self represented litigant assistance could be fostered and developed among the counties.	No response required. This could be an important part of a volunteer program.
42	Justice James R. Lambden, Chair State Courts Committee California Commission on Access to Justice	AM	Y	I write on behalf of the California Commission on Access to Justice to congratulate you and your Task Force for this very valuable draft action plan. We also extend our appreciation to the Chief Justice and the Judicial Council for the leadership they have shown by their continued commitment to improving access to our judicial system. When implemented in its final form, we expect this plan to improve public trust and confidence in the courts, a goal uniformly supported by members of the bench and bar. We especially appreciate your recommendation that there should be more funding for legal services While it is self evident that representation by an	No response required No response required

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				attorney is preferable in most cases, we understand there may never be enough money and volunteers to provide professional representation for every litigant. Given these realities, the proposed plan recognizes the proven value of self-help centers and offers a creative vision for improving services for self-represented litigants. We are pleased that the Plan highlights the need for adequate staffing of the self-help centers and recognizes the importance of lawyer supervision As with all human endeavors, the ultimate success of the self-help centers will depend upon the people involved. This plan is an important step in the direction of reorganizing our judicial system to better serve a rapidly changing population Clearly we are on the verge of a major shift in the traditional paradigm of a court system designed primarily to be used by lawyers representing a relatively narrow segment of society Local courts recognized that this shift started long ago; they see first hand the impact of growing numbers of unrepresented litigants on the services that those courts provide This plan recognizes that judges and court staff need help at the local level With that goal in mind, the proposed plan includes specific suggestions for each of the component parts of our extremely diverse judicial system, and it promises to clarify how everyone fits into the larger picture. In California we know that one size does not fit all. For this reason, we suggest that the final recommendations of the Task Force stress the need for local autonomy. The report should highlight the local action plans that are at its heart, and it should recognize that, to be successful, the effort to serve	The Task Force is concerned that stressing the need for local autonomy is inconsistent with the goal of having a baseline of services available in all counties

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				the under-represented must be a process that begins at the grass roots level Indeed, the Task Force itself was a response to the needs expressed by the local courts California leads the country in its thoughtful, strategic approach to improving access for those who cannot afford counsel and who must navigate the court system on their own This draft plan represents an enormous amount of work, all of which has helped lay a solid foundation for the implementation of the action plan. **Recommendation I.** **Court-based self-help centers should be developed throughout the state.**	
				▪ The Access Commission enthusiastically supports the central concept of a network of self-help centers in the courts, and the precept that self-help centers should be considered a core court function;	No response required.
				▪ The Commission congratulates the Task Force for emphasizing the need for attorney supervision, and for stating that the centers should have in-person staffing.	No response required.
				▪ The importance of these self-help centers to children and families needs to be emphasized; it is important to humanize the recipients of these services and to explain their impact on the public as well as on the courts	Agree, will add descriptions regarding the recipients of the services provided by the self-help centers
				▪ It is important to have an efficacious triage system for referring those who need legal	Agree, will reflect that local courts should be aware of what services are available in

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				help, as reflected However, the reality is there are too few resources, and where there are no resources to send people to, we must be honest with people and not send them where they cannot get help It would be helpful to add a cross reference here to the section about the need for increased funding for legal services	their community and develop appropriate referrals accordingly.
				▪ Local courts' needs and populations vary dramatically Therefore, local triage systems need to be adapted to local needs and to the level of available resources.	Triage systems should certainly be adapted to reflect actual services in the community.
				▪ The Commission would like to see courts track information about referrals How many individuals were determined to need a referral, and how many of those were unable to be referred to a service that could help them We understand that this kind of information might be difficult to capture, but the information could be invaluable in documenting the critical need for more legal services	The Task Force is concerned about adding administrative burdens on the programs, but suggests that research staff might design a study to capture this data for a limited, but statistically significant period of time. Data regarding referrals made is already captured by many programs.
				▪ The Commission appreciates that reliance on limited scope legal assistance can be an important part of a comprehensive system for litigants who are primarily pro per The availability of Judicial Council rules and forms for limited scope representation in family law matters is helping to expand the availability of some level of legal assistance for otherwise self-represented litigants However, it is important to emphasize that it would be preferable in most cases, all things being equal, for a party to have full representation.	Will add a clause noting that full service is optimal.

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				While we realize that this ideal cannot be achieved because of woefully inadequate funding for legal services, we also can recognize that limited scope assistance is becoming a key service, particularly of the family law system.	
				▪ The Commission supports the suggestion that non-lawyer volunteers be used The Commission has a broad membership and a range of appointing entities; this is because we believe that access is a societal issue, and not just the responsibility of the bench and bar	No response required.
				▪ E – The Commission suggests that this section should be rewritten to put the tasks described into two tiers· (1) those that every center should have and (2) others that are less important We would propose that the first tier include items 1, 3, 4, 5, 7, 8 and the second tier, items 2, 6, 9. (Note that 6 and 9 seemed that they could be close to the practice of law, so it would be helpful to include warning on that issue.)	The section will be revised to clarify the level of service provided. Setting priorities on level of service is something that may be more appropriately considered by local courts.
				▪ E - The Commission suggests that this section be written to say that facilitators could offer assistance in status conferences, or to help conduct mediations, etc. Some think that the status conference is a judicial function and judges might react negatively to the idea that this calendar-management tool would be taken away Also, some of the items (such as mediation) are more time-intensive and, for that reason, may belong in the second category so as not to deplete all	This has been redrafted to clarify the type of assistance provided.

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				available resources	
				▪ E - The Commission was concerned that providing self-help assistance with enforcement of judgments might be too close to the practice of law. However, the Commission agrees it is an important service to provide One method of assistance (besides providing plain-English or foreign language explanations of how the collection process works) is to have facilitators available at a debtor's exam to provide information on various options being discussed.	This is a common service offered by many self-help centers including assistance in preparing wage assignments and other judgment collection papers, making referrals to law enforcement and court ordered services, and otherwise assisting with procedural issues related to enforcement.
				▪ The Commission believes that Recommendation I would result in significantly improving trust and confidence in the court system. This fact should be emphasized in the various segments of the Action Plan.	Agree, will add that language
				Recommendation II. **A system of support should be developed at the state level to encourage the development and expansion of local self-help centers.**	
				▪ The Access Commission acknowledges, with appreciation, the significant progress already made by the Judicial Council and the AOC to coordinate and expand self help centers	No response required
				▪ The Access Commission offers to work with the Judicial Council, particularly on collecting best practice information, etc , relating to self-help centers.	This support is much appreciated
				▪ (H) The Commission is pleased that this	No response required

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				strategy emphasizes the need for legal services funding Our recent report, *Path to Equal Justice*, reported that there is only one attorney for every 10,000 poor people, and only 28% of the legal needs of the poor are being met. ▪ (H) This section should also specifically mention the importance of working with the Legal Services Trust Fund Commission to "enhance IOLTA funds", as one specific way of expanding legal services funding. ▪ The Access Commission would like to see the Action Plan include a strong recommendation that Presiding Judges have an obligation to promote pro bono (II-H, and I-B). This responsibility could be a new Standard of Judicial Administration, or it could be included in an existing Standard, if there is an appropriate one to encompass such an obligation. [See, for example, Rule 6 603 of the Judicial Administration Rules in the California Rules of Court] **Recommendation III.** **The needs of self-represented litigants should be considered in the allocation of existing judicial and staff resources.** ▪ Given that budget constraints may make it extremely difficult to get new funding for self-help centers, and given that courts with heavy pro per calendars need adequate resources to address the need, the Commission supports the concept of reallocating judicial and staff resources	Reference is already made to working with the Legal Services Trust Fund Commission. The Task Force is concerned about listing the variety of funding sources that should be increased The reference to research attorneys will be deleted.

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				However, the Commission suggests that Strategy A should be modified to say that judicial officers with heavy pro per calendars should be given priority for allocation of resources - "consistent with the particular needs of each county" In addition, the Commission suggests taking out the reference to research attorneys, which is not necessarily the highest priority need	
				▪ The Commission strongly supports the need to work closely with local communities, taking advantage of the network established through community-focused court planning	No response required
				▪ With regard to Strategy A, the Commission suggests that courts be warned about the possible practice of law; the section should mention that anyone providing assistance should be careful not to overstep that barrier, and materials need to be provided to be sure they don't The paragraph calls for attorneys to be available to "assist with cases", but this may result in the appearance that the attorney is taking on representation of the litigant	Agree, this language will be reworked to clarify what services may be offered.
				▪ The final paragraph of Strategy A could be modified to state that these activities increase trust and confidence in the government, not just in "judicial institutions". Because courts are often the only government that many individuals come in contact with, it reflects on all of government.	Agree. Will modify this language accordingly.
				Recommendation IV. **A judicial branch education program should be**	

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				designed to address issues involved self-represented litigants.	
				▪ The Access Commission has worked on developing training components for judges on access issues, and is willing to work on this issue in the future as well In addition, we believe it is appropriate to add the issue of In Forma Pauperis (IFP) procedures to the list of recommended training items for judges	The Access Commission is an important partner in developing these materials. Training on In Forma Pauperis (fee waiver) procedures are currently being developed in response to concerns about the court's budget.
				▪ The issue of training on IFP procedures should also be made available to clerks throughout the court system. There is a perception in some parts of the state that these procedures are not being followed as a result of budget constraints, which has a negative impact on the trust and confidence that low income people have in the judicial system.	Agree that training in this area is crucial and that recommendation will be added
				Recommendation V. **Judges and court staff should engage in community outreach and education programs to foster realistic expectations about how the courts work.**	
				▪ The Access Commission offers to work with the AOC on public outreach, and supports the concept of judges and court staff actively participating in public outreach. Again, this is a "trust and confidence" issue, and judges would hear first-hand what the need is	The support of partners such as the Access Commission will be invaluable in outreach efforts.
				▪ The Commission suggests that the first strategy should say "judges should work with	Agree. The language will be modified to reflect this suggestion.

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				others in the community to conduct community-outreach." They should work with bars, legal services, etc. The narrative could add a reference, such as, "consistent with suggestions and mandates in the standards of judicial administration "	
				▪ Outreach to legislators is particularly important, given the need for funding of self-help centers Since legislators do a large amount of constituent service, they would see the benefit of cost-effective self-help centers	No response required.
				▪ The Commission believes that, because most courts already do work with law enforcement, this strategy should be reworded. It could refer to the need to "strengthen their existing ties with law enforcement", and possibly suggest ongoing steering committees The report could include specific examples of the role of law enforcement in domestic violence situations, and the importance of working collaboratively with them and others in the community.	Agree. Will modify the language to reflect this suggestion.
				▪ In the narrative, at p 20, the report might say the courts should make "more" training available to law enforcement, because many of them already do provide training.	Agree. Will modify the language to reflect this suggestion.
				▪ Strategy C, in the narrative, at p. 20, the Commission suggests that it should say that courts "should" solicit input, rather than that they are "encouraged to"; also, the report could suggest specific things like regular monthly meetings, steering committees	Agree. Will modify language to reflect this suggestion.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				involving district attorneys, public defenders, law enforcement, judges, and community members These sessions should encourage two-way communication **Recommendation VI.** **Space in court facilities should be made available to promote optimal management of cases with self-represented litigants and for effective self-help services to the public.** ▪ The Commission suggests that there is a need for volunteer lawyers to have adequate space at the courthouse Also, there needs to be adequate space for interpreters to work with litigants, when necessary **Recommendation VII.** **Continue exploration and pursuit of stable funding strategies.** ▪ Because the Commission believes that self-help centers are a core court function, stable funding is required In addition, adequate and stable funding for translators and interpreters in self-help centers is needed as well. ▪ The Commission supports the notion of some kind of minimum standards or qualifications for self-help centers around the state, indicating that they are intended to assist local courts in their formulation However, we believe it is important to acknowledge the lack of resources faced by many courts and the dramatic differences	Agree, will reflect that those are other important needs. This need may best be served by providing bilingual staff or making court interpreters available for self-help centers The goal of minimum standards would be to allow for a rational formula to request funding from the state that would promote equalization of services The Task Force recognizes that the budget situation precludes such a request for funding at this time, but believes that it is important for

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				among counties. Minimum standards will help assure quality control, but we cannot reasonably expect that the structure and programs of all local centers will be the same Sufficient flexibility must be built into the template to allow each court to develop the best responses to local needs.	these steps to be undertaken now in preparation for a better economic climate. Flexibility to address local needs is an important part of any recommendation
				▪ Regarding the suggestion of uniform statistical reporting, it is important to acknowledge the existence of multiple funding sources that some self-help centers have and the need to avoid forcing burdensome and possibly contradictory obligations on them that will cut into the amount of services they can provide, if too administratively burdensome.	This is a very valid concern and it may be important to convene funders to try to establish consistent reporting requirements to allow for ease in reporting and appropriate comparison of data.
				▪ While the Commission understands that considering all possible revenue sources is important, particularly given the budget constraints we face, we respectfully disagree with the fee for service concept The small amount of money that could be received from the small percentage of users who are not indigent would pose an undue administrative burden and may not result in net revenue. In addition, we fear that such fees would scare others away from using the service If the court doesn't charge for materials or services offered elsewhere in the courthouse, the self-help center should not be singled out. While we understand the need to do everything we can to find funding, and we understand that funding is difficult, we do not believe fee for service is the answer	The concept of charging fees is one that would need to be seriously examined before implementation. The concerns raised by the Commission will be reflected in the report.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				▪ One possible suggestion is to explore modest fees for use of hardware – copiers and computers, similar to what a local business might do. The important thing is not to charge for "services" at the self-help center when they wouldn't be charged at the clerk's counter However, any imposition of, or increase in fees must be carefully considered to ensure that it will result in a *net* revenue increase (as opposed to being a nominal charge that cannot be collected cost-effectively). These decisions must be made at the local level ▪ With regard to Strategy B-2 we believe it is a good idea to work with legislators and others in the collection of data, and that process can also help the public outreach function suggested in V-B. **Recommendation VIII.** **A smaller implementation task force should be established.** ▪ The Access Commission offers to work with the Judicial Council on implementation of these important recommendations. ▪ We agree that a smaller group would be the most feasible format for a follow-up task force However, because of its smaller size, it will be necessary to set up a mechanism for reaching out to other institutions who need to be part of the solution. ▪ The Commission believes that the	Agree This support is appreciated Agree. This mechanism will be critical to ensure that the partnerships advocated in the Action Plan are implemented at the state level Agree with this concern. Will modify recommendation accordingly.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				composition of the Implementation Committee should be reconsidered Could there be liaisons to existing standing committees, rather than having them constitute the committee? Individuals representing other committees would have too many demands from their other committees, and it might be hard to forge a good working group with that diverse a membership. More important, the range of expertise that you need on the implementation group itself might not be reflected in these representatives. We suggest that the committee needs additional participation from clerks who work directly with pro per litigants, court executive officers, at least one independent legal services person, law librarians and public librarians, etc In addition, it will be good to have representatives involved with groups outside the Judicial Council, such as the Access Commission, the Legal Services Trust Fund Commission, and others Finally, if the range of those who need to be involved with implementation would make for an unwieldy committee, perhaps the Judicial Council should consider a separate body of advisors or resource people, who can provide feedback on how implementation can be pursued effectively These resource people would not need to be part of any ongoing group that meets periodically, but they can be called on for their expertise at appropriate times	Input from knowledgeable partners will be critical to any implementation committee.
43	Cara Vonk Counsel to the Small Claims and Limited Cases	A		The task force recommends that certain justice system revenues be shifted to the judicial branch and cites small claims advisor fees as an example of a	This issue should certainly be considered along with a potential increase in funds available for small claims advisors if the

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Subcommittee of the Judicial Council Civil and Small Claims Advisory Committee			revenue source that could be used to meet the needs of self-represented litigants.[1] This recommendation should be considered in light of (a) the unique character of the small claims advisory program and (b) the trial court unification legislative study on the three track system that recommends changes to small claims advisory services and fees should the small claims jurisdictional limit be increased to $7,500 or $10,000	jurisdictional limit is raised.
				Currently, the Small Claims Act governs the small claims advisor program The small claims advisor program is a county program and a portion of each small claims filing fee is deposited with the county to run the program[2] Some advisors are located in the County Counsel's office, or the consumer fraud unit of the District Attorney's office, the county dispute resolution program, the local Legal Services Program, a local law school, a local bar association program, a person on contract, or located in other county agencies or programs. An advisor is not required to be an attorney Some counties have supplemented their local advisory services with additional local funding In other counties, agreement has been reached between the county and the court that gives the court control over the advisory service. Several counties have included small claims advisory services in the court's self-help center To date, funding small claims advisory services has not changed because of concerns that local funding could be diminished or lost altogether if a program is shifted to the judicial branch. Shifting revenues to the	Agree Any change of funding would have to be seriously reviewed to prevent loss of any supplemental funds currently available for these programs.

[1] See recommendation VII Fiscal Impact, under paragraph G, on page 25 of the report

[2] See Code of Civil Procedure 116 940 (advisory services) and 116 910 (fees).

[3] See California Law Revision Commission Tentative Recommendation-December 2002 at pages 10—11, citing Turner & McGee, *Small Claims Reform A Means of Expanding Access to the American Civil Justice System*, 5 U D C L Rev 177, 183 (2000)

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				judicial branch would likely require a dramatic change in the small claims advisory program, as it currently exists. The Legislature directed the California Law Revision Commission and the Judicial Council to study and evaluate the three-track system as a result of trial court unification. The Administrative Office of the Courts commissioned a study to evaluate the effectiveness of small claims and economic litigation procedures in California, conducted by Policy Studies, Inc (PSI) a Colorado consulting firm with extensive experience in evaluating the civil justice systems. PSI found that the quality of the small claims advisory service varied widely in the counties that it studied (San Diego, San Francisco, and Fresno) Similarly, a recent law review article lauds California's small claims advisory service as a model for other jurisdictions, but cautions that "this promising program, which has proved to be extremely helpful to people coming through the small claims process, has suffered from under-funding and understaffing in many locations."[3] The California Law Revision Commission has made tentative recommendations to improve small claims procedures, including the following: (1) The jurisdictional limit for a small claims case should be raised from $5,000 to $7,500 or $10,000. (2) Steps should be taken to strengthen the small claims advisory service. (3) The special jurisdictional limits for a small claims case against a defendant guarantor should be eliminated (4) The filing fee for small claims cases over	No response required No response required The Task Force did not make recommendations on the specifics of this proposal as other Judicial Council working groups were designated to study this issue in depth.

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				$5,000 should be raised and the increase distributed to small claims advisory programs and law libraries. (5) A new code section should be added listing the kinds of advice that small claims advisors should give (6) The Department of Consumer Affairs should study and report on the impact of these reforms. [The Judicial Council Three Track Study Working Group recommends that the Judicial Council conduct the study] Suggestions for improving the small claims advisory service were made by commentators in response to the California Law Revision's tentative recommendations. These included that advisors be attorneys and suggested increased funding for self-help centers that may be impacted with increased workloads resulting from an increased jurisdictional limit among other suggestions. Because our court system is evolving and significant changes are contemplated, this may also be the appropriate time to evaluate, standardize, and improve small claims advisory services. The small claims advisory service is, after all, the granddaddy of assistance programs for self-represented litigants.	The Task Force agrees that it may be an appropriate time to evaluate, standardize and improve small claims advisory services. It has suggested that those services be coordinated with other self-help activities and that funding be increased for these self-help activities. It has deferred specifics of changes to the other Judicial Council committees reviewing these proposals.
44.	Albert Balingit California Department of Consumer Affairs	AM	N	It is cost-efficient to coordinate Small Claims Advisors with self-help centers since small claims litigants are really engaged in self-help. I observed and was impressed with the self-help center in Nevada City where the Self-Help Director was also the Small Claims Advisor. Further efficiency was achieved by locating the Self-Help Center in the law library where the law librarian assisted self-help litigants in conducting research for their cases	No response required.

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				As the Coordinator of the Dispute Resolution Office which oversees the counties and programs participating in the Dispute Resolution Programs Act, I wish to clarify the implication of Recommendation VI_G (page 25) and Table VII H.(page 37). The language of the above portions of the report may lead to an implication that funds collected pursuant to the Dispute Resolution Programs Act may be used by counties to fund Self-Help Centers The DRPA requires that the Three Eight Dollars of the filing fees which are collected pursuant to Business and Professions Code 470.3 must be used exclusively to fund program engaged in dispute resolution. Business and Professions Code section 467.2 lists the following pertinent requirements prior to a program receiving funding from· *A program shall not be eligible for funding under this chapter unless it meets all of the following requirements* *(a) Compliance with this chapter and the applicable rules and regulations of the advisory council* *(b) Provision of neutral persons adequately trained in conflict resolution techniques as required by the rules and regulations promulgated by the advisory council pursuant to Section 471.* *(c) Provision of dispute resolution, on a sliding scale basis, and without cost to indigent.*	Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies

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				(d) Provision that, upon consent of the parties, a written agreement or an award resolving a dispute will be issued setting out a settlement of the issues involved in the dispute and the future responsibilities of each party. *(e) Provision of neutral procedures applicable equally to all participants without any special benefit or consideration given to persons or entities providing funding for the programs* *(f) Provision that participation in the program is voluntary and that the parties are not coerced to enter dispute resolution* *(g) Provision of alternative dispute resolution is the primary purpose of the program.* *(h) Programs operated by counties that receive funding under this chapter shall be operated primarily for the purposes of dispute resolution, consistent with the purposes of this chapter* (Emphasis Added) The above provisions eliminates from funding self-help centers unless of course, they meet the above requirements, and many others in the DRPA Statutes and Regulations I do not have the expertise to comment on whether dispute resolution centers should coordinate with Self-help centers.	
45	Judge Roderic Duncan (Ret.) 1678 Shattuck Ave., #246 Berkeley, CA 94709	A	N	I think the Action Plan is excellent. When implemented, it will provide a dramatic increase in important services to the pro pers who still get lost in the jungle of procedures that confront lay persons with important family law issues	No response required.

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				I differ with the plan in only a few very minor details- for instance, in the plan of some counties to use kiosks such as those used in Arizona for many years I believe that only a very few pro pers are able to navigate the multiple screens of the kiosks I have seen	Technology and methods of presentation have improved significantly since the Arizona model
				It has been my experience working in several counties in the Assigned Judges Program between my retirement in 1995 and January, 2003, that litigants using the self-help programs available have never shown any possible ability to pay a retainer to an attorney	No response required.
				On another matter, I have been part of many efforts over ten years to recruit volunteer attorneys to aid pro pers There is a hard core of generous lawyers who give their services when they are available. But despite all sorts of incentives that have been tried, I am pretty well convinced, the number of lawyers available to assist on a regular basis is not going to increase dramatically. Where there are law schools near courts, they provide a wonderful source of help. Recruitment by judges going personally to the schools is of major assistance.	No response required.
46.	Charles Dyer Director of Libraries and Secretary to the Board Main Library 1105 Front St San Diego, CA 92101	AM		To begin, we praise the Statewide Task Force for its very hard work in covering the good work across the State already being done by the courts. The report is a good contribution, as far as it goes Most of the report is quite good	No response required
				However, from our viewpoint, it is very incomplete, and we are greatly concerned that it will be assumed to be complete by such entities as the Legislature and some of the stakeholders Noting the mission of the Task Force, as quoted on page on of the	Will amend the report to reflect the importance of law libraries. The Task Force attempted to reflect the response of the court system to the needs of self-represented litigants, but did not try to

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				Executive Summary, we believe the report significantly fails mission number 1, "to coordinate the statewide response to the needs of self-represented parties." The report barely touches on the huge contributions of county law libraries from across the State It also fails to account for several programs that presently deal with unbundled legal services and the results and problems of those programs	address the many efforts of various non-profit as well as commercial entities
				As a result of this failing, we respectfully, but strongly, request that there be a scope note placed at the beginning of the report that states that the aim is to develop programs under the control of the Judicial Council only. Other programs, such as county law libraries, which use services to self-represented litigants as part of their rationale for funding and legislation, are not included in the report, except as collaborating agencies (As noted in our more narrow criticism of the report itself, even those mentions of the county law libraries are woefully deficient.) Legislation intended to implement the recommendations of the report should not be thought to be exhaustive of the all the potential and suitable recommendations that could be made in order to provide for self-represented litigants	Have clarified the language to specify that the report attempts to address the way in which the court system serves the needs of self-represented litigants. As the commenter points out, other services would be beyond the purview of the task force.
				By gate count and periodic surveys, we find that the San Diego County Public Law Library serves some 100,000 self-represented litigants (SRLs) per year. Given anecdotal evidence of our reference staff, we assume that, due to repeat visits, the actual number of individual SRLs served is between 30,000 and 50,000 per year. They ask 85 percent of the 80,000 reference questions answered by our librarians each year. In order to serve such large numbers and better prepare them for court, the SDCPLL teaches classes to SRLs on seven topics, including basic civil	No response required.

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				procedure and appellate procedure Currently, through federal grants made by the California State Library, we have expanded our class sessions to an average of eleven in-house and three or four at remote locations (such as branches of the public libraries) per month. You may check our website for the calendar of our in-house programs at www.sdcpll org	
				At our Main Library, the San Diego Volunteer Lawyer Program runs a Law Library Clinic, wherein it provides unbundled legal advice to any SRL, regardless of topic, status, or income qualification, in twenty-minute parcels They see 18 people per week, due to limited grant funds. We typically turn away four times as many for the available slots, which are only on Mondays and Wednesdays. Often the SRLs need only some reassurance that they are indeed pointed in the right direction or a quick redirection. Often they are referred back to the reference librarians or directly to materials in the Library It is also worth noting that, because of the variety of client and variety of type of action, the SDVLP has staffed this program with staff attorneys, rather than volunteers, because to breadth of general legal knowledge of the attorney is more important that depth in a narrow area of practice.	Other than in the background paper on California's courts response to the needs of self-represented litigants, the Task Force chose not to highlight individual programs.
				Similar reference services and unbundled legal advice programs are found at county law libraries across the State Even such places as the Nevada County Law Library has an unbundled advice program in conjunction with the Nevada County Bar.	No response required
				As a result of years of such work, we have developed a good understanding of the needs of SRLs. From our perspective, the sense of the report fails to meet	Agree that it is important to assist litigants in developing reasonable expectations.

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				some of their basic needs. We have found that most people not versed in law have developed their own sense of justice, based on their own cultural experience They come to the courts and the county law libraries with pre-set notions of what justice they will receive from the courts Their frustration with the many barriers to access to the courts is intensified as the justice they presume they should get is denied.	
				At the SDCPLL, we believe it is our objective to educate SRLs so that they are better aware of the actual remedies they may be able to obtain and to educate them on how to go about obtaining them. We do not presume to inform them of the differences between their individual notions of justice in their own cases and the actual obtainable justice as commonly known (or found through legal research) by the legal community. But we do educate them as to the methods of obtaining that information and do, through our classes and individual one-on-one reference, inform them of the nature of law as it actually is By that I mean that we give them a sense of the common law and statutory interpretation and an understanding that such things as fill-in-the-blank forms are only meant to create some structure to ease use in more routine matters We also inform them that they should recognize that no matter, especially their own, should automatically be considered routine. They must do the work themselves and make their own decisions	No response required.
				We have observed that, regardless of the intelligence and education level of SRLs, they all, quite rightly, are nervous about handling their own case, because it is their first case, no matter how routine it may appear to us or to the courts. Such devices as web-access forms and kiosks and packaged forms do not totally	Agree that live persons are often critical for alleviating some of a litigant's concerns about self-representation. That is why the Task Force is recommending that self-help centers be staffed

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				alleviate that concern Self-help books, such as those by Nolo Press, can alleviate much of the concern for those who can adequately catch the subtleties buried in the text But for many, nothing short of a real live person can make them feel sufficiently comfortable. It is in the spirit of that knowledge that we respectfully suggest that the hope placed through the Task Force Report that the need for face-to-face help can be filled by a significant increase in unbundled legal services is wrongheaded Certainly, an increase in the availability of unbundled legal services would help, but the numbers of SRLs are much larger than can ever be served adequately by unbundled legal services on the part of the bar It also misses the point that most SRLs are driven to doing their own litigation in order to avoid expense Even middle class SRLs will not believe they can afford to pay for unbundled legal services for small cases that do not warrant a significant amount of damages or have no damages at all We highly recommend that due consideration be given for the ability of our county law libraries and their very good, but underappreciated, staffs to provide SRLs with sufficient empowerment to handle their own cases Second, we strongly recommend that the examples of free, unbundled legal advice given in clinics at county law libraries can help a significant number of SRLs get over the hump of despair they have from handling such an important matter without the aid of a knowledgeable person. As noted above for the Law Library Clinic at SDCPLL, attorneys should be	The Task Force is strongly encouraging staffed self-help centers, but recognizes that some people have the resources to pay for additional needed assistance and believes that limited scope representation may fill some of this gap. Clinics such as those offered at the law library are one form of unbundled services, but there appears to be another market of attorneys willing to assist litigants in drafting documents, coaching them through proceedings or appearing with them in court for limited aspects of a case. Agree that law libraries are often extremely helpful for litigants who have the ability to use the resources of the law library. The task force encourages self-help centers to share materials they develop with law libraries to assist self-represented litigants. The Task Force has determined not to list specific examples of any programs in the body of the report The paper that describes specific programs is limited to those actually offered by the court

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				specifically trained in this kind of work. Third, we believe that county law libraries in many counties may well be the best place for the proposed self-help centers. Often, county law libraries are open longer hours than the courts, and referrals both to the self-help centers and back to the libraries themselves could be more easily facilitated. Please take these recommendations to heart We in no way intend to criticize the hard work already accomplished by the task force, but we believe strongly that the report must be adjusted to account for the points we note. Initial reactions. • Report is Superior Court-centric • Focus of report is too narrow It totally ignores what other entities have accomplished in the same area • Heavy emphasis on role of attorney assistance - i.e., attorney staffed self-help centers, unbundling, and facilitators This is not to denigrate the need for such services but there is much more that can be done and is already being done by county law libraries • Report totally ignores law libraries other than considering them a repository for materials prepared by the courts to assist SRLs. • Even as listed partners, according to this report, law libraries don't really seem to be doing anything. • Too narrow a focus - "*that well-designed strategies to serve SRLs are incorporated throughout the full scope of COURT OPERATIONS*"[2] • There is a need to think outside of court operations, i.e., law libraries and volunteer clinics inside law libraries The report states that "*with its*	Agree that, in some communities, county law libraries may well be the best place for self-help centers and should be examined carefully by the court and law libraries together. Again, this plan is designed to reflect those areas over which the Judicial Council has purview. Law libraries are not one of those areas. The action plan will be revised to reflect the importance of law libraries as partners for court services The draft report that is attached was only designed to reflect the response of California's **courts** to the issue of self-represented litigants It does not reflect the many programs in the public and private sector that have responded to this critical need. This report is really designed to deal with the courts' response to self-represented litigants. There is a wide variety of responses by law libraries to the needs of self-represented litigants. Will add recognition of work of

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				family law facilitator program family law information centers, self-help Web site, self-help pilot projects created by local courts in collaboration with bar associations and legal services, California has led the nation in beginning to address the reality of litigation involving SRLs "[2] Again too narrow a focus What about what is currently being done now in the law libraries— innovative in approach, and demonstrably successful. **Recommendations: [2,3]** 1. ***"Court based self-help centers should be developed throughout the state.*** These self-help centers could be located in county law libraries They often have longer hours. Reference libraries can direct people to them with greater facility The following recommendations should reflect what law libraries are already doing: 5. PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH · JUDICIAL OFFICERS AND OTHER APPROPRIATE COURT STAFF SHOULD ENGAGE IN COMMUNITY OUTREACH AND EDUCATION PROGRAMS DESIGNED TO FOSTER REALISTIC EXPECTATIONS ABOUT HOW THE COURTS WORK [5] One of the recommendations is that "*the AOC continue to develop informational material and explore models to explain the judicial system to the public*" Another is that "local courts should provide .**law libraries**. . and other appropriate community groups with information on issues and services related to SRLs."	law libraries. Agree. That may well be appropriate in some counties. Will add language reflecting the need to collaborate with law libraries on these issues

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				6 ***Facilities-*** ***Space in court facilities should be made available to promote optimal management of cases involving SRLs*** [5]	
				The need for adjacency of county law libraries to the courts has been demonstrated in architectural report after report The obvious confluence of county law libraries and self-help centers would be a significant savings to taxpayers	Agree This may work in many counties. There are great differences in facilities and needs throughout the state
				7 **Fiscal Impact-** **...exploration and pursuit of stable funding strategies is required.**	
				"Court-based fees be used for court-based self-help services." No problem with the concept, but further use of the filing fee for additional court ventures will lessen the capability of filing fees to support the county law libraries. AB 1095, signed this year, will create another task force for county law libraries, and one of its chores is to develop a more stable funding source.	We look forward to the work of the Task Force on AB 1095 to develop more stable funding sources for the libraries
				8. *Implementation of statewide action plan- Recommends that the implementation task force be composed of experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operation, and court-operated self-help services.* [7]	Partners such as law librarians, legal services organization and bar leaders will be suggested for membership as well.
				The scope of "self-help services" should be expanded to include the experts at county law libraries	
				Report [8]	Agree that this is not included, but this was

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				"Strategies for handling cases without attorneys have typically not been addressed as a core function of the courts." • The report fails to recognize that it has been a core function of law libraries for a long time *"Cost benefits to the courts produced by pro per assistance programs have already been documented in terms of savings in courtroom time, reduction of inaccurate paperwork, inappropriate filings, unproductive court appearances, and resulting continuances; and increases in expeditious case management and settlement services.."*[9] • Classes and legal clinics at county law libraries already produce these same cost benefits *"In crafting its recommendations, the task force has, to the greatest extent possible, attempted to include replication of existing best practices, collaborative efforts, development of standardized criteria for self-help centers, and other cost-effective methods or procedures "[9]* County law library programs should have been included **Recommendations:** **1. *Court based self-help centers should be developed throughout the state.*** [10] ***B Courts utilize court-based, attorney supervised, staffed self-help centers as the optimum way to facilitate the efficient processing of cases involving SRLs and to increase access***	seen as beyond the scope of the report Agree that services to self-represented litigants produce cost benefits The Task Force focused its efforts on court programs. Programs developed by legal aid organizations and bar organizations were also not included, nor were those of the private sector or other community organizations.

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				to justice. *"Surveys of SRLs demonstrate that most litigants find personal contact with staff essential. Personal assistance by self-help center staff has been successfully provided though individual face-to-face assistance, workshops, teleconferencing, or telephone "help lines"* Report continues that the services may be provided *"at the courthouse, at court outpost locations, in mobile vans, **libraries**, jails, or other community locations . format varies based on sophistication of SRL."* • Report recommendations should also provide discussion of what already exists and could be replicable outside of the superior court system ***D. Court-based self-help centers serve as focal points for countywide or regional programs, in collaboration with legal services, local bar associations, and other community stakeholders, for assisting SRLS*** [11] The report itself states that "*valuable support for those seeking assistance can be provided outside the court structure. It is strongly recommended that other existing and effective efforts to support SRLs be continued and encouraged. [12] Through partnership agreements and other collaborative efforts, private non-profit legal programs; local bar associations, **LAW LIBRARIES**; public libraries; law schools and colleges; professional associations for psychologists, accountants, and process servers; and other appropriate community groups and organizations can offer staffing support, make facilities available for workshops, or contribute in other ways."*[12]	As a Judicial Council product, the scope of the recommendations have been focused on the judicial branch.

