COURTNEWS

JULY–AUGUST 1998

Courts Making Transition To Unification

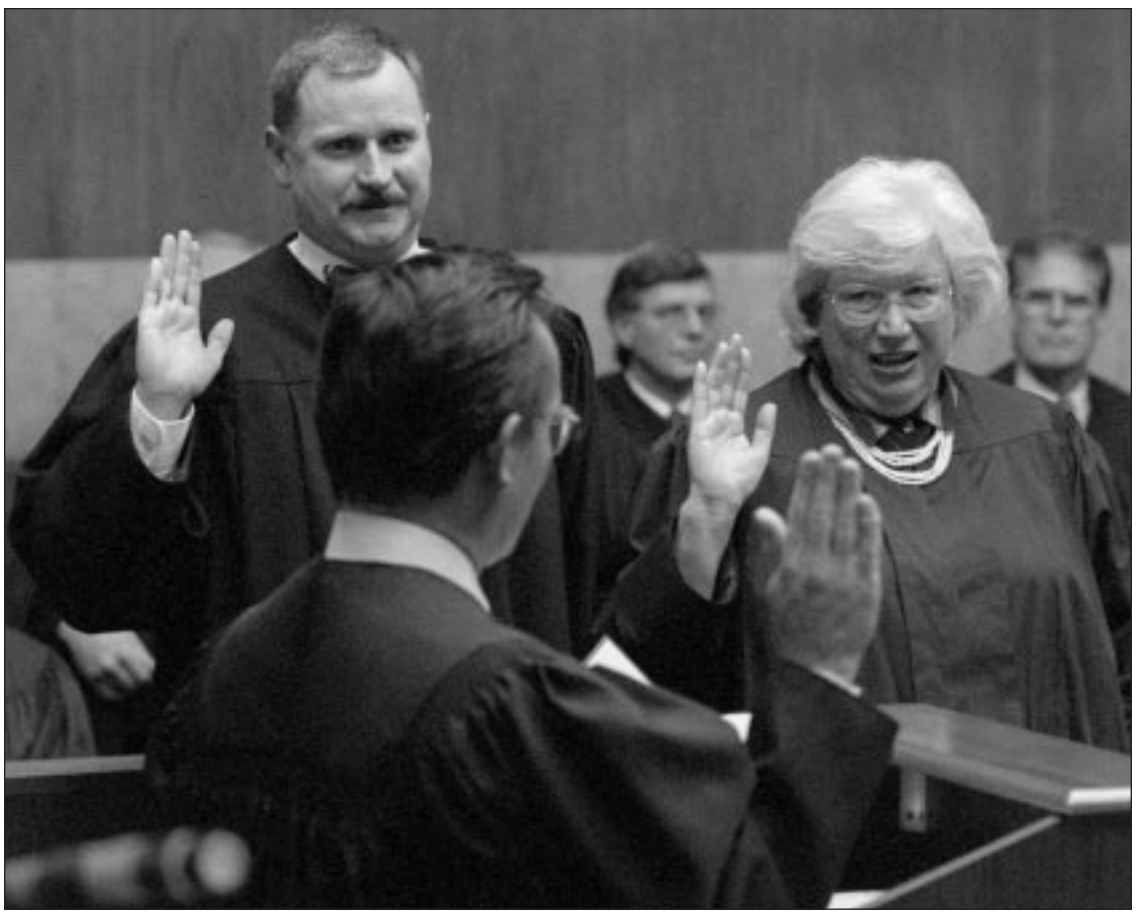
"The ultimate question," says Presiding Judge Peter J. Spinetta of the Superior Court of California, County of Contra Costa, "is, Now that we're unified, what is the best way to conduct business, by whom, and where?"

One of about two dozen courts that quickly moved to unify in the early weeks following passage of Proposition 220, Contra Costa now looks forward to answering that question as it makes the transition to one countywide court system.

California voters passed Prop. 220, allowing the voluntary unification of county court systems, by a 64 percent majority in the June 2 primary election. Prop. 220 amends the state Constitution to permit a county to create a unified or single superior court if a majority of both the county's superior and municipal court judges so vote.

Since then, courts in 43 of the state's 58 counties have voted, 42 in favor and 1 against. As of July 30, the Judicial Council's Executive and Planning Committee had certified the unanimous written consent of 36 counties, the voting results of 4 additional counties that voted to unify, and the results of the 1 county that had voted against unification. Two other counties had their votes certified by the county registrar of voters, another option specified by the rules of court for certifying voting actions. For 7 other courts that have submitted documents to the Administrative Office of the Courts, voting is either under way or certification of results is pending.

A few other courts are delaying votes until issues affecting their communities can be discussed more comprehensively. *(For the latest count of courts that have voted to unify, check News Releases (under "What's New") or "Of Current Interest" at the Judicial Branch of California Web site, www.courtinfo.ca.gov.)*



California Supreme Court Justice Ming W. Chin swears in former municipal court Judges Allan D. Hardcastle and Raima H. Ballinger as judges of the Superior Court of California, County of Sonoma, during a ceremony on June 11. Superior court Judges Lawrence G. Antolini and Robert S. Boyd are in the background, left to right. *Photo: Chad Surmick, courtesy of* The Press Democrat *(Santa Rosa).*

NO TURNING BACK

Fully coordinated before Prop. 220, the Contra Costa courts had no intention of turning back. "We decided to unify unanimously," says Presiding Judge Spinetta. "There was no need for votes." Taking steps to determine how it will operate as a unified court, the court has planning

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Pro Pers Find Help In Family Matters

BY JANET BYRON

It's 9:15 a.m., and the line has already formed outside room 203 in the stately Contra Costa County courthouse in Martinez.

Cheryl Lebow, Family Law Facilitator for the Superior Court of California, County of Contra Costa, directs a distraught gentleman, quite eager to end his marriage, to a sign-up sheet and a bench. An intake clerk will be with him shortly and will most likely recommend that he attend a "How to Start Your Divorce" workshop next Wednesday.

Inside room 203, intake clerk Lillian Payne sits beside a youngish blond woman, carefully leafing through a thick stack of divorce and child support papers, highlighter in hand. "She's wonderful," the woman enthuses. "You won't see me back in here again."

The job of Lebow and her staff is to help pro pers—people without lawyers—navigate the courts. "These people desperately need assistance," Lebow observes. "Our philosophy is, they are their own attorney and we're here to help."

IMMEDIATE SUCCESS

Since the Child Support Commissioner and Family Law Facilitator Program (AB 1058) was signed into law in September 1996, California counties have hired family law facilitators to guide pro pers in child support cases and added child support commissioners to their judicial rosters. Most of the facilitator offices opened their doors less than a year ago. And unlike many new programs, which can take time to bear fruit, the AB 1058 program has had immediate and overwhelmingly positive benefits.

Nearly half of all case filings in many California counties involve family law matters. As many

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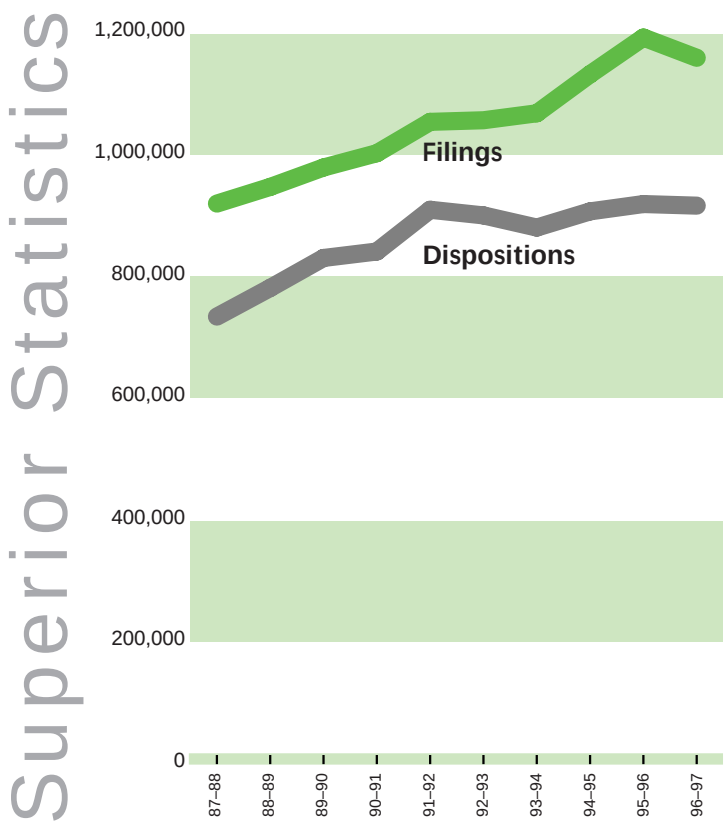

Filings in California's superior courts have dropped in the last year but have increased steadily in previous years, according to the *1998 Court Statistics Report*. To obtain a copy of the report and the other volumes of the Judicial Council's *Annual Report 1998*, see Education & Development, page 12.

Chief Justice Ronald M. George

MESSAGE FROM THE CHIEF JUSTICE

Voluntary Unification: Proposition 220 Provides Next Step in Continuum of Change

As courts across California well know, on June 2, 1998, by a remarkable and persuasive 64 percent, the voters of our state adopted Proposition 220. This measure, also known as Senate Constitutional Amendment 4, authorizes the unification of the superior and municipal courts on a county-by-county basis by a majority vote of the judges at each trial court level. The strength of the affirmative vote demonstrated strong public sentiment favoring this measure—a reform that holds the promise of improved service to the public and increased flexibility for the courts. The voters of every county in the state, except one, registered approval of voluntary unification—and in that rural county, it failed by only a fraction of 1 percent.

MANY COURTS ACT QUICKLY

The reaction to the enactment of Proposition 220 from the majority of courts statewide has been swift. At its very first meeting to consider post-election actions, on June 11, 1998, the Judicial Council's Executive and Planning Committee was presented with, and certified, unanimous written consents to unify that were submitted by the courts in nine counties. Some of these courts had acted within hours of the formal passage of Proposition 220, reflecting their positive experiences with coordination and their belief that the new measure offered an exciting and beneficial next step in enhancing the Judicial Branch's service to the public.

At the time of the writing of this column, 50 courts had taken action in response to Proposition 220. In 42 counties, judges have chosen unification; 5 others have reported their voting actions approving unification and were awaiting Judicial Council certification. Courts from every part of the state, large and small, highly coordinated and less so, have—with energy and commitment—been actively exploring the range of opportunities provided by the option to unify.

SOME PROCEED WITH CAUTION

Several courts still are reflecting on whether and how to proceed. Some are delaying votes until issues affecting their communities can be aired more fully and until all participants in the process have had time to discuss and consider what works best for their particular circumstances. Four counties come within the provisions of the federal Voting Rights Act, which requires preclearance from the U.S. Department of Justice.

Those who have leapt to the forefront have provided us with important information about what lies ahead for those who decide to unify. An article elsewhere in this issue of *Court News* describes the experiences of several courts that already have unified. *[Editor's note: See "Courts Making Transition to Unification," page 1.]* The common theme is one of continuity: unification has not been a sharp break with the past but a natural progression into the future. The reports received have enthusiastically described the elimination of artificial barriers that in the past impeded courts from making the most effective use of judicial and administrative resources, a development that we hope not only will improve the quality of civil and criminal justice, but also result in savings to the taxpayers.

PROBLEMS BEING IRONED OUT

This is not to say that there are no problems outstanding or that others may not occur in the future. The Judicial Council's Office of Governmental Affairs in Sacramento is working to ensure enactment of important follow-up legislation—as well as to translate into legislative reality the comprehensive recommendations of the Law Revision Commission on necessary code revisions.

The Judicial Council has enacted all rules recommended by the Senate Constitutional Amendment 4 Working Group. These rules have provided crucial guidance to courts as they apply Proposition 220's provisions to their particular circumstances, and staff at the Administrative Office of the Courts has given invaluable assistance in ensuring as smooth a transition as possible. Once this follow-up legislation is enacted, the council will continue to work with the Legislature as necessary to identify other areas requiring additional legislative action or the adoption of further rules.

RESPONDING TO PEOPLE'S WILL

The judicial branch's actions following the adoption of Proposition 220 have been professional throughout—cautious when appropriate and, above all, suitably responsive to the will of the people. The ability of so many courts to make such a smooth transition is a testament to the hard work and unwavering commitment of the judges and staff in our court system. I am confident that in the months and years ahead we shall be able to surmount the inevitable problems that we will encounter along the way—as would be true in any change of this depth and magnitude—and to do so in ways that continue to well serve the people of California. The exciting changes made possible by Proposition 220—close on the heels of the adoption of state funding for our trial courts—make this an unparalleled time of historic change in our judicial system. The enthusiastic, forward-looking response by the courts is testament to the judicial branch's ability to provide our state with the finest administration of justice in the millennium that lies just ahead. Thank you all for your effort and hard work in making this possible.

Presiding Judge Peter L. Spinetta, seated, signs unification documents in the presence of, left to right, new Superior Court of California, County of Contra Costa Judges Bruce Van Voorhis, Gerald A. Belleci, Michael R. Coleman, Diana Becton-Brown, and Harlan G. Grossman. *Photo: Judge Richard S. Flier.*

Unification

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committees in place for civil, criminal, juvenile, family, and probate with members from the superior courts and what used to be the municipal courts. The committees are expected to report their recommendations to the court's Executive Committee beginning in July, notes the presiding judge.

