



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date	Action Requested
June 14, 2012	For Information Only
To	Deadline
Members of the Judicial Council	N/A
From	Contact
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Report on Activities of the Administrative Office of the Courts	

The following information outlines some of the many activities in which the Administrative Office of the Courts (AOC) is engaged to further the Judicial Council's goals and priorities for the judicial branch. The report focuses on action since the council's April meeting and is exclusive of issues on the June meeting agenda.

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Legislative Activities

Budget Advocacy:

- The AOC Office of Governmental Affairs (OGA) has coordinated judicial branch budget advocacy under the direction of the Chief Justice and the Interim Administrative Director of the Courts, along with the assistance of the Budget Advocacy Group designated by the Chief Justice. Budget advocacy has focused on opposing the proposed budget reductions to the courts and the related proposed implementing fund balance policy. Further reports will be provided at the June 22 Judicial Council meeting.
- AOC directors provided updates on the fiscal year 2012–2013 budget process at numerous meetings, including: the Trial Court Presiding Judges Advisory Committee Executive Committee; Court Executives Advisory Committee/Conference of Court Executives; Administrative Presiding Justices Advisory Committee; Trial Court Budget Working Group; California Judges Association; San Joaquin County Bar Association Fair Judicial Funding Committee; and Bench-Bar Coalition. Budget Advocacy support is being provided by all of these as well as other stakeholder groups.

Bench-Bar Coalition District Office Visits: During May and June, members of the Bench-Bar Coalition (BBC) made personal visits to their legislators' district offices to advocate in support of the judicial branch budget. They updated legislators and key staff members on the devastating effects of reductions to the judicial branch budget on the courts, the bar, and legislators' constituents and urged legislators to protect court construction funding. BBC members were encouraged to take on their visits a client, local court user, court construction stakeholder or other constituent of their legislators so that legislators could hear firsthand how constituents have been impacted by several years of reductions to the branch.

Stand Up for Justice Rally: We continue to work with the Open Courts Coalition, a committee of attorneys advocating for adequate funding of the justice system, on court funding issues and on securing a judicial branch budget that ensures that courts remain open and accessible. On June 13, 2012, the Open Courts Coalition hosted a rally—Stand Up for Justice—in Sacramento, in support of judicial branch funding. The rally was cosponsored by a number of organizations, including the State Bar of California and local and specialty bar associations.

Senate Budget and Fiscal Review Committee Hearing: At a hearing on June 7, 2012, the committee adopted budget trailer bill language related to court user fees and court

security. The committee approved \$50 million in new civil court fee increases and eliminated a sunset date that had been set for \$70 million in prior fee increases. They also adopted trailer bill language that makes programmatic changes necessary to reflect last year's shift of funding responsibility for trial court security from the state to local level.

Legislative Budget Subcommittee Hearings: Senate Budget and Fiscal Review Subcommittee No. 5 and Assembly Budget Subcommittee No. 5 each held hearings on the judicial branch budget in late May. The subcommittees considered the Governor's May Revision proposal to reduce the General Fund contribution to the branch by \$544 million. Judicial Council members, judges, court executives, court employees, AOC directors, court construction stakeholders, and other interested parties testified on behalf of the need to fully fund the branch. They spoke about the impacts of recent budget cuts to the branch and the potential consequences of the proposed reductions.

Legislative Advocacy: June 1, 2012, marked the last day on which bills for the 2011–2012 legislative session could be passed out of their houses of origin in the California State Legislature. Throughout the busy legislative months of April, May, and June, OGA advocates analyzed and brought bills within the Judicial Council's purview to the appropriate advisory bodies for input. OGA will continue to monitor the bills and advocate any positions taken by the Judicial Council. A status report on 2012 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee during the 2011–2012 legislative session may be viewed at:

<http://www.courts.ca.gov/documents/LegStatusReport2012.pdf>.

Chief Justice and Judicial Council Liaison Meetings: The Chief Justice and AOC leadership hosted liaison meetings with the State Bar of California, Consumer Attorneys of California, California State Sheriffs' Association, and California Defense Counsel. The Chief provided an update on the judicial branch budget and discussed issues of mutual interest and concern with the organizations. Liaison meetings with these and other organizations representing justice system stakeholders are typically held annually and provide an opportunity to establish and maintain productive relationships.

Criminal Justice Realignment:

- A small group of judges will provide advice and direction to the Criminal Justice Office staff on issues related to criminal justice realignment. Staff is currently working with these judges on a proposal for possible collection of realignment data elements and monitoring realignment budget trailer bills.
- Staff hosted a two-day meeting to develop curriculum for effectively working with drug offenders post-realignment.

Evidence-Based Probation Supervision Program: The second year of the program saw an additional drop in the number of felony probationers who were sent to state prison. There has been a 32 percent reduction from the baseline period and nearly 12 percent drop from the previous year. Over \$136 million of the savings from this program will be distributed to county probation departments to continue their successful implementation of evidence-based supervision practices. AOC Criminal Justice Office staff continues to work with the Department of Finance and local probation departments to carry out the judicial branch responsibilities under this legislation.

Court Appointed Special Advocates (CASA): The program directors of California's 44 CASA programs serving 49 counties met to discuss the impact of recent legislation extending foster care to age 21 to ensure better outcomes for youth transitioning into adulthood. The AOC, as one of the funding and regulatory agencies for these programs, hosted the meeting. CASA programs are seeking to clarify their new role in working with youth affected by the legislation. Discussions included whether the current boundaries and prohibitions that exist for youth under the age of 18 should be different for nonminor dependents, what information should be included in court reports for nonminor dependents' hearings, court support for implementation, how changes in the Welfare and Institutions Code affect nonminor dependents, and how much information CASA volunteers need to have to advocate for youth in this new demographic.

