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FACT SHEET

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California Judicial Branch

The California court system—the largest in the nation, with more than 2,000 judicial officers, 21,000 court employees, and more than 10 million cases—serves over 38 million people. The state Constitution vests the judicial power of California in the Supreme Court, Courts of Appeal, and superior courts. The Constitution also provides for the formation and functions of the Judicial Council, the policymaking body for the state courts and other agencies.

Supreme Court

The Supreme Court of California is the state's highest court. Its decisions are binding on all other California courts. The court conducts regular sessions in San Francisco, Los Angeles, and Sacramento; it also occasionally holds special sessions elsewhere.

Membership, qualifications

One Chief Justice and six associate justices are appointed by the Governor, confirmed by the Commission on Judicial Appointments, and confirmed by the public at the next general election. A justice also comes before the voters at the end of his or her 12-year term. To be eligible for appointment, a person must have been a member of the State Bar of California or a judge of a court in this state for at least 10 years.

Jurisdiction

The Supreme Court has original jurisdiction in proceedings for extraordinary relief in the form of mandamus, certiorari, and prohibition. The court also has original jurisdiction in habeas corpus proceedings.

The state Constitution gives the Supreme Court the authority to review decisions of the state Courts of Appeal. This reviewing power enables the Supreme Court to decide important legal questions and to maintain uniformity in the law. The court selects specific issues for review, or it may decide all the issues in a case. The Constitution also directs the high court to review all cases in which a trial court has pro-

nounced a judgment of death. Under state law, these cases are automatically appealed directly from a trial court to the Supreme Court.

The Supreme Court adopts rules governing the conduct of judges, both on and off the bench, and the conduct of judicial candidates in their campaigns. These rules are known as the Code of Judicial Ethics.

The Supreme Court has discretionary review of decisions by the Commission on Judicial Performance to admonish, censure, or remove a judge for misconduct. The Supreme Court also reviews the recommendations of the State Bar of California concerning the disciplining of attorneys for misconduct. The only other matters coming directly to the Supreme Court are appeals from decisions of the Public Utilities Commission.

The Supreme Court received 9,274 filings during fiscal year 2008–2009. Decisions of the Supreme Court are published in the California Official Reports and are available online at www.courtinfo.ca.gov/opinions.

Courts of Appeal

Established by a constitutional amendment in 1904, the Courts of Appeal are California's intermediate courts of review. California has six appellate districts (three of which have multiple divisions) and a total of 105 justices. The district headquarters are situated as follows: First Appellate District, San Francisco; Second Appellate District, Los Angeles; Third Appellate District, Sacramento; Fourth Appellate District, San Diego; Fifth Appellate District, Fresno; and Sixth Appellate District, San Jose. The Legislature has constitutional authority to create new appellate districts and divisions.

Membership, qualifications

Each district (or division, in the case of the First, Second, and Fourth Appellate Districts) has a presiding justice and two or more associate justices. Appellate justices are appointed by the Governor and confirmed by the Commission on Judicial Appointments. The same rules that govern the selection of Supreme Court justices apply to those serving on the Courts of Appeal.

Jurisdiction

Courts of Appeal have appellate jurisdiction in cases where superior courts have original jurisdiction and in certain other cases prescribed by statute. Like the Supreme

Court, they have original jurisdiction in habeas corpus, mandamus, certiorari, and prohibition proceedings. There were 24,048 filings in the Courts of Appeal during fiscal year 2008–2009.

The Courts of Appeal also receive appeals (technically, writ proceedings) from decisions of the Workers' Compensation Appeals Board, the Agricultural Labor Relations Board, and the Public Employment Relations Board. Cases are decided by three-judge panels. Decisions of the panels, known as opinions, are published in the California Appellate Reports if they meet certain criteria. In general, an opinion is published if it establishes a new rule of law, involves a legal issue of continuing public interest, criticizes existing law, or makes a significant contribution to legal literature. During fiscal year 2008–2009, approximately 9 percent of Court of Appeal opinions were certified as meeting the criteria for publication.

Superior Courts

Prior to June 1998, California's trial courts consisted of superior and municipal courts, each with its own jurisdiction and with its number of judges fixed by the Legislature. On June 2, 1998, California voters approved a constitutional amendment permitting the judges in each county to unify their superior and municipal courts into a single superior court with jurisdiction over all case types. The goal of court unification is to improve services to the public by consolidating court resources, offering greater flexibility in case assignments, and saving taxpayer dollars. By February 2001, judges in all 58 counties had voted to unify their trial courts.

Membership, qualifications

The superior courts have 1,630¹ authorized judges and 392 (in terms of full-time equivalents) authorized commissioners and referees. The California Legislature determines the number of judges in each court. Superior court judges serve six-year terms and are elected by county voters on a nonpartisan ballot at a general election. Vacancies are filled through appointment by the Governor. A superior court judge must have been an attorney admitted to practice law in California or have served as a judge of a court of record in this state for at least 10 years immediately preceding election or appointment.