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				The report continues *"County law libraries have been a reliable and traditional source of support for self-represented litigants"* Why not be more specific and describe what else law libraries can do and are doing and have already done? Talk about damning with faint praise. **2. *Support for self-help services*** [13] ***H. The JC continue to support increased availability of representation for low and moderate income individuals.***[15] Unbundling is discussed well in terms of where it could be used, but badly in terms of reality. Very few lawyers would seek to build a private practice out of unbundled representation, certainly not to the extent being proposed here, if this is truly the method sought to aid the masses. A better format would be non-profit clinics similar to those at county law libraries. . . **4. *Judicial Branch Education* [17]** **A. A formal curriculum and education program be developed to assist judicial officers and other court staff in dealing with the population of self-represented litigants.** *Surveys conducted by local courts in developing action plans to serve SRLs indicate that these litigants rate the availability of staff to answer questions as the most valuable service the court can provide. [18] (Survey of court personnel suggested that SRLs "could be best served not through direct staff service, but through written materials and other*	Again, the report is not describing many services that have been offered by partners. When the Task Force recommends expanding unbundled representation, it is referring to a model where private attorneys will assist litigants with a portion of their cases – drafting, coaching, assisting with settlement, or appearing for a portion of their case While clinics, such as the ones offered by SDVLP are very helpful, these do not provide the full range of services that can be offered by private attorneys. It also does not provide the economic support that would encourage more private attorneys to provide assistance to low and moderate income litigants

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				self-help support.") • The SDCPLL, in cooperation with the San Diego County Superior Court, supplies reference staff to speak at court in-service training and orientations for court clerks They train the clerks how to provide adequate referrals to the SDCPLL. They also work with the courts to provide some understanding of the amount of adequate information that clerks should be allowed to give ***5. Public and Intergovernmental Education and Outreach [19]*** ***A. AOC continue to develop informational materials and explore models to explain the judicial system to the public*** Repeats emphasis on encouraging judicial officers to engage in community outreach and education programs [20] Report gives examples of existing "communication modes" and offers some suggestions such as "*use of videotapes, speaker materials, and talking points on a variety of legal issues could be prepared for use by public access television, self-help centers,* ***LAW LIBRARIES****, and other information outlets...Programs such as Spanish language radio programs should be encouraged to expand outreach to traditionally underserved populations ..for example, information could be provide to alert immigrant populations in their native languages to the most commonly encountered differences between California's laws and those in their countries of origin."* • Again we are only mentioned as an	This is an excellent service The AOC also has a training program developed to assist clerks to determine the difference between legal information and legal advice. Agree that these classes are very valuable.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				information outlet. The fact of our classes for SRLs is not included. Certainly, videos would aid the SDCPLL in teaching courses, but the live instruction would also help in furthering the understanding of SRLs who watch the videos	It is unclear to the Task Force that many law libraries offer such courses, although all provide extremely valuable help to self-represented litigants.
				C. Local courts provide law enforcement, local bar associations, LAW LIBRARIES, local domestic violence clinics, and other appropriate community groups with information on issues and services to self-represented litigants [20]	
				Report states that there is a need for *"cooperative and collaborative efforts to ensure efficient and consistent administration of justice both in practice and in perception must be instilled. Additionally local bar associations,* ***LAW LIBRARIES,*** *and other appropriate community services should be kept informed about services available and issues of concern to SRLs and included in collaborations for trainings among agencies."* [21]	
				• The courts also need to maintain an awareness of what is available already out there for SRLs, i e , law library programs	Agree. Will revise language accordingly.
				6. *Facilities*	
				Basically recommends self help spaces be in courthouse facilities	
				Several county law libraries actually have self-help centers sponsored jointly with their local courts. The confluence is better than an unstaffed facility or one located away form the county law library. The need for keeping county law libraries adjacent to the courts	This is often a good solution, will vary depending upon the facilities in each county.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				has been noted in many architectural studies. A collaboration here makes good sense ***7. Fiscal Impact*** ***A. Continued stable funding be sought to expand success pilot programs statewide.*** *"JC should seek stable funding to support and expand valuable existing programs such as the family law information centers, family law facilitators, self-help pilot projects, planning grants for SRL projects, the Unified Courts for Families Projects, and the Equal Access Partnership Grant Projects Funding should be ought to expand successful pilot projects throughout the state."* [23] • There are many projects that are outside of the courts themselves that could also be sponsored, such as the classes taught by librarians at SDCPLL or the clinic conducted by the SDVLP. ***8. Implementation of Statewide Action Plan*** ***A. The implementation task force be composed of experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operations, and court-operated self-help services.*** [26] • The limiting of the team of experts to "court-operated self-help services" excludes some of the best experts on self-help services available in the State, the county law librarians. **Recommended Strategies:** This is the area in which the law libraries should be mentioned a lot more than they are	This is an important issue to consider with the new task force on law libraries. Some planning grants have funded programs with public libraries and law libraries Agree, will change language to reflect desire for input from additional partners with expertise.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				1 SELF HELP CENTERS- [28-29] **1B** - Courts utilize court-based, attorney supervised, staffed self-help centers as the optimum way to facilitate the efficient processing **1D** - Court-based self-help centers serve as focal points for countryside or regional programs, in collaboration with legal services, local bar associations and other community stakeholders for assisting SRLS. *"Aggressive networking and collaborative efforts can maximize resources in numerous ways such as ...* *" Providing assistance at* ***LAW LIBRARIES*** [29] **IE.** "Suggests that self-help resources should be coordinated to incorporate programs such as the family law facilitator, small claims advisor, court based legal services, and other programs into center where both family and civil law information is provided."[29] • This strategy indicates the task force is suggested a place for one-stop shopping This is not always the best answer Referrals to the place for which an SRL feels most comfortable, self-help center, library, or back and forth, may well be necessary II SUPPORT SELF-HELP CENTERS [30-31] **II.G.** "AOC to p*rovide training to self-help centers on the use of technology and how to guide SRLS to internet resources "* • The best source for training in the use of the	Agree. Have revised language to reflect that services should be coordinated, but might best be offered at different locations This should be included as an excellent

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				Internet is from those who use the Internet constantly as part of their ordinary routine. Law librarians train nearly everyone in the legal community on such use. It seems logical to deploy them for training SRLs SDCPLL already does this, as do many other county law libraries. III ALLOCATION OF EXISTING RESOURCES: [32] We are glad to see law libraries mentioned here in IIIB IV JUDICIAL BRANCH EDUCATION [33] **IV.B** *"AOC provide specialized education to court clerks to promote their ability to provide the public high-quality information and appropriate referrals, as well as to serve as support staff to the self-help centers."* *Subject matter should include* • *Difference between legal advice and legal information* • *Training on community services available to SRLs* • *A basic overview of substantive and procedural issues relevant to SRLS* • *Effective skills in dealing with people in crisis* • *Use of simple and ordinary English language skills when explaining legal procedures.* • Currently many of the San Diego County Superior Court clerks come to the Library and attend library orientation classes as have all the 4th District Court of Appeals clerks. We've actually had clerks (on their own time) attend our Pre-Trial Procedure class on Saturdays, and not only from San Diego	resource for many areas and collaborative training would be extremely helpful. Some of the technological resources contemplated are not necessarily on the internet. This is an excellent resource

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				County. We've had a few from Orange County as well.	
				V. PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH [34] **V.A** Judicial officers should be encouraged to engage in community outreach and education programs	
				V.C. *"Local courts provide law enforcement, local bar associations,* ***LAW LIBRARIES****, local domestic violence councils, and appropriate community groups with information on issues and services related to SRLS"*	
				Provide legal services, local bars and other community organizations information about services for and matters affecting SRLs *Collaborate with these stakeholders in cross-trainings*	
				• Again, county law libraries are considered only a recipient of information, not a primary source for information.	Agree, will revise language to reflect the importance of obtaining information from law libraries and these other community partners.
				V D The Judicial Council continue to coordinate with .	
				One very important group is missing the Council of California County Law Librarians	The text currently mentions organizations representing law libraries as a key group to collaborate with The specific listing will be added
				VI. FACILITIES	
				Self-help centers may often be wisely placed in the county law libraries.	Agree. This may well be appropriate in many counties.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				VII FISCAL IMPACT [36] We continue to note our reservations about overloading the filing fee, especially as it is the primary source for funding the county law libraries VIII IMPLEMENTATION OF STATEWIDE ACTION PLAN [38] **VIII.A** *"The implementation task force be composed of experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operations, and court-operated self-help centers."* • *Development and implementation of programs that·* *Promote expeditious processing of cases involving SRLs.* **VIII.B** *"The implementation task force have representation from existing JC advisory committees.* [38] *1. Presiding judges and court executives* *2. Appellate* *3. Family and juvenile* *4 Civil and small claims* *5. Court Interpreters* *6. Traffic* *7. Probate* *8. Budget* *9. Facilities* *10. Technology* • There is no mention of expert law library participation Perhaps the problem lies in part that there are no advisory committees or coordinating committees devoted to law libraries and their services We understand that the concern here	The Task Force did not recommend a fee increase As county law libraries are not within the purview of the Judicial Council, there is not such an internal coordinating committee The language will be modified to reflect the importance of participation of law librarians

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				might be to keep the implementation limited to those under the Judicial Council, but the need to do what is necessary can outweigh such limitations	
				Appendix 2- Description of California Courts Programs for SRLs	
				• Title says it all. Total focus is on court programs It is unfortunate that the report fails to recognize the substantial programs at county law libraries for SRLs	This was indeed designed as a report on the courts efforts in serving self-represented litigants and does not describe the many important achievements of justice system partners such as law libraries, the bar, legal services, domestic violence programs, community agencies or the private sector to address the critical needs of self-represented litigants
				"One reason for the large number of unrepresented litigants relates to the cost of attorney fees which are not publicized, but in one list of attorneys willing to provide unbundles services In one suburban community appear to range between $175 and $225 per hour." [44] This was in the context of family law but is probably true across the board. As the court said in a discussion of people already facing financial challenges, "*these rates often seem prohibitive.*"	
				• Good reason why unbundling won't be very effective	Unbundling is designed to allow litigants to hire an attorney for a portion of their case and thus, limit their fees.
				COURT SELF-HELP WEBSITE [47] whole site redesigned to make it accessible at 5th grade level also available in Spanish	
				The website has been very good Has the Task Force noted the huge number of questions that have been sent to county law librarians through the "ask a librarian" button on that website?	Yes, the Task Force is aware that this excellent service has been well-utilized.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				FIVE MODEL SELF-HELP CENTERS. [55] Nevada County Public Law Center The paragraph states that the center is in the "court's law library." Actually, that is the county law library, and one of the main instigators of the center was the county law librarian. Technology Model· Contra Costa - *provide assistance via the Internet, computer applications and real-time videoconference workshops to create a Virtual Self-Help center for SRLs...* • There is no mention of the 24/7 "ask a law librarian" service, which has a button on the self-help website. This service is the collaboration of county law librarians from across the State **OBJECTIVES OF EVALUATION** To measure overall effectiveness of the Centers in several areas. [57] Among measurements- • *Increased understanding of, and compliance with, the terms of court orders* •*Increased access to justice* •*Increased likelihood of just outcomes in cases involving SRLs* • *Increased user satisfaction with the court process* •*Increased education for court users so that their expectations are reasonable in light of law and facts* These objectives are all capably met at the SDCPLL	 Agree. That language has been modified. This is not mentioned as it is not a part of the technology model that is being described in this section No response required

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				... UNBUNDLING [67-70] Please note our comments elsewhere about the Law Library Clinic at SDCPLL This section is all prescriptive and fails to note actual programs that are up and running. **APPENDIX 3 - REPORT AND ANALYSIS OF ACTION PLANS THROUGHOUT THE STATE** [72] Report's Introduction- *"It is often enormously frustrating for a small county to hear from a larger one about all the wonderful things it is doing and to feel that it simply does not have the resources to replicate those programs... THE GOAL WAS TO PROVIDE REPLICABLE MODELS AND FOSTER THE PARTICIPATION OF GROUPS OF COUNTIES WITH SIMILAR DEMOGRAPHIC ISSUES SO THEY COULD TALK TO EACH OTHER ABOUT WHAT WOULD WORK IN THEIR COMMUNITIES"* [75] Based on needs assessments, pro se litigants needed the majority of assistance in family law related matters. [80] Most Helpful Kinds of Services *[83]* *SRL Surveys indicated* *1. Staff to answer questions* *2. Written instructional materials* *3 Web/Internet assistance* *4 Referrals to attorneys* *5. Unspecified other types of assistance* • The county law libraries have already	The unbundled services offered by the San Diego law library are somewhat different than those being discussed. No response required

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				responded to these needs. Service Delivery Methods (for proposed action plans)[91] *"None of the medium-sized courts and only one of the large courts proposed using workshops to provide legal information and assistance. "In larger counties, this may reflect the fact that action plans tend to focus on unlawful detainers and other civil litigation matters Workshops are less optimal in time-sensitive matters such as answering UD actions. Also, other civil matters do not have the same types of legal and procedural uniformity found in many family law matters. Workshops are less effective for groups with a wide diversity of issues". [91]* • Based on the success of our procedural classes, we at SDCPLL would disagree with this statement completely. Training of Court Personnel [96-97] *At least one plan from each county included training for court staff.* *44% of the courts* that proposed training included training for volunteers from the community. Two of the medium counties proposed a "train the trainers" strategy designed to teach community service providers how to assist self represented litigants [97] • SDCPLL has a federal grant this year to do just that—train the trainers.	There are many issues to explore in providing services through workshops One difference may be that most self-help centers actually assist litigants in completing forms during the workshops This should be very helpful. The Task Force hopes that the library will share the curriculum and reports on the training.

Positions: A = Agree, AM = Agree only if modified; N = Do not agree

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				C COMMUNITY PARTNERSHIPS [101] *Partnerships between the court and other community service providers were pivotal to the development of these action plans. All the plans included multiple partners from both government and community in their planning process* *Other government agencies that were included were victim-witness programs, the Dept Of Child Support Services, district attorneys, public defenders, the DSS, boards of education, public health agencies, law enforcement agencies, a state hospital, departments of probation, and child care councils.* *Examples of community social services and, chambers of commerce, the Rotary, Elks Clubs, Moose Lodges, vocational schools, neighborhood resource centers, senior citizen centers, parenting programs, drug and alcohol programs, childcare centers, fair housing agencies, YWCA, fathers' support groups, the United way, disability services, newspapers, and the Salvation Army.* *College and university partners included both undergraduate programs and law schools There were also several counties working with paralegal schools.* *A few plans mentioned working with the AOC.* *Unbundling was the focus of most associations with bench-bar groups. [102]* Even partnerships with local newspapers and television and radio stations [103]	This is an important area where courts and law libraries can work together.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				• What about the most logical partnership of all—one with the local county law library? This an extremely wide range of community partners, yet it fails at the obvious COLLABORATION AND RESOURCES· • Although the report says that partnerships formed with other government and community based organizations was critical, the only mention of libraries (not law libraries) is the sentence *"And working with libraries and other community agencies to create outpost assistance in more remote areas was also extremely important."* [104] **APPENDIX A - ACTION PLAN SUMMARY CHART** [105-end of report Plans that mention Law Libraries as partners (Libraries, not law libraries) are mentioned frequently. Lassen - Law Library Board Marin - Law Libraries Monterey/San Benito/Santa Cruz - Law Libraries Riverside - Law Libraries San Diego - Law Library [116] San Francisco Siskiyou County Law Library Stanislaus Law Library Just glance at these plans Where is any utilization of one of the most logical partners—the county law libraries? Even in San Diego, the SDCPLL is only mentioned as a legal resource in the United Way Directory. And	The Task Force is reporting on what the plans described and is not in a position to rewrite those plans. The Task Force is reporting on what the plans described and is not in a position to rewrite those plans The Task Force hopes that the new Task Force on Law Libraries will help develop methods for closer collaboration between the courts and law libraries.

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				that line neglects the better directory maintained by the SDCPLL, which we feed to the San Diego County Bar's Lawyer Referral Service. The "unbundling" portion fails to mention the SDVLP's Law Library Clinic.	
47.	Judge Haley J. Fromholz Chair, ADR Court Committee Julie L. Bronson ADR Administrator Superior Court of Los Angeles County 111 North Hill St , Room 546 Los Angeles, CA 90012	AM	Y	The action plan proposes using Dispute Resolution Program Act (DRPA) Funds to pay for programs to aid self-represented litigants. The LASC – ADR Committee recognizes the importance of helping self-represented litigants, but we do not agree with the proposal to the extent it would use DRPA funds to pay for other than ADR programs. The Los Angeles Superior Court has provided alternative dispute resolution services to litigants, free of charge, since 1978. It has expanded its services since then and, we estimate, will provide ADR services to over 30,000 cases in calendar year 2003, including limited and unlimited jurisdiction, and family law cases Needless to say, our ADR program provides great help in the administration of justice in Los Angeles, to represented as well as unrepresented parties Our ability to provide those services is dependent on an annual grant of DRPA funds from the County of Los Angeles, which, though generous, is less than we need to meet the needs of the litigants we serve We urge that DRPA funds not be diverted to other programs without a thorough consideration of the effect on alternative dispute resolution programs	Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies.
48.	Jan M. Christofferson CEO, Placer County	AM	Y	Placer County agrees in concept with the overall Action Plan, however, the county cannot support or agree to the utilization of fees that are designated under the Dispute Resolution Program Act (DRPA)	Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				as stated in Recommendation VII – Fiscal Impact, Section G – "Court Based fees to be used for court based self-help services" The use of DRPA funds is clearly stated in the Act itself and in the program regulations, which are governed by the State Department of Consumer Affairs. DRPA funds are fully utilized in Placer County to provide critical and predominantly non-justice system based mechanisms to solve a wide variety of community related problems related to noise, pets, parking, property use, landlord/tenant, annoyance complaints, neighborhood hassles, property damage, money, workplace problems, organizational conflicts, family disputes, commercial/consumer, government relations and school/community As one of the nation's fastest growing counties, Placer County's reliance on community based mediation services continues to dramatically increase. The county has a contract in placed with Placer Dispute Resolution Services Inc , a community-based non-profit corporation (CBO) to provide these crucial services to our rapidly growing communities The fact that DRPA fees are collected through a justice related mechanism cannot be translated to mean that the funds can be shifted for use by the courts. Along with the DRPA, the court collections' process funds a wide variety of critical community programs, including Alcohol and Drug Programs, Domestic Violence Prevention, AIDS education, general county and city law enforcement, county District Attorneys, county Public Defenders, and the state Department of Motor Vehicles A more complete listing of state departments and city and county programs funded through court-related collections mechanisms is included in the State	usurp the role or funding for DRPA agencies.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				Controller's Manual of Accounting and Audit Guidelines for Trial Courts. In the aforementioned section, the Action Plan states· "A realignment of revenue should be sought to direct justice-system-related revenue within the judicial branch", and "Increases in filing fees to subsidize self-help centers were not considered appropriate at this time in light of competing critical needs such as court facilities, and the fact that courts fees are already heavily laden with a variety of special assessments. Should a realistic opportunity for the institution of such fees arise, it should be pursued " In fact, a realignment of undesignated justice-system-related revenues is already occurring through the recent passage of AB1759 "Special assessments" include designated funding that is already sent to the state to fund general court operations, court facilities and court security Placer County is at a loss to understand how the DRPA, a designated funding source which has been in place for almost 20 years, could be proposed a "justice-system-related revenue" any more than other non-justice controlled programs funded through the courts as a public entrance door. We urge the task force to reconsider its recommendation regarding funding examples and delete any references to the DRPA.	
49.	Ester Soriano Los Angeles County Dispute Resolution Programs Act Grants Administration Office	AM		The Los Angeles County Dispute Resolution Programs Act (DRPA) Grants Administration Office is pleased to be able to comment on the *Statewide Action Plan for Self-Represented Litigants* We acknowledge the work of the task force and value the importance of such a plan Our office and the sixteen (16) Los Angeles County DRPA contractors interact with thousands of self-represented litigants each year	Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies. Agree that services to self-represented litigants are limited and necessary.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				and understand the limited assistance that is available for many of them. **Section VII.G. Court Based Fees be used for court based self-help services.** **The reference to the Dispute Resolutions Programs Act should be deleted.** First, the report infers that DRPA funds should, under the guise of "state financial responsibilities," be solely administered and utilized by the judicial branch The Act and its regulations state that the administration of DRPA funds is to be conducted by county government This is regardless of the fact that the funds are generated through court filing fees. This legislature passed the DRPA in response to complaints about high court costs and wanted and alternative to the formal court system for the public that was not adversarial and legalistic in nature as is in the traditional court process. Some county board supervisors had placed the administration of these funds with their local county court system but have transferred the administration of the funds to county government to maintain the intent and the spirit of the Act. Second, the report insinuates that DRPA funds could be utilized to meet the needs of self-represented litigants. The DRPA and its regulations, under any interpretation, prohibits the use of DRPA funds for any type of legal advice or information services which fall under the "practice of law " This includes legal document assistance DRPA funds are for the purpose of providing a variety of appropriate dispute resolution services (mediations, telephone conciliations, family conferencing, victim offender	

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				mediations, group facilitations) as alternatives to formal court proceeding. In many counties these services assist in court-connected disputes, allowing cases to come to resolution and allowing the court to better utilize limited court resources DRPA contractors assist and complement the work of the judiciary, but are outside the formal court structure, as is the intent of the Act and its regulations.	
50.	Michelle Katz President California Dispute Resolution Council 1925 Century Park East #2000 Los Angeles, CA 90067	AM	Y	**The California Dispute Resolution Council does not agree with the proposed Task Force Recommendation VII: Fiscal Impact – Strategy VII.G "Court-Based Fees Be used for Court-Based Self-Help Services" (page 25)** **INTRODUCTION** The task force proposed recommendation that a 'realignment of revenue should be sought in direct justice system related revenue within the judicial branch" specifically targeting funds collected pursuant to the Dispute Resolution Programs Act (DRPA), appears to reflect a misunderstanding of the importance to the justice system of maintaining, if not augmenting, the programs which have developed under the Act, as well as of the intent of that legislation Were this recommendation to be carried into implementive action, it could have a devastating impact upon programs which have demonstrated effectiveness in the resolution of disputes which otherwise have the potential of increasing burden's upon the justice system The intent of the legislature can be gleaned from the language of the statute as set forth below. **THE NEGATIVE CONSEQUENCES OF IMPLEMENTATION OF THE RECOMMENDATION**	Agree. Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				The result of the DRPA has been the formation of community programs throughout the State operating with the contribution of thousands of volunteer mediator hours per year The spirit of volunteerism that has been tapped in these programs is a vital and valuable asset that would be substantially wasted were the subject recommendation implemented. The effectiveness of these community based mediation programs funded by the DRPA should be carefully considered by the task force, for their destruction could easily spell gross increases in the demands upon the court staff personnel as well as the judges, as disputants whose matters would otherwise have never reached the courthouse, find that their options for dispute resolution have been reduced to one: i e., the help they might hope to find at the courthouse The inclusion of some level of mediation service along with other settlement processes within the service for self-represented litigants would not adequately supplant the work of the dedicated community mediation services and would diminish the availability of conflict resolution resources, such that the only alternative to persons in conflict would be a court connected program. **THE DRPA FUNDS ARE NOT JUSTICE SYSTEM RELATED REVENUE** The Dispute Resolution Programs Act (DRPA) of 1986 providing for the local establishment and funding of informal dispute resolution programs, has created a statewide system of locally-funded programs which provide dispute resolution services (primarily conciliation and mediation) community residents. These services assist in resolving	

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				problems early and informally as alternatives to more formal court proceedings The act's statutory provisions (codified at California Business and Professions code Sections 465-471 5) and its Regulations (contained at Title 16, California Code of Regulations, Chapter 36) operate to govern the DRPA and the use of monies deposited into the Dispute Resolution Programs Act Trust Fund DRPA funds are specifically intended to provide certain forms of alternative dispute resolution services as provided for in DRPA legislation Although the logistics of collecting DRPA funds are based on an assessment associated with specifically designated types of court filings, this is a *collection mechanism* and not an indication that the funds are "justice system revenue" subject to being subsumed by the judicial branch upon the advent of some perceived need therefore. Rather, the DRPA is clear that such revenue shall be used for alternative forms of dispute resolution which ease the burden on the courts and empower members of each community to resolve their own disputes with the help of volunteer ADR providers. A wide range of community support and resources leverage DRPA funding The following rationale for this position is composed of three elements, programs intent, authorized use of DRPA funds, and authorized types of DRPA services **PROGRAMS INTENT** Please consider the following references as to the intent of DRPA programs. The DRPA states as its legislative purpose in **Article 1, Sections 465 (a) & (b)** of the Statutes·	

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				(a) "The resolution f many disputes can be unnecessarily costly, time-consuming, and complex when achieved through formal court proceedings where the parties are adversaries and are subjected to formalized procedures." (b) "To achieve more effective and efficient dispute resolution in a complex society, greater use of alternatives to the courts, such as mediation, conciliation, and arbitrations should be encouraged. Community dispute resolution programs and increased use of other alternatives to the formal judicial system may offer *less threatening and more flexible* forums for persons of all ethnic, racial and socioeconomic backgrounds ... A non-coercive dispute resolution forum ni the community may also provide a valuable *prevention and early intervention problem-solving resource* to the community " **Section 465.6 (a) through (3)** further states the legislative intent as permitting "counties to accomplish all of the following": (a) Encouragement and support of the development and use of alternative dispute resolution techniques. (b) Encouragement and support of <u>community participation</u> in the development, administration, and oversight of local programs designed to facilitate the informal resolution of disputes among members of the community. (c) Development of structures for dispute resolution that may serve as models for resolution programs in other communities. (d) Education of communities with regard to the availability and benefits of alternative dispute resolution techniques (e) Encouragement of courts, prosecuting	

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				authorities, public defenders, law enforcement agencies, and administrative agencies to work in cooperation with, and to make referrals to dispute resolution programs." **AUTHORIZED USE OF DRPA FUNDS** The DRPA is quite precise as to the use of DRPA funds Please consider the following references regarding the use of DRPA funds. **Sections 467.2 Eligibility for Program Funding states:** A program shall not be eligible for funding under this chapter unless it meets all of the following requirements. (a) Compliance with this chapter and the applicable rules and regulations of the advisory council (b) Provision of neutral persons adequately trained ni conflict resolution techniques as required by the rules and regulations promulgated by the advisory council pursuant to Section 471 (c) Provision of dispute resolution, on a sliding scale basis, and without cost to indigents. (d) Provision that, upon consent of the parties, a written agreement or an award resolving a dispute will be issued setting out a settlement of the issues involved in the dispute and the future responsibilities of each party (e) Provision of neutral procedures applicable equally to all participants without any special benefit or consideration given to persons or entities providing funding for the programs. (f) Provision that participation in the program is voluntary and that the parties are not coerced to enter dispute resolution	

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				(g) Provision of alternative dispute resolution is the primary purpose of the program. (h) Programs operated by counties that receive funding under this chapter shall be operated primarily for the purposes of dispute resolution, consistent with the purposes of this chapter. **ARTICLE 5, Payment Procedures, Section 469** Upon approval of the county, funds available for the purposes of this chapter shall be used of the costs of operation of approved programs . All monies allocated for the purposes of this chapter shall be apportioned and distributed to programs in the county taking into account the relative population and needs of a community as well as the availability of existing dispute resolution facilities offering alternatives to the formal judicial system **ARTICLE 6, Funding Section 470.3, Fees for Support of Programs** c) the fees described in subdivisions (a) and (b) shall only be utilized for support of the dispute resolution programs authorized by this chapter **AUTHORIZED TYPES OF SERVICES** With regard to the type of services authorized by DRPA funding please consider the following **DRPA Regulations – Section 3602 Dispute Resolution Services** a) "Dispute Resolution Services refers to a variety of dispute resolution processes and techniques, both proven and experimental, which are designed to assist parties in resolving disputes without the	

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				necessity of formal judicial proceedings..." **ARTICLE 5. County Use of Fees and Grant Management, Section 3660 Filing Fee Revenues** d) Funds generated under the Act shall be used only to fund services authorized by the Act and these regulations. Such funds shall not be used by a county to fund· 1) Family conciliation court or conciliation and mediation services pursuant to section 607 or 4351 5 of the Civil Code or 2) Judicial arbitration pursuant to section 1141 10 et seq of the Code of Civil Procedure or any other formal or mandatory judicial arbitration program, or 3) Any other programs or services not expressly authorized by the Act or these regulations The DRPA also requires activities which support the direct delivery of dispute resolution services as follows: **DRPA Regulations, Article 1, Section 3602, (b)** "Collateral services refers to screening and intake of disputant, preparing for and conducting dispute resolution proceedings, drafting agreements and/or awards, providing information and/or referral services and conducting follow-up surveys." These provisions speak to the fact that DRPA funds were established for the specific purpose of advancing and promoting community mediation and conciliation programs. We do not support the notion that simply because DRPA funds are collected through the mechanism of assessment via court filing	

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				fee, it is appropriate to "realign" the funds away from the purpose they were legislatively mandated to serve In addition to the arguments rooted in statute and regulation, DRPA funding supports services which divert litigants and potential litigants from the judicial system If DRPA funds were directed away from the provision of community ADR services in order to meet the needs of self-represented litigants, that money would effectively serve to deliver more cases on to the court's already overburdened doorstep. Existing community mediation programs offer an effective means of dispute resolution which does not require court intervention If self-help centers for non-represented litigants were established and funded by methods other than abolishing DRPA monies, self-help centers could refer cases t community mediation with the intent of keeping the dispute completely out of court Conversely, community mediation programs could refer disputants to self-help centers in cases where a mutual resolution could not be achieved. Community mediation programs and self-help centers may hold the potential for a complementary relationship	
51.	Neal Blacker Executive Director Los Angeles County Bar Association Dispute Resolution Services 261 South Figueroa St., Ste. 310 Los Angeles, CA 90012	AM	Y	Section VII G refers to the Dispute Resolution Program Act (DRPA) The language infers that all DRPA monies should be administered by and used solely for the judicial system. This is a serious mistake and erroneous conclusion Community mediation programs funded by the DRPA Act divert thousands of cases each year from the court track by settling cases – mostly pro per participants. Furthermore, research demonstrates that cases mediated prior to trial settle on average much earlier in the court system.	Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
52.	Ken Lake President Placer Dispute Resolution Service Cynthia Spears Program Administrator Placer Dispute Resolution Service	AM		Placer Dispute Resolution Services does not agree with Task Force Recommendation VII: Fiscal Impact – Strategy VII H "Court-Based Fees Be used for Court-Based Self-Help Services (2) Dispute Resolution Program Act (DRPA) funds (page 37). DRPA funds are specifically intended to provide community mediation and conciliation services as intended by DRPA legislation enacted in 1986. Filing fees are a convenient collection method and not an indication that the funds are "justice system revenue" intended for use by the judicial branch Rather, the DRPA speaks clearly to the fact that such revenue shall be designated for community ADR programs Such programs ease the burden on the courts and enable members to the community to resolve their own disputes outside the aura of the court system. The DRPA permits the counties to encourage and "support community participation in the development, administration, and oversight of local programs designed to facilitate the informal resolution of disputes among members of the community" The Act further encourages "courts prosecuting authorities, public defenders , law enforcement angencies and administrative agencies, to work in cooperation with and to make referrals to dispute resolution programs." The Act does not foresee that DRPA funding may be subsumed by the court for the provision of other services In fact, the DPRA states as its purpose (Article 1, Sections 465 (a) & (b) of the Statutes) (a) "The resolution of many disputes can be unnecessarily costly, time-consuming, and complex when achieved through formal court	Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				proceedings where the parties are adversaries and are subjected to formalized procedures. (b) "To achieve more effective and efficient dispute resolution in a comlex societ, greater use of alternatives to the courts, such as mediation, conciliation, and arbitration should be encouraged. Community dispute resolution programs and increased use of other alternatives to the formal judicial system may offer less threatening and more flexible forums for persons of all ethnic, racial, and socioeconomic backgrounds ... A non-coercive dispute resolution forum in the community may also provide a valuable prevention an dearly intervention problem-solving resource to the community" Community mediation programs offer an efficient and effective means of dispute resolution which does not require court intervention. If self-help centers were established and funded by methods other than "realigning" DRPA monies (which would mean the demise of existing community mediation programs), the centers could refer cases to community mediation with the intent of keeping the dispute completely out of the court context. In addition. Community mediation programs could refer parties to self-help centers in cases where a mutual resolution could not be achieved. In summary, we do not agree with the concept of "realignment" of DRPA monies to fund self-help centers for non-represented litigants because· 1) this money has an existing legislatively designated intent 2) the Action Plan's recommended use of this money is not consistent with the purpose, requirements, or provisions of the DRPA 3) the plan redirects disputes currently handled outside the court system by community mediation programs, back to the already	

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				over burdened court system.	
53.	Charles Regal, MSW Director of ADR Services Community Boards 3130 24th St San Francisco 94110	AM	Y	Community Boards strongly opposes these proposed changes to the Dispute Resolutions Programs Act. The clear intention of this Act is to fund ADR programs that intervene and ameliorate disputes before they are even brought to the courts for settlement The funding provided by the DRPA Act is for alternatives to the courts, not for the courts themselves. For the successful implementation of this project the Task Force could advantage of the tremendous resources and knowledge base that already exist among the community based ADR mediation organizations throughout the state, many of which are pioneers in the ADR field. In San Francisco, for example, Community Boards currently has 370 active volunteer mediators and facilitators, many of whom are lawyers, who are highly skilled and who could be very helpful to reaching the goal of this project We also have nearly thirty years of experience with ADR programs that have been replicated internationally. The same is true for many other community based ADR organizations in this state. By taking advantage of these already established and effective proven resources, this Task Force would not have to "re-invent the wheel." It would also enjoy the support and good will of community based mediation organization and their combined constituencies throughout the state I believe that fostering a supportive, collaborative approach in developing this project with the community based ADR organizations statewide will produce the most successful results To do this I would begin by quickly eliminating the perception that	Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				this project is going encroach upon the DRPA funding and threaten to decimate us. The horrible economic condition we are all presently under and our close involvement in the drafting of the DRPA Act, make every organization like ours want to band together to defend our survival	
54	Jennifer Bullock Manager of Mediation Programs Peninsula Conflict Resolution Center 520 S El Camino Real Ste. 640 San Mateo, CA 94402	AM	Y	This statement represents the Peninsula Conflict Resolution Center's (PCRC) concerns about the fiscal recommendations made by the Judicial Council's Task Force on Self-Represented Litigants. PCRC is a non-profit, community mediation and conflict resolution center established in 1986 which provides a wide variety of mediation services to residents and businesses in San Mateo County. We are concerned about Recommendation VII. Fiscal Impact, sub-section G, which suggests that "court-based fees be used for court-based self-help services" One of the possible revenue sources listed in that section is the Dispute Resolution Programs Act (DRPA). As stated by the California Department of Consumer Affairs, the Dispute Resolution Programs Act of 1986 (codified at California Business and Professions Code 465-471.5) "provides for the local establishment and funding of informal dispute resolution programs. The goal of the Act is the creation of a state-wide system of locally-funded programs which will provide dispute resolution services (primarily conciliation and mediation) to county residents " DRPA funds are critical to the ability of community mediation centers such as PCRC to provide free or low cost mediation services to individuals dealing with conflict This year, PCRC received $133, 556 from	Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				DRPA, a sizable portion of our budget for community mediation This money enables PCRC to operate community mediation programs in 13 cities and provide services to the 60, 000 residents of unincorporated areas in San Mateo County. This includes cases that are on their way to the court system or have already been filed in court We receive referrals from all courts in our County as well as the Court ADR Coordinator and the District Attorney Consumer Fraud Unit. PCRC also provides mediation services for homeowner disputes involving Codes, Covenants and Restrictions which might otherwise end up in court We support efforts to strengthen services for self-represented litigants, one of which is the provision of low cost or free dispute resolution services. However, we feel strongly that DRPA funds were intended to support dispute resolution programs, and specifically community-based, volunteer-driven programs Diverting these funds will have a significant adverse effect on the delivery of mediation services in San Mateo County and throughout the state For these reasons, we ask that DRPA funds be preserved for the purpose originally intended by the legislature	
55.	Dorothy J Cox Interim Dispute Resolution Program Coordinator Placer County Executive Office 175 Fulweiler Ave. Auburn, CA 95603	AM	Y	Placer County agrees in concept with the overall Action Plan; however, the county cannot support or agree to the utilization of fees that are designated under the Dispute Resolution Program Act (DRPA) as stated in Recommendation VII - Fiscal Impact; Section G - "Court Based fees to be used for court-based self-help services". The use of DRPA funds is clearly stated in the Act itself and in the program regulations, which are governed by the State Department of Consumer Affairs. DRPA funds are fully utilized in Placer County to	Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				provide critical and predominantly non-justice system based mechanisms to solve a wide variety a community related problems related to. noise, pets, parking, property use, landlord/tenant, annoyance complaints, neighborhood hassles, property damage, money, workplace problems, organizational conflicts, family disputes, commercial/consumer, government relations and school/community. As one of the nation's fastest growing counties, Placer County's reliance on community based mediation services continues to dramatically increase The county has a contract in place with Placer Dispute Resolution Services Inc , a community-based non-profit corporation (CBO) to provide these crucial services to our rapidly growing communities. The fact that DRPA fees are collected through a justice related mechanism cannot be translated to mean that the funds can be shifted for use by the courts. Along with the DRPA, the court collections' process funds a wide variety of critical community programs, including Alcohol and Drug Programs, Domestic Violence Prevention, AIDS education, general county and city law enforcement, county District Attorneys, county Public Defenders, and the state Department of Motor Vehicles. A more complete listing of state departments and city and county programs funded through court-related collection mechanisms is included in the State Controller's Manual of Accounting and Audit Guidelines for Trial Courts. In the aforementioned section, the Action Plan states: "A realignment of revenue should be sought to direct justice-system-related revenue within the judicial branch", and "Increases in filing fees to subsidize self-help centers were not considered appropriate at	

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				this time in light of competing critical needs such as court facilities, and the fact that courts fees are already heavily laden with a variety of special assessments Should a realistic opportunity for the institution of such fees arise, it should be pursued." In fact, a realignment of undesignated justice-system-related revenues is already occurring through the recent passage of AB1759. "Special assessments" include designated funding that is already sent to the state to fund general court operations, court facilities, and court security Placer County is at a loss to understand how the DRPA, a designated funding source which has been in place for almost 20 years, could be proposed as "justice-system-related revenue" any more than other non-justice controlled programs funded through the courts as a public entrance door. We urge the task force to reconsider its recommendation regarding funding examples and delete any references to the DRPA	
56.	Pastor Herrera Jr. Director, Los Angeles County Department of Consumer Affairs	AM	Y	The Los Angeles County Department of Consumer Affairs is pleased to comment on the September 24, 2003 draft "Statewide Action Plan for Self-Represented Litigants " We acknowledge the work of the Task Force and value the importance of assisting self-represented litigants. Our comments concern the sources of proposed funding for self-help programs. We believe that funding for self-help programs should come from the cost savings they generate, not from the destruction and possible elimination of the extremely successful Dispute Resolution Program Act (DRPA) programs or from the existing, successful Small Claims Advisor programs operating throughout the state	No response required. Will modify recommendation to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies or small claims advisors.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				Comment #1 – Funding for Self-Help Programs Should Come from the Savings They Generate A major justification for the creation and expansion of self-help initiatives is the cost savings they will provide the courts. Page 2 of the draft report states: "Cost savings to the courts produced by pro per assistance programs have already been documented in terms of savings in courthouse time; reduction in inaccurate paperwork, inappropriate filings, unproductive court appearances, and resulting continuances and in expeditious case management and settlement services." Funding for self-help should come from savings to the court. If savings to the court are not sufficient to fund self-help, it would call into question the benefit and effectiveness of self-help programs. Comment #2 DRPA Funds Should Not be Diverted to Self-Help Programs. Recommendation VII, Section G, which appears on page 25 of the draft report, states that DRPA funds should be used to fund self-help. We respectfully disagree. DRPA and Self-Help exist for different purposes. DRPA exists to keep people out of court by resolving disputes through community based dispute resolution programs. Self-help exists to get people into court and efficiently through the process. While self-help is new and the savings and benefits it may generate are as yet largely undocumented, DRPA has operated since 1986 with great success Every case resolved through DRPA is a case that will never see court The cost savings to the court during	The challenge for the courts is their funding is being cut back so dramatically that many of these savings have had to be used for long-established court programs Additionally, part of the function of court-based self-help centers is to encourage increased access and the use of court programs by litigants who would not traditionally use the court system. While increasing usage of the court for peaceful resolution of disputes and to vindicate important rights is of huge benefit to society, there may be additional demands upon court time Just as the small claims advisors and DRPA programs save significant time for the court, they also require resources to provide this needed service. First, the language of the recommendation is being modified to make it clear that the goal of the Task Force is to encourage collaboration among these important service providers and not to usurp the role or funding for DRPA agencies or small claims advisors. However, the Task Force is concerned that a number of statements made about the nature of self-help services does not fit the reality of services that are being provided in many counties.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				DRPA's more than 15 years of operation are enormous and well-documented One of the reasons for DRPA's success is that disputes are resolved through community dispute resolution programs. Individual counties, not the state, are in the best position to administer these programs, as they, not the state, best know the needs of their communities. The legislature foresaw the value of community based mediation and their vision and intent is clearly reflected in the Legislative Findings and Declaration spelled out in Section 465 of the California Business and Professions Code. Given the vast success and demonstrated cost savings of DRPA, we strongly oppose any recommendation to divert these funds to self-help Comment #3· Small Claims Advisor Funds Should Not be Diverted to Self-Help Programs Recommendation VII Section G, which appears on page 25 of the draft report, also recommends that Small Claims Advisor fees be diverted to fund self-help Again, we must respectfully, but strongly, disagree. Self-Help programs exist to assist litigants in cases where lawyers could appear in court on their behalf if they had the money or inclination to hire one Small claims advisors assist litigants for a court in which no attorneys are involved. Self-Help assists litigants with complicated cases where attorneys would normally appear in court on a litigant's behalf. Due to the complexity of these	Many self-help services provide mediation assistance to help them resolve their disputes. In fact, it is the first optional service specifically authorized by the Family Law Facilitator statute (Family Code 10005 (a)(1)) In a number of smaller counties, the DRPA program and court-based self-help programs work closely together to provide seamless services to litigants. The Task Force supports the importance of mediation services to assist self-represented litigants and encourages its provision in self-help centers in ways that are appropriate for a local jurisdiction Again, this language will be modified to make it clear that the goal of the Task Force is to encourage collaboration with small claims advisors and DRPA programs. The Task Force wants to note that a number of self-help centers currently provide assistance with small claims matters by having the small claims advisor located in the self-help center. This provides litigants with a central location to resolve a variety of legal issues While the task force realizes the cost-savings of not having attorneys provide

