



Bench-Bar Coalition Fall Meeting

**at the annual conference of the
California Judges Association**

Friday, September 6, 2024
Signia Hotel, San Jose



Judicial Council of California



BENCH-BAR COALITION ANNUAL FALL MEETING

Friday, September 6, 2024

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Bench-Bar Coalition Fall Meeting

Agenda

September 6, 2024

Signia Hotel

San Jose, California

FRIDAY, SEPTEMBER 6, 2024

- 10:00–10:05 a.m. **Welcome and Introduction**
Ms. Jennifer Kim and Hon. Audra Ibarra, Cochairs
- 10:05–10:15 a.m. **Opening Remarks**
Hon. Patricia Guerrero, Chief Justice of the California Supreme Court and Chair of the Judicial Council of California
- 10:15–10:30 a.m. **Recognition of Outgoing and Incoming BBC Executive Committee**
Chief Justice Guerrero and BBC leadership
- 10:30–10:40 a.m. **California Judges Association**
Hon. Erica Yew, President
Ms. Nicole Virga Bautista, Executive Director
Mr. Mike Belote, Legislative Advocate
Mr. Cliff Costa, Legislative Advocate
- 10:40–10:50 a.m. **State Bar of California**
Ms. Leah Wilson, Executive Director
- 10:50–11:00 a.m. **Conference of California Bar Associations**
Ms. Michele Anderson, Chair
- 11:00–11:10 a.m. **California Lawyers Association**
Ms. Betty Williams, President
Mr. Chris Nguyen, CEO and Executive Director
Mr. Saul Bercovitch, Director of Governmental Affairs
- 11:10–11:20 a.m. **California Commission on Access to Justice**
Mr. Jack Londen, Executive Director
- 11:20–11:30 a.m. **American Bar Association**
Ms. Elizabeth Meyers, CA Representative to the ABA
- 11:30–11:40 a.m. **Judicial Council of California**
Ms. Shelley Curran, Administrative Director
Mr. Cory Jasperson, Director, Governmental Affairs
- 11:40–11:50 a.m. **BBC Activities and Announcements**
Hon. Audra Ibarra, Cochair
Mr. Philip Nulud, Cochair-Elect
- 11:50 a.m.–12:00 p.m. **Closing Remarks and Adjournment**
Hon. Audra Ibarra, Cochair
Mr. Philip Nulud, Cochair-Elect

Chief Justice Patricia Guerrero



Chief Justice Patricia Guerrero is the 29th Chief Justice of California. She was sworn into office on January 2, 2023, making history as the first Latina to serve as California's Chief Justice.

As Chief Justice, she chairs the Commission on Judicial Appointments and the Judicial Council of California, the administrative policymaking body of the state courts. In her [2024 State of the Judiciary Address](#), Chief Justice Guerrero highlighted the importance of three-branch solutions to challenging issues, including the use of remote technology and climate change, her concern about partisan attacks on the judiciary, and the evolving

issue of generative artificial intelligence.

Chief Justice Guerrero also renewed her commitment to civic learning and engagement with the Judicial Branch Power of Democracy Civic Learning Initiative—programs including the Civic Learning Awards and Judges in the Classroom, as well as assisting with the development of new programs to foster improved civic learning opportunities for California's K-12 students.

She first joined the California Supreme Court as an associate justice in March 2022, making her the first Latina on the state's high court. In December 2017, her appointment was confirmed as an associate justice on the Fourth District Court of Appeal, Division One in San Diego. From 2013 to 2017, she served as a judge on the Superior Court of San Diego County and was the supervising judge of its Family Law Division in 2017.

Prior to her appointment to the bench, Chief Justice Guerrero worked as an associate at Latham & Watkins LLP starting in 1997 and became an equity partner in 2006. She served as an assistant U.S. attorney at the U.S. Attorney's Office, Southern District of California from 2002 to 2003.

Chief Justice Guerrero is the daughter of Mexican immigrants and was born and raised in California's Imperial Valley. She attended the University of California, Berkeley as an undergraduate and earned a Juris Doctor degree from Stanford Law School in 1997.

In July 2022, Chief Justice Guerrero was elected to the American Law Institute, an independent national organization that produces scholarly work to clarify, modernize and otherwise improve the law.

Shelley Curran
Administrative Director
Judicial Council of California



Shelley Curran is the Administrative Director for the Judicial Council of California, effective January 1, 2024. She has more than two decades of experience working on public policy with all three branches of government in California, including 14 years with the judicial branch.

From 2021 she served in an executive leadership role with the council as chief policy and research officer with responsibility for coordinating its research and policy agendas, identifying judicial branch priorities in emerging policy areas, and advancing these priorities within the executive and legislative branches.

Shelley first joined the Judicial Council in 2009 to establish its Criminal Justice Services office. As director of that office, she played an integral role in implementing key criminal justice reforms affecting courts and the public, including pretrial detention, evidence-based practices in sentencing, and recidivism reduction.

Before joining the council, she was the principal consultant to two successive California Senate Presidents pro Tempore. In that capacity, she advised Senate leadership on legislative agendas regarding the judiciary, criminal justice, civil rights, and consumer rights. On behalf of the President pro Tempore, she was also responsible for negotiating and drafting priority legislation involving judicial branch budgets, courthouse construction, and juvenile justice reform.

Shelley earned a master's degree in public affairs from the University of Wisconsin, Madison, and a bachelor's degree from Indiana University.

Cory T. Jasperson
Director, Governmental Affairs
Judicial Council of California



Cory T. Jasperson, was chosen to lead the Judicial Council’s legislative and executive advocacy efforts in December 2012. Mr. Jasperson worked in the State Capitol for twelve years, serving in senior staff positions in both the Assembly and Senate with a key policy focus on education, budget, insurance, pensions, and privacy. He was instrumental in the drafting and passage of well-known legislation to increase California’s minimum wage; make human trafficking a felony; limit the use of “gay panic” strategies by criminal defendants; equalize revenue limit funding for school districts; change the kindergarten entry-age and create Transitional Kindergarten (TK), California’s first new grade-level since 1891; and establish the San

Francisco Bay Restoration Authority.

Former chief of staff to California State Senator Joe Simitian (Palo Alto), Cory’s key policy focus was education, budget, and privacy. He also served as the principal consultant to the Senate Select Committee on Privacy. As former chief of staff to Assembly Speaker pro Tempore Sally Lieber (Mountain View), he was responsible for managing and coordinating all aspects of the Speaker pro Tem’s legislative agenda.

Prior to his legislative service, he worked at the Santa Clara County Board of Supervisors, Office of the Dean of Graduate Policy & Research at Stanford University, Federal Bureau of Investigation (Hmong linguistic consultant), and at the Greenlining Institute—a statewide multi-ethnic public policy and advocacy center in San Francisco (now in Berkeley), where he was the recipient of the Greenlining Institute’s *2007 Big Foot Award* for exceptional leadership in stepping forward to pioneer new trails to empower California’s underserved communities.

Born in Afton, Wyoming, he has lived in California since 1989. Cory received his bachelor’s degree in international relations with an emphasis in world politics and China/Asia/Pacific Rim, and a minor in linguistics from the University of California, Davis.

Married; wife Marie-Thérèse Moua. Children; two daughters, two sons.

Judge Audra Ibarra
Cochair, Bench-Bar Coalition Executive Committee
Northern/Central Region



Governor Jerry Brown appointed Judge Audra Ibarra to the Santa Clara County Superior Court in December 2018. Chief Justice Tani Cantil-Sakauye appointed Judge Ibarra as a pro tem justice on the Second District Court of Appeal from June 2021 to January 2022.

The California Assembly and Senate recognized Judge Ibarra for her national and statewide leadership and contributions to the legal profession and Asian American community with an Assembly Resolution in May 2024.

Judge Ibarra is a former president of the California Asian Pacific American Judges Association and a former voting member of the Judicial Council. She currently serves on the Judicial Council criminal law advisory committee and previously served on its strategic plan for technology workstream. She is a founding member and the treasurer of California Women Judges. She is a co-founder and the chair of the Santa Clara County Law Academies Advisory Council. She is the co-chair of both the Bench-Bar Coalition and the California Judges Association government relations committee. She serves on the advisory board of California Education of the Bar. She teaches evidence, criminal law institute and primary assignment orientation courses for the Center for Judicial Education and Research. She is a guest faculty member for Stanford Law School's trial advocacy workshop and moot court competition. She co-writes the annual book *California Objections Civil and Criminal* with Judge Gregory H. Ward (ret.).

Judge Ibarra was certified as an appellate specialist by the State Bar of California Board of Legal Specialization. She earned a J.D. from New York University School of Law and a B.A. from the University of California at Berkeley.

Philip Nulud
Cochair-Elect, Bench-Bar Coalition Executive Committee
Southern Region



Philip Nulud is a shareholder at Buchalter, a full-service business law firm, where he practices intellectual property. Phil has successfully guided clients in protecting and monetizing their vital trademarks and other intellectual property for close to two decades. His day-to-day representations are in the fashion, apparel, and consumer products space. He represents and works with well-known apparel brands, couture fashion houses, streetwear brands, apparel and footwear manufacturers, licensing agencies, retailers, celebrities, athletes, influencers, beauty and wellness companies, financial services companies, and others in all things IP. They rely on Phil's value-add approach and strategic management of their IP holdings and often seek his counsel in all things legal.

Having handled thousands of domestic and international trademarks, Phil offers extensive experience in establishing, protecting, and enforcing clients' IP. He has also earned a reputation as the go-to-lawyer for all issues revolving around domain names, social media, and the Internet, Phil provides practical, hands-on guidance and a big-picture perspective on: Trademarks, domestic and international; Patents; Copyrights; Licensing; Marketing and advertising; Social media influencers; and Domain names.

Phil's significant representation of makers of luxury goods and global brands includes proactive protection of their trademarks, copyrights, images, and other IP. He invests in his clients and their success, whether keeping them ahead of competitive threats or supporting the launch of a new collection from the front row of a runway show.

