



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 24-101*

For business meeting on September 20, 2024

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**Title**

Trial Courts: Standard 2.2 Diversion  
Reporting

**Agenda Item Type**

Action Required

**Rules, Forms, Standards, or Statutes Affected**

Amend Cal. Stds. Jud. Admin., std. 2.2

**Effective Date**

January 1, 2025

**Recommended by**

Court Executives Advisory Committee  
David H. Yamasaki, Chair  
Judicial Branch Statistical Information  
System (JBSIS) Subcommittee  
Jake Chatters, Chair

**Date of Report**

June 10, 2024

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### Executive Summary

The Court Executives Advisory Committee recommends amending standard 2.2 of the California Standards of Judicial Administration, which gives guidance to trial courts on the types of matters that remove a case from court control for purposes of calculating computation of time related to case disposition time goals. Standard 2.2(m)(2)(C) specifies that cases in drug diversion programs under Penal Code section 1000 et seq. should be excluded from time computation, but the standard is unclear as to whether other types of diversion programs should be treated similarly. Revising the language in the standard is intended to increase clarity, ensure consistent data reporting, and support council goals related to operational efficiency and improved caseflow management.

### Recommendation

The Court Executives Advisory Committee recommends that the Judicial Council, effective January 1, 2025, amend standard 2.2(m)(2)(C) to ensure consistent data reporting across all diversion proceedings. The standard, with the proposed language change, appears at page 4 of this report.

## **Relevant Previous Council Action**

Adopted effective July 1, 1987, the Trial Court Delay Reduction Act (Gov. Code, §§ 6860–68620) established the Trial Court Case Disposition Time Goals standards, with the intention of reducing the time from filing to disposition of civil and criminal cases. Standard 2.2(n), was adopted on January 1, 2004, and provided guidance to trial courts on matters that remove a case from court control. At its meeting on September 20, 2023, the Judicial Council voted to repeal what was previously standard 2.2(m), regarding exceptional criminal case aging. As a result, effective January 1, 2024, standard 2.2(n) was relettered as standard 2.2(m).

## **Analysis/Rationale**

Standard 2.2 of the California Standards of Judicial Administration provides guidance on trial court case disposition time goals that are “intended to improve the administration of justice by encouraging prompt disposition of all matters coming before the courts.” (Standard 2.2(b).) Adherence to the standard is based on the computation of time elapsed for case processing and is based on calculations of when cases enter, leave, or are restored to the court’s control. The definitions contained in standard 2.2 ensure that courts are reporting time data correctly and consistently. Standard 2.2(m) outlines the matters that remove a case from the court’s control, which affects the time calculations that are used in determining a court’s adherence to case disposition time goals.

Standard 2.2(m)(2)(C) specifies removal of a felony or misdemeanor case from the court’s control pending completion of “diversion under Penal Code section 1000 et seq.” However, the current language is unclear as to whether “section 1000 et seq.” encompasses just the drug diversion programs in sections 1000–1000.65 or all subsequent sections of the Penal Code that describe other, non-drug diversion programs.

The JBSIS Subcommittee considered this matter at its meeting on September 29, 2023. The committee agreed that, as written, standard 2.2(m)(2)(C) appeared to reference only drug-related diversion cases. Over time, the number and types of diversion programs have increased. After discussion, the subcommittee agreed that the standard should apply to *all* diversion programs, not just drug diversion programs. It, therefore, recommended that subparagraph (C) be amended to read: “Pendency of completion of any diversion program under part 2 of title 6 of the Penal Code (commencing with section 1000).” The Court Executives Advisory Committee concurred with the analysis and, at its meeting on February 2, 2024, voted to recommend approval of the recommendation.

## **Policy implications**

Time to disposition is a nationally recognized metric of court caseflow management and helps courts assess the length of time it takes to bring cases to disposition. Updating the language of standard 2.2(m)(2)(C) will align the standard with its implied intent: to recognize that cases that are in a diversion status should not be included in measures of time elapsed. Updating the

standard will provide more accurate information on the amount of time that cases take to reach disposition.

## **Comments**

This proposal was circulated for public comment between March 29 and May 3, 2024, as part of the regular spring invitation-to-comment cycle. Two comments were received from trial courts, and one comment from a county bar association, all in support of the proposal. A chart with the full text of those comments is attached at page 5.

## **Alternatives considered**

The Court Executives Advisory Committee considered the implications of maintaining the current language of standard 2.2(m)(2)(C): “Pendency of completion of diversion under Penal Code section 1000 et seq.” Maintaining the current language could be read to mean that only drug-related diversion cases are eligible for removal from the court’s control and computation of time to disposition. The committee believed that the authors of the standard did not intend to treat drug diversion cases differently from how cases in other types of diversion programs are treated and that the standard should be applied uniformly to all types of diversion programs.

## **Fiscal and Operational Impacts**

Amendment of the standard would have no major fiscal or operational impacts. If amended, courts would need to validate their data reporting to ensure that the change is implemented.

## **Attachments and Links**

1. Cal. Stds. Jud. Admin., std. 2.2, at page 4
2. Chart of comments, at page 5

Standard 2.2 of the California Standards of Judicial Administration is amended, effective January 1, 2025, to read:

1 **Standard 2.2. Trial court case disposition time goals**

2

3 **(a)–(l) \* \* \***

4

5 **(m) Cases removed from court’s control excluded from computation of time**

6

7 If a case is removed the court’s control, the period of time until the case is restored to court  
8 control should be excluded from the case disposition time goals. The matters that remove a  
9 case from the court’s control for the purposes of this section include:

10

11 (1) \* \* \*

12

13 (2) Felony or misdemeanor cases:

14

15 (A)–(B) \* \* \*

16

17 (C) Pendency of completion of any diversion program under part 2 of title 6 of the  
18 Penal Code (commencing with section 1000)~~et seq.~~;

19

20 (D)–(J) \* \* \*

21

22 **(n) \* \* \***

## SPR 24-01

### Trials Courts: Standard 2.2 Diversion Reporting

All comments are verbatim unless indicated by an asterisk (\*)

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Elizabeth Flores, Operations Analyst, Superior Court of Orange County	A	<ul style="list-style-type: none"><li>- “The JBSIS Analyst has reviewed the proposal and has confirmed the proposal has minimal impact to our court. All of the drug diversions are currently programmed to remove the case from the court’s control. If calculation is to stop for non-drug diversions, the CMS logic would need to be amended to resume the case aging calculations until disposition.”</li><li>- “Yes, the proposal appropriately addresses the stated purpose.”</li><li>- “We are currently in compliance and would likely not be affected by the proposal. If there is impact, the JBSIS analyst would work with our tech team to have the program logic amended. There would be no impact to staff. “</li><li>- “Yes, 3 to 6 months depending on Court Management System modifications.”</li></ul>	
2.	Bryan Borys, Director of Research and Data Management, Superior Court of Los Angeles	A	<ul style="list-style-type: none"><li>- “The Court supports this proposal. It provides needed clarification and it will allow trial courts to better assess the impact of the full range of diversion programs.”</li></ul>	
3.	Christina Zabat-Fran, President, Orange Court Bar Association	A	<ul style="list-style-type: none"><li>- “The proposed rule is appropriate and collecting the data is appropriate.”</li></ul>	

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.