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				cases, most Self-Help Centers need attorneys to provide counseling – a necessary, but expensive component By contrast, small claims advisors in Los Angeles and other counties are not attorneys and can provide assistance in a more cost effective manner	guidance in these matters, it is concerned that many small claims matters are actually quite complex and that attorney supervision of paralegals might enhance the quality of service to the public.
57.	Mia A. Baker Legislation Chair State Bar Standing Committee on the Delivery of Legal Services	A	y	The Standing Committee appreciates the Task Force's work in drafting this plan which will greatly facilitate access to the courts in California, assist self-represented litigants, and provide an opportunity for legal services and pro bono programs to better coordinate local services with the courts The Standing Committee finds the Statewide Action Plan for Serving Self-Represented Litigants to be a comprehensive, practical and excellent blueprint that, if implemented, will result in a landmark improvement in providing access to the California justice system for all self-represented litigants, particularly those who are indigent or of modest means We especially support Recommendation I and all of its Strategies, Recommendation II, Strategies D and H, Recommendation III B, Recommendation VI and all of its Strategies; and Recommendation VII, Strategies A, C, and E. The Standing Committee's brief comments and recommendations are as follows **Recommendations of the State Bar Standing Committee on Delivery of Legal Services** Suggested changes and/or additions are underlined **Strategies:** I.B , 6: Self-help centers should work with	No response required. No response required. Agree, will modify language accordingly.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				certified lawyer referral services, and State Bar qualified legal services and pro bono programs, and	
				I.C., 2. The self-help centers should be encouraged to work with qualified legal services organizations....	Agree, will modify language accordingly.
				II D. Add new subsection 3· Identify and translate key documents into other languages.	Agree, will modify language accordingly.
				III B. Add new subsection 4. Develop guidelines for identifying self-help litigants who, for various reasons, should seek legal representation and an organized system for referring such litigants to appropriate organizations, such as certified lawyer referral services programs, qualified legal services organizations and pro bono programs	Agree, will modify language accordingly.
				III.B., 5: The Committee recommends consideration of the addition of a new subsection 5., recommending that local courts report to the AOC annually on their respective planning process and their prior-year accomplishments	The Task Force is concerned about imposing a reporting requirement on local courts without providing funding to support that requirement
				V.C LOCAL COURTS PROVIDE LAW ENFORCEMEMT, LOCAL BAR ASSOCIATIONS, LAW LIBRARIES, LAW SCHOOLS, LOCAL DOMESTIC VIOLENCE COUNCILS,.	Agree, will modify language accordingly.
				V D THE JUDICIAL COUNCIL CONTINUE TO COORDINATE WITH THE STATE BAR OF CALIFORNIA, THE LEGAL AID ASSOCIATION OF CALIFORNIA, THE CALIFORNIA COMMISSION ON	Agree, will modify language accordingly.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				ACCESS TO JUSTICE, LAW SCHOOLS, AND OTHER	
				VII E : Minimum staffing levels to provide core services, with appropriate referral mechanisms in place	Agree, will modify language accordingly.
				VII.F ,4: Must not restrict access to courts in any other way, and must always be waivable.	Agree, will modify language accordingly.
58.	Presiding Judge Paul Anthony Vortmann Superior Court of Tulare County President, Conference of California County Law Library Trustees and Librarians	AM	Y	The Plan clearly outlines the hard work of the Task Force in reviewing services for the self-represented litigants and we commend its efforts to craft recommendations for improving the public's access to justice. However, we find a critical deficiency in the Plan by its omission of the State's *first* self-help centers, the county public law libraries. We respectfully point this out to you for your serious consideration as you move this Plan forward	Agree Will emphasize the importance of the law libraries.
	Anne R Bernardo President, Conference of California County Law Librarians			For over a century California's county public law libraries have provided legal materials and legal reference assistance to all. The law library is often the first stop for citizens who have a need for legal information. To deliver its services, law libraries may provide legal resources with books, electronic databases, general and email legal reference service, legal research, Internet and computer workstations and instruction. Some libraries provide facility space for the court's self-help center The 2002 CCCLL survey shows an average of forty-five percent of law library patrons are laypeople using the library's materials and reference services to study their legal issues, obtain information, and prepare their court forms In some counties, that percentage is much higher. Often, the self-represented litigants become return users of the law library as they pursue their issue further, e g , to appeal, collecting on a judgment	Agree. No response required

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				Several county law libraries have been conducting individual and group classes for self-represented litigants on a regular basis. These programs are expected to expand statewide in 2004. A federal grant was awarded to the San Diego County Public Law Library to provide its self-represented litigants' class training and materials to other California law librarians via a "Train the Trainer" program. Since 2001, county law librarians have also participated as the legal specialists in the California State Library's 24/7 online real-time public reference project The "Ask a Law Librarian" links are found on the Judicial Council's Self-Help website, individual library websites, and through public reference librarians throughout California. Demand has been tremendous and more county law libraries were added to respond to that demand County law library service is no longer limited to a library's four walls. As you are aware, county law libraries are funded primarily by a portion of the court's filing fee in civil actions only Over the last ten years, law libraries have had to live with dramatic revenue declines due to the increasing number of fee waivers and use of alternative dispute resolution At the same time, inflation and the cost of legal materials have escalated annually. Law libraries maintain a precarious budget balancing act by limiting its resources and essential services. The Conference would likely oppose any recommendation from the Task Force to increase filing fees for self-represented litigant services apart from the law libraries. When filing fees go up, fee waivers go up, and law library revenue suffers It is sad to report that in the past few years several of our	This is not a recommendation that the Task Force has made. At such time that a fee increase be considered, the Task Force would anticipate that the needs of all partners be considered including those of law libraries, small claims advisors and

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				county law libraries have already had to severely reduce their staffing and hours, stop updating their books, become a computer workstation only, or transferred their responsibilities to the public library. Furthermore, as courthouse space needs have changed, several libraries have been displaced from the courthouse making it more difficult for the self-represented litigants to obtain ready access to legal information. The statewide Plan as drafted is far-reaching. Many of its recommendations and strategies affect the county law libraries. Should the work of the county law libraries and the programs they have already developed for self-represented litigants be included in more detail in the Plan, the Conference would be able to discuss a support position We cordially invite the Task Force to explore coordination, collaboration, integration and/or partnership of efforts with Ms Pfremmer and the county law libraries to strengthen the Plan. The county public law libraries have long served as a frontline in the public's access to justice We strongly urge the Task Force to consider our concerns and to recognize the impact and level of assistance that California's county law libraries provide to the self-represented litigants. Thank you for your support of our law libraries and the opportunity for input.	mediations services. The plan will be revised to more fully reflect the important role of law libraries.
59.	Shirlie-Mae P. Mamaril Asian Pacific American Dispute Resolution Center 1145 Wilshire Blvd., Suite 100 Los Angeles, CA 90017			I am writing to offer feedback on *Statewide Action Plan for Self-Represented Litigants.* The Asian Pacific American Dispute Resolution Center (APADRC) is a non-profit community based agency that offers a range of dispute resolution services to residents of Los Angeles County We are aware that the action plan addresses dire state-wide needs of	

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				self-represented litigants and is an important step in guarding the needs and concerns of self-litigants. We applaud the Task Force on Self-Represented Litigants for its excellent and comprehensive approach and vision regarding the issue of self-represented litigants. The APADRC is one of the LA County DRPA contractors who receive funds from the DRPA fund base We wanted to share some feedback and comments on one section of the report: **Section VII.G. Court Based Fees used for court based self-help services** ***Reference to Dispute Resolution Programs*** It is important that community based programs continue to be funded through DRPA funding pool First, in Los Angeles County, we face a population of disputants of whom a large portion need basic access to language based services in the field of ADR. Community based non-profits can provide such services that are culturally and linguistically competent for this segment of the population who are often underserved or unfamiliar with dispute resolution services. APADRC and other agencies perform the necessary community outreach to work with these marginalized communities Another important function of agencies such as ours is that we work effectively, when necessary, with the courts to provide outreach for their services as well Public education is a key to disputants' effective use of the wide array of dispute resolution services provided by community and court programs APADRC holds bi-weekly mediation clinics in various locations of LA County, and we	

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				make appropriate referrals to the court or other community based programs that clients often need. This vital community engagement will be lost without the presence of agencies who work directly within a specific community's setting. Finally, supporting community and court programs allows for important innovation and research in the field Many cases are appropriate for mediation within the court setting, while others are more appropriate for the community based setting. Having a wide range of options that are indeed, *appropriate* dispute resolution services is vital to the wide range of disputes that Los Angeles County residents face on a regular basis One example of a dispute we recently resolved was a feud between two families and their sons who had a physical altercation on a community basketball court The families expressed a deep appreciation for the mediation option, and specifically for the competency of the mediators in understanding the community based conflicts they faced. The agency who referred the case told us that mediation in this case stopped what might have been an inevitable drive by shooting if no mediation had taken place. Community programs are vital to the mission of the DRP Act to make services accessible to as many individuals as possible. Again, we commend the Task Force on its recognition of the important needs of self-represented litigants and we appreciate the time and effort that was spent on this report. Please contact us if we can offer any more information or share our perspective.	

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Center for Families, Children & the Courts
Diane Nunn, Division Director
Audrey Evje, Attorney, 415-865-7706, audrey.evje@jud.ca.gov
Melissa Ardaiz, Attorney, 415-865-7567, melissa.ardaiz@jud.ca.gov

DATE: February 13, 2004

SUBJECT: Juvenile Law: Responsibilities of Children's Counsel in Delinquency Proceedings (adopt Cal. Rules of Court, rule 1479) (Action Required)

Issue Statement

California law requires the juvenile court to consider in all its deliberations both the best interest of children under its jurisdiction and the protection of public safety. To ensure that the juvenile court has the information necessary to fulfill these legal duties and to protect the child's constitutional liberty interest, California law confers on the child the right to representation by counsel at every stage of juvenile delinquency proceedings. Counsel must continue to represent the child unless relieved by the court. In practice, however, representation outside of the adjudication stage varies widely within and among jurisdictions. The proposed rule is necessary to clarify the extent of the child's counsel's responsibilities and ensure a consistent minimum level of representation across the state.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt rule 1479 of the California Rules of Court, effective July 1, 2004, to clarify the extent of a child's counsel's responsibilities in delinquency proceedings.

The text of the proposed rule is attached at page 9.

Rationale for Recommendation

A proposed rule was originally drafted and circulated for comment in spring 2003 as part of the regular RUPRO process. The circulated proposal[1] specified the role and responsibilities of counsel for children in delinquency proceedings. It further specified that child's counsel's duties included, among other things, representation at

[1] See Attachment A

postdispositional proceedings, investigation and representation of the child's interests beyond the scope of the juvenile proceedings, and monitoring the probation department's compliance with the case plan. The Judicial Council, at its October 21, 2003, meeting, expressed concern about its authority to require attorneys to represent children through postdispositional proceedings and to make the rule applicable to privately retained counsel, as well as the cost of complying with the rule, the rule's enforceability and potential to expose counsel to liability, and the extent of counsel's duty to represent other interests of the child beyond the scope of the delinquency proceedings. These concerns are discussed in further detail below. The council directed staff to work with the State Bar of California and defense attorneys to resolve these issues.

After obtaining comments from the State Bar, council members, and attorneys, and considering the concerns expressed by the council, the proposed rule has been modified to focus on clarifying the extent of the child's counsel's responsibilities and is now limited solely to legal representation in delinquency proceedings. The rule now clarifies that a child's counsel must (1) defend the child against the allegations in any petition filed and (2) advocate, within the framework of the delinquency proceedings, that the child receive care, treatment, and guidance consistent with his or her best interest. The rule further makes clear that a child is entitled to have his or her interests represented by counsel at every stage of the proceedings, including postdispositional hearings, as long as that child is under the jurisdiction of the court.

Background of juvenile delinquency proceedings

Juvenile delinquency proceedings are unique. The juvenile court must provide children under its jurisdiction as a result of delinquent conduct with "care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances." (Welf. & Inst. Code, § 202(b).)[2] At each hearing, the juvenile court must balance the safety and protection of the public with family preservation and rehabilitation of the child. (Welf. & Inst. Code, § 202(a), (b), (d).) The juvenile court must also protect the child's liberty interest throughout the delinquency proceedings. Only through the receipt of accurate information can the juvenile court protect the interests of the child and public and provide the child with the guidance necessary to "enable him or her to be a law-abiding and productive member of his or her family and the community." (Welf. & Inst. Code, § 202(b).) Practices and procedures, including representation by counsel, that promote accurate fact finding are therefore essential at any stage of delinquency proceedings that implicate the child's welfare, the child's liberty, or public safety. Almost all hearings in the delinquency process implicate one or more of these interests.

The adjudication stage of the proceedings most obviously threatens the child's liberty interest. At the detention hearing the court must determine if a child should continue to be detained pending the jurisdiction hearing on the petition. Then, at the jurisdiction hearing, the court makes the factual findings necessary to decide whether to declare the child a

[2] Statutes and rules referenced in this report can be found in Attachment B

ward of the court subject to confinement. At the disposition hearing the court must determine the proper disposition. The disposition may include detention at a camp or ranch facility, or at the California Youth Authority. These hearings clearly implicate all three relevant interests—welfare, liberty, and public safety.

Other hearings, especially those after disposition, impact the same rights and interests. Some hearings occur with great regularity. Soon after the disposition hearing, the court may hold a hearing to transfer the case to another jurisdiction (Welf. & Inst. Code, § 750) or to determine appropriate restitution to the victim (Welf. & Inst. Code, § 730.6). The child is also required, at least once a year, to report his or her compliance with any restitution or community service probation conditions until those conditions are satisfied. (Welf. & Inst. Code, § 730.8.) Failure to comply may result in an order for more restrictive placement, affecting the child's liberty interest. When a child on probation is removed from his or her parents' custody and placed in a nonsecure facility, the court must hold placement review hearings every six months. (Welf. & Inst. Code, § 727 et seq.) At these review hearings, the court may order a more or less restrictive placement for the child, which may harm or benefit the child's liberty interest and welfare. (*Ibid.*)

Other hearings occur with less frequency, but nonetheless impact the child's liberty interest when they do occur. The court may order the probation department or another appropriate agency to provide services, such as special education or psychological counseling, that aid in the child's rehabilitation. (Educ. Code, §§ 56300, 56301; Welf. & Inst. Code, § 729.6.) The faster rehabilitation facilitated by these services may lead the court to order less restrictive placement or even to terminate jurisdiction early, which in turn benefits the child's liberty interest. (Welf. & Inst. Code, §§ 775, 778.) The ordered services also directly promote the child's welfare. The court may hold a hearing on a request to dismiss the petition at any time. (Welf. & Inst. Code, § 782.) These hearings can affect the child's welfare and liberty interests. The child's interests may also require a hearing to modify or set aside an order, such as an order of commitment to the California Youth Authority. (Welf. & Inst. Code, §§ 775, 778, 779.)

Judicial Council authority

Adoption of rule 1479 is within the Judicial Council's purview. Article 6, section 6 of the California Constitution empowers the council to "adopt rules for court administration, practice and procedure, not inconsistent with statute." Section 265 of the Welfare and Institutions Code requires the council to adopt rules governing practice and procedure in the juvenile court. Further, rule 1400(b) (authority and purpose of rules)[3] clarifies that "[t]hese rules are designed to implement the purposes of the juvenile court law by promoting uniformity in practice and procedure and by providing guidance to judges, referees, attorneys, probation officers, and others participating in juvenile court." (Cal. Rules of Court, rule 1400(b).)

[3] Rule 1400 of the California Rules of Court can be found in Attachment B.

Historically, when not specifically mandated by statute, rules of court have been adopted to govern court administration and procedure. An extensive search for cases interpreting the Judicial Council's authority to adopt rules of court for practice was unsuccessful. Although no cases were found that involved rules of practice, leaving the term open to interpretation, the committee submits that the proposed rule defines legal practice in the juvenile court by clarifying the responsibilities of counsel representing children.

Further, the proposed rule is consistent with all relevant statutes, which state or imply counsel's duty to represent a child throughout delinquency proceedings (Welf. & Inst. Code, §§ 633, 634.6.), as well as with the California Standards of Judicial Administration.[4] It is also consistent with the general purposes of the juvenile court law. (Welf. & Inst. Code, § 202; see *In re Christopher T.* (1998) 60 Cal.App.4th 1282, 1292; *In re Jermaine B.* (1994) 21 Cal.App.4th 1280, 1284–1285). The language of the statutes, however, leaves room for variation in the practice of representing children in delinquency proceedings. This rule promotes uniformity in practice, consistent with rule 1400(b).

Continuity of representation

Although children in delinquency proceedings are entitled to legal representation at every stage of those proceedings, there is not unified agreement that counsel's duty of representation includes postdispositional hearings. Accepted practice varies widely within and among jurisdictions on the extent of representation outside the adjudication stage. In some instances counsel remains an active advocate for the child's rehabilitation until wardship is terminated. Most typically, the child is only represented at status review hearings or probation violation hearings. And in some rare cases the child is not represented at any postdispositional hearings.

The proposed rule is necessary to clarify that California law provides children under the jurisdiction of the juvenile delinquency court with the right to have their interests represented by counsel at every stage of the proceedings, including postdispositional hearings, as long as they are under the court's jurisdiction. It further ensures that the juvenile court receives the information it needs to both provide public safety and protect the due process interests of the child.

The United States Constitution requires that a child receive the assistance of counsel at the adjudication stage of juvenile delinquency proceedings to protect his or her liberty interest. In analyzing procedures required by the federal Constitution's due process clause to protect a child from an unfounded loss of liberty and the stigma of a delinquency finding, the U.S. Supreme Court has held that juvenile delinquency proceedings must comport with fundamental fairness. (*Breed v. Jones* (1975) 421 U.S. 519, 531; see *In re*

[4] Section 24(e) of the California Standards of Judicial Administration encourages juvenile court judges to provide active leadership in determining the needs of, and developing resources and services for, children and youth in dependency and delinquency proceedings In addition, section 24(c)(3) encourages the presiding judge of the juvenile court to establish minimum standards of practice for all court-appointed and public office attorneys in juvenile proceedings Welfare and Institutions Code section 202(d) emphasizes that the court should actively protect the interests of youth in delinquency proceedings and advises the presiding judge of the juvenile court to follow the recommendations contained in section 24(e) of the California Standards of Judicial Administration.

Kevin S. (2003) 113 Cal.App.4th 97, 117.) In *In re Gault,* the high court concluded that fair treatment requires the child to have access to retained or appointed counsel at the adjudication stage of the proceedings. (*In re Gault* (1967) 387 U.S. 1, 34–42.) Though that case presented only the issue of the child's rights at the adjudication hearing, the court's reasoning in *Gault* and other cases applies more broadly. The *Gault* court saw that a child needs the assistance of counsel "at every step in the proceedings" to deal with legal problems, inquire into the facts, guard against procedural irregularities, and prepare and submit a defense if the child has one. (*Id.* at p. 36.) Subsequent cases have emphasized the importance of accurate fact finding. *In re Winship* applied the reasonable doubt standard to the adjudication stage of delinquency proceedings based on the reduced risk of findings based on factual error. (*In re Winship* (1970) 397 U.S. 358, 363–364; see *In re Eddie M.* (2003) 31 Cal.4th 480, 503.) A plurality of the court, reading *Gault* and *Winship* to emphasize fact-finding procedures, held that the due process clause does not guarantee a child the right to a jury trial because that procedure is not a necessary element of accurate fact finding. (*McKeiver v. Pennsylvania* (1971) 403 U.S. 528, 543.)

Thus, at any stage of the proceedings in which accurate fact-finding is important, the federal Constitution requires fair procedures. The best way to promote accurate fact-finding is to ensure that the court receives information from more than one perspective. At hearings after disposition, when the court's findings on the child's placement and progress can and do impact the child's liberty, the district attorney or probation officer will present one perspective. To ensure that the court has all the information necessary to make accurate findings, and to ensure protection of the child's liberty interest, the child needs independent representation to present his or her perspective. The child's counsel, as the only participant in the process who owes the child a fiduciary duty, is best suited to provide the court with the information it needs to make accurate decisions regarding the care, treatment, and guidance of children under its jurisdiction. The proposed rule addresses these concerns by clarifying that counsel must defend the child against the allegations in any petition filed and that the child is entitled to representation as long as he or she is under the court's jurisdiction.

California law recognizes the importance of representation for a child in delinquency proceedings. In particular, section 633 of the Welfare and Institutions Code requires counsel to represent the child "at every stage of the proceedings." As recognized by the courts, delinquency proceedings begin before the adjudication stage and continue for some time afterward. (*Gault, supra,* 387 U.S. at pp. 13, 31, fn. 48; *Kevin S., supra,* 113 Cal.App.4th at pp. 117–119.) In *Kevin S.,* the California Court of Appeal made clear, vindicating a child's right to counsel on appeal, that the child's "need for the assistance of counsel ... does not cease when the adjudication stage concludes. The need for accurate fact finding does not conclude with the adjudication proceedings." (*Id.* at p. 118.)

Although section 633 does not define "every stage of the proceedings," Government Code section 27706(g) supports the conclusion that postdispositional hearings are a stage at which the child is entitled to representation. Section 27706(g) states that, "[u]pon the order of the court or upon the request of the person involved, the public defender may

represent any person who is not financially able to employ counsel in a proceeding of any nature relating to the nature or conditions of detention, of other restrictions prior to adjudication, of treatment, or of punishment resulting from criminal or juvenile proceedings." Because some of the subjects described, such as treatment and punishment, are usually addressed in review and other postdispositional hearings, this section supports requiring representation after disposition. Furthermore, federal law requires specific postdispositional hearings for children who are placed in settings eligible for federal foster care funds.

Welfare and Institutions Code section 634.6 also supports the committee's interpretation of the extent of counsel's duty of representation. This section requires counsel to represent a child until "relieved by the court upon the substitution of other counsel or for cause." Reading this section to impose upon counsel a duty of indefinite duration would be unreasonable. The committee reads section 634.6 in conjunction with section 633 to require continued representation only while the child remains under the juvenile court's jurisdiction. As long as the juvenile court has jurisdiction over the child, the child has legal interests at stake. Continued representation by counsel is therefore necessary to protect any of the child's welfare, safety, or liberty interests that may be at risk. Although desirable, it is not necessary for the same counsel to represent the child at every stage of the proceedings as long as some counsel does. If private counsel enters into a retainer agreement that terminates his or her services upon disposition, the juvenile court has the authority under section 634.6 to substitute other counsel to represent the child's interests in later proceedings.

Finally, this proposed rule fosters good legal practice. As the American Bar Association's Juvenile Justice Center states, "Juvenile defenders have an important role in protecting their clients' interests at every stage of the proceedings, from arrest and detention to pretrial proceedings, from adjudication to disposition to post-dispositional matters." (American Bar Association, Juvenile Justice Center et al., *A Call for Justice: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings* (Dec. 1995; repr. June 2002) p. 6.) The proposed rule is consistent with the ABA Standards for Representation of Children.

Alternative Actions Considered

Several versions of this rule proposal were considered. The version that was circulated for comment and the version considered at the October 21, 2003, council meeting specified the role and responsibilities of counsel in much greater detail. Those versions also identified a broader scope of representation than the current proposal, requiring counsel to investigate and represent the child's interests outside of the juvenile proceedings as well as to monitor the probation department's compliance with the case plan. This new version of the proposal frames counsel's duties in a more general manner to address issues of liability and enforcement. The committee concluded that the current version best addresses the concerns identified by the public and council members while maintaining adequate legal representation for children in delinquency proceedings.

Comments From Interested Parties

A proposal concerning representation in juvenile delinquency proceedings was circulated for comment in the spring 2003 cycle. It was sent to the regular RUPRO mailing list and posted on the AOC's Web site. In addition, the proposal was sent to presiding judges of the juvenile courts, district attorneys, defense attorneys, and county executive officers.

Fourteen comments were received. Seven commentators agreed with the proposal; three commentators agreed with the proposal if modified; one commentator disagreed; and three commentators did not indicate their position.

Many of the commentators suggested substantive changes to the circulated rule and addressed the following areas of concern: expansion of the role of defense counsel, lack of resources/increased costs, potential liability arising from failure to execute the rule's enumerated duties, violation of the attorney-client privilege, the omission of a competency standard, and the absence of an advisory comment. Because the committee reshaped the focus of the proposal after the comment period, most of the comments submitted are no longer relevant; many reflect concerns also expressed by the Judicial Council. Therefore, the comments and the committee responses are not individually addressed in this report. Instead, these comments and the committee's response are summarized in the chart attached at pages 10–23.

As described in the Rationale section above, the Judicial Council expressed several concerns about the version of the rule discussed at the October 21, 2003, meeting, including concerns about the scope of the council's authority, the cost of compliance, and the rule's enforceability and potential to expose counsel to liability. By taking a more modest approach to the scope of counsel's responsibilities for representation, the current proposal addresses the majority of the council's concerns.

Judicial Council authority

The current proposal clarifies existing law. Therefore, adoption of rule 1479 is within the Judicial Council's purview. Article 6, section 6 of the California Constitution empowers the council to "adopt rules for court administration, practice and procedure, not inconsistent with statute." Section 265 of the Welfare and Institutions Code requires the council to adopt rules governing practice and procedure in the juvenile court. The proposed rule defines legal practice in the juvenile court by clarifying the responsibilities of counsel representing children.

Applicability to privately retained counsel

The Judicial Council expressed concern over its authority to make the proposed rule applicable to privately retained counsel and its desire to avoid any appearance that the rule might interfere with the negotiated scope of a privately retained counsel's agreement for representation. As explained above, the council has constitutional and statutory authority to adopt rules governing practice in the courts. A child is legally entitled to representation by counsel at "every stage of the [delinquency] proceedings." (Welf. &

Inst. Code, § 633.) Counsel must continue representation "unless relieved by the court upon the substitution of other counsel or for cause." (Welf. & Inst. Code, § 634.6.) The statutes do not exclude privately retained counsel from these requirements. It is also good legal practice and consistent with the purposes of juvenile proceedings to continue representation as long as the child has legal interests at stake. If private counsel enters into a retainer agreement that terminates his or her services upon disposition, the juvenile court has the authority under section 634.6 to substitute other counsel to represent the child's interests in later proceedings.

Cost of complying with rule 1479
Current practice for representation at postdispositional hearings varies greatly within and between jurisdictions. Therefore, it is difficult to quantify the cost of complying with this rule. The committee is cognizant that additional resources may not be available at this time. Although counties may incur some additional costs for attorney services, any cost associated with compliance with this rule is mandated by the state Constitution and existing statutes that set forth the scope of representation in delinquency proceedings.

Enforcement
The Judicial Council further expressed concern that courts would have trouble enforcing the duties imposed by rule 1479. As explained above, the proposed rule clarifies general standards of practice for counsel representing children in delinquency proceedings mandated by the federal Constitution, state Constitution, and state statutes. Courts must exercise their authority to ensure these mandates are met.

Exposure to liability
As drafted, rule 1479 clarifies existing law; it does not specify roles and responsibilities of counsel. Therefore, it does not expose counsel to liability beyond that imposed by the federal Constitution, state Constitution, and state statutes.

Representation beyond scope of delinquency proceeding
The current version of rule 1479 eliminates reference to representation that could be construed as beyond the scope of the delinquency proceeding. Further, subdivision (d) specifically limits counsel's responsibilities to legal duties related to the delinquency proceedings.

Implementation Requirements and Costs
This rule clarifies existing law and does not create any new requirements or costs. Some counties may incur costs by implementing existing law as clarified.

Attachments

Rule 1479 of the California Rules of Court is adopted, effective July 1, 2004, to read:

Rule 1479. Responsibilities of children's counsel in delinquency proceedings (Welf. & Inst. Code, §§ 202, 265, 633, 634, 634.6, 679, 700)

(a) **[Purpose]** This rule is designed to ensure public safety and the protection of the child's best interest at every stage of the delinquency proceedings by clarifying the role of the child's counsel in delinquency proceedings. This rule is not intended to affect any substantive duty imposed upon counsel by existing civil standards or professional discipline standards.

(b) **[Responsibilities of counsel]** A child's counsel is charged in general with defending the child against the allegations in all petitions filed in delinquency proceedings and with advocating, within the framework of the delinquency proceedings, that the child receive care, treatment, and guidance consistent with his or her best interest.

(c) **[Right to representation]** A child is entitled to have his or her interests represented by counsel at every stage of the proceedings, including postdispositional hearings. Counsel must continue to represent the child unless relieved by the court upon the substitution of other counsel or for cause.

(d) **[Limits to responsibilities]** A child's counsel is not required:

(1) To assume the responsibilities of a probation officer, social worker, parent, or guardian;

(2) To provide nonlegal services to the child; or

(3) To represent the child in any proceedings outside of the delinquency proceedings.

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(adopt Cal. Rules of Court, rule 1479)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Mr. Jorge Alvarado Assistant Public Defender Orange County Public Defender's Office	N	Y	1. **Rule 1479(c):** This subdivision, as written, appears to place the burden on defense counsel to investigate and police the probation department's compliance with the juvenile case plan. 2 **Rule 1479(c):** This subdivision also appears to place the burden on defense counsel to investigate the court-ordered placement setting to ease the probation department's and court's responsibility to assure the appropriateness of a particular placement program 3. This rule appears to shift what is ultimately the court's responsibility onto defense counsel, thereby increasing defense counsel's potential liability. 4. Should language 'to the extent resources are available' similar to that in 1479(d) be added to rule 1479(c)? The suggested language might make the proposed rule less objectionable.	1. Former subdivision (c) has been deleted. 2. Former subdivision (c) has been deleted. 3. The former subdivisions requiring defense counsel to investigate probation department compliance and other interests of the child have been deleted, eliminating any possibility that they could serve as a basis for liability. 4. Former subdivision (c) has been deleted.
2.	Hon. Brian J. Back Juvenile Court Presiding Judge Superior Court of Ventura County	A	Y	No specific comment.	No response required.

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3.	Mr. Ronald L. Bauer Superior Court of Orange County	A	Y	The Rules and Forms Committee of the Orange County Superior Court reviewed this item at their meeting on June 19, 2003. We agree with the proposed changes.	No response required.
4.	Ms. Diana Dorame Chair of the Executive Committee of the Family Law Section State Bar of California	Position Not Indicated	Y	The Executive Committee of the Family Law Section of the State Bar of California feels this proposed rule is premature given the ongoing review and development of Minor's Counsel Duties and Responsibilities that the Family and Juvenile Advisory Committee is currently involved in.	The committee's Minor's Counsel Working Group has specifically deferred discussion of this topic pending Judicial Council action in response to the proposed rule.
5.	Ms. Janice Y. Fukai Alternate Public Defender Los Angeles County Alternate Public Defender's Office	Position Not Indicated	N	1. In theory, the proposal reflects an enlightened attitude toward the desired quality of representation in juvenile delinquency matters 2. However, as the Los Angeles County Public Defender pointed out, portions of the proposed rule may not be appropriate or feasible to implement and therefore, the rule requires modification. 3. I agree with the Los Angeles Public Defender's position that some of the mandates of rule 1479 would require attorneys to violate the attorney-client privilege.	1. No response required. 2. See responses to numbers 3 and 4 below. 3. Former subdivision (d), which required counsel to investigate and report to the court the other interests of the child, has been deleted. In addition, language has been added to subdivision (a) to make it clear that the rule should be construed in a manner consistent with existing civil standards and professional discipline standards.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				4. I also share the Los Angeles Public Defender's concern over the feasibility of implementing the responsibilities set forth in subdivision (b) of the proposed rule.	4. The specific responsibilities of counsel delineated in former subdivision (b) have been eliminated Subdivision (b) has been revised to charge counsel in general with defending the child against allegations in all petitions filed in delinquency proceedings and with advocating, within the framework of the delinquency proceedings, that the child receive care, treatment, and guidance consistent with his or her best interest. Such broad language allows counsel to exercise professional judgment in determining how to fulfill his or her duties as counsel for the child.
				5. Due to a lack of resources, the Public Defender's Office in Los Angeles has had to seek additional grant funding for social workers and resource attorneys who are necessary to provide proper representation for many of its clients.	5. No response required.
				6. Since the Alternate Public Defender has not yet expanded to represent juveniles in delinquency proceedings on a countywide basis, I am unable to provide more detailed input concerning the impact the proposed rule might have on juvenile	6. No response required.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				delinquency attorneys.	
6.	Mr. Robert Gerard President Orange County Bar Association	A	Y	"The proposed rule establishes standards similar to those currently imposed on attorneys appointed to represent minors in dependency proceedings. Like the dependency rules, it clarifies the role of delinquency attorneys, and in particular, the ethical obligations of attorneys in the context of the delinquency system. Delinquency attorneys statewide should benefit from the guidance and direction the rule provides."	No response required.
7.	Mr. Michael P. Judge Public Defender of Los Angeles County Mr. Laurence Sarnoff (Contact Person) Assistant Public Defender Public Defender's Office of Los Angeles County	AM	Y	1. The proposed rule appears to be modeled after the goals set for children's counsel in dependency proceedings under Welfare and Institutions Code section 317(e). The role of counsel for the child in dependency proceedings is to provide independent counsel, when necessary, for the protection of the child's interests, even if the position advocated contradicts the child's wishes. The responsibility of defense counsel in delinquency proceedings, on the other hand, may terminate upon successfully defending the charge and securing a "not sustained" adjudication or dismissal. Under the proposed rule, the attorney might have further responsibilities unrelated to the defense of the delinquency charge. 2. **Rule 1479(b):** I recommend amending this subdivision by adding "as appropriate" so that the pertinent part would read: "To that end	1. The proposed rule does not contemplate that counsel will remain on the case after a "not sustained" adjudication or dismissal. The rule has been revised to clarify that a child is entitled to representation at every stage of the delinquency proceedings, including postdispositional hearings, while under the jurisdiction of the juvenile court. The committee believes that it is necessary for counsel to participate in all proceedings, including hearings that occur postdisposition, to adequately represent the interests of the child. 2. The specific responsibilities of counsel delineated in former subdivision (b) have been deleted.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				counsel must, as appropriate...." That would serve to permit professional sound judgment to be exercised rather than a rote response.	Subdivision (b) has been revised to charge counsel in general with defending the child against allegations in all petitions filed in delinquency proceedings and with advocating, within the framework of the delinquency proceedings, that the child receive care, treatment, and guidance consistent with his or her best interest. Such broad language allows counsel to exercise professional judgment in determining how to fulfill his or her duties as counsel for the child.
				3. **Rule 1479(b)(2):** This subdivision requires defense counsel to "[e]xamine and cross-examine witnesses in both the adjudicatory and dispositional hearings." This statement is overly broad and would seemingly require examination and cross-examination of witnesses without regard to tactical advisability.	3. Former subdivision (b)(2) has been deleted.
				4. **Rule 1479(b)(2):** This subdivision seems to require securing the courtroom presence of the probation officer who has submitted a social study for consideration at the dispositional hearing This would immensely increase the costs of delinquency cases to the Probation Department and would unduly lengthen the court	4. Former subdivision (b)(2) has been deleted.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				time required for processing cases.	
				5. **Rule 1479(b)(4):** The language that requires counsel to "[make] recommendations to the court on the child's behalf," is an ambiguous directive that presupposes an expertise that is not traditionally expected of defense counsel. Defense counsel should be authorized to make recommendations and not be mandated to make recommendations.	5. Former subdivision (b)(4) has been deleted.
				6. **Rule 1479(b)(5):** This subdivision requires that counsel "[p]articipate in all proceedings, including postdispositional proceedings, to the degree necessary to adequately represent the child's ongoing interests." This is an open-ended statement and this requirement will be unduly burdensome to defense attorneys, particularly private practitioners who cannot be realistically expected to participate in all of the post-dispositional proceedings and be in court on a daily basis.	6 New subdivision (c), which incorporates the language of former paragraph (b)(5), has been revised to clarify the parameters of counsel's duty of representation. Subdivision (c) states that a child is entitled to representation at every stage of the proceedings, including postdispositional hearings, so long as that child is under the jurisdiction of the juvenile court It is necessary for counsel to participate in all proceedings, including hearings that occur postdisposition, to adequately represent the interests of the child
				7. **Rule 1479(c):** This subdivision expands a delinquency attorney's role to include	7. Former subdivision (c) has been eliminated. However, counsel remains

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				investigating and monitoring the probation department's supervision of children that have been suitably placed by that department pursuant to a court-ordered disposition. Traditionally, delinquency attorneys investigate post-disposition placement issues only after the child, child's family, court, or the probation department provides information that may require judicial intervention or review. The cost of this unfunded requirement will be enormous. The rule should establish that defense counsel has the authority to investigate and present such information without mandating such postdispositional monitoring.	responsible for representing the youth after disposition, until the jurisdiction of the juvenile court is terminated. The child is entitled to representation at every stage of the proceedings, including postdispositional hearings.
				8. **Rule 1479(c):** This subdivision has the potential to make the delinquency attorney liable for any failure to discover and report deficiencies in the probation department's supervision of children suitably placed.	8. Former subdivision (c) has been deleted, eliminating any possibility that it could serve as a basis for liability.
				9. **Rule 1479(d):** By requiring that counsel in a delinquency proceeding investigate and report to the court "the other interests of the child," this section violates the attorney-client privilege because it seems to mandate the disclosure of confidential communications between the child and the attorney.	9. Former subdivision (d) has been deleted. In addition, language has been added to subdivision (a) to make it clear that the rule should be construed in a manner consistent with existing civil standards and professional discipline standards.
				10 **Rule 1479(d):** Subdivision (d) of the rule creates	10 Former subdivision (d) has been

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				a mandatory amorphous duty to investigate "other interests" outside the judicial proceedings while failing to indicate the source of the resources or parameters for determining whether resources are available. Under this subdivision, the failure to seek resources (or exhaust resources), investigate other undefined interests beyond the scope of the juvenile proceedings, and to report to the court such findings may result in liability for the attorney based on an ill-defined duty that extends beyond the delinquency proceedings and the attorney's expertise.	deleted, eliminating any possibility that it could serve as a basis for liability.
8.	Mr. Ken Kresse Executive Director California Center for Law and the Deaf San Leandro, California	Position Not Indicated	Y	"This item proposes amending Recommended Standards of Judicial Administration, Section 24. At least the on-line version contains a typographical error in the text of subdivision (h)(1), specifically in the second to last sentence where the word order is out of place."	The proposal suggests adopting a new rule that clarifies the responsibilities of counsel for youth in delinquency proceedings. Section 24 of the Standards of Judicial Administration was only attached for reference and revisions to section 24 were not proposed.
9.	Mr. Stephen Love Executive Officer Superior Court of California, County of San Diego	AM	Y	1. **Rule 1479(b)(2):** Add "fitness hearings" or change "adjudicatory and dispositional hearings" to "all hearings." 2. **Rule 1479(b)(5):** How long does "ongoing" last? As long as the child is in the system? This language is too broad/vague. It needs clarification	1. Former subdivision (b)(2) has been deleted. 2 Agree in principle. New subdivision (c), which incorporates the language of former paragraph (b)(5), has been revised to clarify the parameters of counsel's duty of representation. Subdivision (c) contains language

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					indicating that counsel must represent the youth's interests as long as the youth is under the jurisdiction of the juvenile court.
				3 **Rule 1479(c):** In the portion that reads, "counsel must also ascertain and bring to the attention of the court the probation department's compliance with the case plan," insert "the extent of" between "court" and "the probation."	3. Former subdivision (c) has been deleted.
				4. **Rule 1479(e):** Insert a comma after the word "guardian."	4. Former subdivision (e) has been deleted. In new subdivision (d), which incorporates much of the language in former subdivision (e), a comma is not necessary.
				5 Proposed rule 1479 does not address the standard of competency that should be required of attorneys in juvenile delinquency proceedings. Recommendation: Adopt the competency standard in rule 1438(c), keeping the substantive language the same and changing "dependency" to "delinquency" and so forth so that the text addresses delinquency proceedings instead of dependency proceedings	5. The committee wishes to observe the rule in operation before recommending whether a statewide competency standard is necessary.
10	Hon. Patrick J Mahoney Judge Superior Court of California, County of San Francisco	A	N	No specific comment.	No response required.