He is the firm wide co-chair of Buchalter's diversity committee and is also the chair of their Luxury Brands practice group. In addition, he is an adjunct professor at his alma mater, Loyola Law School, where he teaches Fashion Law.

His commitment to the profession and the community also includes longtime support and leadership of the National Asian Pacific American Bar Association (NAPABA), where he has served as a director; the National Filipino American Lawyers Association (NFALA), where he has served as president; the Philippine American Bar Association (PABA), where he has served as president and still sits on the Board of Governors; and California Asian Pacific American Bar Association (CAL-APABA), where he was a founding board member and served as treasurer. He is also a past president of the Loyola Law School Alumni Association Board of Governors and is currently a member of the Board of Governors for the University of Southern California Asian Pacific Alumni Association.

Judge Russell S. Roeca
Member at Large, Bench-Bar Coalition Executive Committee
Northern/Central Region



The Hon. Russell S. Roeca was appointed to the San Francisco Superior Court in 2020 by Governor Gavin Newsom. Since his appointment he has presided over civil jury trials and spent two years at the Hall of Justice handling the Mental Health and Parole Courts. Judge Russ Roeca is a member of the Executive Committee of the Statewide Judicial Mentorship Program and chairs the San Francisco Superior Judicial Mentorship Program. He also serves on the court's Settlement Conference Committee.

Prior to his appointment, Judge Roeca was the founding partner of boutique AV rated Roeca Haas Montes De Oca LLP, an active trial lawyer and certified mediator. He tried dozens of cases to jury verdict, court trials, and arbitrations, binding and non-binding. His professional liability practice included representing attorneys, in various capacities, including efforts to recover rightfully owed attorney fees or in defense of professional liability litigation and disciplinary investigations and trials before the State Bar of California. Judge Roeca also represented former clients of attorneys. He was certified by the State Bar of California as a specialist in Legal Malpractice Law. He was also a certified mediator and successfully mediated many matters to resolution. He served the Superior Court for many years as a Settlement Conference Officer. Judge Roeca was named a "Super Lawyer" by his colleagues in the profession since 2006 and was rated AV Preeminent by Martindale Hubbell.

Judge Roeca has always been active in the community. He served from 1996 through 2005 as a Commissioner on the San Francisco Fire Commission, appointed by Mayor Willie Brown. He served many years on multiple committees and on the Board of Directors and then as President of the Bar Association of San Francisco in 2009. He previously served as a member of the Board of Governors of the State Bar of California from 2001 to 2004. Judge Roeca was also a member of the State Bar Committee on Professional Liability Insurance and served as co-chair from 2010 through 2012. He served on the State Bar Insurance Disclosure Task Force and on the State Bar's Council on Access & Fairness as a founding member chairing its Judicial Committee. He served as BASF's liaison to the Bench Bar Coalition and in 2011 the Bench Bar Coalition named him Bar Leader of the Year. He also was honored to receive the 2010 Myer J. Sankary Lawyer of the Year, Small & Solo Firms, by the State Bar of California.

Judge Roeca received his B.A. degree from the University of California, Los Angeles, in 1976 and his law degree from the University of California College of the Law, San Francisco in 1980. He was admitted to practice in California state and federal courts, and the United States Supreme Court.

Catherine Ongiri
Member at Large, Bench-Bar Coalition Executive Committee
Northern/Central Region



Catherine Ongiri is an experienced attorney, policy advocate, and passionate leader in the legal community. Ms. Ongiri is the Managing Attorney in the State Bar of California's Office of Professional Competence. In this role, she manages the Ethics hotline and the support side of the Lawyer Assistance Program. Additionally, she has lead responsibility for devising and developing the State Bar's preventative education curriculum.

She previously worked at the Judicial Council of California as counsel for its Advisory Committee on Providing Access and Fairness and created a preventative curriculum for judicial officers statewide. Ms. Ongiri has a strong background in adult-centered learning and developing curricula that engage the learner. Prior to joining the Judicial Council, she practiced appellate law as a Deputy Attorney General in the Health, Education and Welfare Section of the Office of the Attorney General, California Department of Justice and at the Family Violence Appellate Project.

Ms. Ongiri has trained statewide on Recognizing and Disrupting Bias, Judicial Diversity, Appellate Practice, Child Support, and other topics at numerous conferences, including for the Justices of the California Supreme Court, the State Bar of California Annual Meeting, Child Support Directors Association of California Annual Conference, and the California Family Law and Self-Help Conference.

Ms. Ongiri's awards include being recognized by the National Bar Association and IMPACT as one of the 40 Lawyers under 40: Nation's Best Advocates; she also received individual distinction for Excellence in Service. She has received the President's Award from the California Association of Black Lawyers and the Charles Houston Bar Association. Ms. Ongiri currently serves as the President of the Earl Warren American Inn of Court and is the Past President of the Charles Houston Bar Association.

Ms. Ongiri received her Bachelor of Science from Drexel University and her Juris Doctorate from the University of California Hastings College of the Law.

Judge Terry T. Truong
Member at Large-Elect, Bench-Bar Coalition Executive Committee
Southern Region



Judge Terry T. Truong was appointed to the Superior Court of California, County of Los Angeles by Governor Gavin Newsom on December 23, 2022. She is currently assigned to the Juvenile Court hearing juvenile dependency and juvenile justice cases. Prior her appointment, she served as a commissioner and referee with the same court for a total of 15+ years, presiding over juvenile, traffic, and misdemeanor courts. She also worked as a deputy county counsel at the Los Angeles County Counsel's Office, as a research attorney at the Court, and as an attorney representing children and parents in the Los Angeles Dependency Court system.

Judge Truong is active in local and statewide committees, including the Judicial Council Advisory Committee on Providing Access and Fairness, California Judges Association Elimination of Bias and Inequality in the Judiciary Committee as Co-Chair, and the Judicial Council CJER Juvenile Law Curriculum Committee. Additionally, she is the current President of the California Asian-Pacific American Judges Association as well as past treasurer. Locally, Judge Truong is Co-Chair of the Experts Committee, and a member of the Law Clerk and Research Attorney Committees. Judge Truong graduated from the University of California, Irvine and University of California, Los Angeles School of Law.

Alexander Rufus-Isaacs
Member at Large-Elect, Bench-Bar Coalition Executive Committee
Southern Region



Alexander was born in England and went to school in London. He graduated from Oxford University with a degree in History and began his legal career as a barrister in London in 1982. He conducted around 100 trials, both civil and criminal, before he moved to Los Angeles in 1987. He was admitted to the California bar in 1988 and has been in private practice as a litigator ever since with Arter & Hadden, Rosenfeld Meyer & Susman, and Glassman Browning & Saltsman. In 2010, he co-founded Rufus-Isaacs Acland & Grantham and manages the firm which consists of 6 lawyers.

His first specialization was insurance law, primarily representing the London insurance market (aka Lloyd's). Currently, he specializes in entertainment and business disputes and handles many high profile plaintiff-side defamation suits. Many of his cases have international dimensions and he retains strong links with the UK.

He is President of the Beverly Hills Bar Association for 2023-2024, has been selected as a Super Lawyer for 2017-2024 by Southern California Super Lawyer Magazine, and as Lawyer of the Year for Copyright in 2023 in LA by Best Lawyers. As BHBA president, his focus has been on increasing mentoring, pro bono opportunities and participation in legislative affairs, as well as social activities ranging from surfing classes to theater outings.

Alexander has been active in many other bar and community associations. He was president of the British American Business Council, Los Angeles, and a long term director and officer of the British Academy of Film and Television Arts, Los Angeles. He co-founded the British American Bar Association of Southern California, and is an honorary life member of the Lord Reading Law Society in Montreal. He also participates in mock trials for students organized by Teach Democracy, formerly known as the Constitutional Rights Foundation).

Alexander is married with 2 dogs and lives in Malibu. His favorite leisure activities are standing in a river waving a stick, i.e., fly fishing, and following Chelsea, the English soccer team.

Jennifer Kim
Outgoing Cochair, Bench-Bar Coalition Executive Committee
Southern Region



Jennifer Kim is a Supervising Deputy Attorney General in the California Department of Justice. Ms. Kim litigates healthcare, education, and welfare cases in both state and federal court. She has received three Attorney General Awards recognizing her excellent work, one of which was for a matter before the U.S. Supreme Court.

Ms. Kim was the 2019 Chairperson for the Conference of California Bar Associations. She also serves as faculty for the National Association of Attorneys General – Training & Research Institute (NAGTRI). As part of the NAGTRI faculty, she has taught litigation skills courses at Attorney General’s Offices throughout the country and U.S. territories.

Ms. Kim received her Bachelor of Arts degree from the University of California at Berkeley and her J.D. from Golden Gate University School of Law.

Judge Patricia Garcia (Ret.)
Outgoing Member at Large, Bench-Bar Coalition Executive Committee
Southern Region



Judge Patricia Garcia earned a psychology degree from UCSD, a juris doctorate from USD School of Law, and then worked in civil law firms for a decade, developing an expertise in family law, to become one of the most experienced family judges on the San Diego Superior Court, until her retirement on February 29, 2024. Judge Garcia continues to serve families by helping them settle their disputes as a private judge and mediator at Signature Resolution.

In private practice, Judge Garcia was Of Counsel and head of the Family Law department at Seltzer Caplan McMahon Vitek, earning Martindale Hubbell's AV lawyer rating. In 2000, she was selected by the San Diego Superior Court as a child support commissioner, serving in that capacity until her appointment by Governor Gray Davis in 2003. Judge Garcia continued to hone her skills and expertise in family law and supervised the family divisions in the branch courts until she took a criminal assignment in 2010, where she presided over numerous jury trials. In 2021, Judge Garcia returned to a family assignment, using her extensive trial experience and family expertise to preside over complex family law trials, settlement conferences and international custody disputes under The Hague Convention.

