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NEWS RELEASE

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State Supreme Court Issues Annual Workload Statistics for 2010–2011

Total Filings Top 10,000 for Second Time in Decade; Other Statistics on Dispositions, Opinions, and Petitions

San Francisco—Following a year of change, the California Supreme Court today released its annual workload statistics for the period from September 1, 2010, through August 31, 2011, the official court year for statistical purposes.

The Supreme Court released the statistics following the usual interval in July and August during which the court does not regularly schedule oral argument, but continues to meet weekly to vote on petitions, and opinions continue to be filed. The court resumed oral argument on September 6, 2011, in its courtroom in San Francisco.

Reflecting the changes in personnel on the court and the period without a permanent justice, the number of opinions issued by the court decreased from 105 last year to 86 in 2010–2011. The continuing one-day-per-month furlough for court employees, imposed to assist the court in coping with decreases to its budget, may also have had an impact.

During the same period, the total number of petitions for review and filings in original proceedings grew less than one percent, while total dispositions increased by 15.5 percent. Despite the decrease in compensated staff time, the figures for dispositions increased substantially. Part of the increase occurred because the last dispositional conference of the previous court year (scheduled for August 25, 2010) was unexpectedly cancelled when it became necessary to schedule four judicial confirmation hearings on that day.

As a result, more than 200 dispositions were not being counted in the 2009–2010 reporting period, and they are reflected in this court year’s statistics. These numbers, however, accounted for only one seventh of the overall increase in all dispositions by the court of more than 1400.

OPINIONS FILED

Including Death Penalty Appeals and Related Habeas Corpus Petitions

In the 2010–2011 court year, the Supreme Court filed opinions in a total of 86 cases, of which 35 involved civil cases, 23 involved noncapital criminal cases, 26 resolved automatic appeals arising from judgments of death, and an additional two resolved habeas corpus petitions relating to death penalty judgments. The number of opinions filed in death penalty appeals was three more than had been filed in the previous year, while the number for civil cases was down by 7; for noncapital criminal cases, down by 14; and for habeas corpus petitions relating to death penalty judgments, down by 1.

In addition to the opinions filed in the 2010–2011 court year, the court acted by order upon 26 petitions for writ of habeas corpus relating to death penalty judgments, 4 fewer than last year. The court issued an order to show cause in five of these matters for claims arising under *Atkins v. Virginia* (2002) 536 U.S. 304, in which the United States Supreme Court clarified that the federal Constitution bars the execution of mentally retarded individuals—an increase of two from the year before. The court dismissed one habeas corpus petition as moot, and issued twenty denial orders, a decrease of two and four matters respectively from last year.

When a petition for writ of habeas corpus is denied without the issuance of an order to show cause, the court does not issue an opinion and instead disposes of the matter by order. Nevertheless, even when no opinion results, the preparation of internal memoranda and the related disposition of death-penalty-related habeas corpus petitions draws heavily upon the court’s resources, because the petitions and records in such cases frequently are very lengthy and complex and are analyzed in internal memoranda that often exceed 75 to 100 pages.

OVERALL FILINGS AND DISPOSITIONS

Court staff prepare internal memoranda concerning each petition for review and original matter, except various uncontested State Bar Court proceedings, and the justices consider these requests and the related internal memoranda at weekly conferences held throughout the year. It is common for the court to review and act upon more than 250 petitions at a weekly conference. Deciding which matters are appropriate for Supreme Court review leading to a written opinion constitutes a significant part of the court’s workload.

Total Filings Top 10,000 for Second Time in Decade

Total filings increased from 9,917 in 2009–2010, to 10,007 in 2010–2011, the second time filings have exceeded 10,000, in the past decade.

Filings in original proceedings stayed essentially the same, decreasing by 12 from 3,756 2009–2010 to 3,744 in 2010–2011. Filings of petitions for review declined 4 percent from 5,110, in 2010–2011 to 4,892, or 218 fewer. The balance of filings consisted of State Bar-related matters and death penalty matters. Filings in State Bar matters in which memoranda are prepared for the court increased in two categories: matters in which individuals whose complaints to the State Bar have been terminated without action seek review by the court and resignations with charges pending. Civil petitions for review increased slightly from 1,219 to 1,221. Criminal petitions for review decreased by 5.7 percent from 3,891 to 3,617.

Original habeas corpus petitions in noncapital matters and petitions for review in these matters have comprised one of the fastest growing areas in the court's workload over the past decade. The number of noncapital original criminal habeas corpus petitions filed has increased more than 24 percent, from 2,657 in 1999–2000 to nearly 3,300 in 2009–2010. Petitions held relatively steady this past year, 2010–2011, decreasing from 3,298 to 3,279.

