



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

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**Date**

December 13, 2011

**Action Requested**

For Information Only

**To**

Members of the Judicial Council

**Deadline**

N/A

**From**

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Interim Administrative Director of the Courts

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**Subject**

Report on Activities of the  
Administrative Office of the Courts

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

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## Legislative Activities

**California Court Case Management System Legislative Briefings:** The AOC hosted a legislative briefing on the recent independent assessments of the California Court Case Management System (CCMS). Justice Terence L. Bruiniers, Chair of the CCMS Executive Committee, AOC staff, and representatives who conducted the assessments spoke about the assessment processes, findings, and recommendations. A similar briefing was held in September. Additionally, AOC staff has been meeting individually with legislative staff to discuss the Judicial Council's decision to execute a letter of intent to explore entering a collaborative relationship with the Chan Soon-Shiong Family Foundation and the State Bar to begin deploying CCMS.

**Pension Reform:** The AOC's Office of Governmental Affairs (OGA) is working closely with the California Judges Association (CJA) to monitor pension reform issues and advocate for reforms that will not compromise the ability of the branch to recruit and retain a highly qualified bench. Since the release of the Governor's pension reform plan on October 12, OGA and CJA advocates have been meeting with key legislative and executive branch staff to gather information on the proposal and highlight the complexity of making any reforms to either of the judges' retirement system, given their unique structures and objectives.

**American Federation of State, County, and Municipal Employees:** The Chief Justice, OGA Director Curtis L. Child, and I met with union representatives on court funding issues.

**Hearings on California's Civil Justice Crisis:** The State Bar of California, the California Chamber of Commerce, the California Commission on Access to Justice, and *OneJustice* held four hearings on the civil justice crisis resulting from budget reductions. Witnesses presented testimony on the need to protect the civil justice system to a presiding panel that included judges, legislators, the presidents of the State Bar and the California Chamber of Commerce, attorneys, educators, and legislative staff.

**Community Corrections Program/Criminal Justice Realignment:** The California Risk Assessment Pilot Project county teams including their judges, representatives from the sheriffs' departments, public defenders, and district attorneys held a conference over two days to discuss implementation of evidenced-based practices, including risk/need assessments, under criminal justice realignment.

**Drug Court Data Collection:** Staff worked with statewide collaborative court system partners to arrange for the transfer of drug court data to the AOC and to ensure that data collection processes and technical assistance to the courts are maintained after implementation of criminal justice realignment.

**California Risk Assessment Pilot Project:** A report was provided to judges from the four pilot counties participating in the California Risk Assessment Pilot Project (Napa, San Francisco, Santa Cruz, and Yolo). The report, the first phase of the evaluation of courts' readiness to implement evidence-based practices, found that judges are generally knowledgeable about practices but are uncertain about the capacity of their jurisdictions to implement the practices successfully. In addition to providing valuable information to the bench in the pilot counties, the data will assist statewide efforts to improve the criminal justice system through realignment and the implementation of these practices.

**New Judicial Workload Simulation Model Delivered to Courts:** This model, which allows courts to evaluate their judicial workload relative to statewide judicial workload standards, was updated at the request of the Senate Bill (SB) 56 Working Group. Courts can now evaluate the impact of jury trials, drug courts, and hearing activity on their workload, making the model more useful for managing resources.

**Tribal and State Courts Forum:** Forum representatives and AOC staff met with representatives from the California State Association of Counties to discuss the legislative proposal to recognize and enforce tribal civil judgments, which is in its third circulation for comment period.

**Foreign Visitors Program:** Staff from the Office of the General Counsel presented to a group of 27 judicial visitors representing the countries of Afghanistan, Argentina, Armenia, Cameroon, Egypt, Germany, Greece, Ghana, Hungary, India, Iraq, Japan, Kenya, Macedonia, Malawi, Mexico, Mozambique, Nigeria, Philippines, Poland, South Africa, Sudan, and Turkey. Overviews of the California court system, judicial ethics, and alternative dispute resolution were provided. Additionally, staff from the Office of Emergency Response and Security presented to a group of visitors from Japan who are in the U.S. to learn more about emergency planning and the courts, in the wake of Japan's earthquake and tsunami disasters.

## **Administrative Infrastructure**

### ***Court Case Management Systems***

#### **California Court Case Management System (CCMS):**

- *CCMS Collaborative Project:* The 12-week due diligence process began in November with the AOC, the State Bar of California, and the Chan Soon-Shiong Family Foundation to determine whether the parties are willing and able to enter into a collaborative relationship to accomplish deployment of CCMS and other technology related activities.
- *Development:* All CCMS development activities for the core and external component products as well as work associated with the Judicial Branch Statistical Information System is complete and the product has been accepted. Work has begun to bring the

CCMS application up-to-date with legislative and policy changes enacted since the design was finalized.

- *Civil, Small Claims, Probate and Mental Health Case Management System (V3)*: User acceptance testing for the first AOC-developed and -tested patch of V3 was completed and was deployed to the Superior Courts of Los Angeles, Orange, Sacramento, San Joaquin, San Diego, and Ventura Counties. All January 1, 2012, legislative changes have been identified and courts are making preparations for the scheduled deployment date. The Superior Court of San Diego County continues to make progress on the implementation of imaging and e-filing, having successfully begun with one courtroom. The court continues to work with their vendor in anticipation of a February 2012 implementation date.
- *Criminal and Traffic Case Management System (V2)*: Release 8.2, which resolves critical fiscal defects and includes process changes for moving cases into collections as well as changes to Department of Motor Vehicles processing for Assembly Bill (AB) 2499, went live in the Superior Court of Fresno County.
- *Outreach*: CCMS outreach activities included product demonstrations and presentations to legislators, the State Bar, the Superior Court of Sacramento County, and the AOC Strategic Evaluation Committee.