Judge Garcia is an Outgoing Member At Large of the Bench-Bar Coalition Executive Committee and during her tenure as an active judge served on the San Diego Superior Court Executive Committee, on the California Judges Association Executive Board (Secretary-Treasurer, 2021-2022), and on CJER's Family Law Education Committee. She is a member of the National Association of Women Judges, the California Judges Association, and the California Latino Judges Association. She was a founding member of the UCSD Hispanic Scholarship Council, Latinas in the Law, and the San Diego Latino Judges Association of which she is the immediate past president.



Background on the Bench-Bar Coalition

The statewide Bench-Bar Coalition (BBC) was formed in 1993 under the leadership of the California Association of Local Bars (CALB), the State Bar of California, and the Judicial Council to enhance communication and coordinate activities with the state, local, and specialty bar associations on issues of common interest to the judicial branch—particularly in the legislative arena. Securing adequate, dependable, and stable funding for the trial courts has been a primary focus for the BBC. BBC membership is open to members of the bench and bar including judges and the presidents, past-presidents, presidents-elect, executive directors, or other person(s) designated by the president, of state, local, minority, or specialty bar associations; legal services organizations; or statewide organizations dedicated to improving the justice system.

The BBC is currently cochaired by Judge Audra Ibarra of the Superior Court of Santa Clara County and Mr. Philip Nulud, attorney, Los Angeles. Judge Ibarra represents the Northern/Central California region and Mr. Nulud represents the Southern California region. Members of the BBC's Executive Committee support the cochairs in carrying out leadership responsibilities on quarterly conference calls, meetings, working groups, and related coalition activities.

In addition to its quarterly conference calls, the Bench-Bar Coalition holds meetings in conjunction with the State Bar of California and the judicial branch. The statewide BBC also participates in Day in Sacramento, in which groups of judges and bar leaders meet with their legislators to discuss issues of mutual interest, with emphasis on the judicial branch budget. Judicial Council members and leaders of special commissions and task forces also are invited to participate in this event, which is held annually in conjunction with the State of the Judiciary address by the Chief Justice of California.

The BBC has been successful in the development of strong working relationships and increased communication between the judiciary and members of the bar, as well as enhanced advocacy efforts with the legislative and executive branches. Subject areas of joint interest include the judicial branch budget and the need for stable, adequate funding; access to justice; court technology; new judgeships; and courthouse construction.

For more information about the BBC, please contact Cory Jasperson, the Judicial Council's liaison to the BBC, at 916-323-3121 phone, or email to cory.jasperson@jud.ca.gov.



BENCH-BAR COALITION

2024-2025 Calendar

Monday October 28, 2024		BBC Quarterly Membership Meeting
Monday January 6, 2025		2025-2026 Legislative Session Begins
Monday January 27, 2025		BBC Quarterly Membership Meeting
February/March 2025 (Tentative)		2025 Day in Sacramento
Monday April 28, 2025		BBC Quarterly Membership Meeting
Monday July 28, 2025		BBC Quarterly Membership Meeting
September/October 2025 (Tentative)		2025 BBC Annual Fall Meeting
Monday October 27, 2025		BBC Quarterly Membership Meeting

CALIFORNIA JUDICIAL BRANCH

COURTS

SUPREME COURT

- 7 justices
- Hears oral arguments in San Francisco, Sacramento, and Los Angeles
- Has discretionary authority to review decisions of the Courts of Appeal and direct responsibility for automatic appeals after death penalty judgments
- 5,490 filings; 5,764 dispositions and 56 written opinions
- Automatic appeals arising out of judgments of death totaled 2 cases, and the court disposed of 10 such appeals by written opinion

COURTS OF APPEAL

- 106 justices
- 6 districts, 19 divisions, 9 court locations
- Review the majority of appealable orders or judgments from the superior courts
- 20,097 filings; 20,004 dispositions and 7,899 written opinions

SUPERIOR COURTS

- 1,755 authorized judgeships (2022 *Update of the Judicial Needs Assessment*, 17 courts need new judgeships, for a total need of 98 more judges)
- 58 courts, 1 courthouse in each county, with anywhere from 1 to 38 court locations
- Have trial jurisdiction over all felony and misdemeanor cases, all general civil cases, juvenile and family law cases, and other case types
- 4.5 million filings; 3.0 million dispositions

OVERVIEW

- Largest court system in the nation, serving more than 39 million people—12.1 percent of the U.S. population—processed over 4.5 million cases in fiscal year 2022-23.
- More than 450 court buildings
- Approximately 18,000 judicial branch employees
- Estimated 4.5 million Californians representing themselves
- Approximately \$5.2 billion total budget (excluding infrastructure) represents about 1.7 percent of the State General Fund budget in FY 2022-2023

BRANCH POLICY AND ADMINISTRATION

JUDICIAL COUNCIL OF CALIFORNIA

- The constitutionally created policymaking body of the California courts
- Guides fiscal policy and adopts court rules and procedures
- Chaired by the Chief Justice of California

OTHER BRANCH/INDEPENDENT ENTITIES

COMMISSION ON JUDICIAL APPOINTMENTS

- Confirms gubernatorial appointments to the Supreme Court and appellate courts

HABEAS CORPUS RESOURCE CENTER

- Accepts appointments in state and federal death penalty proceedings; provides training, resources, and support for private attorneys who take on these cases

STATE BAR OF CALIFORNIA

- Serves the Supreme Court in the admission and discipline of attorneys and provides administrative support related to attorneys

COMMISSION ON JUDICIAL PERFORMANCE

- Protects the integrity of the courts and the public by enforcing the standards of the Supreme Court; investigates complaints of judicial misconduct and incapacity; and disciplines judges
- Independent Commission with majority of the members appointed by the Governor, Assembly Speaker, and Senate Pro Tem

THREE COEQUAL BRANCHES OF GOVERNMENT



JUDICIAL COUNCIL
OF CALIFORNIA



Judicial Council of California

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M E M O R A N D U M

Date

June 28, 2024

Action Requested

For Your Information

To

Judicial Officers, Court Administrators, and
Employees of the Judicial Branch

Deadline

N/A

From

Shelley Curran
Administrative Director
Judicial Council

Contact

Zlatko Theodorovic, Director
Budget Services
916-263-1397 phone
Zlatko.theodorovic@jud.ca.gov

Subject

Fiscal Year 2024–25 Judicial Branch Budget

The [Budget Act of 2024](#), for the new fiscal year beginning July 1, 2024, was signed into law by Governor Newsom on June 26, with additional budget-related bills expected to be signed today and next week. The enacted budget addresses a projected shortfall of \$46.8 billion. This is accomplished through a number of solutions: the use of reserves, additional revenues, borrowing, and baseline funding reductions throughout state government, including reductions to the judicial branch. It is anticipated that the Governor and Legislature will continue to finalize the 2024–25 budget over the next several months through additional budget-related bills.

The enacted budget provides \$5.1 billion in total operating and facility funds for the judicial branch. This includes a \$97 million reduction to the trial courts and a commensurate reduction of up to 7.95 percent to the budget for the state-level judiciary. Despite the challenging fiscal environment, funding is provided for priorities set by Chief Justice Guerrero and the Judicial Council to maintain critical programs and services provided by the branch:

- (1) Backfill funding to address declining fines, fees, and penalty revenues that support trial court operations across all 58 counties;
- (2) Resources for the growing number of self-represented litigants; and

- (3) Courthouse construction and facility operations and maintenance, including backfill for the State Court Facilities Construction Fund to ensure solvency of the fund in support of essential trial court facilities construction and maintenance projects.

The breakdown of the 2024–25 enacted budget for all judicial branch entities is outlined below:

Judicial Branch Funding for Fiscal Year 2024–25

Judicial Branch Entity	Total Funding (\$ in millions)
Supreme Court	\$56.1 m
Courts of Appeal	\$290.9 m
Trial Courts	\$3,911.9 m
Judicial Council	\$316.4 m
Judicial Branch Facilities Program	\$636.9 m
Habeas Corpus Resource Center	\$20.1 m
Subtotal, Operational Budget	\$5,232.3 m
Offset from Local Property Tax Revenue	-\$247.6 m
Adjusted Operational Budget	\$4,984.7 m
Less Nonstate Funds ¹	-\$190.0 m
Adjusted Operational Budget, State Funds	\$4,794.7 m
Court Construction Projects ²	<u>\$101.0 m</u>
Total Funding (Sum of Adjusted Operational Budget and Court Construction Projects) ³	\$5,085.7 m

Some totals will not be exact because of rounding.

¹ Includes federal funds and reimbursements.

² Includes additional funding for current projects.

³ Includes General Fund; special, bond, federal, and nongovernmental cost funds; and reimbursements.

The following budget information is divided into three sections: Funding for Trial Courts and State-Level Judicial Entities, Budget Solutions and Reductions (some information was communicated earlier to court leadership), and Judicial Branch Facilities.

Funding for Trial Courts and State-Level Judicial Entities

Trial Court Trust Fund Revenue Backfill: \$37.3 million General Fund backfill for the Trial Court Trust Fund to address the continued decline in civil fee and criminal fine and penalty revenues expected in fiscal year 2024–25.

Trial Court Employee Costs: \$36.6 million ongoing General Fund for increased trial court employee health benefit and retirement costs.

Judicial Officer Costs: \$15.2 million for superior court judges' compensation.

Self-Help Centers: \$19.1 million General Fund annually for an additional three fiscal years for the trial courts to provide self-help services to unrepresented litigants and to achieve court efficiencies. This funding was previously approved on a three-year, limited-term basis and was set to expire in June 2024.

Keeping Children Safe from Family Violence Act: \$1.1 million ongoing General Fund and four positions for the Judicial Council to implement Senate Bill 331 (Stats. 2023, ch. 865), which requires new ongoing judicial training programs for individuals, including judicial officers and court staff, who perform duties in domestic violence and child custody matters.

Statutory Statewide External Audit Program—Trial Courts: \$1.3 million Trial Court Trust Fund in fiscal year 2024–25, increasing to \$1.5 million in fiscal year 2028–29 and ongoing, for the State Controller's Office to complete required audits of trial court revenues, expenditures, and fund balances on a four-year cycle.

