

SUPREME COURT COPY

Case No.: S238309

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

Ron Briggs and John Van de Kamp,

Petitioners,

v.

Jerry Brown, in his official capacity as the Governor of California; Xavier Becerra, in his official capacity as the Attorney General of California; California's Judicial Council; and Does I through XX

Respondents.

PETITIONER'S MOTION FOR JUDICIAL NOTICE IN SUPPORT OF
FURTHER REPLY IN SUPPORT OF PETITION FOR EXTRAORDINARY
RELIEF

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MOTION FOR JUDICIAL NOTICE

Pursuant to California Rules of Court 8.54 and 8.252, and Evidence Code section 451 and 452, Petitioners move the Court to take judicial notice of the following matters, submitted as Exhibits 1 through 8, respectively, to Petitioners' concurrently filed Further Reply in Support of Petition for Extraordinary Relief.

1. CALIFORNIA COMMISSION ON THE FAIR ADMINISTRATION OF JUSTICE, FINAL REPORT (2008), *available at* <http://digitalcommons.law.scu.edu/ncippubs/1>.
2. JUDICIAL COUNCIL OF CALIFORNIA, FACT SHEET: NEW JUDGESHIPS, Nov. 2015, *available at* <http://www.courts.ca.gov/documents/fact-sheet-new-judgeships.pdf>.
3. JUDICIAL COUNCIL OF CALIFORNIA, 2016 COURT STATISTICS REPORT, *available at* <http://www.courts.ca.gov/documents/2016-Court-Statistics-Report.pdf>.
4. JUDICIAL COUNCIL OF CALIFORNIA, 2015 COURT STATISTICS REPORT, *available at* <http://www.courts.ca.gov/documents/2015-Court-Statistics-Report.pdf>.

5. Press Release, Supreme Court of California, Supreme Court Issues Annual Workload on Statistics for 2014-2015, *available at* <http://www.courts.ca.gov/33297.htm>.
6. Death Row Tracking System Condemned Inmate Summary List, CAL. DEP'T. OF CORR. & REHAB., Mar. 2, 2017, *available at* http://www.cdcr.ca.gov/Capital_Punishment/docs/Condemned_InmateSummary.pdf.
7. Black's Law Dictionary (10th ed. 2014)
8. Ballentine's Law Dictionary (2010)
9. Official Voter Information Guide for General Election November 8, 2016: Proposition 66 Arguments and Rebuttals, pp. 212-218 (available at <http://voterguide.sos.ca.gov/en/propositions/66/arguments-rebuttals.htm>)

MEMORANDUM OF POINTS AND AUTHORITIES

This Court may take judicial notice of Exhibits 1 through 6 and 9 pursuant to Evidence Code section 452, subdivision (c), which provides that judicial notice may be taken of “[o]fficial acts of the legislative, executive, and judicial departments of the United States and of any state of the United States.” Courts of this state routinely take judicial notice of materials published by the California court system, state agencies, and bodies established by the state legislature (such as the California Commission on

the Fair Administration of Justice). *E.g.*, *People v. Seumanu*, 355 P.3d 384, 440-41 (Cal. 2015); *Vidrio v. Hernandez*, 172 Cal. App. 4th 1443, 1457 n.8 (2009); *Rodas v. Spiegel*, 87 Cal. App. 4th 513, 518 (2001); *see also* Cal. Senate Resolution No. 44 (adopted Aug. 27, 2004), *available at* ftp://leginfo.ca.gov/pub/03-04/bill/sen/sb_0001-0050/sr_44_bill_20040827_enrolled.pdf (establishing the California Commission on the Fair Administration of Justice).

Exhibits 1 through 6 and 9 may also be judicially noticed under Evidence Code section 452, subdivisions (g) and (h), which provide that judicial notice may be taken of matters that are not reasonably subject to dispute that are either of “common knowledge” or “are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.”

Exhibits 7 and 8 are appropriate for judicial notice under Evidence Code section 451(e) (“the true signification of all English words and phrases of all legal expressions). *Sierra Club v. Superior Court*, 302 P.3d 1026, 1035 (Cal. 2013); *Cal. Public Records Research, Inc. v. County of Stanislaus*, 246 Cal. App. 4th 1432, 1445-46 (2016).

The submitted exhibits are relevant to the instant dispute because they relate to the current judicial context in which Proposition 66 will operate. As this is an original jurisdiction proceeding filed initially in this Court, and no proceedings have taken place in any superior court or Court of

Appeal, there is no lower court record or other means by which these materials otherwise may be brought to the Court's attention.

Dated: March 20, 2017

Respectfully submitted,

A handwritten signature in cursive script, reading "Christina Von der Ahe Rayburn". The signature is written in black ink and is positioned above a horizontal line.

Christina Von der Ahe Rayburn

Lillian Mao

ORRICK, HERRINGTON & SUTCLIFFE LLP

Attorneys for Petitioners Ron Briggs and John Van de Kamp

CALIFORNIA

COMMISSION ON THE

FAIR

ADMINISTRATION OF

JUSTICE

Final Report

**California Commission
on the Fair Administration of Justice**

Final Report

California
Commission on the
Fair
Administration of
Justice

Final **Report**

Gerald Uelmen

Editor

Chris Boscia

Staff Editor

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Letter from the Chair

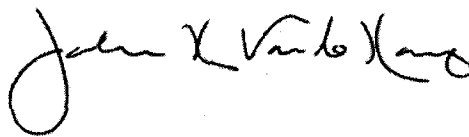
The criminal justice system in California is a human institution, and therefore cannot be perfect. However, modest reforms can improve our system, to ensure that Californians are truly safe from real perpetrators and the innocent remain free.

The citizens of California deserve an honest assessment of our system. The debate over criminal justice has become caustic and polarized, masking substance with rhetoric. The Commission and its process stand in sharp contrast to the current state of policy discussion. Candid and forthright representatives with expertise in California's criminal justice system gathered monthly "to examine ways of providing safeguards and making improvements in the way the criminal justice system functions." Through regular public hearings, we made an effort to hear the concerns and suggestions of many Californians.

What follows are the ten reports that, with rare exceptions, represent the unanimous views of the Commissioners to ensure that the administration of justice in California is just, fair, and accurate. These recommendations are the result of hard-fought compromise and a delicate balancing of interests. Each recommendation will demand skillful implementation by the Governor, members of the Legislature, the Judiciary, the Attorney General, Public Defenders, District Attorneys, Law Enforcement, and other interested participants in the system.

I want to thank the Commissioners, all of whom worked voluntarily and diligently, without compensation. Our task could not have been accomplished without a fine Executive Director, Jerry Uelmen, and his top notch Executive Assistant, Chris Boscia.

In closing, I dedicate this report to the men and women who work tirelessly on behalf of justice in California. My hope is that the reforms we recommend in our reports are made to honor their service.



John K. Van de Kamp
*Chair, California Commission on the
Fair Administration of Justice*

Letter from the Executive Director

The Recommendations and Reports contained in this volume are the product of a remarkable process of collaboration by a diverse group representing the full spectrum of involvement in the criminal justice system in California.

I will describe the deliberative process which led to these Recommendations and Reports.

From the outset, Commission Chair John Van de Kamp resolved to issue interim reports as we addressed each of the identifiable causes of wrongful convictions and California's administration of the death penalty. That way, the Commission could actively assist in the implementation of our recommendations, and expose our deliberations to greater public scrutiny. One of our first steps was to establish a website, www.ccfaj.org, making the testimony and written submissions received by the Commission publicly available, and providing

immediate access to all of our reports as they were issued. The website received more than one million visits during the life of the Commission, and will remain accessible to internet users until 2018.

The excellent work done by academic researchers, the Innocence Project in New York, and similar Commissions in other States made the task of identifying the causes of wrongful conviction easier. The Commission quickly established an agenda of the topics, which we addressed in roughly the order of the frequency with which they are associated with erroneous convictions: mistaken eyewitness identifications; false confessions; perjurious informant testimony; inaccurate scientific evidence; prosecutorial and defense lawyer miscon-

duct; and inadequate funding for defense services. We also addressed the problem of remedies for the wrongfully convicted. We saved the most difficult assignment, examining the administration of the death penalty, for last.

Our approach to each of these topics was essentially the same. First, the Commissioners were supplied with binders containing relevant background reading, including the latest research and studies. At one of our monthly meetings, the Commissioners identified the questions that called for more research, and agreed upon a set of "focus questions" to guide the testimony of witnesses at a public hearing. Contracts were negotiated with Professors at California law schools to provide any necessary additional surveys and research.

Public hearings were scheduled to address each topic. Invited witnesses included leading experts and representatives of prosecutorial agencies, public defenders and private defense lawyers, the judiciary, victims, and police and sheriff's departments. Time was reserved at each hearing for public comment.

The Commission then discussed tentative recommendations, and a tentative report was drafted. The deliberations were always vigorous, candid and insightful. The cumulative practical experience of the Commissioners greatly enriched the process, ensuring many perspectives were considered. Numerous successive drafts were prepared and examined, circulated by email. Most reports required several meetings to discuss and resolve our differences. What emerged, with rare exceptions, was unanimous agreement in our recommendations.

Together, the reports and recommendations in this volume present a hefty agenda of reform for the Legislature and the Governor, as well as many recommendations of best practices for prosecutors, defense lawyers, judges and police agencies. We hope that the implementation of these recommendations will reduce the risk of wrongful convictions in California. That risk will never be completely eliminated, as long as human error is possible. Because wrongful convictions leave guilty perpetrators free to victimize and deprive the innocent of their liberty, we should strive to do everything humanly possible to get it right.

Gerald F. Uelmen
*Executive Director, California Commission on the
Fair Administration of Justice*

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Commissioners

John K. Van De Kamp

Chair

John K. Van de Kamp has a long career in public service. After graduating from Stanford Law School in 1959, he worked in the L.A. U.S. Attorney's Office from 1960 to 1967 and then served as the Director of the Executive Office of US Attorneys in Washington from 1968-69. In 1971 he became the Central District's first Federal Public Defender. In 1975, Van de Kamp was appointed Los Angeles County District Attorney, and was subsequently elected twice. Van de Kamp was elected California's Attorney General in 1982 and served two terms. After an unsuccessful run for the Governor's Office in 1990, he left office in 1991. Van de Kamp is now Of Counsel at Dewey LeBoeuf LLP in Los Angeles.



Jon Streeter

Vice Chair

Jon Streeter is a partner with Keker & Van Nest in San Francisco. He specializes in complex commercial civil litigation and has handled capital litigation at all phases of the process. Jon is past-President of the Association of Business Trial Lawyers of Northern California and past-President of the Bar Association of San Francisco. He has been named one of 100 Super Lawyers in Northern California by San Francisco Magazine, and he is listed in Chambers USA's directory of America's Leading Lawyers for Business. In addition to his commercial practice and varied bar leadership activities, Jon maintains an active pro bono practice.



Gerald F. Uelmen

Executive Director

Gerald F. Uelmen is a Professor of Law at Santa Clara University School of Law, where he served as Dean from 1986–1994. He began his career as a federal prosecutor in Los Angeles. He has appeared as defense counsel in numerous high-profile cases, including the cases against Daniel Ellsberg, Christian Brando and O.J. Simpson. During the past six years, he has defended the rights of Californians to use marijuana for medicinal purposes in five cases, including cases before the U.S. Supreme Court and the California Supreme Court. He is a past president of the California Academy of Appellate Lawyers and of California Attorneys for Criminal Justice.