While some courts are still deciding what to do, most courts forge ahead and vote to unify.

"We're not going to change everything because we like to think there was validity to how we've been conducting business, and that the way we were doing business before was the best way we could," Presiding Judge Spinetta says. Still, he speculates, "We expect a fair amount of change. Coordination made certain changes, but you could do only so much. Prop. 220 eliminates the political jurisdiction of the municipal court. Now we all can look at the situation from a countywide perspective. Previously there were different political constituents, and you looked at the situation in terms of your constituency. Now it's all the same constituency; it's truly a single point of view."

In Ventura County, where judges voted unanimously to unify on June 10, Presiding Judge Charles W. Campbell, Jr., called the action "the last phase in our consolidation, which began many years ago. We are all very pleased and proud of what has been accomplished, and this action will benefit the residents of Ventura County who use court services."

'FUNGIBLE COMMODITIES'

Judges in Imperial County were considered "fungible commodities" when the court fully coordinated effective September 1997, says Presiding Judge James H. Harmon. "The court disregarded jurisdictional limitations and put judicial resources where they would be most effective."

Dramatically affected by the presence of two state prisons, Imperial County received 2 of the 21 trial court judgeships authorized by the Governor in 1996, having demonstrated that it is one of the busiest rural trial courts in the state, with large criminal and civil caseloads.

Presiding Judge Harmon notes that Imperial has a dire need for improvements at its main courthouse. "We could use at least two, if not three, new courtrooms; the law library needs to be relocated; the clerk's office has to be moved to new facilities; and security in terms of physical facilities is lousy, especially given the inordinate amount of murder cases."

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Pro Pers

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as 75 percent of those litigants arrive in court without lawyers and are grateful for any assistance they can get. Tens of thousands of pro pers have received help since the AB 1058 program was initiated, and thanks to the program family law judges and commissioners are breathing a collective sigh of relief.

"AB 1058 has enabled us to provide assistance in a way that works for everybody," says Josanna Berkow, Contra Costa County Family Law Commissioner and a member of the Family Law Subcommittee of the Judicial Council's Juvenile and Family Law Advisory Committee. "The process has improved a great deal."

The Family Law Facilitator's office in Martinez is a bright room with a row of worktables facing the desks of intake clerks Lillian Payne and Angela Jenkins. Room 203 is a resource center for pro pers; there are large, laminated sample forms posted on the walls as well as guidebooks and fliers referring people to pro bono programs and parenting classes. A children's play area in the corner is stocked with little chairs, books, and stuffed animals.

In a room down the hall, four legal technicians are poring over emergency child support case files in between meetings with pro pers and trips down the hall to the courtroom. They check the in-box outside room 203 every 15 minutes or so.

Karen Olson, who worked on restraining orders for nine years in Contra Costa County before joining the facilitator's staff, welcomes the opportunity to expand her job responsibilities and "help the people in little ways. We can give them a little more quality time," she explains. A number of counties, including Contra Costa, have supplemented state funds to expand the AB 1058 programs. By working with family law litigants before their cases get to court the legal technicians relieve a lot of the stress family law judges used to experience.

IMPACT OBVIOUS

Family Law Commissioner James H. Libbey says the facilitator's office has helped litigants focus on their legal, rather than personal, disagreements so they are ready to either mediate their disputes or resolve them in court. "You know there's an impact. You just see it," he notes. "We get things processed more quickly."

Across the hall from the technicians, Commissioner Donald J. Liddle is preparing for tomorrow morning's calendar. After 19 years in private practice specializing in family law, he was appointed in January to fill Contra Costa's AB 1058 child support commissioner position.

Commissioner Liddle works full time on child support matters, including paternity, back support cases, wage garnishments, and license revocations. "There were more pro per than attorney filings, and they were clogging the system," he observes. By ensuring forms are filled out properly the facilitator's office has significantly reduced the number of repeat court appearances, he says.

MEDIATION ENCOURAGED

Lebow, who practiced family law for about 10 years, states that one of her primary goals is to promote mediation and settlement, rather than confrontation, in family law matters. Mediation "decreases the blow-ups and the negative comments, and the need for additional court contacts and restraining orders," explains Lebow. "We often get comprehensive agreements. We can save the judges a lot of time."

Commissioner Berkow's wish list for Contra Costa County includes a real child-care facility, more trained attorney mediators, and funding to "use the waiting time more constructively." The facilitator's office has received a grant to make a video "road map to the court process," and a voice mail information system is in the works.

'THRILLED TO DEATH'

Contra Costa is not the only county excited about the family law facilitator program. "I'm thrilled to death," says Carolyn Stieler, Executive Officer of the Tuolumne County Coordinated Courts.

The program has allowed small, rural county courts to assist people in ways that were impossible just last year. "The staff had been frustrated because they didn't have anyone to refer people to," Stieler observes.

Facilitator Julie Rowe, previously a family law attorney for eight years, works part-time for Tuolumne and Calaveras Counties, devoting 12 hours per week to each. "There are few legal resources up here," she says. "I'm the last gasp for a lot of people." Each facilitator and county has developed their own approach. Facilitators may arrange one-on-one appointments with pro pers, open their offices to drop-ins, establish telephone consultation hours, or take referrals from judicial officers. Several counties have supplemented state and federal funds to open family law self-help centers.

EXPERIENCED ATTORNEYS

Many of the new facilitators are veteran family law attorneys who worked as client advocates for years. Now they are promoting mediation and education to resolve child support disputes. They are organizing workshops and clinics, recruiting and training volunteer attorneys, streamlining forms, and creating fact sheets and brochures.

Deborah Chase and Tom Surh share the facilitator's position in the Administratively Consolidated Trial Courts of Alameda County. Both have practiced family law for years in the San Francisco Bay Area. "Any legal services provided on a private basis are terribly expensive," Surh says. "Most people are priced out of the system."

The two currently spend most mornings shuttling between courtrooms in Oakland and Hayward, assisting pro pers on the spot and preparing orders after the hearings. With the assistance of seven interns from Bay Area law schools, they offer as many as nine workshops each week and four drop-in clinics. A family law self-help center is under construction in the Oakland courthouse.

Intake clerk Lillian Payne at the Superior Court of California, County of Contra Costa, helps a pro per client wade through a stack of divorce and child support papers. *Photo: Janet Byron.*

RURAL CHALLENGE

Gretchen Serrata, Family Law Facilitator for Nevada and Sierra Counties, considered the job at the urging of colleagues and friends.

Tens of thousands of litigants without lawyers are taking advantage of the first legislatively mandated effort to provide procedural guidance to families involved in child support cases.

"I thought, 'This could be the job from hell,'" Serrata says. While suburban-urban counties like Alameda and Contra Costa can draw on the expertise of practicing attorneys, law students, and community service organizations, small rural counties like Sierra and Nevada have very few lawyers or support agencies (Sierra has no practicing attorneys), making the term *pro per* all the more meaningful.

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Unification

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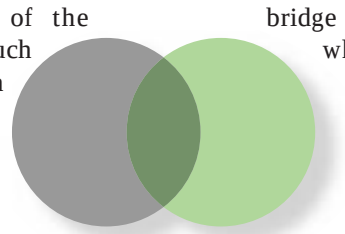
Despite this the court has an outstanding track record under coordination (as many civil cases were tried in the 6 months since the court coordinated as in the previous 12 months) and had no qualms about unifying. "We were fully coordinated pre–Prop. 220, so it was a foregone conclusion that our judges would vote to unify when afforded that opportunity. It was a very easy decision," comments the presiding judge.

UNANSWERED QUESTIONS

As the court makes its transition to unification, "There are a thousand questions, and we're addressing them slowly," says Presiding Judge Spinetta. As a first step, he has issued an order addressing some of the practical issues, such as the clarification of certain local rules and how and where cases are to be filed.



Local rules are a concern in other counties as well. "We are still awaiting what I perceive are going to be new rules," says Presiding Judge Harmon. "I perceive that there are a number of procedural issues that have to be addressed."

In fact, the Legislature is expected to pass Prop. 220 implementing legislation, Senate Bill 2139, by late summer. Among other things, the bill helps bridge the gap between what were former municipal court cases that are now pending or being filed as superior court cases. Amended on June 15, the bill also includes statutory changes proposed by the California Law Revision Commission.

Presiding Judge Laurence K. Sawyer of the Superior Court of California, County of Sonoma, observes, "We're taking a wait-and-see position. Nothing will happen drastically in the next six months. I hope the cleanup legislation can solve some problems." One challenge for the court, he notes, is determining calendars, which currently are running well split between municipal and superior courts. He says the court hopes to integrate the calendars by the first of the year.

"The work is just starting," says Presiding Judge Sawyer, "but we've been well prepared. Even in the first six months of this year, we were preparing for Prop. 220, so we could make the transition quickly if it passed."

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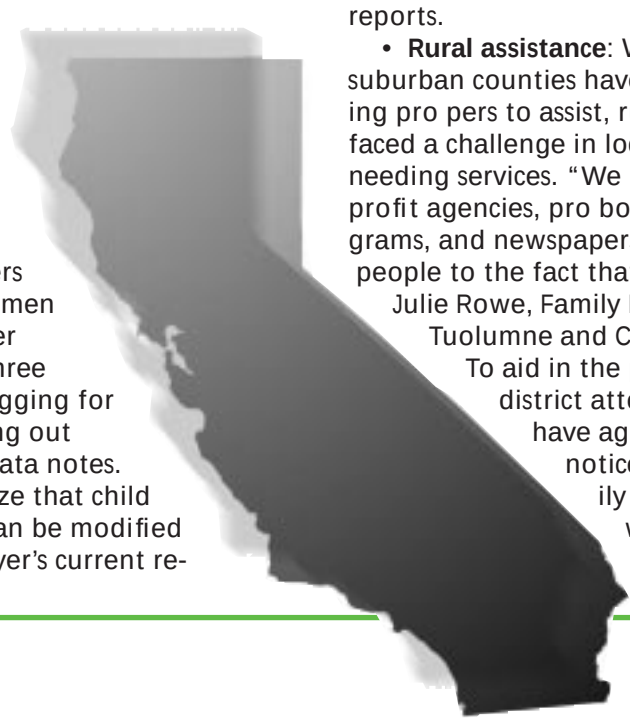
Extending the Reach

The newest addition to California courthouses, family law facilitators are finding innovative ways to assist pro pers in child support matters. Santa Clara County launched a Web site (claraweb.co.santa-clara.ca.us/sct), and the Amador County facilitator gives talks at local high schools. San Francisco County has translated its informational materials into Spanish, Vietnamese, Chinese, and Russian.

Here are a few other examples:

- **Domestic violence**: Alameda County Family Law Facilitators Deborah Chase and Tom Surh are developing a workshop on how to use the Domestic Violence Prevention Act (DVPA) in child support matters. "We both believe DVPA is underused," Chase explains. "Domestic violence victims may be afraid to ask for child support."
- "**Deadbeat dads**": Gretchen Serrata, Family Law Facilitator for Nevada and Sierra Counties, refers to fathers who can't pay support as "payers in a pickle." The men come through her door with files three inches thick, "begging for help straightening out their cases," Serrata notes. Many don't realize that child support orders can be modified to reflect the payer's current reality. "The public perceives them as deadbeats," Serrata says. "They come in with the saddest little collection of efforts to settle with the district attorney.... You can't tell someone who owes $15,000 to put down $7,000 when they make $7,000 per year," Serrata says. "It's better to have them pay some than none."
- **Educational materials**: Christine Copeland, Family Law Facilitator for San Benito and Santa Cruz Counties, has developed some 35 informational handouts. These include brochures on child support, spousal support, health insurance, and paternity. Other handouts walk pro pers through the process of filing "initiating" and "responsive" papers. "I am always developing new handouts and editing existing handouts to make them more accessible to pro pers," she reports.
- **Rural assistance**: While urban and suburban counties have no trouble finding pro pers to assist, rural areas have faced a challenge in locating people needing services. "We have fewer nonprofit agencies, pro bono legal aid programs, and newspapers that would alert people to the fact that I exist," says Julie Rowe, Family Law Facilitator for Tuolumne and Calaveras Counties. To aid in the process, the local district attorney's offices have agreed to provide notices about the family law facilitator when they serve complaints.



Pro Pers

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As a result, Serrata emphasizes alternative dispute resolution and mediation. Parties in child support cases "so often think of that as an odd idea, because they're not talking to the other side," Serrata comments. "They often leave the mediation session more amicable than when they came in."

Serrata drives 920 to 1,322 miles a month to serve the population centers in the two counties. She has an administrative assistant 20 hours per week and works closely with the child support commissioner. "It's been very rewarding. People often ask where this project was 10 or 15 years ago."

The recently hired child support commissioners also view the work as an exciting new direction for the courts. Cynthia Denenholz, Family Law Commissioner for Sonoma County, was a deputy district attorney in the family support division for 12 years. "I like having the discretion to make the decision that's best for the case," Denenholz says. "There's not such a feeling among pro pers that they're in a child support mill. They have been given a place to voice their concerns."

● Contact: George Nielsen, 415-356-6614 (CALNET 8-531-6614), Lee Morhar, 415-356-6659 (CALNET 8-531-6659), or Bonnie Hough, 415-904-5959 (CALNET 539-5959), all in the Center for Children and the Courts. ■

Janet Byron is a Berkeley-based writer.