Reappropriation of Assembly Bill 716 Funds: Reappropriation of \$5.1 million of unspent funding related to the implementation of AB 716 (Stats. 2021, ch. 526), which requires the upgrade of courtroom audio technology to allow for remote access to all courtroom proceedings.

Extend Liquidation Period for Deferred Maintenance Funds: Budget bill language to extend the liquidation period of \$8.2 million of deferred maintenance funds from prior years for the Hayward Hall of Justice and Foltz Criminal Justice Center to ensure the projects can be completed.

Remote Hearings for Civil and Criminal Proceedings: Trailer bill language to extend the sunsets on criminal and civil remote court proceedings until January 1, 2027. The types of criminal proceedings in which the use of remote technology is currently authorized remain the same. New reporting requirements for criminal remote proceedings are similar to the existing requirements for civil remote proceedings and technology standards adopted by the council, effective July 1, 2024.

Habeas Corpus Resource Center: Trailer bill language to allow the Habeas Corpus Resource Center to represent people sentenced to life without parole in addition to people sentenced to death in habeas corpus proceedings.

State-Level Judiciary Justice and Employee Costs: \$18.6 million to adjust retirement, salary, and benefit costs for justices and employees of the Supreme Court (\$1.5 million) and Courts of Appeal (\$8.1 million), and employees of the Judicial Council (\$8.4 million) and Habeas Corpus Resource Center (\$632,000).

Rent Costs: \$31,000 reduction to various branch funds to account for lowered rent costs in buildings occupied by the Supreme Court, Courts of Appeal, Judicial Council, and Habeas Corpus Resource Center.

Budget Solutions and Reductions

Ongoing Reduction to Trial Courts: \$97 million ongoing General Fund reduction to trial court operations, consistent with the 7.95 percent reductions to other state government operations budgets.

Ongoing Reduction to State-Level Judiciary: General Fund reduction of up to 7.95 percent ongoing for the Supreme Court, Courts of Appeal, Judicial Council, Judicial Branch Facilities Program, and Habeas Corpus Resource Center to be achieved through operational efficiencies and other cost-reduction measures as authorized in Budget Act Control Section 4.05.

Unrestricted Trial Court Trust Fund Reserves: \$100 million of Trial Court Trust Fund reserves will be transferred to the General Fund. These one-time reserves have accumulated primarily due to judicial officer vacancies.

Trial Court State-Level Emergency Reserve: Reduction of the trial court state-level emergency reserve in the Trial Court Trust Fund from \$10 million to \$5 million and associated trailer bill language.

Community Assistance, Recovery, and Empowerment (CARE) Act: Reversion of \$17.5 million in fiscal year 2023–24 due to savings from the first year of CARE Act implementation. A caseload adjustment to reflect actual petitions for the program will result in savings of \$26.7 million in fiscal year 2024–25 and \$33.6 million ongoing. The budget includes \$30.2 million for fiscal year 2024–25 and \$36.4 million ongoing for the trial courts and the Judicial Council to support CARE Act implementation.

Firearm Relinquishment Program: The Budget Act of 2022 provided \$40 million one-time General Fund to support court-ordered firearm relinquishment pilot programs. The \$40 million, which is available for expenditure for three fiscal years, will be reduced by \$9.2 million in unspent funding. The Judicial Council will award \$9.2 million of the remaining balance in grants to the trial courts and use \$1.3 million to conduct a required evaluation of the pilot programs.

Court Interpreter Employment Grant and Workforce Pilot Programs: Reversion of \$20.4 million in fiscal year 2023–24 from unspent one-time grant funding. The \$6.8 million approved in the Budget Act of 2023 to implement the California Court Interpreter Workforce Pilot Program to expand the pool of court interpreters remains in the budget.

Court Reporter Funding: Reversion of \$16 million in fiscal year 2023–24 from unspent funding provided to expand the number of court reporters in civil and family law cases. The budget maintains court reporter funding at \$30 million each year for this purpose.

Judicial Council Operational Funding: Reversion of \$5 million in fiscal year 2023–24 from the Judicial Council’s operational budget.

Judicial Branch Facilities

State Court Facilities Construction Fund Backfill: \$40 million in General Fund backfill to address the structural deficit in the State Court Facilities Construction Fund and maintain existing service levels for trial court facilities projects.

Court Construction: \$101 million in the Public Buildings Construction Fund for the following previously approved projects:

- \$11.5 million for increased costs for the construction phase of the new Santa Rosa Courthouse for the Superior Court of Sonoma County.
- \$89.5 million for the design-build phase of the Court of Appeal, Sixth Appellate District in Santa Clara County.

Facility Operations and Maintenance: \$3.6 million General Fund for the operation and maintenance of the new Modesto Courthouse for the Superior Court of Stanislaus County, projected to open in 2025.

When posted, the 2024–25 state budget may be reviewed in its entirety at <https://ebudget.ca.gov>.

Conclusion

The Chief Justice and the Judicial Council recognize the challenges these budget reductions present for the judicial branch in the new fiscal year. As we manage with reduced resources in the changed fiscal environment, we will work to document the impact of these cuts on Californians accessing the courts. Additionally, the Judicial Council will continue to advocate for judicial branch priorities with our sister branches of government and work closely with trial and appellate court leaders to support court operations and services to the public.



LEGISLATIVE UPDATE

August 23, 2024

Key deadlines:

- ❖ August 23rd, Last day to amend bills on the Floor ([J.R. 61\(b\)\(16\)](#))
- ❖ August 31st, Last day for each house to pass bills ([Art. IV, Sec. 10\(c\)](#))
- ❖ September 30th, Last day for the Governor to sign or veto bills passed by the Legislature before Sept. 1 and still in the Governor's possession on or after Sept. 1 ([Art. IV, Sec. 10\(b\)\(2\)](#))
- ❖ December 2nd, Convening of the 2025-26 Regular Session ([Art. IV, Sec. 3\(a\)](#))

Civil

[AB 2867 \(Gabriel\) Recovery of artwork and personal property lost due to persecution](#)

Provides that California substantive law shall apply in actions to recover fine art or items of historical, interpretive, scientific, or artistic significance brought by a California resident or their heirs. Permits action for damages or to recover artwork or personal property that was stolen as a result of political persecution within six years of discovery of relevant facts, or within 2 years of the effective date of this bill, whichever is later. Permits a cause of action previously dismissed on specified grounds to be brought again under these provisions within 2 years, as specified. Takes effect immediately as an urgency statute.

Status of AB 2867: Amended in the Senate on July 1, 2024. Approved by the Legislature. Pending in engrossing and enrolling.

Criminal

[AB 2483 \(Ting\) Postconviction proceedings](#)

Requires the presiding judge of each county superior court, on or before March 1, 2025, to convene a meeting to develop a plan for fair and efficient handling of postconviction proceedings. Requires the presiding judge to invite to the meeting a representative from the district attorney, public defender, and other entities deemed necessary.

Status of AB 2483: Amended in the Senate on August 15, 2024. Pending on Senate third reading.

SB 21 (Umberg) Controlled substances

Requires a person who is convicted of, or who pleads guilty or no contest to, possessing for sale or purchasing for purpose of sale or transport various controlled substances, including fentanyl, to receive a written advisory of the danger of distribution of controlled substances and that, if a person dies as a result of that action, the distributor can be charged with homicide or murder. Requires a defendant charged with these crimes to be ordered to complete a substance education or treatment program. States that successful completion of this program makes a defendant eligible for dismissal of accusations, as specified.

Note: This bill previously concerned the use of remote technology in civil proceedings and was gutted and amended in the Assembly on January 17, 2024.

Status of SB 21: Amended in the Assembly on May 2, 2024. Rereferred to Assembly Rules Committee.

SB 22 (Umberg) Crimes

Authorizes prosecutors to create and offer a deferred entry of judgment program to defendants convicted of the possession, sale, or transport of hard drugs, as defined.

Note: This bill previously concerned the use of remote technology in juvenile court and civil commitment proceedings and was gutted and amended in the Assembly on January 12, 2024.

Status of SB 22: Amended in the Assembly on January 12, 2024. Rereferred to Assembly Judiciary Committee.

Firearms

AB 2907 (Zbur) Firearms: restrained persons

Requires courts to provide defendants with specified protective orders with information on local procedures for firearm relinquishment and proof of relinquishment that is currently required to be provided to those subject to a domestic violence restraining order.

Status of AB 2907: Amended in the Senate on August 21, 2024. Pending on Senate third reading.

AB 3083 (Lackey) Domestic violence: protective orders: background checks

Requires the court to determine if the subject of a protective order owns or possesses a firearm as reflected in the Department of Justice Automated Firearms System.

Status of AB 3038: Amended in the Assembly on April 3, 2024. Approved by the Legislature. Enrolled and presented to the Governor at 3 p.m. on August 19, 2024.

SB 899 (Skinner) Protective orders: firearms

Requires the court, when issuing protective orders that prohibit a person from owning a firearm or ammunition, to provide the person subject to the order with information on how to relinquish any firearms or ammunition still in their possession. Requires the court to inquire as to whether the person subject to the order has complied with this requirement and order the clerk of the court to immediately notify appropriate law enforcement officials if the person does not file a receipt with the court within 48 hours after receiving the order to relinquish the firearms in their possession. Also requires violations of the firearms or ammunition prohibition to be reported to the prosecuting attorney in the jurisdiction where the order has been issued within two business days of a court hearing. Allows a search warrant to be issued for ammunition or firearms that a person is prohibited from owning due to a domestic violence restraining order or other specified temporary restraining orders.

Status of SB 899: Amended in the Assembly on August 22, 2024. Pending on Senate third reading.

Retail Theft

On August 16, 2024, the Governor signed a [landmark legislative package](#) cracking down on retail crime and property theft with “Stronger enforcement. Serious penalties. Real consequences.”

Of note is the Berman restraining order bill...