Emergency Preparedness: Continuity of planning exercises were held with the following Bay Area courts: San Francisco, Alameda, San Mateo, and Solano.

Judicial Security: Responding to questions from judges, staff provided advice on judges' rights to DMV confidentiality of home address and helped navigate the process for obtaining the confidentiality, in addition to assisting judicial officers with removing their home addresses from the most prominent online data vendor websites. Security coordinators also provided assistance to judges under threat.

Internet Posting of Judges' Statements of Economic Interests:

- In May, the Fair Political Practices Commission (FPPC) adopted a regulation that allows an elected official (including judges) whose statement of economic interests (Forms 700) must be posted on the FPPC's website (per FPPC regulation at Cal. Code Regs., tit. 2, § 18313.5) to request that FPPC redact security-sensitive information from the form before being posted on the FPPC's website. (The AOC's Office of the General Counsel had submitted an alternative regulation for consideration in which the official could simply omit the security-sensitive financial interest from a website-version Form 700, but the FPPC felt that alternative could be misleading to the public.)
- The newly adopted regulation (Cal. Code Regs., tit. 2, § 18313.6) is now in effect. FPPC staff is in the process of implementing a system for judges and other elected officials to

communicate with staff concerning requests for redaction. The AOC has informed judicial officers and will continue to work with FPPC staff on these procedures as they are implemented.

Assigned Judges Program Election Coverage: The Chief Justice, through the Assigned Judges Program, assigned a panel of three judges to hear election-related issues arising after the close of normal court business on Election Day, June 5, 2012. The judges are assigned to reduce the burden on the trial courts and ensure a uniformity of rulings statewide on election issues. Fifty-three courts consented and requested this assistance. There were no calls for assistance on election night.

Court Statistics Data Management:

- The AOC's Office of Court Research is featured in the National Center for State Courts (NCSC) *Caseload Highlights* series for April 2012, highlighting California's statewide work in data quality management and the provision of tools to the trial courts to improve data quality and help identify data reporting issues and caseload trends. (<http://www.courtstatistics.org/~media/Microsites/Files/CSP/Home%20Page/Caseload%20Highlights%20April%202012%20v5.ashx>.)
- Technical assistance was provided to the Superior Courts of Sacramento, San Mateo, and Trinity Counties on their reporting of data for the annual *Court Statistics Report*, which is used by the branch in workload analysis, budget and policy development, and performance management.

Comparative Overview of Strategic Evaluation Committee and AOC Reorganization Recommendations: At the request of the Chief Justice, the AOC prepared a status update on changes to the AOC that have been adopted or are under way that address concerns and recommendations contained in the Strategic Evaluation Committee's report. The document was disseminated broadly.

Facilities

Status of Senate Bill (SB) 1407 Capital Projects:

- The Governor's May Revise budget for fiscal year 2012–2013 proposed significant changes to the SB 1407 program, including a redirection of \$240 million in revenues to trial court operations and a directive to review trial court operations prior to proceeding with design on approximately 30 projects, 17 of which are still in the site acquisition phase. In addition, the proposed budget includes an ongoing \$50 million redirection of SB 1407 funds to the trial courts; this proposed ongoing redirection is significant, because over the life of the program, it would require that more than \$500 million be removed, either through cost savings or through cancellation of more projects.

- The proposed budget allows for some projects to move forward. A total of six projects scheduled to be ready to start construction in the coming fiscal year would proceed into construction: Butte, Kings, San Joaquin Juvenile Justice Center (renovation), Solano (renovation), Sutter, and Yolo. In addition, site acquisitions would proceed, pending available funds. However, the proposed redirection of funds would not leave enough money available next year to complete site acquisitions for all 17 projects still in this phase.
- The Court Facilities Working Group will meet in July to review how the enacted fiscal year 2012–2013 Budget Act affects the SB 1407 program, and determine how to move forward with limited funds.
- Currently eight projects are in construction or ready to begin construction, with a total project value of over \$1 billion.
- The new Susanville courthouse in Lassen County was completed under budget in May 2012. With three courtrooms and one hearing room, the courthouse consolidates and replaces three undersized and outdated facilities. The dedication ceremony is scheduled for August 2012.

State Public Works Board Approval:

Site acquisition:

- New Santa Barbara courthouse
- New Redding courthouse
- New Yreka courthouse

Preliminary plans:

- New Central San Diego courthouse
- New Lakeport courthouse
- New Stockton courthouse
- New Santa Clara Family Justice Center

Facility Modifications: As of May 29, 2012, there were 489 active facility modifications at a total estimated cost of \$53,437,571.

Review of Courthouse Construction Program:

- The Court Facility Working Group through its Audit Subcommittee, chaired by Judge Lucas of the Superior Court of Santa Clara County, has engaged, through the AOC, Pegasus Global Holdings, Inc., to perform an independent review of the AOC's courthouse construction program. The primary goal of the engagement is to provide program oversight and support to enhance the success of the program through monitoring and evaluation of the program budget, scope, schedule, risks, and quality outcomes.
- Pegasus has completed interviews with AOC staff and a review of six projects is in progress. The company is working with the Audit Subcommittee, the AOC Executive

Office, and Office of Court Construction and Management (OCCM) to complete its review of the capital program and issue a final report in August 2012.

Technology

Infrastructure and Security

Local Area Network/Wide Area Network Program: This program develops and supports a standard network infrastructure for the superior courts and is now in the fifth cycle of the technology refresh. Deployments are complete for all 52 courts participating in the equipment refresh program. This year's allocation was significantly reduced and the network equipment replacement program has been postponed for a year. The Superior Court of Mariposa County completed the standardized upgrade of their network as first-time program participants.

Data Integration/Integration Services Backbone

Justice Partner Outreach/E-Services Initiatives: Communication and outreach is designed to assist California's state and local justice partners and trial courts and keep them informed on the status of electronic filing initiatives. An analysis and report of a recent e-filing needs assessment conducted with the courts and electronic filing service providers is being completed for use in developing technology priorities and projects. Additionally, assistance is being provided to the appellate courts on an e-filing project plan.