Unification

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At the Superior Court of California, County of Butte, Presiding Judge Steven J. Howell says a concern was the issuance of municipal court judges' paychecks, for which there are now interim procedures. One still-unresolved question is how to assign electoral departments because each court has its own Departments 1 and 2. The court has solved the problem of municipal court filings by continuing to accept everything with a municipal court name on it.

"Our attitude is 'Hang loose; don't worry about it. It will be worked out,'" says the presiding judge confidently, at ease with the single court concept. "We had no doubts about voting to consolidate," he remarks. "We've been coordinated for two years [before Prop. 220]. We've been a completely classless court. All the decisions are made by judges, not based on whether they are municipal or superior court judges."

NEW CHALLENGES

Despite some uncertainties, at least these judges find comfort in their past experience and look forward to the challenges of the new unified environment.

"Our big issues were addressed when we coordinated," reflects Presiding Judge Sawyer. "That was more difficult than this [unification] was. We've been living with coordination for a couple of years, and we've seen the value of it. We've already gone through our growing pains."

In Imperial County, Presiding Judge Harmon says, "There is no question that the major challenges pertain mainly to our substantial caseload. The implementation of Prop. 220 will help rather than hinder. We welcome unification; we are pleased that we are all superior court judges. We had great working relationships with the municipal court judges."

Prop. 220 is "an opportunity for us to see how judicial business can best be conducted," states Presiding Judge Spinetta. "We have more resources, more facilities, more judicial officers. We have an opportunity to translate this into a more efficient use of our resources. We have no hesitation about doing this." ■

On Call At the AOC

At the Administrative Office of the Courts (AOC), staff have been processing court unification documents daily, including applications to call for a vote and notices of unanimous written consent. The Judicial Council's Executive and Planning Committee has been convening as necessary to certify the consent documents it receives from the counties where votes have been received and processed, as prescribed by the California Rules of Court implementing Proposition 220. (The rules also allow counties to have their votes certified by the county registrar.) The AOC provides the courts with regular bulletins as the council certifies the unification votes. The most current "Special Report on Proposition 220" is posted on the "Online Reference Shelf" at the Judicial Branch of California Web site, www.courtinfo.ca.gov.

AOC staff attorneys are engaged in researching questions from the courts, which they receive daily on the hotline set up specifically to answer such queries. During the first three weeks after passage of Prop. 220, the hotline averaged 10 calls a day. That has declined slightly, so calls now average about 40 a week. For the public a fact sheet, "Proposition 220: Voluntary Trial Court Unification," has been developed. It is available on the "Online Reference Shelf" at the Judicial Branch of California Web site (see above) or from the Publications Hotline, 415-904-5980 (CALNET 8-539-5980) or 800-900-5980 (in California).

EDUCATIONAL PROCESS

This transition period is an educational process for everyone, acknowledged William C. Vickrey, Administrative Director of the Courts, who offered his appreciation to the courts for their patience and diligence. "We want to thank the courts for being quick to identify the issues; we are all learning from each other. The questions the courts have posed have assisted our legal staff in developing answers that we are distributing regularly to the courts.

"Senate Bill 2139, Prop. 220's implementing legislation, makes changes in the law to recognize the existence of counties with unified superior courts and those with separate superior and municipal courts and provides some transition provisions on the status of former municipal court employees in unified courts. The issues raised by the courts will help the Judicial Council identify areas that may require additional legislative action or additional rules."

Virtual Courthouse Built for Learning

The courthouse is only a mouse click away. By logging on to www.co.la.ca.us/courts/superior-auc/lawday/main.htm, students (and anyone else, for that matter) can enter Los Angeles County Superior Court's "Courtroom 2000" at its virtual bilingual courthouse.

Launched on May 1 as part of Law Day and developed in partnership with the Los Angeles County Office of Education, the program is one facet of an ambitious three-year courtwide project to acquaint students with the judicial system.

The virtual courthouse offers a tour in English and Spanish of a courtroom and information about the people who staff it. Visitors can click on different icons to find out what a judge does, how to become a lawyer, and much more. Eventually the tour will be expanded to include all aspects of the court system, from juvenile to probate, and be geared to all school levels, court Public Information Officer Jerrianne Hayslett says.

UNIQUE FEATURE

A unique feature of "Courtroom 2000" is "Ask the Judge." Only students are given a password to ask Los Angeles County Superior Court Judge Gregory C. O'Brien, Jr., questions, which he answers as his schedule allows. On opening day, however, he and 30 Fairfax High School students held an interactive "live chat."

Previously asked questions and Judge O'Brien's responses appear online for anyone to read. Students' questions are wide ranging, from "Do you enjoy being a judge?" (Judge O'Brien: "Yes. Judging is a very rewarding career. You get to work on interesting problems, and you meet very intelligent people.") to "Have you ever been threatened by anyone in the court?" ("No, thank goodness. Even the most hardened criminals have almost always behaved properly when in my courtroom. The reason, I think, is that judges do not personalize the process—meaning that we do not convey that we have anything personal against the defendant. What we are doing is administering justice neutrally. Defendants do not know us, and their attorneys have explained all of this to them.")

Judge O'Brien, who screens the questions, may surprise some students. To one who asked, "How many people have you sent to jail?" the judge wrote, "Lots. Are you interested in going?" But he also responds to some personal questions, such as "Were you a good student when you were young?" The judge's response: "When I was young, some of my classmates called me 'the professor.' I hated it. I guess you can figure out the answer to your question from that."

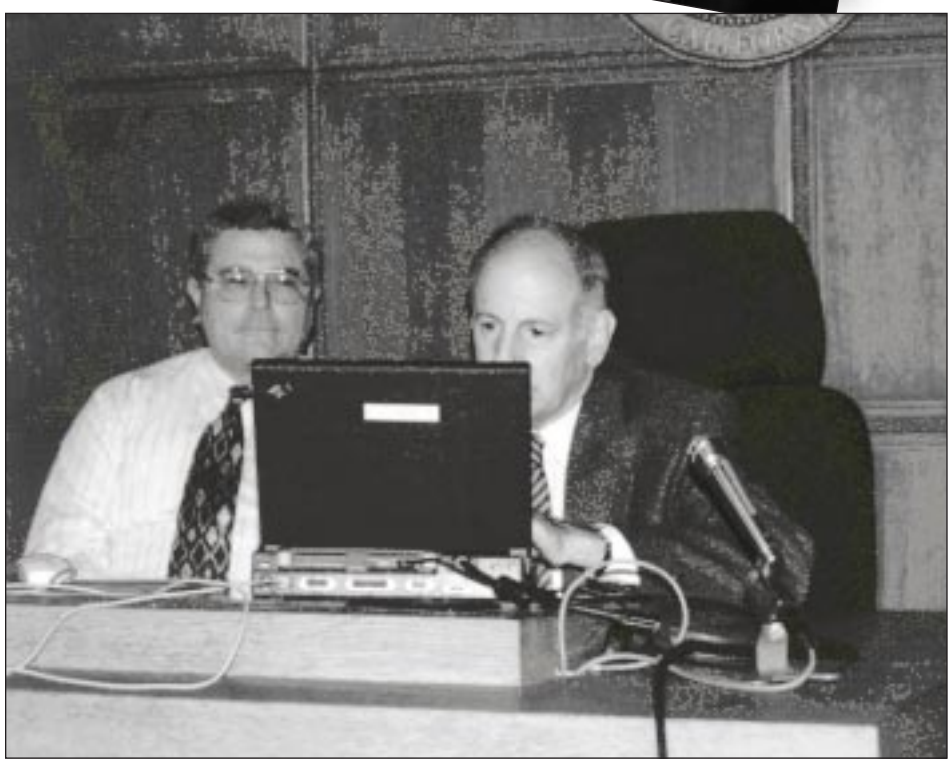
Chief Justice Ronald M. George, who visited the Los Angeles court to view a demonstration of the site and answer some questions online, was impressed by the site's capabilities. "A lot of legal problems we face today stem from the fact that many young people don't get an idea of how the justice system works," he commented.

LARGE AUDIENCE

About 225,000 students in Los Angeles County currently have Internet access at school, Hayslett estimates. The "Courtroom 2000" audience is likely to grow because translations of the program will also be posted. Besides Spanish, it also has been translated into but not yet posted in Mandarin, Korean, and Vietnamese. Video scenarios of youths practicing mediation strategies in settling disputes will eventually be added to the cybercourt.

"Courtroom 2000" has piqued the interest of and earned high marks from both students and adults. One Fairfax High student called the images "very original, very creative." Hayslett says she has gotten "fantastic feedback from across the country, from Hawaii to Maryland."

● Contact: Jerrianne Hayslett, Public Information Officer, Los Angeles Superior Court, Room 107-A, 111 North Hill Street, Los Angeles, CA 90012, 213-974-5227. ■



Los Angeles Superior Court Judge Gregory C. O'Brien, Jr., watches Chief Justice Ronald M. George respond to a student's online question at the court's "Courtroom 2000." Access to the virtual bilingual court allows students to "Ask the Judge" questions, which Judge O'Brien routinely answers. *Photo courtesy of the Los Angeles Superior Court Public Information Office.*

At the virtual bilingual courthouse, students learn about the judicial system and the people who work in the courts and even get to ask questions of a judge, who responds online.

Judge Eleanor Provost

MESSAGE FROM THE JUDICIAL COUNCIL

Serving on Assignment: Challenges and Change

BY JUDGE ELEANOR PROVOST
MUNICIPAL COURT, TUOLUMNE COUNTY COORDINATED COURTS

Article IV, section 6 of the California Constitution provides that the "Chief Justice shall seek to expedite judicial business and to equalize the work of judges through the temporary assignment of judges." We all know these judges as "visiting judges." A little history is helpful in understanding how much this area has changed in the last couple of decades.

When I became a justice court judge in 1982, small counties typically had several part-time justice court judges paid part-time salaries. I received about $13,000 per year and worked about four days per month in the Groveland Court near Yosemite.

"I have now sat in over 100 justice, municipal, and superior courts in over 40 counties."

To supplement that income justice court judges could either practice law or go on assignment. The practice of law in a small community creates many conflicts of interest in addition to the fact that the judge could not practice in any justice court. That limited the practice to federal or superior court matters, primarily bankruptcy, probate, and domestic law. To avoid conflicts with the local bar it was easier to travel on assignment and earn the daily salary and per diem.

CLOSURE OPENS NEW DOORS

In the late 1980s and early 1990s many courts started to consolidate their justice courts to save money and become more efficient. In Tuolumne County we eliminated three of our five justice courts. Mine was one of the courts that closed its doors on January 1, 1989.

As a result I began going on assignment full-time or as often as assignments were available. I have now sat in over 100 justice, municipal, and superior courts in over 40 counties.

In November 1994 the voters passed Proposition 191, which converted the last of the justice courts to municipal courts. Some of those judgeships were still not full-time equivalents, so rule 795.5 of the California Rules of Court was passed to require former justice court judges who were now municipal court judges with less than a full-time caseload to be available for assignments. Under this rule, by being available for assignment when not needed in their home court, these judges received full-time salaries and retirement benefits.

Because I had run for election for a vacant justice court seat in my county in 1994, I became a part-time municipal court judge and continued to work as a visiting judge.

Recently, because of trial court coordination and increased workloads in the courts, most of the rule 795.5 judges have been allowed to work in their home counties, many at least part-time on superior court matters. As a result, there are now fewer visiting judges available for assignments. Only those who have retired sit on the circuit.

RICH EXPERIENCES

As much as I used to complain about being gone all the time and that my cat did not recognize me when I returned home, I will miss the variety of experience assignments offer. Sitting as a visiting judge teaches skills not available from a CJER [Center for Judicial Education and Research] seminar. This is especially true for judges who come from small counties where the pace is slower. The first time I went to the Van Nuys Municipal Court I suffered a case of culture shock. I was assigned to Division 103, the master calendar. I walked into an amphitheater they called a courtroom and there were people everywhere. Lawyers and victim/witness coordinators were talking on telephones installed at the counsel table. I had never seen a phone on a counsel table before. There was a veritable din of noise. There were multiple permanent interpreters assigned just to that court. There were routine calendars of 90 to 115 cases. There were so many clerks doing things that I never did figure out what each one did.

Experience like that teaches you to be efficient and fast. You also realize that just because your court does something a certain way does not mean it is the right way. There are at least 58 right ways to run a court in California, one for each county. As a visiting judge you learn to be flexible and "go with the flow." There are enormous variations in sentencing and in what cases courts think are serious.

I remember going to Richmond early in my career and being shocked when cases we would treat as felonies in Tuolumne County were being reduced to misdemeanors. Of course we rarely see those cases in Tuolumne County, so it is more likely our district attorney would treat them harshly. We, on the other hand, treat Fish and Game violations almost as seriously as DUIs.

POSITIVE RELATIONSHIPS

Another real advantage of sitting as a visiting judge is the interaction with colleagues. Sometimes it seems like going to Judges' College every time you go on assignment. I have made some lifelong friends, not just with other judges, but also with clerks and bailiffs. On the other hand, occasionally you get to a court and never see another judge for the entire time you are there. I have always thought this was an area that needed to be improved. It seems so easy to notify the bench that Division *X* has a visiting judge, Judge Smith, from a certain county. I can remember several counties where I sat for a week without meeting another judge, probably because none of them knew I was there.