AB 3209 (Berman) Retail theft restraining orders

- Part of Legislature’s retail theft legislative package
- Creates a new restraining order to be issued after hearing that can be brought by private attorneys, prosecutors, county counsel, and city attorney, for retail theft related offenses to restrain a respondent from entering the retail business.
- Provides a right to appointed counsel for the respondent in these cases.
- Authorizes the Judicial Council to adopt rules and forms to implement the requirements.

Status of AB 3209: Amended in the Senate on June 29, 2024. Signed by the Governor on August 16, 2024 (Stats. 2024, ch. 169).

Governor also signed the following bills:

- AB 1779 by Assemblymember Jacqui Irwin – Theft: jurisdiction
- AB 1802 by Assemblymember Reggie Jones-Sawyer —Crimes: organized theft
- AB 1972 by Assemblymember Juan Alanis — Regional property crimes task force
- AB 2943 by Assemblymember Rick Chavez Zbur and Assembly Speaker Robert Rivas — Crimes: shoplifting

- AB 3209 by Assemblymember Marc Berman — Crimes: theft: retail theft restraining orders
- SB 905 by Senator Scott Wiener – Crimes: theft from a vehicle
- SB 982 by Senator Aisha Wahab — Crimes: organized theft
- SB 1144 by Senator Nancy Skinner — Marketplaces: online marketplaces
- SB 1242 by Senator Dave Min — Crimes: fires
- SB 1416 by Senator Josh Newman — Sentencing enhancements: sale, exchange, or return of stolen property

While not included in the August 16th announcement, the Governor also said he will soon sign AB 1960 (sentencing enhancements) by Speaker Robert Rivas.

[SB 1381](#) (Wahab) Crime

Makes the knowing sale, furnishing, or administration of controlled substances containing fentanyl without disclosing that presence to the purchaser or recipient a felony. Requires the court to advise a person who is convicted of, or pleads guilty or no contest to, transporting, importing, selling, or administering a controlled substance containing fentanyl of the danger of doing so, and that if a person dies as a result of that action, the defendant can be charged with homicide. Authorizes aggregation of the value of property stolen through one or more instances of theft or shoplifting into a single act that meets the definition of grand theft when the acts occurred within 3 years of each other. Authorizes a person to be charged with a misdemeanor or felony if the current offense is petty theft or shoplifting and the person has 2 or more theft convictions within the prior 3 years. Places the substantive provisions of the bill on the ballot at the November 5, 2024, statewide general election.

Note: This bill previously concerned property crimes and was gutted and amended to create a ballot initiative to compete with the initiative titled “The Homelessness, Drug Addiction, and Theft Reduction Act.” [AB 440](#) was also gutted and amended on June 30, 2024, to place the provisions of SB 1381 first on the ballot in the November 5, 2024, statewide general election.

Status of SB 1381: Amended in the Assembly on July 1, 2024. Approved by the Legislature. Withdrawn from Engrossing and Enrolling. Amended and approved by Assembly Public Safety Committee. Pending on the Assembly Floor.

<h2>Remote Proceedings</h2>

[AB 170](#) (Committee on Budget) Courts trailer bill

Among other things, extends the authority to use remote technology in both civil and criminal matters until January 1, 2027. Adds reporting requirements for criminal proceedings similar to those in place for remote civil proceedings and applies the minimum technology standards adopted by the council, effective July 1, 2024, to criminal proceedings. The types of criminal proceedings where the use of remote technology is currently authorized remain unchanged.

Courts will be required to annually certify their compliance with the technology standards beginning in October of 2025.

Note: Identical language is also included in [SB 170](#).

Status of AB 170: Amended in the Senate on June 22, 2024. Approved by the Legislature. Signed by the Governor (Stats. 2024, ch. 51).

[AB 2484](#) (Bryan) Courts: juveniles: remote proceedings

Exempts parents, children, nonminor dependents, and Indian tribes in juvenile dependency proceedings from obtaining consent of all parties to utilize remote technology for the appearance of an expert witness.

Status of AB 2484: Amended in the Senate on August 5, 2024. Approved by the Assembly and Senate Judiciary Committee. Ordered to third reading on the Senate Floor.

[SB 92](#) (Umberg) Labor Code Private Attorneys General Act of 2004

Authorizes an employer that employed fewer than 100 employees during a period covered by a required notice to submit a confidential proposal to the Labor and Workforce Development Agency to cure one or more of any alleged violations, among other things. Takes effect immediately as an urgency statute.

Note: This bill previously concerned civil actions and was gutted and amended to contain criminal remote language from SB 99 (Umberg). It was gutted and amended again to address PAGA actions following the extension of criminal remote proceedings authorized by [AB 170](#).

Status of SB 92: Amended in the Assembly on June 27, 2024. Approved by the Legislature. Signed by the Governor (Stats. 2024, ch. 45).

Artificial Intelligence (AI)

[AB 2839](#) (Pellerin) Elections: deceptive media in advertisements

Authorizes recipients of materially deceptive content or a candidate or committee participating in an election, or an elections official, to file a civil action to enjoin of the distribution of the media and seek damages against the distributor. Requires the court to give such proceedings precedence.

Status of AB 2839: Amended in the Senate on August 15, 2024. Pending on Senate third reading.

[AB 2930](#) (Bauer-Kahan) Automated decision tools

Requires entities deploying automated decision tools (including those for pretrial risk assessment, sentencing, and parole) to conduct impact assessments, notify individuals prior to

using the automated decision tool in their case, and create and maintain a governance program, as specified to ensure that the tools are not discriminatory.

Note: Amendments taken in Senate Appropriations Committee limit the bill to employment and remove state and local government.

Status of AB 2930: Amended in the Senate on August 15, 2024. Pending on Senate third reading.

Family Law

[AB 1974](#) (Petrie-Norris) Family conciliation courts: evaluator training

Requires the risks associated with access to firearms and ways to reduce those risks to be included as an issue in a family and psychological assessment in a domestic violence case for purposes of family conciliation court evaluator training. Requires the Judicial Council to develop training program standards.

Status of AB 1974: Revised in the Assembly on March 12, 2024. Approved by the Legislature. Pending in engrossing and enrolling.

[AB 2024](#) (Pacheco) Domestic violence: restraining orders

Prohibits the rejection of an ex parte protective order enjoining a party from engaging in specified acts if it is submitted on mandatory Judicial Council forms, includes all forms required to issue an order, and identifies the parties, as specified.

Status of AB 2024: Amended in the Senate on May 16, 2024. Pending on Senate third reading.

[SB 554](#) (Cortese) Restraining orders

Specifies the jurisdictions in which a petitioner may file for a restraining order and states that an individual does not need to be a resident of the state to file for a restraining order.

Status of SB 554: Revised in the Assembly on June 4, 2024. Approved by the Legislature, ordered to engrossing and enrolling.

[SB 575](#) (Wahab) Marriage: underage marriage

Prohibits minors under the age of 18 years, except emancipated minors, from entering into a marriage or domestic partnership. Requires local registrars to submit information regarding minor marriage certificates to the State Registrar, as specified.

Status of SB 575: Revised in the Assembly on August 15, 2024. Pending on Assembly third reading.

Juvenile Justice

[AB 1186 \(Bonta\) Restitution fines](#)

Removes the requirement that a minor adjudged to be a ward of the court pay a restitution fine and makes the outstanding balance of any restitution fines, including any collection fees, unenforceable and uncollectible 10 years after the fine imposition date. Requires minors to be held severally liable for victim restitution purposes and prohibits a minor from being held jointly and severally liable as a co-offender. Prohibits the aggregate amount of apportioned liability for all minors involved from exceeding 100% in total. Repeals provisions that establish the distribution of trust funds of a ward committed to the Division of Juvenile Justice, including payment of restitution orders and fines.

Status of AB 1186: Amended in the Senate on June 24, 2024. Pending on Senate third reading.

Mental Health

[SB 26 \(Umberg\) Mental health professions: CARE Scholarship Program](#)

Establishes upon appropriation the CARE Scholarship Program to provide annual scholarships to individuals pursuing a degree program that meets the requirements for licensure as a marriage and family therapist.

Status of SB 26: Amended in the Assembly on August 19, 2024. Pending on Assembly third reading.

[SB 42 \(Umberg\) Community Assistance, Recovery, and Empowerment \(CARE\) Court Program: notice to original petitioner](#)

Starting July 1, 2025, requires the court to provide ongoing notice throughout CARE proceedings to the original petitioner if they are a person with whom the respondent resides, or a spouse, parent, sibling, child, or grandparent or an individual who stands in loco parentis to the respondent, unless the court determines that doing so would likely be detrimental to the treatment or well-being of the respondent. Requires the notice to include a general reason for the continuance if a continuance is granted, and specified reasons if the court grants dismissal. Prohibit the court from disclosing certain health or medical information in the notice without the respondent's consent. Clarifies various provisions related to CARE proceedings and LPS conservatorships.

Status of SB 42: Amended in the Assembly on August 22, 2024. Pending on Assembly third reading.

[SB 1323 \(Menjivar\) Criminal procedure: competence to stand trial](#)

Allows, in lieu of a hearing if a doubt is raised as to the mental competence of a defendant, an evaluation of the defendant by licensed psychologists or psychiatrists who submit a specified report to the court. Allows the court, if neither party objects, to make a determination based on the report. Requires the court, upon a finding of mental incompetence of a defendant charged with a felony that is not ineligible for diversion, to determine if it is in the interests of justice to restore the defendant to competence, or otherwise hold a hearing to consider granting mental health diversion or other programs to the defendant.

Status of SB 1323: Amended in the Assembly on August 22, 2024. Pending on Assembly third reading.

Collaborative Courts

[SB 910 \(Umberg\) Treatment court program standards](#)

Requires counties and courts that opt to have treatment court programs to design and operate those treatment court programs in accordance with state and national guidelines incorporating the “Adult Treatment Court Best Practice Standards” and “Family Treatment Court Best Practice Standards” developed by All Rise, a non-profit organization, and revises key components to be included in treatment court programs. Requires the Judicial Council, on or before January 1, 2026, to revise standards of judicial administration to reflect best practices and guidelines for collaborative programs.