¹In 2007, AB 159 (Stats. 2007, ch. 722) created an additional 50 judgeships, pending appropriation by the Legislature. Funding has been delayed for these judgeships, so although the 50 judgeships are included in the total number of authorized judgeships, they are ineligible to be filled until funding is provided.

Jurisdiction

Superior courts have trial jurisdiction over all criminal and civil cases. During 2008–2009, 10.3 million cases were filed in these courts.

Court System Agencies

The Constitution also provides for agencies concerned with judicial administration: Judicial Council, Commission on Judicial Appointments, Commission on Judicial Performance, and Habeas Corpus Resource Center. Their duties are described below.

Judicial Council

Chaired by the Chief Justice, the Judicial Council is the governing body of the California courts. The California Constitution directs the Judicial Council to provide policy guidelines to the courts, make recommendations annually to the Governor and Legislature, and adopt and revise California Rules of Court in the areas of court administration, practice, and procedure. The council performs its constitutional and other functions with the support of its staff agency, the Administrative Office of the Courts.

New judicial members of the council and its committees are selected through a nominating procedure intended to attract applicants from throughout the legal system and to result in a membership that is diverse in experience, gender, ethnic background, and geography.

The 21 voting members of the Judicial Council consist of the Chief Justice, 14 judges appointed by the Chief Justice, 4 attorney members appointed by the State Bar Board of Governors, and 1 member from each house of the Legislature. The council also has approximately 11 advisory members who include court executives or administrators, the chair of the council's Trial Court Presiding Judges Advisory Committee, and the president of the California Judges Association. Staggered terms, with one-third of the council's membership changing each year, ensure continuity while creating opportunities for new participation and input. The council performs most of its work through internal committees and advisory committees and task forces.

Commission on Judicial Appointments

The Governor's appointees to the Supreme Court and the Courts of Appeal must be confirmed by the Commission on Judicial Appointments. The commission has three members: the Chief Justice, the Attorney General, and the senior presiding justice of

the Court of Appeal of the affected appellate district or—when a Supreme Court appointee is being considered—the state’s senior presiding justice of the Courts of Appeal. The commission convenes after the Governor nominates or appoints a person to fill a vacancy on either the Supreme Court or a Court of Appeal. The commission holds one or more public hearings to review the appointee’s qualifications and may confirm or veto the appointment. No appellate appointment is final until the commission has filed its approval with the Secretary of State.

Commission on Judicial Performance

The California Constitution provides for a Commission on Judicial Performance, which deals with the censure, removal, retirement, or public or private admonishment of judges and commissioners for either misconduct or inability to perform their duties on account of permanent disability. The commission has authority to conduct proceedings against any California judge after it investigates cases of willful misconduct in office, persistent failure or inability to perform the duties of office, habitual intemperance, conduct prejudicial to the administration of justice that may be detrimental to the judicial office itself, or a disability of a permanent character that seriously interferes with performance of duties.

Effective March 1, 1995, Proposition 190 (passed in the November 1994 election) authorized the commission to remove, retire, or censure a judge. Automatic Supreme Court review was eliminated, although the court is permitted discretionary review. All commission proceedings are required to be public after formal charges are filed. The commission is composed of 11 members: 1 justice of a Court of Appeal and 2 judges appointed by the Supreme Court, 4 members appointed by the Governor (2 attorneys and 2 nonattorney public members), 2 public members appointed by the Assembly Speaker, and 2 public members appointed by the Senate Rules Committee. Appointments are for four-year terms.

Habeas Corpus Resource Center

The Habeas Corpus Resource Center handles state and federal habeas corpus proceedings in capital cases and provides training and resources for private attorneys who take these cases.

California Attorneys

State Bar of California

The State Bar of California is a public corporation, established within article VI, the judicial article, of the California Constitution. The State Bar acts as the administrative arm of the Supreme Court in matters of attorney admission and discipline.

The State Bar's Committee of Bar Examiners administers the bar examination and other requirements for admission to the practice of law and certifies qualified applicants to the Supreme Court for admission.

The State Bar's Board of Governors formulates rules of professional conduct that, once approved by the Supreme Court, are binding on all California lawyers.

The State Bar's Office of Chief Trial Counsel investigates allegations of attorney misconduct and may initiate disciplinary proceedings in the State Bar Court, which may impose a reproof, or recommend to the Supreme Court that a lawyer be disbarred or suspended. Decisions of the State Bar Court are subject to review by the Supreme Court.

Commission on Judicial Nominees Evaluation

State law requires the State Bar's Commission on Judicial Nominees Evaluation to review the qualifications of persons being considered by the Governor for appointment to the courts.

Contact:

Office of Communications, 415-865-7740

Additional resources:

General court information, www.courts.ca.gov/2113.htm

Supreme Court, www.courts.ca.gov/supremecourt.htm

Courts of Appeal, www.courts.ca.gov/courtsofappeal.htm

Superior courts, www.courts.ca.gov/superiorcourts.htm