Diane Bellas

Commissioner



Diane Bellas was appointed the Alameda County Public Defender in 2000, after performing a range of assignments over two decades in the department. Ms. Bellas is a past President of the California Public Defenders Association. She is a member emeritus of the American Inn of Court, Earl Warren Chapter, and was a Robert Wood Johnson Foundation, Urban Health Initiative Fellow. She served, by appointment of the Chief

Justice, on the Judicial Council of California, Collaborative Justice Courts Advisory Committee. In addition to her administrative duties, Ms. Bellas represents clients in the Alameda County Homeless Court.

Harold “Bosco” Boscovich

Commissioner

Harold “Bosco” Boscovich retired from the Alameda County District Attorney’s Office in March, 2004 after more than 32 years of service. He retired as a Captain of Inspectors and the Director of the Victim/Witness Assistance Division, the unit which he began in November, 1974. Prior to his employment with the District Attorney’s Office he served as a police officer in the City of Oakland for over 8 years. He returned to work with the District Attorney’s Office, as Site Manager, to begin the operation of the Alameda County Family Justice Center in Oakland, “a one-stop shop” for victims of domestic violence, sexual assault, child abuse, and elder abuse. He is also the Training Coordinator for the California Victim Service Training Institute responsible for the training of all victim advocates in California’s 58 counties.



William J. Bratton

Commissioner



William J. Bratton was appointed by Mayor James Hahn in October 2002. The only person ever to serve as chief executive of the LAPD, the NYPD, and the Boston Police Department. Chief

Bratton established an international reputation for reengineering police departments and fighting crime in the 1990s. A Vietnam veteran, Chief Bratton began his policing career in 1970, as a police officer with the Boston Police Department, rising to Superintendent of Police, the department's highest sworn rank, in just ten years. In the 1980s, Chief Bratton headed two other police agencies, the Massachusetts Bay Transportation Authority Police and the Massachusetts Metropolitan District Commission Police.

Jerry Brown

Commissioner

Edmund G. Brown, Jr., known as Jerry, was elected by Californians as their 31st Attorney General in November 2006. In 1970, he was elected California Secretary of State. Brown was elected Governor in 1974 and reelected in 1978. Brown again practiced law in Los Angeles and in 1989 became chairman of the state Democratic



Party. In 1998, Brown ran for mayor of Oakland, won, and was re-elected in 2002. In the field of crime fighting, Brown enacted hundreds of tough anti-crime measures, including the "Use A Gun Go To Prison" Law and mandatory sentences for rape, sale of heroin, violent crimes against the elderly, child molestation and selling PCP.

Gerald Chaleff

Representative of Chief Bratton

Gerald Chaleff represents Chief William Bratton on the Commission. Chaleff was appointed to the Los Angeles Police Department by Chief Bratton on January



13, 2003. He serves as Bureau Chief and Commanding Officer of the Consent Decree Bureau (CDB). As Bureau Chief of CDB, Mr. Chaleff oversees the operations of the Audit Division and the Civil Rights Integrity Division, which is responsible for the Department's implementation of the Consent Decree with the United States Department of Justice. In 1997, Mr. Chaleff was appointed to the Los Angeles Board of Police Commissioners, and elected as President of the Board from 1999 to 2001. He also served as President of the Los Angeles County Bar Association.

Ron Cottingham

Commissioner

Ron Cottingham joined the Commission representing the Peace Officers Research Association



of California (PORAC). Ron was elected president of PORAC in November 2003 and has been unanimously re-elected to consecutive terms. Ron has been continually employed by the San Diego Sheriffs

Department since 1973. In 1986 Ron was selected by the Sheriff's Department to establish and supervise the department's centralized investigative unit for child abuse/sexual assault. Then in 1997 Ron was selected to establish and supervise the department's centralized domestic violence investigative unit for the Sheriff's Department. Ron has graduated from the POST Supervisory School and the POST Management School.

Glen Craig

Commissioner

Glen Craig is a veteran of 44 years in Law Enforcement having served with four different departments at both the state and local level. He began



his career with the Visalia, CA, Police Department in 1955 upon his discharge from the United States Army. In 1956 he joined the California Highway Patrol and became the Commissioner in 1975, serving until 1983. In 1983 he was appointed Director of the Division of Law Enforcement at the State Department of Justice. He was elected Sheriff of

Sacramento County in 1986 where he served three terms and retired in 1999. He is a past-President of the California Peace Officers' Association and the American Association of Motor Vehicle Administrators.

Chief Pete Dunbar

Commissioner

Chief Pete Dunbar, of Pleasant Hill, joined the Commission representing the California Police Chiefs' Association. Chief Dunbar started with the Oakland Police Department in 1982. In 1999, he was appointed as a Deputy Chief. In February of 2006, he was appointed as Chief of Police of the Pleasant Hill Police Department. Chief Dunbar is a graduate of the POST Master Instructor Development Program and a graduate of the POST Command College. He taught Criminal Law and Search and Seizure in the Police Academy and in-service training classes. He currently teaches Strategic Planning in the POST Management Course for the San Diego Regional Training Center.



James P. Fox

Commissioner

James P. Fox was elected District Attorney of San Mateo County in June 1982 and has been re-elected every four years since without opposition.



He joined the San Mateo County District Attorney's office in January 1970. In January, 1974, Mr. Fox left the District Attorney's office and served as a member of the Private Defender Panel of the San Mateo County Bar Association. Mr. Fox has been active in both the California District Attorneys' Association and the National District Attorneys' Association. He is a past President of CDAA and chairman of the Legislative Committee since 1990. He is also the current President of NDAA.

Rabbi Allen I. Freehling

Commissioner

Rabbi Allen I. Freehling has served as the Executive Director of the Human Relations Commission of the City of Los Angeles since 2002. Previously, he was the Senior Rabbi of University Synagogue for 30 years. He is a highly respected community activist who has held a vast number of leadership and board positions including President of the Board of Rabbis of Los



Angeles, founding Chair of both the LA County Commission on AIDS and the International Association of Physicians in AIDS care, and founding Facilitator of the Muslim-Jewish Dialogue. He holds an

undergraduate degree from the University of Miami, a bachelor's, master's and honorary degree from Hebrew Union College, from which he was ordained in 1967.

Janet Gaard

Representative of Jerry Brown

Janet Gaard represents California Attorney General Jerry Brown on the Commission, replacing Scott Thorpe and Dane Gillette. Janet has been a member of the Attorney General's Office since 1984. For 14 years, she was a Deputy Attorney General



in the Criminal Law Division. In 1999, she was appointed Director of Legislative Affairs for the Department of Justice and a Special Assistant Attorney General, providing legal and policy advice to the Attorney General and the Chief Deputy Attorney General on criminal law and law enforcement issues. She was recently appointed by Governor Schwarzenegger to the Yolo County Superior Court.

Micheal Hersek

Commissioner

Michael Hersek, a San Francisco resident, worked as a staff attorney at the California Supreme Court from 1989–1991 and 1999–2004, advising the seven Justices on non-capital criminal matters. From 1991–1999, he worked as a Deputy State Public Defender at the Office of the State Public Defender in San Francisco. He served as an adjunct professor at Golden Gate University School of Law, from 2000 to 2004. In June 2004, Governor Schwarzenegger appointed Hersek to serve as State Public Defender.



Sheriff Curtis Hill

Commissioner



Sheriff Curtis Hill, of San Benito County, joined the Commission representing the California State Sheriffs' Association. Sheriff Hill began his career with the San Benito County Sheriff's office in 1976. In 1988

he was appointed Undersheriff, a position he held for ten years. Sheriff Hill was elected Sheriff in November of 1998. He was elected to his third term in 2006. Sheriff Hill is a 1989 graduate of the FBI National Academy. He is currently an officer with the California State Sheriff's

Association and past President of the California State Coroner's Association. He is a past member of the Corrections Standards Authority.

Bill Ong Hing

Commissioner

Bill Ong Hing is a Professor of Law at the University of California, Davis. He teaches Judicial Process, Negotiations, Public Service Strategies, Asian American History, and directs the law school clinical program. He is the author of numerous academic and practice-oriented books. His books include *Deporting Our Souls—Values, Morality, and Immigration Policy* (Cambridge Press 2006), *Defining America Through Immigration Policy* (Temple Univ. Press 2004), *Making and Remaking Asian America Through Immigration Policy* (Stanford Press 1993), and *Handling Immigration Cases* (Aspen Publishers 1995). His book *To Be An American, Cultural Pluralism and the Rhetoric of Assimilation* (NYU Press 1997) received the award for Outstanding Academic Book in 1997 by the librarians' journal *Choice*.



PHOTOGRAPHS BY JEFFREY M. HARRIS

Michael P. Judge

Commissioner

Michael P. Judge is the Chief Public Defender for the County of Los Angeles, California. He



was appointed by the Chief Justice in 2000 to the Judicial Council of California: Collaborative Justice Courts Advisory Committee. He has co-authored several articles on indigent defense to be released shortly by the

Kennedy School of Government and Harvard Law School. Mr. Judge served as the Chairperson of a ten person committee of the State Bar to establish Guidelines for Indigent Criminal Defense Providers in California, which were promulgated in 2006. He continues to serve as the Chairperson of the California Public Defenders Association Legislative Committee.

George Kennedy

Commissioner

George Kennedy was elected Santa Clara County District Attorney in 1990, and reelected in 1994, 1998, and 2002. He attended the National College of District Attorneys and the F.B.I. National Law Academy.



He is past president of the California District Attorneys Association, a former director of the National District Attorneys Association, and past chairperson of the Santa Clara County Domestic Violence Council. He was a California Peace

Officer Standards and Training Commissioner from 1993 to 1996. He is currently a gubernatorial appointee to the California Council on Criminal Justice. He oversaw the Santa Clara County Laboratory of Criminalistics while District Attorney.

Michael Laurence

Commissioner

Michael Laurence is the Executive Director of the Habeas Corpus Resource Center, a California Judicial Branch agency created to provide representation to death-row inmates in state and

federal habeas proceedings. Since 1987, Mr. Laurence has represented death-row inmates in a dozen evidentiary hearings, argued numerous cases before the California Supreme Court and the federal courts of appeals, and in March 1998, argued before the United States Supreme Court. Mr. Laurence was a Criminal Justice Research Consultant with the Office of the California Attorney General.



Alejandro Mayorkas

Commissioner

Alejandro Mayorkas is the former U.S. Attorney for the Central District of California and is currently a partner in the Los Angeles office of O'Melveny & Myers LLP. At the age of 39 Mr. Mayorkas was the youngest U.S. Attorney in the nation. He supervised more than 240



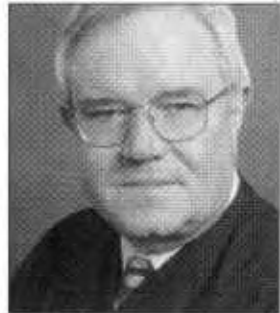
Assistant U.S. Attorneys and oversaw the investigation and prosecution of cases involving complex securities and financial institution fraud, international money laundering, civil rights violations,

high-tech and computer-related crime, defense procurement fraud, corrupt public officials, environmental crime, organized crime, narcotics trafficking, and racketeering. Mr. Mayorkas has extensive jury trial experience, having been before a jury in more than thirty cases.