#### **Interim Case Management System—Sustain Justice Edition:**

- Senate Bill (SB) 857 – Amnesty Program for Traffic Tickets: Analysis and testing is in progress for implementation on January 1, 2012.
- 2012 Uniform Bail Schedule: Instructions are being prepared for the courts to implement by January 1, 2012.
- SB 1080 and SB 1115 – Renumbering of Dangerous Weapons: Instructions are being prepared for the courts to update various code sections.

#### ***Data Integration***

**California Courts Protective Order Registry:** Ongoing program support costs were reduced through implementation of a new user support model.

#### ***Phoenix Financial and Human Resources Management System***

**Shared Services Chargeback Methodology for Phoenix Financial and Human Resources Management System:** The council's Court Executives Advisory Committee was briefed on different approaches for determining reimbursement costs associated with the AOC Trial Court Administrative Services Shared Services Unit. It was determined that this complicated issue will require further analysis, and that an in-person meeting of the Phoenix Steering Committee would be the recommended approach to best analyze the various alternatives that may be considered and implemented. Representatives from the Superior Courts of Los Angeles,

Riverside, and Yolo Counties also have been invited to participate, and a proposed solution will be developed within the next four to six weeks.

### ***Technology Infrastructure and Security***

#### **Increased Capacity for Access to Court Opinions and Electronic Delivery of Documents:**

- Capacity of the California courts' website for downloading opinions in high profile cases has been increased to better meet demand.
- Electronic delivery of documents to the Courts of Appeal has been enhanced.

### ***Facilities***

**Facility Maintenance Pilot Program:** The working group planning a pilot program in which the AOC will delegate authority and funding for facility maintenance to trial courts is continuing to work on program details. A program outline was presented to the council's Court Executives Advisory Committee. A draft invitation to participate in the pilot program, and a draft inter-branch agreement, will be made available for court comment. The pilot is expected to launch in mid-2012.

**Fifty-one New Projects Moving Forward:** Work continues to consolidate, replace, and renovate courthouses across the state. Bond sales were completed for five new construction projects:

1. Calaveras—San Andreas courthouse.
2. San Benito—Hollister courthouse.
3. Riverside—Banning Justice Center (new mid-county courthouse).
4. San Bernardino—San Bernardino courthouse.
5. Tulare—Porterville courthouse.

The bond sale enables these projects, all of which have been on hold pending the sale, to begin construction, bringing the number of projects in construction to eight, with a value of \$1.2 billion.

Site selection and acquisition for 25 new courthouse projects are in progress, in addition to design on 17 projects (renovations and new construction).

#### **State Public Works Board Approval:**

New site selection:

- Los Angeles County—Santa Clarita courthouse.
- Riverside County—Hemet courthouse.

New site acquisition:

- Imperial County—El Centro courthouse.
- Tehama County—Red Bluff courthouse.

**Facility Modifications:** Four hundred and forty-nine active facility modifications are in progress, at a value of \$56.1 million.

**American Institute of Architects – Academy of Architecture for Justice Annual Conference:** The Chief Justice was the keynote speaker at the annual conference in Los Angeles in recognition of the Judicial Council's more than \$6 billion construction program to replace, consolidate, and improve courthouses in California. The Chief Justice expressed her commitment to the construction program, challenged the architectural community to collaborate with the AOC to develop cost effective courthouses, and thanked members for their ongoing support for the program. At the event, the new San Benito-Hollister courthouse project was recognized for outstanding design.

### *Human Resources*

**Labor Relations:** In the last quarter, labor agreements were successfully reached in 12 courts. In these memoranda of understanding, concessions were agreed to on several matters including healthcare and retirement contributions. The AOC's labor relations team is currently representing eight trial courts at the bargaining table.

**Employee Relations:** Employee relations assistance is currently being provided to 12 courts.

### **Advisory Committees/Task Forces/Working Groups**

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

The annual agenda-setting process for advisory committees is under way. Judicial Council internal committee meetings with the advisory committee chairs and lead staff are scheduled for January 23, 2012, when final objectives and priorities for the year ahead will be discussed.

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

1. Access and Fairness Advisory Committee
2. Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch
3. Appellate Advisory Committee
4. Blue Ribbon Commission on Children in Foster Care

5. Chief Justice's Advisory Committee for the Assigned Judges Program
6. Civil and Small Claims Advisory Committee
7. Collaborative Justice Courts Advisory Committee
8. Court Executives Advisory Committee and Conference of Court Executives
9. Court Facilities Working Group
10. Court Technology Advisory Committee
11. Criminal Law Advisory Committee
12. Family and Juvenile Law Advisory Committee
13. Governing Committee for the Center for Judicial Education and Research
14. Probate and Mental Health Advisory Committee
15. Traffic Advisory Committee
16. Trial Court Presiding Judges Executive Committee

**Access and Fairness Advisory Committee:**

- Discussed the annual agenda, the appointment and selection process for temporary judges, the tribal/state courts forum, the language access initiative, and follow-up to the Summit on Judicial Diversity, among other matters.

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

- Approved the pending audit report for the Superior Court of San Diego County for submission to the Judicial Council.
- The education subcommittee is preparing to provide AOC division overviews as part of an educational session at the council's December meeting.
- Discussed next steps, including exploring efficiencies related to non-construction contracts, looking at the fiscal efficiency and accountability of AOC divisions, and developing the committee's annual agenda.