E-Citation Pilot Project: This project utilizes the e-Citation data exchange developed as part of the California Court Case Management System and is a partnership project between the California Highway Patrol (CHP), the AOC, and the Superior Courts of Orange, San Bernardino, and Santa Clara Counties. Testing of CHP-to-court transactions continues. Two courts successfully tested the exchange using their case management system.

Administrative and Management Systems

Appellate Court Case Management System: A recent functional enhancement to generate notices in a Word format was implemented in the second, fourth, fifth, and sixth district Courts of Appeal. Notice conversion is in progress in the first and fourth district and the Supreme Court. Staff also provided advanced reports training to appellate clerks to enable them to write their own ad hoc reports, and support process planning and improvements.

California Court Case Management System (CCMS):

- *Decommissioning and Leveraging of CCMS:* The work requested by the Judicial Council to decommission and leverage CCMS is under way. All Deloitte development environments have been decommissioned. Related support for the California Courts Technology Center environment is being reduced. The initial assessment on the options to leverage CCMS has been completed and provided to the Internal Committee on Technology for review and next steps. CCMS documentation is being archived. The CCMS Internal Committee has solicited input from court leaders to help the council identify trial court technology needs; services the AOC can provide to meet those needs; as well as input for developing a new branchwide vision for technology. A draft report has been prepared. Demonstrations were held for courts to have the opportunity to view CCMS functionality and architecture to help determine how the V4 technology and developed software may be leveraged.
- *Deployment—Early Adopters:* The Superior Court of San Luis Obispo County was identified as an early adopter court for the CCMS. With the Judicial Council decision to stop the statewide deployment, replacing the court's failing case management system is a top priority. A Request for Proposal was issued for a case management solution on behalf of the court to engage a vendor capable of executing the project within a thirteen-month timeframe.
- *Civil, Small Claims, Probate and Mental Health Case Management System (V3):* Staff successfully deployed release 11.02, to the California Courts Technology Center -hosted courts and the Superior Court of Orange County.
- *Criminal and Traffic Case Management System (V2):* In June 2012, V2 will complete a reduction of its development and test environments of over 50 percent, resulting in a consolidation onto newer existing equipment and an annual cost avoidance of \$1 million. The Department of Motor Vehicles (DMV) new inquiry court codes were successfully implemented for DMV priors transactions. This assists DMV in resolving a security issue with its previous court codes.

Interim Case Management System—Sustain Justice Edition: The AOC funds program management oversight for this system. For courts hosted at the California Courts Technology Center, maintenance activities included production support updates, system patching, license file updates, security certificate renewals, and the installation of new Department of Motor Vehicle inquiry codes.

California Courts Protective Order Registry:

- Five additional Santa Clara county local police departments were onboarded to use this statewide repository, which provides more complete, accessible information to judicial officers and law enforcement on restraining and protective orders. Training

was provided to the Mountain View, Santa Clara, Gilroy, Los Altos, and Campbell resources. In addition to being able to view orders from participating counties, police departments may add and submit their own Emergency Protective Orders and Proof of Service to the Department of Justice.

- A memorandum of understanding with the Department of Justice was drafted for the upcoming grant funded deployments to 10 additional counties by June 2013.
- Support was added for two new protective order fields: relationship and household member.

Phoenix Human Resources/Payroll Management System:

- *MyCalPERS Interface:* Interfaces with myCalPERS for employee retirement, 457 savings plans and the Judicial Retirement System for courts that are currently using the Phoenix Human Resources/Payroll System are now live. Staff is completing work with trial courts and CalPERS on the remaining conversion issues, and has also provided transition assistance to courts that subscribe to CalPERS but are not yet on the Phoenix Human Resources/Payroll System. This completes the Phoenix myCalPERS development effort.
- *Phoenix Business Warehouse Reporting:* New summary financial reporting was developed for court users and management to help meet new fund balance reporting requirements. Annual year-end training was offered to court users.
- *Bank Account Consolidation Phase II:* Historically, the trial courts have maintained separate bank accounts with Bank of America (BOA). Leveraging functionality in the Phoenix System to keep funds separated, all courts can now be part of a single BOA account. This transition results in significant banking fee savings for the trial courts. As of June 1, 27 courts are live on the new structure. It is anticipated that the 15 remaining courts with Trust and/or Distribution accounts will be converted by the end of July 2012.
- *Ongoing Financial System Maintenance:* The Phoenix Financial System continues to work with courts on improvements that will increase efficiencies, given new reporting requirements and ongoing resource constraints. Some examples of recent collaborative efforts include:
 - Restructuring of Phoenix Grant funds—moving from more than 50 individual grant funds (38 of which are active) to 5 grant funds (AOC, federal, state, local, and private);
 - Work with the Superior Court of Fresno County and interim payroll service provider ADP to enhance the file extract for the interface between ADP and Phoenix Financials; and
 - Work with the Superior Court of Orange County to develop an interface that streamlines procurement and accounts payables processes.

Audio Visual Systems Development and Web Services

AOC Satellite Downlink Installations/Relocations: A satellite downlink system has been completed for the new Lassen courthouse in Susanville. The Superior Court of Sutter County's satellite downlink in Yuba City has been successfully relocated to their new facility.

Web Services: The Superior Court of San Francisco County launched a new website using the trial court website templates that are available free through the AOC to all courts. While vendor support for this program has been cancelled due to budgetary constraints, AOC Web Services staff continues to offer limited implementation support.