Judge John Moulds

Commissioner

Judge John F. Moulds is a Magistrate Judge for the U. S. District Court for the Eastern District of California, and has served in that position since 1986. From 1987 to 1997 he was Chief Magistrate Judge for the district. In 1992 and 1993 he was President of the Federal Magistrate Judges' Association. From 1960 to 1963 Judge Moulds worked as Administrative Assistant to State Senator Albert S. Rodda. After



graduating from University of California, Boalt Hall School of Law in 1966, he worked as an attorney with California Rural Legal Assistance for three years before entering private practice with the law firm of Blackmon, Isenberg and Moulds.

Kathleen "Cookie" M. Ridolfi

Commissioner

Kathleen "Cookie" Ridolfi, Professor of Law, is co-founder and director of the Northern California Innocence Project (NCIP) at Santa Clara University. She is co-founder and past-President of the Innocence Network, an international collective of innocence projects assisting prisoners with claims of wrongful conviction and promoting law reform to address the causes of wrongful conviction.



Cookie is an experienced and highly regarded trial lawyer. She was a pioneer in the application of social science research in the jury selection process and in the development of expert testimony for use in battered women's self-defense cases.

Douglas R. Ring

Commissioner

Douglas Ring is both a private investor and an attorney. His company, The Ring Group, is a diversified real estate investment company, owning properties in California, the Northwest, the Midwest, and Virginia. Mr. Ring served the City of Los Angeles as a Commissioner of the Los Angeles Community Redevelopment Agency. As an attorney, he specialized in both administrative and real estate law. Before entering private practice, Mr. Ring was a Deputy Los Angeles County Supervisor and a United States Congressional Field Representative. Mr. Ring was named one of "Ten Leading Los Angeles Property Lawyers" by the Los Angeles Daily Journal.



Totten has worked to protect and expand the rights of crime victims. Mr. Totten serves on the boards of community groups including Crime Victims United.

Chris Boscia

Staff

Chris Boscia joined the Commission in March 2006 as Executive Assistant. Chris graduated from Boston College with bachelor's and master's degrees in Theology. While working for the Commission, Chris finished a Juris Doctorate from Santa Clara University School of Law and co-taught a seminar for upper division law students on Wrongful Convictions and the Legislative Process. Chris was a pupil in the Honorable William A. Ingram American Inn of Court in San Jose and received the American Law Institute-American Bar Association Outstanding Scholar and Leader Award for the Class of 2008. Chris plans to take the California Bar Exam.



Gregory D. Totten

Commissioner



Gregory D. Totten was elected district attorney of Ventura County in 2002. He is a graduate of Pepperdine University School of Law and joined the Ventura County District Attorney's Office in 1982. He served

as executive director of the California District Attorneys Association from 1993 to 1996. Mr. Totten was also the founding executive director of the Institute for the Advancement of Criminal Justice. Throughout his professional career, Mr.

Recommendations Summary

Eyewitness Identification

THE LEGISLATURE

- 1** Programs be provided and required to train police in the use of recommended procedures for photo spread, show-ups and lineups.
- 2** Provision of adequate funding for any training necessitated by the recommendations of this Commission.
- 3** The enactment of legislation to require the Attorney General of California to convene a task force in conjunction with POST, local law enforcement agencies, prosecutors and defense attorneys, to develop Guidelines for policies, procedures and training with respect to the collection and handling of eyewitness evidence in criminal investigations by all law enforcement agencies operating in the State of California.
 - (a) The Guidelines should be consistent with the recommendations of this Commission, and should be promulgated to all law enforcement agencies operating in the State of California.
 - (b) The Task Force should report back to the legislature within one year.

POLICE AGENCIES

- 1** A minimum of six photos should be presented in a photo spread, and a minimum of six persons should be presented in a lineup. The fillers or foils in photo spreads and lineups should resemble the description of the suspect given at the time of the initial interview of the witness unless this method would result in an unreliable or suggestive presentation.
 - 2** Photo spreads and lineups should be presented to only one witness at a time, or where separate presentation is not practicable, witnesses should be separated so they are not aware of the responses of other witnesses.
 - 3** Double-blind identification procedures should be utilized whenever practicable, so the person displaying photos in a photo spread or operating a lineup is not aware of the identity of the actual suspect. When double-blind administration is not practicable, other double-blind alternatives should be considered.
 - 4** When double-blind procedures are utilized, the use of sequential presentation of photos and lineup participants is preferred, so the witness is only presented with one person at a time.
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(a) Photos or subjects should be presented in random order, and witnesses should be instructed to say yes, no or unsure as to each photo or participant.

(b) Sequential procedures should not be used where double-blind administration is not available.

5 All witnesses should be instructed that a suspect may or may not be in a photo spread, lineup or show-up, and they should be assured that an identification or failure to make an identification will not end the investigation.

6 At the conclusion of a lineup, photo presentation, or show-up, a witness who has made an identification should describe his or her level of certainty, and that statement should be recorded or otherwise documented, and preserved. Witnesses should not be given feedback confirming the accuracy of their identification until a statement describing level of certainty has been documented.

7 Live lineup procedures and photo displays should be preserved on video tape, or audio tape when video is not practicable.

(a) When video taping is not practicable, a still photo should be taken of a live lineup.

(b) Police acquisition of necessary video equipment should be supported by legislative appropriations.

8 A single subject show-up should not be used if there is probable cause to arrest the suspect. The suggestiveness of show-ups should be minimized by documenting a description of the perpetrator prior to the show-up, transporting the witness to the location of the suspect, and where there are multiple witnesses they should be separated,

and lineups or photo spreads should be used for remaining witnesses after an identification is obtained from one witness.

9 Training programs be provided and required to train law enforcement in the use of recommended procedures for photo spread, show-ups and lineups.

JUDGES

1 The standardized jury instructions utilized in eye witness identification cases to acquaint juries with factors that may contribute to unreliable identifications be evaluated in light of current scientific research regarding cross-racial identifications and the relevance of the degree of certainty expressed by witnesses in court.

2 Training programs be provided and required to acquaint judges with the particular risks of cross-racial identifications, as well as unreliable identification procedures, and the use of expert testimony to explain these risks to juries.

PROSECUTORS

Training programs be provided and required to acquaint them with the particular risks of cross-racial identifications, as well as unreliable identification procedures, and the use of expert testimony to explain these risks to juries.

DEFENSE ATTORNEYS

Training programs be provided and required to acquaint them with the particular risks of cross-racial identifications, as well as unreliable identification procedures, and the use of expert testimony to explain these risks to juries.

False Confessions

THE LEGISLATURE

1 The enactment of the following statute to require the recording of the entirety of custodial interrogations of individuals suspected of all serious felonies:

Section 1: Definitions.

(a) "Electronic Recording" or "Electronically Recorded" means an audio, video or digital audio or video recording that is an authentic, accurate, complete, unaltered record of a custodial interrogation, including a law enforcement officer's advice of the person's constitutional rights and ending when the interview has completely finished.

(b) "Serious Felony" means any of the offenses listed in Section 1192.7(c) of the California Penal Code.

(c) "Statement" means an oral, written, sign language or nonverbal communication.

Section 2: Electronic Recording Required.

All Statements made during custodial interrogation relating to a Serious Felony shall be Electronically Recorded.

Section 3: Cautionary Instruction Required.

If any Statement is admitted in evidence in any criminal proceeding which occurred during custodial interrogation which was not Electronically Recorded in its entirety in compliance with Section 2, the court shall, at the request of the defendant, provide the jury with an instruction in a form to be recommended by the California Judicial Council, which advises the jury to view such statements with caution.

Section 4: Handling and Preservation of Electronic Recordings of Custodial Interrogations relating to a Serious Felony.

(a) Every Electronic Recording of a Custodial Interrogation shall be clearly identified and catalogued by law enforcement personnel.

(b) If a juvenile or criminal proceeding is brought against a person who was the subject of an Electronically Recorded Custodial Interrogation, the Electronic Recording shall be preserved by law enforcement personnel until all appeals, post-conviction and habeas corpus proceedings are final and concluded, or the time within which they must be brought has expired, or the sentence has been completed.

(c) If no juvenile or criminal proceeding is brought against a person who has been the subject of an Electronically Recorded Custodial Interrogation, the related Electronic Recording shall be preserved by law enforcement personnel until all applicable state and federal statutes of limitations bar prosecution of the person.

2 The appropriation of funds, to be administered by the Attorney General, to provide grants to California Police Agencies that wish to implement programs to videotape custodial interrogations.

POLICE AGENCIES

1 All California law enforcement agencies to videotape the entirety of all custodial interrogations of felony suspects or, where videotaping is impractical, to audiotape the entirety of such custodial interrogations.

2 Training programs be provided and required to train police about the causes, indicia and consequences of false confessions. Police interrogators should receive special training in how to identify and interrogate persons with developmental disabilities and juveniles.

JUDGES

Training programs be provided and required to train them about the causes, indicia and consequences of false confessions.

PROSECUTORS

Training programs be provided and required to train them about the causes, indicia and consequences of false confessions.

DEFENSE ATTORNEYS

Training programs be provided and required to train them about the causes, indicia and consequences of false confessions.

Informant Testimony

THE LEGISLATURE

1 The enactment of a statutory requirement of corroboration of in-custody informants, similar to the current requirement of the corroboration of accomplices contained in Penal Code Section 1111.

2 The statute should provide:

(a) A conviction can not be had upon the testimony of an in-custody informant unless it be corroborated by such other evidence as shall independently tend to connect the defendant with the commission of the offense or the special circumstance or the circumstance of aggravation to which the in-custody informant testifies.

(b) Corroboration is not sufficient if it merely shows the commission of the offense or the special circumstance or the circumstance in aggravation.

(c) Corroboration of an in-custody informant cannot be provided by the testimony of another in-custody informant.

(d) An in-custody informant is hereby defined as a person, other than a codefendant, percipient witness, accomplice or coconspirator whose testimony is based upon statements made by the defendant while both the defendant and the informant are held within a correctional institution.

3 A jury should be instructed in accordance with the language of this statute. A jury should not be instructed that corroborating evidence may be slight, as in CALCRIM No. 335.

POLICE AGENCIES

1 An express agreement in writing, whenever feasible, should describe the range of recommended rewards or benefits that might be afforded in exchange for truthful testimony by an arrested or charged informant.

2 Training programs to include a component addressing the use of arrested or charged informants as witnesses.

PROSECUTORS

1 An express agreement in writing, whenever feasible, should describe the range of recommended rewards or benefits that might be afforded in exchange for truthful testimony by an arrested or charged informant.

2 California District Attorney Offices adopt a written internal policy, wherever feasible, to govern the use of in-custody informants.

3 The policy should provide:

- (a) The decision to use the testimony of an in-custody informant be reviewed and approved by supervisory personnel other than the deputy assigned to the trial of the case;
- (b) The maintenance of a central file preserving all records relating to contacts with in-custody informants, whether they are used as witnesses or not;
- (c) The recording of all interviews of in-custody informants conducted by District Attorney personnel;
- (d) The corroboration of any testimony of an in-custody informant by evidence which independently tends to connect the defendant with the crime, special circumstance or circumstance in aggravation to which the informant testifies.

4 Training programs to include a component addressing the use of arrested or charged informants as witnesses.

JUDGES

Training programs to include a component addressing the use of arrested or charged informants as witnesses.

DEFENSE ATTORNEYS

Training programs to include a component addressing the use of arrested or charged informants as witnesses.