Some courts are especially helpful to visiting judges. They are often the courts that have frequent need. San Mateo and Fremont courts used to send out a list of nearby hotels and a map. One county even made a hotel reservation on a very last-minute assignment.

I think what I will miss most about no longer being on assignment is the excitement of going somewhere different and doing a variety of cases. There is a challenge from doing the unexpected. It is invigorating to do new things, see different lawyers, and handle a different routine.

As we continue to progress toward consolidation, all courts are looking at major changes. Caseloads continue to increase, but at the same time courts are becoming more professional and more efficient and thus better able to handle their workloads. Despite this better use of our existing judges, we will always need to have visiting judges help out with disqualifications, special cases, time-consuming three-strike cases, and vacancies. Our retired judges have a wealth of experience, and I hope they will continue to enjoy a retirement of challenge on the circuit. I know I look forward to doing it again when I retire.

Revised Standards and Guidelines Issued for Judicial Assignments

Revised Standards and Guidelines for Judicial Assignments have been adopted effective July 15, 1998. Under Article VI, section 6 of the California Constitution, the Chief Justice has the authority to assign retired and active judges in order to "expedite judicial business and to equalize the work of judges."

The Standards and Guidelines describe the policies the Chief Justice generally will follow in exercising his discretion, including determining the eligibility of a judge to serve and the circumstances under which an assignment may be made. The Standards and Guidelines do not limit the Chief Justice's discretion, nor do they set forth all the factors that he may consider in making assignment decisions. They do, however, provide basic guidance to judges interested in serving on assignment and to courts that may wish to obtain the services of an assigned judge.

The Standards and Guidelines are part of a newly revised *Handbook for the Assigned Judges Program.* Also included in the handbook are an introductory letter from the Chief Justice, the Administrative Procedures Manual for the Assigned Judges Program, and information concerning the administration of the Three-Strikes Program and of the Civil Delay Reduction Program for the coming fiscal year—two legislatively created programs designed specifically to alleviate delays in the processing of three-strike cases and increased civil case workloads.

● For copies of the *Handbook for the Assigned Judges Program*, call the Publications Hotline, 415-904-5980 (CALNET 8-539-5980) or 800-900-5980 (in California).

Finding of Strikes Not Affected By Penal Code Section 654

BY JUDGE J. RICHARD COUZENS
SUPERIOR COURT OF CALIFORNIA, COUNTY OF PLACER

The California Supreme Court, in *People v. Benson* (1998) 18 Cal.4th 24, has ruled that Penal Code section 654 does not limit the calculation of the number of strikes that may be found with multiple convictions arising out of the same prior proceeding.

The defendant, convicted in the current prosecution for shoplifting $20 worth of cigarettes from Target, was found to have suffered two strikes arising out of a 1979 incident. The facts of the prior proceeding were gruesome: The defendant and the victim resided in the same apartment building. After entering the victim's apartment, ostensibly to retrieve some misplaced keys, the defendant grabbed the victim from behind, forced her to the floor, and stabbed her with a knife approximately 20 times. The defendant was convicted of residential burglary and assault with intent to commit murder, with the use of the knife and infliction of great bodily injury. The trial court sentenced the defendant on the burglary but "stayed" the assault conviction, presumably because of the limitations of section 654. The trial court in the current proceeding found that the convictions for the burglary and assault constituted two strikes.

LAW'S LANGUAGE CLEAR

The Supreme Court quoted with approval from the opinion of the Court of Appeal for the Second Appellate District (Los Angeles): "We must conclude, based upon the plain language of the statute, that the Legislature and the voters through the initiative process clearly intended that each conviction for a serious or violent felony counts as a prior conviction for sentencing purposes under the three-strikes law, even where the convictions were based upon conduct against a single victim committed at the same time with a single intent, and where pursuant to section 654 the defendant was punished for only a single crime." (*Benson, supra,* 18 Cal.4th at p. 30.)

The court based its decision on the language of the three-strikes law: *"Notwithstanding any other provision of the law …* a prior conviction of a felony shall be defined as: (1) Any offense defined [as a violent or serious] felony in this state. *None of the following dispositions shall affect the determination that a prior conviction is a prior felony …* (B) *The stay of execution of sentence."* (*Benson, supra,* 18 Cal.4th at p. 28, original italics.) Chief Justice George, in writing for the majority of the court, observed that a stay of a conviction under section 654 should be treated no differently from a stay for any other reason. The clear and unambiguous reference to "stay" in the three-strikes law was sufficient to prohibit the application of section 654 to the calculation of the number of prior strikes.

The court also reasoned that its decision was consistent with the purpose of the three-strikes law to impose greater punishment on persons convicted of violent offenses. "Defendant was convicted of having committed two serious or violent felonies in 1979; the electorate and the Legislature rationally could have determined that he therefore posed a greater threat to public safety than a defendant who had committed only one such offense, such as residential burglary, without the ensuing assault to commit murder. In our view, the electorate and the Legislature rationally could—and did—conclude that a person who committed additional violence in the course of a prior serious felony … should be treated more harshly than an individual who committed the same initial felony." (*Benson, supra,* 18 Cal.4th at p. 35.)

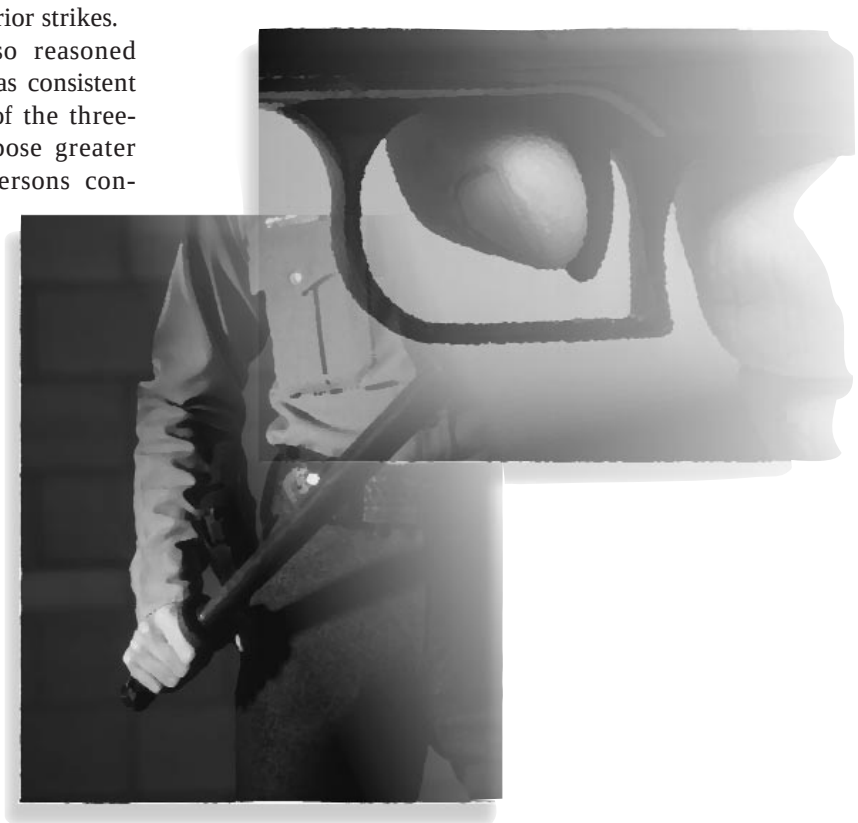
DISCRETION RETAINED

The court expressly declined to extend the decision beyond its application to the determination of prior strikes. "[W]e simply conclude that in enacting the comprehensive sentencing scheme set forth in the three-strikes law, the Legislature and the electorate sought to ensure that, *for the purposes of the three-strikes law,* a defendant's prior serious felony *convictions* would count as 'strikes,' regardless of whatever leniency a court *previously* had afforded to that defendant at *sentencing*. Nothing contained in this opinion affects the application of section 654 in other contexts." (*Benson, supra,* 18 Cal.4th at p. 35, fn. 7, original italics.)

Judge J. Richard Couzens

Judge Couzens is a member of the Judicial Council and immediate past chair of its Criminal Law Advisory Committee.

In answer to defendant's concern that the court's decision would produce "dramatic and harsh results," the court noted that trial courts retain discretion to dismiss prior convictions if the interests of justice support such action. "Because the proper exercise of a trial court's discretion under section 1385 necessarily relates to the circumstances of a particular defendant's current and past criminal conduct, we need not and do not determine whether there are some circumstances in which two prior felony convictions are so closely connected—for example, when multiple convictions arise out of a single act by the defendant as distinguished from multiple acts committed in an indivisible course of conduct—that a trial court would abuse its discretion under section 1385 if it failed to strike one of the priors." (*Benson, supra,* 18 Cal.4th at p. 36, fn. 8.) ■



Focus: Washington

Editor's Note: Information in this column is provided by the Judicial Council's Office of Governmental Affairs.

Juvenile justice measures stalled

Earlier this year Washington observers speculated that juvenile justice reform would be the main focus of the Congressional session. But so far the three main reform bills introduced last year, Senate Bill 10 and House Bills 3 and 1818, have not moved. Both House resolutions are stalled in the Senate Judiciary Committee without a hearing date, and Sen. 10 is facing numerous controversial amendments on the Senate floor. However, interest in juvenile justice reform has been reignited by the recent school shootings in Arkansas and Oregon and election-year politics.

The reform bills, which sailed through the House last year, are now facing broad resistance outside of Congress. Chief Justice William Rehnquist, in his year-end message on the state of the courts, raised concerns about the efforts to federalize certain juvenile crimes. He is not alone in his opposition. In an unusual display of solidarity, the National Association of Criminal Defense Lawyers and the National District Attorneys Association launched scathing attacks on the bill. They were joined by the American Bar Association's Criminal Justice Section and many law enforcement organizations.

The Office of Juvenile Justice and Delinquency Programs has announced the details of the Juvenile Accountability Block Grant program, created by Congress last year. *For details, see Education & Development, page 13.*

Amendment to House Bill 1690 adds controversy

On May 21, 1998, the House Judiciary Committee passed House Bill 1690, a measure that would amend the Parental Kidnapping Prevention Act of 1980. The bill expands grandparents' rights under the act by including grandparent(s) in the definition of *contestant*.

Initially the courts were not opposed to the bill; it was recently amended, however, to create federal jurisdiction to resolve conflicts between states in child custody disputes. This amendment is more controversial and will face resistance by the Conference of Chief Justices, which adopted a resolution in March 1996 opposing the creation of federal jurisdiction in this area.

● Contact: June Clark, Office of Governmental Affairs, 916-653-2362 (CALNET 8-453-2362). ■

Coordination Highlights

Unified courts relieved of submitting plans, reports to council

The Judicial Council took the following actions at its June 19 meeting:

▼ In counties that have been certified by the Judicial Council as unified, pursuant to Proposition 220, relieved the trial courts of any future obligation to submit coordination plans, coordination progress reports, or progress assessment information to the Trial Court Coordination Advisory Committee (TCCAC).

▼ Approved eligibility for pay parity for the municipal court judges of three counties on the dates indicated: Tehama, April 1, 1998; El Dorado, May 1, 1998; and Monterey, June 1, 1998. In February, the council reviewed and approved the pay parity policy recommendations proposed by the TCCAC and approved eligibility for pay parity for municipal court judges as recommended by the TCCAC.

▼ Approved amendments to the overall assessments of coordination implementation for the trial courts in Alameda, Alpine, Amador, Calaveras, Contra Costa, El Dorado, Monterey, and Tehama Counties.

▼ Retained the requirement of a single presiding judge in countywide trial court systems as a criterion for the overall assessment of "fully coordinated." In addition, the council voted that the criteria for the overall assessment of "fully coordinated" may include the use of an oversight committee in the two alternatively structured counties (Los Angeles and San Diego) with duties and voting procedures as defined by council policy.

● Contact: Fran Jurcso, Trial Court Services, 415-396-9151 (CALNET 8-531-9151). ■

Trial Court Funding Act

Facilities task force now complete

Membership of the statewide Task Force on Court Facilities is now complete with the appointment of all 18 members.

Created by the Trial Court Funding Act, the task force will undertake a comprehensive study of the court facility needs of California's trial and appellate courts. As a result of the study, it will make recommendations for funding maintenance, improvements, and expansion projects and work to clearly delineate the responsibilities of various government entities relating to court facilities.

The statewide panel consists of 6 members appointed by the Chief Justice from urban, suburban, and rural courts; 6 members appointed by the Governor from a list of nominees submitted by the California State Association of Counties and representing urban, suburban, and rural counties; 2 members appointed by the Senate Rules Committee, 1 representing the State Bar or an associated attorney organization; 2 members appointed by the Speaker of the Assembly, 1 representing the State Bar or an associated attorney organization; and the Director of General Services and the Director of Finance or their designees.

The Governor's appointees are Joan B. Bechtel, Supervisor, Sutter County; Robert T. Doyle, Sheriff, Marin County; Jerry Eaves, Supervisor, San Bernardino County; Gary R. Freeman, Supervisor, Glenn County; David E. Janssen, County Administrative Officer, Los Angeles County; and Charles V. Smith, Supervisor, Orange County.