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Responsibilities of Attorneys for Juveniles in Delinquency Proceedings
(adopt Cal. Rules of Court, rule 1479)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
11.	Ms. Tricia McCoy Supervising Clerk—Juvenile Division Superior Court of California, County of Kern	A	N	No objection to proposals.	No response required.
12.	Mr Joseph L. Spaeth Public Defender Office of the Marin County Public Defender	AM	N	1. My overall general comment is that it is presumptuous to describe in a brief, one-page rule all the responsibilities of attorneys for juveniles in delinquency proceedings that will enhance accountability, public safety, and community well-being. The American Bar Association, the National Association of Criminal Defense Lawyers, and the State Bar of California have each defined the responsibilities of attorneys in defending clients and it might be appropriate to reference or footnote these resources in proposed rule 1479. Of particular relevance is the following language from an American Bar Association publication titled, "A Call for Justice". "The role of counsel is central to these considerations. Young people charged with delinquency offenses need effective representation to ensure that they are not held unnecessarily in secure detention, improperly transferred to adult criminal court, or inappropriately committed to institutional confinement. They need the active assistance of counsel to properly challenge prosecution evidence	1. The rule has been revised to focus on ensuring a consistent level of minimum representation across the state by clarifying the standard of practice for counsel representing children in delinquency proceedings Rather than provide a list of specific responsibilities applicable to counsel, subdivision (b) has been revised to charge counsel in general with defending the child against allegations in all petitions filed in delinquency proceedings and with advocating, within the framework of the delinquency proceedings, that the child receive care, treatment, and guidance consistent with his or her best interest.

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				and to present evidence in their behalf. If the charges against them are sustained, they need effective representation to assure that the dispositional order is fair and appropriate to their individual needs. If they are incarcerated, they need access to attorneys to help respond to a myriad of post-dispositional legal issues." "The job of the juvenile defense attorney is enormous. In addition to all of the responsibilities involved in presenting the criminal case, juvenile defenders must also gather information regarding client's individual histories, families, schooling, and community ties, in order to assist courts in diverting appropriate cases, preventing unnecessary pre–trial detention, avoiding unnecessary transfers to adult court, and ordering individualized dispositions. Juvenile defenders have an important role in protecting their clients' interests at every stage of the proceedings, from arrest and detention to pretrial proceedings, from adjudication to disposition to post-dispositional matters " 2 **Rule 1479(a):** In order to present and reinforce the principles of restorative justice in the purpose statement, I suggest that subdivision (a) read as follows: "The purpose of this rule is to enhance accountability, public safety, and community well-	2 Subdivision (a) has been revised to focus on ensuring public safety and the protection of the child's best interest at every stage of the delinquency proceedings through clarification of the role of child's counsel in delinquency proceedings.

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				being while providing opportunities for youthful offenders to repair harm, learn competence, and build community by ensuring that attorneys representing children in delinquency proceedings, consistent with ethical responsibilities and legal privileges, provide the court with relevant information it needs to make informed decisions." 3. **Rule 1479(b):** Based on the State Bar's Guidelines on Indigent Defense Services Delivery Systems, Part III, 5, I suggest the following changes to the language in subdivision (b): (1) Make or cause to have made careful factual and legal investigation deemed necessary, including the interviewing of witnesses; (2) Take prompt action to protect the child's constitutional and legal rights; (3) Inform the child of case developments; (4) Know and explore dispositional alternatives; (5) Examine and cross-examine witnesses in both adjudicatory and dispositional hearings and present witnesses on the child's behalf; (6) Prepare and present recommendations on behalf of the child's interests at all hearings; (7) Participate in postdispositional proceedings to the degree necessary to adequately represent the child's ongoing interests; (8) Advise child concerning his or her rights of	3. The specific responsibilities of counsel delineated in subdivision (b) have been eliminated. Subdivision (b) has been revised to charge counsel in general with defending the child against allegations in all petitions filed in delinquency proceedings and with advocating, within the framework of the delinquency proceedings, that the child receive care, treatment, and guidance consistent with his or her best interest.

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				appeal, (9) Maintain client confidences and secrets. 4. **Rule 1479(d):** I am uncomfortable with the first phrase in subdivision (d) of the rule, "To the extent resources are available." If it is deemed essential to preserve the interests of the child beyond the scope of the juvenile proceeding, which the rule suggests, then resources should be made available otherwise this paragraph should be deleted. The language in subdivision (d) makes it likely that no lawyer will go beyond the basic mandate since in practice resources will generally not be available. Therefore, I suggest that either this phrase be deleted or the whole paragraph be deleted instead. I also want to point out that subparagraph a of "Guideline 1.3 General Duties of Defense Counsel" of the National Association of Criminal Defense Lawyers Performance Guidelines states the following justification for deleting the phase "to the extent resources are available" in the rule: "Before agreeing to act as counsel or accepting appointment by a court, counsel has an obligation to make sure that they have available sufficient time, resources, knowledge, and experience to offer quality representation to a defendant in a particular matter."	4. Former subdivision (d) has been deleted.
13	Mr. Leonard K. Tauman Public Defender	A	N	No specific comment.	No response required

SPR03-36
Responsibilities of Attorneys for Juveniles in Delinquency Proceedings
(adopt Cal. Rules of Court, rule 1479)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Placer County Public Defender's Office				
14.	Ms. Abigail Trillin Managing Attorney Legal Services for Children	A	N	The Pacific Juvenile Defender Center and Legal Services for Children strongly support proposed rule SPR03-36 It is our belief that children involved in the delinquency system need representation that reaches far beyond the traditional model of criminal representation and includes excellent representation in the post-dispositional phase of their cases, in which the most critical decisions about their placements and futures are made The law imposes the same requirement of a permanent plan for delinquent minors as for dependents; however, a delinquency case rarely focuses on this requirement. By giving delinquency attorneys responsibility to address the issue of reasonable efforts, the proposed rule will ensure that issues of permanency are addressed. It is also very important that delinquency attorneys, like dependency attorneys, be required to make the court aware of other legal needs that their clients may have. We have seen that children in the delinquency system have very similar experiences and needs as those in the dependency system and their cases are often complicated with other legal issues, such as education and immigration It is critical that these needs be brought to the attention of the court.	No response required.

Title	Responsibilities of Attorneys for Juveniles in Delinquency Proceedings (adopt Cal. Rules of Court rule 1479)
Summary	To ensure public safety and rehabilitation, the proposed rule would set forth the role and responsibilities of attorneys representing youth in delinquency proceedings.
Source	Family and Juvenile Law Advisory Committee Hon. Mary Ann Grilli and Hon. Michael Nash, Co-Chairs
Staff	Audrey Evje, 415-865-7706, audrey.evje@jud.ca.gov Sewali Patel, 415-865-7595, sewali.patel@jud.ca.gov
Discussion	The proposed rule would further the statutory mandates for the juvenile court in California and enhance the juvenile court's goals of public protection, rehabilitation, and redressability, by articulating with greater specificity the responsibilities of attorneys for juveniles. In juvenile delinquency proceedings, the court must ensure public safety and encourage rehabilitation of youth offenders. In conjunction with the goal of rehabilitation, the juvenile court has the duty to serve as *parens patriae* for the youth under its jurisdiction and to protect their interests. The purpose of this rule is to enhance accountability, public safety, and community well-being while rehabilitating offenders by ensuring that attorneys representing children in delinquency proceedings provide the court with relevant information it needs to make informed decisions. The proposed rule delineates the responsibilities of attorneys in juvenile delinquency proceedings. The responsibilities include making necessary investigations, examining witnesses, making recommendations to the court, and participating in all proceedings, including post-disposition proceedings, to adequately represent the youth's interests. These delineated responsibilities are consistent with *In re Gault.* (1967) 387 U.S. 1. In *Gault,* the U.S. Supreme Court asserted that in juvenile delinquency proceedings, "the juvenile needs the assistance of counsel to cope with problems of law, to make skilled inquiry into the facts, to insist upon regularity of the proceedings, and to ascertain whether he has a defense and to prepare and submit it." (*In re Gault, supra,* 387 U.S. at p. 36.) In addition, the proposed rule requires attorneys in juvenile delinquency proceedings to inform the court of the probation

department compliance with the case plan where applicable. The rule also addresses counsel's duties relating to other interests of the youth and defines counsel's scope of representation.

Welfare and Institutions Code section 202(d) provides authority for establishing the proposed rule because it requires the juvenile courts and other public agencies that administer juvenile law to consider the goals of public safety, redressability, rehabilitation, and the best interests of the youth; these goals are applicable to both delinquency and dependency proceedings. Furthermore, section 202(d) emphasizes that the court should actively protect the interests of youth in delinquency proceedings and advises the presiding judge of the juvenile court to follow the recommendations contained in section 24(e) of the California Standards of Judicial Administration. Section 202 also states, "when the minor is no longer a ward of the juvenile court, the guidance he or she received should enable him or her to be a law-abiding and productive member of his or her family and the community."

Section 24(e) of the Standards of Judicial Administration encourages juvenile court judges to provide active leadership in determining the needs of and developing resources and services for children and youth in dependency and delinquency proceedings. In addition, section 24(c)(3) encourages the presiding judge of the juvenile court to establish minimum standards of practice for all court-appointed and public office attorneys in juvenile proceedings. Under Welfare and Institutions Code section 202 and section 24 of the Standards of Judicial Administration, juvenile court judges are encouraged to protect the youth's interests in delinquency proceedings and ensure that the attorneys representing youth participate in all proceedings, including post-dispositional hearings, to the degree necessary to adequately represent the youth's on going interests.

The proposed rule in part is intended to encourage the development of systems of representation that reflect the diverse goals of the juvenile court enumerated in section 202(d), as noted above. It is thus analogous to, and modeled after, the Legislature's reflection of those same goals for children's counsel in dependency proceedings embodied in Welfare and Institutions Code section 317(e).

The proposed rule delineates responsibilities of attorneys in juvenile delinquency proceedings that may require attorneys to provide additional services, including active representation post-disposition,

and therefore could increase costs for counties and private defenders. In recognition of fiscal conditions at the county and state levels, the phrase, "to the extent resources are available" was added to subdivision (d) of the proposed rule.

The rehabilitative nature of the juvenile court requires a scope of representation by counsel that is broader than that of an adult criminal defense attorney. Unlike the criminal court, the role of the juvenile court goes further than adjudicating the guilt or innocence of a youthful offender. In many cases, the post adjudication-dispositional phase of a proceeding, which focuses on rehabilitation and treatment, is more important than the proceeding itself. The proposed rule is necessary to clarify the responsibilities of a juvenile delinquency attorney in line with the goals articulated by Welfare and Institutions Code section 202 and section 24 of the Standards of Judicial Administration.

The text of the proposed rule is attached at page 4. The text of Welfare and Institutions Code section 202 is attached at pages 5-7. The text of section 24 of the California Standards of Judicial Administration is attached at pages 8-17.

Attachments

Rule 1479 of the California Rules of Court would be adopted, effective January 1, 2004, to read:

Rule 1479. Responsibilities of attorneys for juveniles in delinquency proceedings (§§ 634, 679, 700, 727)

(a) **[Purpose]** The purpose of this rule is to enhance accountability, public safety, and community well-being while rehabilitating offenders by ensuring that attorneys representing children in delinquency proceedings provide the court with relevant information it needs to make informed decisions.

(b) **[Responsibilities]** Counsel for the child is charged in general with defending the child against the allegations in the petition. To that end, counsel must:

(1) Make or cause to have made any investigation that he or she deems to be necessary to ascertain the facts, including the interviewing of witnesses;

(2) Examine and cross-examine witnesses in both the adjudicatory and dispositional hearings;

(3) Introduce and examine his or her own witnesses;

(4) Make recommendations to the court on the child's behalf;

(5) Participate in all proceedings, including post-dispositional proceedings, to the degree necessary to adequately represent the child's ongoing interests.

(c) **[Reasonable efforts]** When the court has ordered the care, custody, and control of the child to be under the supervision of the probation officer pursuant to Welfare and Institutions Code section 727(a), counsel must also ascertain and bring to the attention of the court the probation department's compliance with the case plan, reasonable efforts to make it possible for the child to safely return home, and steps necessary to finalize a permanent plan.

(d) **[Duties relating to other interests of child]** To the extent resources are available, counsel must investigate the interests of the child beyond the scope of the juvenile proceeding and report to the court other interests of the child that may need to be protected by the institution of other administrative or judicial proceedings.

(e) **[Scope of representation]** The attorney representing the child in a delinquency proceeding is not required to assume the responsibilities of a probation officer, a social worker, or a parent or guardian and is not expected to provide nonlegal services to the child.

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California Welfare and Institutions Code

§ 202. Purpose; protective services; reunification with family; guidance for delinquents; accountability for objectives and results; punishment defined

(a) The purpose of this chapter is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. When removal of a minor is determined by the juvenile court to be necessary, reunification of the minor with his or her family shall be a primary objective. When the minor is removed from his or her own family, it is the purpose of this chapter to secure for the minor custody, care, and discipline as nearly as possible equivalent to that which should have been given by his or her parents. This chapter shall be liberally construed to carry out these purposes.

(b) Minors under the jurisdiction of the juvenile court who are in need of protective services shall receive care, treatment and guidance consistent with their best interest and the best interest of the public. Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This guidance may include punishment that is consistent with the rehabilitative objectives of this chapter. If a minor has been removed from the custody of his or her parents, family preservation and family reunification are appropriate goals for the juvenile court to consider when determining the disposition of a minor under the jurisdiction of the juvenile court as a consequence of delinquent conduct when those goals are consistent with his or her best interests and the best interests of the public. When the minor is no longer a ward of the juvenile court, the guidance he or she received should enable him or her to be a law-abiding and productive member of his or her family and the community.

(c) It is also the purpose of this chapter to reaffirm that the duty of a parent to support and maintain a minor child continues, subject to the financial ability of the parent to pay, during any period in which the minor may be declared a ward of the court and removed from the custody of the parent.

(d) Juvenile courts and other public agencies charged with enforcing, interpreting, and administering the juvenile court law shall consider the safety and protection of the public, the importance of redressing injuries to victims, and the best interests of the minor in all deliberations pursuant to this chapter. Participants in the juvenile justice system shall hold themselves accountable for its results. They shall act in conformity with a comprehensive set of objectives established to improve system performance in a vigorous and ongoing manner. In working to improve system performance, the presiding judge of the juvenile court and other juvenile court judges designated by the presiding judge of the juvenile court shall take into consideration the recommendations contained in subdivision (e) of Standard 24 of the Standards of Judicial Administration, contained in Division I of the Appendix to the California Rules of Court.

(e) As used in this chapter, "punishment" means the imposition of sanctions. It shall not include a court order to place a child in foster care as defined by Section 727.3. Permissible sanctions may include the following:

(1) Payment of a fine by the minor.

(2) Rendering of compulsory service without compensation performed for the benefit of the community by the minor.

(3) Limitations on the minor's liberty imposed as a condition of probation or parole.

(4) Commitment of the minor to a local detention or treatment facility, such as a juvenile hall, camp, or ranch.

(5) Commitment of the minor to the Department of the Youth Authority.

"Punishment," for the purposes of this chapter, does not include retribution.

(f) In addition to the actions authorized by subdivision (e), the juvenile court may, as appropriate, direct the offender to complete a victim impact class, participate in victim offender conferencing subject to the victim's consent, pay restitution to the victim or victims, and make a contribution to the victim restitution fund after all victim restitution orders and fines have been satisfied, in order to hold the offender accountable or restore the victim or community.

§ 265. Rules governing practice and procedure

The Judicial Council shall establish rules governing practice and procedure in the juvenile court not inconsistent with law.

§ 633. Informing minor as to reasons for custody; nature of proceedings; right to counsel

Upon his appearance before the court at the detention hearing, such minor and his parent or guardian, if present, shall first be informed of the reasons why the minor was taken into custody, the nature of the juvenile court proceedings, and the right of such minor and his parent or guardian to be represented at every stage of the proceedings by counsel.

§ 634. Appointment of counsel

When it appears to the court that the minor or his parent or guardian desires counsel but is unable to afford and cannot for that reason employ counsel, the court may appoint counsel. In a case in which the minor is alleged to be a person described in Section 601 or 602, the court shall appoint counsel for the minor if he appears at the hearing without counsel, whether he is unable to afford counsel or not, unless there is an intelligent waiver of the right of counsel by the minor; and, in the absence of such waiver, if the parent or guardian does not furnish counsel and the court determines that the parent or guardian has the ability to pay for counsel, the court shall appoint counsel at the expense of the parent or guardian. In any case in which it appears to the court that there is such a conflict of interest between a parent or guardian and child that one attorney could not properly represent both, the court shall appoint counsel, in addition to counsel already employed by a parent or guardian or appointed by the court to represent the minor or parent or guardian. In a county where there is no public defender the court may fix the compensation to be paid by the county for service of such appointed counsel.

§ 634.6. Counsel; appearance on behalf of minor; continuity in representation

Any counsel upon entering an appearance on behalf of a minor shall

continue to represent that minor unless relieved by the court upon the substitution of other counsel or for cause.

§ 679. Presence of minor and person entitled to notice; right to counsel

A minor who is the subject of a juvenile court hearing and any person entitled to notice of the hearing under the provisions of Section 658, is entitled to be present at such hearing. Any such minor and any such person has the right to be represented at such hearing by counsel of his own choice or, if unable to afford counsel, has the right to be represented by counsel appointed by the court.

§ 700. Reading of petition; advice regarding counsel and restitution; continuance

At the beginning of the hearing on a petition filed pursuant to Article 16 (commencing with Section 650) of this chapter, the judge or clerk shall first read the petition to those present and upon request of the minor upon whose behalf the petition has been brought or upon the request of any parent, relative or guardian, the judge shall explain any term of allegation contained therein and the nature of the hearing, its procedures, and possible consequences. The judge shall advise those present that if the petition or petitions are sustained and the minor is ordered to make restitution to the victim, or to pay fines or penalty assessments, the parent or guardian may be liable for the payment of restitution, fines, or penalty assessments. The judge shall ascertain whether the minor and his or her parent or guardian or adult relative, as the case may be, has been informed of the right of the minor to be represented by counsel, and if not, the judge shall advise the minor and such a person, if present, of the right to have counsel present and where applicable, of the right to appointed counsel. The court shall appoint counsel to represent the minor if he or she appears at the hearing without counsel, whether he or she is unable to afford counsel or not, unless there is an intelligent waiver of the right of counsel by the minor; and, in the absence of such a waiver, if the parent or guardian does not furnish counsel and the court determines that the parent or guardian has the ability to pay for counsel, the court shall appoint counsel at the expense of the parent or guardian. The court shall continue the hearing for not to exceed seven days, as necessary to make an appointment of counsel, or to enable counsel to acquaint himself or herself with the case, or to determine whether the parent or guardian or adult relative is unable to afford counsel at his or her own expense, and shall continue the hearing as necessary to provide reasonable

opportunity for the minor and the parent or guardian or adult relative to prepare for the hearing.

§ 727 Order for care, supervision, custody, maintenance and support of ward of court; placement; counseling; parental participation

(a) When a minor is adjudged a ward of the court on the ground that he or she is a person described by Section 601 or 602 the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the minor, including medical treatment, subject to further order of the court. To facilitate coordination and cooperation among government agencies, the court may, after giving notice and an opportunity to be heard, join in the juvenile court proceedings any agency that the court determines has failed to meet a legal obligation to provide services to the minor. However, no governmental agency shall be joined as a party in a juvenile court proceeding in which a minor has been ordered committed to the Department of the Youth Authority. In any proceeding in which an agency is joined, the court shall not impose duties upon the agency beyond those mandated by law. Nothing in this section shall prohibit agencies which have received notice of the hearing on joinder from meeting prior to the hearing to coordinate services for the minor.

The court has no authority to order services unless it has been determined through the administrative process of an agency that has been joined as a party, that the minor is eligible for those services. With respect to mental health assessment, treatment, and case management services pursuant to Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code, the court's determination shall be limited to whether the agency has complied with that chapter.

In the discretion of the court, a ward may be ordered to be on probation without supervision of the probation officer. The court, in so ordering, may impose on the ward any and all reasonable conditions of behavior as may be appropriate under this disposition. A minor who has been adjudged a ward of the court on the basis of the commission of any of the offenses described in subdivision (b) or paragraph (2) of subdivision (d) of Section 707, Section 459 of the Penal Code, or subdivision (a) of Section 11350 of the Health and Safety Code, shall not be eligible for probation without supervision of the probation officer. A minor who has been adjudged a ward of the court on the basis of the commission of any offense involving the sale or possession for sale of a controlled substance, except misdemeanor offenses involving marijuana, as specified in Chapter 2 (commencing with Section 11053) of

Division 10 of the Health and Safety Code, or of an offense in violation of Section 12220 of the Penal Code, shall be eligible for probation without supervision of the probation officer only when the court determines that the interests of justice would best be served and states reasons on the record for that determination.

In all other cases, the court shall order the care, custody, and control of the minor to be under the supervision of the probation officer who may place the minor in any of the following:

(1) The approved home of a relative, or the approved home of a nonrelative, extended family member as defined in Section 362.7. When a decision has been made to place the minor in the home of a relative, the court may authorize the relative to give legal consent for the minor's medical, surgical, and dental care and education as if the relative caretaker were the custodial parent of the minor.

(2) A suitable licensed community care facility.

(3) With a foster family agency to be placed in a suitable licensed foster family home or certified family home which has been certified by the agency as meeting licensing standards.

(b) When a minor has been adjudged a ward of the court on the ground that he or she is a person described in Section 601 or 602 and the court finds that notice has been given in accordance with Section 661, and when the court orders that a parent or guardian shall retain custody of that minor either subject to or without the supervision of the probation officer, the parent or guardian may be required to participate with that minor in a counseling or education program including, but not limited to, parent education and parenting programs operated by community colleges, school districts, or other appropriate agencies designated by the court.

(c) The juvenile court may direct any and all reasonable orders to the parents and guardians of the minor who is the subject of any proceedings under this chapter as the court deems necessary and proper to carry out subdivisions (a) and (b), including orders to appear before a county financial evaluation officer and orders directing the parents or guardians to ensure the minor's regular school attendance and to make reasonable efforts to obtain appropriate educational services necessary to meet the needs of the minor.

When counseling or other treatment services are ordered for the minor, the

parent, guardian, or foster parent shall be ordered to participate in those services, unless participation by the parent, guardian, or foster parent is deemed by the court to be inappropriate or potentially detrimental to the child.

§ 727.1. Placement of minor under supervision of probation officer; placement of minor adjudged a ward of the court; considerations; periodic review; public funds

(a) When the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for foster care placement pursuant to subdivision (a) of Section 727, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most family like, and the most appropriate setting that is available and in close proximity to the parent's home, consistent with the selection of the environment best suited to meet the minor's special needs and best interests. The selection shall consider, in order of priority, placement with relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code.

(b) Unless otherwise authorized by law, the court may not order the placement of a minor who is adjudged a ward of the court on the basis that he or she is a person described by either Section 601 or 602 in a private residential facility or program that provides 24-hour supervision, outside of the state, unless the court finds, in its order of placement, that all of the following conditions are met:

(1) In-state facilities or programs have been determined to be unavailable or inadequate to meet the needs of the minor.

(2) The State Department of Social Services or its designee has performed initial and continuing inspection of the out-of-state residential facility or program and has either certified that the facility or program meets all licensure standards required of group homes operated in California or that the department has granted a waiver to a specific licensing standard upon a finding that there exists no adverse impact to health and safety, pursuant to subdivision (c) of Section 7911.1 of the Family Code.

(3) The requirements of Section 7911.1 of the Family Code are met.

(c) If, upon inspection, the probation officer of the county in which the minor is adjudged a ward of the court determines that the out-of-state

facility or program is not in compliance with the standards required under paragraph (2) of subdivision (b) or has an adverse impact on the health and safety of the minor, the probation officer may temporarily remove the minor from the facility or program. The probation officer shall promptly inform the court of the minor's removal, and shall return the minor to the court for a hearing to review the suitability of continued out-of-state placement. The probation officer shall, within one business day of removing the minor, notify the State Department of Social Services' Compact Administrator, and, within five working days, submit a written report of the findings and actions taken.

(d) The court shall review each of these placements for compliance with the requirements of subdivision (b) at least once every six months.

(e) The county shall not be entitled to receive or expend any public funds for the placement of a minor in an out-of-state group home unless the conditions of subdivisions (b) and (d) are met.

§ 727.2. Reunification of minor in foster care with family or establishment of alternative permanent plan; reunification services; ongoing review of status of minor

The purpose of this section is to provide a means to monitor the safety and well-being of every minor in foster care who has been declared a ward of the juvenile court pursuant to Section 601 or 602 and to ensure that everything reasonably possible is done to facilitate the safe and early return of the minor to his or her home or to establish an alternative permanent plan for the minor.

(a) If the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for placement pursuant to subdivision (a) of Section 727, the juvenile court shall order the probation department to ensure the provision of reunification services to facilitate the safe return of the minor to his or her home or the permanent placement of the minor, and to address the needs of the minor while in foster care, except as provided in subdivision (b).

(b) Reunification services need not be provided to a parent or legal guardian if the court finds by clear and convincing evidence that one or more of the following is true:

(1) Reunification services were previously terminated for that parent or

guardian, pursuant to Section 366.21 or 366.22, or not offered, pursuant to subdivision (b) of Section 361.5, in reference to the same minor.

(2) The parent has been convicted of any of the following:

(A) Murder of another child of the parent.

(B) Voluntary manslaughter of another child of the parent.

(C) Aiding or abetting, attempting, conspiring, or soliciting to commit that murder or manslaughter described in subparagraph (A) or (B).

(D) A felony assault that results in serious bodily injury to the minor or another child of the parent.

(3) The parental rights of the parent with respect to a sibling have been terminated involuntarily, and it is not in the best interest of the minor to reunify with his or her parent or legal guardian.

If no reunification services are offered to the parent or guardian, the permanency planning hearing, as described in Section 727.3, shall occur within 30 days of the date of the hearing at which the decision is made not to offer services.

(c) The status of every minor declared a ward and ordered to be placed in foster care shall be reviewed by the court no less frequently than once every six months. The six-month time periods shall be calculated from the date the minor entered foster care, as defined in paragraph (4) of subdivision (d) of Section 727.4. If the court so elects, the court may declare the hearing at which the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for foster care placement pursuant to subdivision (a) of Section 727, at the first status review hearing. It shall be the duty of the probation officer to prepare a written social study report including an updated case plan, pursuant to subdivision (b) of Section 706.5, and submit the report to the court prior to each status review hearing, pursuant to subdivision (b) of Section 727.4. The social study report shall include all reports the probation officer relied upon in making his or her recommendations.

(d) Prior to any status review hearing involving a minor in the physical custody of a community care facility or foster family agency, the facility or agency may provide the probation officer with a report containing its recommendations. Prior to any status review hearing involving the physical

custody of a foster parent, relative caregiver, preadoptive parent, or legal guardian, that person may present to the court a report containing his or her recommendations. The court shall consider all reports and recommendations filed pursuant to subdivision (c) and pursuant to this subdivision.

(e) At any status review hearing prior to the first permanency planning hearing, the court shall consider the safety of the minor and make findings and orders which determine the following:

(1) The continuing necessity for and appropriateness of the placement.

(2) The extent of the probation department's compliance with the case plan in making reasonable efforts to safely return the minor to the minor's home or to complete whatever steps are necessary to finalize the permanent placement of the minor.

(3) Whether there should be any limitation on the right of the parent or guardian to make educational decisions for the minor. That limitation shall be specifically addressed in the court order and may not exceed what is necessary to protect the minor. If the court specifically limits the right of the parent or guardian to make educational decisions for the minor, the court shall at the same time appoint a responsible adult to make educational decisions for the minor pursuant to Section 726.

(4) The extent of progress that has been made by the minor and parent or guardian toward alleviating or mitigating the causes necessitating placement in foster care.

(5) The likely date by which the minor may be returned to and safely maintained in the home or placed for adoption, appointed a legal guardian, permanently placed with a fit and willing relative or referred to another planned permanent living arrangement.

(6) In the case of a minor who has reached 16 years of age, the court shall, in addition, determine the services needed to assist the minor to make the transition from foster care to independent living.

The court shall make these determinations on a case-by-case basis and reference in its written findings the probation officer's report and any other evidence relied upon in reaching its decision.

(f) At any status review hearing prior to the first permanency hearing, the court shall order return of the minor to the physical custody of his or her

parent or legal guardian unless the court finds, by a preponderance of evidence, that the return of the minor to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the minor. The probation department shall have the burden of establishing that detriment. In making its determination, the court shall review and consider the social study report, recommendations, and the case plan pursuant to subdivision (b) of Section 706.5, the report and recommendations of any child advocate appointed for the minor in the case, and any other reports submitted to the court pursuant to subdivision (d), and shall consider the efforts or progress, or both, demonstrated by the minor and family and the extent to which the minor availed himself or herself of the services provided.

(g) At all status review hearings subsequent to the first permanency planning hearing, the court shall consider the safety of the minor and make the findings and orders as described in paragraphs (1) to (4), inclusive, and (6) of subdivision (e). The court shall either make a finding that the previously ordered permanent plan continues to be appropriate or shall order that a new permanent plan be adopted pursuant to subdivision (b) of Section 727.3. However, the court shall not order a permanent plan of "return to the physical custody of the parent or legal guardian after further reunification services are offered," as described in paragraph (2) of subdivision (b) of Section 727.3.

(h) The status review hearings required by subdivision (c) may be heard by an administrative review panel, provided that the administrative panel meets all of the requirements listed in subparagraph (B) of paragraph (7) of subdivision (d) of Section 727.4.

§ 729.6. Minors violating criminal law; court order to attend counseling as condition of punishment; expense of parents

If a minor is found to be a person described in Section 602 by reason of the commission of an offense described in Section 241.2 or 243.2 of the Penal Code, the court shall, in addition to any other fine, sentence, or as a condition of probation, order the minor to attend counseling at the expense of the minor's parents. The court shall take into consideration the ability of the minor's parents consistent with Section 730.7 to pay, however, no minor shall be relieved of attending counseling because of the minor's parents' inability to pay for the counseling imposed by this section.

§ 730.6. Restitution for economic losses

(a)(1) It is the intent of the Legislature that a victim of conduct for which a minor is found to be a person described in Section 602 who incurs any economic loss as a result of the minor's conduct shall receive restitution directly from that minor.

(2) Upon a minor being found to be a person described in Section 602, the court shall consider levying a fine in accordance with Section 730.5. In addition, the court shall order the minor to pay, in addition to any other penalty provided or imposed under the law, both of the following:

(A) A restitution fine in accordance with subdivision (b).

(B) Restitution to the victim or victims, if any, in accordance with subdivision (h).

(b) In every case where a minor is found to be a person described in Section 602, the court shall impose a separate and additional restitution fine. The restitution fine shall be set at the discretion of the court and commensurate with the seriousness of the offense as follows:

(1) If the minor is found to be a person described in Section 602 by reason of the commission of one or more felony offenses, the restitution fine shall not be less than one hundred dollars ($100) and not more than one thousand dollars ($1,000). A separate hearing for the fine shall not be required.

(2) If the minor is found to be a person described in Section 602 by reason of the commission of one or more misdemeanor offenses, the restitution fine shall not exceed one hundred dollars ($100). A separate hearing for the fine shall not be required.

(c) The restitution fine shall be in addition to any other disposition or fine imposed and shall be imposed regardless of the minor's inability to pay. This fine shall be deposited in the Restitution Fund, the proceeds of which shall be distributed pursuant to Section 13967 of the Government Code.

(d)(1) In setting the amount of the fine pursuant to subparagraph (A) of paragraph (2) of subdivision (a), the court shall consider any relevant factors including, but not limited to, the minor's ability to pay, the seriousness and gravity of the offense and the circumstances of its commission, any economic gain derived by the minor as a result of the offense, and the extent

to which others suffered losses as a result of the offense. The losses may include pecuniary losses to the victim or his or her dependents as well as intangible losses such as psychological harm caused by the offense.

(2) The consideration of a minor's ability to pay may include his or her future earning capacity. A minor shall bear the burden of demonstrating a lack of his or her ability to pay.

(e) Express findings of the court as to the factors bearing on the amount of the fine shall not be required.

(f) Except as provided in subdivision (g), under no circumstances shall the court fail to impose the separate and additional restitution fine required by subparagraph (A) of paragraph (2) of subdivision (a). This fine shall not be subject to penalty assessments pursuant to Section 1464 of the Penal Code.

(g) In a case in which the minor is a person described in Section 602 by reason of having committed a felony offense, if the court finds that there are compelling and extraordinary reasons, the court may waive imposition of the restitution fine required by subparagraph (A) of paragraph (2) of subdivision (a). When a waiver is granted, the court shall state on the record all reasons supporting the waiver.

(h) Restitution ordered pursuant to subparagraph (B) of paragraph (2) of subdivision (a) shall be imposed in the amount of the losses, as determined. If the amount of loss cannot be ascertained at the time of sentencing, the restitution order shall include a provision that the amount shall be determined at the direction of the court at any time during the term of the commitment or probation. The court shall order full restitution unless it finds compelling and extraordinary reasons for not doing so, and states them on the record. A minor's inability to pay shall not be considered a compelling or extraordinary reason not to impose a restitution order, nor shall inability to pay be a consideration in determining the amount of the restitution order. A restitution order pursuant to subparagraph (B) of paragraph (2) of subdivision (a), to the extent possible, shall identify each victim, unless the court for good cause finds that the order should not identify a victim or victims, and the amount of each victim's loss to which it pertains, and shall be of a dollar amount sufficient to fully reimburse the victim or victims for all determined economic losses incurred as the result of the minor's conduct for which the minor was found to be a person described in Section 602, including all of the following:

(1) Full or partial payment for the value of stolen or damaged property. The

value of stolen or damaged property shall be the replacement cost of like property, or the actual cost of repairing the property when repair is possible.