Dispositions Increase 15.5 Percent

In the 2010–2011 court year, the court disposed of 10,521 petitions for review, petitions in original proceedings, and actions arising out of State Bar Court disciplinary proceedings. That amounts to a total of 1,414 more matters than were disposed of in the 2009–2010 court year, an increase of approximately 15.5 percent. The disposition of petitions for review increased by 2.4 percent, or 120, from 4,919 to 5,039.

The number of dispositions in original proceedings increased substantially, from 3,211 in 2009–2010 to 4,041, an increase of 26 percent, reflecting the court's focus on disposing of a substantial number of older noncapital habeas corpus petitions. Criminal original proceeding dispositions increased by 831 from a total of 2,968 in 2009–2010 to 3,799 in 2010–2011. Dispositions in civil original proceedings remained stable, decreasing by a single case. Another substantial increase occurred in attorney discipline dispositions, which rose from 977 to 1,441 in 2010–2011, or an increase of 47 percent. Although not all of these matters result in a substantial conference memorandum, the number of matters in which such memoranda were provided increased significantly.

Publication and Depublication Orders Increase Slightly

Since 2001–2002, the *Court Statistics Report*, published by the Judicial Council of California, has included information concerning depublication and publication orders issued by the Supreme Court. In 2010–2011, the number of cases ordered published by the Supreme Court was 12, an increase of 8 from last year’s historic low of 4, but close to the previous record low of 10 in 2007–2009. Since the 2002–2003 court year the number of Court of Appeal opinions ordered depublished, has not exceeded 25, the number removed from the official reports in 2003–2004. In contrast, depublication orders regularly exceeded 100 per year in the late 1980’s and early 1990’s.

In 2010–2011, the Supreme Court ordered publication of two Court of Appeal opinions, an increase of one from the previous year. The number of opinions ordered published depends in large part upon the number of requests to publish received by the Supreme Court. The court rarely orders publication of a Court of Appeal opinion without such a request, but it more often may depublish without a specific request to do so.

PERSONNEL CHANGES

In December 2010, after a highly distinguished career on the bench capped by more than 14 years of service as Chief Justice of California, Ronald M. George retired from the court. Chief Justice Tani Cantil-Sakauye assumed her new role on January 3, 2011, after her nomination by Governor Arnold Schwarzenegger was confirmed by the electorate on the November ballot. She joined the Supreme Court after more than 20 years on the bench in Sacramento, the last six on the Court of the Appeal for the Third Appellate District. Two days later, after 10 years of invaluable service on the Supreme Court, Associate Justice Carlos Moreno announced his resignation, effective February 28, 2011.

Justice Moreno’s replacement, Professor Goodwin Liu, was nominated by Governor Jerry Brown in late July 2011, confirmed by the Commission on Judicial Appointments on August 31, 2011, and sat for his first oral argument session as a justice of the court on September 6, 2011, the start of the next court year.

In the period following Justice Moreno’s departure from the bench and before Justice Liu’s appointment, in each case set for oral argument, the Chief Justice appointed pro tem justices selected in alphabetical order from the list of Court of Appeal justices. A total of 42 pro tem appointments were made for this purpose between Justice Moreno’s departure on February 28, 2011, and Justice Liu’s first oral argument session on September 6, 2011.

OTHER ACTIONS

Following a request by the Commission on Judicial Performance to provide a mechanism to offer opinions on judicial ethics to California’s judges from an official source, the Supreme Court created the Committee on Judicial Ethics Opinions. (See the recommendations and

report of the implementation committee, which may be found online at <http://www.courts.ca.gov/2963.htm>.)

Under the leadership of its chair, Justice Ronald Robie, of the Court of Appeal for the Third Appellate District, the committee has promulgated rules, begun soliciting and receiving suggestions for formal written opinions, and started drafting its initial work products designed to help guide California's judiciary.

The court continued its practice of holding sessions at a site other than its regular places of oral argument. Last fall, the court heard oral argument in Fresno, at the Court of Appeal for the Fifth Appellate District. Central Valley high school students participated in posing questions to the justices before the start of oral argument, and hundreds of their peers watched oral argument in person or on the California Channel, which broadcast the proceedings live. As is its custom, the court posted the briefs in the relevant cases on its Web site, and efforts were made to engage not only students at the law school, but also local high school students in observing and discussing the cases heard by the court. (See online news release at <http://www.courts.ca.gov/documents/NR48-10.PDF> .)

BACKGROUND INFORMATION

Beginning in 1996, the California Supreme Court has issued statistics utilizing a reporting period of September 1 through August 31. The court designated this period as the official court year for statistical purposes after determining that this period best corresponds with the flow of the court's opinion production and facilitates consistency in monitoring the pace of the court's work.

Although the court does not schedule oral argument in July and August, it continues to hold weekly conferences during those months on all other matters, including petitions seeking review. During those months, the court concentrates on completing and filing opinions in cases that have been argued through the June oral argument calendar and continues the process of preparing calendar memoranda for future oral argument sessions.

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