

State of the Judiciary
Chief Justice Patricia Guerrero, California Supreme Court
Message to the Legislature
March 19, 2024

Thank you, Senate President Pro Tem McGuire, Speaker Rivas, distinguished statewide constitutional officers and guests, and, of course, Governor Newsom.

Thank you for the opportunity to deliver my State of the Judiciary Address to a joint session of the California Legislature, this time from your other house—the State Assembly.

I guess you can say this is not my first rodeo! Although it looks much different than the ones I was used to growing up. I join you today in the second year of my 12-year term of office, representing a judiciary that is strong and resilient—one that is committed to serving all the people of California; enhancing access to justice; and protecting the rule of law in our constitutional democracy.

I also join you today as no longer the newest leader of a state branch of government—congratulations to Speaker Rivas and Senate President Pro Tem McGuire who you recently welcomed to their new positions.

And theirs, like mine, was a smooth transition of leadership that enables us to continue to pursue the objectives and values of our respective branches of government.

Our presence here together today demonstrates that good government does work, that collaboration and cooperation, mutual respect, and a shared commitment to public service can deliver three-branch solutions to benefit all Californians.

That is why I remain optimistic for the judicial branch and for our state.

I am very proud to be joined here today by my colleagues on the California Supreme Court (our court executive officer and our court staff); judges, justices, and court executives from local courts throughout the state; the Judicial Council; the California Judges Association; the Bench Bar Coalition; and our justice system partners and stakeholders.

Through this last year of listening to them, deliberating with them, seeking solutions with them, and striving to improve the administration of justice, they have only grown in my esteem.

Today is a school day, so my biggest supporter, my husband Joe, and our two greatest sources of pride, our two sons Anthony and Christopher, are watching remotely. Or they said they would try. I'll quiz them later.

When I addressed you last year, my focus was on the continuity of branch operations in a year of transition.

And so now, I would like to update you on some of the priorities that I mentioned last year.

First—Safeguarding and enhancing public confidence in the judiciary.

Earlier this month we opened applications for this year's *Civic Learning Awards for California public schools*—co-sponsored by State Superintendent of Public Instruction Tony Thurmond. Since the awards were first presented in 2012, we have recognized 518 public schools of all grade levels throughout California for advancing civic education.

Through our *Judges in the Classroom* program, last year we scheduled 230 visits by judges to schools across the state, both in-person and remotely.

I've participated in this program myself, and can tell you first-hand, that it's a truly rewarding experience for the judges, teachers, and students.

Civic learning teaches students about their democracy and develops skills for their future lives—such as critical thinking and problem solving; it teaches them how to be engaged, to communicate and collaborate with one another, and to demonstrate creativity, initiative, and innovation.

And it promotes academic achievement—helping students remain involved and committed to ongoing learning.

I recently announced the next phase of our *Power of Democracy (POD) Civic Learning Initiative*. This effort will be led by what I like to call civic-learning pioneer and stalwart Administrative Presiding Justice Judith McConnell of the Fourth District Court of Appeal, together with Judge Julia Alloggiamento who has also been very active in this area with the Santa Clara Superior Court.

The vision of the initiative is to expand civic learning about our three branches of government, but I confess, with a focus on the judicial branch, in every district, in every school, for every child in California. We want all kids sitting in the classrooms today to be actively engaged in our democracy. Through these programs I believe that not only will it enhance the confidence in the judiciary, but in our government as a whole.

The next priority on which I want to update you is our ongoing work to increase access to justice. And that includes increasing access through the use of technology.

In response to the judicial branch's concerns about fines and fees creating a debtor's prison for low-income Californians who are struggling with debt from traffic and other infraction violations, we launched an Ability to Pay pilot project (known as *MyCitations*). This was in April 2019 with five superior courts partnering with the Judicial Council.

The online tool offers low-income drivers an easy way to request a lower penalty, a payment plan, or community service.

An initial grant from the U.S. Department of Justice was enhanced by all of you to fund this.

MyCitations also enables Californians to interact with the court in a more efficient way. We have a new module allows litigants to contest eligible traffic citations by submitting a written statement and uploading their evidence online, saving them trips to the court.

And new languages have also been added to the English and Spanish, including Chinese and Vietnamese so far.

Through the end of 2023, more than 128,000 ability-to-pay requests have been submitted by over 91,000 Californians—with outstanding fines and fees being reduced by more than half—from \$71 million to \$34.3 million.

I think it's important to keep in mind the demographics of the people that we're helping with these programs. Nearly 47% of court users accessing the tool reported that they receive public benefits. Over 89% reported incomes at or below 250% of the federal poverty level.

And the results of the pilot program are promising. They demonstrated that cases that were granted a reduction through this tool had a 61% success rate for full repayment.