(2) Medical expenses.

(3) Wages or profits lost due to injury incurred by the victim, and if the victim is a minor, wages or profits lost by the minor's parent, parents, guardian, or guardians, while caring for the injured minor. Lost wages shall include any commission income as well as any base wages. Commission income shall be established by evidence of commission income during the 12-month period prior to the date of the crime for which restitution is being ordered, unless good cause for a shorter time period is shown.

(4) Wages or profits lost by the victim, and if the victim is a minor, wages or profits lost by the minor's parent, parents, guardian, or guardians, due to time spent as a witness or in assisting the police or prosecution. Lost wages shall include any commission income as well as any base wages. Commission income shall be established by evidence of commission income during the 12- month period prior to the date of the crime for which restitution is being ordered, unless good cause for a shorter time period is shown.

A minor shall have the right to a hearing before a judge to dispute the determination of the amount of restitution. The court may modify the amount on its own motion or on the motion of the district attorney, the victim or victims, or the minor. If a motion is made for modification of a restitution order, the victim shall be notified of that motion at least 10 days prior to the hearing on the motion. When the amount of victim restitution is not known at the time of disposition, the court order shall identify the victim or victims, unless the court finds for good cause that the order should not identify a victim or victims, and state that the amount of restitution for each victim is to be determined. When feasible, the court shall also identify on the court order, any cooffenders who are jointly and severally liable for victim restitution.

(i) A restitution order imposed pursuant to subparagraph (B) of paragraph (2) of subdivision (a) shall identify the losses to which it pertains, and shall be enforceable as a civil judgment pursuant to subdivision (r). The making of a restitution order pursuant to this subdivision shall not affect the right of a victim to recovery from the Restitution Fund in the manner provided elsewhere, except to the extent that restitution is actually collected pursuant to the order. Restitution collected pursuant to this subdivision shall be credited to any other judgments for the same losses obtained against the

minor or the minor's parent or guardian arising out of the offense for which the minor was found to be a person described in Section 602. Restitution imposed shall be ordered to be made to the Restitution Fund to the extent that the victim, as defined in subdivision (j), has received assistance Victims of Crime Program pursuant to Article 1 (commencing with Section 13959) of Chapter 5 of Part 4 of Division 3 of Title 2 of the Government Code.

(j) For purposes of this section, "victim" shall include the immediate surviving family of the actual victim.

(k) Nothing in this section shall prevent a court from ordering restitution to any corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity when that entity is a direct victim of an offense.

(l) Upon a minor being found to be a person described in Section 602, the court shall require as a condition of probation the payment of restitution fines and orders imposed under this section. Any portion of a restitution order that remains unsatisfied after a minor is no longer on probation shall continue to be enforceable by a victim pursuant to subdivision (r) until the obligation is satisfied in full.

(m) Probation shall not be revoked for failure of a person to make restitution pursuant to this section as a condition of probation unless the court determines that the person has willfully failed to pay or failed to make sufficient bona fide efforts to legally acquire the resources to pay.

(n) If the court finds and states on the record compelling and extraordinary reasons why restitution should not be required as provided in paragraph (2) of subdivision (a), the court shall order, as a condition of probation, that the minor perform specified community service.

(o) The court may avoid ordering community service as a condition of probation only if it finds and states on the record compelling and extraordinary reasons not to order community service in addition to the finding that restitution pursuant to paragraph (2) of subdivision (a) should not be required.

(p) When a minor is committed to the Department of the Youth Authority, the court shall order restitution to be paid to the victim or victims, if any. Payment of restitution to the victim or victims pursuant to this subdivision

shall take priority in time over payment of any other restitution fine imposed pursuant to this section.

(q) At its discretion, the board of supervisors of any county may impose a fee to cover the actual administrative cost of collecting the restitution fine, not to exceed 10 percent of the amount ordered to be paid, to be added to the restitution fine and included in the order of the court, the proceeds of which shall be deposited in the general fund of the county.

(r) If the judgment is for a restitution fine ordered pursuant to subparagraph (A) of paragraph (2) of subdivision (a), or a restitution order imposed pursuant to subparagraph (B) of paragraph (2) of subdivision (a), the judgment may be enforced in the manner provided in Section 1214 of the Penal Code.

§ 730.8. Minors ordered to pay restitution; community service; compliance

(a) Except as provided in subdivision (b), the court shall require any minor who is ordered to pay restitution pursuant to Section 730.6, or to perform community service, to report to the court on his or her compliance with the court's restitution order or order for community service, or both, no less than annually until the order is fulfilled.

(b) For any minor committed to the Department of the Youth Authority, the department shall monitor the compliance with any order of the court that requires the minor to pay restitution. Upon the minor's discharge from the Department of the Youth Authority, the department shall notify the court regarding the minor's compliance with an order to pay restitution.

§ 750. Petition; conditions for transfer

Whenever a petition is filed in the juvenile court of a county other than the residence of the person named in the petition, or whenever, subsequent to the filing of a petition in the juvenile court of the county where such minor resides, the residence of the person who would be legally entitled to the custody of such minor were it not for the existence of a court order issued pursuant to this chapter is changed to another county, the entire case may be transferred to the juvenile court of the county wherein such person then resides at any time after the court has made a finding of the facts upon which it has exercised its jurisdiction over such minor, and the juvenile

court of the county wherein such person then resides shall take jurisdiction of the case upon the receipt and filing with it of such finding of the facts and an order transferring the case.

§ 775. Changing, modifying or setting aside orders; procedural requirements

Any order made by the court in the case of any person subject to its jurisdiction may at any time be changed, modified, or set aside, as the judge deems meet and proper, subject to such procedural requirements as are imposed by this article.

§ 778. Petition to change, modify or set aside order or terminate jurisdiction of court; grounds; verification; content; hearing

Any parent or other person having an interest in a child who is a ward of the juvenile court or the child himself through a properly appointed guardian may, upon grounds of change of circumstance or new evidence, petition the court in the same action in which the child was found to be a ward of the juvenile court for a hearing to change, modify, or set aside any order of court previously made or to terminate the jurisdiction of the court. The petition shall be verified and, if made by a person other than the child, shall state the petitioner's relationship to or interest in the child and shall set forth in concise language any change of circumstance or new evidence which are alleged to require such change of order or termination of jurisdiction.

If it appears that the best interests of the child may be promoted by the proposed change of order or termination of jurisdiction, the court shall order that a hearing be held and shall give prior notice, or cause prior notice to be given, to such persons and by such means as prescribed by Sections 776 and 779, and, in such instances as the means of giving notice is not prescribed by such sections, then by such means as the court prescribes.

§ 779. Changing, modifying or setting aside order of commitment to Youth Authority; notice; judicial considerations; application of chapter and section; transfers to a state hospital

The court committing a ward to the Youth Authority may thereafter change, modify, or set aside the order of commitment. Ten days' notice of the hearing of the application therefor shall be served by United States mail

upon the Director of the Youth Authority. In changing, modifying, or setting aside the order of commitment, the court shall give due consideration to the effect thereof upon the discipline and parole system of the Youth Authority or of the correctional school in which the ward may have been placed by the Youth Authority. Except as in this section provided, nothing in this chapter shall be deemed to interfere with the system of parole and discharge now or hereafter established by law, or by rule of the Youth Authority, for the parole and discharge of wards of the juvenile court committed to the Youth Authority, or with the management of any school, institution, or facility under the jurisdiction of the Youth Authority. Except as provided in this section, this chapter does not interfere with the system of transfer between institutions and facilities under the jurisdiction of the Youth Authority. This section does not limit the authority of the court to change, modify, or set aside an order of commitment after a noticed hearing and upon a showing of good cause that the Youth Authority is unable to, or failing to, provide treatment consistent with Section 734.

However, before any inmate of a correctional school may be transferred to a state hospital, he or she shall first be returned to a court of competent jurisdiction and, after hearing, may be committed to a state hospital for the insane in accordance with law.

§ 782. Dismissal of petition; grounds

A judge of the juvenile court in which a petition was filed, at any time before the minor reaches the age of 21 years, may dismiss the petition or may set aside the findings and dismiss the petition if the court finds that the interests of justice and the welfare of the minor require such dismissal, or if it finds that the minor is not in need of treatment or rehabilitation. The court shall have jurisdiction to order such dismissal or setting aside of the findings and dismissal regardless of whether the minor is, at the time of such order, a ward or dependent child of the court.

California Government Code

§ 27706. Duties

The public defender shall perform the following duties:

(a) Upon request of the defendant or upon order of the court, the public defender shall defend, without expense to the defendant, except as provided by Section 987.8 of the Penal Code, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior courts at all stages of the proceedings, including the preliminary examination. The public defender shall, upon request, give counsel and advice to such person about any charge against the person upon which the public defender is conducting the defense, and shall prosecute all appeals to a higher court or courts of any person who has been convicted, where, in the opinion of the public defender, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

(b) Upon request, the public defender shall prosecute actions for the collection of wages and other demands of any person who is not financially able to employ counsel, where the sum involved does not exceed one hundred dollars ($100), and where, in the judgment of the public defender, the claim urged is valid and enforceable in the courts.

(c) Upon request, the public defender shall defend any person who is not financially able to employ counsel in any civil litigation in which, in the judgment of the public defender, the person is being persecuted or unjustly harassed.

(d) Upon request, or upon order of the court, the public defender shall represent any person who is not financially able to employ counsel in proceedings under Division 4 (commencing with Section 1400) of the Probate Code and Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code.

(e) Upon order of the court, the public defender shall represent any person who is entitled to be represented by counsel but is not financially able to employ counsel in proceedings under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code.

(f) Upon order of the court the public defender shall represent any person

who is required to have counsel pursuant to Section 686.1 of the Penal Code.

(g) Upon the order of the court or upon the request of the person involved, the public defender may represent any person who is not financially able to employ counsel in a proceeding of any nature relating to the nature or conditions of detention, of other restrictions prior to adjudication, of treatment, or of punishment resulting from criminal or juvenile proceedings.

California Education Code

§ 56300. Individuals with exceptional needs; residence; jurisdiction

Each district, special education local plan area, or county office shall actively and systematically seek out all individuals with exceptional needs, ages 0 through 21 years, including children not enrolled in public school programs, who reside in the district or are under the jurisdiction of a special education local plan area or a county office.

§ 56301. Child-find system; policies and procedures

All individuals with disabilities residing in the state, including pupils with disabilities who are enrolled in elementary and secondary schools and private schools, including parochial schools, regardless of the severity of their disabilities, and who are in need of special education and related services, shall be identified, located, and assessed as required by paragraph (3) and clause (ii) of paragraph (10) of subsection (a) of Section 1412 of Title 20 of the United States Code. Each district, special education local plan area, or county office shall establish written policies and procedures for a continuous child-find system which addresses the relationships among identification, screening, referral, assessment, planning, implementation, review, and the triennial assessment. The policies and procedures shall include, but need not be limited to, written notification of all parents of their rights under this chapter, and the procedure for initiating a referral for assessment to identify individuals with exceptional needs. Parents shall be given a copy of their rights and procedural safeguards upon initial referral for assessment, upon notice of an individualized education program meeting or reassessment, upon filing a complaint, and upon filing for a prehearing mediation conference pursuant to Section 56500.3 or a due process hearing request pursuant to Section 56502.

California Rules of Court

Rule 1400. Preliminary provisions

(a) [Applicability of rules (§§ 200-945) The rules in this division apply to every action and proceeding to which the juvenile court law (Welf. & Inst. Code, div. 2, pt. 1, ch. 2, § 200 et seq.) applies and, unless they are elsewhere explicitly made applicable, do not apply to any other action or proceeding. The rules in this division do not apply to an action or proceeding heard by a traffic hearing officer, nor to a rehearing or appeal from a denial of a rehearing following an order by a traffic hearing officer.

(b) [Authority for and purpose of rules (Cal. Const., art. VI, § 6; § 265) The rules in this division are adopted by the Judicial Council pursuant to its constitutional and statutory authority to adopt rules for court administration, practice, and procedure, not inconsistent with statute. These rules are designed to implement the purposes of the juvenile court law by promoting uniformity in practice and procedure and by providing guidance to judges, referees, attorneys, probation officers, and others participating in the juvenile court.

(c) [Rules of construction] Unless the context otherwise requires, these preliminary provisions and the following rules of construction shall govern the construction of these rules:

(1) Insofar as these rules are substantially the same as existing statutory provisions relating to the same subject matter, these rules shall be construed as restatements of those statutes;

(2) Insofar as these rules may add to existing statutory provisions relating to the same subject matter, these rules shall be construed so as to implement the purposes of the juvenile court law.

(d) [Severability clause] If a rule or a subdivision of a rule in this division is invalid, all valid parts that are severable from the invalid part remain in effect. If a rule or a subdivision of a rule in this division is invalid in one or more of its applications, the rule or subdivision remains in effect in all valid applications that are severable from the invalid applications.

California Standards of Judicial Administration

§ 24. Juvenile court matters

(a) [Assignments to juvenile court] The presiding judge of the superior court should assign judges to the juvenile court to serve for a minimum of three years. Priority should be given to judges who have expressed an interest in the assignment.

(b) [Importance of juvenile court] The presiding judge of the juvenile court in consultation with the presiding judge of the superior court should:

(1) Motivate and educate other judges regarding the significance of juvenile court.

(2) Work to ensure that sufficient judges and staff, facilities, and financial resources are assigned to the juvenile court to allow adequate time to hear and decide the matters before it.

(c) [Standards of representation and compensation] The presiding judge of the juvenile court should:

(1) Encourage attorneys who practice in juvenile court, including all court-appointed and contract attorneys, to continue their practice in juvenile court for substantial periods of time. A substantial period of time is at least two years and preferably from three to five years.

(2) Confer with the county public defender, county district attorney, county counsel, and other public law office leaders and encourage them to raise the status of attorneys working in the juvenile courts as follows: hire attorneys who are interested in serving in the juvenile court for a substantial part of their career; permit and encourage attorneys, based on interest and ability, to remain in juvenile court assignments for significant periods of time; work to ensure that attorneys who have chosen to serve in the juvenile court have the same promotional and salary opportunities as attorneys practicing in other assignments within a law office.

(3) Establish minimum standards of practice to which all court-appointed and public office attorneys will be expected to conform. These standards should delineate the responsibilities of attorneys relative to investigation and evaluation of the case, preparation for and conduct of hearings, and advocacy for their respective clients.

(4) In conjunction with other leaders in the legal community, ensure that attorneys appointed in the juvenile court are compensated in a manner equivalent to attorneys appointed by the court in other types of cases.

(d) [Training and orientation] The presiding judge of the juvenile court should:

(1) Establish relevant prerequisites for court-appointed attorneys and advocates in the juvenile court.

(2) Develop orientation and in-service training programs for judicial officers, attorneys, volunteers, law enforcement personnel, court personnel, and child advocates to ensure that all are adequately trained concerning all issues relating to special education rights and responsibilities, including the right of each child with exceptional needs to receive a free, appropriate public education and the right of each child with educational disabilities to receive accommodations.

(3) Promote the establishment of a library or other resource center in which information about juvenile court practice (including books, periodicals, videotapes, and other training materials) can be collected and made available to all participants in the juvenile system.

(4) Ensure that attorneys who appear in juvenile court have sufficient training to perform their jobs competently, as follows: require that all court-appointed attorneys meet minimum training and continuing legal education standards as a condition of their appointment to juvenile court matters; and encourage the leaders of public law offices that have responsibilities in juvenile court to require their attorneys who appear in juvenile court to have at least the same training and continuing legal education required of court-appointed attorneys.

(e) [Unique role of a juvenile court judge] Judges of the juvenile court in consultation with the presiding judge of the juvenile court and the presiding judge of the superior court, to the extent that it does not interfere with the adjudication process, are encouraged to:

(1) Provide active leadership within the community in determining the needs and obtaining and developing resources and services for at-risk children and families. At-risk children include delinquents, dependents, and status offenders.

(2) Investigate and determine the availability of specific prevention, intervention, and treatment services in the community for at-risk children and their families.

(3) Exercise their authority by statute or rule to review, order, and enforce the delivery of specific services and treatment for children at risk and their families.

(4) Exercise a leadership role in the development and maintenance of permanent programs of interagency cooperation and coordination among the court and the various public agencies that serve at-risk children and their families.

(5) Take an active part in the formation of a community-wide network to promote and unify private and public sector efforts to focus attention and resources for at-risk children and their families.

(6) Maintain close liaison with school authorities and encourage coordination of policies and programs.

(7) Educate the community and its institutions through every available means including the media concerning the role of the juvenile court in meeting the complex needs of at-risk children and their families.

(8) Evaluate the criteria established by child protection agencies for initial removal and reunification decisions and communicate the court's expectations of what constitutes "reasonable efforts" to prevent removal or hasten return of the child.

(9) Encourage the development of community services and resources to assist homeless, truant, runaway, and incorrigible children.

(10) Be familiar with all detention facilities, placements, and institutions used by the court.

(11) Act in all instances consistent with the public safety and welfare.

(f) [Appointment of Attorneys and Other Persons] For the appointment of attorneys, arbitrators, mediators, referees, masters, receivers, and other persons, each court should follow the guidelines of Section 1.5 of the California Standards of Judicial Administration.

(g) [Educational rights of children in the juvenile court] The juvenile court should be guided by certain general principles:

(1) A significant number of children in the juvenile court process have exceptional needs that, if properly identified and assessed, would qualify such children to receive special education and related services under federal and state education law (a free, appropriate public education) (see Ed. Code, § 56000 et seq. and 20 U.S.C. § 1400 et seq.);

(2) Many children in the juvenile court process have disabilities that, if properly identified and assessed, would qualify such children to receive educational accommodations (see § 504 of the Rehabilitation Act of 1973 [29 U.S.C. § 794; 34 C.F.R. § 104.1 et seq.]);

(3) Unidentified and unremediated exceptional needs and unaccommodated disabilities have been found to correlate strongly with juvenile delinquency, substance abuse, mental health issues, teenage pregnancy, school failure and dropout, and adult unemployment and crime; and

(4) The cost of incarcerating children is substantially greater than the cost of providing special education and related services to exceptional needs children and providing educational accommodations to children with disabilities.

(h) [Role of the juvenile court] The juvenile court should:

(1) Take responsibility, with the other juvenile court participants at every stage of the child's case, to ensure that the child's educational needs are met, regardless of whether the child is in the custody of a parent or is suitably placed in the custody of the child welfare agency or probation department and regardless of where the child is placed in school. Each child under the jurisdiction of the juvenile court with exceptional needs has the right to receive a free, appropriate public education, specially designed, at no cost to the parents, to meet the child's unique special education needs. (See Ed. Code, § 56031 and 20 U.S.C. § 1401(8).) Each child with disabilities under the jurisdiction of the juvenile court has the right to receive accommodations. (See § 504 of the Rehabilitation Act of 1973 [29 U.S.C. § 794; 34 C.F.R. § 104.1 et seq. (1980)]). The court should also ensure that each parent or guardian receives information and assistance concerning his or her child's educational entitlements as provided by law.

(2) Provide oversight of the social service and probation agencies to ensure that a child's educational rights are investigated, reported, and monitored. The court should work within the statutory framework to accommodate the sharing of information between agencies. A child who comes before the court and is suspected of having exceptional needs or other educational disabilities should be referred in writing for an assessment to the child's school principal or to the school district's special education office. (See Ed. Code, §§ 56320- 56329.) The child's parent, teacher, or other service provider may make the required written referral for assessment. (See Ed. Code, § 56029.)

(3) Require that court reports, case plans, assessments, and permanency plans considered by the court address a child's educational entitlements and

how those entitlements are being satisfied, and contain information to assist the court in deciding whether the right of the parent or guardian to make educational decisions for the child should be limited by the court under Welfare and Institutions Code section 361(a) or 726(b). Information concerning whether the school district has met its obligation to provide educational services to the child, including special educational services if the child has exceptional needs under Education Code section 56000 et seq., and to provide accommodations if the child has disabilities as defined in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794; 34 C.F.R. § 104.1 et seq. (1980)) should also be included, along with a recommendation for disposition.

(4) Facilitate coordination of services by joining the local educational agency as a party when it appears that an educational agency has failed to fulfill its legal obligations to provide special education and related services or accommodations to a child in the juvenile court who has been identified as having exceptional needs or educational disabilities. (See Welf. & Inst. Code, §§ 362(a), 727(a).)

(5) Make appropriate orders limiting the educational rights of a parent or guardian who cannot be located or identified, or who is unwilling or unable to be an active participant in ensuring that the child's educational needs are met, and appoint a responsible adult as educational representative for such a child or, if a representative cannot be identified and the child may be eligible for special education and related services or already has an individualized education program, use form JV-535 to refer the child to the local educational agency for special education and related services and prompt appointment of a surrogate parent. (Welf. & Inst. Code, §§ 361, 726; Ed. Code, § 56156; Gov. Code, § 7579.5.)

(6) Ensure that special education, related services, and accommodations to which the child is entitled are provided whenever the child's school placement changes. (See Ed. Code, § 56325.)

Item 8

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report Summary

This report has been revised since the initial distribution to council members. Please note that these revisions are highlighted as shown.

TO: Members of the Judicial Council

FROM: William C. Vickrey, Administrative Director of the Courts
Ronald G. Overholt, Chief Deputy Director
Christine M. Hansen, Director, Finance Division, 415-865-7951

DATE: February 27, 2004

SUBJECT: Budget Status Report on Fiscal Years 2003–2004, 2004–2005, and 2005–2006 (Action Required)

Issue Statement

Under California Rule of Court 6.101, the Judicial Council has the duties of establishing responsible fiscal priorities that best enable the judiciary to achieve its goals and developing the budget of the judiciary based upon these priorities and the needs of the court. The February business meeting is historically the time at which judicial branch funding priorities are presented to the council for consideration. This report presents background information on the status of the branch's budget for fiscal years (FY) 2003–2004 and 2004–2005, and a recommendation for judicial branch budget priorities for FY 2005–2006.

Recommendation

Trial Courts

Staff recommends that the Judicial Council:

1. Approve the following statewide budget priorities for trial courts for FY 2005–2006 without a funding cap:
   - Trial Court Staff Negotiated Salary Increases (NSIs) and Benefits;
   - Trial Court Staff Retirement;
   - Trial Court Workers' Compensation Program Cost Increases;

- Security NSIs, Retirement, and Other Benefits;
- Increased Charges for County Provided Services;
- Court Interpreters' Workload Growth;
- Capital Outlay – Trial Court Facilities; and
- Court-Appointed Counsel

2. Direct staff to review erosion of base budget and equalization of funding issues for the trial courts and the impact these have had on ongoing operations and develop a funding proposal if it is determined to be appropriate.

Judiciary
Staff recommends that the Judicial Council approve the following budget priorities for FY 2005–2006 for the judiciary, including the Supreme Court, the California Judicial Center Library, the Courts of Appeal, the Habeas Corpus Resource Center, and the Judicial Council/Administrative Office of the Courts:

- Trial Court Facilities Legislation – Infrastructure;
- Staffing Standards (to the extent that additional resources are justified);
- Unfunded, Mandatory Cost Increases (including facility rent increases and security and judicial protection);
- Unfunded, Administrative Infrastructure Costs (e.g., fiscal services, comprehensive legal services, human resources, and technology); and
- Capital Outlay
    - Trial Court Facilities Legislation – Infrastructure
    - Training and Judicial Administrative Programs.

Rationale for Recommendation

Trial Courts and Judiciary
In the past two years, the Budget Change Proposals (BCPs) submitted to the Department of Finance (DOF) have primarily focused on addressing unfunded, mandatory cost increases over which the courts have little, if any, control. If funding is ultimately not provided for these increased costs, the courts will likely have to redirect resources needed to support important programs and operations. The final, approved budget for FY 2003–2004 includes some funding for these costs. While the Governor's proposed FY 2004–2005 budget does not include funding to address these cost increases, staff remain hopeful that current negotiations will result in, at least, partial funding in many of these areas.

Alternative Actions Considered

Trial Courts and Judiciary
Instead of focusing budgetary requests on mandatory, baseline cost items, an alternative would be to propose funding for important program expansions and enhancements. Given the state's current fiscal situation and the DOF's policy of not considering such requests this year, this is not staff's recommended course of action.

Comments from Interested Parties
Consistent with California Rule of Court 6.45(d)(1)(C), Administrative Office of the Courts (AOC) staff provided the public, including designated trial court employees representatives, an opportunity to provide input on budget priorities before the Judicial Branch Budget Advisory Committee (JBBAC) met to consider recommendations. A single comment was received after JBBAC met, which stated that the judicial branch should not go forward with a request for funding of workers' compensation increases, but rather put pressure on the insurance industry to reduce rates in response to reforms passed in 2003.

Implementation Requirements and Costs
The recommended actions will not result in an increase in costs to the trial courts or the judiciary. The requests that are submitted to the DOF will be for new funding. However, because the recommended priorities for which funding may be requested are for program areas in which the court has no or limited control over increases, if funding is not included in the FY 2004–2005 budget, courts may need to renegotiate contracts in an effort to reduce costs and/or services, and redirect scarce resources away from critical programs and operations.

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
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This report has been revised since the initial distribution to council members. Please note that these revisions are highlighted as shown.

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FROM: William C. Vickrey, Administrative Director of the Courts
Ronald G. Overholt, Chief Deputy Director
Christine M. Hansen, Director, Finance Division, 415-865-7951

DATE: February 27, 2004

SUBJECT: Budget Status Report on Fiscal Years 2003–2004, 2004–2005, and 2005–2006 (Action Required)

This report provides an update on a variety of funding issues that affect the judicial branch over multiple fiscal years, including recommendations relating to budget priorities for FY 2005–2006.

I. Multi-Year Funding Issues

A. Fee Revenue Shortfall

Assembly Bill (AB) 1759 (Stats. 2003, ch. 157) and AB 296 (Stats. 2003, ch. 757) increased several existing fines and fees and created other new statewide fees. The expectation was that these changes would result in a projected 72.5 percent increase in revenue that could be utilized to maintain existing programs and staffing by offsetting the loss of trial court funding previously provided through the General Fund. Based on the most current information, however, it has become clear that actual receipt of fines and fees will be significantly less than the projected levels assumed in the Budget Act of 2003.

Based on an analysis of receipts through November 2003, the current year fee revenue is projected to be $25.3 million less than originally expected. The shortfall is due to a number of factors, including:

- Late passage of the state budget;
- Initial projections based on limited data;

- Delayed implementation of the changes in the courts;
- Non-collection of fees in the courts/counties;
- County remittance issues;
- Rate of fee waivers approved by the courts; and
- Non-assessment of fees and fines.

The $25.3 million projected shortfall represents approximately 1.1 percent of the annual budget or approximately 3.4 percent of the budget for the remaining four months of the fiscal year.

Because fee revenues currently represent a significant component in trial court funding, and since the Governor's proposed budget doesn't include any additional fiscal relief for the current fiscal year, any amount collected below projections will directly impact allocations to the courts. The AOC sent a memorandum to the presiding judges and executive officers of the superior courts in early January to request their assistance in taking steps to minimize the impact of the successive reductions in the branch budget and the shortfall in revenue from fees and fines. The following actions were recommended for all courts:

- Developing a policy for fee waivers;
- Offering information, education, or technical assistance to judges and court staff on issues related to the assessment or waiver of fees, fines, and surcharges;
- Ensuring that all fees, fines, and surcharges are being collected to the maximum extent possible; and
- As mandated by statute, remitting all fees, fines, and surcharges as quickly as possible.

In order to make progress in resolving the shortfalls, courts were informed that we must be able to document the fact that we have administered the new fees consistently as required by law and that we have accurate information on collection levels.

The DOF has approved our submission of a deficiency request in early March. The legislature will have 30 days to raise questions. If there are no questions, the judicial branch will ultimately receive the projected level of funding to address the shortfall for the current year. To address the anticipated problems next year, including collection issues, the Trial Court Fees Working Group, appointed by the Chief Justice, has been charged with undertaking a comprehensive review of civil fees and making recommendations for a uniform,

statewide fee schedule that also addresses the fee shortfall and current sunsets on the fees. The group will meet on March 18 to make its recommendations.

B. State Court Facilities Construction Fund Loan Shortfall
The Budget Act of 2003 included a loan of $80 million from the State Court Facilities Construction Fund to the state General Fund to temporarily fund other statewide obligations. Due to the way the loan was structured, however, the $80 million was taken from the Trial Court Trust Fund, to be replenished by projected State Court Facilities Construction Fund revenues. Unfortunately, based on receipts through November 2003, it is currently projected that revenues are $9.4 million below the amount projected in FY 2002–2003 by the DOF. This results in the possibility of the Trial Court Trust Fund having to absorb up to a $9.4 million shortfall. As with the fee shortfall, the Governor's Budget does not currently provide relief. The DOF has approved our submission of a deficiency request in early March. The legislature will have 30 days to raise questions. If there are no questions, the judicial branch will ultimately receive the projected level of funding to address the shortfall for the current year.

C. Judges' Retirement System I Deficiency
In FY 2002–2003, the legislature reduced the level of funding to support the Judges' Retirement System I (JRS I) based upon the Legislative Analyst Office's overestimate of savings available in the fund. The reduction in funding results in a current year shortfall of $4.3 million. The projected shortfall increases to $27.6 million in FY 2004–2005. The DOF has proposed funding the shortfall through a transfer from the Trial Court Trust Fund. This action represents a major change from the historical policy of keeping the funding of JRS I separate from trial court operational funding. The AOC is aggressively pursuing this issue and has requested that the action be reversed.

D. Court Security and Consolidated Administration Services Reductions
The Budget Act of 2003 mandated permanent reductions in the Trial Court Trust Fund for security funding of $11.0 million in FY 2003–2004, increasing to $22.0 million in FY 2004–2005, and another $2.5 million in the trust fund to be based on efficiencies to be achieved through consolidation of administrative services. At its August 2003 meeting, the Judicial Council deferred immediate implementation of these reductions to allow the responsible working groups time to address them.

A separate report containing recommendations on these reductions will be presented to the council at this meeting.

E. Trial Court Trust Fund

The Trial Court Trust Fund will be fully depleted *before* the end of FY 2003–2004 and unable to absorb the projected $39 million resulting from the fee and loan shortfalls and the JRS I issue. To lessen the impact of reductions on trial court operating budgets in the past, statewide funds, such as the Improvement and Judicial Administration Efficiency and Modernization Funds, the Assigned Judges Program and judicial salary savings have absorbed $150 million in reductions. As a result, many of these funds are no longer available to incur additional cuts. Consequently, most if not all of the fee and loan shortfalls discussed previously will result in additional reductions to the trial courts if fiscal relief is not provided.

II. Fiscal Year 2004–2005

A. Budget Change Proposals

1. Trial Courts

Due to the continuing state fiscal crisis, a reduced number of budget proposals, as compared to FY 2003–2004, were identified and subsequently submitted to the DOF for consideration. These primarily included programs with cost increases that were outside of the courts' control, such as: Court Staff Negotiated Salary Increases and Benefits; Court Staff Retirement; Court Workers' Compensation Program Increases; Security NSIs, Retirement, and Other Benefits; and Court Interpreter Workload Growth. Eleven BCPs were submitted to the Governor in the amount of $103.103 million. (Please see Table One.) The Governor's Budget includes funding for only two of these proposals, a small portion of the Court Interpreters request to fund benefits and a transfer of funds from local assistance funding previously administered by the Department of Corrections to allow courts to directly apply for limited reimbursement of prisoner hearing costs.

Table One
FY 2004–2005 Summary of Trial Court Budget Change Proposals
(in millions)

Program	Originally Submitted in BCP	Included in Governor's Budget	BCPs (including updates)
Trial Court Staff NSIs & Benefits	TBD	0	59.947
Trial Court Staff Retirement	25.813	0	57.949
Trial Court Workers' Compensation Program Increases	6.121	0	6.121

Judges Salaries & Benefits	8.118	0	8.118
Security NSIs, Retirement, and Other Benefits	22.848	0	32.202
Increased Charges for County Provided Services	14.818	0	14.818
Court Interpreters Workload Growth	9.268	0	1.518
Court Interpreters Program: Trial Court Staffing	4.656	.165	4.656
Prisoner Hearing Costs	3.761	2.556	2.556
Costs of Homicide Trials	.666	0	.666
Pay Parity – Unification and Market Driven	14.325	0	14.325
Operating Expense – Postage	.827	0	.827
Total	**103.103**	**2.721**	**203.767**

The Chief Justice and AOC management met with the Governor and representatives from the DOF prior to the Governor's Budget being released. As a result of these discussions, the DOF asked AOC staff to provide additional and updated information on the following requests: Trial Court Staff NSIs & Benefits; Trial Court Staff Retirement; Security NSIs, Retirement, and Other Benefits; and Increased Charges for County Provided Services. DOF staff indicated that they would review the supplemental information provided, with the possibility of recommending additional funding and/or supporting the submittal of Finance Letters in these program areas. Staff contacted all courts during the middle of January to ask for data on changes to previous requests and new funding increases in those program areas that the court has become aware of since the initial submittal of the FY 2004–2005 BCPs. This resulted in an updated proposal totaling $203.767 million. (See Table One).

As a result of the discussions with the DOF described on the previous page, the AOC has preliminary agreements with DOF staff for partial funding for these increased costs. These funding agreements, as well as appeals for additional funding for current year unfunded increases are pending with the DOF Executive Office.

2. Judiciary

As with the trial courts, the BCPs submitted for the judiciary were focused on mandated cost increases. As indicated in Table Two below, the FY 2004–2005 Governor's Budget included funding for only part of one increase – the Court Interpreters Program.

Table Two
FY 2004–2005 Summary of Judiciary Budget Change Proposals
(in millions)

Program	Originally Submitted in BCP	PYs	Included in Governor's Budget	BCPs (including updates)
Supreme Court				
Capital Case Habeas Corpus Staff	.922	7 0	0	.922
JC/AOC				
SB 1732 – Trial Court Facilities Act of 2002	30.447	105.3	0	30.447
Court Interpreters Program	.559	2.0	.235	.559
AOC/Appellate Court User and Technical Support	.860	7.0	0	.860
Judicial				
Facilities – Rent Expense	2.332	0 0	0	2.332
Workers' Compensation Program Cost Increases	.195	0.0	0	.195
Court Security & Judicial Protection	.672	0 0	0	1.001
Operating Expense – Postage	.063	0.0	0	.063
Operating Expense – Subscription & Books	.267	0.0	0	.267
Habeas Corpus Resource Center				
Case Team & Resource Assistance Staffing	.234	2 0	0	.234
Attorney Staffing	.434	4 0	0	434
Facilities & Rent Augmentation	.053	0 0	0	053
Capital Outlay				
Alteration of Office Space for AOC	2.943	0 0	0	2.943
Consolidate Mandated Training & Judicial Administrative Programs	.229	0.0	0	.229
Total:	**40.210**	**127.3**	**.235**	**40.539**

In January, the AOC submitted updated requests in the amount of $40.539 million to the DOF. As a result of the discussions with the DOF, the AOC has preliminary agreements with DOF staff for partial funding of our requests. These funding agreements are pending with the DOF Executive Office.

B. Spring Finance Letters

AOC staff have been meeting with the DOF over the past few months in an effort to obtain approval to submit, on behalf of the trial courts and the judiciary, spring finance letters for additional funding beyond the level included in the Governor's Budget. To date, approval has been obtained only for homicide trial reimbursements for trial courts and the continued implementation of the facilities act and increased costs for judiciary security provided by the California Highway Patrol, for the judiciary. All other proposals, including those tentatively approved by DOF staff are pending with the DOF Executive Office.

C. Unallocated Reductions

1. Trial Courts

The Governor's Budget proposes an ongoing $59 million unallocated reduction to the trial courts. This reflects a reduced level of reduction from the amount originally considered by the administration with the expectation that the trial courts absorb the following cost increases:

FY 2003–2004 Judicial Salary and Benefits Increase	$8,118,000
Court Staff Retirement Costs	11,900,000
Court Security NSIs, Benefits and Retirement	19,400,000
Transfer of Funds for JRS I	27,620,000

The net impact to the trial courts of this reduction is $126 million.

Recent meetings with DOF staff have resulted in their agreement that the amount of the unallocated reduction should be reduced and a majority be returned to a one-time reduction. These recommendations are pending in the DOF Executive Office. Staff are working to identify the fairest and most equitable methodology for allocating these cuts. These recommendations will be presented to the Judicial Council at a future meeting.

2. Judiciary

The Governor's Budget proposes $9.798 million in ongoing unallocated reductions to the judiciary's operating budgets. The administration also expects that the judiciary will absorb the following cost increases:

Judicial Salary and Benefit Increase	$531,000
Non-Judicial Salary Increase	1,547,000
Court Security and Judicial Protection	624,000
	$2,702,000

In addition, $842,000 for increased lease charges for non-state owned buildings was not included in the Governor's Budget. This will result in a net ongoing impact of $13.34 million to the judiciary's budget.

As with the trial court unallocated reduction, recent meetings with DOF staff have resulted in their agreement that the amount of the unallocated reduction for the judiciary should be reduced and part of it be returned to a one-time reduction. These recommendations are pending in the DOF Executive Office.

Staff will work with the administrative presiding justices and appropriate judicial branch staff to develop recommendations for a fair and equitable methodology for allocation of budget reductions in FY 2004–2005 that focus on maintaining stability for the employees and retaining those programs that are critical to the mission of the state justice system.

III. Fiscal Year 2005–2006

A. Budget Change Proposal Priorities

1. Trial Courts

A meeting of the Trial Court Executive Management Budget Working Group was held in early January 2004. The purpose of the meeting was to provide an update on fiscal and budgetary information to the group. In addition, their input was sought on recommended budget program funding priorities for FY 2005–2006. The consensus of the group was to continue to submit requests for additional funding in program areas where the court has little or no control over increased costs.

On February 4, the Judicial Branch Budget Advisory Committee (JBBAC) met to consider budget priorities for the judicial branch in FY 2005–2006. California Rule of Court 6.45(d)(1)(C) requires that before JBBAC meets and makes recommendations to the Judicial Council on budget priorities, input from the public, including designated trial court employee representatives must be sought. As required, communications were sent to

the public seeking input, but no responses were received prior to the JBBAC meeting.

