

State of the Judiciary
Chief Justice Ronald M. George, California Supreme Court
Message to the California Legislature
March 20, 2001, in Sacramento, California

Good afternoon. I want to thank Senate President Pro Tem John Burton and Speaker of the Assembly Bob Hertzberg for their invitation to address you today.

On May first, it will be five years since I became Chief Justice of California. Two weeks later, I gave my first address to a joint session of the Legislature. An approaching anniversary often is an occasion for reflection upon the past, and in speaking to you today-although unfortunately I don't have any helpful hints for dealing with the energy crisis-I would like to share with you what we have accomplished in that five-year period and what remains to be done.

I am very enthusiastic about the direction in which the courts are moving and very grateful for the strong support and assistance from our two sister branches of government that have enabled the judicial branch to achieve these successes.

Courts Move From Caution to Innovation: Remarkable Changes In Recent Years

By definition, courts are the most cautious of our governmental institutions. Their culture is one steeped in precedent, cherishing independence and continuity, and focused on fairness and predictability. Those fundamental values may not suggest a system that eagerly embraces innovation. And, true to their character, California's courts have retained and nourished the core values of objectivity, consistency, and commitment to justice that are at the heart of a properly functioning judicial system.

But far from complacency, California's courts have embarked on a remarkable course of institutional and structural change with demonstrably excellent results. Part of our impetus has been the realization that our state is unique in countless ways. Ours is the largest judicial system in the world, with 1,611 judicial positions. Californians have roots in every nation, tradition, and culture in the world, with more than 100 languages translated daily in our courts.

Businesses in California run the gamut from the high tech of Silicon Valley and the Hollywood entertainment industry to the agriculture of our great Central Valley and a vast array of small local enterprises across our state. California often is found on the leading edge of changes in culture and the economy. These factors and many others all have profound effects on the operation of our courts and on what is expected of them.

While the primary goals of the judicial branch-fairness and access to justice for all-have remained constant, recent transformations in the fundamental structure of the judicial system, accomplished only with your help and guidance, have resulted in innovations focused on improving service to the public at a rate unsurpassed at any time in our state's history.

First Monumental Court Reform: State Funding of The Trial Courts

The first of two monumental reforms has been the ongoing transition to state funding of the trial courts. The pre-existing system, with funding bifurcated between the counties and the state, bred uncertainty for the courts and discouraged a sense of commitment by either funding partner. Disparities in the quality of justice dispensed across the state were common and erratic. Local courts were on the verge of closing, with staff cutbacks and unfunded payrolls, facilities in a state of dangerous disrepair, services to the public drastically curtailed, and, ultimately, the entire administration of justice at risk.

Why does a funding source matter? Quite simply, state funding allows courts to cope in coordinated fashion with change and the public's needs. But stable state funding has done far more than relieve current anxiety and uncertainty: it has given us room to think ahead and to plan, and it has promoted consistency.

Instead of bracing to react to emergencies and shortfalls beyond their control, our courts can look at current circumstances, project future needs, and decide how best to meet them in orderly fashion. And we also are better positioned to deal with the inevitable crises that occasionally confront our court system.

Stable Funding Improves Trial Court Planning

The advent of state funding has had a number of important benefits. We discovered that we lacked some very basic information on just how much it costs to run court operations across the state. Understandably, each county used its own budgeting system in dealing with the courts, and often the systems varied among courts within the same county. It was a classic patchwork quilt situation.

The Judicial Council, which I chair, is the constitutionally created body authorized to set policy for the courts. The Trial Court Funding Act charged the council with overseeing the statewide funding structure for the trial courts.

The Administrative Office of the Courts, the Judicial Council's staff arm-led by its tireless director, Bill Vickrey-worked to develop a budget structure containing the information necessary for the Judicial Council to assess how courts are performing. With that information in hand, the council, based on its long-term plan and the underlying plans developed by each trial court, can develop budget change proposals to present to you and to the Governor that are well supported, well documented, and designed to improve the services that we provide to all Californians.

In a remarkably brief period, starting with limited information provided from hundreds of sources, the AOC and the council, working with the trial courts, have created a comprehensive budget structure that provides everyone involved in the process with essential information for evaluating how we are performing and where our needs lie.

In performing your legislative role in the appropriations process, you will be pleased, as you review our budget proposals, to see the additional supporting material now provided to you to back up our requests. Although our process is not yet perfect, we are working closely with the Department of Finance and the Legislative Analyst's Office to build the necessary infrastructure within the trial courts and at the state level in order to best present the information you need.