Status of SB 910: Amended in the Assembly on August 19, 2024. Pending on Assembly third reading.

[SB 1400 \(Stern\) Criminal procedure: competence to stand trial](#)

Removes the option for the court to dismiss a misdemeanor case in which the defendant is found incompetent and requires the court to hold a hearing to determine if the defendant is eligible for diversion instead. Requires the court, if the defendant is not eligible for diversion, to hold a hearing to determine whether the defendant will be referred to outpatient treatment, conservatorship, or CARE. Permits mentally incompetent defendants charged with misdemeanor driving under the influence to be placed in a mental health diversion program. Requires the dismissal of a misdemeanor offense of a mentally incompetent defendant who is charged with a felony and a misdemeanor and is committed to mental health treatment.

Status of SB 1400: Amended in the Assembly on August 26, 2024. Pending on Assembly third reading.

Juries

[AB 1899](#) (Cervantes) Gender inclusivity on juror questionnaires

Requires court to potentially revise their jury questionnaires to make them inclusive of gender identity.

Status of AB 1899: Amended in the Senate on August 15, 2024. Approved by Senate Appropriations Committee with amendments to delay implementation and instead of the current provisions, require the Judicial Council to adopt a standard of judicial administration to ensure that juror identification and any juror questionnaire is inclusive.

[AB 2985](#) (Hart) Courts: mental health advisement

Requires courts to provide written information to trial jurors, and distribute, in a manner determined by the court, information to discharged alternate jurors, about mental health awareness after the receipt of a verdict, or after the conclusion of a trial where a jury did not render a verdict, and before discharge of the jury in a criminal proceeding alleging a violent felony. Authorizes courts to provide this information to jurors in other criminal proceedings. Requires the Judicial Council to develop the written information that courts are required to print and distribute.

Status of AB 2985: Amended in the Senate on June 26, 2024. Approved by the Legislature. Enrolled and presented to the Governor at 11 a.m. on August 16, 2024.

Judgeships and Judicial Officers

[AB 1846](#) (Bauer-Kahan) Judicial officers: training: sexual abuse and assault

Requires the Judicial Council to establish judicial training programs for judges related to best practices for treating sexual abuse and assault victims in courtroom cases, on or before July 1, 2026. Requires the training program development to be informed by research and evidence on the impact of sexual abuse on victims. Requires the training programs be provided in person or remotely to all newly appointed or elected judges and all judicial officers assigned to a family, juvenile, or criminal court.

Status of AB 1846: Amended in the Senate on June 27, 2024. Approved by the Assembly and Senate Judiciary Committee. Held in Senate Appropriations Committee.

[AB 2125](#) (Garcia) Judicial officers: disqualification

Requires the California Law Revision Commission, in consultation with the Commission on Judicial Performance, to deliver, by September 30, 2027, a study on the recusal of judicial officers for prejudice and conflict of interest.

Status of AB 2125: Amended in the Assembly on May 16, 2024. Approved by the Assembly. Held in Senate Appropriations Committee.

[SB 1356 \(Wahab\) Judiciary: training: gender perspectives](#)

Requires the Judicial Council to consider the role of gender in court proceedings when developing any training on gender bias.

Status of SB 1356: Signed by the Governor (Stats. 2024, ch. 187).

Judicial Security

[AB 1785 \(Pacheco\) California Public Records Act](#)

Prohibits a state or local agency from publicly posting the home address, telephone number, or both the name and assessor parcel number associated with the home address of any elected or appointed official without that official's written permission.

Status of AB 1785: Amended in the Senate on May 29, 2024. Pending on Senate third reading.

[AB 2281 \(Soria\) Tribal judges](#)

Makes it a crime for a person to assault a judge or former judge of a tribal court in retaliation for or to prevent the performance of their official duties, as specified.

Status of AB 2281: Revised in the Assembly on April 23, 2024. Approved by the Assembly. Held in Senate Appropriations Committee.

Court Administration and Operations

[AB 2283 \(Pacheco\) Civil actions: electronic service](#)

Extends the deadline for courts to comply with the requirement to electronically ~~transmit~~ serve documents to parties subject to mandatory electronic service, or who consent to accept electronic service, from July 1, 2024, to July 1, 2025. Takes effect immediately as an urgency statute.

Status of AB 2283: Amended in the Assembly on May 2, 2024. Signed by the Governor (Stats. 2024, ch. 151).

[AB 2988 \(McCarty\) Courts](#)

Authorizes the Judicial Council to sell the Gordon D. Schaber Sacramento County Courthouse. Requires the Judicial Council to make the property availability known to the Department of Housing and Community Development to include in notices of availability and to any local public entity that has jurisdiction for developing low- and moderate-income housing where the property is located. Requires any local agency that purchases the property for use in developing low- and moderate-income housing to give priority to an entity that proposes a residential

development with the most affordable housing units. Requires the net proceeds from the sale to be deposited into the State Court Facilities Construction Fund.

Status of AB 2988: Amended in the Senate on June 27, 2024. Approved by the Legislature. Pending in engrossing and enrolling.

AB 3013 (Maienschein) Courts: remote court reporting

Authorizes the Superior Courts of Alameda, *Contra Costa*, Los Angeles, Mendocino, Monterey, Orange, *San Bernardino*, San Diego, San Joaquin, San Mateo, Santa Clara, Tulare, and Ventura, to conduct pilot projects to study the use of remote court reporting to create a verbatim record of specified court proceedings, beginning July 1, 2025, and concluding on or before July 1, 2026.

Status of AB 3013: Amended in the Senate on August 19, 2024. Pending on Senate third reading.

AB 3252 (Berman) Shorthand court reporters: sunset: certification

Extends the operation of the Court Reporters Board of California within the Department of Consumer Affairs from January 1, 2025, to January 1, 2029. Requires a certified shorthand court reporter to state their CSR number on the record at the beginning of a proceeding. Requires CSR applicants or holders renewing their license to provide an email address to the Board if they have a valid email address, and to notify the Board within 30 days of any change to their email address. ~~Entitles a person to obtain an Associate Court Reporter Trainee certificate, if certain requirements are met, to serve as an official court reporter in an appointing court. Requires an appointing court to consider priority placement of trainees in family courtrooms and other understaffed courtrooms.~~ Specifies that successful completion of the Certified Verbatim Reporter (CVR) or Certified Verbatim Reporter-Stenotype (CVR-S) certification administered through the National Verbatim Reporters Association meets California's dictation/transcription examination requirement. Adds the phrase "voice writer" to the list of terms indicating shorthand reporter certification.

Status of AB 3252: Amended in the Senate on August 20, 2024. Pending on Senate third reading.

AB 3280 (Committee on Judiciary) Superior court: lactation rooms: Judicial Council report

Requires the Judicial Council to submit an annual report to the Legislature, beginning March 1, 2025, and until courts fully comply with statutory provisions or all related funds appropriated by the Legislature are expended, with specified information about lactation rooms in superior courts. Authorizes courts to designate a lactation room for court users that does not meet all statutory requirements to provide the greatest number of court users with access to lactation rooms.

Status of AB 3280: Amended in the Assembly on May 16, 2024. Pending on Senate third reading.

[AB 3282](#) (Committee on Judiciary) Courts

Extends the existing definition of a state agency within the Golden State Financial Marketplace Program (or GS \$Mart Program for energy efficiency) to include a superior court, court of appeal, the Supreme Court, and the Judicial Council. Authorizes the Judicial Council to sell the Plumas/Sierra Regional Courthouse, the Modesto Main Courthouse, and the Ceres Superior Court with the net proceeds from the sale of the properties to be deposited into the State Court Facilities Construction Fund and to offset costs associated with decreasing civil fees. ~~Requires the Judicial Council, by April 1, 2027, to identify and report to the Legislature any civil fees authorized by the Council but not specifically enumerated or authorized by statute. Prohibits superior courts from charging civil fees not authorized by statute after January 1, 2030.~~ Takes effect immediately as an urgency statute.

Status of AB 3282: Amended in the Senate on August 21, 2024. Pending on Senate third reading.

[SB 549](#) (Newman) Gaming: Tribal Nations Access to Justice Act

Provides the Sacramento Superior Court with jurisdiction to hear a case brought by a California Indian tribe that is a party to a ratified tribal-state gaming compact seeking a declaratory judgment regarding the legality of certain banking card games offered by card clubs. Requires any review of such a challenge to be conducted de novo and requires any actions be filed no later than April 1, 2025.

Status of SB 549: Amended in the Assembly on August 19, 2024. Pending on Senate third reading.

[SB 949](#) (Blakespear) Superior court: lactation accommodation

Requires superior courts to provide any court user participating in an ongoing court proceeding with a reasonable break during a court proceeding to allow the court user to express breast milk for the user's infant child. Requires the Judicial Council to adopt or amend rules of court or forms to provide a confidential process for court users to request break time on or before January 1, 2026. Specifies that these provisions do not affect existing obligations of a superior court as an employer.

Status of SB 949: Revised in the Assembly on June 19, 2024. Signed by the Governor (Stats. 2024, ch. 159).

[SB 984](#) (Wahab) Public agencies: project labor agreements

Requires the Judicial Council and the California State University, by January 1, 2027, to identify and select a minimum of three major state construction projects each exceeding an estimated total of \$35 million that are required to be subject to a project labor agreement, as specified. Further, requires a report to the Legislature on or before January 1, 2027.

Status of SB 984: Amended in the Assembly on August 19, 2024. Pending on Assembly third reading.

Climate and Environment

[AB 3265](#) (Bryan) California Environmental Quality Act: environmental leadership media campus projects: judicial streamlining

Establishes streamlined procedures for administrative and judicial review of environmental review and approvals granted for an environmental leadership media campus project, defined by the bill as a construction or renovation project on a film and television media campus in the County of Los Angeles. Requires the Judicial Council, on or before July 1, 2025, to adopt rules of court establishing procedures requiring actions or proceedings seeking such judicial review to be resolved within 365 days of the filing of the action.