**Appellate Advisory Committee:**

- Approved recommending to the Rules and Projects Committee the circulation of proposed rule changes to fulfill the Judicial Council's obligation under recently enacted legislation (AB 900) to adopt rules implementing an expedited procedure for review by the Courts of Appeal of California Environmental Quality Act claims involving certain large development projects.

**Blue Ribbon Commission on Children in Foster Care:**

- Evaluated progress in implementing recommendations and proposed new recommendations encouraging the reunification of families, specifically urging federal incentives for successful family reunification and access to post permanency services for newly reunified families.
- Commission Chair Justice Richard Huffman visited local Blue Ribbon Commissions in Imperial, Orange, Sacramento, San Joaquin, and Santa Barbara Counties, encouraging them



to maintain their strong court and agency collaborations for foster youth and their families and, where requested, facilitating technical assistance from the AOC.

**Chief Justice's Advisory Committee for the Assigned Judges Program:**

- Discussed the Assigned Judges Program Conference evaluations, which were overwhelmingly positive, with the majority of respondents suggesting extending the conference to two days and including a longer program update and a best practices panel, as in previous years.
- Discussed the assigned judges mentoring program, which was recently reinstated.

**Civil and Small Claims Advisory Committee:**

- Recommended form revisions needed to implement legislation going into effect January 1, 2012, and discussed projects to include in the committee's annual agenda for the coming year, with particular reference to the Rules and Projects Committee's direction as to how to prioritize such proposals.

**Collaborative Justice Courts Advisory Committee:**

- Drafted the committee's 2012 annual agenda outlining committee goals and activities focused on supporting Judicial Council priorities.

**Court Executives Advisory Committee and Conference of Court Executives:**

- Discussed a proposal by the Joint Rules Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees for a recommended suspension of all noncritical rule and form proposals.
- Other topics included court security and related funding and operational issues, and Phoenix shared services charge-back alternatives.
- Received updates concerning the AOC Strategic Evaluation Committee, the Trial Court Facility Management Pilot Program Working Group, the Infraction Amnesty Program, the Judicial Branch Contracting Manual Working Group, the branch's operational planning efforts, and the judicial workload assessment project.

**Court Facilities Working Group:**

- Developed recommendations to the Judicial Council to be presented at the December business meeting. Considered comments received from courts and the public in shaping the recommendations.

**Court Technology Advisory Committee:**

- Approved the draft document *Advancing Access to Justice through Technology Principles* for circulation for public comment.
- Discussed highlights from the Court Technology Conference 2011.

- Welcomed two new committee members.
- Discussed results of the two CCMS independent assessments.
- Discussed the 2012 annual agenda, and heard a presentation based on a report examining an e-business vision for the judicial branch in alignment with strategic planning efforts, to inform discussions on objectives for the coming year.

**Criminal Law Advisory Committee:**

- Considered a range of proposals related to criminal court administration and procedure, including criminal justice realignment, court record retention, inter-county probation transfer procedure, juror contempt, and writs of habeas corpus.

**Family and Juvenile Law Advisory Committee:**

- Provided an orientation for new members.
- Discussed the annual agenda and anticipated projects for 2012.

**Governing Committee for the Center for Judicial Education and Research:**

- Welcomed six new committee members.
- Provided an update on the current education plan, highlighting accomplishments to date, including the success of the newly launched judicial regional education initiative, which is to be expanded.
- Discussed changes in planned education programs in response to various circumstances, including budgetary constraints and intervening projects such as criminal realignment education efforts.
- The education plan for fiscal year 2012–2013 will be finalized in February.

**Probate and Mental Health Advisory Committee:**

- Welcomed four new members.
- Approved proposed legislation affecting guardianships; approved for council action effective July 1, 2012, revised and new forms for petitions and court orders establishing delayed certificates of birth, death, and marriage; and amended three forms for summary proceedings as substitutes for decedent estate administration in light of recent legislation; approved for circulation for comment amended forms for notice to creditors in decedent estates.
- Discussed proposed annual agenda for 2012; and discussed a project of the California Law Revision Commission that includes proposing a uniform state adult guardianship (conservatorship) and protective proceeding act.

**Traffic Advisory Committee:**

- Recommended revision of the statewide Uniform Bail and Penalty Schedules, 2012 Edition, effective January 1, 2012.

**Trial Court Presiding Judges Executive Committee:**

- Discussed a proposal by the presiding judges and court executives Joint Rules Working Group for a recommended suspension on all non-critical rule and form proposals; ideas to better prioritize and coordinate requests for information from the courts by the AOC; confidentiality issues related to performance evaluations of retired assigned judges; the recent report from the Legislative Analyst's Office: *Completing the Goals of Trial Court Realignment*; and rule proposals related to the reporting of attorney misconduct and the discipline of subordinate judicial officers.
- Provided updates on the Judicial Council Executive and Planning Committee, the Joint Legislation Working Group, CCMS third-party program reviews, judicial officer workload case weights, and committee liaison reports.