While the judicial branch represents less than 3 percent of the state's budget, we recognize that there are many demands on the state's coffers, some of them unexpected only a few short months ago. We shall continue to demonstrate to you that the appropriations granted to the judicial branch are, if you will excuse my saying so, judiciously allocated and expended.

We are well aware that, for many individuals, their dealings with the courts-whether through paying a parking fine, serving as a juror, or obtaining a divorce-may be their only direct contact with government. We take very seriously the fact that our branch's ability to meet their needs can affect their view of state government as a whole.

All California Counties Unify Trial Courts

The second recent and related fundamental structural change for the judicial branch is the unification of the superior and municipal courts into a single level of trial court. This too has had profound effects on the service we provide to the public.

Starting in the early '90s, at the urging of the Legislature, courts were encouraged, on a county-by-county basis, to reorganize in order to avoid duplication and to make better use of available resources. From coordination to consolidation, this trend culminated in the 1998 enactment of Proposition 220, the constitutional amendment that you placed on the ballot permitting trial courts on a county-by-county basis-upon a majority vote of the judges of each level of trial court, municipal and superior-to unify.

Proposition 220 passed overwhelmingly in June 1998. The courts began literally the next day to vote to unify. And on February eighth of this year, I administered the oath of office for Judge of the Superior Court to the last four municipal court judges in California as Kings County became the final county to unify. When we began the process, we had some 220 separate trial courts. We now have 58-one in each county. In short, California's former hodgepodge of trial courts has been transformed into a single, unified system.

Unification Shows Results in Large and Small Counties Alike

The speed and enthusiasm with which unification was embraced by the trial courts has been more than justified by the benefits that it has brought. The prime anticipated benefit of unification was the flexibility it would afford in using available judicial and administrative resources. Not only has this flexibility turned out to be tremendously useful in expanding existing services, but another benefit has emerged as well: it has permitted a great amount of innovation, allowing the public's needs to be met by new and previously unavailable means.

What often has been striking has been that the apprehension in some quarters that countywide unification would lead to less responsiveness to local concerns not only has proved unfounded, but the opposite has occurred. In Riverside County, for example, residents can now, at any court facility countywide, file documents, pay fines and fees, request continuances and extensions, enroll in traffic school, and select their court date. Family law and probate court services have been expanded to additional court locations. Office hours have been extended countywide, and an individual in any courthouse can gain computer access to any case pending in the county.

Cross-training of staff and realigned assignments for judges in counties from Yolo to Los Angeles has facilitated case processing. The depth of judicial and staff knowledge has increased, permitting quick back-up when needed and faster turnaround for orders and hearings.

The Yolo County court, for example, now has a same-day turnaround on domestic violence and restraining orders as well as expedited guardianship proceedings. Merced County reports that, because of the larger pool of judges it can draw upon, the need to request assistance through the assignment of retired or out-of-county judges, when there are disqualifications or other scheduling problems, has been greatly reduced.

In Lassen County, fiscal limitations had restricted courts to 7 hours of public access daily. The integration of municipal and superior court staff has permitted hours to be expanded to a 10 hour day running from 7:30 a.m. to 5:30 p.m., enhancing access for all citizens of the county, some of whom must travel 75 miles to Lassen's sole court location.

In Placer County, the court facility in Tahoe City now houses a court of general jurisdiction, reducing the need for litigants, counsel, witnesses, the sheriff's office, and others to make the 170 mile round trip-often arduous in winter-across the Sierra to Auburn. Mono County also reports that using a former municipal court facility in the southern portion of the county as a new superior court location with general jurisdiction has saved local residents and lawyers a 50 mile-or-more trip, and is proving so popular that a second courtroom is being furnished in that location to meet demand.

Drug And Domestic Violence Courts, Juvenile Services Expand Across the State

One theme repeated again and again by the trial courts is that unification has permitted them to create drug courts, domestic violence courts, and improved juvenile court services that previously could not be staffed. These specialized courts now function and have been expanded in counties across the state, including Alameda, Fresno, Humboldt, Orange, Riverside, Sacramento, and San Bernardino. In the San Diego court alone, five judges have been redeployed to family and juvenile court, and drug court operations have been increased. New developments continue: Santa Clara's court conducted the first juvenile court mental health calendar in the nation on February 14 of this year, and a community court there will follow at the end of September.

We refer at times to the "savings" that courts have realized through unification, to the benefit of the taxpayers. Perhaps a more complete description is the "freeing up" of resources to meet the

priorities that you and the public have helped set.