I am pleased to say the 43 courts who have already deployed the program so far will soon be joined by the 15 remaining courts to achieve full deployment this year.

The third priority I want to report on is Increasing transparency, improving efficiencies as was mentioned, and increasing productivity without sacrificing quality.

Caseflow management is an important process in meeting these objectives and providing timely access to justice.

For the California Supreme Court, we've instituted internal targets for our court to meet. Our annual number of opinions has trended up, and we're also working our way through some important landmark new laws, such as the Racial Justice Act, which is impacting our workflow.

The Courts of Appeal statewide have implemented a monitoring system to manage appellate caseload inequities and ensure that they too are promptly resolving cases.

Caseflow management and time to disposition is also an important tool for our trial courts. Data management and analytics help them to manage caseloads, provide interpreter coverage, and make jury duty more efficient--something my husband reminded me of that's important when he served recently. It also informs how they can work best with our justice system partners.

From the clerk's window to final dispositions—and everywhere in between—caseflow management is critical for the public we serve with the resources that you provide. And please keep providing them.

The resources you provide are of course crucial—I would next like to touch upon our priority with respect to advocating for a stable budget that the judicial branch can count on to make public access to justice a reality for all 58 counties.

For this budget year, I am grateful for Governor Newsom’s continued support of our mission to advance access to justice and for protecting essential funding for critical programs and services. Thank you.

And yes, we know that during these challenging budget times, that along with the rest of state government, the judicial branch must be part of the solution to close the statewide budget deficit.

We are committed to working with the Governor’s administration and with the Legislature in the coming months as plans for the Budget Act are finalized.

This goal is directly reflected in what we call the *Strategic Plan for California’s Judicial Branch*. For me planning is an important discipline. I think anyone who knows me knows that I like structure and I like rules. The *Strategic Plan* provides this for the judicial branch. It’s the foundational document for us.

Since the first strategic plan was developed in 1992, the process has served to articulate our mission and direction, set our governance structures and priorities, and helped us to navigate some of the most significant reforms, improvements, and challenges in the history of California’s court system.

At periodic intervals we’ve updated our long-term goals as California and the needs of its residents have evolved.

Most recently, in December 2022, the Judicial Council amended our number one strategic goal of “*Access, Fairness, and Diversity*,” to add “*Inclusion*.”

Although this may seem like a small change, as one of our council members shared at the time, “As important as diversity is, if you’re not included, it doesn’t matter.” We saw this as an opportunity to speak out louder and make more explicit the branch’s commitment to an *inclusive* court system in which all individuals are—and feel—respected and engaged, and their contributions are valued.

And this first goal guides all facets of the Judicial Council’s review, analysis, and deliberations.

We have one new member on the Judicial Council: I am very pleased to be joined here today, during *Women’s History Month*, by the council’s new Administrative Director—Shelley Curran. Shelley is the first woman to hold this permanent leadership role at the council, and the first openly LGBTQ+ person to hold this statewide office.

Shelley joined the council from the Legislature, where she was principal consultant to two successive California Senate Presidents pro Tempore.

Addressing the council following its vote to confirm her appointment, Shelley shared her philosophy about public service and working in government. I'm sure it will resonate strongly with you, just as it did with me.

She shared that she subscribes to the World War II meaning of the phrase “good enough for government work”—when that meant as she describes it: “the best, the highest standards, the benchmark for which to strive.”

Those same principles guide us in implementing the Judicial Council's other strategic goals for the branch. One goal has particular salience these days:

- *Modernization of Management and Administration.*

With respect to this goal—some modernization is voluntary. Some is disruptive and thrust upon us. You can guess where AI falls in that spectrum. Either way, change is the inevitable result.

I don't recommend that anyone shout into their phones, “Win my case!” or “Write my brief!” But society, government, and, therefore, our court system must address the many issues and questions presented by the developing field of artificial intelligence. We must do this in a careful and deliberative fashion.

I have asked Administrative Presiding Justice Mary Greenwood and Judge Arturo Castro to help lead the branch's efforts to identify the foundational questions that must be asked as we consider the opportunities and challenges that are associated with AI. Their efforts will facilitate how we consider what might be appropriate uses of AI in relation to the judiciary with the guiding principle of safeguarding the integrity of the judicial process.

Another issue of focus and serious concern to us all is climate change and its associated impacts.

The judicial branch's early education focus on law and process related to the California Environmental Quality Act. But it's now expanded to include environmental science and the related and often highly complex litigation issues that judges are increasingly being asked to address.

With the support of the Legislature, we're embarking on a more comprehensive water and environmental law education focus.

The judicial branch is playing its part and supporting action and solutions for our state in these important areas and through other modernization and service initiatives.

No discussion of modernization is complete without a discussion of remote technology. You knew it was coming.

Court users themselves are *choosing* to access these new services and tools—including 24/7 eFiling, access to online records and research, self-help resources, and remote appearances.