**Judicial Branch Education Programs**

1. Civil and Criminal: Evidentiary Issues Involving Social Media for the Trial Court Judge
2. Complex Civil Workshop
3. Contempt Course
4. Judicial and Justice Partner Realignment Roundtables
5. Juvenile Delinquency
6. Juvenile Delinquency and Dependency
7. Qualifying Judicial Ethics
8. Realignment and Evidence-based Sentencing
9. Statewide Criminal Assignment Courses: Death Penalty Trials, Homicide Trials, Basic and Advanced Felony Sentencing

**Judicial Officer, Court Employee, and Justice System Stakeholder Education**

10. Appellate Court Training (for training coordinators)
11. Ethics (for judicial attorneys)
12. Evidence-based Practices (for the public defender offices of San Diego, Riverside, Marin, and San Bernardino Counties. The San Diego session also was broadcast live to the other counties.)
13. Grant Management: Administering Grants Awarded to Your Court or Agency (for court and AOC staff)
14. Human Resources in the California Courts: Roles and Responsibilities (for court HR professionals)
15. Indian Child Welfare Act (for probation officers and social work interns)
16. Institute for Court Management Courses: Leadership, Technology, Concluding Seminar (for managers and supervisors)
17. New Laws Workshops (for court staff)

18. Presiding Judge Orientation and Court Management Program (for presiding judges and court executives)
19. State Payroll and Benefits Overview (for judicial officer liaisons)
20. The Minute Taker's Workshop (for court and AOC staff)
21. The Work of the Judicial Council (for appellate court staff)
22. Trial Court Judicial Attorneys Institute
23. Trusts 101 (for probate court investigators)
24. Word Styles and Templates and Microsoft Word Refresher (for court and AOC staff)
25. Writs (for experienced writ attorneys)

### **Broadcasts**

1. Continuing the Dialogue: Cultural Competency and Court Culture (for judges)
2. Preventing and Responding to Sexual Harassment (for court commissioners, referees, managers, supervisors, and lead staff)
3. Supreme Court Hearings (on the California Channel)
4. Today's Law: AB 939 Update on Case Management and Testimony in Family Law

### **New Online Courses**

1. Punitive Damages

### **Online Resources**

1. California Dependency Online Guide
2. New Resources on Tribes and Tribal Communities in California
3. Public Speaking and Community Outreach
4. Ten Minute Mentor: Contempt
5. Ten Minute Mentor: Social Networking
6. Ten Minute Mentor: Revocation Hearings
7. Welcome to your Family Law Assignment
8. Welcome to your Dependency Assignment
9. What Makes a Good Opinion Great?

### **Benchbooks/ Benchguides**

1. California Judges Benchbook: Civil Proceedings—After Trial 2011 Update
2. Mandatory Jury Instructions (2012 edition)

### **Programs Details**

**Human Resources in the California Courts—Roles and Responsibilities:** This day-long regional program for HR generalists and specialists in the trial and appellate courts included the evolving role of human resources in the courts, potential organizational barriers to

implementing HR practices, best practices in staffing, recruitment, compensation, benefits, organizational development and risk management.

**Institute for Court Management Courses for Managers and Supervisors:** Three regional programs were held over two and one-half days. The leadership course was held in the Northern/Central Regional Office; the technology course was offered in the San Bernardino Court through their State Justice Institute grant, and surrounding courts were invited; and the concluding seminar was offered in Southern Regional Office.

**Indian Child Welfare Act:** Staff trained approximately 45 social work student interns and 60 Sacramento County probation officers on the Indian Child Welfare Act.

**Judicial and Justice Partner Realignment Roundtables:** This course accommodated a combined audience of judicial officers and justice partners and had a separate judicial component. CJER is offering to bring the course regionally to courts. The Superior Court of Shasta County hosted the first course with a judicial roundtable for 25 judges, followed by a joint roundtable with 100 justice partners. A court may request specific topics, such as felony sentencing; adaptation of arraignment scripts; plea scripts; plea forms; plea negotiations; evidence-based practices; postrelease community supervision revocation (case management or hearing procedures); and the judge's role in determining county implementation strategy.

**New Laws Workshops:** For the seventh consecutive year, the AOC, in partnership with the California Court Association Legislation Committee, offered workshops focused on laws enacted in the 2011 legislative session that substantially affect trial court procedures and operations. Sessions covered criminal, traffic, civil, probate, administrative, family, and juvenile law. Court staff from 57 of the 58 superior courts participated in the six webinars.

**Statewide Criminal Assignment Course:** This course for criminal law judges, commissioners, and referees is a comprehensive curriculum based on topics including death penalty trials, homicide trials, basic and advanced felony sentencing. The purpose of the program is to satisfy the content-based expectations of Rule 10.462(c)(4) for experienced judges who are returning to a criminal assignment.

**Presiding Judge Orientation and Court Management Program:** Thirty-two court leadership teams met to discuss their individual and collective court governance and leadership responsibilities. Justice Douglas Miller provided information and a Judicial Council perspective in a question-and-answer forum, along with Interim AOC Chief Deputy Director Christine Patton. Chief Justice Cantil-Sakauye also recorded a message to participants. Plenary and small group sessions were held on topics that included fostering positive legislative

relationships, how to have tough conversations, social media, identifying and managing ethical challenges, and change as a constant.

**State Payroll and Benefits Overview for Judicial Officer Liaisons:** These WebEx sessions provided an overview of the AOC's Judicial Services Unit, payroll and benefits, a retirement checklist, and open enrollment updates. Approximately 60 attendees included justices, judges, court executive officers, clerk administrators, judicial officer assistants, and human resources personnel. Future sessions will focus on topics such as Savings Plus, social security, retirement planning and estimates, and will be recorded for the Serranus website.

**Ten Minute Mentor: Contempt:** This session was presented by Hon. Dennis A. Cornell, Associate Justice, Court of Appeal, Fifth Appellate District, who dispensed practical advice concerning use and misuse of contempt powers and demonstrated how to hold a contempt hearing.

**The Work of the Judicial Council:** This interactive course for appellate court staff outlined the work of the Judicial Council and addressed its mandated responsibilities, membership and the membership process, the process of selecting agenda items and the structure of meetings, and steps taken after meetings.