In Los Angeles County, 25 separate court systems merged into one. The court there reported more than \$1.2 million in savings during the first six months of unification, primarily from attrition in positions no longer needed after unification. That funding has been redirected to increase the number of sites in Los Angeles at which the public can obtain domestic violence temporary restraining orders, to open family information centers to provide help to unrepresented litigants, and to hold a special court to assist homeless litigants in clearing court cases and facilitate their ability to rejoin productive society.

In Solano County, a relatively small jurisdiction, eliminating management duplication and improving efficiency resulted in \$650,000 in savings that were used to establish drug courts, improve case handling, and place the court in a position in which it could negotiate with the county a \$5 million construction project, including three new courtrooms and an expanded jury assembly room.

San Diego eliminated 46 administrative and management positions, creating 13 new positions that provide direct customer support, and net ongoing savings of \$2.8 million that can be used for the family violence solution centers and other services.

Courts Improve Caseload Management

In addition to creating dedicated courts for specific classes of cases, many courts have been able to improve how they process case flow generally. In Orange County, myriad local rules have been replaced with a unified set of rules establishing the same practices for all court facilities.

In Santa Cruz, the court created a modified direct/master calendar system, assigning every case directly to a team of judges who handle the case from filing to disposition. That court's executive officer proudly states, "Our court went from a four-year wait for trial in civil cases to *no wait*."

In Santa Clara, the court has virtually eliminated delay in both civil and criminal cases and, among other accomplishments, reduced its felony trial inventory from almost 1,000 cases to 358. This was accomplished by reorganizing the assignment of judges in order to increase the early resolution of cases and by expanding drug treatment courts to both felonies and misdemeanors and to cases at all court locations. Kern County has focused on early dispositions, too, reducing felony trials by 20 percent in one year.

Imperial County's court now can send cases to trial with unprecedented speed-in contrast to the past, when most civil cases were pressing against the deadline of the five year statute. Imperial now has what it describes as a "new trial-ready court culture" that has resulted in an increased settlement rate.

New Programs Aid Self-Represented Litigants

The numbers of self-represented litigants continue to grow. These matters present difficult challenges for the courts, which are responding actively and imaginatively. Contra Costa County's court, for example, has been able to decentralize de novo trials in small claims matters to branch court locations for the convenience of litigants and witnesses. It has established a domestic violence clinic, in collaboration with local legal services and the county, in order to provide individuals with critical assistance and guidance about other available resources. Alternative dispute resolution centers similarly have been located in more branch courts in that county to increase their accessibility.

Direct services to assist the public have been instituted in a number of other ways. Stanislaus County's court has been able to establish its first court-appointed special advocate program to assist minors going through the system. Contra Costa's court created victim and witness waiting rooms at two court facilities. San Mateo established a children's waiting room.

Through its community-focused strategic plan, Solano County's court formed a core planning team that held public forums in every city in the county. One outcome was the creation of a real-time website that permits members of the public to obtain information about jury duty status, tentative rulings in civil law and motion proceedings, and direct case docket information for all civil, criminal, family law, and probate cases. In addition, anyone may download all local forms and the local rules of court. In Ventura County, self-help legal access centers are available in more locations, and a mobile self-help center now brings information directly to the public, particularly in outlying areas.

In revamping their operations, courts have coordinated with local justice-related agencies as well as with the public. Contra Costa's courts are collaborating with the county, the district attorney, the public defender, and the sheriff on a long-term facility master plan. Already, cooperative efforts have resulted in a new, more secure and efficient juvenile courtroom.

I could continue listing the many benefits that already have resulted from unification, and I believe that many more are forthcoming. The common theme from this remarkable variety of efforts is the focus on improving the courts' service to the public. As the Yolo court stated, "In sum, we do more and we do it better as a unified court."

Although unification has been a catalyst for creativity, generating all these new programs, individuals seeking the assistance of our courts still have many unmet needs. The study and development of new approaches must continue. But the momentum propelling our courts will be stopped if adequate resources to respond to the public's needs are not provided. Continued cooperation with our sister branches and with local agencies and organizations involved in the administration of justice is vital.

New Panel Studies Proposition 36, Criminal Justice Drug Initiative

One new enterprise recently launched is the Judicial Council's Proposition 36 Implementation Work Group, which includes members from our sister branches, with whom we are closely collaborating. In courts across our state, drug courts have been integrating treatment options in

the community into the courtroom process. The enactment of Proposition 36 has provided new challenges and opportunities.