Problems with Scientific Evidence

THE DEPARTMENT OF JUSTICE

- 1** Immediately ascertain the staffing levels required for the State Laboratory to reduce the backlog in the uploading of DNA profiles to thirty days or less, both now and when the demands of Proposition 69 take effect, including the salary level necessary to fill and maintain those staffing levels.
- 2** The California Attorney General to immediately commence consultation with state and local public laboratories, criminalists, law enforcement, prosecutor's offices, public defenders and private defense lawyers, victim representatives and judges to address the problems of DNA forensic technology resources in California. The following concerns should be urgently addressed:

- (a) The nature and scope of current capacity problems, backlogs of unprocessed evidence and systems issues that impede the utilization of DNA forensic technology to its fullest potential.
 - (b) The best practices that enhance collection and timely processing of DNA evidence, including crime scene and rape kit evidence, to meet the needs of the criminal justice system.
 - (c) Recommendations for eliminating current backlogs and prevention of future backlogs of unprocessed evidence in state and local public laboratories.
 - (d) Evaluation of the efficiency and effectiveness of the current organization of resources in the State of California, to determine what systems and strategies will most effectively serve the needs of the State of California.
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(e) Recommended strategies for training and educational programs to address the shortages of trained personnel to meet the staffing needs of crime labs throughout the State of California.

(f) Assessment of the impact of “cold hits” upon local investigative, prosecution and defense resources.

(g) Reporting to the Legislature and Governor regarding the legislative or administrative steps that must be taken to insure timely processing of evidence in California’s criminal justice system.

THE LEGISLATURE AND THE GOVERNOR

1 Emergency budget appropriations should be immediately introduced, to provide state funding to staff the State Laboratory at the levels ascertained pursuant to the Department of Justice’s study of appropriate staffing levels.

2 The Legislature and the Governor provide adequate support to quickly respond to the needs identified by the Attorney General in his consultation with state and local public laboratories, criminalists, law enforcement, prosecutor’s offices, public defenders and private defense lawyers, victim representatives and judges to address the problems of DNA forensic technology resources in California.

3 The enactment of legislation to require that any allegation of professional negligence or misconduct that would affect the integrity of the results of a forensic analysis conducted by a California laboratory, facility or entity be reported in a timely manner to the District Attorney or other appropriate prosecutorial agency, and to require the District Attorney or other prosecutorial agency to which

such allegations are reported to report the results of any independent investigations of such allegations to the State Attorney General.

2 The creation or designation of a governmental agency or commission (which could be the office of the California Attorney General) with the power and duty to formulate and apply standards to define who is qualified to perform analysis of evidence in any particular scientific discipline on a statewide basis.

(a) The creation or designation of such an entity should be preceded by an opportunity for the Forensic Science community and all affected criminal justice agencies to be heard from, to elicit a wide spectrum of views as to how these needs can best be met.

(b) Rigorous written examinations, proficiency testing, continuing education, recertification procedures, an ethical code, and effective disciplinary procedures could be part of such a program.

(c) Such an agency could also promulgate standards for scientific testing, report writing, and the parameters of appropriate expert testimony; provide information to all participants in the criminal justice system regarding the evidentiary validity of forensic science evidence; identify and fund research needs and opportunities; and provide state-wide training programs for forensic experts.

CRIME LAB DIRECTORS

The certification of the forensic experts they employ, and the use of certification wherever possible as a basis for promotion and salary decisions.

POLICE AGENCIES

Training programs for California prosecutors, defense lawyers, judges and police investigators be expanded to include greater attention to the appropriate use and validity of forensic science evidence.

JUDGES

Training programs be expanded to include greater attention to the appropriate use and validity of forensic science evidence.

PROSECUTORS

Training programs be expanded to include greater attention to the appropriate use and validity of forensic science evidence.

DEFENSE ATTORNEYS

Training programs be expanded to include greater attention to the appropriate use and validity of forensic science evidence.

Professional Responsibility and Accountability of Prosecutors and Defense Lawyers

THE LEGISLATURE

The enactment of legislation to provide that when Counties contract for indigent defense services in criminal cases, the contract shall provide separate funding for accessing technology and criminal justice databases to the extent those are provided by law, legal research tools, travel expenses, forensic laboratory fees and costs, data processing, modern exhibit capabilities, paralegals, investigators and expert witnesses with appropriate

qualifications and experience. Full time defense counsel should be compensated at rates equivalent to comparable prosecutors.

POLICE AGENCIES

1 All police and other investigative agencies formulate policies and procedures to systematically collect any potential *Brady* material and, consistent with the statutory protections for personnel records, promptly deliver it to prosecutors.

2 Training programs for peace officers include full treatment of the obligation to disclose *Brady* material to the prosecutor.

PROSECUTORS

1 All District Attorney Offices formulate and disseminate a written Office Policy to govern *Brady* compliance.

(a) This policy should provide for gathering *Brady* material in a systematic fashion from all appropriate sources in a manner that is consistent with *Pitchess*, tracking the delivery of the material, and disclosing material determined to be relevant.

(b) The policy should provide that material relevant to factual innocence or an affirmative defense be disclosed as soon as that determination is made, and prior to entry of a guilty plea.

2 A list organized and maintained by each District Attorney's office should be created pursuant to procedures and standards established by that office, in consultation with law enforcement agencies, peace officer associations representing law enforcement officers, and Public Defender Offices.

(a) The list should contain the names of police officers and other recurring witnesses as to whom there is information that may be subject to disclosure requirements under *Brady*.

(b) This list should include all facially credible information that might reasonably be deemed to undermine confidence in a conviction in which the law enforcement employee is a material witness, and is not based upon mere rumor, unverifiable hearsay, or an irresolvable conflict in testimony about an event.

3 Training programs be conducted to assure that all deputy district attorneys understand and apply office policies and procedures with regard to *Brady* disclosure and *Pitchess* motions. If feasible, joint training programs should be organized to include prosecutors, public defenders and other criminal defense lawyers.

JUDGES

1 The adoption of the following California Rule of Court:

(a) When notification of the State Bar is required of a court pursuant to California Business and Professions Code Section 6086.7(a),

1. If the order of contempt, modification or reversal of judgment, imposition of judicial sanctions or imposition of a civil penalty is signed by a Superior Court judge or magistrate, that judge or magistrate shall notify the State Bar. Modification of a judgment includes the vacation of a judgment in granting an Extraordinary Writ.

2. If the order of contempt, modification or reversal of judgment, imposition of judicial sanctions or imposition of a civil penalty is by the Court of Appeal or the Supreme Court, the

author of the Court's order or opinion shall notify the State Bar.

(b) The report to the State Bar shall include the State Bar member's full name, and State Bar number, if known.

(c) When notifying the attorney involved pursuant to California Business and Professions Code Section 6086.7(b), the judge, magistrate or Justice identified in this Rule shall also notify the attorney's supervisor, if known.

2 The following changes in Canon 3D of the California Code of Judicial Ethics (Changes indicated in blue):

D. Disciplinary Responsibilities

1. Whenever a judge has reliable information that another judge has violated any provision of the Code of Judicial Ethics, the judge shall take or initiate appropriate corrective action, which may include reporting the violation to the appropriate authority.

2. Whenever a judge has personal knowledge that a lawyer has violated any provision of the Rules of Professional Conduct, or makes a finding that such violation has occurred, the judge shall take appropriate corrective action.

Appropriate corrective action should include a prompt report to the State Bar and to the attorney's supervisor, if known, where an attorney in a criminal proceeding has engaged in egregious misconduct, including but not limited to:

(a) A willful misrepresentation of law or fact to a Court;

(b) Appearing in a judicial proceeding while intoxicated;

(c) Engaging in willful unlawful discrimination in a judicial proceeding;

(d) Willfully and in bad faith withholding or suppressing exculpatory evidence (including impeachment evidence) which he or she is constitutionally obligated to disclose.

(e) Willful presentation of perjured testimony.

(f) Willful unlawful disclosure of victim or witness information.

(g) Failure to properly identify oneself in interviewing victims or witnesses.

Any doubt whether misconduct is egregious should be resolved in favor of reporting the misconduct.

3. A judge who is charged by prosecutorial complaint, information, or indictment or convicted of a crime in the United States, other than one that would be considered a misdemeanor not involving moral turpitude or an infraction under California law, but including all misdemeanors involving violence (including assaults), the use or possession of controlled substances, the misuse of prescriptions, or the personal use or furnishing of alcohol, shall promptly and in writing report that fact to the Commission on Judicial Performance.

4. A prompt report means as soon as practicable, and in no event more than thirty days after knowledge is acquired or a finding is made.

THE STATE BAR

1 Inclusion, in its annual report on the State Bar of California Discipline System, the number of Reportable Actions received from Courts pursuant to each of the four categories in Business and Professions Code Section 6068.7(a), and each of the six categories in Canon 3D(2) of the California Code of Judicial Ethics.

2 Indication, in its annual report on the State Bar of California Discipline System, the number of Reportable Actions related to the conduct of prosecutors and defense lawyers by County.

(a) Defense lawyer data should be reported to distinguish public defenders, contract defenders, appointed lawyers, and privately retained lawyers.

(b) Prosecutorial data should be reported to distinguish district attorneys and city attorneys.

3 Reconvening the Commission on the Delivery of Legal Services to the Indigent Accused to make recommendations regarding the adequacy of funding for defense services which meet acceptable standards of competent representation.

LAW SCHOOLS

Courses in legal ethics and continuing education programs in legal ethics for prosecutors, defense lawyers and judges to include familiarity with the obligations to report misconduct and incompetent representation by lawyers, and the obligation of lawyers to self-report, to the California State Bar, as well as familiarity with the consequences of such reports with respect to the State Bar's investigatory and disciplinary authority.

Remedies

CALIFORNIA LEGISLATURE

1 Services to assist with reintegration into society be available to all those released from custody. This would include assistance in locating housing, a cash allowance, clothing, and employment counseling.

2 The time limit for presentation of a claim for compensation for wrongful imprisonment of an innocent person, under California Penal Code §4901, be extended from six months after judgment of acquittal or discharge given, or after pardon granted, or after release from prison, to two years.

3 A court granting judicial relief upon a claim of innocence be required to notify the petitioner of the availability of compensation pursuant to California Penal Code §4900, and the time limits for the filing of such claims.

4 The requirement for a claim of victim compensation, under California Penal Code §4904, to establish that the claimant did not, by any act or omission either intentionally or negligently, contribute to the bringing about of his or her arrest or conviction, be limited to a showing that the claimant did not intentionally subvert the judicial process, so as not to exclude innocent persons who were victims of false confessions or improperly induced guilty pleas.

5 The level of statutory compensation, under California Penal Code §4904, be substantially increased from one hundred dollars per day of incarceration, or a maximum of \$36,500, to at least the level available under the federal system of compensation. There should also be an adjustment to increase the award to reflect the annual rate of inflation subsequent to enactment of this level of compensation.

6 The enactment of legislation to provide for automatic expungement of the record of conviction whenever a final judgment of conviction is set aside or vacated and the Court makes a finding of the actual innocence of the defendant.

7 The California Code of Civil Procedure be amended to provide that a two year Statue of Limitations for professional malpractice claims

shall commence upon the granting of post conviction relief in the form of a final judicial disposition of the underlying case.