After the meeting, one comment was received, but was not considered by JBBAC. The single comment received stated that the judicial branch should not go forward with a request for funding of workers' compensation program increases, but rather put pressure on the insurance industry to reduce rates in response to reforms passed in 2003.

Staff and JBBAC concur with the recommendations below.

An additional staff recommendation has been added with relation to court-appointed counsel. Last year, the court appointed counsel program was underfunded. While the AOC has been making efforts to contain the costs in this program area, there is a possibility that the program may be underfunded again this year. For this reason, a recommendation is being made to approve submission of a BCP in FY 2005–2006 for increased funding for this program.

Recommendation
Staff recommends that the Judicial Council:

a. Approve the following statewide budget priorities for trial courts for FY 2005–2006 without a funding cap:
    - Trial Court Staff Negotiated Salary Increases (NSIs) and Benefits;
    - Trial Court Staff Retirement;
    - Trial Court Workers' Compensation Program Cost Increases;
    - Security NSIs, Retirement, and Other Benefits;
    - Increased Charges for County Provided Services;
    - Court Interpreters' Workload Growth;
    - Capital Outlay – Trial Court Facilities; and
    - Court-Appointed Counsel.

b. Direct staff to review erosion of base budget and equalization of funding issues for the trial courts and the impact these have had on ongoing operations and develop a funding proposal if it is determined to be appropriate.

2. Judiciary

Recommendation

Staff recommends that the Judicial Council approve the following budget priorities for FY 2005–2006 for the judiciary, including the Supreme Court, the California Judicial Center Library, the Courts of Appeal, the Habeas Corpus Resource Center, and the Judicial Council/Administrative Office of the Courts:

- Trial Court Facilities Legislation – Infrastructure;
- Staffing Standards (to the extent that additional resources are justified);
- Unfunded, Mandatory Cost Increases (including facility rent increases and security and judicial protection);
- Unfunded, Administrative Infrastructure Costs (e.g., fiscal services, comprehensive legal services, human resources, and technology); and
- Capital Outlay
    - Trial Court Facilities Legislation – Infrastructure
    - Training and Judicial Administrative Programs.

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report Summary

TO: Members of the Judicial Council

FROM: William C. Vickrey, Administrative Director of the Courts
Ronald G. Overholt, Chief Deputy Director
Christine M. Hansen, Director, Finance Division, 415-865-7951

DATE: February 27, 2004

SUBJECT: Budget Status Report on Fiscal Years 2003–2004, 2004–2005, and 2005–2006 (Action Required)

Issue Statement
Under California Rule of Court 6.101, the Judicial Council has the duties of establishing responsible fiscal priorities that best enable the judiciary to achieve its goals and developing the budget of the judiciary based upon these priorities and the needs of the court. The February business meeting is historically the time at which judicial branch funding priorities are presented to the council for consideration. This report presents background information on the status of the branch's budget for fiscal years (FY) 2003–2004 and 2004–2005, and a recommendation for judicial branch budget priorities for FY 2005–2006.

The information contained in this report is accurate as of February 13. Due to ongoing discussions with the Department of Finance, the information may change. If any information in this report changes prior to the council meeting, the report will be revised and handed out at the meeting on February 27.

Recommendation
Trial Courts

Staff recommends that the Judicial Council:

1. Approve the following statewide budget priorities for trial courts for FY 2005–2006 without a funding cap:

    - Trial Court Staff Negotiated Salary Increases (NSIs) and Benefits;
    - Trial Court Staff Retirement;
    - Trial Court Workers' Compensation Program Cost Increases;

- Security NSIs, Retirement, and Other Benefits;
- Increased Charges for County Provided Services;
- Court Interpreters' Workload Growth; and
- Capital Outlay – Superior Court Facilities

2. Direct staff to review erosion of base budget and equalization of funding issues for the trial courts and the impact these have had on ongoing operations and develop a funding proposal if it is determined to be appropriate.

Judiciary

Staff recommends that the Judicial Council approve the following budget priorities for FY 2005–2006 for the judiciary, including the Supreme Court, the California Judicial Center Library, the Courts of Appeal, the Habeas Corpus Resource Center, and the Judicial Council/Administrative Office of the Courts):

- Trial Court Facilities Legislation – Infrastructure;
- Staffing Standards, to the extent that additional resources are justified;
- Unfunded Mandatory Cost Increases, including facility rent increases and security and judicial protection;
- Unfunded, Administrative Infrastructure Costs (e.g., fiscal services, comprehensive legal services, human resources, and technology); and
- Capital Outlay
    - AOC Office Space (due to Trial Court Facilities Legislation – Infrastructure)
    - Training and Judicial Administrative Programs.

Rationale for Recommendation
Trial Courts and Judiciary

In the past two years, the Budget Change Proposals (BCPs) that have been submitted to the Department of Finance (DOF) have been primarily focused on addressing unfunded, mandatory cost increases over which the courts have little, if any, control. If funding is not provided for these increased costs, the courts will have to redirect resources needed to support important programs and operations. The FY 2003-2004 final approved budget includes some funding for many of these costs. The Governor's proposed FY 2004-2005 budget, however, includes no funding to address these cost increases, but staff remain hopeful that current negotiations will result in, at least, partial funding in many of these areas.

Alternative Actions Considered

Trial Courts and Judiciary
Instead of focusing budgetary requests on mandatory, baseline cost items, an alternative would be to propose funding for important program expansions and enhancements. Given the state's current fiscal situation and the DOF's policy of not considering such requests this year, this is not staff's recommended course of action.

Comments from Interested Parties
Consistent with California Rule of Court 6.45(d)(1)(C), Administrative Office of the Courts (AOC) staff provided the public, including designated trial court employees representatives, an opportunity to provide input on budget priorities before the Judicial Branch Budget Advisory Committee (JBBAC) met to consider recommendations. A single comment was received after JBBAC met, which stated that the judicial branch should not go forward with a request for funding of workers' compensation increases, but rather put pressure on the insurance industry to reduce rates in response to reforms passed in 2003.

Implementation Requirements and Costs
The recommended actions will not result in an increase in costs to the trial courts or the judiciary. The requests that are submitted to the DOF will be for new funding. However, because the recommended priorities for which funding may be requested are for program areas in which the court has no or limited control over increases, if funding is not included in the FY 2004–2005 budget, courts may need to renegotiate contracts in an effort to reduce costs and/or services, and redirect scarce resources away from critical programs and operations.

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Christine M. Hansen, Director, Finance Division, 415-865-7951

DATE: February 27, 2004

SUBJECT: Budget Status Report on Fiscal Years 2003–2004, 2004–2005, and 2005–2006 (Action Required)

The enclosed report provides an update on a variety of funding issues that affect the judicial branch over multiple fiscal years, including those having an impact only in fiscal year (FY) 2004–2005, and the only recommendations in the report, which relate to budget priorities for FY 2005–2006.

I. Multi-Year Funding Issues

A. Fee Revenue Shortfall
Assembly Bill (AB) 1759 (Stats. 2003, ch. 157) and AB 296 (Stats. 2003, ch. 757) increased several existing fines and fees and created other new statewide fees. The expectation was that these changes would result in a projected 72.5 percent increase in revenue that could be utilized to maintain existing programs and staffing by offsetting the loss of trial court funding previously provided through the General Fund. Based on the most current information, however, it has become clear that actual receipt of fines and fees will be significantly less than the projected levels assumed in the Budget Act of 2003.

Based on an analysis of receipts through November 2003, the current year fee revenue is projected to be $24.9 million less than originally expected. The shortfall is due to a number of factors, including:

- Late passage of the state budget;
- Initial projections based on limited data;

- Delayed implementation of the changes in the courts;
- Non-collection of fees in the courts/counties;
- County remittance issues;
- Rate of fee waivers approved by the courts; and
- Non-assessment of fees and fines.

The $24.9 million projected shortfall represents approximately 1.1 percent of the annual budget or approximately 3.4 percent of the budget for the remaining four months of the fiscal year.

Because fee revenues are currently a significant component in trial court funding and the FY 2004–2005 Governor's Budget does not propose providing additional relief, any amount collected below the projected amount will directly impact allocations to the courts. The AOC sent a memorandum to the presiding judges and executive officers of the superior courts in early January to request their assistance in taking steps to minimize the impact of the successive reductions in the branch budget and the shortfall in revenue from fees and fines. The following actions were recommended for all courts:

- Developing a policy for fee waivers;
- Offering information, education, or technical assistance to judges and court staff on issues related to the assessment or waiver of fees, fines, and surcharges;
- Ensuring that all fees, fines, and surcharges are being collected to the maximum extent possible; and
- As mandated by statute, remitting all fees, fines, and surcharges as quickly as possible.

Staff will continue to work with the administration and the legislature to address the projected shortfalls this year by submitting a deficiency request during the Governor's May Revise. In order to make progress in resolving the shortfalls, courts were informed that we must be able to document the fact that we have administered the new fees consistently as required by law and that we have accurate information on collection levels. To address the anticipated problems next year, including collection issues, the Trial Court Fees Working Group, appointed by the Chief Justice, has been charged with undertaking a comprehensive review of civil fees and making recommendations for a uniform, statewide fee schedule that also addresses the fee shortfall and current sunsets on the fees.

B. State Court Facilities Construction Fund Loan Shortfall

The Budget Act of 2003 included a loan of $80 million from the State Court Facilities Construction Fund to the state General Fund to temporarily fund other statewide obligations. Due to the way the loan was structured, however, the $80 million was taken from the Trial Court Trust Fund, to be replenished by projected State Court Facilities Construction Fund revenues. Unfortunately, based on receipts through November 2003, it is currently projected that revenues are $9.4 million below the amount projected in FY 2002–2003 by the DOF. This results in the possibility of the Trial Court Trust Fund having to absorb up to a $9.4 million shortfall. As with the fee shortfall, while the Governor's Budget does not currently provide relief, staff are continuing to work with the administration and the legislature to backfill the shortfall through a deficiency request during the Governor's May Revise.

C. Judges' Retirement System I Deficiency

In FY 2002–2003, the legislature reduced the level of funding to support the Judges' Retirement System I (JRS I) based upon their own overestimate of savings available in the fund. The reduction in funding results in a current year shortfall of $4.3 million. The projected shortfall increases to $27.6 million in FY 2004–2005. The DOF has proposed funding the shortfall through a transfer from the Trial Court Trust Fund. This action represents a major change from the historical policy of keeping the funding of JRS I separate from trial court operational funding. The AOC is aggressively pursuing this issue and has requested that the action be reversed.

D. Court Security and Consolidated Administrative Services Reductions

The Budget Act of 2003 mandated permanent reductions in the Trial Court Trust Fund for security funding of $11.0 million in FY 2003–2004, increasing to $22.0 million in FY 2004–2005, and another $2.5 million in the trust fund to be based on efficiencies to be achieved through consolidation of administrative services. At its August 2003 meeting, the Judicial Council deferred immediate implementation of these reductions to allow the responsible working groups time to address them.

A separate report containing recommendations on these reductions will be presented to the council at this meeting.

E. Trial Court Trust Fund

The Trial Court Trust Fund will be fully depleted *before* the end of FY 2003–2004 and unable to absorb the projected $39 million resulting from the fee and loan shortfalls and the JRS I issue. To lessen the impact of reductions on trial court operating budgets in the past, statewide funds, such as the Improvement and Judicial Administration Efficiency and Modernization Funds, the Assigned Judges Program and judicial salary savings have absorbed $150 million in reductions. As a result, many of these funds are no longer available to incur additional cuts. Consequently, most if not all of the fee and loan shortfalls discussed previously will result in additional reductions to the trial courts if fiscal relief is not provided.

II. Fiscal Year 2004–2005

A. Budget Change Proposals

1. Trial Courts

Due to the continuing state fiscal crisis, a reduced number of budget proposals, as compared to FY 2003–2004, were identified and subsequently submitted to the DOF for consideration. These primarily included programs with cost increases that were outside of the courts' control, such as: Court Staff Negotiated Salary Increases and Benefits; Court Staff Retirement; Court Workers' Compensation Program Increases; Security NSIs, Retirement, and Other Benefits; and Court Interpreter Workload Growth. Eleven BCPs were submitted to the Governor in the amount of $103.103 million. (Please see Table One.) The Governor's Budget includes funding for only two of these proposals, a small portion of the Court Interpreters request to fund benefits and a transfer of funds from local assistance funding previously administered by the Department of Corrections to allow courts to directly apply for limited reimbursement of prisoner hearing costs.

Table One
FY 2004–2005 Summary of Trial Court Budget Change Proposals
(in millions)

Program	Originally Submitted in BCP	Included in Governor's Budget	BCPs (including updates)
Trial Court Staff NSIs & Benefits	TBD	0	59.947
Trial Court Staff Retirement	25.813	0	57.949
Trial Court Workers' Compensation Program Increases	6.121	0	6.121
Judges Salaries & Benefits	8.118	0	8.118
Security NSIs, Retirement, and Other Benefits	22.848	0	32.202
Increased Charges for County Provided Services	14.818	0	14.818
Court Interpreters Workload Growth	9.268	0	1.518
Court Interpreters Program: Trial Court Staffing	4.656	.165	4.656
Prisoner Hearing Costs	3.761	2.556	2.556
Costs of Homicide Trials	.666	0	.666
Pay Parity – Unification and Market Driven	14.325	0	14.325
Operating Expense – Postage	.827	0	.827
Total	**103.103**	**2.721**	**203.767**

The Chief Justice and AOC management met with the Governor and representatives from the DOF prior to the Governor's Budget being released. As a result of these discussions, the DOF asked AOC staff to provide additional and updated information on the following requests: Trial Court Staff NSIs & Benefits; Trial Court Staff Retirement; Security NSIs, Retirement, and Other Benefits; and Increased Charges for County Provided Services. DOF staff indicated that they would review the supplemental information provided, with the possibility of recommending additional funding and/or supporting the submittal of Finance Letters in these program areas. Staff contacted all courts during the middle of January to ask for data on changes to previous requests and new funding increases in those program areas that the court has become aware of since the initial submittal of the FY 2004–2005 BCPs. This resulted in an updated proposal totaling $203.767 million. (See Table One).

2. Judiciary

As with the trial courts, the BCPs submitted for the judiciary were focused on mandated cost increases. As indicated in Table Two below, the FY 2004–2005 Governor's Budget included funding for only part of one increase – the Court Interpreters Program.

Table Two
FY 2004–2005 Summary of Judiciary Budget Change Proposals
(in millions)

Program	Originally Submitted in BCP	PYs	Included in Governor's Budget	BCPs (including updates)
Supreme Court				
Capital Case Habeas Corpus Staff	.922	7.0	0	.922
JC/AOC				
SB 1732 – Trial Court Facilities Act of 2002	30.447	105.3	0	30.447
Court Interpreters Program	.559	2.0	.235	.559
AOC/Appellate Court User and Technical Support	.860	7.0	0	.860
Judicial				
Facilities – Rent Expense	2.332	0.0	0	2.332
Workers' Compensation Program Cost Increases	.195	0.0	0	.195
Court Security & Judicial Protection	.672	0.0	0	1.001
Operating Expense – Postage	.063	0.0	0	.063
Operating Expense – Subscription & Books	.267	0.0	0	.267
Habeas Corpus Resource Center				
Case Team & Resource Assistance Staffing	.234	2.0	0	.234
Attorney Staffing	.434	4.0	0	.434
Facilities & Rent Augmentation	.053	0.0	0	.053
Capital Outlay				
Alteration of Office Space for AOC	2.943	0.0	0	2.943
Consolidate Mandated Training & Judicial Administrative Programs	.229	0.0	0	.229
Total:	**40.210**	**127.3**	**.235**	**40.539**

B. Spring Finance Letters

Staff will continue to meet with DOF staff in an effort to obtain approval for the submission of spring finance letters for the trial courts and judiciary in an effort to increase funding over the levels proposed in the Governor's Budget.

C. Unallocated Reductions

1. Trial Courts

The Governor's Budget proposes an ongoing $59 million unallocated reduction to the trial courts. This reflects a reduced level of reduction from the amount originally considered by the administration with the expectation that the trial courts absorb the following cost increases:

FY 2003–2004 Judicial Salary and Benefit Increase	$8,118,000
Court Staff Retirement Costs	11,900,000
Court Security NSIs, Benefits and Retirement	19,400,000
Transfer of Funds for JRS I	27,620,000

The net impact to the trial courts of this reduction is $126 million.

Meetings with DOF staff are continuing at which the AOC is attempting to reduce the proposed trial court unallocated reduction to the FY 2003–2004 level and to keep them one-time in nature as much as possible. Staff are working to identify the fairest and most equitable methodology for allocating these cuts. These recommendations will be presented to the Judicial Council at a future meeting.

2. Judiciary

The Governor's Budget proposes $9.798 million in ongoing unallocated reductions to the judiciary's operating budgets. The administration also expects that the judiciary will absorb the following cost increases:

Judicial Salary and Benefit Increase	$531,000
Non-Judicial Salary Increase	1,547,000
Court Security and Judicial Protection	624,000
	$2,702,000

In addition, $842,000 for increased lease charges for non-state owned buildings was not included in the Governor's Budget. This will result in a net ongoing impact of $13.34 million to the judiciary's budget. AOC staff continue to work with the administration in an effort to reduce the proposed reduction to the level imposed upon the judiciary in FY 2003–2004 and keeping the reduction one-time in nature to the maximum extent possible.

Staff will work with the administrative presiding justices and appropriate judicial branch staff to develop recommendations for a fair and equitable methodology for allocation of budget reductions in FY 2004–2005 that focus on maintaining stability for the employees and retaining those programs that are critical to the mission of the state justice system.

III. Fiscal Year 2005–2006

A. Budget Change Proposal Priorities

1. Trial Courts

A meeting of the Trial Court Executive Management Budget Working Group was held in early January 2004. The purpose of the meeting was to provide an update on fiscal and budgetary information to the group. In addition, their input was sought on recommended budget program funding priorities for FY 2005–2006. The consensus of the group was to continue to submit requests for additional funding in program areas where the court has little or no control over increased costs.

On February 4, the Judicial Branch Budget Advisory Committee (JBBAC) met to consider budget priorities for the judicial branch in FY 2005–2006. California Rule of Court 6.45(d)(1)(C) requires that before JBBAC meets and

makes recommendations to the Judicial Council on budget priorities, input from the public, including designated trial court employee representatives must be sought. As required, communications were sent to the public seeking input, but no responses were received prior to the JBBAC meeting.

After the meeting, one comment was received, but was not considered by JBBAC. The single comment received stated that the judicial branch should not go forward with a request for funding of workers' compensation program increases, but rather put pressure on the insurance industry to reduce rates in response to reforms passed in 2003.

Staff and JBBAC concur with the recommendations below.

Recommendation

Staff recommends that the Judicial Council:

a. Approve the following statewide budget priorities for trial courts for FY 2005–2006 without a funding cap:

   - Trial Court Staff Negotiated Salary Increases (NSIs) and Benefits;
   - Trial Court Staff Retirement;
   - Trial Court Workers' Compensation Program Cost Increases;
   - Security NSIs, Retirement, and Other Benefits;
   - Increased Charges for County Provided Services;
   - Court Interpreters' Workload Growth; and
   - Capital Outlay – Superior Court Facilities.

b. Direct staff to review erosion of base budget and equalization of funding issues for the trial courts and the impact these have had on ongoing operations and develop a funding proposal if it is determined to be appropriate.

2. Judiciary

Recommendation

Staff recommends that the Judicial Council approve the following budget priorities for FY 2005–2006 for the judiciary, including the Supreme Court, the California Judicial Center Library, the Courts of Appeal, the Habeas Corpus Resource Center, and the Judicial Council/Administrative Office of the Courts):

- Trial Court Facilities Legislation – Infrastructure;
- Staffing Standards, to the extent that additional resources are justified;
- Unfunded, Mandatory Cost Increases, including facility rent increases and security and judicial protection;
- Unfunded, Administrative Infrastructure Costs (e.g., fiscal services, comprehensive legal services, human resources, and technology); and
- Capital Outlay
    - AOC Office Space (due to Trial Court Facilities Legislation – Infrastructure)
    - Training and Judicial Administrative Programs.

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3660

Report

TO: Members of the Judicial Council

FROM: Ronald G. Overholt, Chief Deputy Director 415-865-4235
Tina Hansen, Director, Finance Division 415-865-7951
Stephen Nash, Assistant Director, Finance Division 415-865-7584
Vicki Muzny, Supervising Budget Analyst 415-865-7553

DATE: February 27, 2004

SUBJECT: Allocation of $11 Million Trial Court Security and $2.5 Million Administrative Consolidation Reductions for Fiscal Year 2003–2004 (Action Required)

Issue Statement
The Budget Act of 2003 (Ch. 157, Stats. of 2003) included a reduction of $11 million in trial court security funding in fiscal year (FY) 2003–2004, effective January 2004. The reduction will be ongoing and increase to $22 million in FY 2004–2005. The Budget Act also included a $2.5 million ongoing Administrative Consolidation reduction for FY 2003–2004, which was based on an assumption that trial courts would implement changes through consolidation of administrative services to generate savings necessary to offset the cost reduction.

Staff brought these items to the Judicial Council at its August 29, 2003 business meeting. At that time, the council approved the staff recommendations to delay determination of the allocation methodology for these reductions until later in the fiscal year. It was anticipated that the Working Group on Court Security (mandated by Assembly Bill 1759 and the Superior Court Law Enforcement Act of 2002) would meet prior to the effective date of the reduction and develop guidelines and standards for court security that would assist the courts in achieving the targeted court security cost savings. With regards to the administrative consolidation issue, it was anticipated that the Rural Court Judges Working Group on Administrative and Operational Efficiency would develop a process within the judicial branch to ensure implementation and maintenance of a cost effective judicial branch administrative structure, thereby resulting in savings to partially offset the reduction.

While neither group has submitted recommendations relating to the current year reductions, both groups are continuing to meet and discuss possible recommendations. The consensus of the Working Group on Court Security, at its meeting in mid-January, was that they should concentrate on the FY 2004–2005 reduction, because there were no recommendations they could make that could be implemented in time to produce enough savings to generate the $11 million in FY 2003–2004.

The current staff recommendations are interim proposals to be utilized on a one-time basis for FY 2003–2004 only. The Working Group on Court Security will develop standards and guidelines to assist courts and sheriffs in making changes in their security programs that will, hopefully, enable them to meet, on a statewide basis, the ongoing $22 million reduction in FY 2004–2005 and beyond. An Operational Cost Savings Working Group has been meeting to develop recommendations that would result in courts saving money on operating expenses in an effort to offset the administrative consolidation reductions. In other initiatives to reduce costs, the Administrative Office of the Courts (AOC) recently put into place a statewide contract for office paper and a courtwide ADP (payroll) contract. Staff are currently working to secure contracts for office supplies, shredding services, law books and electronic legal research services, and case files.

The information contained in this report is accurate as of February 13. Due to ongoing discussions with the Department of Finance, the information may change. If any information in this report changes prior to the council meeting, the report will be revised and handed out at the meeting on February 27.

Recommendation

Staff recommends that the Judicial Council:

1. Approve the staff recommendation to allocate, on a one-time basis in FY 2003–2004, the $11.0 million reduction for security as indicated in Option 4 on Attachment 1, which is based on the lesser of each court's FY 2003–2004 security budget or a court's FY 1996–1997 security baseline plus all ongoing security augmentations since that time.

2. Approve the staff recommendation to allocate, on a one-time basis in FY 2003–2004, the $2.5 million reduction for consolidation of administrative services to each court as a prorated portion of the total FY 2003–2004 beginning baseline allocation (excluding juror, interpreter, and court appointed counsel), as indicated in Attachment 2.

Rationale for the Recommendation

Security
Option 4 is recommended because it only applies the reduction to each court's funded security level. If a court has had to absorb unfunded security increases by paying more for security services than they have received through funding requests, this option will not disadvantage them because it applies to each court's funded security budget versus applying the reduction to their higher expenditure numbers.

Administrative Consolidation
This recommendation is being made because the proposed amounts were previously communicated to the courts as their potential portion of the $2.5 million reduction for planning purposes. While the Operational Cost Savings Working Group is making recommendations that should result in decreased operating costs in some areas, the specific suggestions will take time to implement. Staff will evaluate the recommended reductions for each court over the next few months to determine if this is the fairest and most equitable approach to use for this reduction on an ongoing basis.

Alternative Actions Considered

Security
In developing the recommendations, staff considered a number of alternatives. Each of the alternatives involved a different version of a pro rata allocation. The information on which the allocation was based varied between options. The alternatives considered included the following:

- Option 1 – Dividing each court's FY 2001–2002 security expenditures by the statewide trial courts' FY 2001–2002 security expenditures. (At the time, FY 2001–2002 was the most recent year for which expenditure data was available.) Courts were notified of this amount as the potential reduction they should consider for planning purposes. Since this option was first considered, FY 2002–2003 security expenditures have been reported by the courts. In addition, by not including court attendant and marshal costs, this data underrepresented total court security costs for some courts.

- Option 2 – Dividing each court's FY 2002–2003 security expenditures, including costs of court attendants and marshals, by the total statewide FY 2002–2003 security expenditures. This option represented a more current and comprehensive amount than the FY 2001–2002 security expenditures. However, if courts made recent efforts with their sheriff to reduce their

security expenditures, it is likely that the results would not be reflected in these numbers.

- Option 3 – Dividing each court's FY 2003–2004 security budget by the total statewide FY 2003–2004 security budget. FY 2003–2004 is the first year in which courts have been required to provide the AOC with their projected budgets for court security as a specific line item. This number should incorporate recent efforts courts have made in cooperation with their sheriff or other security providers to reduce the security costs, which might not be reflected in their FY 2002–2003 expenditures.

- Option 4 – Comparing each court's FY 2003–2004 security budget to their adjusted FY 2003–2004 security budget (which adds together each court's FY 1996–1997 baseline security allocation and all ongoing security augmentations received through FY 2003–2004). The lesser of the two amounts for each court is selected and the total for all courts is summed. Each court's individual amount is then divided by the overall total. This methodology looks at whether courts are currently spending more or less than the total of all allocations they have received specifically for security and compares it to what they are planning to spend on security in FY 2003–2004. The impact of this option is that reductions are applied only to funded budgets – not against security costs that the courts have had to absorb.

Administrative Consolidation
Staff considered a couple alternatives for applying this reduction.

- Applying the reduction against each court's FY 2003–2004 administrative baseline budget. Administrative costs vary widely from court to court. Staff believed that it may be fairer and more equitable to all courts, on an interim basis, to apply the reduction against total baseline rather than the administrative portion of the each court's baseline.

- Dividing each court's FY 2003–2004 baseline (exclusive of juror, interpreter, and court appointed counsel) by the total statewide FY 2003–2004 baseline. This option treats all courts the same regardless of how much they spend on administrative functions.

Comments from Interested Parties
Trial court budget reports, other than those concerning recommendations for budget priorities, are not subject to the invitation to public comment requirement; however, staff did solicit input on the security reduction from the members of the Trial Court Executive Management Budget Working Group, the Court Executives

Advisory Committee, the Working Group on Court Security, and the AOC's regional administrative directors in the process of developing this interim recommendation.

Implementation Requirements and Costs

After the Judicial Council makes its decision, a memorandum will be sent to the trial courts notifying them of the approved reduction for their court. One quarter (1/4) of the amount of each court's reduction for both Security and Administrative Consolidation will be applied against its budget allocation beginning with the March allocation and the same amount will be subtracted each month through June 2004.

Attachments

ATTACHMENT 1

OPTIONS FOR ALLOCATION OF $11 MILLION SECURITY REDUCTION IN FY 2003-2004

	Option 1			Option 2			Option 3			Option 4 -- Recommended			
Court System	FY 2001-02 Security Expend A	% Court Expend. is of Total FY 2001-02 Security Expend B	Allocation of $11 Mil Reduction Based on FY 2001-02 Security Expend.* C	FY 2002-03 Security Expend.** D	% Court Expend. is of Total FY 2002-03 Security Expend. E	Allocation of $11 mil Reduction Based on FY 2002-03 Security Expend. F	FY 2003-04 Security Budget*** G	% Court Budget is of Total FY 2003-04 Security Budget H	Allocation of $11 mil Reduction Based on FY 2003-04 Security Budget I	Adjusted FY 2003-04 Security Budget (FY 96-97 Security Baseline + Ongoing Security Increases) J	Lesser of G and J K	% K Is of Col. K Total L	Allocation of $11 mil. Reduction Based on Lesser of Security Budget or Adjusted Security Baseline M
Alameda	15,723,227	5%	579,387	18,017,073	6%	611,214	19,470,780	6%	629,255	16,826,072	16,826,072	5%	555,780
Alpine	3,139	0%	116	10,422	0%	354	11,000	0%	355	33,029	11,000	0%	363
Amador	305,094	0%	11,242	335,096	0%	11,368	343,000	0%	11,085	430,024	343,000	0%	11,330
Butte	975,260	0%	35,937	1,297,165	0%	44,005	1,358,518	0%	43,904	839,109	839,109	0%	27,717
Calaveras	178,312	0%	6,571	207,761	0%	7,048	230,000	0%	7,433	206,173	206,173	0%	6,810
Colusa	166,236	0%	6,126	90,223	0%	3,061	90,223	0%	2,916	185,200	90,223	0%	2,980
Contra Costa	8,477,103	3%	312,374	8,875,358	3%	301,089	9,629,142	3%	311,194	9,507,165	9,507,165	3%	314,030
Del Norte	124,867	0%	4,601	113,190	0%	3,840	189,296	0%	6,118	256,996	189,296	0%	6,253
El Dorado	1,247,188	0%	45,958	1,484,470	0%	50,359	1,300,000	0%	42,013	1,448,211	1,300,000	0%	42,940
Fresno	6,824,268	2%	251,468	6,244,594	2%	211,843	6,523,218	2%	210,817	8,093,348	6,523,218	2%	215,468
Glenn	73,230	0%	2,698	99,728	0%	3,383	120,214	0%	3,885	89,671	89,671	0%	2,962
Humboldt	722,279	0%	26,615	803,862	0%	27,270	462,194	0%	14,937	1,066,297	462,194	0%	15,267
Imperial	838,551	0%	30,900	879,079	0%	29,822	898,394	0%	29,034	654,363	654,363	0%	21,614
Inyo	148,627	0%	5,477	148,721	0%	5,045	146,750	0%	4,743	153,167	146,750	0%	4,847
Kern	5,269,867	2%	194,190	5,659,957	2%	192,009	5,898,279	2%	190,620	6,034,798	5,898,279	2%	194,825
Kings	562,163	0%	20,715	609,405	0%	20,674	646,678	0%	20,899	539,171	539,171	0%	17,809
Lake	263,231	0%	9,700	295,590	0%	10,028	234,000	0%	7,562	194,998	194,998	0%	6,441
Lassen	150,835	0%	5,558	233,772	0%	7,931	189,550	0%	6,126	220,579	189,550	0%	6,261
Los Angeles	107,745,640	36%	3,970,329	114,638,229	35%	3,889,005	114,429,269	34%	3,698,116	128,235,479	114,429,269	34%	3,779,702
Madera	306,696	0%	11,301	292,913	0%	9,937	295,300	0%	9,543	522,376	295,300	0%	9,754
Marin	2,120,199	1%	78,127	2,342,416	1%	79,464	2,260,132	1%	73,043	2,773,098	2,260,132	1%	74,654
Mariposa	25,090	0%	925	27,125	0%	920	26,000	0%	840	41,885	26,000	0%	859
Mendocino	550,186	0%	20,274	629,347	0%	21,350	762,076	0%	24,629	629,769	629,769	0%	20,802
Merced	1,225,000	0%	45,140	816,620	0%	27,703	322,400	0%	10,419	1,306,418	322,400	0%	10,649
Modoc	22,975	0%	847	25,975	0%	881	22,975	0%	743	15,102	15,102	0%	499
Mono	66,731	0%	2,459	71,790	0%	2,435	76,000	0%	2,456	58,318	58,318	0%	1,926
Monterey	2,099,557	1%	77,367	2,364,961	1%	80,229	2,786,739	1%	90,062	2,103,382	2,103,382	1%	69,477
Napa	1,117,696	0%	41,186	1,175,041	0%	39,862	1,135,000	0%	36,681	1,599,637	1,135,000	0%	37,490
Nevada	726,851	0%	26,784	656,830	0%	22,282	515,416	0%	16,657	775,807	515,416	0%	17,025
Orange	25,138,501	8%	926,331	26,683,734	8%	905,223	29,335,356	9%	948,058	29,255,038	29,255,038	9%	966,320
Placer	1,629,599	1%	60,049	1,563,550	0%	53,042	1,600,000	0%	51,709	1,643,797	1,600,000	0%	52,849
Plumas	147,969	0%	5,453	136,029	0%	4,615	152,000	0%	4,912	256,026	152,000	0%	5,021
Riverside	9,122,002	3%	336,137	9,876,690	3%	335,058	10,900,000	3%	352,265	11,246,006	10,900,000	3%	360,037

ATTACHMENT 1

OPTIONS FOR ALLOCATION OF $11 MILLION SECURITY REDUCTION IN FY 2003-2004

	Option 1			Option 2			Option 3			Option 4 -- Recommended			
Court System	FY 2001-02 Security Expend A	% Court Expend. is of Total FY 2001-02 Security Expend B	Allocation of $11 Mil Reduction Based on FY 2001-02 Security Expend.* C	FY 2002-03 Security Expend.** D	% Court Expend. is of Total FY 2002-03 Security Expend. E	Allocation of $11 mil Reduction Based on FY 2002-03 Security Expend. F	FY 2003-04 Security Budget*** G	% Court Budget is of Total FY 2003-04 Security Budget H	Allocation of $11 mil Reduction Based on FY 2003-04 Security Budget I	Adjusted FY 2003-04 Security Budget (FY 96-97 Security Baseline + Ongoing Security Increases) J	Lesser of G and J K	% K is of Col. K Total L	Allocation of $11 mil. Reduction Based on Lesser of Security Budget or Adjusted Security Baseline M
Sacramento	10,956,836	4%	403,749	12,407,445	4%	420,912	13,992,721	4%	452,216	15,771,225	13,992,721	4%	462,192
San Benito	50,338	0%	1,855	63,987	0%	2,171	65,000	0%	2,101	127,217	65,000	0%	2,147
San Bernardino	12,737,245	4%	469,356	14,290,943	4%	484,808	15,927,441	5%	514,742	15,270,352	15,270,352	5%	504,393
San Diego	18,034,939	6%	664,571	20,240,886	6%	686,655	22,393,113	7%	723,699	23,394,377	22,393,113	7%	739,665
San Francisco	7,110,892	2%	262,030	7,690,038	2%	260,878	7,548,814	2%	243,962	6,930,912	6,930,912	2%	228,934
San Joaquin	4,374,330	1%	161,190	4,480,690	1%	152,004	4,413,005	1%	142,619	3,956,472	3,956,472	1%	130,686
San Luis Obispo	1,842,253	1%	67,885	2,660,443	1%	90,253	2,100,000	1%	67,868	1,934,473	1,934,473	1%	63,897
San Mateo	4,774,827	2%	175,948	5,216,045	2%	176,950	6,522,688	2%	210,800	6,275,702	6,275,702	2%	207,292
Santa Barbara	3,278,515	1%	120,810	3,318,245	1%	112,569	3,748,043	1%	121,129	3,988,240	3,748,043	1%	123,801
Santa Clara	17,581,660	6%	647,868	20,444,175	6%	693,551	22,903,204	7%	740,184	25,127,036	22,903,204	7%	756,513
Santa Cruz	1,835,034	1%	67,619	1,898,911	1%	64,419	1,830,000	1%	59,142	2,086,657	1,830,000	1%	60,447
Shasta	617,640	0%	22,759	1,541,080	0%	52,280	1,484,080	0%	47,962	1,476,741	1,476,741	0%	48,778
Sierra	2,756	0%	102	-	0%	-	-	0%	-	23,590	-	0%	-
Siskiyou	301,850	0%	11,123	375,626	0%	12,743	415,000	0%	13,412	987,087	415,000	0%	13,708
Solano	3,122,165	1%	115,049	3,269,609	1%	110,919	3,432,348	1%	110,926	3,388,443	3,388,443	1%	111,923
Sonoma	3,914,019	1%	144,228	4,140,747	1%	140,471	4,285,000	1%	138,482	4,094,745	4,094,745	1%	135,253
Stanislaus	2,733,505	1%	100,727	2,050,630	1%	69,566	2,474,388	1%	79,967	2,510,079	2,474,388	1%	81,731
Sutter	440,083	0%	16,217	475,764	0%	16,140	609,425	0%	19,695	534,741	534,741	0%	17,663
Tehama	306,623	0%	11,299	357,610	0%	12,132	330,000	0%	10,665	294,608	294,608	0%	9,731
Trinity	-	0%	-	183,106	0%	6,212	183,106	0%	5,918	116,123	116,123	0%	3,836
Tulare	2,526,905	1%	93,114	3,024,403	1%	102,600	3,450,000	1%	111,497	3,392,352	3,392,352	1%	112,052
Tuolumne	227,843	0%	8,396	264,357	0%	8,968	309,621	0%	10,006	364,401	309,621	0%	10,227
Ventura	5,936,859	2%	218,768	7,191,657	2%	243,971	7,512,400	2%	242,785	7,885,478	7,512,400	2%	248,141
Yolo	1,360,104	0%	50,119	1,552,611	0%	52,671	1,607,359	0%	51,947	1,585,817	1,585,817	0%	52,381
Yuba	349,453	0%	12,877	407,011	0%	13,808	471,745	0%	15,246	419,182	419,182	0%	13,846
Total:	**298,514,843**		**11,000,000**	**324,252,735**		**11,000,000**	**340,368,400**		**11,000,000**	**359,176,562**	**333,021,512**		**11,000,000**

* Allocations provided to courts in fall of 2003 to provide advance notice of possible reduction amounts Data is from FY 2001-02 fourth quarter QFS

** Based on FY 2002-03 fourth quarter QFS with adjustments by AOC staff to adjust for missing or misreported data

*** Based on FY 2003-04 Schedule 1 with adjustments by AOC staff to adjust for missing or misreported data

PROPOSED ALLOCATION OF $2.5 MILLION ADMINISTRATIVE CONSOLIDATION REDUCTION

Court System	FY 03-04 Beginning Baseline Allocation (w/ Juror and CAC Base Removed)	% Court Represents of Total FY 2003-04 Beginning Baseline	Allocation of $2.5 Million Reduction
Alameda	86,539,335	5%	126,224
Alpine	396,078	0%	578
Amador	2,135,046	0%	3,114
Butte	7,396,494	0%	10,788
Calaveras	1,532,769	0%	2,236
Colusa	1,118,634	0%	1,632
Contra Costa	42,233,704	2%	61,601
Del Norte	2,028,154	0%	2,958
El Dorado	7,619,331	0%	11,113
Fresno	34,616,762	2%	50,491
Glenn	1,402,541	0%	2,046
Humboldt	5,488,807	0%	8,006
Imperial	6,066,449	0%	8,848
Inyo	1,777,666	0%	2,593
Kern	32,867,769	2%	47,940
Kings	5,285,254	0%	7,709
Lake	2,125,556	0%	3,100
Lassen	1,329,427	0%	1,939
Los Angeles	527,299,143	31%	769,102
Madera	3,952,463	0%	5,765
Marin	16,155,732	1%	23,564
Mariposa	705,073	0%	1,028
Mendocino	5,201,391	0%	7,587
Merced	7,088,926	0%	10,340
Modoc	635,577	0%	927
Mono	1,131,420	0%	1,650
Monterey	14,970,822	1%	21,836
Napa	7,517,369	0%	10,965
Nevada	4,101,632	0%	5,983
Orange	145,141,761	8%	211,699
Placer	9,604,958	1%	14,009
Plumas	1,384,507	0%	2,019
Riverside	65,603,248	4%	95,687
Sacramento	72,277,432	4%	105,422
San Benito	1,451,490	0%	2,117
San Bernardino	67,158,059	4%	97,955
San Diego	137,671,794	8%	200,804
San Francisco	60,361,988	4%	88,042
San Joaquin	21,167,588	1%	30,874
San Luis Obispo	12,971,239	1%	18,919
San Mateo	35,419,247	2%	51,661
Santa Barbara	21,418,369	1%	31,240
Santa Clara	88,964,345	5%	129,761
Santa Cruz	11,857,281	1%	17,295
Shasta	7,650,837	0%	11,159
Sierra	336,362	0%	491
Siskiyou	3,816,676	0%	5,567
Solano	18,903,793	1%	27,572
Sonoma	20,813,098	1%	30,357
Stanislaus	15,180,662	1%	22,142
Sutter	3,363,702	0%	4,906
Tehama	2,897,763	0%	4,227
Trinity	849,553	0%	1,239
Tulare	13,528,608	1%	19,732
Tuolumne	2,687,121	0%	3,919
Ventura	30,547,152	2%	44,555
Yolo	7,316,540	0%	10,672
Yuba	2,943,638	0%	4,293
Total	1,714,008,137		2,500,000

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Christine M. Hansen, Director, Finance Division, 415-865-7951

DATE: February 27, 2004

SUBJECT: Statement of Investment Policy for the Trial Courts and Resolutions Regarding Investment Activities for the Trial Courts (Action Required)

Issue Statement
Government Code section 77009 authorized the Judicial Council to establish bank accounts that were separate from county treasuries for the deposit of "any and all money under the control of the court..." At its April 19, 2002 meeting, the Judicial Council delegated its authority to establish trial court operating funds separate from the county treasury to the Administrative Director of the Courts (ADC).