This working group draws its membership from all stakeholders. Its aim is to develop a set of court-and-treatment models that will enable trial courts to ensure adequate availability of services to successfully implement the initiative measure in a coordinated fashion statewide, while keeping in mind local needs.

The group also will provide recommendations to trial courts and the Department of Alcohol and Drug Programs on legal, policy, and operational issues related to Proposition 36, recommended standards for treatment providers, better estimates of the anticipated client population, an analysis of the proposition's fiscal effects and costs, and recommended policy and legislative initiatives so that we may work with you to resolve any problems.

Another task force will be addressing the continuing issues posed by unrepresented litigants in order to coordinate a statewide response. This task force will focus on developing resources and on crafting recommendations to be presented to the Judicial Council, the State Bar, and others. Initial responses to this problem already include self-help centers as well as family law facilitators; family law, small claims, and pro per information centers; videos on family court procedures and child custody processes; options for judicial mediation and arbitration; and assorted informational publications and websites.

The Equal Access Fund, in partnership with the State Bar's Legal Services Trust Fund, now supports 15 programs providing pro bono assistance in 17 courts to address domestic violence, guardianship, family law, landlord/tenant, and general civil matters. The cooperation of local bar associations and the State Bar in providing pro bono assistance has been key to the success of many of these measures. As the number of unrepresented litigants grows, so must our ability to meet their needs.

Unsafe, Insecure Court Facilities Plague Many California Courts

Inadequate facilities still plague many courts. Unsafe, insecure buildings with insufficient room too often are the rule rather than the exception. Again and again, in reports on the benefits of unification, courts stated that even after diversifying the uses of their available facilities, they still need more space for courtrooms, staff, jurors, and desirable services and amenities for the public.

Later this year, the Task Force on Court Facilities will provide a comprehensive report to you on the condition of every one of the approximately 400 courthouses in this state. I believe that you will find the results alarming in many instances. Too many locations simply are unfit for the purpose for which they are being used. Every day, because of earthquakes, disrepair, and inadequate space, these structures pose a threat to those who work within them and to those who come to them for court services. As you grapple with the need to maintain and replace our state's aging facilities, I hope you will consider California's court facilities as vital parts of California's infrastructure, just like its bridges, highways, schools, and public hospitals.

Court security remains an urgent problem. Not only do many courts lack the funds to screen those who enter the courts, but the cramped physical layout of courthouses increases the potential danger. If there is no safe place to separate witnesses, victims, and volatile family members waiting for their appearances, these individuals are put at a very real risk of grave harm and even death. During the last year, we again have had the sad experience of courthouse shootings to prove it.

Improved Technology Vital to Effective Court Functioning

Improving the courts' inadequate technology systems is essential to further enhancing court services. Individual courts already have been developing websites to provide unprecedented public access to information about the courts and their procedures. Projects are under way to permit e-filing with the trial courts, including measures aimed specifically at easing the burdens of complex litigation.

The six districts of our intermediate Court of Appeal provide online access to information about their cases and can furnish automatic notification to counsel and the parties concerning significant events in a particular case. In the Supreme Court, where our opinions are immediately available online, we are studying ways in which creating an electronic record in our massive capital appeals not only may make them physically easier to handle but also will assist in avoiding unnecessary delay in record correction and certification and facilitate the filing of briefs.

In the past, the implementation of information technology at the trial courts was, to put it mildly, haphazard. To help bring order out of chaos, the Judicial Council's Court Technology Advisory Committee has developed requirements that local courts' systems must meet. Four regional trial court groups have been collaborating successfully on procurement, staffing, and systems development in the trial courts, and six small rural courts will be serviced centrally through the Administrative Office of the Courts.

Looking ahead, we are eager to develop integrated systems that will allow coordination among courts, law enforcement, the Attorney General's Office, and the Department of Motor Vehicles, which should also benefit the bar, the public, and the press. We intend to define standards for sharing information among courts and with justice system partners.

Generally, we envision a comprehensive plan for telecommunications architecture in the trial courts to permit easy communication across county boundaries-and with the Courts of Appeal and the Supreme Court as well. Much progress has been made, but much more remains to be done. The potential for improving service to the public through the application of technology is enormous, now that we are coordinating the efforts of 58 jurisdictions instead of more than 200.

Jury Reform Makes A Difference: One-Day/One-Trial Increases Response Rate

Great advances also have been made in jury reform. The one-day-or-one-trial program that you adopted, at our request, for jury service is expanding rapidly throughout the state and clearly has

improved juror response. Other measures to improve jury service, including last year's increase in juror compensation-which I hope was only the first stage-and local measures to acknowledge the important contributions of jurors, also have had a positive impact. Unification, by the way, means that jurors no longer are subject to summonses from multiple jury offices within a county.