8 State funding for the Northern California Innocence Project and the California Innocence Project be restored.

Death Penalty

CALIFORNIA LEGISLATURE

1 The Commission recommends that the California Legislature immediately address the unavailability of qualified, competent attorneys to accept appointments to handle direct appeals and habeas corpus proceedings in California death penalty cases:

(a) The Commission recommends that the backlog of cases awaiting appointment of counsel to handle direct appeals in death penalty cases be eliminated by expanding the Office of the State Public Defender to an authorized strength of 78 lawyers. This will require a 33% increase in the OSPD Budget, to be phased in over a three year period.¹

(b) The Commission recommends that the backlog of cases awaiting appointment of counsel to handle habeas corpus proceedings in death penalty cases be eliminated by expanding the California Habeas Corpus Resource Center to an authorized strength of 150 lawyers. This will require a 500% increase in the CHCRC Budget, to be phased in over a five year period.²

(c) The Commission recommends that the staffing of the Offices of the Attorney General which handle death penalty appeals and habeas corpus proceedings be increased as needed to respond

1. Commissioner Hersek abstains from this recommendation.

2. Commissioner Laurence abstains from this recommendation.

to the increased staff of the Office of the State Public Defender and the California Habeas Corpus Resource Center.

(d) The Commission recommends that funds be made available to the California Supreme Court to ensure that all appointments of private counsel to represent death row inmates on direct appeals and habeas corpus proceedings comply with ABA Guidelines 4.1(A), and are fully compensated at rates that are commensurate with the provision of high quality legal representation and reflect the extraordinary responsibilities in death penalty representation. Flat fee contracts should not be utilized unless an hourly alternative is available, and any potential conflicts of interest between the lawyer maximizing his or her return and spending for necessary investigation, and expert assistance and other expenses are eliminated.

2 The Commission recommends that funds be appropriated to fully reimburse counties for payments for defense services pursuant to California Penal Code Section 987.9.

3 The Commission recommends that the California Legislature reexamine the current limitations on reimbursement to counties for the expenses of homicide trials contained in Government Code Sections 15200–15204.

4 The Commission recommends that upon the implementation of the Recommendations in Part A of this Report, serious consideration be given to a proposed constitutional amendment to permit the California Supreme Court to transfer fully briefed pending death penalty appeals from the Supreme Court to the Courts of Appeal. This amendment should not be adopted without the provision of adequate staff and resources for the Courts of Appeal, and provisions for ongoing monitoring by the Supreme Court.³

5 The Commission recommends that upon the implementation of the Recommendations in Part A of this Report, changes to California statutes, rules and policies be seriously considered to encourage more factual hearings and findings in state habeas proceedings in death penalty cases, including a proposal to require petitions be filed in the Superior Court, with right of appeal to the Courts of Appeal and discretionary review by the California Supreme Court.

6 The Commission recommends the establishment of a California Death Penalty Review Panel, to be composed of judges, prosecutors, defense lawyers, law enforcement representatives and victim advocates appointed by the Governor and the Legislature. It should be the duty of this Panel to issue an annual report to the Legislature, the Governor and the courts, gauging the progress of the courts in reducing delays, analyzing the costs of and monitoring the implementation of the recommendations of this Commission, and examining ways of providing safeguards and making improvements in the way the California death penalty law functions.⁴

7 The Commission recommends that reporting requirements be imposed to systematically collect and make public cumulative data regarding all decisions by prosecutors in murder cases whether or not to charge special circumstances and/or seek the death penalty, as well as the disposition of such cases by dismissal, plea or verdict in the trial courts. The Legislature should impose a requirement upon courts, prosecutors and defense counsel to collect and report any data other than privileged material designated by the California Death Penalty Review Panel which may be necessary: (1) to determine whether demographics affect

3. Commissioners Bellas, Cottingham, Hill, Hing, Moulds, Ridolfi and Totten oppose this recommendation.

4. Commissioners Hill, Mayorkas and Totten oppose this recommendation.

decisions to implement the death penalty, and if so, how; (2) to determine what impact decisions to seek the death penalty have upon the costs of trials and post-conviction review; and (3) to track the progress of potential and pending death penalty cases to predict the future impact upon the courts and correctional needs. The information should be reported to the California Department of Justice and the California Death Penalty Review Panel. The information reported should be fully accessible to the public and to researchers.⁵

8 The Commission recommends that Article V, Section 8(a) of the California constitution be amended to read as follows:

Art. V, Section 8(a). Subject to application procedures provided by statute, the Governor, on conditions the Governor deems proper, may grant a reprieve, pardon, and commutation, after sentence, except in case of impeachment. The Governor shall report to the Legislature each reprieve, pardon, and commutation granted or *denied*. ~~stating the pertinent facts and the reasons for granting it. The Governor may not grant a pardon or commutation to a person twice convicted of a felony except on recommendation of the Supreme Court, 4 judges concurring.~~

9 The Commission recommends that Penal Code Section 4813 be amended to make it discretionary rather than mandatory that requests for clemency by a twice convicted felon be referred to the Board of Prison Terms for a written recommendation.

CALIFORNIA PROSECUTORS

The Commission recommends that each District Attorney Office in California formulate a written Office Policy describing when and how decisions to seek the death penalty are made, such as who participates in the decisions, and what criteria are

applied. Such policies should also provide for input from the defense before the decision to seek the death penalty is made.

CALIFORNIA COUNTIES

The Commission recommends that California counties provide adequate funding for the appointment and performance of trial counsel in death penalty cases in full compliance with ABA Guidelines 9.1(B)(1), 3.1(B), and 4.1(A)(2). Flat fee contracts that do not separately reimburse investigative and litigation expenses should not be permitted. Such contracts should not be utilized unless an hourly alternative exists. In all cases, attorneys must be fully compensated at rates that are commensurate with the provision of high quality legal representation and reflect the extraordinary responsibilities in death penalty representation.

5. Commissioners Boscovich, Cottingham, Dunbar, Hill, Mayorakas, Fox and Totten oppose this recommendation.

Eyewitness Identification

Mistaken eye-witness identification has been identified as a factor in 80% of DNA exonerations. During the fifteen year period ending in 2003, seven innocent California defendants were convicted of serious crimes on the basis of mistaken identifications.

Data and Hearings

In preparation for a public hearing on the topic of Eyewitness Identifications, the Commission considered the following documents:

- Gross et al., *Exonerations In the United States 1989 Through 2003*, 95 J. Crim. L. & Criminology 523 (Winter 2005).
- Northern California Innocence Project, *California's Wrongful Convictions, Annual Report for 2006*.
- Center on Wrongful Conviction at Northwestern Law, *Causes & Remedies: Eyewitness Identification*, (May 2001).
- US Dept. of Justice, *Eyewitness Evidence: A Guide for Law Enforcement*, (October 1999).
- American Bar Association, Criminal Justice Section, *Statement of Best Practices and Report for Promoting The Accuracy of Eyewitness Identification Procedures*, (August 2004).
- Governor George H. Ryan, *Report of the Governor's Commission on Capital Punishment: Recommendations Only*, (April 2002).
- Sanger, Robert M. *Comparison of the Illinois Commission Report on Capital Punishment with the Capital Punishment System in California*, 44 Santa Clara L. Rev. 131-136 (2003).
- Farmer, John J. Jr., State of New Jersey. *Attorney General Guidelines for Preparing and Conducting Photo and Live Lineup Identification Procedures*, April 18, 2001.
- North Carolina Actual Innocence Commission, *Recommendations For Eyewitness Identification*, (2003).
- Innocence Commission for Virginia, *A Vision for Justice*, p. 25-42, (May 30, 2005).
- State of Wisconsin Avery Task Force, *Eyewitness Identification Procedure Recommendations and Associated Legislation*, (January 26, 2006).
- Wells, Gary L., *Eyewitness Identification Evidence: Science and Reform*, Champion, (April 2005).
- *People v. McDonald*, 37 Cal. 3d 351, (November 21, 1984).
- *People v. Sanders*, 11 Cal. 4th 475, (November 20, 1995)
- Judicial Council of California Criminal Jury Instructions, I-300 CALCRIM 315, (2005).
- Cal Evid. Code §795 (2005).

At the public hearing in San Francisco on March 15, 2006, the Commission heard from Dr. Gary Wells from Iowa State University and Dr. Ebbe Ebbeson from UC San Diego, both experts on cognitive psychology and eyewitness identification with opposing views; David Angel, deputy District Attorney from Santa Clara County; Juliana Humphrey from the CA Public Defenders Association; and Natasha Minsker, Director of Death Penalty Policy for the ACLU of Northern California. Over 100 members of the public and press attended the hearing.

The Report and Recommendations Regarding Eyewitness Identification were released on April 13, 2006, as follows:

Report

The Commission began by reviewing the studies and reviews of wrongful convictions conducted in other states, and identifying the causal factors that most frequently recur in cases where the wrongfully convicted have been exonerated.

The Commission has assumed the accuracy of these studies without any independent efforts to verify them. The most frequently identified causal factors include misidentification by eye-witnesses, false confessions, perjured testimony, mishandling of forensic evidence, withholding exculpatory evidence, and the incompetence of defense lawyers.

The Commission plans detailed inquiries into each of these causes of wrongful convictions before it issues its final report.

Meanwhile, the Commission has determined that there are reforms which can improve criminal investigation techniques and thus further the cause of justice in California. Our recommendation of these reforms need not await the issuance of our final report. One such set of reforms involves procedures to improve the reliability of eyewitness identifications.

A comprehensive compilation of all exonerations in the United States from 1989 through 2003 was recently published by a group of researchers at the University of Michigan led by Professor Samuel R. Gross.¹ The researchers confined their study to cases in which there was an official act declaring a defendant not guilty of a crime for which he or she had previously been convicted, such as a pardon based upon evidence of innocence, or a dismissal after new evidence of innocence emerged, such as DNA testing. They identified 340 such cases, 27 of which occurred in the State of California. Of the 340 cases, sixty percent had been convicted of murder, and 36% had been convicted of rape or sexual assault. They note two possible explanations for the high prevalence of murder cases: false convictions are more likely to be discovered in murder and death penalty cases, because of the intensive level of post-conviction review given to

these cases, or false convictions are more likely to occur in murder and death penalty cases. There may be other explanations. We do not know whether wrongful convictions are much more common than realized throughout the system. What we do know is that as these cases come to light we must address their causes.

One explanation for the high prevalence of rape and sexual assault cases among exonerations is recent improvements in DNA technology that can now be used not only to identify a perpetrator of rape at trial, but also to clear an individual of the crime both before and after conviction. Mistaken eyewitness identification was involved in 88% of the rape and sexual assault cases. This suggests that unexposed mistaken identification could be present in other convictions that heavily rely upon eyewitness identifications, such as robbery cases where DNA evidence is not normally present.

Among the 80 cases in which rape defendants were subsequently exonerated and the race of both parties was known, 39 of the cases involved black men who were wrongfully convicted of raping white women, and nearly all of these cases involved mistaken eyewitness identifications. Since less than 10% of all rapes in the United States involve white victims and black perpetrators, the fact that a disproportionate number of the rape exonerations involve white victims misidentifying black suspects suggests that the risk of error is greater in cross-racial identifications.

Research has consistently confirmed that cross-racial identifications are not as reliable as within-race identifications.²

The study by Professor Gross' researchers identified seven California exonerations involving mistaken

1. Gross, Jacoby, Matheson, Montgomery & Patil, *Exonerations in the United States 1989 Through 2003*, 95 J. of Crim. Law & Criminology 523 (2005).

2. Symposium, *The Other Race Effect and Contemporary Criminal Justice: Eyewitness Identification and Jury Decision Making*, 7 Psychol., Pub. Pol'y & Law 3-262 (2001).

eyewitness identifications during the fifteen year period ending in 2003. In four of those cases, exoneration came via subsequent DNA testing. Additional claims of mistaken identifications leading to wrongful conviction were called to the attention of the Commission, but we undertook no independent investigation to verify these claims. The Commission is satisfied that the risk of wrongful conviction in eyewitness identification cases exists in California, as elsewhere in the country, and that reforms to reduce the risk of misidentification should be immediately implemented in California.