**Trial Court Judicial Attorneys Institute:** The two-day program for trial court judicial attorneys included courses on ethics and substance abuse, as well as updates on civil, criminal, and constitutional law. Courses on family law, foreclosure law, writing, evidentiary objections, civil case management, habeas corpus, and how to serve as a pro tem judge also were offered. Six roundtable sessions facilitated discussion on issues of interest and concern.

**Trusts 101:** This full day session was offered to probate court investigators. Course topics included basic elements of a trust, conservator and guardian duties, mechanisms to bring a trust under court jurisdiction or supervision, duties, powers, and liability the trustee has to the beneficiary, requirements for trusts to be valid, and the different types of trusts.

## **Broadcasts**

**Preventing and Responding to Sexual Harassment:** This broadcast for commissioners, referees, managers, and supervisors was redesigned to include subordinate judicial officers.

## **Online Resources**

**California Dependency Online Guide:** This training and technical assistance website provided free to judicial officers, attorneys, and other professionals working in California's

dependency system, received more than 300 responses to a user survey that will be used to focus resources on content and functionality most useful to respondents.

**New Resources on Tribes and Tribal Communities:** The Tribal Justice Systems resource has been added to the public website to provide the judicial branch, its partners, and the public with information about tribal justice systems in California. <http://www.courts.ca.gov/3064.htm>.





### New Judgeships and Judicial Vacancy Report

#### Number of Judgeships Authorized, Filled, and Vacant as of December 5, 2011

TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS					
		Authorized	Filled	Vacant	Vacant (AB 159 positions)	<i>Filled(Last Month)</i>	<i>Vacant(Last Month)</i>
Supreme Court	1	7	7	0	0	7	
Courts of Appeal	6	105	101	4	0	101	
Superior Courts	58	1673	1563	60	50*	1565	
<b>All Courts</b>	<b>65</b>	<b>1785</b>	<b>1671</b>	<b>114</b>		<b>1673</b>	<b>112</b>

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

#### COURTS OF APPEAL

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
Third Appellate	1	Elevated	Hon. Tani Cantil-Sakauye	01/02/11
Fourth Appellate Div. 3	1*	Retirement	Hon. David G. Sills	05/31/11
Sixth Appellate	2	Retirement	Hon. Wendy Clark Duffy	10/28/11
Sixth Appellate		Retirement	Hon. Richard J. McAdams	02/28/11
<b>TOTAL VACANCIES</b>	<b>4</b>			

\* Chief Justice Tani Cantil-Sakauye selected Associate Justice William F. Rylaarsdam to serve as Acting Presiding Justice of the Court of Appeal, Fourth Appellate District, Division Three, in Santa Ana. Justice Rylaarsdam, who sits on Division Three, will temporarily fill the vacancy created by the retirement of Presiding Justice David G. Sills until the Governor appoints a replacement who must then be confirmed by the Commission on Judicial Appointments.

## SUPERIOR COURTS

County	Vacancies	Reason for Vacancy	Judge to be Replaced	Last Day In Office
Alameda	3	To Fed Court	Hon. Yvonne Gonzalez Rogers	11/19/11
Alameda		Retirement	Hon. Beverly Daniels-Greenberg	10/14/11
Alameda		Resigned	Hon. Paul D. Fogel	09/30/11
Imperial	2	Retirement	Hon. Joseph Zimmerman	11/10/10
Imperial		Deceased	Hon. Barrett J. Foerster	11/10/10
Kern	1	Retirement	Hon. Robert J. Anspach	09/09/11
Los Angeles	20	Retirement	Hon. Maral Injejikian	09/05/11
Los Angeles		Retirement	Hon. Michael Allen Latin	09/05/11
Los Angeles		Retirement	Hon. Judith L. Champagne	08/31/11
Los Angeles		Retirement	Hon. Martha Bellinger	07/31/11
Los Angeles		Converted	New Position	07/31/11
Los Angeles		Retirement	Hon. John P. Shook	07/15/11
Los Angeles		Retirement	Hon. William J. Birney	07/07/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Retirement	Hon. Andrew C. Kauffman	05/15/11
Los Angeles		Retirement	Hon. Charles E. Horan	05/06/11
Los Angeles		To Fed Court	Hon. John A. Kronstadt	04/25/11
Los Angeles		Retirement	Hon. Marlene A. Kristovich	03/31/11
Los Angeles		Retirement	Hon. Jerry E. Johnson	03/02/11