Status of AB 3265: Amended in the Senate on August 22, 2024. Pending on Senate third reading.

Reparations

[AB 3089](#) (Jones-Sawyer) Chattel slavery: formal apology

Provides that the State of California recognizes and accepts responsibility for all harms and atrocities committed by the state in permitting the institution of chattel slavery and the enduring existence of systemic structures of discrimination. Provides that the State of California apologize for perpetuating the harms African Americans have faced and requires the Secretary of State to submit a final copy of this formal apology, signed by the Speaker of the Assembly, the President pro Tempore of the Senate, the Governor, and the Chief Justice, to the State Archives.

Status of AB 3089: Amended in the Senate on June 20, 2024. Pending on Senate third reading.



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

October 27, 2014

Action Requested

For Your Information Only

To

Cory Jaspersen, Director
Laura Speed, Assistant Director
Governmental Affairs

Deadline

N/A

From

Deborah C. Brown, Chief Counsel
Mark Jacobson, Senior Attorney *MJ*
Legal Services

Contact

Mark Jacobson
415-865-7898 phone
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Subject

Ethical Principles Applicable to Judges
Engaged in Legislative Activities

You have asked Legal Services to provide an information sheet setting forth the ethical principles that pertain to judicial officers who participate in legislative activities that can be distributed to judicial officers who engage in Bench-Bar Coalition legislative outreach activities. To assist judicial officers, this memorandum provides the following information: (1) the applicable canons from the California Code of Judicial Ethics; (2) an analysis of a recent formal opinion from the Supreme Court's Committee on Judicial Ethics Opinions; and (3) relevant excerpts from David M. Rothman's *California Judicial Conduct Handbook*.

Relevant Canons¹**Governmental Activities**

The canon most directly on point for judges who wish to participate in legislative activity is canon 4C(1), which prohibits a judge from appearing at a public hearing or consulting with an

¹ The full text of the canons discussed in this section is set forth in the attached appendix.

executive or legislative body or a public official except on matters concerning the law, the legal system, and the administration of justice. In deciding whether to engage in such activities, a judge must also consider whether that conduct would violate any other provision of the Code of Judicial Ethics. For example, the activity must uphold the integrity, impartiality, and independence of the judiciary (canons 1 and 2A), and it must not cause the judge to be disqualified (canon 4A(4)).

Political Activity

Canon 5 provides that judges may not be involved in political activity that is inconsistent with the independence, integrity, or impartiality of the judiciary or that creates the appearance of political bias or impropriety. Canon 5D states that a judge is not permitted to engage in political activity unless it is related to the law, the legal system, or the administration of justice.

Extrajudicial Activities, Appearance of Impropriety, Lending the Prestige of Office

There are several other canons that should be considered when a judge is involved in legislative activity. Canon 4A states that a judge must conduct any extrajudicial activity so that such activity does not (1) interfere with judicial duties, (2) cast doubt on the judge's impartiality, or (3) lead to frequent disqualification. Canon 2 provides that a judge must not engage in conduct that creates the appearance of impropriety. Canon 2A prohibits a judge from making any statement that commits the judge with respect to cases, controversies, or issues that are likely to come before the courts. Finally, canon 2B(2) states that a judge must not lend the prestige of judicial office to advance the pecuniary or personal interests of the judge or others.

CJEO Formal Opinion No. 2014-006

The Supreme Court's Committee on Judicial Ethics Opinions issued a formal opinion on October 2, 2014, entitled "Judicial Comment at Public Hearings and Consultation with Public Officials and Other Branches of Government."² The opinion addressed the circumstances under which a judge may appear at a public hearing or officially consult with executive or legislative bodies on "matters concerning the law, the legal system, or the administration of justice." (See canon 4C(1), Appendix, p. 1.) The committee concluded that canon 4C(1) allows comment and consultation concerning the court system or matters of judicial administration. The canon permits a judge to appear before or consult with representatives of the other two branches of government "when the subject of the appearance or consultation is one with respect to which the judge's experience and perspective *as a judge* gives him or her unique qualifications to assist the other branches of the government in fulfilling their responsibilities to the public." (CJEO Formal Opn. 2014-006, p. 2, emphasis in original.)

² The full opinion can be found on the CJEO website at http://www.judicialethicsopinions.ca.gov/sites/default/files/CJEO_Formal_Opinion_2014-006.pdf.

The committee stated that based on the reference in canon 4C(1) to matters concerning the administration of justice, judges may testify or advocate at public hearings only on behalf of the legal system, i.e., focusing on court users, the courts, or the administration of justice. (CJEO Formal Opn. 2014-006, *supra*, at p. 7.) There are situations in which a judge may comment about substantive legal issues where the purpose is to benefit the law and legal system itself rather than any particular cause or group and when the comment or consultation is made from a judicial perspective. (*Ibid.*) Thus, any comments from a *legal* knowledge/experience perspective should be provided by attorneys, not judges. (*Ibid.*) Where a judge has both judicial and attorney experience to draw from (or only attorney experience) in a particular area of law, the judge's comments or consultation should be presented from a purely judicial perspective. (*Ibid.*)

The committee noted that even if the exception in canon 4C(1) applies, the judge must ensure that the appearance or consultation does not violate any other canons, such as those set forth in the appendix to this memorandum.

The opinion provides the following illustrative examples:

- A judge may comment or consult about the judicial branch's budget, or a bond measure for court construction, or a bill proposing to replace court reporters with electronic recording.
- Regarding a proposed constitutional amendment to replace the death penalty with life without parole, a judge may comment on the dysfunction of the present system from a judicial perspective, but advocacy for or against the death penalty as a policy matter would violate canon 4C(1).
- A judge who was an environmental attorney may express his or her views in support of a new CEQA settlement process, but only from the viewpoint of a judge who is, for example, seeking to unburden the court's docket by resolving CEQA cases earlier in the judicial process.
- A judge who was a prosecutor but has no judicial experience in criminal law may express support for proposed legislation to reduce the number of peremptory challenges in misdemeanor cases, but those views should be expressed in terms of how the law would affect the legal system or the administration of justice by improving juror satisfaction, enhancing jury diversity, and saving court costs, while still providing the full panoply of due process.
- A judge may not appear at a public hearing of a legislative committee to advocate for longer sentences for certain drug offenders because, even though such comments are

about a matter “concerning the law,” advocacy for longer sentences for only a particular type of offender could undermine public confidence in the impartiality of the judiciary, thus violating canons 1 (upholding the integrity and independence of the judiciary), 2A (promoting public confidence in the integrity and impartiality of the judiciary), 3B(9) (commenting publicly on pending cases), and 4A(1) (casting doubt on the judge’s capacity to act impartially). The judge could, however, discuss the impact of such sentences on the courts or the adjudicatory process.

- Based on the judge’s expertise, a judge may advocate for improvements in the administration of justice that would seek to reduce recidivism by providing information about collaborative court programs the judge had presided over or administered that employ alternative sentencing or probation periods for drug offenders.
- A judge may advocate for statewide use of alternative programs based on the judge’s experience, but must not comment on the outcome of cases involving particular offenders and must not imply that the judge will be ruling in a particular way in a class of cases.
- Judicial advocacy for specific legislation on proposed death penalty or collective bargaining measures could violate the prohibition in canon 2A against making statements that commit a judge with respect to cases, controversies, or issues that are likely to come before the court or that are inconsistent with the impartial performance of duties. But a judge may appear before a public body to explain, from a judicial perspective, the effects of proposed laws on the judicial process or judicial administration.

Rothman, *California Judicial Conduct Handbook*

In the *California Judicial Conduct Handbook* (3d ed. 2007), Judge Rothman addresses judicial involvement in executive and legislative matters:

[§11.03] Appearances at Public Hearings and Participation in Executive or Legislative Matters

Ethics rules on the subject. A judge . . . must . . . draw the distinction between inappropriate involvement with the legislative and executive branch in what could be called “political” matters as opposed to appropriate involvement in matters that concern the law, legal system, and administration of justice. Thus, for example, a judge may endorse legislation that would provide the court with facilities and services, because such matters deal with the administration of justice.

* * *

Recognition of the separation of powers—urging moderation in advocacy by judges. Judges have frequently been active in advocating positions before the legislative and executive branches on a variety of subjects. The Code of Judicial Ethics does not prohibit this activity so long as the activity is limited to issues related to the law, the legal system, and administration of justice. The boundary, however, of this limitation is often stretched.

I am not alone in the belief that judges should greatly limit advocacy of issues before the legislative and executive branches to only the clearest and most urgent of circumstances. Where judges frequently engage in such advocacy, they may be perceived as encroaching on legislative and executive prerogatives. When judges do so they should not be surprised if the legislative and executive branches feel comfortable in doing the same in the judicial arena.

Examples abound of an increasing comfort on the part of the legislature in tinkering with the judicial branch. This may be the result of a basic lack of understanding and appreciation of basic concepts of our form of government. Separation of powers and preservation of the independence of the judiciary require judges to ration their advocacy.

Special position of juvenile and family court judges. The special demands of juvenile and family court assignments frequently involve judges in proactive efforts to improve the law. The above caution is less urgent for these judges because they are expected to regularly make recommendations concerning civil procedure and the development of programs to help children.

Examples of issues concerning appropriate advocacy. Is it proper for a judge to be involved in writing a statute that increases or reduces child support, or deals with the length of sentences in juvenile or criminal cases? Judges regularly advocate for additional judicial officers, but would it be improper for them to advocate for additional police officers?

Judges do not agree on the answers to these questions. Some believe that such activity is part of the judicial function and is permissible. Others, however, believe that the test is whether such advocacy could “cast reasonable doubt on the judge’s capacity to act impartially.”

It would be proper for a judge to endorse a bond measure that increases county revenues, which would increase funding for judicial-related activities as well as increasing revenues for non-legal system county projects, provided the

endorsement was carefully phrased to focus on judicial needs, while avoiding endorsement of nonjudicial issues. Because of the Trial Court Funding Act, local judicial-related funding advocacy would be very limited, if any, at the local level.