In 1998, U.S. Attorney General Janet Reno assembled 34 professionals from throughout the United States and Canada to form a Technical Working Group for Eyewitness Evidence. Drawing upon the research of psychologists as well as the practical perspectives of prosecutors, defense lawyers and police investigators, the Working Group produced a comprehensive guide for law enforcement to increase the accuracy and reliability of eyewitness evidence and decrease the numbers of wrongful identifications.³ Though the guidelines were not mandated, the Department of Justice recommendations have been very influential in other states. In the State of New Jersey, for example, Attorney General John J. Farmer promulgated Guidelines for identification procedures based upon the U.S. Department of Justice recommendations, for implementation by all law enforcement agencies in the state.⁴

Many of the recommendations contained in the Department of Justice Guidelines are already being used in training by California law enforce-

ment. For example, the Peace Officers Standards and Training Basic Academy Workbook chapter on identification procedures includes instruction to officers to obtain detailed descriptions from witnesses, to remain neutral in all identification procedures, to separate multiple witnesses, and to compose lineups with at least five fillers similar in appearance to the suspect.⁵ One California County has adopted a lineup protocol requiring double-blind and sequential identification procedures.⁶ The Commission learned from Deputy District Attorney David Angel of the Santa Clara County District Attorneys Office that under the leadership of District Attorney George Kennedy, all law enforcement agencies in Santa Clara County agreed to the protocol without dissent, and the protocol has been successfully implemented for nearly four years without complaint.

Many of the Commissions established in other states to carry out a mission similar to our Commission, examining the causes of wrongful convictions and recommending reforms to avoid wrongful convictions in the future, have recommended the adoption of guidelines for the conduct of lineups, show-ups and photo spreads similar to the U.S. Department of Justice Guidelines. This includes the Governor's Commission on Capital Punishment established in Illinois,⁷ the North Carolina Actual Innocence Commission,⁸ the Innocence Commission for Virginia,⁹ and the Wisconsin Innocence Task Force.¹⁰ In addition, the American Bar Association adopted a Statement of Best Practices for Promoting the Accuracy of

3. U.S. Department of Justice, *Eyewitness Evidence: A Guide for Law Enforcement*, NCJ 178240 (October, 1999).

4. New Jersey Attorney General Guidelines for Preparing and Conducting Photo and Live Lineup Identification Procedures (April 18, 2001).

5. *Basic Course Workbook Series, Student Materials, Learning Domain 16, Search and Seizure*, Version Three, 2006, California Commission on Peace Officers Standards and Training, Ch.6.

6. Police Chiefs' Association of Santa Clara County, *Line-up Protocol for Law Enforcement*, Sept. 12, 2002.

7. Report of the Governor's Commission on Capital Punishment, State of Illinois, Recommendations 1-16 (April 2002). The Commission also considered Mecklenburg, *Report to the Legislature of the State of Illinois: The Illinois Pilot Program on Sequential Double-Blind Identification Procedures* (March 7, 2006).

8. North Carolina Actual Innocence Commission Recommendations for Eyewitness Identification.

9. Innocence Commission for Virginia, *A Vision for Justice*, pp. 25-42.

10. Avery Task Force, *Eyewitness Identification Procedure Recommendations*.

Eyewitness Identification Procedures in August, 2004, and urged all state and local governments to adopt detailed guidelines for conducting lineups and photo spreads in a manner that maximizes their likely accuracy, and to provide periodic training to implement them.

The Commission studied the reports of all of the aforementioned bodies, and convened a public hearing in San Francisco on March 15, 2006 to hear the testimony of acknowledged experts,¹¹ representatives of police, prosecutor and criminal defense agencies, and concerned citizens regarding eyewitness evidence. Based upon its consideration of the available research, the testimony of experts, the experience of Santa Clara County, and the recommendations of other Commissions, Task Forces and similar bodies, the California Commission on the Fair Administration of Justice recommends the following guidelines and procedures:

Recommendations

1 Double-blind identification procedures should be utilized whenever practicable, so the person displaying photos in a photo spread or operating a lineup is not aware of the identity of the actual suspect. When double-blind administration is not practicable, other double-blind alternatives should be considered.

2 When double-blind procedures are utilized, the use of sequential presentation of photos and lineup participants is preferred, so the witness is only presented with one person at a time. Photos or subjects should be presented in random order, and

witnesses should be instructed to say yes, no or unsure as to each photo or participant. Sequential procedures should not be used where doubleblind administration is not available.

3 A single subject show-up should not be used if there is probable cause to arrest the suspect. The suggestiveness of show-ups should be minimized by documenting a description of the perpetrator prior to the show-up, transporting the witness to the location of the suspect, and where there are multiple witnesses they should be separated, and lineups or photo spreads should be used for remaining witnesses after an identification is obtained from one witness.

4 All witnesses should be instructed that a suspect may or may not be in a photo spread, lineup or show-up, and they should be assured that an identification or failure to make an identification will not end the investigation.

5 Live lineup procedures and photo displays should be preserved on video tape, or audio tape when video is not practicable. When video taping is not practicable, a still photo should be taken of a live lineup. Police acquisition of necessary video equipment should be supported by legislative appropriations.

6 At the conclusion of a lineup, photo presentation, or show-up, a witness who has made an identification should describe his or her level of certainty, and that statement should be recorded or otherwise documented, and preserved. Witnesses should not be given feedback confirming the accuracy of their identification until a statement describing level of certainty has been documented.

11. Professor Gary Wells, Ph.D., of Iowa State University, Professor Ebbe Ebbesen, Ph.D., of the University of California at San Diego, Ralph Norman Haber, Ph.D., and Lyn Haber, Ph.D., presented testimony before the Commission at the San Francisco hearing.

7 A minimum of six photos should be presented in a photo spread, and a minimum of six persons should be presented in a lineup. The fillers or foils in photo spreads and lineups should resemble the description of the suspect given at the time of the initial interview of the witness unless this method would result in an unreliable or suggestive presentation.

8 Photo spreads and lineups should be presented to only one witness at a time, or where separate presentation is not practicable, witnesses should be separated so they are not aware of the responses of other witnesses.

9 Training programs should be provided and required to train police in the use of recommended procedures for photo spread, show-ups and lineups. The legislature should provide adequate funding for any training necessitated by the recommendations of this Commission.

10 Training programs should be provided and required for judges, prosecutors and defense lawyers, to acquaint them with the particular risks of cross-racial identifications, as well as unreliable identification procedures, and the use of expert testimony to explain these risks to juries. The legislature should provide adequate funding for any training necessitated by the recommendations of this Commission.

11 The standardized jury instructions utilized in eye witness identification cases to acquaint juries with factors that may contribute to unreliable identifications should be evaluated in light of current

scientific research regarding cross-racial identifications and the relevance of the degree of certainty expressed by witnesses in court.

12 The Commission recognizes that criminal justice procedures, including eyewitness identification protocols, greatly benefit from ongoing research and evaluation. Thus, the Commission recommends the continued study of the causes of mistaken eyewitness identification and the consideration of new or modified protocols.

In addition, the Commission recommends the enactment of legislation to require the Attorney General of California to convene a task force in conjunction with POST, local law enforcement agencies, prosecutors and defense attorneys, to develop Guidelines for policies, procedures and training with respect to the collection and handling of eyewitness evidence in criminal investigations by all law enforcement agencies operating in the State of California. The Guidelines should be consistent with the recommendations of this Commission, and should be promulgated to all law enforcement agencies operating in the State of California. The Task Force should report back to the legislature within one year of the effective date of the legislation, describing the policies or procedures adopted and the training implemented.

1. Report to the Legislature of the State of Illinois: The Illinois Pilot Program on Sequential Double-Blind Identification Procedures, March 17, 2006 (Illinois Study).

2. *Id.*, at p. 22–23; see Wells, G., Malpass, R., et al., *Eyewitness Identification Procedures: Recommendations for Lineups and Photospreads*, 22 *Law & Human Behav.* 603 (1998).

3. Illinois Study at p. 32.

4. *Id.*, at p. 5, citing Wells, G., *Does the Sequential Lineup Reduce Accurate Identification in Addition to Reducing Mistaken Identifications? Yes, But...* (Internet paper) (2004); *Eyewitness Testimony*, Stelblay, N. et al. *Eyewitness Accuracy Rates in Sequential and Simultaneous Lineup Presentations: a Meta-Analytical Comparison*, 25 *Law & Human Behav.* 459–483 (2001).

LETTER OF DISSENT

April 12, 2006

Commissioners
California Commission on the
Fair Administration of Justice

Dear Commissioners:

With respect to the views of the Commission, we feel compelled to dissent to two of the recommendations listed in the April 13, 2006, Interim Report.

First, we object to recommendation number two. We do not agree that sequential lineup procedures should be designated as the preferred method. The debate over the effectiveness of sequential lineups is not settled. The Commission reviewed reports on several laboratory studies which provided early indications that the sequential method might provide more reliable results. Later studies, however, including a recent yearlong in field study conducted by police departments in Illinois, have cast doubt on the reliability of sequential lineups.¹ The report on the Illinois study data was based on the analysis performed by Roy Malpass, Professor of Psychology at the University of Texas-El Paso, who co-authored the article on which the governor of Illinois relied when recommending sequential lineups.² Professor Malpass, along with Professors Ebbesen and Wells, both of whom testified before this Commission, reviewed and approved the protocols for the Illinois study.³

There appears to be agreement among the experts that the sequential method “reduces the number of accurate identifications.”⁴ More troubling though is the possibility that sequential lineups might actually increase the likelihood of a false identification. Witnesses in the Illinois study made more known false identifications using the sequential method than the traditional, simultaneous method.⁵ Five areas have been identified where the sequential method is particularly less reliable than the simultaneous method. They are: 1) child witnesses; 2) older witnesses; 3) cross-racial identifications; 4) multiple perpetrators, and 5) suspects who have changed their appearance.⁶ Some experts have recommended against using sequential lineups in these situations.⁷ Others have advised that more research is needed before the sequential method is adopted as a matter of policy.⁸ One important finding of the Illinois study was that false identifications occurred at a substantially lower rate than that predicted by laboratory experiments. This finding, which is consistent with findings in other jurisdictions, suggests that real-life circumstances lead to more accurate lineup results and “increased protection for innocent suspects.”⁹

This is not to say that lineup procedures cannot be improved. For example, at least one study has concluded that witnesses who are admonished that the perpetrator may or may not be in the lineup were less likely to make false choices.¹⁰ However, it is premature to hold out as “preferred” a method for presenting lineups that has not been proven in the field, and that might, in reality, increase the number of false identifications.

5. Illinois Study at p. 38.

6. *Id.*, at p. 7, citing Memon, A. and Gabbart, F., *Improving the Identification Accuracy of Senior Witnesses: Do Pre-lineup Questions and Sequential Testing Help?* 88 *J. of Applied Psychol.* 341-347 (2003); Memon, A. and Barlett, J., *Effects of verbalization on face Recognition in Young and Older Adults*, 16 *Applied Cognitive Psychology*, 635-650 (2002).

7. *Ibid.*

8. Illinois Study at p. 8, citing Memon, A. and Gabbart, F., *Unraveling the Effects of Sequential Presentation in Culpit-present Lineups*, 17 *Applied Cognitive Psychology* 703-714 (2003).