Human Resources

Labor Relations/Negotiations:

- Staff is currently supporting 19 trial courts in labor negotiations. With the current budget situation, several courts have negotiated short term (three month) extensions with the hope of having a better understanding of their budgets prior to making contractual commitments. This short term process will create a backlog of need in the fall, but is necessary due to fiscal uncertainty.
- In addition, staff is assisting with the implementation of voluntary separation programs in three trial courts, and responding to Public Employment Relations Board charges and the layoff process in two trial courts.

Employee Relations: Employee relations assistance is currently being provided to 16 courts. Assistance includes training for court staff, supervisors and managers; serving as a Skelly hearing officer; responding to Department of Fair Employment and Housing charges; employee investigations; performance management, and employee disciplinary actions.

Classification and Compensation: Assistance is currently being provided to two trial courts and one appellate court.

Judicial Branch Workers' Compensation Program Allocations: In May, allocations for the annual cost of the Judicial Branch Workers' Compensation Program were distributed to each program entity for fiscal year 2012–2013: (1) Trial Courts (56 trial courts participate in the program, excluding Los Angeles and Mono); (2) Judiciary (includes Supreme Court, Courts of Appeal, AOC, Habeas Corpus Resource Center, and Commission on Judicial Performance); and (3) Trial Court Judges. Each year the projected annual cost of the program is divided among program participants and is based on the Marsh Risk Consulting actuarial reports. The total allocation for the new fiscal year is \$17.56 million.

Advisory Committees/Task Forces/Working Groups

Advisory committees will hold only one in-person meeting per year until the fiscal situation improves. Other meetings will be convened using video- or audio-conferencing.

The following committees met since the Judicial Council's April meeting:

1. Access and Fairness Advisory Committee
2. Administrative Presiding Justices Advisory Committee
3. Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch
4. Blue Ribbon Commission on Children in Foster Care
5. Court Executives Advisory Committee and Conference of Court Executives
6. Criminal Jury Instructions Advisory Committee
7. Emergency Response and Security Task Force
8. Family and Juvenile Law Advisory Committee and Elkins Family Law Implementation Task Force Joint Meeting
9. Governing Committee of the Center for Judicial Education and Research
10. Mental Health Issues Implementation Task Force
11. SB 56 Working Group
12. Self-Represented Litigants Task Force
13. Trial Court Budget Working Group
14. Trial Court Presiding Judges Advisory Committee Executive Committee

Meeting Details

Access and Fairness Advisory Committee:

- Launched the pilot mentoring program for court staff in four Bay Area courts: Alameda, Contra Costa, Solano, and San Francisco. This program will facilitate communication of judicial branch goals through one-to-one relationships, while supporting professional development.

Administrative Presiding Justices Advisory Committee:

- Quarterly meeting focused on the impact of the May Revise on the appellate courts and the 2012–2013 budget as well as current year funding issues affecting court operations.
- Updates presented on the budget, legislative action, filing fees, court security, e-filing efforts, the pending deficiency for the Court Appointed Counsel Program, and AOC budget reductions and reorganization efforts.

Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch:

- Considered and approved pending audit reports pertaining to the Superior Courts of Mariposa and Santa Clara Counties for submission to the Judicial Council for review and acceptance.
- Chair of the Contracts Working Group met with AOC staff to discuss a review of AOC contracting processes, and recommendations for some level of Judicial Council oversight.

Blue Ribbon Commission on Children in Foster Care:

- At its annual meeting, the Chief Justice welcomed and encouraged members to continue working to implement their recommendations and requested that the commission develop plans for collaboration among the judicial branch and education and related systems in order to address school discipline and truancy issues with the goal of keeping children in school and out of court.
- Assembly Member Roger Dickinson addressed the commission on school discipline issues.

Court Executives Advisory Committee and Conference of Court Executives:

- Discussed the fiscal year 2012–2013 judicial branch budget, proposed civil fee increases or changes, the SEC report on the AOC, possible additional uses of video remote interpreting, and a judicial branch technology strategy regarding case management systems.

Criminal Jury Instructions Advisory Committee:

- Considered proposed changes to over 40 CALCRIM jury instructions. The new and revised instructions will circulate for public comment until June 26, 2012. Once the committee has reviewed the comments and made any further appropriate revisions, legal publishers Lexis and West will prepare new editions. Under the terms of the AOC's contract with official publisher, Lexis, all bench officers receive free copies of new CALCRIM editions, including hard copies and software.

Emergency Response and Security Task Force:

- Reviewed draft recommendations to the Judicial Council and discussed the SEC's recommendations regarding court security.

Family and Juvenile Law Advisory Committee and Elkins Family Law Implementation Task Force Joint Meeting:

- Discussed the Judicial Workload Study, pending family and juvenile law legislation, and efforts undertaken by working groups focusing on family court services files, permanency, domestic violence, and probate guardianship.
- In separate sessions, the family law subcommittee and task force members and the juvenile law subcommittee discussed ongoing implementation support associated with rules, forms, and legislation, as well as efficient and effective means of continuing mandated and needed court programs and services in the current fiscal climate.

Governing Committee of the Center for Judicial Education and Research:

- Discussed frequently asked questions regarding the new education rules; recruitment for curriculum committees; and heard a presentation from Judge David Rothman (ret.) on revisions to the New Judge Orientation curriculum.
- Judicial Council Liaisons to the Education Division/CJER, Judge Emilie Elias, Judge Terry Friedman, and Mr. Fritz Ohlrich attended the meeting.

Mental Health Issues Implementation Task Force:

- Convened conference calls of the Education, Legislative, and Rules of Court Subcommittees concerning mental health related education post realignment, Judicial Council-sponsored legislation, and rules processes and timelines related to task force recommendations.

SB 56 Working Group:

- Reviewed draft, updated caseweights for the staff workload model (Resource Assessment Study) and discussed ways to improve the portion of the model that transforms workload need to dollars.
- Formed two subgroups to analyze these two issues in more detail and return to the larger group with findings and recommendations.
- The working group will nominate a judge to serve as chair and will revise the charter accordingly.