Many courts have established their own accounts and have moved their operating account into it from the county treasury. This has occurred either due to the following:

- A court's transition to the statewide fiscal system; or
- A notice of discontinuation of banking and treasury services issued by either the court or the county due to various factors.

This process will continue during the next few years until the trial courts have all moved their funds out of the county treasuries. Unfortunately, the funds in these new accounts can remain idle for periods ranging from a few days to several months. Prudent financial management standards mandate that these funds should be invested.

The next step in the process of handling the funds of the trial courts is the establishment of a treasury function whereby funds are invested in a prudent and safe manner while yielding the maximum possible return.

Recommendations
Staff recommends the Judicial Council:

(1) Approve the attached Statement of Investment Policy for the Trial Courts; and

(2) Approve the attached three resolutions, which will allow investment activities to be initiated by and for the benefit of the trial courts. The three resolutions are as follows:

(a) Resolution Authorizing the Development of an Investment Program for the Trial Courts. This resolution provides that the Judicial Council, or its designee, the ADC, directs that an investment program be developed for the trial courts. It also directs that the Director, Finance Division of the Administrative Office of the Courts (AOC), be the 'treasurer' relating to invested funds and activities under the statutory requirements.

(b) Resolution Authorizing Investments for Trial Court Funds. This resolution authorizes the investment of trial court funds into the:

- State of California Local Agency Investment Fund (LAIF);
- Bank of America, N.A. investment funds; or
- Other investments as approved by the ADC.

(c) Resolution Regarding Investment Reporting Requirements for the Trial Courts. This resolution establishes the requirements for reporting investment activities by the responsible individuals.

Rationale
The proposed policy and resolutions meet the statutory requirements for investments by "local agencies." (See Gov. Code §§ 53630 et. seq.) As discussed further below, we have found no authorities addressing whether courts are local agencies for the purposes of these statutes, and we can identify arguments on either side of this issue. Nonetheless, the adoption of the proposed policy and resolutions are desirable as a matter of policy.

The Council's Authority to Adopt Policies on Trial Court Investments
Government Code section 77009 establishes the council's authority to establish bank accounts for the trial courts:

> Notwithstanding any other provision of law, including, but not limited to, this section, the Judicial Council may establish trial court operations funds separate from the county treasury. The operations funds may supersede those provided for under this section and may require the courts to include any or all money under the control of the court in the funds.

This section explicitly authorizes the council to establish accounts for the trial courts and require the courts to use them. Implicitly, the section also authorizes the council to establish policies for managing and investing the money in those accounts.

Government Code sections 53630 through 53686 address investment of local agencies' funds. A local agency is defined as follows:

> "Local agency" means county, city, city and county, including a chartered city or county, a community college district, or other public agency or corporation in this state. (Gov. Code, § 53630(a)).

This definition does not specifically mention trial courts. On the one hand, it could be argued that the general reference to "other public agency or corporation in this state" should be construed to include the trial courts. On the other hand, the trial courts are part of the statewide judicial branch, and section 77009(j) gives the council the authority to establish trial court operations funds "notwithstanding any other provision of law." The only case we have found that addresses trial courts in the context of section 53630 is inconclusive.[1]

The proposed policies and resolutions are ones that an entity subject to sections 53630 et. seq. would need. They are also ones that the council could adopt in order to implement its authority under section 77009 to establish court operations funds outside of the county treasury. Regardless of whether trial courts come within the definition of local agency in section 53630, adopting those policies will help ensure that trial court funds are invested in a responsible manner. For the same reason, AOC staff, in implementing those policies, intends to comply with the restrictions contained in sections 53630 et. seq.

Statement of Investment Policy for the Trial Courts and Resolution Authorizing Development of the Investment Program for the Trial Courts
Government Code section 53646 (a) requires:

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[1] That case, *Ostley v Saper* (1957) 147 Cal.App 2d 671, 675, concerned the ownership of interest earned on funds deposited with the trial court in the County of Los Angeles in an interpleader proceeding, which the court clerk had in turn deposited in the county treasury. Government Code section 53647 specifies that interest on deposited funds belong to "the local agency represented by the officer making the deposit, unless otherwise directed by law." The Court of Appeal cited section 53647 and held that the trial court, rather than the county, was entitled to the interest earned on the deposited funds, stating that trial courts are "on a parity with other . 'local agencies' just as if [they] were included in the definition of that term in [Government Code] section 53630 " Although the appellate court treated the trial court in the same manner as entities covered by section 53630, its language suggests that it did not view trial courts as coming within the definition of local agencies. In addition, the statute defining local agencies read differently at the time of this case, it defined a local agency as a "county, city, municipality, or other public or municipal corporation " (See Stats 1951, ch 437, p 1419, §1)

- The treasurer or chief fiscal officer of a local agency to submit a statement of investment policy annually to the legislative body of that local agency and any oversight committee of that local agency.
- The legislative body of the local agency must consider the statement at a public business meeting.
- The legislative body of the local agency at a public business meeting must also consider any change in the policy statement.

Although the statute does not specify what the "legislative body' is for the trial courts, the Judicial Council is the most logical entity to serve that role. The Judicial Council is the authorizing body for trial court bank accounts and legislation authorized the Judicial Council to move the operations fund of the trial courts out of the county. The Judicial Council is also the body that is responsible for approving all rules of court and the policies that control the manner in which trial courts operate both from a court function and administrative/operational basis.

The policy sets the overall guidelines relating to investments of trial court funds in a policy statement and objectives. The objectives include considerations concerning the funds safety, liquidity, and yield.

Local Agency Legislative Body and Treasurer
Government Code section 53646 (a) (2) specifies that:

> "... the treasurer or chief fiscal officer of the local agency shall annually render to the legislative body of that local agency and any oversight committee of that local agency a statement of investment policy, which the legislative body of the local agency shall consider at a public meeting."

As discussed above, the policy statement and resolutions recommended assume that the legislative body for the trial courts (local agency) is the Judicial Council. For the reasons discussed below, the proposed resolution would designate the Director, Finance Division of the AOC, as the treasurer for the trial courts.

In the current environment, the presiding judge of a trial court has the overall responsibility for the budget and fiscal matters that affect the court. The court executive officer and/or the court fiscal officer also have defined duties and responsibilities. Investment responsibilities for the funds of the court are not specifically mentioned in the duties specified in policy, procedures, rules, or statute for any of the above officers of the court.

Because of the investment processes and responsibilities discussed above, it is not possible or practical to have 58 separate trial court 'treasurers' responsible for the

investment activity of the 'pool' at the state level. For this reason, it is the recommendation of staff as part of the first resolution relating to the investment program that:

> 'The Administrative Office of the Court's Director of Finance shall be considered the 'treasurer' with respect to all investment activities relating to trial court funds required by statute to be duties of the treasurer.'

This would also include those trial courts that are not on the statewide fiscal system but elect to have their funds invested through the statewide treasury function.

Resolution Authorizing Investments for the Trial Courts
This resolution concerns the types of investments that will be allowed at the current time for trial court funds and is very conservative. It is anticipated that all investments will comply with the provisions of Government Code section 16430 et. seq., which governs investments of state funds, as well as the statutes governing investments of local agencies discussed above (see Government Code section 53630 et. seq.) It recommends that the investments of the trial courts shall be approved by the Judicial Council, or its designee, the ADC, and shall be in eligible securities as defined by the statutes cited above.

The trial courts are currently mandated to move onto the statewide fiscal system during the next five years. As the trial courts move onto the system or if courts elect, the courts may have their funds invested to maximize there yield. In order to accomplish this, the funds will be effectively 'pooled' while still maintaining their specific trial court identity. What this means is that the pooled funds will result in greater earnings but the trial courts will have their funds segregated in a strict accounting so that the funds will always be accounted for at the individual trial court level.

It is contemplated that the LAIF, which is managed by the State Treasurer's Office and which consistently results in higher than market returns, will be used specifically when a court has significant funds that are not immediately needed to fund current cash flow needs. LAIF returns and restrictions regarding transactions (six debits per month) dictate this investment strategy. LAIF has already indicated that they will accept the funds if the Judicial Council provides a resolution authorizing the trial courts to invest in LAIF. This fund is set up specifically for local agencies and is similar to the State Surplus Money Investment Fund (SMIF), which is only for pre-distributed state agency or entity funds.

The AOC is finalizing negotiations with the Bank of America, N.A. (BofA) to be the primary 'banker' for the funds of the trial courts. As courts come on to the statewide fiscal system, the funds will be deposited into their BofA account. Every day any funds not required for compensating balance requirements, or set aside for longer term investments, will be swept into an overnight qualified investment fund established for and used by public agencies. Any court that has separated from the county and desires to

utilize this arrangement will be permitted to do so even though not on the statewide fiscal system.

Other investments, as approved by the Judicial Council, or its designee, the ADC, that comply with the Statement of Investment Policy will be allowed as investments of the trial courts. These investments must be submitted for approval to the ADC if they are not in either LAIF or the specified BofA investments. This situation is specifically for trial courts who have separated from their county and need to comply with established policy.

Resolution regarding Investment Reporting Requirements for the Trial Courts
Government Code section 53646 (b) specifies the investment reporting requirements the local agency. The resolution recommended follows the statutory requirements.

Alternative Actions Considered
Currently, trial courts that have separated from the county and are not on the statewide fiscal system have no investment authority to guide them in the prudent and safe investment of their funds. In some cases, the funds are idle and producing very little income. Some courts are investing without authority.

Given the restrictions of the Government Code the only alternative at this time would be to take no action and leave the funds idle, producing no income. At the current rates this will ultimately result in the courts foregoing significant annual investment income. If anticipated rates begin increasing this 'lost income' will increase proportionately.

Comments from Interested Parties
This authority that would be provided by the resolutions has been requested by several of the trial courts and informally discussed with numerous Court Financial Officers, all of whom have been receptive.

Implementation Requirements and Costs
Implementation costs would be marginal and consistent with the rollout of CARS. The program itself has no cost to the participants and actually would be a program that would provide a positive cash flow.

STATEMENT OF INVESTMENT POLICY FOR THE TRIAL COURTS

It is the policy of the Judicial Council/Administrative Office of the Courts (AOC) to ensure that funds held by the trial courts, or for their benefit, are prudently invested in compliance with all applicable laws, rules, and regulations in order to preserve capital and provide necessary liquidity, while maximizing earnings. The investments shall also comply with the investment objectives identified below.

INVESTMENT OBJECTIVES

The primary objectives of the investment activities of the trial courts, or funds invested for their benefit, shall be:

Safety· Safety of principal is the foremost objective of the investment program. The trial court's investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The trial courts, or AOC for the benefit of the trial courts, shall seek to ensure that capital losses are avoided whether from institutional default, broker-dealer default, or erosion of market value. Diversification is required so that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio. Only investments specified by statute are allowed.

Liquidity: The trial courts, or the AOC for their benefit, shall ensure that the investment portfolio will remain sufficiently liquid to enable the trial courts to meet all operating requirements that might be reasonable anticipated.

Yield: The trial courts, or the AOC for their benefit, shall manage the investments to maximize their return consistent with prudent financial management, the two objectives above, and with the goal of exceeding performance benchmarks over a market cycle (typically a three to five year period).

RESOLUTIONS REGARDING INVESTMENT ACTIVITIES FOR THE TRIAL COURTS

Resolution Authorizing Development of an Investment Program for the Trial Courts
The Judicial Council, or its designee, the Administrative Director of the Courts (ADC), shall develop a comprehensive investment program for the investment of the funds held by or for the benefit of the trial courts. As part of such comprehensive investment program, the Judicial Council shall annually review and approve a Statement of Investment Policy (Policy) for the trial courts. Any change in the Policy shall be approved by the Judicial Council.

The Policy and any changes to it shall be reviewed and approved at a public business meeting of the Judicial Council. The Administrative Office of the Court's Director of Finance shall be considered the 'treasurer' with respect to all investment activities relating to trial court funds required by statute to be duties of the treasurer.

Resolution Authorizing Investments for the Trial Courts
The investments of the trial courts shall be approved by the Judicial Council, or its designee, the Administrative Director of the Courts (ADC), and shall be in eligible securities as defined by applicable statute.

The Judicial Council authorizes investments of the trial courts in:

- State of California Local Agency Investment Fund (LAIF)
- Bank of America, N.A :
    - Nations Cash Reserves Fund – Adviser Class Shares
    - Nations Treasury Reserves Fund – Adviser Class Shares
- Other investments, as approved by the Judicial Council, or its designee the ADC, that comply with the Statement of Investment Policy.

Investments of the trial courts must be submitted for approval to the ADC if they are not in either of the first two authorized investments above.

Resolution Regarding Investment Reporting Requirements for the Trial Courts
A quarterly report of investments shall be submitted to the Judicial Council, the Administrative Director of the Courts, and the Administrative Office of the Court's (AOC) Manager of Internal Audit Services by the Director of the Finance Division of the AOC within 30 days following the end of the quarter covered by the report. The report shall comply with all applicable laws, rules, and regulations, and, at a minimum, it shall:

- State whether the portfolio is in compliance with the Statement of Investment Policy, or manner in which the portfolio is not in compliance;
- Provide details as to investments held;
- Describe any funds, investments, or programs that are under the management of contracted parties; and
- Provide any additional information or data that may be required by the Judicial Council.

TAB 11

Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date
February 26, 2004

Action Requested
Consider proposed rule for adoption

To
Members of the Judicial Council

Deadline
N/A

From
Michael Bergeisen, General Counsel
Melissa W Johnson, Assistant General Counsel
Joshua Weinstein, Attorney

Contact
Joshua Weinstein
415-865-7688 phone
415-865-7664 fax
joshua.Weinstein@jud.ca ogv

Subject
Proposed rule 2073 5

Attached is a revised version of proposed rule 2073 5, which contain a number of minor revisions, many designed to clarify the rule There are two sets of revisions. those proposed by staff, and those offered by the Court Technology Advisory Committee Additionally, a copy of the existing rules on electronic access is attached for your reference

The staff proposals are shown in italics and would

- Make clarifying changes to subdivision (c); and
- Provide that a copy of the order must be sent to the Judicial Council (see rule 2073.5(e), lines 4 and 5).

The Court Technology Advisory Committee, at its meeting on February 23, 2004, suggested revisions. At that meeting, Court Technology Advisory Committee voted to endorse the interim rule, if its suggested revisions are adopted. All but one of their revisions are in the attached revised version of the rule The revision that is not included would provide that the relevant factors considered by the court under subdivision (b) would include "the benefit to the public in allowing remote electronic access " Staff did not include that proposal in the revised draft

because the factors considered in determining whether to allow remote electronic access focus on the benefits and burdens to the court and the privacy of the parties, victims, and witnesses.

The remaining revisions suggested by the court Technology Committee are in shown bold These revisions would:

- Clarify that the court may not provide remote electronic access to juror names and other juror identifying information (see rule 2073 5(c), lines 23, 28 and 29),
- Clarify that the court order is not to list every individual item to be redacted, but rather the type of information to be redacted (see rule 2073.5(e), lines 2 and 3); and
- Clarify that the court is not required to make findings of fact in the order (see rule 2073.5(e), lines 3 and 4)

Attachments

Rule 2073 5 of the California Rules of Court would be adopted, effective immediately, to read:

Rule 2073.5 Remote electronic access allowed in individual criminal cases

(a) Exception for extraordinary cases. Notwithstanding rule 2073(b)(2), the presiding judge of the court, or a judge assigned by the presiding judge, may exercise discretion, subject to (b), to permit remote electronic access to all or a portion of the public court records in an individual criminal case if (1) the number of requests for access to documents in the case is extraordinarily high, and (2) responding to those requests would significantly burden the operations of the court

(b) Relevant factors. In exercising discretion under (a), the judge should consider relevant factors, such as:

(1) The impact on the privacy of parties, victims, and witnesses,

(2) The benefits to and burdens on the parties in allowing remote electronic access, including possible impacts on jury selection, and

(3) The benefits to and burdens on the court and court staff

(c) Redaction of private information. The court should, to the extent feasible, redact the following information from records to which it allows remote access under (a) driver license numbers; dates of birth; social security numbers, addresses, and phone numbers of ~~**jurors,**~~ parties, victims, witnesses, and court personnel, financial *information* ~~*records*~~, account numbers; and other personal identifying ~~*and financial*~~ information The court may order any party who files a document containing such information to provide the court with both an original unredacted version of the document for filing in the court file and a redacted version of the document for remote electronic access **No juror names or other juror identifying information may be provided by remote electronic access.** This subdivision does not ~~*impose a duty on the court to redact*~~ *apply to* any document in the original court file, ~~*its requirements apply*~~ *it applies* only to documents that are available by remote electronic access.

(d) Notice and comments. Five days notice must be provided to the parties and the public before the court makes a determination to provide remote electronic access under this rule. Notice to the public may be accomplished by posting notice on the court Web site. Any person may file comments with the court for consideration, but no hearing is required

(e) Order The court's order permitting remote electronic access must specify which court records will be available by remote electronic access and what **categories of** information ~~is~~ **are** to be redacted **The court is not required to make findings of fact.** The court's order must be posted on the court's Web site *and a copy sent to the Judicial Council.*

(f) Sunset date This rule is effective until January 1, 2005.

Public Access to Electronic Trial Court Records

Rule 2070. Statement of purpose

(a) [Intent] The rules in this chapter are intended to provide the public with reasonable access to trial court records that are maintained in electronic form, while protecting privacy interests

(b) [Benefits of electronic access] Improved technologies provide courts with many alternatives to the historical paper-based record receipt and retention process, including the creation and use of court records maintained in electronic form Providing public access to trial court records that are maintained in electronic form may save the courts and the public time, money, and effort and encourage courts to be more efficient in their operations. Improved access to trial court records may also foster in the public a more comprehensive understanding of the trial court system.

(c) [No creation of rights] These rules are not intended to give the public a right of access to any record that they are not otherwise entitled to access.

Rule 2070 adopted effective July 1, 2002

Advisory Committee Comment

The rules acknowledge the benefits that electronic court records provide but attempt to limit the potential for unjustified intrusions into the privacy of individuals involved in litigation that can occur as a result of remote access to electronic court records The proposed rules take into account the limited resources currently available in the trial courts It is contemplated that the rules may be modified to provide greater electronic access as the courts' technical capabilities improve and with the knowledge gained from the experience of the courts in providing electronic access under these rules

Drafter's Notes

2002—These new rules establish (1) statewide policies on public access to trial courts' electronic records that provide reasonable electronic access while protecting privacy and other legitimate interests and (2) statewide policies regarding courts' contracts with vendors to provide public access to electronic court records

Rule 2071. Authority and applicability

(a) [Authority] The rules in this chapter are adopted under the authority granted to the Judicial Council by article VI, section 6 of the California Constitution and Code of Civil Procedure section 1010 6

(b) [Applicability] The rules in this chapter apply only to trial court records.

(c) [Access by parties and attorneys] The rules in this chapter apply only to access to court records by the public. They do not limit access to court records by a party to an

action or proceeding, by the attorney of a party, or by other persons or entities that are entitled to access by statute or California Rules of Court

Rule 2071 adopted effective July 1, 2002

Drafter's Notes
2002—See note following rule 2070.

Rule 2072. Definitions

(a) **[Court record]** As used in this chapter, "court record" is any document, paper, or exhibit filed by the parties to an action or proceeding; any order or judgment of the court, and any item listed in subdivision (a) of Government Code section 68151, excluding any reporter's transcript for which the reporter is entitled to receive a fee for any copy The term does not include the personal notes or preliminary memoranda of judges or other judicial branch personnel.

(b) **[Electronic record]** As used in this chapter, "electronic record" is a computerized court record, regardless of the manner in which it has been computerized. The term includes both a document that has been filed electronically and an electronic copy or version of a record that was filed in paper form. The term does not include a court record that is maintained only on microfiche, paper, or any other medium that can be read without the use of an electronic device

(c) **[The public]** As used in this chapter, "the public" is an individual, a group, or an entity, including print or electronic media, or the representative of an individual, a group, or an entity

(d) **[Electronic access]** "Electronic access" means computer access to court records available to the public through both public terminals at the courthouse and remotely, unless otherwise specified in these rules.

Rule 2072 adopted effective July 1, 2002

Drafter's Notes
2002—See note following rule 2070

Rule 2073. Public access

(a) **[General right of access]** All electronic records must be made reasonably available to the public in some form, whether in electronic or in paper form, except those that are sealed by court order or are made confidential by law

(b) **[Electronic access required to extent feasible]** A court that maintains the following records in electronic form must provide electronic access to them, both remotely and at the courthouse, to the extent it is feasible to do so.

(1) Register of actions (as defined in Gov. Code, § 69845), calendars, and indexes; and

(2) All records in civil cases, except those listed in (c)

(c) [Courthouse electronic access only] A court that maintains the following records in electronic form must provide electronic access to them at the courthouse, to the extent it is feasible to do so, but may provide remote electronic access only to the records governed by (b)(1):

(1) Any record in a proceeding under the Family Code, including, but not limited to, proceedings for dissolution, legal separation, and nullity of marriage; child and spousal support proceedings, and child custody proceedings;

(2) Any record in a juvenile court proceeding;

(3) Any record in a guardianship or conservatorship proceeding;

(4) Any record in a mental health proceeding,

(5) Any record in a criminal proceeding; and

(6) Any record in a civil harassment proceeding under Code of Civil Procedure section 527 6

(d) ["Feasible" defined] The requirement that a court provide electronic access to its electronic records "to the extent it is feasible to do so" means that a court is required to provide electronic access to the extent it determines it has the resources and technical capacity to do so.

(e) [Access only on case-by-case basis] A court may only grant electronic access to an electronic record when the record is identified by the number of the case, the caption of the case, or the name of a party, and only on a case-by-case basis This case-by-case limitation does not apply to a calendar, register of actions, or index

(f) [Bulk distribution] A court may provide bulk distribution of only its electronic calendar, register of actions, and index. "Bulk distribution" means distribution of all, or a significant subset, of the court's electronic records

(g) [Records that become inaccessible] If an electronic record to which the court has provided electronic access is made inaccessible to the public by court order or by operation of law, the court is not required to take action with respect to any copy of the record that was made by the public before the record became inaccessible

(h) [Off-site access] Courts should encourage availability of electronic access to court records at public off-site locations

Rule 2073 adopted effective July 1, 2002

Advisory Committee Comment

The rule allows a level of access to all electronic records that is at least equivalent to the access that is available for paper records and, for some types of records, is much greater At the same time, it seeks to protect legitimate privacy concerns

Subdivision (c) excludes certain records (those other than the register, calendar, and indexes) in specified types of cases from remote electronic access The committee recognized that while these case records are public records and should remain available at the courthouse, either in paper or electronic form, they often contain sensitive personal information The court should not publish that information over the Internet

Subdivisions (e) and (f) limit electronic access to records (other than the register, calendars, or indexes) to a case-by-case basis and prohibit bulk distribution of those records These limitations are based on the qualitative difference between obtaining information from a specific case file and obtaining bulk information that may be manipulated to compile personal information culled from any document, paper, or exhibit filed in a lawsuit This type of aggregate information may be exploited for commercial or other purposes unrelated to the operations of the courts, at the expense of privacy rights of individuals.

Drafter's Notes
2002—See note following rule 2070.

Rule 2074. Limitations and conditions

(a) **[Means of access]** A court must provide electronic access by means of a network or software that is based on industry standards or is in the public domain

(b) **[Official record]** Unless electronically certified by the court, a trial court record available by electronic access does not constitute the official record of the court.

(c) **[Conditions of use by persons accessing records]** A court may condition electronic access to its records on (1) the user's consent to access the records only as instructed by the court and (2) the user's consent to the court's monitoring of access to its records A court must give notice of these conditions, in any manner it deems appropriate The court may deny access to a member of the public for failure to comply with any of these conditions of use

(d) **[Notices to persons accessing records]** A court must give notice of the following information to members of the public accessing its electronic records, in any manner it deems appropriate·

(1) The court staff member to contact about the requirements for accessing the court's records electronically

(2) That copyright and other proprietary rights may apply to information in a case file absent an express grant of additional rights by the holder of the copyright or other proprietary right. The notice should indicate that (A) use of such information is permissible only to the extent permitted by law or court order and (B) any use inconsistent with proprietary rights is prohibited.

(3) Whether electronic records constitute the official records of the court. The notice should indicate the procedure and any fee required for obtaining a certified copy of an official record of the court

(4) Any person who willfully destroys or alters any court record maintained in electronic form is subject to the penalties imposed by Government Code section 6201.

(e) [Access policy] A court must post a privacy policy on its public-access Web site to inform members of the public accessing its electronic records of the information it collects regarding access transactions and the uses that the court may make of the collected information.

Rule 2074 adopted effective July 1, 2002

Drafter's Notes
2002—See note following rule 2070

Rule 2075. Contracts with vendors

A court's contract with a vendor to provide public access to its electronic records must be consistent with these rules and must require the vendor to provide public access to court records and to protect the confidentiality of court records as required by law or by court order Any contract between a court and a vendor to provide public access to the court's records maintained in electronic form must specify that the court is the owner of these records and has the exclusive right to control their use

Rule 2075 adopted effective July 1, 2002

Drafter's Notes
2002—See note following rule 2070.

Rule 2076. Fees for electronic access

A court may impose fees for the costs of providing public access to its electronic records, as provided by Government Code section 68150(h) On request, a court must provide the public with a statement of the costs on which these fees are based To the extent that public access to a court's electronic records is provided exclusively through a vendor, the court must ensure that any fees the vendor imposes for the costs of providing access are reasonable.

Rule 2076 adopted effective July 1, 2002

Drafter's Notes
2002—See note following rule 2070.

Rule 2077. Electronic access to court calendars, indexes, and registers of actions

(a) **[Intent]** The intent of this rule is to specify information to be included in and excluded from the court calendars, indexes, and registers of actions to which public access is available by electronic means under rule 2073 (b) To the extent it is feasible to do so, the court must maintain court calendars, indexes, and registers of actions available to the public by electronic means in accordance with this rule.

(b) **[Minimum contents for electronically accessible court calendars, indexes, and register of actions]**

(1) The electronic court calendar must include·

(A) Date of court calendar,

(B) Time of calendared event,

(C) Court department number;

(D) Case number, and

(E) Case title (unless made confidential by law.)

(2) The electronic index must include.

(A) Case title (unless made confidential by law),

(B) Party names (unless made confidential by law),

(C) Party type,

(D) Date on which the case was filed; and

(E) Case number.

(3) The register of actions must be a summary of every proceeding in a case, in compliance with Government Code section 69845, and must include:

(A) Date case commenced,

(B) Case number;

(C) Case type;

(D) Case title (unless made confidential by law),

(E) Party names (unless made confidential by law),

(F) Party type,

(G) Date of each activity, and

(H) Description of each activity

(c) **[Information that must be excluded from court calendars, indexes, and registers of action]** The following information must be excluded from a court's electronic calendar, index, and register of actions:

(1) Social security number;

(2) Any financial information,

(3) Arrest warrant information,

(4) Search warrant information,

(5) Victim information;

(6) Witness information,

(7) Ethnicity;

(8) Age;

(9) Gender,

(10) Government-issued identification card numbers (i.e , military),

(11) Driver's license number; and

(12) Date of birth

Rule 2077 adopted effective July 1, 2003

TAB 11

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Michael Bergeisen, General Counsel
Melissa W. Johnson, Assistant General Counsel
Joshua Weinstein, Attorney, 415-865-7688, joshua.weinstein@jud.ca.gov

DATE: February 20, 2004

SUBJECT: Access to Electronic Court Records: Interim Rule to Allow Trial Courts to Provide Internet Access to Electronic Court Records in Selected Criminal Cases (adopt Cal Rules of Court, rule 2073.5) (Action Required)

Issue Statement
High publicity criminal cases offer significant challenges for the courts and court staff. As public interest rises, so do demands on court staff. In these cases, it is not uncommon for the court to have scores, if not hundreds, of requests for certain documents such as the complaint or motions. Courts are considering innovative solutions to ease demands on court staff, and posting case information on the Internet is one possible solution. While rule 2073 permits courts to provide remote (i.e , Internet) access to all electronic court records in individual civil cases, it excludes records in criminal cases.

Recommendation
AOC staff recommends that the Judicial Council, effective immediately and until January 1, 2005, adopt interim rule 2073.5, to allow courts in limited circumstances to post electronic court records in individual criminal cases

The text of the proposed rule is attached at pages 8-9.

Rationale for Recommendation

1. Background of rule 2073 and "practical obscurity."

When the council adopted rule 2073, it sought to balance the public's interest in convenient access to court records with the privacy concerns of victims, witnesses, and parties. The rule prohibits courts from posting complete case records on the Internet. Under the rule, only the indexes, registers of actions, and court calendars in criminal

cases may be posted on the Internet. (See rule 2073(b) and (c).) Thus, the court may provide some case-specific information over the Internet, such as dates of hearing, assigned judges, and similar information. But most of the documents in criminal case files, such as motions, court orders, and clerk's minutes, cannot be made available over the Internet.

Rule 2073 prohibits courts from providing those criminal case records over the Internet even though they are not confidential and are available to the public at the courthouse. In adopting this rule, the council recognized that the "practical obscurity" of most court records provides individuals with some protection against the broad dissemination of private information that may be contained in public court records. Although court records are publicly available, most people do not go to the courthouse to search through records for private information, and in most cases that information is not widely disseminated. In contrast, if records are available over the Internet, they can be easily obtained by people all over the world. As the United States Supreme Court noted in a Freedom of Information Act case, there is a "vast difference between the public records that might be found after a diligent search of courthouse files, county archives, and local police stations throughout the county, and a computerized summary located in a single clearinghouse of information." (*United States Department of Justice v. Reporters Committee for Freedom of the Press* (1989) 489 US 749, 764.)

The report to the Judicial Council that recommended adoption of rule 2073 noted several areas of concern if criminal case records were available over the Internet. (Report to the Judicial Council, "Public Access to Electronic Trial Court Records" (Dec. 11, 2001), at appendix B. A copy of that report is attached at pages 10-15.) The primary concerns were:

- Sensitive personal information (such as home addresses, phone numbers, and social security numbers), which might have no bearing on the merits of the case, could be made easily available, creating potential risks of identity theft or other misuse.

- Putting records on the Internet could jeopardize future criminal investigations and create safety risks for victims, witnesses, and their families.

- Allowing remote electronic access to all criminal case records would facilitate compilation of individual criminal histories, in contravention of public policy as established in statute.

For these reasons, the council declined to permit remote electronic access to criminal records, thus ensuring that those records remain practically obscure.

2. High profile cases are not practically obscure.

Some cases generate such high levels of public and press interest that virtually every detail of the case is publicized. Almost every aspect of these high publicity cases, including the contents of the court file, is discussed on television and reported in the newspapers, and the court documents become available over the Internet. Thus, regardless of rule 2073's prohibitions on the court posting electronic court records in criminal cases, the information in these court files will be broadcast over the airwaves and the Internet and there is no practical obscurity.

Because non-confidential information in the case file must be made available to the public, court staff face considerable burdens in responding to requests for documents in these high publicity cases. As a result, several courts have asked the Office of the General Counsel of the Administrative Office of the Courts whether a Web site on which documents in an individual case are posted would violate the electronic access rules. Such a Web site would violate rule 2073. To address the difficulties faced by courts in managing high profile cases, the Court Technology Advisory Committee is developing amendments to rule 2073 that would allow courts in limited circumstances to post electronic court records in individual criminal cases on the Internet. The Committee plans to circulate a rule for comment later this year.

3. The proposed interim rule.

While the committee's proposal is being developed, AOC staff proposes that the council adopt a similar rule on an interim basis.[1] Under the proposed interim rule, the court may allow remote electronic access to court records in a specific criminal case to alleviate the burden on the court if the case has generated an extraordinarily high level of public or press interest. Specifically, the rule provides that:

- The presiding judge or a judge assigned by the presiding judge is to decide whether to allow remote electronic access.

- Access may be allowed to all or a portion of the court records.

- Remote electronic access can be allowed only if there is an extraordinary demand for case documents that significantly burdens the operations of the court.

[1] The Court Technology Advisory Committee considered recommending an interim rule, but declined to do so. The committee was not opposed to interim solutions but was not prepared to make such a recommendation until the proposed rule was fully vetted and approved for circulation by the committee. Specifically, the committee felt an appropriate interim solution was for the Judicial Council to approve case-specific waivers of rule 2073. For the reasons discussed in Alternative Actions Considered, staff is not recommending that the Judicial Council be involved in the decision-making process.

- The court is to take into account relevant factors, including the impact of the privacy of the parties, victims, and witnesses; the benefits and burdens of providing remote electronic access; and the benefits and burdens on court staff.

- Specified personal information should be redacted from the version of documents that is provided over the Internet, and the court may order parties to provide redacted copies of any document in the case.

As noted above, high publicity cases are dissected in the press; the contents of documents are discussed in newspapers and on radio and television and often are posted on the Internet, regardless of whether the court does so Thus, the question is not whether the court documents remain practically obscure, but whether the court controls the release of its own records.

Under the proposal, the privacy concerns the council sought to protect when it adopted rule 2073, as discussed above, will be protected. Courts will redact personal information before releasing documents electronically. Because a decision whether to post criminal case records would only be made in individual, unusual cases, any safety concerns or law enforcement issues can be addressed in the individual case; for example, the court could decline to post particular documents that posed such a threat. And because only a relatively small number of cases would be posted, the proposed rule would not facilitate the compilation of criminal histories.

Nevertheless, the records will be redacted of the sensitive personal information the council sought to remain practically obscure. Because of the scrutiny these high publicity cases receive, regardless of whether the court allows remote electronic access, the authorities likely will not put such information in these records, anticipating that the records will be obtained and disseminated by the press. Therefore, the interim rule meets the needs of courts in managing high profile cases and is consistent with the rationale for the prior Judicial Council decision.

The Judicial Conference of the United States has endorsed a similar approach to the problem of access to documents in high profile cases In 2001, the Conference adopted a policy on electronic access to court records, which recommended that remote electronic access not be available in criminal cases. (Judicial Conference Committee on Court Administration and Case Management, Report on Privacy and Public Access to Electronic Case Files (June 26, 2001), p. 8.) In March of 2002, the Judicial Conference decided to "amend its policy by allowing Internet access to criminal case files when requests for documents in certain 'high profile' cases impose extraordinary demands on a court's resources " (Administrative Office of the United States Courts, News Release,

March 13, 2002; see also Report of the Proceedings of the Judicial Conference of the United States, March 13, 2002, pp. 10-11.) [2]

We do not anticipate that this limited exception to the rule prohibiting remote access to criminal case documents will be applied routinely. As noted above, to invoke the rule, the court must find that there is an extraordinary demand for records that significantly burdens the operations of the court. Moreover, there is a significant burden on the court, as personal identifying and financial information in the court documents should be redacted prior to providing remote electronic access Thus, courts will not be inclined to undertake redacting the records unless that task is significantly less burdensome than responding to public requests for documents. Because of the burden of redaction and courts' awareness and concerns about personal privacy, we expect that courts will carefully consider whether to provide remote electronic access under this rule and will do so only in those cases in which it is warranted.