A judge may write a letter to the legislature regarding a bill proposing to replace court reporters with electronic recording as this plainly concerns the administration of justice. A judge, however, who was formerly a member of the legislature, should not be further involved in legislation or consult with legislators or others except on legislation and other matters concerning the law, the legal system or the administration of justice.

(Rothman, *California Judicial Conduct Handbook*, 3d ed. [California Judges Association, 2007] pp. 569–571.)

Judge Rothman also discusses judicial support of or opposition to ballot measures in the context of inappropriate political activity:

[§11.24] Supporting or Opposing Ballot Measures

Measures not related to improvement of the law, legal system or administration of justice. Although one might argue that anything on the ballot relates to the improvement of the law, such is not the case. For example, it would be improper for a judge to draft, promote, or be listed publicly as supporting a school bond ballot proposal as such a proposal would not fit the limited purpose related to improvement of the legal system. A judge may not sign a ballot statement, essentially a public endorsement, for an ordinance advocating criminal penalties for violation of a law/ordinance.

* * *

Appropriate ballot measures for comment by judges. Appropriate judicial activity related to ballot measures would include public support of a tax override measure or other ballot proposition that would provide revenue for court operations or jail construction, since the objects of the funding pertain to the administration of justice. A court and its judges may also take a public position on a ballot proposition that affects judicial funding and the administration of justice. A judge may support or oppose a ballot measure dealing with the unification of the court.

A judge may speak and take a public stance against a ballot measure that would take away the power to appoint and retain the chief probation officer from the courts and place it in the hands of the board of supervisors.

A judge may act in support of political goals that directly relate to improvement of the judicial system such as jail construction or renovation of a juvenile detention facility.

A judge may participate in a newspaper ad concerning a ballot measure that concerns the law, legal system or administration of justice.

(Rothman, *supra*, at pp. 578–579.)

Disqualification and Disclosure

Judges who are involved in legislative activity should be aware of the disqualification and disclosure implications if it appears that the judge cannot be impartial in ruling on a matter concerning the issue with which the judge was involved. Code of Civil Procedure section 170.1(a)(6)(A)(iii) provides that a judge is disqualified if “[a] person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial.” A judge is *not* disqualified, however, if the judge “[h]as as a lawyer or public official participated in the drafting of laws or in the effort to pass or defeat laws, the meaning, effect or application of which is in issue in the proceeding unless the judge believes that his or her prior involvement was so well known as to raise a reasonable doubt in the public mind as to his or her capacity to be impartial.” (Code Civ. Proc., § 170.2(c).)

Judge Rothman addresses this issue:

[A] judge’s expression of opinions outside of the context of judicial decision may raise disclosure and disqualification issues.

* * *

Drafting or advocating concerning laws. Although there can be an argument that the use of the term “public official” is not intended to encompass a judge, subdivision (c) of section 170.2 above appears to allow a judge (i.e., a “public official”) to participate in the drafting of or advocacy concerning laws that the judge may later have to interpret. Judges have been involved on many occasions in such activities although, as noted in the concluding language of subdivision (c), such involvement has the potential of requiring disqualification.

Cory Jasperson
Laura Speed
October 27, 2014
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(Rothman, *California Judicial Conduct Handbook*, 3d ed. [California Judges Association, 2007] pp. 368–369.)

Judges should also be aware of canon 4A(4), which states that a judge must conduct all of the judge's extrajudicial activities so that they do not lead to frequent disqualification of the judge.

Contact Information for Questions

If judicial officers have questions about whether their own conduct would violate any provision of the Code of Judicial Ethics, they may contact the Supreme Court's Committee on Judicial Ethics Opinions at judicial.ethics@jud.ca.gov or 855-854-5366, or the California Judges Association's Judicial Ethics Hotline at 866-432-1252. For more general information about ethical constraints discussed in this memorandum, they may contact Senior Attorney Mark Jacobson at 415-865-7898 or mark.jacobson@jud.ca.gov.

DCB/MJ/ms
Attachment
cc: Jody Patel, Chief of Staff

Appendix

Canon 2

A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

Canon 2A

A. Promoting Public Confidence

A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. A judge shall not make statements, whether public or nonpublic, that commit the judge with respect to cases, controversies, or issues that are likely to come before the courts or that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

Canon 2B(2) states:

A judge shall not lend the prestige of judicial office or use the judicial title in any manner, including any oral or written communication, to advance the pecuniary or personal interests of the judge or others.

Canon 4A

A. Extrajudicial Activities in General

A judge shall conduct all of the judge's extrajudicial activities so that they do not

- (1) cast reasonable doubt on the judge's capacity to act impartially;
- (2) demean the judicial office;
- (3) interfere with the proper performance of judicial duties; or
- (4) lead to frequent disqualification of the judge.

Canon 4C(1)

A judge shall not appear at a public hearing or officially consult with an executive or legislative body or public official except on matters concerning the law, the legal system, or the administration of justice or in matters involving the judge's private economic or personal interests.

Advisory Committee Commentary to Canon 4C(1) (added January 1, 2013)

When deciding whether to appear at a public hearing or whether to consult with an executive or legislative body or public official on matters concerning the law, the legal system, or the

administration of justice, a judge should consider whether that conduct would violate any other provisions of this code. For a list of factors to consider, see the explanation of “law, the legal system, or the administration of justice” in the Terminology section. See also Canon 2B regarding the obligation to avoid improper influence.

Canon 5

A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary.

Judges and candidates for judicial office are entitled to entertain their personal views on political questions. They are not required to surrender their rights or opinions as citizens. They shall, however, not engage in political activity that may create the appearance of political bias or impropriety. Judicial independence, impartiality, and integrity shall dictate the conduct of judges and candidates for judicial office.

Canon 5D

A judge or candidate for judicial office may engage in activity in relation to measures concerning the improvement of the law, the legal system, or the administration of justice, only if the conduct is consistent with this code.

Advisory Committee Commentary to Canon 5D (added January 1, 2013)

When deciding whether to engage in activity relating to measures concerning the law, the legal system, or the administration of justice, such as commenting publicly on ballot measures, a judge must consider whether the conduct would violate any other provisions of this code. See explanation of “law, the legal system, or the administration of justice” in the terminology section.

Explanation of “law, the legal system, or the administration of justice” from the Terminology section (added January 1, 2013)

When a judge engages in an activity that relates to the law, the legal system, or the administration of justice, the judge should also consider factors such as whether the activity upholds the integrity, impartiality, and independence of the judiciary (Canons 1 and 2A), whether it impairs public confidence in the judiciary (Canon 2), whether the judge is allowing the activity to take precedence over judicial duties (Canon 3A), and whether engaging in the activity would cause the judge to be disqualified (Canon 4A(4)).



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FACT SHEET

July 2024

California Judicial Branch

The California court system—the largest in the nation, with approximately 2,000 judicial officers and over 4.5 million annual cases—serves more than 39 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 policy-making body for the judicial branch.

COURT STRUCTURE

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 for a retention election. 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 pronounced 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 5,490 filings during fiscal year 2022–2023. Decisions of the Supreme Court are published in the California Official Reports and are available online at www.courtinfo.ca.gov/opinions.htm.

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 106 justices (authorized positions). 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 20,097 filings in the Courts of Appeal during fiscal year 2022–2023.

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 2022–2023, approximately 9 percent of Court of Appeal opinions were certified as meeting the criteria for publication. Appellate opinions are available online at <https://appellatecases.courtinfo.ca.gov/>.

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 1,755 authorized judges and hundreds (in terms of full-time equivalents) of 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. Most 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.

Jurisdiction

Superior courts have trial jurisdiction over all criminal and civil cases. During 2022–2023, over 4.5 million cases were filed in the superior courts.

JUDICIAL BRANCH GOVERNANCE – JUDICIAL COUNCIL OF CALIFORNIA

Created in 1926 by constitutional amendment, and chaired by the Chief Justice, the Judicial Council of California is the policymaking body for California’s state court system.

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.

Council Membership

New judicial members of the council and its committees, the majority of whom are publicly elected justices and judges, 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—as established in the California Constitution—consist of the Chief Justice, 14 judicial officers appointed by the Chief Justice, 4 attorney members appointed by the State Bar Board of Trustees, 1 member of the Assembly appointed by the Speaker, and 1 member of the Senate appointed by the Pro Tem. Council members do not represent any particular constituency but act in the best interests of the statewide judicial system and the public.

The council also has approximately 10 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 three-year terms, with roughly one-third of the council’s membership changing each year, ensure continuity while creating opportunities for new participation and input.

Council Advisory Committees

The Judicial Council carries out much of its work through internal committees, advisory committees, and task forces. About one-third of the judicial branch’s judges and justices participate on advisory committees or task forces. Every superior and appellate court is represented on at least one advisory body.

While the majority of committee members are justices, judges, and court personnel, the advisory bodies include a broad range of members to ensure the council hears from

many voices from within and outside of the judicial system. Other members include attorneys, interpreters, professors, child advocates, educators, probation officers, business executives, and representatives from tribal courts, law enforcement, legal services, public libraries, and other judicial branch stakeholders.

Council Staff

The Judicial Council's staff serves the courts, justice partners, and the public, improving access to justice with a variety of programs and services. In addition to directly supporting the council's advisory bodies, council staff provide services to the courts in the areas of budgeting, accounting, human resources, education, court construction, real estate management, security consulting, information technology, research, communications, criminal justice, interpreters, workers' compensation, family and juvenile law, and more.

The Administrative Director is accountable to the Judicial Council and to the Chief Justice for the performance of council staff. The Administrative Director serves as the Judicial Council Secretary and is charged with accomplishing the council's goals and priorities.

Contact: Judicial Council Government Affairs, 916-323-3121

Additional resources:

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

Court Statistics Report, www.courts.ca.gov/documents/2024-Court-Statistics-Report.pdf

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

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

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