The council's Jury Instructions Task Force has drafted hundreds of new jury instructions in user-friendly lay language. These instructions have been reviewed by lawyers, judges, and others, whose thoughtful and useful input is being incorporated into the final work product.

At the Supreme Court, we have been working closely with the Habeas Corpus Resource Center, the Office of the State Public Defender, and the California Appellate Project to attract more counsel to represent individuals on death row, while maintaining high competency standards for appointment by the court. The steady rise in the number of unrepresented capital defendants has been brought to a halt, but we still have a substantial backlog to contend with.

Positive Results: Complex Litigation Project

The preliminary results of a pilot project, established with the support of the Governor and the Legislature, to provide specialized treatment for complex litigation in six counties have been very positive. These projects, along with ones studying approaches to alternative dispute resolution, are providing data and models that we expect to implement statewide.

I also have appointed a Supreme Court advisory committee, in response to your request that we study the matter, to consider the complex area of multijurisdictional practice for lawyers-proposals to allow lawyers from other states to practice in California or join our bar without passing our bar examination. The group has met once already, and has set a regular schedule aimed at providing a report by the fall.

We also have seen great progress in improving the payment, competency, and availability of interpreters. And in another approach to making court proceedings more comprehensible, the council has adopted uniform statewide rules covering more and more areas of practice.

Another important consolidation has been the establishment within the Administrative Office of the Courts of the Center for Families, Children & the Courts. It already is overseeing many of our efforts to assist pro per litigants in family matters, and will continue to focus on delinquency and dependency improvements and a proposal for model family and juvenile courts.

Judicial Salary Increase is Important to Maintain Qualified, Experienced Bench

In short, we are actively finding ways to improve the administration of justice for the public, for jurors, for lawyers, for staff, and even for jurists. I thank you for the much-needed 8.5 percent raise provided for judges last year-the first in many years. This was the first half of an adjustment based on a thorough study of private and public-sector salaries. The increase was a widely appreciated demonstration of your understanding of the need to attract and retain an experienced and well-qualified judiciary.

Consistent with our discussions last year on spreading the proposed salary adjustment over two years, Senator Burton has introduced Senate Bill 82, which would implement the second half of this measure. Superior court judges still lag behind many public lawyers—often behind the deputy district attorneys, deputy public defenders, and deputy county counsel who appear in their courts—not to mention the widening gap between judges and many first-year associates just starting their careers as lawyers. We must encourage talented individuals to join government service at every level, and ensure that the best and the brightest in public service are not disadvantaged if they join the bench.

And to ensure that we have sufficient judicial resources, we are continuing to work with the Governor and with the Legislature to provide much-needed additional judgeships.

Courts Transform Services for Public

Last year I spoke in more global terms about access and what the courts were doing to improve their service to the public. This year I have described a menu of unsurpassed variety, ingenuity, and efficacy crafted in our courts out of the raw materials of existing resources and new management structures and strategies. I believe that our judicial branch has much to be proud of.

I am pleased to report that with the tools that the legislative and executive branches and the people of California have provided us, the courts have vastly transformed the delivery of services to the public. Our job is not done; indeed, it will never be complete. Our constantly changing society will always find new challenges to lay at the courthouse door.

The Internet is a phenomenon that had barely begun to flourish when I first became a Supreme Court justice in 1991. In fact, copy machines had not yet begun to threaten the primacy of carbon paper when I became a municipal court judge in 1972. We can anticipate that something no more than a gleam in the eye of a dreamer today will revolutionize our world tomorrow. But I can assure you that the judicial branch is better able now than ever before to absorb, adapt, and implement whatever innovations come our way.

We look to you and to the Governor to continue as our partners in improving the administration of justice in order to better serve the public. As the constitutional doctrine of separation of powers recognizes, while our three branches of government are independent, in many ways they are interconnected as well.

I am truly honored to play a part at this exciting time in the history of our state and of our judicial branch. And I am grateful to have had this opportunity to present to you some measure of the remarkable contributions and accomplishments made by the judges, administrators, and staff of California's courts.

Thank you again for your invitation to address you today. I look forward to continuing to work together with each of you in the future. And I invite you to join me and members of the Supreme Court, the Judicial Council, and the Administrative Office of the Courts on the first floor of the Capitol rotunda for a reception that will begin shortly.