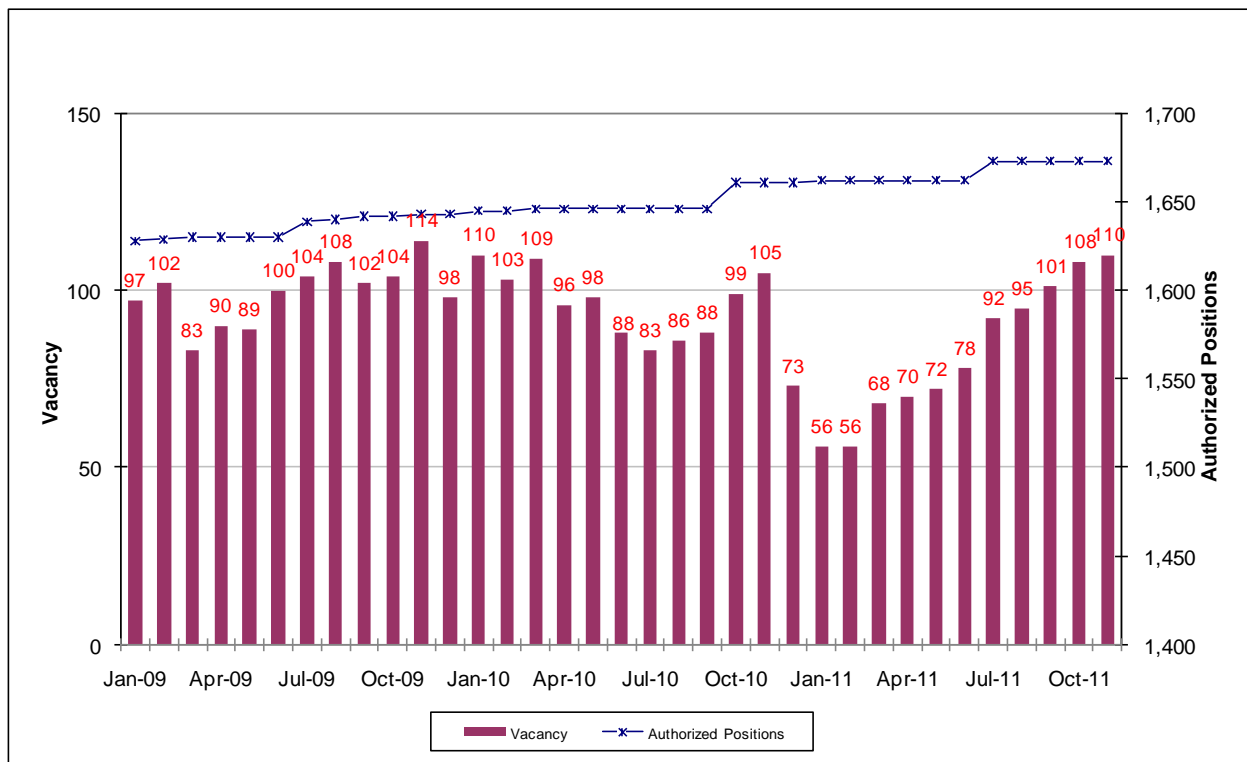
Los Angeles		Retirement	Hon. Conrad Richard Aragon	02/17/11
Los Angeles		Retirement	Hon. Dennis A. Aichroth	02/17/11
Madera	1	Dis Retirement	Hon. Eric C. Wyatt	05/23/11
Marin	1	Converted	New Position	07/01/11
Mendocino	2	Retirement	Hon. Jonathan M. Lehan	03/04/11
Mendocino		Dis Retirement	Hon. Ronald Brown	01/31/11
Monterey	1	Retirement	Hon. Terrance R. Duncan	08/17/11
Napa	1	Dis Retirement	Hon. Stephen Thomas Kroyer	05/23/11
Orange	6	Retirement	Hon. Kazuharu Makino	09/30/11
Orange		Retirement	Hon. David C. Velasquez	09/09/11
Orange		Retirement	Hon. Michael J. Naughton	08/05/11
Orange		Deceased	Hon. James Patrick Marion	07/10/11
Orange		Converted	New Position	07/01/11
Orange		Converted	New Position	07/01/11
Riverside	3	Retirement	Hon. W. Charles Morgan	01/31/11
Riverside		Retirement	Hon. Paul E. Zellerbach	01/02/11
Riverside		Elevated	Hon. Carol D. Codrington	01/02/11
Sacramento	1	Retirement	Hon. James L. Long	03/10/11
San Bernardino	3	Retirement	Hon. Margaret A. Powers	11/30/11
San Bernardino		Retirement	Hon. Michael M. Dest	10/31/11
San Bernardino		Retirement	Hon. W. Robert Fawke	04/22/11
San Francisco	1	Retirement	Hon. Mary Carolyn Morgan	03/03/11
San Mateo	2	Retirement	Hon. H. James Ellis	08/31/11
San Mateo		Retirement	Hon. Rosemary Pfeiffer	03/31/11
Santa Barbara	1	Retirement	Hon. James W. Brown	09/30/11
Santa Clara	5	Retirement	Hon. Douglas K. Southard	09/30/11
Santa Clara		Retirement	Hon. Kevin J. Murphy	05/31/11

Santa Clara		Retirement	Hon. Alfonso Fernandez	04/12/11
Santa Clara		Retirement	Hon. Eugene Michael Hyman	03/01/11
Santa Clara		To Fed Court	Hon. Edward J. Davila	03/01/11
Santa Cruz	1	Converted	New Position	07/01/11
Shasta	1	Retirement	Hon. Wilson Curle	09/30/11
Solano	1	Retirement	Hon. Allan P. Carter	02/25/11
Stanislaus	1	Retirement	Hon. John G. Whiteside	04/15/11
Tuolumne	1	Retirement	Hon. Douglas C. Boyack	12/31/10
Ventura	1	Retirement	Hon. David W. Long	05/16/11
<b>SUBTOTAL:</b>	<b>60</b>			
Butte	1	(AB 159)*	New Position	1/1/2008
Contra Costa	1	(AB 159)*	New Position	1/1/2008
Del Norte	1	(AB 159)*	New Position	1/1/2008
Fresno	4	(AB 159)*	New Positions	1/1/2008
Kern	3	(AB 159)*	New Positions	1/1/2008
Kings	1	(AB 159)*	New Position	1/1/2008
Los Angeles	1	(AB 159)*	New Position	1/1/2008
Madera	1	(AB 159)*	New Position	1/1/2008
Merced	2	(AB 159)*	New Positions	1/1/2008
Monterey	1	(AB 159)*	New Position	1/1/2008
Orange	1	(AB 159)*	New Position	1/1/2008
Placer	2	(AB 159)*	New Positions	1/1/2008
Riverside	7	(AB 159)*	New Positions	1/1/2008
Sacramento	6	(AB 159)*	New Positions	1/1/2008
San Bernardino	7	(AB 159)*	New Positions	1/1/2008
San Joaquin	3	(AB 159)*	New Positions	1/1/2008
Shasta	1	(AB 159)*	New Position	1/1/2008
Solano	1	(AB 159)*	New Position	1/1/2008