Senate appointees are Assistant U.S. Attorney Yvonne Campos, San Diego, and Anthony Tyrrell, Area Agency 12 on Aging, Sonora. Assembly appointees are Assembly Member Martha Escutia and attorney Wylie A. Aitken, Santa Ana.

The Department of Finance designee is Program Budget Manager Fred Klass of the Capital Outlay Unit, and the Department of General Services designee is Deputy Director Eugene A. Spindler II of the Real Estate Services Division.

Chief Justice Ronald M. George made his appointments earlier this year. Administrative Presiding Justice Daniel J. Kremer of the Court of Appeal for the Fourth Appellate District, Division One (San Diego), is chair. The Chief Justice's other appointees are San Diego County Superior Court Judge Wayne L. Peterson; Judge Michael E. Nail, Superior Court of California, County of Solano; Judge Diane Elan Wick, Superior Court of California, County of San Francisco; Executive Officer Greg Abel, Superior Court of California, County of Sonoma; Executive Officer John A. Clarke, Los Angeles Superior Court and the Administratively Unified Courts of Los Angeles County.

The task force held its first meeting in San Diego on July 27 and 28. The purpose of the meeting was to:

- Examine the charges, duties, and objectives of the task force, based on the statute;
- Establish operating procedures;
- Provide information on court facilities and the California court system as background for development of task force recommendations; and
- Discuss and adopt a work plan for completing the charge of the task force.

● Contact: Robert D. Lloyd, Business Services, 415-396-9197 (CALNET 8-531-9197), or e-mail: bob_lloyd@jud.ca.gov. ■

Judicial Appointments

Governor Wilson made the following judicial appointments in May and June.*

SUPERIOR COURTS

Peter C. Deddeh to the San Diego County Superior Court, succeeding Robert Carroll Baxley, retired.

Mary Ann O'Malley to the Superior Court, Coordinated Trial Courts of Contra Costa County, succeeding Wayne A. Westover, retired.

Stephen J. Sundvold, of the North Orange Municipal Court, to the Orange County Superior Court, succeeding Everett W. Dickey, retired.

Michael M. Anello to the San Diego County Superior Court, succeeding Donald L. Meloche, retired.

Henry J. Walsh to the Superior Court, Ventura County Superior and Municipal Coordinated Courts, succeeding Fred Jones, deceased.

Richard J. Loftus to the Superior Court, Santa Clara County Consolidated Courts, succeeding John Flaherty, resigned.

Timothy J. Staffel to the Santa Barbara County Superior Court, succeeding Richard St. John, retired.

MUNICIPAL COURTS

Joyce M. Cram to the Mt. Diablo Municipal Court, Coordinated Trial Courts of Contra Costa County, succeeding William M. Kolin, elevated.

Donna G. Garza to the Municipal Court, San Bernardino Superior and Municipal Courts, succeeding Ronald M. Christianson, elevated.

Cynthia Ming-Mei Lee to the Municipal Court, San Francisco Trial Courts, succeeding Diane Elan Wick, elevated.

Gregory T. Fain to the Central Valley Municipal Court, Fresno County Courts, succeeding Anthony Ishii, appointed to the U.S. District Court.

Timothy A. Kams to the Municipal Court, Fresno County Courts, succeeding Edward Sarkisian, Jr., elevated.

Susan M. Dauphine to the Municipal Court, Coordinated Trial Courts of Monterey County, succeeding Robert F. Moody, elevated.

George R. Gonzalez-Lomeli to the East Los Angeles Municipal Court, succeeding Ruth Ann Kwan, elevated.

Cynthia L. Ulfig to the Newhall Municipal Court (Los Angeles), succeeding H. Keith Byram, retired.

Eric C. Taylor to the Inglewood Municipal Court (Los Angeles), succeeding Wardell G. Moss, retired.

Patrick T. Madden to the Long Beach Municipal Court (Los Angeles), succeeding Gary J. Ferrari, elevated.

Laura C. Ellison to the South Bay Municipal Court (Los Angeles), succeeding Benjamin Aranda III, deceased.

Matthew S. Anderson to the North Orange County Municipal Court, succeeding Stephen J. Sundvold, elevated.

** Please note: Court names indicated above do not reflect changes resulting from unification.*

New Rules

The Judicial Council has adopted new and amended California Rules of Court, effective July 1, 1998. The full text of these rules is published in the July 21, 1998, pamphlet of the *California Official Reports* advance sheets (no. 20). The changes are also available on the Judicial Branch of California Web site at www.courtinfo.ca.gov/rules.

Summaries of the new and amended rules follow:

• Rule 302.5. Exemption from rule 302 relating to blue-back requirement. Rule 302.5 creates an exception to rule 302, which preempts all local rules on the form and format of papers, to allow the Los Angeles Superior Court to enforce a local rule requiring blue-backs on documents filed by attorneys. The rule was amended to extend its repeal date to January 1, 1999, preserving the status quo in Los Angeles until the council has had an opportunity to adopt a rule replacing the blue-back requirement.

• Rules 2301, 2501, 2520, 2530, 2531, 205, 207, and 532.5; and standard 27. Judicial administration. In response to the Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233), the council adopted five new rules on court management. The new rules will be incorporated into a new title of the California Rules of Court covering judicial administration (Title Six). In addition, rules 205, 207, and 532.5, regarding the duties of presiding judges and court executives in preparing personnel plans, were amended to conform to the new rules. Section 27 of the Standards of Judicial Administration, regarding trial court personnel plans, was repealed.

Rule 2501 establishes general principles of trial court management, as required by AB 233, that trial court administration be decentralized and that courts be administered on a countywide basis. Rule 2520 requires the trial courts of a county to prepare a countywide personnel plan to ensure that the treatment of employees complies with current law. The rule also lists subjects that the council recommends should be covered in such a plan.

Rules 2301, 2530, and 2531 address budget and fiscal management. They specify the responsibilities of the Judicial Council, the Administrative Office of the Courts, and the trial courts in the budget process and give local courts the authority to distribute and redistribute funds between programs, locations, and functions. ■

How to Download Judicial Council Forms

The Judicial Council's new and revised forms are available for downloading from the Judicial Branch of California Web site at www.court/info.ca.gov/forms/. However, they are provided as Adobe Acrobat documents (.pdf) and *cannot* be filled out within the Acrobat Reader. The documents may only be printed out and filled in manually.

To retrieve the forms, follow these steps:

1. Go to www.court/info.ca.gov/forms/.

2. To download all the forms at once, you must have a file compression utility that will decompress ZIP files. With this utility, click on "Download all of the forms in .ZIP format"; after this, decompress the file with the ZIP file utility. Individual forms then can be read with the Adobe Acrobat Reader. (Note: For more information on downloading a free ZIP file utility, visit the Web site at www.courtinfo.ca.gov/our site/howtoview.htm. The Adobe Acrobat Reader is available free at www.adobe.com/prodindex/acrobat/readstep.html.)

3. To download a specific form, use the pulldown menu at the bottom. The menu lists all subjects alphabetically, beginning with "All Forms" and ending with "Workplace Harassment." Click on the menu bar and select the subject you want.

4. Click on "See Forms" for a list of forms under the subject.

5. From the list of forms that appears select the form you want by clicking on the underlined form number to retrieve the Adobe Acrobat PDF file.

6. To print the form, click on the print option in Adobe Acrobat.

Register to Vote

October 5, 1998, is the last day to register to vote for the November 3, 1998, statewide General Election.

For additional information, including your polling location, contact your local county elections office, call the Voter Assistance Hotline, 1-800-345-VOTE, or visit the Secretary of State's Web site at www.ss.ca.gov.

Electronic Filing Projects Require Plan

Rule 981.5 of the California Rules of Court, effective July 1, 1998, allows courts to modify Judicial Council forms in order to conduct electronic filing pilot projects. Courts planning to modify forms under this rule must submit a project plan to the Court Technology Advisory Committee, which will review the plan for compatibility with proposed standard 37 of the California Standards of Judicial Administration now circulating for comment.

While the committee does not require notification from courts electronically replicating Judicial Council forms, it would like to hear about the existence of all electronic filing projects so it can evaluate the courts' experience with electronic filing before a permanent rule is adopted.

● Contact: For information on submitting project plans, Jane Evans, Information Systems Bureau, 415-904-5958 (CALNET 8-539-5958), e-mail: jane_evans@jud.ca.gov, or submit a request electronically on the Serranus Web site, www.courtinfo.ca.gov/serranus.

Nominees Sought for First Access to Justice Award

Nominations are being sought for the first Judicial Access to Justice Award. Sponsored by the Bench-Bar Pro Bono Advisory Committee, the award will be presented annually to a trial judge or appellate justice who has demonstrated a long-term commitment to improving access to the courts.

Deadline for nominations is October 5.

The Bench-Bar Pro Bono Project, a joint effort of the Judicial Council, State Bar, and California Judges Association, was created in 1996 to educate the bar and the judiciary about causes of and solutions for lack of access to the courts, including how the judiciary can be involved in improving access and encouraging increased pro bono services.

Criteria for nomination include one or more of the following:

• Demonstrated dedication to improving access to the judicial system for low- and moderate-income Californians;

• Demonstrated commitment to increasing the involvement of volunteer attorneys in representation of the indigent;

• Successful establishment of a model system for providing assistance to self-represented litigants;

• Successful establishment of a model cooperative effort with local legal services programs or bar associations designed to improve available representation for low- or moderate-income litigants; or

• Other significant activities demonstrating a long-term commitment to improving the accessibility of the judicial system for all Californians regardless of income.

The award recipient will be selected by the Bench-Bar Pro Bono Project Advisory Committee in consultation with the Judicial Council, State Bar, and California Judges Association. The recipient will be announced in December.

● Contact: For nomination forms, contact Arline Tyler, Council and Legal Services, 415-396-9128 (CALNET 8-531-9128), or Pauline Weaver, 510-272-6600.

Spotlight on:

Administrative Education

Editor's Note: Court News *continues its series on the programs and people of the Administrative Office of the Courts (AOC), the staff agency for the Judicial Council.*

The Administrative Education unit along with Judicial Education form the programs department of the Center for Judicial Education and Research (CJER), the AOC's Education Division. The other departments are Audio-Visual Services and Publications. All work together

to deliver judicial branch education in California. The Administrative Education unit designs, coordinates, and delivers educational programs for court administrators, middle managers, court clerks, appellate court staff, and judicial officers with leadership and administrative responsibilities.

Ohio's entire judicial education department has fewer employees than the AOC's Administrative Education unit, which is staffed by eight people, observes Manager Martha V. Kilbourn, Assistant Director of the Supreme Court of Ohio Judicial College before she joined the AOC in 1997.

These eight people still have a formidable task: developing, coordinating, and delivering programs designed specifically to address the educational needs of judicial officers with leadership and administrative responsibilities and employees at all levels in California's trial and appellate courts. These include court administrators, middle managers, court clerks, and appellate court staff. That's a staggering 20,000 people. Nevertheless, says Kilbourn, "Evaluations show that our programs are consistently highly rated."

"Achieve the goals of the Judicial Council through judicial branch education and professional development."

—Goal V, Education, Leading Justice Into the Future, *Judicial Council of California Long-Range Strategic Plan, adopted May 16, 1997*

SOLID CURRICULUM

During the year, most court employees will participate in at least one of six programs that the unit offers as part of the core curriculum for court administrators or one of three programs designed for appellate staff. While employees are not required to attend, the programs provide them with recommended competencies, notes Kilbourn.

Besides those, employees may participate in other programs that give them a chance to hone their skills and network with their colleagues: the statewide California Judicial Administration Conference, the Judicial Council's and AOC's premier educational and recognition event; the Drug Court Symposium; the Court Clerks Training Institute; Mid-Level Management Conferences offered in the state's north, south, and central regions; and the new one-day Trial Court Staff Seminar, which will be offered several times in various locations around the state each year.

Last year, more than 1,800 employees and almost 200 judges attended the Administrative Education's programs, Kilbourn reports.

TECHNICAL ASSISTANCE

In addition to programs, the unit offers technical assistance to courts in the form of manuals, videotapes, and information on other available training, such as the following:

- The just-updated *1998–1999 Court Training Catalog*, the results of a statewide survey of courts that provides a comprehensive listing of classes offered in courts by subject and course title and information on those open to staff from other courts.
- An extensive videotape lending library includes selections on a wide range of topics, from "Meetings, Bloody Meetings" to a series called "Discovering the Future."
- The *Basic Inservice Training (BIST) Manual* for trial court support staff, currently being updated, provides an overview of the state court system, a glossary of common terms, and guidelines for ethical conduct, customer service, and emergencies.

CHANGING NEEDS

The unit continually evaluates existing programs and develops new ones to ensure they are relevant to the challenges that staff face in the courts' rapidly changing environment. For example, the unit is developing a broad-based program in racial, ethnic,

Continued on page 11

San Diego Hosts Third Annual Appellate Management Institute

The third annual Appellate Management Institute brought together about 20 clerks of the court, administrators, and supervisors to discuss global and local management issues and strategies for the appellate courts. The participants collectively supervise more than 700 employees in the Supreme Court and the six Court of Appeal districts across the state.

During the two-day session, held on April 23 and 24 in San Diego, appellate court leaders focused on specific operational topics and management techniques and tools. Program features included:

▲ **Leadership and Motivation**: The opening and closing sessions highlighted leadership styles and motivational techniques, respectively. The companion themes, which provided a meaningful framework for the program, offered participants practical tools for managing employees and communicating more effectively.