9. Illinois Study at p. 17, 17, citing Klobuchar, A., Steblay, N. and Caligiuri, H. (2006), *Improving Eyewitness Identifications: Hennepin County's Blind Sequential Lineup Pilot Project*, *Cardozo Law School Journal Public Law, Policy and Ethics* (2006), manuscript p. 25; and at pp. 42-45, analyzing data from the Queens District Attorney's Office in New York.

10. Illinois Study at p. 62...

Second, we object to recommendation number eleven. We do not believe this Commission should be interjecting itself into the development of jury instructions. This task has been delegated to the Judicial Council of California by the Chief Justice, and the criminal jury instructions that are in use now were promulgated over an eight-year period that included numerous levels of review by all interested parties. Additionally, there is more than adequate authority for a trial judge to issue a special instruction in any case when the facts and evidence warrant a deviation from the standard instruction.¹¹

Moreover, instructions should be neutral, favoring neither party. Trial courts are advised to refuse an instruction that analyzes specific evidence on a disputed question of fact to the benefit of one party or another or one that informs jurors that particular evidence is in fact true – or untrue.¹² Thus, we do not believe altering the standard instruction in order to deal with a special situation represents sound public policy.

We have raised these concerns with the Commission, but recognize we are in the minority on these points. Thus, we request that our objections be noted in the Commission's report. Specifically we would like the following footnote inserted:

We respectfully dissent from this Commission's recommendations numbers two and eleven.

The debate over the effectiveness of sequential lineups is not yet settled. Many experts agree that this method produces fewer accurate identifications. Even more disturbing is new research out of Illinois

which suggests that the sequential lineup procedures may result in more false identifications. The sequential method appears to be particularly problematic in cases involving children and the elderly, cases involving cross racial identifications, cases involving multiple perpetrators, and cases where a suspect has altered his or her appearance. Given the uncertainty involving the sequential lineup method, we feel it is premature to recommend these procedures be adopted by California's law enforcement officers.

We further object to this Commission's recommendation calling for changes to the standard jury instructions. The drafting of criminal jury instructions has been delegated to the Judicial Council of California by the Chief Justice which developed the current instructions with input and review by all interested parties. Instructions should be neutral, favoring neither party, and the law requires trial courts to refuse an instruction that analyzes specific evidence on a disputed question of fact to the benefit of one party or another or one that informs jurors that particular evidence is in fact true – or untrue. Thus, we do not believe altering the standard instruction in order to deal with a special situation represents sound public policy.

We have lodged a letter with this Commission which presents our objections in more detail.

Finally, we encourage the Commission to delay issuing any report on the subject of lineup identification until it has had the opportunity to research and study other areas of our criminal justice system, and particularly to further research the issue of sequential lineups.

11. See California Rules of Court, Rule 855(e);

12. See *People v. Hines* (1997) 15 Cal.4th 997, 1067–1068; 938 P.2d 388; 64 Cal.Rptr.2d 594; *People v. Carter* (2003) 30 Cal.4th 1166, 1225, n. 22; 135 Cal.Rptr.2d 553; *People v. Moore* (1954) 43 Cal.2d 517, 527; 275 P.2d 485.

Respectfully submitted:

James P. Fox
District Attorney, County of San Mateo

Bill Lockyer
Attorney General, State of California

Gregory D. Totten
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RESPONSE TO LETTER OF DISSENT

April 17, 2006

Commissioners
California Commission on the
Fair Administration of Justice

Dear Commissioners:

The Report and Recommendations of the Commission regarding eye witness identification procedures which was released April 13, 2006 contains a dissent received shortly before its release, and the dissent refers to a more lengthy letter lodged with the Commission. The letter of dissent will be posted on the Commission website, but I did not want to do so without including this response. The Commission Report and Recommendations did not offer a lengthy justification for each of our recommendations, and I am concerned that the criticism contained in the

dissent letter might create the false impression that the recommendations were presented in haste or without full consideration of all of the research on both sides of all of the issues we considered.

It is certainly true that the debate over simultaneous vs. sequential identification procedures is not over. The Commissioners all received the Illinois study referred to, and fully considered it. Our recommendation that sequential presentation is preferred when double-blind procedures are utilized was based upon the general agreement among research studies, the recommendations adopted by the North Carolina, Virginia and Wisconsin Innocence Commissions, the favorable experience with sequential procedures in Boston, in New Jersey, and in Santa Clara County in California, and the study conducted in Hennepin County, Minnesota which concluded that the sequential, double-blind method of lineups is superior to the simultaneous method.¹ The Commission was reluctant to rely upon the single Illinois pilot program to reject the accumulated weight of prior research and experience in the absence of peer review, and the suggestion of potential flaws in the design of the pilot study.²

The Commission's recommendation does not foreclose more detailed guidelines to govern the appropriate choice between sequential and simultaneous procedures, as research progresses and the debate continues. Our recommendation is simply that at the present time, based upon our analysis of the available research, sequential identification procedures are preferred.

1. Klobuchar, A. and Caliguri, H., *Protecting the Innocent / Convicting the Guilty: Hennepin County's Pilot Project in Blind Sequential Eyewitness Identification*, 32 Wm. Mitchell L. Rev. 1 (2005).

2. Professor Gary Wells, who testified before the Commission, advised the Commission that the Illinois Pilot Program compared double blind sequential identifications with simultaneous identifications which were *not* double blind, thus confounding the variables. Professor Wells did not participate in the design of the Illinois study.

With respect to the argument that this Commission should not “interject” itself into the work of the Advisory Committee on Criminal Jury Instructions, it should be noted that the Advisory Committee invites suggestions, and the California Judicial Council regularly seeks comment from organizations interested in improvements to courts rules and forms. Our Commission closely scrutinized the standard jury instruction recommended in California with respect to eyewitness identification.³ The instruction includes the following two questions to be considered in evaluating identification testimony: “How certain was the witness when he or she made an identification?” and “Are the witness and the defendant of different races?” The instruction currently offers no guidance as to the potential significance, if any, of either of these factors. The Supreme Courts of five other states have questioned the adequacy of jury instructions similar to this.⁴ The Commission has not endorsed or drafted any particular form of instruction, but simply recommends that the current instruction be evaluated in light of current scientific research that may not have been previously considered.

John Van de Kamp
*Chair, California Commission on the
Fair Administration of Justice*

Actions

The eyewitness identification report occasioned six articles from the press lauding the Commission’s findings.

Shortly afterwards, Sen. Carole Migden (D-San Francisco) amended SB 1544 to adopt some of the Commission’s recommendations. SB 1544 passed the Senate and the Assembly, only to be vetoed by Governor Schwarzenegger.

In 2007, Senator Mark Ridley-Thomas (D-Los Angeles) sponsored SB 756 to require the appointment of a task force to draft mandatory guidelines for the conduct of police line-ups and photo arrays to increase the accuracy of eyewitness identifications. The bill, based upon the Commission’s report, directly addressed the concerns expressed by the Governor in his veto message with amendments recommended by the Commission. SB 756 passed the Senate and the Assembly, only to be vetoed by Governor Schwarzenegger.

In 2008, Senator Ridley-Thomas re-introduced his eyewitness identification bill as SB 1591. The bill passed the Senate Public Safety Committee but, due to the State Budget shortfall, did not pass the Senate Appropriations Committee.

3. Judicial Council of California, Criminal Jury Instructions, 1-300 CALCRIM 315 (2005).

4. See, e.g., *State v. Long*, 721 P.2d 483 (Utah Supreme Court, 1986) (Approving instruction that “identification by a person of a different race may be less reliable than identification by a person of the same race.”); *State v. Ramirez*, 817 P.2d 774 (Utah Supreme Court, 1991) (Rejecting level of certainty as an indicator of an identification’s reliability); *Brodos v. State*, 614 S.E.2d 766 (Georgia Supreme Court, 2005) (Reversible error to instruct jury to consider level of certainty as a factor in evaluating reliability of identification); *State v. Ledbetter*, 881 A.2d 290, 311 (Connecticut Supreme Court,

2005) (“uncontradicted scientific literature... suggests the [certainty] factor is particularly flawed because of a weak correlation, at most, exists between the level of certainty expressed by a witness... and the accuracy of that identification.”). Cf. *Commonwealth v. Johnson*, 650 N.E.2d 1257 (Massachusetts Supreme Judicial Court, 1995); *State v. Dubose*, 699 N.W.2d 582 (Wisconsin Supreme Court, 2005).

False Confessions

False confessions occur in very serious cases, including rapes and homicides. Most vulnerable to coercive interrogation techniques are juveniles and those with mental disabilities.

Data and Hearings

In preparation for a public hearing on the topic of False Confessions, the Commission considered the following documents:

- Leo and Ofshe, *The Consequences of False Confessions: Deprivations of Liberty and Miscarriages of Justice in the Age of Psychological Interrogation*, 88 J. Crim. L. & Criminology 429 (1998).
- Cassell, Paul G., *The Guilty and The "Innocent" An Examination of Alleged Cases of Wrongful Conviction from False Confessions*, 22 Harv. J. L. & Pub. Pol'y 523 (Spring 1999).
- Leo and Ofshe, *The Truth About False Confessions and Advocacy Scholarship*, 37 Crim. L. Bull. 293, 330-70 (2001).
- Drizin and Leo, *The Problem of False Confessions in the Post-DNA World*, 82 N.C. L. Rev. 891, 923 (2004).
- Sullivan, Thomas P. *Police Experiences with Recording Custodial Interrogations*, Special Report presented by Northwestern University School of Law, Center for Wrongful Convictions (Summer 2004).
- Sanger, Robert M. *Comparison of the Illinois Commission Report on Capital Punishment with the Capital Punishment System in California*, 44 Santa Clara L. Rev. 126-130 (2003).
- New York County Lawyers' Association and American Bar Association Section of Criminal Justice, Report to the House of Delegates, *Recommendation on Taping Custodial Interrogations* (June 23, 2004).
- Taslitz, Andrew E. *Convicting the Guilty, Acquitting the Innocent: The ABA Takes a Stand*. 19-WTR Crim. Just. 18, The American Bar Association, (Winter 2005).
- *In the Interest of Jerrell C.J., a person Under the Age of 17: State of Wisconsin, Petitioner-Respondent, v. Jerrell C.J., Respondent-Appellant-Petitioner*, 283 Wis.2d 145, (2005).
- Report of the Supreme Court Special Committee on *Recording of Custodial Interrogations*, State of New Jersey, April 15, 2005.
- *A Vision for Justice: Report and Recommendation Regarding Wrongful Convictions in the Commonwealth of Virginia*, Innocence Commission for Virginia, 42-58 (March 2005).
- *California Senate Bill 171*, Introduced by Senator Alquist, February 9, 2005 (as amended in the Senate April 4, 2005). Includes Bill Analysis on the Senate Floor (June 28, 2005).

At the public hearing held at the Loyola Law School in Los Angeles, on June 21, 2006, the Commission heard from Professor Richard Leo of the University of San Francisco Law School, a renowned expert in false confessions; Tom Sullivan, former co-chair of Gov. Ryan's Illinois Capital Punishment study group; Harold Hall, an exonoree from Los Angeles; Chris Ochoa, an

exoneree from Madison, Wisconsin; and Jeanette Popp, mother of a victim. Over 75 members of the public and press attended the hearing.

The Report and Recommendations Regarding False Confessions were issued on July 25, 2006, as follows:

Report

This Report will address the extraction of false confessions during police questioning of suspects.