Self-Represented Litigants Task Force:

- Reviewed drafts prepared by the subcommittees on proposed effective practices for self-help centers and effective collaborations with community partners to expand services.
- Reviewed reports regarding savings to courts from self-help services and considered a proposal by the State Bar to encourage attorneys to provide pro bono assistance to self-help centers.

Trial Court Budget Working Group:

- Discussed the Governor's May budget proposal to use over \$400 million in trial court fund balances as part of the overall budget solution relating to the projected \$15.7 billion deficit through June 2013.
- Noted a number of areas of disagreement with assumptions made by the Department of Finance ranging from the amount of available fund balances to the statement in the May Revision that the trial courts have generally been "held harmless" through the last few years of statewide budget cuts.
- Directed staff to prepare a written narrative for distribution to members and then to court leaders statewide detailing the contrasts between DOF assumptions and the courts' reality on fund balances, unfunded costs at the local level, and other factors.

Trial Court Presiding Judges Advisory Committee:

- All presiding judges were invited to participate in the Executive Committee meeting. Close to 30 members attended, several accompanied by assistant presiding judges or court executive officers.
- Updates provided on the Governor's May revision of the budget and the Strategic Evaluation Committee's report.
- Updates provided by the presiding judges' and court executive officers' Joint Legislation and Joint Rules Working Groups, and presiding judge committee liaisons to the other Judicial Council advisory committees and task forces.
- Held two lengthy forums to discuss budget issues, the Strategic Evaluation Committee report, and strategies for improving communication with the Legislature and Governor's Office.

Judicial Branch Education Programs

Judicial Education

1. Americans with Disabilities Act Training Update
2. Basic Felony Sentencing
3. Cow County Institute
4. Expedited Jury Trials and Basic Case Management
5. Evidence in Civil and Criminal Cases
6. Judicial Ethics Education Design Workshop
7. Primary Assignment Orientation (for experienced civil, criminal, and traffic law judges)
8. Qualifying Ethics Core Classes
9. Selected Issues in Criminal Domestic Violence Cases: Criminal Procedure from Arraignment through Sentencing

Judicial Officer, Court Employee, and Justice System Stakeholder Education

1. Advanced Legal Writing and Editing (for appellate justices and attorneys)
2. Assessing Difficult Conservatorship Cases (for probate court investigators)
3. Best Practices Approach Initiative Training
4. Core 40 (for court managers and supervisors)
5. Family Dispute Resolution New Court Professionals Training
6. Indian Child Welfare Act Training
7. Tribal Court/State Court Training
8. Institute for Court Management: Managing Technology Projects and Technology Resources (for trial court leadership)
9. Pathways to Justice Conference
10. Physical Security

11. Social Security/Medicare Webinars (for justices/judges and judicial officer liaisons)
12. Workers' Compensation Claims
13. Workforce Planning (for managers and supervisors)

Broadcasts

1. Continuing The Dialogue: From the Headlines to the Courtroom
2. Everyday Managing and Supervising: Employee Motivation (for managers and supervisors)
3. Practical Judge: Extending Foster Care in Delinquency Court (AB 12/212)
4. Preventing and Responding to Sexual Harassment (for court commissioners, referees, managers, supervisors, and lead staff)
5. Professional Demeanor in the Courts (for court staff)
6. Realignment: An Overview for Court Personnel (for court staff)
7. Today's Law: Juvenile Dependency Update

New Online Courses

1. Introduction to Family Procedure (for court employees)
2. Workforce Management and Development (Moodle course)

Updated Online Courses

3. Small Claims Court: Consumer and Substantive Law
4. Traffic Cases
5. Unlawful Detainer

New Online Resources

1. Dependency Hearings Video
2. Monthly Online Interactive Article and Quiz
3. Temporary Conservatorship and Guardianship Video
4. Ten-Minute Mentor videos: ADA Issues; Realignment: What is Evidence-Based Practice?; Realignment: Using Evidence-Based Practice in 1170(h) Sentencing

New Benchbooks/Benchguides

1. Discovery (2nd edition)
2. Domestic Violence Cases in Criminal Court (2012 edition)

Updated Benchbooks/Benchguides

3. Before Trial 2012
4. Misdemeanor Sentencing
5. On Call Duty Binder
6. Preliminary Hearings

7. Traffic Court Proceedings

Videos

1. Appellate Judicial Attorneys Institute

Publications

1. Defining Recidivism in Juvenile Justice
2. Mental Health Courts

Details

Judicial Education

Basic Felony Sentencing: In adherence to Rule 10.462(c)(4) for experienced and advanced criminal law judges, this two-day course provides participants with the fundamentals of felony sentencing, including updates and suggested practices post-criminal justice realignment.

Primary Assignment Orientation: Courses for judges in civil, criminal, family, and traffic law were offered to satisfy the content-based requirements and expectations of the California Rules of Court applicable to judges and subordinate judicial officers new to, or returning to, an assignment.

Selected Issues in Criminal Domestic Violence Cases—Criminal Procedure from Arraignment through Sentencing: Using a comprehensive case scenario, this course provides an in-depth review of criminal law in domestic violence cases and focuses on hot topics and best practices. Participants satisfy Rule 10.464.

Judicial Officer, Court Employee, and Justice System Stakeholder Education

Advanced Legal Writing and Editing for Appellate Justices and Attorneys: Two three-hour interactive webinars on the principles of legal writing and editing included small group work.

Assessing Difficult Conservatorship Cases: This course for probate court investigators addressed differences between general, limited, and LPS conservatorships; the investigator's role in determining the need for a temporary, general, limited, or LPS conservatorship; reviewing investigations; pitfalls in the use of discretion in making the determinations required by law; developing competency to effectively assess challenging cases; and effective report writing.