▲ **Violence in the Workplace**: Participants learned how to recognize potential violence in the workplace and discussed internal resources to assist when possibly dangerous situations arise. Staff from the Administrative Office of the Courts' (AOC) Human Resources (HR) Bureau and Sergeant Erik Knudsen of the California Highway Patrol's Office of Court Services collaborated on the presentation.

▲ **Human Resources, Accounting, and Finance Updates**: Staff from the AOC's HR, Accounting, and Finance groups individually addressed court leaders on current issues and developments in their respective program areas. Preparations for year-end closing, cyclical classification studies, and 1999–2000 budget concept proposals were among the topics covered.

▲ **Budget Preparation, Review, and Passage**: Diane Cummins, Chief Deputy Director of the state Department of Finance, led participants through the steps in the state budget cycle. Cummins discussed the judicial branch budget in the context of the overall state budget and provided an informative overview of the interplay among the three branches of government in the budget process.

The program garnered consistently high marks from participants, who noted the benefits of balancing

nuts-and-bolts operational information with "big-picture" organizational ideas. Many attendees commented that presenters provided practical, useful information that was immediately applicable in the workplace.

The Appellate Management Institute, part of ongoing efforts to expand staff training and development in the appellate courts, was developed by the AOC's Education Division with the help of the Appellate Court Services unit.

● For information on appellate court staff training and education opportunities available, contact Karen Moen, Administrative Education, 415-356-6432 (CALNET 8-531-6432), or Elizabeth Howard, Appellate Court Services, 415-396-9386 (CALNET 8-531-9386).

Admin. Education

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sexual orientation, disability, and gender fairness that will be available to all court employees by the end of 1999.

For appellate staff, the unit has developed the Appellate Employment Symposium, Appellate Management Institute, and Appellate Staff Continuing Studies Program.

Three courses that are part of the core trial court curriculum resulted from the first statewide needs assessment conducted by the unit's educational planning body, the Judicial Administration Institute of California (JAIC). JAIC, developed to integrate and expand educational opportunities for judicial branch personnel, is now a primary CJER planning committee. Its first survey, in 1994, revealed a broad consensus on the need for court administrators to develop leadership capabilities, skills to successfully manage organizational change, and skills to manage current technology to make it applicable and effective in the courts. From this assessment came the three core courses: "Exercising Leadership Capabilities," "Leading Organizational Change," and "Managing Technology." Today, that core list has expanded to include "Building Effective Management Teams," "Court Budgeting," and "Courts and Community Relations."

"Needs assessment is currently conducted in two ways," notes Kilbourn. "Every program involves a planning committee of court staff and judges representing different geographic regions, court sizes, and expertise. Committee members survey their colleagues and bring the responses to the committee meeting. In addition, course evaluations ask for suggestions for future courses. These methods serve us quite well."

FUTURE CHALLENGES

Increasing educational opportunities for line-level staff is the Administrative Education unit's future challenge, Kilbourn says.

The Administrative Education unit consists of, front row, left to right, Karen Moen, Manager Martha V. Kilbourn, Claudia Fernandes, Joel Bello; back row, Cynthia Grossman, Amy Fong, Joyce San Jose, and Bo Jue.

CJER has developed a successful model of developing programs centrally and delivering them locally. This means designing a curriculum of teaching guides, student materials, and videotapes, then training court staff to deliver the programs to other staff in their own courts or regionally. "This leverages our ability to bring training to large numbers of people," Kilbourn explains. She predicts that training by videoconference is also a probability in the near future.

In addition, an orientation videotape, which would accompany the *BIST Manual*, is in the planning stages. The ambitious project would be of tremendous value to court personnel, Kilbourn observes.

As demands on the courts continue to grow and fluctuate, the Administrative Education unit will be at the forefront, helping prepare staff to cope and succeed. "We're organized, and we have great resources. I'm really proud of the job our staff does *(see box, this page)*," says Kilbourn. ■

Tali Buchman, Director's Intern at CJER, assisted with this article.

Introducing the Administrative Education Staff

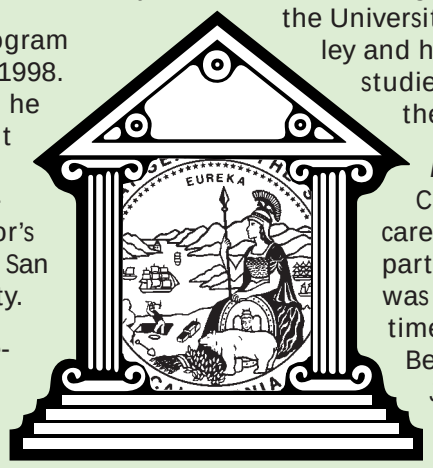
Martha V. Kilbourn has been the Administrative Education Manager since April 1997. She was Assistant Director of the Supreme Court of Ohio Judicial College for seven years and has worked in the adult education field for 15 years. Kilbourn has a B.A. in government from the University of Massachusetts; in addition, she is a graduate of the Management Institute at Springfield College in Massachusetts and the Leadership Institute in Judicial Education at Appalachian State University.

Joel Bello has been Program Secretary since January 1998. Before joining the AOC, he was the training assistant for the Department of Corrections, Parole Division. Bello has a bachelor's degree in sociology from San Francisco State University.

Claudia Fernandes, Senior Education Specialist, has been employed by the AOC since 1990. Her responsibilities include developing programs and curriculum for the California Judicial Administration Conference and Court Clerks' Training Institute. Prior to joining the AOC, Fernandes was Criminal Division Chief for the then–Fremont-Newark-Union City Municipal Court. Fernandes has a master's degree in public administration, bachelor's degrees in business administration and philosophy, and an adult education teaching credential.

Amy Fong, Administrative Coordinator, joined the AOC in 1996. She previously was the events manager for a Marin dental consulting firm that provides practice management training to dentists nationwide. She has also planned programs for the American Academy of Ophthalmology in San Francisco and Commerce Clearing House, Inc., in San Rafael. Fong has a bachelor's degree in journalism from the University of Maryland.

Cynthia Grossman, Education Specialist, has been employed at the AOC since 1996. Her responsibilities include planning the Mid-Level Management Conferences and the new Trial Court Staff Seminars and revising and expanding the *Basic Inservice Training Manual*. Prior to joining the AOC, Grossman was an education manager at the National Holistic Institute, where she was in charge of an evening/weekend career training program. She has a bachelor's degree in art history from the University of California at Berkeley and has completed graduate studies in health education at the University of Maryland.



Bo Jue, Administrative Coordinator, began her career at CJER in 1981 as a part-time office assistant and was later promoted to full-time program coordinator. Before joining the AOC, Jue was primarily a "career mom."

Karen Moen, Senior Education Specialist, develops programs for appellate managers and staff. Before joining the AOC in 1994, she was Executive Director of California Community Dispute Services, a public benefit corporation providing alternative dispute resolution services with criminal courts, police departments, and prosecutors' offices. She has also been an educator and a trainer at the secondary and postsecondary levels. Moen has a master's degree in history and education and a bachelor's degree in history.

Joyce San Jose, Secretary, has been employed by the AOC since 1981. Before joining the AOC, she worked for the federal government for more than 22 years, including as supervisor of word processing for the Internal Revenue Service. She has an associate's degree in social science from Laney College in Oakland.

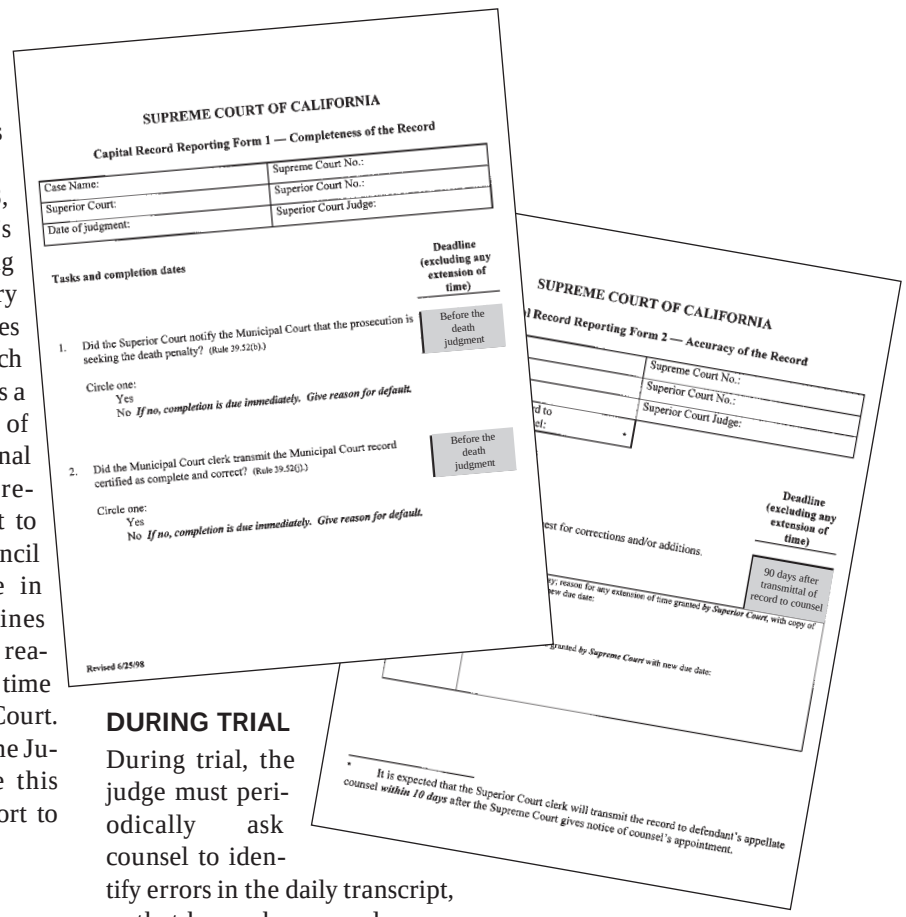
Education & Development

CJER BENCH TIPS

Expediting death penalty appeals

Pursuant to Penal Code sections 190.8 and 190.9, effective January 1, 1997, the Judicial Council adopted rules 39.50–39.57 of the California Rules of Court in March 1997 to expedite the appeals process in death penalty cases. The statutes and implementing rules provide for a two-stage certification process. Subject to extensions, the trial court must certify the record for completeness within 90 days after sentencing (Pen. Code, § 190.8(d); Cal. Rules of Court, rule 39.54(e)) and certify the record for accuracy within 120 days after the record is delivered to appellate counsel (Pen. Code, § 190.8(g); Cal. Rules of Court, rule 39.55(d)). The process that a court must follow is more completely described in CJER's *Death Penalty Benchguide: Penalty Phase and Posttrial*, sections 99.148–99.157.

Starting July 1, 1998, the Supreme Court Clerk's Office has sent a reporting form detailing the necessary steps and relevant deadlines for record correction to each court from which it receives a notice that a judgment of death has been entered. Penal Code section 190.8(h) requires the Supreme Court to provide to the Judicial Council the identity of any case in which the relevant deadlines have not been met and the reasons for any extensions of time granted by the Supreme Court. This section also requires the Judicial Council to include this material in its annual report to the Legislature.


SUPREME COURT OF CALIFORNIA

Capital Record Reporting Form 1 — Completeness of the Record

Case Name:	Supreme Court No.:
Superior Court:	Superior Court No.:
Date of judgment:	Superior Court Judge:

Tasks and completion dates — Deadline (excluding any extension of time)

1. Did the Superior Court notify the Municipal Court that the prosecution is seeking the death penalty? (Rule 39.52(b).) — Before the death judgment

Circle one:
Yes
No *If no, completion is due immediately. Give reason for default.*

2. Did the Municipal Court clerk transmit the Municipal Court record certified as complete and correct? (Rule 39.52(j).) — Before the death judgment

Circle one:
Yes
No *If no, completion is due immediately. Give reason for default.*

Revised 6/25/98

SUPREME COURT OF CALIFORNIA

Record Reporting Form 2 — Accuracy of the Record

Supreme Court No.:
Superior Court No.:
Superior Court Judge:

Deadline (excluding any extension of time)

90 days after transmittal of record to counsel

It is expected that the Superior Court clerk will transmit the record to defendant's appellate counsel *within 10 days* after the Supreme Court gives notice of counsel's appointment.

BEFORE TRIAL

Before trial, the superior court must notify the municipal court that the prosecution is seeking the death penalty and must monitor the preparation and certification of the municipal court record (Pen. Code, § 190.9; Cal. Rules of Court, rule 39.52).

DURING TRIAL

During trial, the judge must periodically ask counsel to identify errors in the daily transcript, so that he or she can order corrections during the course of the trial (Pen. Code, § 190.8(c)). Judges should consider meeting with counsel at least once a week during the course of the trial to review the record, resolve disagreements, and make the necessary corrections. This process will aid the court in meeting time limitations for certification once sentence has been imposed. (See Pen. Code, § 190.8(d); Cal. Rules of Court, rule 39.54.)