I want you to all know accessing court services remotely works! We know this from court users and staff alike.

A recent Judicial Council report on this issue showed us that:

- Approximately 150,000 remote civil proceedings are conducted statewide each month;
- More than 90% of court users and 98% of court staff reported positive experiences; and
- Very few technical issues were reported.

As always, more work remains to be done. But we can build on these successes.

Addressing remote access is one example of effective three-branch solutions to better serve the state.

Implementation of the CARE Act, of course, is yet another example of the three-branch solution model working successfully.

To date, we have eight courts that have implemented the new CARE Court program to help deliver mental health treatment and support services to the most vulnerable Californians.

The remaining 50 counties will implement CARE courts by December 1st of this year.

Since the program was launched in October 2023, we are already seeing significant promise in assisting people with mental health issues.

Whether these cases are filed by concerned family members or directly by those who need the services (with help from a public defender), we look forward to continuing our commitment to this important program and the people it serves who so desperately need assistance.

Another pressing issue that deserves our attention is the ability to serve litigants by being able to provide them with a verbatim record of their court proceedings.

Right now, that is not happening in too many cases.

In just a three-month period between July 1 and September 30, of last year, nearly 40% of family, probate, and unlimited civil hearings in California had no verbatim record (133,000 hearings in just three months).

We all want and need more licensed court reporters to be trained, certified, and hired, and the Judicial Council and the courts are doing all that we feasibly can to support that goal, including signing bonuses, retention bonuses, longevity bonuses, increased salary ranges, finder's fees, and student loan or tuition reimbursement incentives.

But the number of certified court reporters continues to decline and it threatens access to justice—especially for vulnerable Californians.

As our court explained in 2018 in an opinion that we issued, “the absence of a verbatim record of trial court proceedings will often have a devastating effect on a litigant’s ability to have an appeal . . . decided on the merits.” These devastating effects are already being felt by far too many court users. I look forward to working with you all to find practical solutions to this ongoing issue.

The final strategic goal for the judicial branch that I want to raise with you is the goal of Independence and Accountability. This goal encompasses quite a bit. It encompasses the independence of the judiciary as a separate, and co-equal branch of government, and the independence of judicial decision-making in order to preserve the rule of law and ensure the fair, impartial, and efficient delivery of justice.

It also involves maintaining the highest standards of accountability for the use of public resources and adherence to statutory and constitutional mandates.

There is a necessary balance between impartiality, transparency, and accountability. We embrace our obligation to describe our rulings. But what concerns me are unnecessary and unproductive partisan attacks on court decisions.

I am concerned that these trends—and a decline in civil discourse—can negatively impact the public’s trust and confidence in our democratic institutions.

We must safeguard the integrity of the court and our decision-making. Our judiciary is non-partisan and adheres to the rule of law—we do not make public policy. We embrace the robust ethics standards we have in place with supportive training and guidance. We also have misconduct oversight from an independent state agency. We believe in the value of precedent. And I believe that how courts interpret the law and adjudicate cases shouldn’t change dramatically when the members of a court change.

And I will say again, as I did last year, that I am privileged to serve on one of the most talented and diverse high courts in the nation—a collegial bench with a broad range of backgrounds and experiences.

There have been a number of studies on our Supreme Court this past year, and one reported that we had the highest unanimity rate in the court’s recent history—94%.

I don't know if you should applaud, but I will say that is not because we don’t value dissent or share one another's opinions—my colleagues are not shy! I think that statistic may change at some point.

But what remains constant is our respect for the rule of law, precedent, and legislative intent; we respect each other’s points of view, and the process of deliberating and crafting an opinion. And we respect one another.

The California Supreme Court has a long history of setting precedents in areas relating to consumer protection, criminal justice, civil liberties, and racial integration.

The importance of our work is not always limited to our cases alone. In 2020 during a turbulent summer for our nation, my colleagues on the court issued a statement on equality and inclusion that still resonates today—I'd like to share some of that with you. They wrote:

"... Each of us has a duty to recognize there is much unfinished and essential work that must be done to make equality and inclusion an everyday reality for all...

... We state clearly and without equivocation that we condemn racism in all its forms: conscious, unconscious, institutional, structural, historic, and continuing...

... Each member of this court, along with the court as a whole, embraces this obligation. As members of the legal profession sworn to uphold our fundamental constitutional values, we will not and must not rest until the promise of equal justice under law is, for all our people, a living truth."

I can tell you that those same sentiments are shared by judicial officers throughout the state. I think you can see why I am proud to serve on this court and with my judicial branch colleagues—all 2,000 of them and 18,000 court professionals—the Judicial Council and the professional staff of the council, and our justice system partners.

And I look forward to working with each of you on future initiatives, and the promise of equal justice under the law for all Californians.

Thank you.