Best Practices Approach Initiative: This grant-funded program provided training for court and justice partner professionals and provided technical assistance in Shasta County on using evidence-based practices, programs, and principles in juvenile justice cases.

Core 40: Course topics included the role of the supervisor, employment law, and performance management.

Family Dispute Resolution Institute for New Court Professionals: Twenty court staff from 11 court-based family court services programs received training credit for mandatory training in domestic violence, mediation skills, and other mandated mediation topics. The training also included court exchange information and “train the trainer” sessions, to build the capability for court staff to conduct training in their own courts.

Indian Child Welfare Act Training: Local trainings were offered in Humboldt County, San Francisco County Probation, and Two Feathers, Eureka.

Tribal Court/State Court Forum Training:

- Tribal court and state court judges participated in a plenary session on lethality and domestic violence at the Cow County Institute and conducted workshops at the 19th Annual Statewide Indian Child Welfare Act Conference.
- Tribal Court/State Court Forum members, state/tribal program staff, and representatives from the National Judicial College's National Tribal Justice Center met to develop curriculum for judicial education.

Institute for Court Management—Managing Technology Projects and Technology Resources: At a three-day course court employees focused on managing technology resources; enhancing their technology management skills; integrating technology into their management strategies; and increasing their understanding of court functions and operations. Course topics also included how technology can be used in all of the National Association for Court Management's core competencies, and the role technology should play in organizational performance.

Pathways to Justice Conference: The AOC Equal Access Project partnered with the Legal Aid Association of California and the State Bar of California, Office of Legal Services to produce this conference for legal services, pro bono, court-based program and legal referral services staff, judges, pro bono attorneys, and other justice partners. The program offered 40 training sessions in topics including cultural competency, family law, organizational development, public benefits, small claims and consumer law, and technology.

Physical Security: At the request of the Superior Court of Tulare County, court employee training was provided on crime prevention, bomb threat response, disaster service worker awareness, and active shooter response. The final period of instruction was for the court's judicial officers, focusing on their safety as well as their role as court leaders during times of crisis. As a result of these trainings, the court administration and sheriff's department have begun discussions on revising and updating the court's emergency response procedures.

Social Security/Medicare Webinars: Staff hosted two webinars for justices/judges and judicial officer liaisons with approximately 75 attendees in each session.

Workers' Compensation Claims: The Judicial Branch Workers' Compensation Program hosted two web-based trainings for the online claims' management system with approximately 55 participants in each session. The CareMC system, a web-based tool, provides 24 hour access to all claims.

Workforce Planning for Managers and Supervisors: Develop Your Talented Employees: This webinar was held four times—twice in May and June—and focused on changes in the courts' workforce due to budget cuts, retirements, and changes to court services. The sessions provided court management tools to analyze, plan, and manage workforce changes. Workforce demographics of a mock court were examined, simple tools to assess the potential gaps were applied to mock court scenarios, and a step-by-step process on how to manage changes in court workforce was discussed.

New Online Courses

Introduction to Family Procedure: This self-paced online course for counter clerks and supervisors new to family law, discusses proceedings related to marriage and registered domestic partnerships, parentage, and custody and support. The course is accessible to all court employees.

Workforce Management and Development: This new Moodle course was developed to address the issue of workforce changes happening within the courts. Webinars were subsequently held to further discuss and address the issue.

Videos

Appellate Judicial Attorneys Institute Videos: Eight videos from the 2012 institute were posted to the Serranus website.

Publications

Defining Recidivism in Juvenile Justice: An overview of common definitions of recidivism and the challenges of not having one standardized definition.

http://www.courts.ca.gov/documents/AOC_Briefing-Defining_Recidivism--Web_Version.pdf

Mental Health Courts: An overview of the literature on mental health diversion programs and mental health courts. [http://www.courts.ca.gov/documents/AOCLitReview-](http://www.courts.ca.gov/documents/AOCLitReview-Mental_Health_Courts--Web_Version.pdf)

[Mental_Health_Courts--Web_Version.pdf](http://www.courts.ca.gov/documents/AOCLitReview-Mental_Health_Courts--Web_Version.pdf)

New Judgeships and Judicial Vacancies Report

Currently, there are 7 Court of Appeal and 62 trial court judicial vacancies. On May 18, 2012, the Governor made 17 new judicial appointments:

- *Courts of Appeal:* The two appellate court appointments require confirmation by the Commission on Judicial Appointments. Confirmation hearings have been set for Thursday, June 28, 2012, in San Francisco.
- *Superior Courts:* Fifteen appointments were made to the superior courts: Contra Costa (1), Los Angeles (2), Mendocino (2), and Santa Clara (2), and an additional eight appointments to commissioner positions converted to judgeships: Los Angeles (6), and Orange (2).

Court to Which Appointed	Name	Previous Position¹	Position Filled²
Court of Appeal, Fourth District, Division Three	David A. Thompson	Judge	Replace elevated Presiding Justice Kathleen E. O'Leary
Court of Appeal, Sixth District	Miguel Marquez	County Counsel	Replace retired Justice Richard J. McAdams
Contra Costa	Judy Johnson	Attorney	Replace retired Judge Harlan Grossman
Los Angeles	Debra A. Cole	Head Deputy Public Defender	Replace retired Judge Andrew C. Kauffman
Los Angeles	Halim Dhanidina	Deputy District Attorney	Newly converted commissioner position, 07/01/11
Los Angeles	Peter A. Hernandez	Assistant U.S. Attorney	Newly converted commissioner position, 07/01/11
Los Angeles	Bruce G. Iwasaki	Private	Newly converted commissioner position, 07/01/11
Los Angeles	H. Clay Jacke II	Attorney	Newly converted commissioner position, 07/01/11
Los Angeles	C. Virginia Keeny	Private	Newly converted commissioner position, 07/01/11
Los Angeles	David B. Walgren	Deputy District Attorney	Newly converted commissioner position, 07/01/11
Los Angeles	Jeffrey K. Winikow	Sole Practitioner	Replace retired Judge William J. Birney, Jr.
Mendocino	Jeanine B. Nadel	County Counsel	Replace disability retired Judge Ronald Brown
Mendocino	David A. Riemenschneider	Sole Practitioner	Replace retired Judge Jonathan M. Lehan

¹Elevated (from what court), private practice, etc.