FIRST STAGE OF CERTIFICATION

1 Within 5 days after sentencing, the court clerk must:

- Mail certified copies of judgment to the Supreme Court and Attorney General (see Cal. Rules of Court, rule 39.50(d));
- Notify the reporter to prepare the transcript (see Cal. Rules of Court, rule 39.53(b)(2)); and
- Prepare the clerk's transcript, including the municipal court file (see Cal. Rules of Court, rule 39.53(b)(1)).

After 30 days, the clerk must deliver the transcript to trial counsel (Pen. Code, § 190.8(b); Cal. Rules of Court, rule 39.53(b)(4)).

2 Trial counsel review the transcript for completeness and have 30 days to file a:

- Declaration showing compliance with record review requirements, any request for inclusion of additional materials, and any request for corrections; or
- Request for extension of time to file the declaration and any requests for additional materials or corrections. (Cal. Rules of Court, rule 39.54(c).)

If neither side requests additional materials or corrections and counsel has filed a declaration showing compliance with the record review requirements, the court must certify the record as complete (Cal. Rules of Court, rule 39.54(c), (e)).

3 If requests for additional materials or corrections have been filed, the judge must hold a hearing within 15 days. After the judge rules on requests:

- Any additional materials or corrections must be prepared within 10 days of the order (Cal. Rules of Court, rule 39.54(d)(2));

- The judge must set a hearing within 5 days after the additional materials or corrections have been filed in order to determine whether the record has been completed in accord with the order (Cal. Rules of Court, rule 39.54(d)(4)). If it has, the judge must certify the record; if not, further proceedings for correction or completion should be ordered (Cal. Rules of Court, rule 39.54(d)(4), (e)).

SECOND STAGE OF CERTIFICATION

1 Appellate counsel reviews record for accuracy:

- After the clerk has delivered the record to defendant's appellate counsel, counsel has 90 days to file a request for corrections and additions or to seek an extension of time (Cal. Rules of Court, rule 39.55(b), (g));
- If counsel requests additions or corrections, the judge must set a hearing within 15 days after filing of the request (Cal. Rules of Court, rule 39.55(c)). If counsel does not file a request, the judge must certify the record as accurate (Cal. Rules of Court, rule 39.55(d)).

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Third Volume of Judicial Council Annual Report Available Soon

Year in Review, the last volume of the three-volume *1998 Annual Report* of the Judicial Council and Administrative Office of the Courts (AOC), will be available soon.

The three volumes provide a comprehensive picture of California's state court system.

Year in Review describes activities and achievements of the council and AOC during 1997 and the challenges they expect to face in 1998.

Its two companion volumes were released in May. The *Court Statistics Report* (Volume I) provides fiscal year 1996–1997 data, some revised 1995–1996 data, and detailed, county-by-county, 10-year statistical caseload and trend data on a wide variety of court business.

State Court Outlook (Volume II) summarizes key trends in the state courts, workload issues, activities and achievements of the Judicial Council and AOC, and court business for California's appellate and trial courts. It also includes a special report on the Trial Court Funding Act of 1997, signed into law last October.

● Contact: For copies of the reports, call the Publications Hotline, 415-904-5980 (CALNET 8-539-5980) or 800-900-5980 (in California), or visit the Judicial Branch Web site at www.courtinfo.ca.gov ("Online Reference Shelf").

CJER Bench Tips

Continued from page 12

2 Further Procedure:

• After the hearing, the judge must order additional transcripts or corrections within 10 days of the order on the request (Cal. Rules of Court, rule 39.55(c), incorporating rule 39.54(d)(2));

• Once the reporter files the corrections or additions, the judge must set a hearing date within five days (Cal. Rules of Court, rule 39.55(c), incorporating rule 39.54(d)(4));

• At the hearing, the judge must determine whether the record has been completed in accord with the order (Cal. Rules of Court, rule 39.55(c), incorporating rule 39.54(d)(4)). If so, the judge must certify the record; if not, the judge must order further proceedings for correction or completion (Cal. Rules of Court, rule 39.55(d)).

EXTENSIONS OF TIME

• The superior court may grant extensions of time for no more than 30 days for the preparation of the clerk's and the reporter's transcripts for good cause (Cal. Rules of Court, rule 39.53(b)(5)). Additional extensions may be granted only by the Supreme Court;

• The superior court may grant extensions of time to file requests for additional materials or corrections only if the request for extension is filed before the time to file has expired (Cal. Rules of Court, rules 39.54(g)–(I) and 39.55(f)–(h));

• The court may presume good cause for an extension of time if the combined clerk's and reporter's transcripts consist of more than 10,000 pages (Cal. Rules of Court, rule 39.53(b)(6)). If the record is more than 10,000 pages, the court may give trial counsel three days for every additional thousand pages, and may give appellate counsel 15 days per additional thousand pages (Cal. Rules of Court, rules 39.54(g) and 39.55(g)).

RESOURCES

Fairness curriculum provided to courts

The Administrative Office of the Courts has distributed to trial and appellate courts throughout California an educational program, "Fairness in the California Courts," which includes an extensive training curriculum and companion videotape.

The program was developed in response to Chief Justice Ronald M. George's request last year to make broad-based courses on fairness issues related to race, ethnicity, gender, persons with disabilities, and sexual orientation available to all judicial officers by June 30, 1998. He also asked that such education be offered to all court employees by the end of 1999.

In addition to training materials, the Center for Judicial Education and Research (CJER) is making available experienced faculty members to assist local courts in fairness education. CJER developed the program with the Judicial Council's Access and Fairness Advisory Committee.

● Contact: CJER, 415-356-6400 (CALNET 8-531-6400).

Juvenile accountability grants announced

The Office of Juvenile Justice and Delinquency Programs has announced the details of the Juvenile Accountability Block Grant program that Congress created last year. The program is based on House Bill 3 and allocates $250 million among the states based on population; $22.5 million is earmarked for California. The grant money can be used in 12 proposed areas, including juvenile courts and probation offices, drug courts, and interagency information sharing. Both state and local governments are eligible.

● For assistance in applying for a portion of the grant, contact Grants Coordinator Katy Locker, Research and Planning, 415-904-2361 (CALNET 8-539-2361).

Judicial Fellows Program Seeks Applications

The Judicial Fellows Program is seeking applicants for its 1999–2000 program. Founded by U.S. Supreme Court Chief Justice Warren Burger in 1973, the one-year program provides fellows an opportunity to study firsthand both the administrative machinery of the federal judiciary and the dynamics of interbranch relations.

The deadline for applications is November 6.

Candidates must have at least one postgraduate degree, two or more years of professional experience with a record of high performance, and multidisciplinary training and experience, including familiarity with the judicial process. The Judicial Fellows commission, a 13-member panel appointed by the Chief Justice, selects the Judicial Fellows.

The Judicial Fellows Program is administered by the Office of the Administrative Assistant to the Chief Justice in cooperation with the Federal Judicial Center, the Administrative Office of the United States Courts, and the United States Sentencing Commission.

● Contact: Vanessa M. Yarnall, Administrative Director, Judicial Fellows Program, Room 5, Supreme Court of the United States, Washington, DC 20543, 202-479-3415.

Court Clerk Training Offered for Ninth Year

The Ninth Annual Court Clerk Training Institute, held July 12 through 31 at Stanford University, attracted 270 court clerks from trial and appellate courts in 45 California counties.

The institute, a program of the Administrative Education unit *(see "Spotlight on Administrative Education," page 10)* of the Center for Judicial Education and Research, is a live-in program at Stanford conducted over a three-week period and offering a full range of courses.

The program included an orientation class for new court clerks to give them a broad understanding of procedures in general jurisdictional matters, civil courtroom procedures, family law courtroom procedures, juvenile courtroom procedures, and civil and family law counter filing procedures. For the first time a course on appeals processing procedures was offered. A series of three one-week criminal procedures courses focused on municipal court, superior court, and postdisposition procedures.

Each week plenary sessions were conducted on ethics; access, fairness, and diversity; and the handling of high-profile cases.

Courts with limited budgets were able to obtain full or partial financial assistance available through the institute. In addition, scholarships were provided by the California Association of Trial Court Administrators, California Court Clerks Association, and Superior Court Clerks Association of California.

The court clerks' training program began as a grassroots response by the then–County Clerks Association to the lack of court-specific training for courtroom staff. Since the success of the first weekend program, on limited issues in felony processing, the program has expanded and continues to develop with the judiciary's rapidly changing environment.

● Contact: Claudia Fernandes, Administrative Education, 415-356-6433 (CALNET 8-531-6433).

WORKSHOPS

FCS institute draws 'Attention to Justice'

With its theme "Attention to Justice," the 1998 Statewide Educational Institute, held March 12 through 14 and coordinated by the Statewide Office of Family Court Services (FCS), attracted more than 500 attendees. They included FCS directors, supervisors, court-connected mediators and evaluators, family law judges, facilitators, commissioners, and support staff. The institute was held in San Diego in conjunction with the Family Law and Procedures Institute of the Center for Judicial Education and Research.

Workshops included "Use and Misuse of Social Science Research and Psychological Testing in Child Custody Cases"; "High-Conflict Child Custody:

Continued on page 14

Workshops

Continued from page 13

The Custody Case From Hell"; "Lethality Assessment and Research Update on the Nature and Extent of Domestic Violence"; "Parent Education: Different Models and Uses"; "50/50 Custody: Have We Lost Sight of the Child?"; "Flashpoints: Identifying and Preventing Violence in Separation and Divorce"; and "Building Parenting Agreements That Work in the Multi-Problem Family."

● Contact: Phil Reedy, Family Court Services, 415-396-9348 (CALNET 8-531-9348).

National symposium focuses on child support

The National Symposium on Children, Courts, and the Federal Child Support Enforcement Program will be held from September 17 through 19 in Denver at the Adams Mark Hotel.

The Conference of Chief Justices, Conference of State Court Administrators, and Office of Child Support Enforcement are coordinating the symposium to give judges, court administrators, and Title IV-D agency officials an opportunity to develop a comprehensive, integrated program for improved family support programs. The goal is to create a program that will strengthen and ensure the delivery of effective support services to children.

The symposium's main objectives are to:

- Educate participants about the personal Responsibility and Work Opportunity Reconciliation Act of 1996 (also known as welfare reform) and its impact on state courts;
- Create and evaluate educational programs for replication in tribal, state, and regional judicial programs;
- Facilitate personal and interorganizational networking and communication; and
- Gather and document information about how child support enforcement varies from state to state.

● Contact: National Center for State Courts, 757-253-2000.

Domestic Violence, Child Custody Disputes Subject of Handbook

The National Center for State Courts (NCSC) has published *Domestic Violence and Child Custody Disputes: A Resource Handbook for Judges and Court Managers*, which it developed with funding from the State Justice Institute and National Institute of Justice.

The 131-page handbook provides judges and court administrators with a guide to:

- Determining when domestic violence is occurring between parties in a custody or visitation dispute;
- Coordinating the management of such disputes to maximize the safety and efficiency of court processes; and
- Ensuring that resolutions to custody and visitation disputes effectively address the best interest of the child and the safety of victims.

The handbook also discusses procedures and practices for dealing with domestic violence cases, such as consistent, routine screening practices; collaboration with other units of government and community service agencies; and ways to enhance safety in court proceedings and mediation sessions.

Domestic Violence and Child Custody Disputes: A Resource Handbook for Judges and Court Managers costs $15.

● To order, send check or money order, payable to the National Center for State Courts, to National Center for State Courts, Fulfillment Department, P.O. Box 580, Williston, VT 05495-0580, or call the NCSC toll-free at 1-888-228-NCSC. To order many NCSC publications online, visit the NCSC home page at www.ncsc.dni.us/pubs/pub_cat.htm, and follow the catalog instructions to generate an order form that can be sent by e-mail (ncsc.order@aidcvt.com) or printed for mailing with payment.

First District Court of Appeal trained in harassment prevention

The Court of Appeal for the First Appellate District (San Francisco) in May offered justices, managers, and staff comprehensive training in workplace sexual harassment awareness and prevention. To facilitate better participation, the training was held on two days to provide for coverage at the court and enable everyone to attend.

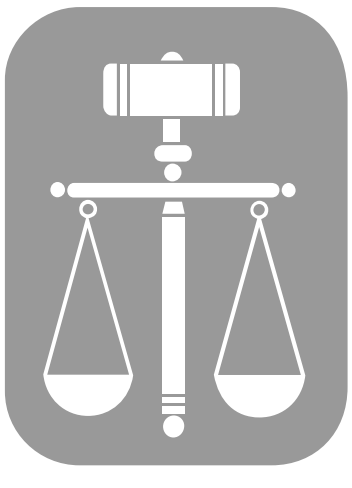
Originally developed as "Workplace Sexual Harassment Awareness and Prevention: A Model Education Curriculum for Trial Courts," the training program was customized for the appellate courts by the Administrative Office of the Courts' Center for Judicial Education and Research (CJER) and was partially funded by the State Justice Institute.

The program was developed by a planning committee chaired by Judge Meredith C. Taylor of the Los Angeles Superior Court and Administratively Unified Courts, as well as CJER Program Attorney Bobbie Welling, CJER staff, and consultant Attorney Maggie Murray Courtney.

Courtney conducted the training, which began with a joint session for court employees, managers, and justices. This was followed by another session for employees only and one for managers and justices to learn more about the special obligations of managers. Justice Ignazio J. Ruvolo of the First Appellate District and Courtney then held a special session for justices to explore their additional responsibilities imposed by the Code of Judicial Ethics.