Sonoma	1	(AB 159)*	New Position	1/1/2008
Stanislaus	2	(AB 159)*	New Positions	1/1/2008
Tulare	2	(AB 159)*	New Positions	1/1/2008
Yolo	1	(AB 159)*	New Position	1/1/2008
<b>TOTAL VACANCIES:</b>	<b>110</b>			

New Vacancies that occurred in November 2011

**Trial Court Authorized Positions and Vacancies  
January 2009 through November 2011**



**Number of Judgeships Authorized, Filled and Vacant as of the End of Each Month,  
from January 2009 through November 2011\***

Month	Superior Court				Court of Appeal			
	Authorized	Filled	Vacancy	Vacancy Rate	Authorized	Filled	Vacancy	Vacancy Rate
Jan-09	1,628	1,531	97	6.0%	105	98	7	6.7%
Feb-09	1,629	1,527	102	6.3%	105	96	9	8.6%
Mar-09	1,630	1,547	83	5.1%	105	96	9	8.6%
Apr-09	1,630	1,540	90	5.5%	105	96	9	8.6%
May-09	1,630	1,541	89	5.5%	105	96	9	8.6%
Jun-09	1,630	1,530	100	6.1%	105	100	5	4.8%
Jul-09	1,639	1,535	104	6.3%	105	101	4	3.8%
Aug-09	1,640	1,532	108	6.6%	105	102	3	2.9%
Sep-09	1,642	1,540	102	6.2%	105	102	3	2.9%
Oct-09	1,642	1,538	104	6.3%	105	102	3	2.9%
Nov-09	1,643	1,529	114	6.9%	105	102	3	2.9%
Dec-09	1,643	1,545	98	6.0%	105	102	3	2.9%
Jan-10	1,645	1,535	110	6.7%	105	102	3	2.9%
Feb-10	1,645	1,542	103	6.3%	105	101	4	3.8%
Mar-10	1,646	1,537	109	6.6%	105	101	4	3.8%
Apr-10	1,646	1,550	96	5.8%	105	102	3	2.9%
May-10	1,646	1,548	98	6.0%	105	102	3	2.9%
Jun-10	1,646	1,558	88	5.3%	105	101	4	3.8%
Jul-10	1,646	1,563	83	5.0%	105	102	3	2.9%
Aug-10	1,646	1,560	86	5.2%	105	103	2	1.9%
Sep-10	1,646	1,558	88	5.3%	105	103	2	1.9%
Oct-10	1,661	1,562	99	6.0%	105	102	3	2.9%
Nov-10	1,661	1,556	105	6.3%	105	102	3	2.9%
Dec-10	1,661	1,588	73	4.4%	105	102	3	2.9%
Jan-11	1,662	1,606	56	3.4%	105	104	1	1.0%
Feb-11	1,662	1,606	56	3.4%	105	104	1	1.0%
Mar-11	1,662	1,594	68	4.1%	105	103	2	1.9%
Apr-11	1,662	1,592	70	4.2%	105	103	2	1.9%
May-11	1,662	1,590	72	4.3%	105	103	2	1.9%
Jun-11	1,662	1,584	78	4.7%	105	102	3	2.9%
Jul-11	1,673	1,581	92	5.5%	105	102	3	2.9%
Aug-11	1,673	1,578	95	5.7%	105	102	3	2.9%
Sep-11	1,673	1,572	101	6.0%	105	102	3	2.9%
Oct-11	1,673	1,565	108	6.5%	105	101	4	3.8%
Nov-11	1,673	1,563	110	6.6%	105	101	4	3.8%

\* As of November 30, 2011

**Recap of Select Updates Shared with the Council between Business Meetings****Budget:**

**Legislative Meetings:** The Chief Justice, Curt Child, and I had a positive meeting with Senate President pro Tem Darrell Steinberg, outlining our approach to help the branch reestablish a base budget that will allow for open courts with reduced services. Additionally, we met individually with the chairs of the Assembly and Senate judiciary committees to brief them on current conditions and the plan for moving forward.

**Executive Meeting:** The Chief Justice and I met with Jim Humes, the Governor's executive secretary for administration, legal affairs, and policy, and Department of Finance Director Ana Matasantos and their staff to discuss the judicial branch budget. There was a good exchange on the challenges of the upcoming fiscal year and the budget of the judicial branch. There will be ongoing discussions on the branch budget.

**Budget Impact Data:** With the assistance of Presiding Judge David Rosenberg, Chair of the Trial Court Presiding Judges Advisory Committee, and Kim Turner, Chair of the Court Executives Advisory Committee, we are gathering information from the presiding judges and court executive officers on the real-life impact of budget cuts on court users. This information will be helpful in our education and advocacy process.

**Central Valley Lawyers Meeting:** In the third of three regional meetings convened by the Chief Justice, 22 bar leaders from the Central Valley and State Bar President Jon Streeter met with the Chief to discuss collaborative solutions for addressing budget reductions and ensuring access to justice. The participants were briefed on the severe multiyear budget cuts. We emphasized the need for concerted bench-bar efforts with the Governor and Legislature to underscore the urgent needs with respect to maintaining an accessible justice system. Our Office of Governmental Affairs is finalizing a message to provide to the participants from all three meetings for contacting their representatives. The Chief and I were joined in the meeting by Justice Marvin Baxter in his role as chair of the council's Policy Coordination and Liaison Committee, Mike Belote on behalf of the California Judges Association, and several AOC executives.