²Newly created position or to fill vacancy (if vacancy, to succeed what judge).

Orange	Julian W. Bailey	Court Referee	Newly converted commissioner position, 07/01/11
Orange	Lewis W. Clapp	Director	Newly converted commissioner position, 07/01/11
Santa Clara	Allison M. Danner	Assistant U.S. Attorney	Replace appointed to the U.S. District Court Judge Edward J. Davilla
Santa Clara	Mary J. Greenwood	Public Defender	Replace retired Judge Alfonso Fernandez

Number of Judgeships Authorized, Filled, and Vacant as of June 13, 2012

TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS					
		Authorized	Filled	Vacant	Vacant (AB 159 positions)	Filled (Last Month***)	Vacant (Last Month***)
Supreme Court	1	7	7	0	0	7	0
Courts of Appeal	6	105	98	7	0	99	6
Superior Courts	58	1680	1568	62	50*	1554	126
All Courts	65	1792	1673	119		1660	132

*Authorized January 1, 2008, 50 new (AB 159) judgeships are added. However, funding for these 50 new judgeships has been deferred and has not yet been provided.

***As of April 30, 2012

New Vacancies that occurred in May 2012

JUDICIAL VACANCIES: APPELLATE COURTS

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
First Appellate District, Division Four	1	Retirement	Hon. Patricia K. Sepulveda	02/29/12
Second Appellate District, Division Six	1	Retirement	Hon. Paul H. Coffee	01/31/12
Third Appellate District	1	Elevated	Hon. Tani G. Cantil-Sakauye	01/02/11

Fourth Appellate District, Division Three	1	Elevated	*Hon. Kathleen E. O'Leary	02/09/12
Fifth Appellate District	1	Dis Retirement	Hon. Betty L. Dawson	05/10/12
Sixth Appellate District	2	Retirement	Hon. Wendy Clark Duffy	10/28/11
Sixth Appellate District*		Retirement	**Hon. Richard J. McAdams	02/28/11
TOTAL VACANCIES	7			

JUDICIAL VACANCIES: SUPERIOR COURTS

County	Vacancies	Reason for Vacancy	Judge to be Replaced	Last Day In Office
Alameda	3	Converted	New Position	02/09/12
Alameda		To Fed Court	Hon. Yvonne Gonzalez Rogers	11/19/11
Alameda		Retirement	Hon. Beverly Daniels-Greenberg	10/14/11
Butte	2	Retirement	Hon. Gerald Hermansen	03/31/12
Butte		Retirement	Hon. Steven J. Howell	02/29/12
Calaveras	1	Retirement	Hon. Douglas V. Mewhinney	03/01/12
Del Norte	1	Retirement	Hon. Robert W. Weir	01/01/12
Kern	1	Retirement	Hon. Robert J. Anspach	09/09/11
Kings	1	Retirement	Hon. Lynn C. Atkinson	12/31/11
Los Angeles	16	Retirement	Hon. Joan Comparet-Cassani	05/11/12
Los Angeles		Retirement	Hon. Anita H. Dymant	04/10/12
Los Angeles		Retirement	Hon. Rose Hom	03/27/12
Los Angeles		Retirement	Hon. Gary R. Hahn	03/07/12
Los Angeles		Retirement	Hon. Carl J. West	02/29/12
Los Angeles		Retirement	Hon. Jacqueline A. Connor	02/23/12
Los Angeles		Retirement	Hon. Marjorie S. Steinberg	02/14/12
Los Angeles		Converted	New Position	01/01/12
Los Angeles		Retirement	Hon. Burt Pines	12/31/11

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Los Angeles		Retirement	Hon. Peter D. Lichtman	11/30/11
Los Angeles		Retirement	Hon. Maral Injejikian	09/05/11
Los Angeles		Retirement	Hon. Michael Allen Latin	09/05/11
Los Angeles		Retirement	Hon. Judith L. Champagne	08/31/11
Los Angeles		Retirement	Hon. Martha Bellinger	07/31/11
Los Angeles		Converted	New Position	07/31/11
Los Angeles		Retirement	Hon. John P. Shook	07/15/11
Madera	1	Dis Retirement	Hon. Eric C. Wyatt	05/23/11
Marin	1	Converted	New Position	07/01/11
Merced	1	Converted	New Position	01/03/12
Monterey	1	Retirement	Hon. Terrance R. Duncan	08/17/11
Napa	1	Dis Retirement	Hon. Stephen Thomas Kroyer	05/23/11
Orange	6	Retirement	Hon. Nancy A. Pollard	03/22/12
Orange		Converted	New Position	01/01/12
Orange		Retirement	Hon. Kazuharu Makino	09/30/11
Orange		Retirement	Hon. David C. Velasquez	09/09/11
Orange		Retirement	Hon. Michael J. Naughton	08/05/11
Orange		Deceased	Hon. James Patrick Marion	07/10/11
Riverside	1	Converted	New Position	02/09/12
Sacramento	4	Converted	New Position	03/19/12
Sacramento		Retirement	Hon. Gary S. Mullen	12/30/11
Sacramento		Converted	New Position	12/03/11
Sacramento		Retirement	Hon. James L. Long	03/10/11
San Bernardino	3	Retirement	Hon. Margaret A. Powers	11/30/11
San Bernardino		Retirement	Hon. Michael M. Dest	10/31/11
San Bernardino		Retirement	Hon. W. Robert Fawke	04/22/11
San Diego	4	Retirement	Hon. Frank A. Brown	03/31/12
San Diego		Retirement	Hon. William S. Cannon	03/31/12
San Diego		Retirement	Hon. William H. Kronberger	03/31/12