Alternative Actions Considered

Several alternatives versions of the interim rule were considered.

One alternative considered was to circulate the proposal for comment, rather than present the rule to be effective immediately. Circulating the proposal for comment would offer two benefits: (1) there would be additional time to consider the implications of the rule; and (2) the council would have the benefit of comments from interested parties. However, several factors weigh against circulating the rule for comment. First, three courts have been inundated with press requests in a few extremely high publicity cases and are urging an interim rule. Second, the rule would have limited application, as it would only apply in a few extraordinary high publicity cases. Third, the permanent proposal will benefit from the experiences under the interim rule, essentially operating as a pilot project.

The two variations on who should make the decision were considered: either (1) to have the Judicial Council approve case-by-case waivers of rule 2073 or (2) to have the trial judge, rather than the presiding judge, approve the exemption.

Under the first alternative, the council, rather than the presiding judge, would approve of cases that should be allowed to have Web sites. This alternative was not recommended for several reasons. While the decision is partly an administrative one—as it involves access to court records—it is also a case-specific decision. The council should not make these decisions, as it is not an adjudicative body. Moreover, because there are case-

[2] The policy differs from this proposal in that Internet access is "permitted only if all parties consent and the trial judge or presiding judge of an appellate panel finds that such access is warranted " (*Ibid*.) In addition, the federal policy does not appear to require redaction of personal information

specific considerations, the trial court appears to be in a better position to make that determination.

The trial judge alternative was rejected because the Web site might be needed before a trial judge is assigned. Additionally, the decision requires consideration of both court administrative concerns, such as the impact on court resources, and case-specific concerns, such as the privacy of the parties, victims, and witnesses. As such, the trial judge may not in all cases be in the best position to make the decision. Thus, it is appropriate for the presiding judge to decide whether to make the determination him or herself, or whether to have it determined by a designee (who could be the trial judge if one has been assigned).

Several other alternatives were considered. Three that were not recommended were (1) make no change to rule 2073; (2) encourage courts to use surrogate agencies, such as the Sheriff's Department, to post these documents for the courts; and (3) amend the rule to allow posting of case documents in both civil and criminal cases.

The first two alternatives are not recommended because several courts have contacted the Office of the General Counsel desiring to have such Web sites, and to set them up correctly. Encouraging other agencies to post the documents undermines the purposes of rule 2073. It is preferable to have the courts control the content of the Web sites and to have that control sanctioned by the rules of court.

The third alternative, allowing posting of case documents in all criminal cases, was not recommended because the desire to ease the burden on courts in high publicity cases does not appear to be a valid basis to reverse the Judicial Council's previous decision not to broadcast personal and sensitive information over the Internet in criminal cases generally. Redaction of personal information would not be a practical solution if electronic access were permitted for all criminal cases.

Comments From Interested Parties

The proposal has not yet been circulated for comment. This temporary rule would be effective for the remainder of the year, while a permanent rule allowing Internet access to court records in certain individual criminal cases would be circulated for public comment.

The rule was reviewed by the Rules Subcommittee of the Trial Court Presiding Judges Court Executives Advisory Committees and their comments were considered in developing this draft. The subcommittee members supported the rule. Some thought that redaction of personal information should not be required because it is burdensome for the court. However, redaction of personal information would serve to protect the privacy concerns that led the council to adopt rule 2073. In addition, the burden of redaction will be outweighed by the reduced burdens to court staff in responding to requests for

documents. Finally, the court may order parties to provide redacted versions of documents for Internet posting.

Implementation Requirements and Costs

Implementation costs would be limited to the cost of providing the Web site for remote access and for redacting the records prior to posting. These costs would be offset by the benefit of freeing court staff from answering repeated requests and inquiries about these few high publicly cases.

Attachment

Rule 2073 5 of the California Rules of Court would be adopted, effective immediately, to read

Rule 2073.5 Remote electronic access allowed in individual criminal cases

(a) Exception for extraordinary cases. Notwithstanding rule 2073(b)(2), the presiding judge of the court, or a judge assigned by the presiding judge, may exercise discretion, subject to (b), to permit remote electronic access to all or a portion of the public court records in an individual criminal case if (1) the number of requests for access to documents in the case is extraordinarily high, and (2) responding to those requests would significantly burden the operations of the court

(b) Relevant factors. In exercising discretion under (a), the judge should consider relevant factors, such as

(1) The impact on the privacy of parties, victims, and witnesses,

(2) The benefits to and burdens on the parties in allowing remote electronic access, including possible impacts on jury selection, and

(3) The benefits to and burdens on the court and court staff

(c) Redaction of private information. The court should, to the extent feasible, redact the following information from records to which it allows remote access under (a). driver license numbers; dates of birth, social security numbers; addresses, and phone numbers of jurors, parties, victims, witnesses, and court personnel, financial records, account numbers, and other personal identifying and financial information. The court may order any party who files a document containing such information to provide the court with both an original unredacted version of the document for filing in the court file and a redacted version of the document for remote electronic access This subdivision does not impose a duty on the court to redact any document in the original court file; its requirements apply only to documents that are available by remote electronic access

(d) Notice and comments Five days notice must be provided to the parties and the public before the court makes a determination to provide remote electronic access under this rule Notice to the public may be accomplished by posting notice on the court Web site Any person may file comments with the court for consideration, but no hearing is required

(e) Order The court's order permitting remote electronic access must specify which court records will be available by remote electronic access and what information is to be redacted The court's order must be posted on the court's Web site.

(f) Sunset date This rule is effective until January 1, 2005.

Judicial Council of California
Administrative Office of the Courts

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RONALD M GEORGE
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Director
Information Services Division

TO:	Chief Justice Ronald M. George Members of the Judicial Council
FROM:	Charlene Hammitt, Manager Victor Rowley, Special Consultant
DATE:	December 10, 2001
SUBJECT/ PURPOSE OF MEMO:	Proposed Rules on Electronic Access to Court Records

CONTACT FOR FURTHER INFORMATION:	**NAME:**	**TEL:**	**FAX:**	**EMAIL:**
	Charlene Hammitt	415-865-7410	415-865-7497	charlene hammitt@jud.ca.gov

QUESTION PRESENTED

Why should the rule prohibit remote electronic access (other than to the register and calendar) in case types other than civil?

REASONS FOR PRECLUDING REMOTE ACCESS TO SPECIFIC CATEGORIES OF CASE FILES

Proposed rules 2070-2076 require courts to provide electronic access to general information about court cases and prohibit them from providing access to case files in certain types of cases

Rule 2073(b) would require courts to provide remote access to registers of actions (as defined in Government Code section 69845) and calendars when they can feasibly do so.

Rule 2073(c), however, would require courts to restrict access to electronic versions of the documents and other records that are found in case files. Under this rule, only case files in civil cases would be available remotely Files in other types of cases, which are listed in 2073(c), would not be accessible remotely at this time.

The proposed rules represent an initial approach to providing remote access to electronic case files that are likely to contain sensitive and personal information. Electronic records in all case types could be available through terminals at the courthouse. This approach provides them the same de facto privacy protection traditionally afforded paper records. The United States Supreme Court has characterized this protection as a "practical obscurity" that is attributable to the relative difficulty of gathering paper files. See *United States Dep't of Justice* v *Reporters Committee for Freedom of the Press* 489 U.S. 749 [109 S.Ct. 1468, 103 L.Ed.2d 774].

Delivery of court records on the Internet constitutes publication and typically facilitates republication. With the exception of docket information, trial courts generally have not been publishers of case records. Electronically published data can be easily copied disseminated, and its dissemination is irretrievably beyond the court's control. Publication of court records on the Internet creates a much greater threat to privacy interests than does access to paper records, or access to electronic records through terminals at the courthouse.

The case-types set out in rule 2073 (c) would be precluded from remote access for the following reasons:

- *Sensitive personal information unrelated to adjudication* Courts sometimes collect sensitive personal information that has no bearing on the merits of a case but that assists the court in contacting parties or in record keeping. Such information could include unlisted home telephone numbers, home addresses, driver's license numbers, and Social Security numbers. Before such information is published on the Internet, the Judicial Council should survey trial courts to identify the sensitive or personal information they collect, determine whether or not this information is essential to workload management, and then consider how to protect such information when it is legitimately needed.

- *Privacy of involuntary participants* Individuals who are sued, subpoenaed, or summoned for jury duty are involuntary participants in legal proceedings and may be

compelled to provide the court with sensitive personal information. As records custodians, courts should proceed with caution in publishing such information, as it has relatively little relevance to the public's ability to monitor the institutional operation of the courts but relatively great impact on the privacy of citizens who come in contact with the court as defendants, litigants, witnesses, or jurors. Publication of sensitive financial, medical, or family information provided by involuntary court participants could, for instance, harm individuals by holding them up to ridicule, damaging their personal relationships, and foreclosing business opportunities.

- *Investigations in criminal cases.* The Federal Judicial Conference[1] in September 2001 adopted a policy that makes criminal cases unavailable remotely for a two-year period. The Judicial Conference identified two reasons for this exclusion of criminal cases. First, electronic publication of criminal case records could jeopardize investigations that are under way and create safety risks for victims, witnesses, and their families. Second, access to preindictment information, such as unexecuted arrest and search warrants, could severely hamper law enforcement efforts and put law enforcement personnel at risk. These reasons would apply to the proposed California policy as well.

- *Criminal histories.* Allowing remote electronic access to criminal cases would greatly facilitate the compilation of individual criminal histories, in contravention of public policy as established in statute. (See *Westbrook v City of Los Angeles* (1994) 27 Cal.App 4th 157 [court note required to provide to public database containing criminal case information]) For this reason, the Attorney General supports excluding criminal cases from remote electronic access:

> Our principal concern is with criminal records and the threat that the electronic release of these records poses to individual privacy and to the legislative and judicial safeguards that have been created to insure that only accurate information is disclosed to authorized recipients (See, e.g., Penal Code sec. 11105.) The

[1] "The federal court system governs itself on the national level through the Judicial Conference of the United States The Judicial Conference is a body of 27 federal judges It is composed of the Chief Justice of the United States, who serves as the presiding officer, the chief judges of the 13 courts of appeal, the chief judge of the Court of International Trade, and 12 district judges from the regional circuits who are chosen by the judges of their circuit to serve terms of three years The Judicial Conference meets twice yearly to consider policy issues affecting the federal courts, to make recommendations to Congress on legislation affecting the judicial system, to propose amendments to the federal rules of practice and procedure, and to consider the administrative problems of the courts " See http //www uscourts gov/understanding_courts/89914 htm

electronic dissemination of criminal records is a tremendous danger to individual privacy because it will enable the creation of virtual rap sheets or private databases of criminal proceedings which will not be subject to the administrative, legislative or judicial safeguards that currently regulate disclosure of criminal record information. (Letter from Attorney General Daniel E. Lungren commenting on draft rules (March 6, 1997); See letter from Attorney General Bill Lockyer (Dec 15, 2000), reaffirming position taken in March 6, 1997 letter.)

- *Risk of physical harm to victims and witnesses* The safety of victims and witnesses could be compromised if courts were to publish their addresses, telephone numbers, and other information that would allow them to be located. Such risk is perhaps most common in criminal and family cases.

- *Fraud and identity theft* Although sensitive personal information, such as Social Security and financial account numbers, may already be available in paper files at the courthouse, its "practical obscurity" has provided it with de facto privacy protection. Publishing such information on the Internet exposes it to a substantial risk of criminal misuse. Participation in court proceedings, whether voluntary or involuntary, should not expose participants to such victimization.

- *Determination of reliability.* Ex parte allegations, particularly in family cases, present a problem in that they may be skewed by self-interest and subsequently determined to be unreliable. Although such allegations could be read in case files at the courthouse, the physical demands of accessing such files would afford them "practical obscurity." Courts should not broadcast ex parte allegations on the Internet until there are policies and procedures to address the problems of unvetted ex parte allegations.

- *Statutory rehabilitation policies.* Various sections of the Penal Code allow for sealing of a defendant's criminal record provided that certain conditions are met Such sealing does not occur by operation of law; see for instance the entries on arrest or conviction for marijuana possession and the record of a "factually innocent" defendant in Table 1. If such information is published before conditions for sealing are met, the publication would make the subsequent sealing ineffectual and thus thwart the rehabilitative intent of the authorizing legislation. Admittedly, information could be published from files accessed at the courthouse, but the "practical obscurity" of such files has lessened the likelihood of publication and reduced the risk of thwarting rehabilitation policies. Publication on the Internet would make it difficult to implement such policies

- *Tools to apply confidentiality policies.* By statute, courts are obligated to protect confidential information in many types of case records, including some of the types of case records specified in rule 2073(c) (see Table 1). This obligation may be absolute or defined by statutorily set or judicially determined time limits. Courts have traditionally met these obligations on an ad hoc basis, as individual case records have been requested at the courthouse. To respond in a responsible manner to remote electronic requests, courts would need to meet these obligations by applying appropriately protective criteria to all records, not only those that are requested but those that might be. Courts simply do not have staff who can review and monitor all records to make them available for remote electronic access. They will need to use automated tools to address the review and monitoring problem. Effective tools should be based on standards. Standards should then be applied by case management systems. Until these standards can be developed and applied by case management systems, the proposed rules would make specified case types unavailable by remote electronic access.

- *Inadvertent exposure of sensitive or personal information.* Parties to the excepted case types (particularly family law) who are unaware that sensitive or personal information included in court filings is publicly accessible will also be unaware they can take steps to protect such information, by requesting a sealing or protective order. For example, in family law proceedings, it is not unusual for litigants to attach copies of their tax returns to their filings, even though tax returns are made confidential by statute. Similarly, in family law proceedings, allegations of abuse are not uncommon; however, litigants may not be aware that there are procedures for limiting public access to this highly sensitive and personal information to protect not only their own privacy, but that of their minor children. The exceptions to remote access in rule 2073 (c) afford time for the Judicial Council to consider how the privacy interests of litigants, particularly the self-represented, might be protected before courts electronically publish case files that include sensitive or personal information that litigants have inadvertently disclosed.

Policy development While the proposed rules encourage courts to use technology to facilitate access to court records (in accordance with long-term goals of the judicial branch), they do so cautiously, providing breathing room while privacy issues and records policies are more thoroughly reexamined at state and federal levels. The rules allow remote access to civil case files. Civil cases do present some of the same privacy

concerns discussed above, but generally to a lesser degree than in the types of case records that are unavailable under 2073(c). The courts' experiences with remote access to civil cases will guide the council's policy-making in the future. This incremental approach allows further debate and experimentation. Such an approach is in line with the approach adopted by the Judicial Conference of the United States and other states.

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date
December 10, 2003

To
Members of the Judicial Council

From
Mr William C. Vickrey,
Administrative Director of the Courts
Mr. Michael Bergeisen,
General Counsel
Mr. Courtney Tucker,
Senior Court Services Analyst

Subject
Circulating Order CO-03-07: Revise Uniform Bail and Penalty Schedules

Action Requested
Voting Members Must Sign and Return by Facsimile and Mail

Deadline
By 5:00 P.M., December 17, 2003

Contact
Mr. Courtney Tucker
Phone: (415) 865-7611
Email: courtney.tucker@jud.ca/gov

Administrative Office of the Courts staff and the Traffic Advisory Committee recommend that the Judicial Council adopt the proposed 2004 Uniform Bail and Penalty Schedules ("Schedules") to conform to statutory requirements. The attached report provides background information on the annual revision of the Schedules.

The Traffic Advisory Committee recommends that the Judicial Council adopt the revised Schedules, effective January 1, 2004 The Rules and Projects Committee of the council has reviewed the proposal and recommended that it be submitted by circulating order for adoption by the council.

It is necessary to adopt the Schedules by circulating order to satisfy Vehicle Code section 40310 and rule 4 102 of the California Rules of Court because the limited time available to revise the Schedules, circulate them for comment, and allow implementation by the courts on January 1, 2004, requires adoption of the Schedules prior to the next council meeting.

Voting members

- Please indicate your **vote, sign, and FAX** the signature pages attention **Roma Cheadle** at 415-865-4332 by **5:00 p.m.**, Wednesday, December 17, if possible.

- If you are unable to reply by December 17, please do so as soon as possible.

- Additionally **return the original** signature page to the Secretariat Office, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, California, 94102-3660. **Keep a copy for your records.**

Advisory members

- The circulating order is being mailed to you for your information only. There is no need to sign or return anything.

WCV/CT

Attachments

The Judicial Council of California

The Judicial Council, effective January 1, 2004, adopts the revised 2004 Uniform Bail and Penalty Schedules:

My vote is as follows:

☐ Approve ☐ Disapprove ☐ Abstain

Ronald M George, Chair	/s/ Marvin R. Baxter
Ellen M Corbett	/s/ Eric L. Du Temple
Norman L. Epstein	Martha Escutia
/s/ Michael T. Garcia	/s/ William C. Harrison
Rex S. Heinke	/s/ Richard D Huffman
/s/ Laurence D. Kay	/s/ Jack Komar

My vote is as follows:

☐ Approve ☐ Disapprove ☐ Abstain

/s/
William A MacLaughlin

/s/
Heather D. Morse

William J. Murray, Jr.

/s/
Michael Nash

David J Pasternak

/s/
Ann Miller Ravel

Richard E. L. Strauss

/s/
Thomas J. Warwick

Barbara Ann Zúñiga

Date: December 17, 2003

Attest:
Administrative Director of the Courts
and Secretary of the Judicial Council

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date
December 17, 2003

To
Members of the Judicial Council

From
William C. Vickrey, Administrative Director of the Courts
Kim K. Davis, Director, Office of Court Construction and Management
Michael A Fischer, Senior Attorney, Office of the General Counsel

Subject
Circulating Order: CO-03-08 re Appointment to the Court Facilities Dispute Resolution Committee

Action Requested
Voting members: please indicate your vote, sign the attached circulating order, and fax the signature pages to 415-865-4332

Deadline
5:00 p.m., December 30, 2003

Contact
Kim K. Davis
415-865-7971 phone
415-865-4326 fax
kim.davis@jud.ca.gov

Michael A. Fischer
415-865-7685 phone
415-865-7664 fax
michael.fischer@jud.ca.gov

IMMEDIATE ACTION REQUIRED
IF POSSIBLE, FAX REPLY BY 5:00 P.M., DECEMBER 30, 2003

Issue Statement
The Trial Court Facilities Act of 2002 requires the Judicial Council to appoint a member to the Court Facilities Dispute Resolution Committee.

Recommendation
Staff recommends that the Judicial Council appoint Associate Justice Ronald B. Robie, Court of Appeal, Third Appellate District, to the Court Facilities Dispute Resolution Committee. This appointment would be effective January 1, 2004.

Rationale for Recommendation

The Trial Court Facilities Act of 2002 (Sen. Bill 1732 [Escutia], Stats. 2002, ch. 1082) provides for the creation of a Court Facilities Dispute Resolution Committee. (Gov. Code, § 70303(a), attached.) The committee is charged with hearing and determining disputes involving the following matters:

1. Buildings rejected for transfer of responsibility because of deficiencies.
2. Failure to reach agreement on transfer of responsibility for a building.
3. Disputes regarding the appropriateness of expenditures from a local courthouse construction fund as provided.
4. County appeal of a county facilities payment amount.
5. Administrative Office of the Courts appeal of a county facilities payment amount.

The recommendations of the committee are to be sent to the state Director of Finance for a final determination of the issue in dispute

Pursuant to Government Code section 70303(a), the members of the Court Facilities Dispute Resolution Committee are:

1 One person selected by the California State Association of Counties;
2 One person selected by the Judicial Council; and
3. One person selected by the state Director of Finance.

Staff recommends that the Judicial Council appoint Justice Ronald B. Robie to the Court Facilities Dispute Resolution Committee, because of his judicial experience, experience in governmental affairs, and proven commitment to the improvement of judicial administration.

Appointed as a municipal court judge in 1983, Justice Robie served there until he was elected to a vacant seat on the Sacramento County Superior Court. In 2002, Governor Gray Davis appointed him to the Court of Appeal, Third Appellate District.

Before his appointment to the bench, Justice Robie served as director of the Department of Water Resources from 1975 to 1983 Before that, he was the attorney member on the State Water Resources Control Board from 1969 to 1975, and a consultant to the Assembly Water Committee from 1960 to 1969.

He has served on the California Judges Association's Executive Board as chair of its technology committee, the California Federal-State Judicial Council and the Judicial Administration Institute of California In 1999, Chief Justice Ronald M. George appointed him to the Judicial Council. He served as liaison to the council's Court Technology Advisory Committee and as chair of the Rules and Projects Committee.

Voting Members

- Please indicate your vote, sign, and FAX the signature pages attention Roma Cheadle at 415-865-4332 by 5:00 p.m., December 30, 2003, if possible.

- If you are unable to reply by December 30, 2003, please do so as soon as possible.

- Additionally return the original signature page to the Secretariat Office, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, California, 94102-3688. **Keep a copy for your records.**

Advisory Members

- The circulating order is being faxed to you for your information only. There is no need to sign or return anything

The Judicial Council of California

The Judicial Council approves the appointment of a member of the Court Facilities Dispute Resolution Committee as follows:

> Effective January 1, 2004, Justice Ronald B. Robie is appointed to the Court Facilities Dispute Resolution Committee.

My vote is as follows:

☐ Approve ☐ Disapprove ☐ Abstain

/s/
Ronald M. George, Chair

Marvin R. Baxter

Ellen M Corbett

Eric L. Du Temple

/s/
Norman L. Epstein

Martha Escutia

/s/
Michael T. Garcia

William C. Harrison

Rex S. Heinke

/s/
Richard D. Huffman

/s/
Laurence D. Kay

/s/
Jack Komar

My vote is as follows:

☐ Approve ☐ Disapprove ☐ Abstain

/s/
William A. MacLaughlin

Heather D. Morse

/s/
William J. Murray, Jr.

/s/
Michael Nash

David J. Pasternak

/a/
Ann Miller Ravel

/s/
Richard E. L. Strauss

/s/
Thomas J. Warwick

Barbara Ann Zúñiga

Date: December 19, 2003

Attest:
Administrative Director of the Courts
and Secretary of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

The following appointments are made to the Judicial Council Advisory Committee on Civil Jury Instructions for terms ending October 30, 2006:

Hon. Gail A. Andler

Hon. Alice C. Hill

Hon. Stephen J. Kane

Mr. Robert A. Goodin

Mr. Richard L. Seabolt

Mr. Robert S. Warren

Date: November 24, 2003

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

The following reappointments are made to the Judicial Council Court Executives Advisory Committee:[1]

Mr. John A. Clarke

Mr. Gordon Park-Li

Date: November 24, 2003

Chief Justice of California and
Chair of the Judicial Council

[1] Consistent with the amended California Rules of Court, rule 6 48, all nine counties in the "48+ judges" category will continue to serve on the Court Executives Advisory Committee, and therefore no term expiration dates apply.

THE JUDICIAL COUNCIL OF CALIFORNIA

The following reappointments are made to the Judicial Council Court Executives Advisory Committee for terms ending October 31, 2006.

Ms. Tamara L. Beard

Mr. Gary M. Blair

Ms. Tina Burkhart

Date: November 24, 2003

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

Effective January 1, 2004, the following appointments are made to the Judicial Council Court Executives Advisory Committee for terms ending October 31, 2005:

Ms. Tressa S. Kentner, Chair, replacing Mr. Alan Slater

Ms. Susan Null, Vice-Chair, replacing Ms. Tressa S. Kentner

Date: November 24, 2003

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

The following appointment is made to the Judicial Council Court Executives Advisory Committee:[1]

Ms. Inga McElyea

Date: November 24, 2003

Chief Justice of California and
Chair of the Judicial Council

[1] Consistent with the amended California Rules of Court, rule 6.48, all nine counties in the "48+ judges" category will continue to serve on the Court Executives Advisory Committee, and therefore no term expiration dates apply

THE JUDICIAL COUNCIL OF CALIFORNIA

The following appointment is made to the California State-Federal Judicial Council for a term ending July 31, 2004:

Hon. Cynthia G. Aaron, replacing Hon. Daniel M. Kolkey

Date: November 25, 2003

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

The following appointment is made to the Judicial Council Governing Committee of the Center for Judicial Education and Research for a term ending October 31, 2004.

Hon Yolanda Neill Northridge (Advisory Member), replacing
Hon Susan P. Finlay (Ret.)

Date. November 25, 2003

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

The following appointment is made to the Judicial Council Advisory Committee on Civil Jury Instructions for a term ending October 30, 2006:

Hon Charles W. McCoy, Jr.

Date: December 11, 2003

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

The following appointments are made to the Judicial Council Working Group on Court Security for terms ending December 31, 2007:

Mr. Roy L. Burns

Mr. Clifford Priest

Date: December 15, 2003

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

The following appointment is made to the Attorney General's Advisory Committee on Criminal History Records Improvement, California Criminal Justice Integration Sub-Committee for a term ending December 31, 2005:

Hon. Charles W. Campbell, Jr., replacing Hon. Michael Nash

Date: December 29, 2003

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

Effective January 1, 2004, the following reappointment is made to the Judicial Council Trial Court Presiding Judges Executive Committee for a term ending December 31, 2005:

Hon. Frederick P. Horn

Date: January 12, 2004

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

Effective January 1, the following appointments are made to the Judicial Council Trial Court Presiding Judges Advisory Committee for terms ending December 31, 2005:

Hon. Terrence R. Boren, replacing Hon. Lynn O'Malley Taylor

Hon. Raymond A. Cota, replacing Hon. Juan Ulloa

Hon. Michael L. Duffy, replacing Hon. Barry T. LaBarbera

Hon. John S Einhorn, replacing Hon. Richard E. L. Struass

Hon. Peter B. Foor, replacing Hon. Scott L. Kays

Hon. Susan C Harlan, replacing Hon. David Sargent Richmond

Hon. Eric L. Labowitz, replacing Hon. Ronald Brown

Hon. Bobby W. McNatt, replacing Hon. George J. Abdallah, Jr.

Hon. Barbara J. Miller, replacing Hon. Harry R. Sheppard

Hon. Peter H. Norell, replacing Hon. James Michael Welch

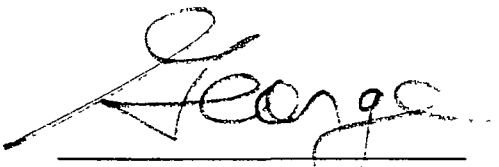
Hon. Donna M Petre, replacing Hon. Michael W. Sweet

Hon. Barbara L. Roberts, replacing Hon. Thomas W. Kelly

Hon. John A. Tiernan, replacing Hon. S. William Abel

Hon. Michael G. Virga, replacing Hon. Michael T. Garcia

Date: January 12, 2004



Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

The following appointment is made to the Judicial Council Trial Court Presiding Judges Executive Committee for a term ending December 31, 2004:

Hon. Michael E. Barton

Date: January 12, 2004

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

The following appointments are made to the Judicial Council Trial Court Presiding Judges Advisory Committee for terms ending December 31, 2004:

Hon. Frank Dougherty, replacing Hon. Betty Dawson

Hon. Angus I. Saint-Evens, replacing Hon. Donald Cold Byrd

Date: January 12, 2004

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

Effective January 1, 2004, the following reappointments are made to the Judicial Council Trial Court Presiding Judges Advisory Committee for terms ending December 31, 2004:

Hon. Stephen D. Bradbury

Hon. Harold F. Bradford

Hon. David W. Herrick

Hon. William W. Pangman

Hon. W. Scott Snowden

Hon. Harry J. Tobias

Hon. F. Dana Walton

Date: January 12, 2004

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

Effective January 1, 2004, the following reappointments are made to the Judicial Council Trial Court Presiding Judges Executive Committee for terms ending December 31, 2004:

Hon. Frederick P. Horn, Chair

Hon. Suzanne N. Kingsbury

Hon. William W. Pangman

Date: January 12, 2004

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

The following appointment is made to the Judicial Council Task Force on Self-Represented Litigants:

Ms. Marilyn James

Date: January 12, 2004

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

Effective January 1, 2004, the following reappointment is made to the Judicial Council Trial Court Presiding Judges Advisory Committee for a term ending December 31, 2004:

Hon. Frederick P. Horn, Chair

Date: January 12, 2004

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

The following reappointments are made to the Judicial Council Trial Court Presiding Judges Advisory Committee for terms ending December 31, 2005:

Hon. Larry L. Dier

Hon. Frederick P. Horn

Hon. Edward P. Moffat II

Hon. Paul A. Vortmann

Hon. Robert W. Weir

Date: January 12, 2004

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

The following appointments are made to the Judicial Council Trial Court Presiding Judges Executive Committee for terms ending December 31, 2005:

Hon. John S. Einhorn

Hon. Peter H. Norell

Hon. Barbara J. Miller

Hon. Michael G. Virga

Date: January 12, 2004

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

Effective January 1, 2004, the following reappointment is made to the Judicial Council Trial Court Presiding Judges Advisory Committee for a term ending January 1, 2006:

Hon. Roger T. Kosel

Date: January 12, 2004

Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF CALIFORNIA

The following appointment is made to the Judicial Council Access and Fairness Advisory Committee for a term ending October 31, 2004:

Hon. Gordon S. Baranco, replacing Hon. John J. Conway

Date: February 9, 2004

Chief Justice of California and
Chair of the Judicial Council

Judicial Council Itinerary
February 23–27, 2004

Renaissance Parc 55 Hotel
55 Cyril Magnin Street
San Francisco, California
Phone: 415-392-8000
Fax: 415-403-6602

and

Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California
Phone: 415-865-4200
Fax: 415-865-4332

Monday, February 23

Various times (see attached)	Judicial Council Advisory Committee Meetings Renaissance Parc 55 Hotel

Tuesday, February 24, 2004

Various times (see attached)	Judicial Council Advisory Committee Meetings Renaissance Parc 55 Hotel

Wednesday, February 25, 2004

7:30 am – 8:45 am	CJAC Registration and Continental Breakfast Renaissance Parc 55 Hotel
9:00 a.m.	CJAC Opening
12:15 p.m.–2:15 p.m.	Ralph N. Kleps Awards Luncheon with Chief Justice Ronald M. George
5:00 pm – 7:00 pm	CJAC Knowledge Fair and Evening Reception Renaissance Parc 55 Hotel

Thursday, February 26, 2004

6:30 a.m.	5K Fun Run and Walk
7:30 am – 2.15 pm	CJAC Registration and Continental Breakfast Renaissance Parc 55 Hotel
12:15 p m –2:15 p.m	Distinguished Service Awards Luncheon with Chief Justice Ronald M. George
2:15 p.m.–2:30 p.m.	Closing Remarks
3:00 p.m. – 5:30 p.m.	Judicial Council Issues Meeting **For Judicial Council members only** Renaissance Parc 55 Hotel, Barcelona II
6:30 p.m. - 9:30 p.m.	Judicial Council Dinner Renaissance Parc 55 Hotel

Friday, February 27, 2004—Administrative Office of the Courts

7:45 a.m.	AOC van arrives at Parc 55 for transport to AOC (Outside main entrance, at the taxi/shuttle drive-through.)
8:00 a.m.–8:30 a.m.	Continental breakfast **JCCC, Lunchroom**
8:30 a.m.–1:05 p.m.	Business Meeting **JCCC, Malcolm M. Lucas Boardroom** *Box lunches will be provided*

2004 Committee Meetings during CJAC

Renaissance Parc 55 Hotel
55 Cyril Magnin Street
San Francisco, CA.
(Please note all meeting space is subject to change)

Traffic Advisory Committee
February 23, 2004
9:00 am – 5:00 pm
Meeting Room: Raphael
Staff Coordinator: Courtney Tucker (5-7611)
Contact Person: Lisa Graves (5-7622)
JC Liaison: Hon. Eric Taylor

Appellate Advisory Committee
February 23, 2004
10:00 am – 2:00 pm
Meeting Room: Redwood A/B
Staff Coordinator: Heather Anderson (5-7691)
Contact Person: Cindy Agno (5-7301)
JC Liaison: Hon. Norman Epstein

Court Technology Advisory Committee
February 23, 2004
10:00 am – 3:00 pm
Meeting Room: Boardroom
Staff Coordinator: Charlene Hammitt (5-7410)
Contact Person: Christopher Smith (5-7416)
JC Liaison: Hon. Richard Strauss
Ms. Susan Null

..... NEXT DAY .....

Collaborative Justice Courts Advisory Committee
February 24, 2004
8:30 am – 3:30 pm
Meeting Room: DaVinci II/III (2&3)
Staff Coordinator: Nancy Taylor (5-7607)
Contact Person: Patrick Danna (5-7992)
JC Liaison: Hon. Michael Garcia

Access and Fairness Advisory Committee
February 24, 2004
8.30 am – 5:00 pm
Meeting Room. Sienna
Staff Coordinator: Donna Clay Conti (5-7911)
Contact Person: Benita Downs (5-7957)
JC Liaison Hon Heather Morse

Criminal Law Advisory Committee
February 24, 2004
9:00 am – 3:00 pm
Meeting Room: Cervantes
Staff Coordinator: Joshua Weinstein (5-7688)
Contact Person: Lisa Graves (5-7622)
JC Liaison: William J. Murray, Jr.

Court Interpreters Advisory Panel
February 24, 2004
9:00 am – 4:00 pm
Meeting Room: Barcelona II (2)
Staff Coordinator: Ricardo Beacon (5-7759)
Contact Person: Debbie Chong-Manguiat (5-7596)
JC Liaisons: Jack Komar
Mr. Alan Slater

Civil and Small Claims Advisory Committee
February 24, 2004
9:00 am – 4:30 pm
Meeting Room: Barcelona I (1)
Staff Coordinator: Patrick O'Donnell (5-7665)
Contact Person: Benita Downs (5-7957)
JC Liaison: Hon. William MacLaughlin
Mr. David Pasternak

Family and Juvenile Law Advisory Committee
February 24, 2004 9:00am – 5:00pm *Meeting Room* Parc I Ballroom Breakout 1:00pm – 5:00pm *Breakout Meeting Room.* Michelangelo Staff Coordinator: Susie Viray (5-7704) Contact Person: Myrna Caamic (5-4223) JC Liaison: Hon. Michael Nash

CJER Governing Committee
February 24, 2004 11:00am – 3:00pm Meeting Room: Redwood A/B Staff Coordinator: James M. Vesper (5-7797) Contact Person: Barbara Jo Whiteoak (5-7800) JC Liaison: Hon Richard Huffman

Trial Court Presiding Judges Advisory Committee
February 24, 2004 1:00 pm – 3:00 pm Meeting Room: Ballroom Parc III (3) Staff Coordinator: Penny Davis (5-7612) Contact Person: Penny Davis (5-7612) JC Liaison: Hon. Frederick Horn

Court Executives Advisory Committee
February 24, 2004 1:00 pm – 3:00 pm Meeting Room: Ballroom Parc II (2) Staff Coordinator: Penny Davis (5-7612) Contact Person: Penny Davis (5-7612) JC Liaison: Ms. Tressa Kentner Ms. Susan Null (Vice-Chair)

Joint Court Executives and Trial Court Presiding Judges Advisory Committee
February 24, 2004 3:00 pm – 5.00 pm Meeting Room: Ballroom Parc II (2) Staff Coordinator: Penny Davis (5-7612) Contact Person: Penny Davis (5-7612) JC Liaisons: Hon. Frederick Horn Ms. Tressa Kentner (CEAC Chair) Ms. Susan Null (CEAC Vice-Chair)

Judicial Council Advisory Committee Chairs Meeting
February 24, 2004 5:30 pm– 7:00 pm Meeting Room: Barcelona I (1) Staff Coordinator: Sonya Smith (5-7653) Contact Person: Sonya Smith (5-7653) Hon. Richard Huffman, Hon. Marvin Baxter, Hon. Norman Epstein

NEXT DAY

Presiding Judges Executive Committee
February 25, 2003 10:00 am – 11:30 am Meeting Room: Aragon Staff Coordinator: Penny Davis (5-7612) Contact Person: Penny Davis (5-7612) JC Liaison: Hon. Frederick Horn

NEXT DAY

Judicial Council Issues Meeting
(Closed Session) February 26, 2004 3:00 pm – 5:30 pm Meeting Room: Barcelona II Staff Coordinator: Sonya Smith (5-7653) Contact Person: Sonya Smith (5-7653) All JC Members

Committees Not Meeting

Judicial Service Advisory Committee
Staff Coordinator: Gigi Robles (5-4295) Contact Person: Gigi Robles (5-4295)

Probate and Mental Health Advisory Committee
Staff Coordinator: Douglas C. Miller (5-7535) Contact Person: Douglas C. Miller (5-7535)

Driving Directions Print | E-Mail | Download to PDA | Reverse | New Directions

START 455 Golden Gate Ave, San Francisco, CA 94102-3660 US - Hotel Offers - Flight Deals

END 55 Cyril Magnin St, San Francisco, CA 94102-2812 US - Hotel Offers - Flight Deals

Maneuvers	Distance	Maps
1: Start out going East on GOLDEN GATE AVE toward LARKIN ST.	0.2 miles	Map
2: Turn LEFT onto LEAVENWORTH ST.	0.1 miles	Map
3: Turn RIGHT onto EDDY ST	0.3 miles	Map
4: Turn LEFT onto CYRIL MAGNIN ST/5TH ST N.	<0.1 miles	Map
5: End at 55 CYRIL MAGNIN ST SAN FRANCISCO CA		Map

Total Est. Time: 3 minutes **Total Est. Distance:** 0.68 miles

Why drive when you can fly?

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Need a place to stay?

Find and book a hotel!

Route Overview Map Make this map interactive