The program, as adapted, is available to other appellate courts. The original curriculum is available for educational programs in trial courts.

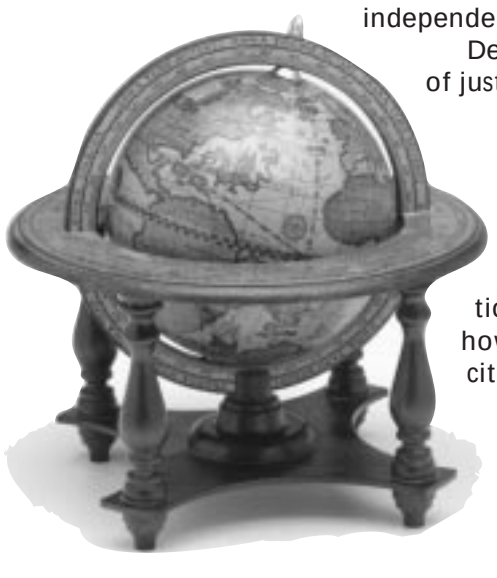
● Contact: Karen Moen, (appellate courts), 415-356-6432 (CALNET 8-531-6432), and Bobbie Welling (trial courts), 415-356-6442 (CALNET 8-531-6442), both in CJER Programs. ■



Delegation to Study Judicial Administration in Eastern Europe

The American Judicature Society, in partnership with the People to People Ambassador Programs, will sponsor a delegation interested in judicial administration in Eastern Europe. Retired Washington Supreme Court Justice Robert Utter will lead the group from October 11 through 23 to Kiev, Ukraine; Budapest, Hungary; and Prague, Czech Republic.

The program will focus on the changes that have occurred in the legal systems of these countries since the end of the Warsaw Pact and the independence of the Ukraine Republic.



Delegation members will meet with ministries of justice and judges and attend court sessions and visit law schools. Discussions will focus on judicial education and training, judicial independence, and the functioning of the constitutional courts.

People to People Ambassador Programs is affiliated with People to People International, founded by President Dwight D. Eisenhower as a means to encourage and facilitate citizen diplomacy.

● Contact: Jenifer Priest, People to People Ambassador Programs, 110 South Ferrall, Spokane, WA 99202, 800-669-7882, ext. 545, e-mail: Jenifer@ambassadors.com.

Court Briefs

Justice Croskey selected for Outstanding Jurist Award

Justice H. Walter Croskey of the Court of Appeal for the Second Appellate District, Division Three (Los Angeles), has received the Los Angeles County Bar Association's 1997–1998 Outstanding Jurist Award.

The award, which was established in 1979, recognizes Justice Croskey's distinguished career on the bench and his contributions to the community and the practice of law.

In selecting the honoree, the bar's Award Committee, including representatives of all its sections and committees, considers such factors as judicial ability and experience, judicial temperament and demeanor, knowledge of the law, legal ability and scholarship, dedication and diligence, contribution to the improvement or education of the legal community, contribution to the community at large, contribution to the practice of law, and judicial independence, integrity, and fairness.

Justice Croskey has been on the appellate bench since November 1987, following his elevation from the Los Angeles Superior Court, where he served from January 1985. He is a graduate of the University of Southern California Law Center.

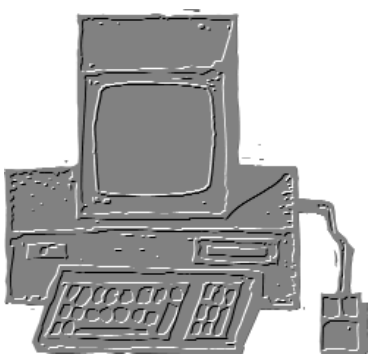
He has also been the recipient of the Judicial Council's Distinguished Service Award in 1994, the Roger J. Traynor Memorial Award for Appellate Justice of the Year from the Los Angeles Trial Lawyers Association in 1993, and the Bernard S. Jefferson Award for Distinguished Service in Judicial Education from the California Judicial Association in 1992.

Justice Croskey has served on the Judicial Council's Appellate Advisory Committee and chaired the council's Ad Hoc Committee on Trial Court Funding. He also served on the State-Federal Judicial Council.

San Diego's Snyder honored for leadership in technology

Chief Information Officer James V. Snyder of the San Diego Municipal Court has been recognized for his leadership in the implementation of modern technology in the courts. Snyder is the recipient of the 1998 William R. McMahon Award presented by the American Bar Association Judicial Division National Conference of Special Court Judges. He was selected for the prestigious national award based on his achievements in the implementation and development of modern technology in a court of limited or special jurisdiction.

Snyder has 30 years of experience in the information technology field and has been the San Diego Municipal Court's Chief Information Officer for 13



years. In 1995, he led a group of analysts and executives who created a new strategic plan for the court to accommodate changes prior to and after the millennium. Key to this was streamlining the use of vendors so that the court could take greater advantage of new technologies and train key staff to develop the highest expertise possible, thereby allowing the court to create its own new applications.

The award honors Ohio Judge William R. McMahon, a leader in the implementation of technological advances in the courts. Judge McMahon chaired the National Conference of Special Court Judges' Modern Technology in the Courts Committee from 1990 until his death in 1994.

Attorney Laurence named Executive Director of new habeas center

San Francisco attorney Michael Laurence has been appointed the first Executive Director of the newly formed Habeas Corpus Resource Center. He was appointed by the center's board of directors, chaired by retired Justice Arleigh Woods of the Court of Appeal, Second Appellate District, Division Four (Los Angeles). Laurence's appointment must be confirmed by the state Senate.

The center, established by Senate Bill 513 (Lockyer), is designed to reduce delay in death penalty appeals by increasing the pool of attorneys available to handle those cases. The executive director will supervise and manage the 30-attorney legal team and investigative, administrative, and other expert staff. In coordination with the board of

directors, he will guide the center's programs and policies.

Laurence, of Sternberg, Sowards, and Laurence since 1995, specializes in capital appeals and postconviction cases in state and federal courts. From 1988 to 1995 he served as Director of the Death Penalty Project for the American Civil Liberties Union of Northern California, where he was responsible for providing postconviction representation in capital appeals and assisting appointed capital counsel at all levels of state and federal courts.

Laurence previously was a staff attorney for the California Appellate Project in San Francisco, an adjunct professor of law at Boalt Hall School of Law, University of California at Berkeley, and a criminal justice research consultant for the Attorney General in Sacramento.

After receiving his J.D. from the School of Law at the University of California at Davis in 1985, Laurence clerked for Judge Warren J. Ferguson of the U.S. Court of Appeals for the Ninth Circuit and served as a postgraduate research fellow at the Earl Warren Legal Institute at Boalt Hall School of Law.

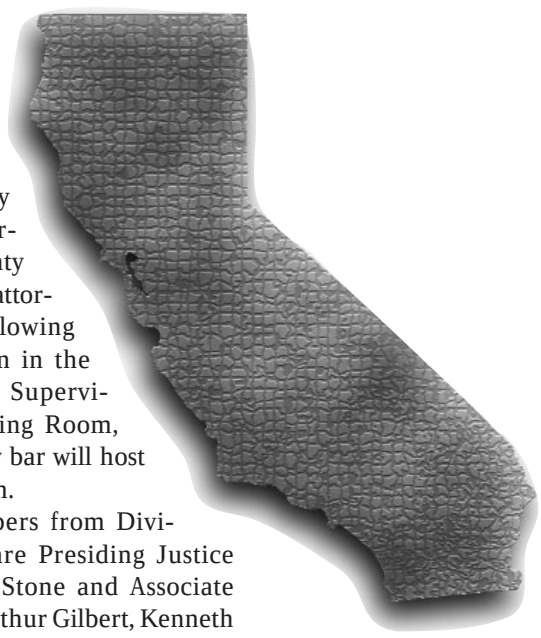
Second District Court of Appeal rides circuit

Justice H. Walter Croskey

Continuing a long-standing tradition, Division Six (Ventura) of the Second Appellate District traveled to San Luis Obispo on May 27 to hear oral argument involving primarily San Luis Obispo cases and attorneys.

This is the 11th year that the court has held oral argument in San Luis Obispo since Division Six was established in 1982. The county bar association hosted a dinner reception welcoming the justices, who also answered questions from bar members.

On October 28, the division plans to hold oral argument in Santa Barbara involving primarily Santa Barbara County cases and attorneys. Following the session in the Board of Supervisors Hearing Room, the county bar will host a reception.



Members from Division Six are Presiding Justice Steven J. Stone and Associate Justices Arthur Gilbert, Kenneth R. Yegan, and Paul H. Coffee. The division hears appeals from Ventura, Santa Barbara, and San Luis Obispo Counties. ■

L.A.'s WebCourt a Computerworld Smithsonian Awards Finalist

The Los Angeles Municipal Court's WebCourt Internet application has been honored as one of five finalists in the 1998 Computerworld Smithsonian Awards.

WebCourt provides the public with access to information about civil, small claims, and unlawful detainer cases filed in the Alhambra, Beverly Hills, Culver City, Glendale, Long Beach, Newhall, Pomona, Santa Monica, or South Bay Municipal Courts. To obtain information, users should visit webcourt.co.la.ca.us. Almost all Los Angeles municipal courts will be accessible on the system in the near future.

Instead of calling court staff or coming to the clerk's office to check the status of a case, customers can now access online court calendars to double-check a court date. By making case history and information about plaintiffs, defendants, and calendars available online WebCourt is designed to improve efficiency by reducing staff time spent responding to questions by phone.

Judged in the Government and Nonprofit Organization category, WebCourt was selected by an independent panel of judges as one of the most important applications of information technology this year. Information about WebCourt is also included in the 1998 Computerworld Smithsonian Innovation Collection of the National Museum of American History. The collection, 442 of the most innovative applications of technology, was placed in the Smithsonian's Division of Information Technology as a permanent part of U.S. history. Deputy Court Administrator Earl Bradley, who was instrumental in working out WebCourt's application details, accepted the award on the court's behalf at a gala dinner in Washington, D.C., in June.

Developed by Information Builders InfoElite partner 4GL Solutions, WebCourt uses WebFOCUS and data obtained directly from the courts' automated case management systems.

Calendar

CONFERENCES

DEC 9–11 "Beyond the Bench X," Omni Hotel, Los Angeles. Details will be announced as they become available and posted online at www.courtinfo.ca.gov/childrenandthecourts.

JUDICIAL COUNCIL MEETINGS

All Judicial Council business meetings will be held at the Administrative Office of the Courts (AOC) in San Francisco: AUG 14 OCT 16 NOV 20

● Contact: Secretariat and Conference Services, 415-396-9347 (CALNET 8-531-9347), e-mail: jcservices@courtinfo.ca.gov.

JUDICIAL EDUCATION

Programs

NOV 1–6 Fall Continuing Judicial Studies Program: Managing Your Court, location to be determined

Orientation

Orientation programs for new trial court judges, commissioners, and referees are scheduled as follows: SEPT 13–18 NOV 15–20 DEC 6–11

Note: Orientation sessions with insufficient enrollment will be canceled. Call CJER for the latest information.

● Contact: CJER, 415-356-6400 (CALNET 8-531-6400).

ADMINISTRATIVE EDUCATION

SEPT 15 Trial Court Staff Seminar (Northern Region), location to be determined

SEPT 17 Trial Court Staff Seminar (Northern Region), location to be determined

SEPT 24–25 Leading Organizational Change, location to be determined

OCT 6–7 Court Budgeting, location to be determined

OCT 20–21 Managing Technology, location to be determined

● Contact: Administrative Education, 415-356-6400 (CALNET 8-531-6400).

BUDGET HIGHLIGHTS

Here are important dates marking the Trial Court Budget Commission's (TCBC) FY 1998–1999 allocation and FY 1999–2000 budget development activities for trial courts.

JUNE/JULY Administrative Office of the Courts (AOC) and Budget Evaluation and Appeal Committee (BEAC) review trial court budget requests.

JULY 29–30 TCBC meets to address BEAC budget and Allocation Committee recommendations and BEAC appeals process.

AUG TCBC reports initial budget decisions to trial courts. Trial courts submit budget request appeals to AOC.

SEPT BEAC reviews trial court budget appeals. Judicial Council approves trial court baseline budget request.

SEPT 24 TCBC meets to address final BEAC recommendations following appeals process.

OCT 1 AOC submits council baseline request to Department of Finance.

OCT 16 Judicial Council approves trial court budget change proposals.

NOV 1 AOC submits Judicial Council budget change proposals to Department of Finance.

DEC 3 TCBC meets to address preparation of Annual Financial Report to the Judicial Council.

● Contact: Marlene Smith, Trial Court Services, 415-396-9236 (CALNET 8-531-9236).

COURT NEWS

is published bimonthly by the Judicial Council of California, Administrative Office of the Courts. It welcomes news about California's courts and their programs, projects, and personnel, including commissioners and referees. Editorial and circulation offices: Room 4077, 303 Second Street, South Tower, San Francisco, CA 94107, 415-396-9118 (CALNET 8-531-9118), e-mail: pubinfo@courtinfo.ca.gov.

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This newsletter is printed on 100 percent recycled and recyclable paper.

COURT NEWS

Judicial Council of California
Administrative Office of the Courts
303 Second Street, South Tower
San Francisco, CA 94107–1366

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