**Congressional Outreach:**

- As a member of the Government Affairs Committee for the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA), I met in Washington with the senior counsel of six California representatives to discuss cosponsorship and support of federal tax intercept legislation authorizing the Internal Revenue Service to recover delinquent court-ordered fines, fees, penalties, and assessments. California has \$7 billion in

unpaid debt in these areas, and we estimate that a federal tax intercept program would conservatively produce \$20 million annually toward recovering this debt. Other COSCA members participated in similar meetings.

- I participated in the COSCA board of directors meeting on legislative issues and other matters. I also joined other state court administrators for a meeting with the Subcommittee on Social Security of the House Committee on Ways and Means on protecting the privacy of social security numbers from identity theft. COSCA provided information on state court efforts to protect the privacy of court records while at the same time maintaining traditional open court access.

**Conference of State Court Administrators:** I attended the midyear meeting of state court administrators. Working sessions addressed a broad range of issues brought forward by 14 committees including access, fairness, and public trust, for which I was invited to make a presentation on California's procedural fairness initiative and the use of procedural fairness as a tool for court management.

**Meeting with Santa Clara Judges:** As part of my ongoing visits to courts around the state, I met with the full bench and administrative leadership of the Superior Court of Santa Clara County, including council members Judge Yew and David Yamasaki. I responded to a series of questions from the judges on issues ranging from CCMS to the new payroll system for judges being implemented by the State Controller, and, of course, the budget. Visits with the Santa Barbara and San Luis Obispo courts are scheduled.

**Orientation Sessions for Legislative Partners:** The Office of Governmental Affairs coordinates orientation sessions for new legislative staff working on judicial branch issues. A group of 8–10 staffers from the Legislature and the Legislative Analyst's Office visited the AOC and were briefed on branch issues and operations. The Superior Court of Contra Costa County also hosted a group who toured the court and heard from judges and staff who generously shared their time to provide information and perspectives. Similar sessions were scheduled with the San Joaquin and San Bernardino courts.

**Facilities:**

- **Rent Reductions.** Since completion of the transfer of leased facilities in fiscal year 2009–2010, the AOC has been working to reduce rents where we have had enough leverage to make it feasible. To date, 22 transactions have been completed (renegotiated leases, lease buyouts, exercised termination options, relocation/contractions and subleases), with the following savings for this fiscal year: \$886,195 for the AOC; \$628,442 for the trial courts; and \$138,021 for the appellate courts, a total savings of \$ 1,652,658 for the judicial branch in the current fiscal year.



- **Performance-Based Infrastructure Courthouse:** The Long Beach courthouse project won the deal of the year in the *Bond Buyer*, the primary publication in the public financing industry.

**Federal/State Civic Education Summit:** The newly formed summit steering committee, chaired by Administrative Presiding Justice Judith McConnell with Judge Frank Damrell of the U.S. District Court serving as vice-chair, met to discuss the proposed September 2012 summit to promote K-12 civic education about the state and federal judicial branches. The committee includes the deans of Pepperdine University and University of California, Irvine Law Schools; the Executive Director of the State Bar; and the principal advisor to the State Superintendent of Education. This first meeting was devoted to a discussion of the summit's goals, objectives, and structure.

**Child Support Directors Association Legal Practices Committee (CSDA):** CSDA is a nonprofit organization whose goal is to assist local child support agencies in California's 58 counties in their efforts to establish and enforce child support orders. The Legal Practices Committee meets monthly to discuss the latest policy and legal issues and formulate best practices. Four of those meetings are generally held at the AOC, which AOC staff attend to communicate child support commissioners' concerns, provide program updates, and discern the issues most pressing to local child support agencies. This provides the opportunity to resolve issues at a statewide level. The AOC Center for Families, Children & the Courts' AB 1058 child support program receives its funding from the Department of Child Support Services (DCSS), so in administering the courts' child support programs, the AOC works collaboratively with both DCSS and CSDA.

**Complex Courts 2011 Symposium:** The annual Complex Civil Litigation Workshop for judges was held in conjunction with the Complex Courts Symposium for the local bar, at which panels of program judges addressed such topics as innovations in complex courts and multi jurisdiction complex cases. The symposium was cosponsored by the Litigation Section of the Bar Association of San Francisco and the Association of Business Trial Lawyers.

**AOC Responses to News Media Questions and Stories:** In the past 22 months since rule 10.500 of the California Rules of Court became effective, the AOC has received more than 500 requests for public access to judicial administrative records relating to the work of our organization, almost 200 of those from commercial entities such as news media. (The council will receive a report on the impact of rule 10.500 at its December meeting.) In every instance, we are responding with the facts. In many instances, this has been a positive, although time-consuming, learning process about how we can share information more effectively. In some instances, however, the facts are ignored, skewed, or taken out of context. We have worked hard to correct misinformation by following up with the individuals making the requests, including

those in the news media, and by creating a fact check page on the Serranus and public websites. As a public service organization, the AOC is accountable to the Chief Justice, the Judicial Council, and the public. This is a core responsibility. Equally, we have a responsibility to correct *misinformation* and will continue to do all that we can to keep the facts at the forefront of discussions inside and outside the branch. A branchwide communication was sent out in response to a news story accusing AOC executives of spending taxpayer money on expensive meals and alcohol, despite that fact that the station had been provided with information to the contrary. The communication also addressed another inaccurate news story on the court facilities maintenance program (see [www.courts.ca.gov/14910.htm](http://www.courts.ca.gov/14910.htm)). The response was posted on the public comment sections of the TV channels' websites, indicating that the reporters had not used the accurate information that we had provided.