San Diego		Retirement	Hon. Linda B. Quinn	02/29/12
San Francisco	3	Retirement	Hon. Jerome T. Benson	01/20/12
San Francisco		Retirement	Hon. Tomar Mason	12/30/11
San Francisco		Retirement	Hon. Mary Carolyn Morgan	03/03/11
San Luis Obispo	1	Retirement	Hon. Teresa E. Mullaney	01/25/12
San Mateo	2	Retirement	Hon. H. James Ellis	08/31/11
San Mateo		Retirement	Hon. Rosemary Pfeiffer	03/31/11
Santa Barbara	1	Retirement	Hon. James W. Brown	09/30/11
Santa Clara	2	Retirement	Hon. Douglas K. Southard	09/30/11
Santa Clara		Retirement	Hon. Kevin J. Murphy	05/31/11
Santa Cruz	1	Converted	New Position	07/01/11
Shasta	1	Retirement	Hon. Wilson Curle	09/30/11
Solano	1	Retirement	Hon. Allan P. Carter	02/25/11
Stanislaus	1	Retirement	Hon. John G. Whiteside	04/15/11
Ventura	1	Retirement	Hon. Edward F. Brodie	11/30/11
SUBTOTAL:	62			

Authorized January 1, 2008, 50 new (AB 159) judgeships. However, funding for these 50 new judgeships has been deferred.

Butte	1	(AB 159)*	New Position	1/1/2008
Contra Costa	1	(AB 159)*	New Position	1/1/2008
Del Norte	1	(AB 159)*	New Position	1/1/2008
Fresno	4	(AB 159)*	New Positions	1/1/2008
Kern	3	(AB 159)*	New Positions	1/1/2008
Kings	1	(AB 159)*	New Position	1/1/2008
Los Angeles	1	(AB 159)*	New Position	1/1/2008
Madera	1	(AB 159)*	New Position	1/1/2008
Merced	2	(AB 159)*	New Positions	1/1/2008
Monterey	1	(AB 159)*	New Position	1/1/2008
Orange	1	(AB 159)*	New Position	1/1/2008
Placer	2	(AB 159)*	New Positions	1/1/2008
Riverside	7	(AB 159)*	New Positions	1/1/2008
Sacramento	6	(AB 159)*	New Positions	1/1/2008
San Bernardino	7	(AB 159)*	New Positions	1/1/2008

San Joaquin	3	(AB 159)*	New Positions	1/1/2008
Shasta	1	(AB 159)*	New Position	1/1/2008
Solano	1	(AB 159)*	New Position	1/1/2008
Sonoma	1	(AB 159)*	New Position	1/1/2008
Stanislaus	2	(AB 159)*	New Positions	1/1/2008
Tulare	2	(AB 159)*	New Positions	1/1/2008
Yolo	1	(AB 159)*	New Position	1/1/2008
TOTAL VACANCIES:	112			

Number of Judgeships Authorized, Filled, and Vacant as of the End of Each Month, January 2010-June 2012

Month	Superior Court				Court of Appeal			
	Authorized	Filled	Vacancy	Vacancy Rate	Authorized	Filled	Vacancy	Vacancy Rate
Jan-10	1,645	1,535	110	6.7%	105	102	3	2.9%
Feb-10	1,645	1,542	103	6.3%	105	101	4	3.8%
Mar-10	1,646	1,537	109	6.6%	105	101	4	3.8%
Apr-10	1,646	1,550	96	5.8%	105	102	3	2.9%
May-10	1,646	1,548	98	6.0%	105	102	3	2.9%
Jun-10	1,646	1,558	88	5.3%	105	101	4	3.8%
Jul-10	1,646	1,563	83	5.0%	105	102	3	2.9%
Aug-10	1,646	1,560	86	5.2%	105	103	2	1.9%
Sep-10	1,646	1,558	88	5.3%	105	103	2	1.9%
Oct-10	1,661	1,562	99	6.0%	105	102	3	2.9%
Nov-10	1,661	1,556	105	6.3%	105	102	3	2.9%
Dec-10	1,661	1,588	73	4.4%	105	102	3	2.9%
Jan-11	1,662	1,606	56	3.4%	105	104	1	1.0%
Feb-11	1,662	1,606	56	3.4%	105	104	1	1.0%
Mar-11	1,662	1,594	68	4.1%	105	103	2	1.9%
Apr-11	1,662	1,592	70	4.2%	105	103	2	1.9%
May-11	1,662	1,590	72	4.3%	105	103	2	1.9%
Jun-11	1,662	1,584	78	4.7%	105	102	3	2.9%
Jul-11	1,673	1,581	92	5.5%	105	102	3	2.9%
Aug-11	1,673	1,578	95	5.7%	105	102	3	2.9%
Sep-11	1,673	1,572	101	6.0%	105	102	3	2.9%
Oct-11	1,673	1,565	108	6.5%	105	101	4	3.8%
Nov-11	1,673	1,563	110	6.6%	105	101	4	3.8%
Dec-11	1,674	1,572	102	6.1%	105	101	4	3.8%
Jan-12	1,675	1,567	108	6.4%	105	101	4	3.8%
Feb-12	1,679	1,566	113	6.7%	105	100	5	4.8%
Mar-12	1,680	1,562	118	7.0%	105	99	6	5.7%
Apr-12	1,680	1,554	126	7.5%	105	99	6	5.7%
May-12	1,680	1,568	112	6.7%	105	98	7	6.7%
Jun-12	1,680	1,568	112	6.7%	105	98	7	6.7%

Trial Court Authorized Positions and Vacancies