False confessions were identified as the second most frequent cause of wrongful convictions in a national study previously reviewed by this Commission.¹

The Commission studied the reports of commissions and task forces assembled in other states addressing this issue, as well as the research documenting 125 cases of false confessions by suspects who were indisputably proven to be innocent. (See Drizin & Leo, *The Problem of False Confessions in the Post-DNA World*, 82 No. Carolina L. Rev. 891, 2004.) The Commission convened a public hearing in Los Angeles on June 21, 2006 to hear the testimony of acknowledged experts,² the exonerated victims of false confessions,³ the mother of the victim of a crime in which a false confession was elicited,⁴ representatives of police, prosecutor

and criminal defense agencies, and concerned citizens regarding false confessions.

Although it may seem surprising that factually innocent persons would falsely confess to the commission of serious crimes, the research provides ample evidence that this phenomenon occurs with greater frequency than widely assumed.

The research of Professors Steven Drizin and Richard A. Leo identifies 125 cases which occurred between 1972 and 2002, with 31% of them occurring in the five years previous to 2003. Eight of



Harold Hall of Los Angeles, victim of false confession.

1. Gross, Jacoby, Matheson, Montgomery and Patil, *Exonerations in the United States 1989 Through 2003*, 95 J. of Crim. Law & Criminology 523, 544-545 (2005). They report that defendants confessed to crimes they had not committed in 51 of the 340 exonerations identified, or 15% of the total. Overall, 55% of all the false confessions they found were from defendants who were under 18, or mentally disabled, or both.

2. Professor Richard A. Leo of the U.S.F. School of Law, who co-authored the Drizin & Leo article, and Thomas Sullivan of Jenner & Block, Chicago, Illinois, who served as Co-Chair of Illinois Governor George H. Ryan's Commission on Capital Punishment.

3. Harold Hall of Los Angeles and Chris Ochoa of Madison, Wisconsin.

4. Jeanette Popp, the mother of Nancy DePriest, the victim of the rape-murder of which Chris Ochoa was wrongfully convicted, described her ordeal of suffering nightmares for twelve years based upon an account of her daughter's rape and murder that was factually untrue.

these examples, or 6% of the sample, occurred in California cases.⁵ The overwhelming majority of the false confession cases identified by Drizin and Leo occurred in very serious cases: 81% were homicide cases, followed by 9% rape cases.

Not all false confessions lead to conviction. Of the eight California cases identified by Drizin and Leo, none of the defendants charged was convicted of the crimes to which they falsely confessed. It should be noted, of course, that even where charges do not result in conviction, the pendency of charges based upon false confessions can impose tremendous burdens upon the accused and their families, as well as the victims and their families.

The accused is often in custody for months prior to being released. The research suggests that false confessions are often extracted from the most vulnerable suspects.

One-third (33%) of the Drizin and Leo sample were juveniles; another 22% were mentally disabled, and at least 10% were mentally ill. But even fully competent and rational persons may be victimized by coercive interrogation techniques. Excellent

examples were presented to the Commission in the testimony of Harold Hall and Chris Ochoa.

Harold Hall spent nineteen years in prison for a rape and double murder he did not commit in Los Angeles. At the age of eighteen, he was subjected to seventeen hours of interrogation, and confessed when he concluded a confession was the only way he could end the interrogation. In 2004 he was exonerated by DNA testing that established his innocence. He earned his G.E.D. in prison and is now employed by the Los Angeles County Bar Association.

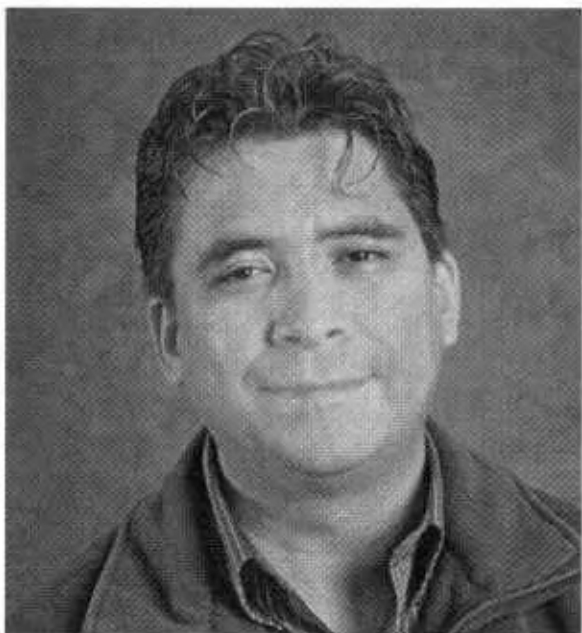
Chris Ochoa was convicted of rape and murder in Texas, and served 12 years in prison before a confession by another person and DNA tests confirmed that he had not committed the crime. Ochoa confessed after he was threatened with execution under the Texas death penalty law if he did not admit his participation in the crime and implicate an innocent co-defendant. After his exoneration, he entered law school and recently graduated from the University of Wisconsin School of Law.

Both Mr. Hall and Mr. Ochoa told the Commission that they doubt they would ever have been convicted if their interrogation had been electronically recorded, and a judge or jury was able to see the coerciveness of the interrogation techniques that were used. While it is unlikely that all false

5. None of the California cases cited by Drizin and Leo resulted in wrongful convictions. In all eight cases, the charges were dismissed prior to actual conviction: Diane Colwell was charged with murder in the death of a 76 year old patient whom she was serving as a caregiver in 1995. During a five hour interrogation, she told police investigators that she had 300 personalities, and two of them suffocated the patient with a pillow and tried to make it look like an accident. The charges were initially dismissed when a trial judge suppressed her confession because Miranda warnings were not administered until after she had been interrogated for five hours. (Darlene Himmelspach, *Murder Charge Dismissed Against Caregiver in Death of Her 76-Year Old Patient*, San Diego Union-Tribune, May 6, 1995, at B3.) When that ruling was reversed by the Court of Appeal in 1997, the charges were reinstated. In preparing for trial, investigators learned of a Food and Drug Administration Safety Alert suggesting that a number of deaths had occurred in similar circumstances, when elderly patients became entangled in the rails of their beds and became asphyxiated. The charges were then again dismissed on motion of the Prosecution. (Moran, *Murder Charge Against Woman in 1994 Patient Death is Dropped*, San Diego Union-Tribune, May 23, 1998, at B5.

Michael Crowe, Aaron Houser and Joshua Treadway were charged with the murder of Crowe's sister in San Diego County in 1998, after she was found stabbed to death in her bedroom in the family home. Crowe was 14, Houser 15 and Treadway 16 at the time they were interrogated. The interrogations of Houser and Treadway were video-taped in their entirety, as was most of the interrogation of Crowe. The charges were dismissed in 1999 when DNA testing revealed blood spatter from the victim on the clothing of Richard Tuite, a transient who had been seen in the neighborhood the night of the killing. Tuite was subsequently convicted of voluntary manslaughter in the case. (*Crowe v. County of San Diego*, 303 F.Supp.2d 1050 (2004); *Crowe v. County of San Diego*, 359 F.Supp.2d 994 (2005); *Crowe v. County of San Diego*, 2005 U.S. Dist. Lexis 7355 (2005).) Eugene "Rufus" Dykes falsely implicated himself and others in the murder of three visitors to Yosemite National Park in 1999. He lied to the FBI in a bizarre attempt to gain leniency for other crimes he did commit. Meanwhile, Cary Stayner, the actual perpetrator of the Yosemite murders, murdered a fourth victim. Dykes, who was in prison at the time he misled the FBI, was never charged with the murders. (Christine Hanley, *Man Says He Misled FBI in Yosemite Deaths*, Columbian (Vancouver, Washington),

confessions can ever be eliminated, the risk of harm caused by false confessions could be greatly reduced if police were required to electronically record the entirety of custodial interrogations of suspects in serious criminal cases.



Chris Ochoa of Texas, victim of false confession.
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There are a number of reasons why the taping of interrogations actually benefits the police departments that require it. First, taping creates an

objective, comprehensive record of the interrogation. Second, taping leads to the improved quality of interrogation, with a higher level of scrutiny that will deter police misconduct and improve the quality of interrogation practices. Third, taping provides the police protection against false claims of police misconduct. Finally, with taping, detectives, police managers, prosecutors, defense attorneys and judges are able to more easily detect false confessions and more easily prevent their admission into evidence.

Because of these benefits, over 500 police departments throughout the country require the taping of interrogations. Thomas Sullivan described for the Commission his efforts to document the police experience with recording custodial interrogations.⁶ He informed the Commission that a substantial number of police departments in California already report that they currently record a majority of custodial interrogations.⁷ Experienced detectives from these departments report great satisfaction with the results of recorded interrogations, including but not limited to higher conviction rates, less time litigating unwarranted suppression motions, and fewer claims of police misconduct.

The only objection to mandating the recording of police interrogation heard by the Commission was to the potential cost of video recording, as compared to audio recording.

Aug. 6, 1999 at A4.) Jorge Hernandez was charged with the rape of a 94 year-old victim after a ring, which belonged to his older brother, was found at the scene. Police claimed he admitted the rape during police interrogation. The case was dismissed prior to a preliminary examination when DNA testing confirmed that he did not rape the victim. (Sean Webby & Kristen Berry, *DNA Test Clear PA Man in Rape of 94-Year-Old*, San Jose Mercury News, Aug. 10, 2002 at 1A; Sean Webby, *Teen Admits Rape, or Did He? False Confession Debate Ensues*, San Jose Mercury News, Aug. 9, 2002 at 1B.) Johnny Massingale was charged with the murder of two victims whose throats were slashed in their San Diego home in 1984. He confessed to San Diego detectives who traveled to Kentucky to interrogate him. He was jailed for ten months awaiting trial. Charges were dismissed on the eve of trial, when evidence implicated another man awaiting trial for similar murders. (Scott Harris, *Suspect in 2 Slayings Leaves Jail; Attorneys Say Evidence Points Toward Man Held in 3 Other Throat-Slashings*, Los Angeles Times, Jan. 5, 1985 at 23.) Geoffrey Meyers was charged with arson after he confessed to setting a blaze that destroyed \$4 million in business property in Sonoma in 2000. Police continued their investigation although they had a previously convicted arsonist

in custody, and concluded that the true culprits were two juveniles who had no connection with Meyers. The charges against Meyers were dismissed after two days. (Pamela Podger, *Convicted Arsonist Cleared in Sonoma Fire: He Recants Confession After Story Disproved*, San Francisco Chronicle, Feb. 8, 2000 at A19.)

6. See Sullivan, *Police Experiences with Recording Custodial Interrogations*, Special Report No. 1, Northwestern University School of Law Center on Wrongful Convictions (Summer, 2004); Sullivan, *Electronic Recording of Custodial Interrogations: Everybody Wins*, 95 Journal of Criminal Law and Criminology 1127 (2005); Sullivan, *Electronic Recordings of Custodial Interrogations*, XIX The Chief of Police, No. 6, p. 17 (Nov./Dec. 2005).

7. These departments include the County Sheriffs of Alameda, Butte, Contra Costa, El Dorado, Orange, Placer, Sacramento, San Bernardino, San Joaquin, Santa Clara (including all police agencies operating in Santa Clara County), Ventura and Yolo Counties, and the municipal police departments for Sacramento, San Diego, San Francisco, and San Jose.

The tentative recommendation released by the Commission was to mandate the video recording of all custodial interrogations in homicide cases. While the Commission remains convinced that video recording is the best means of detecting false confessions, we have been persuaded that the cost of implementing this recommendation at this time would be prohibitive. Instead, we recommend that a fund be available to support the implementation of video recording by Police Departments that choose to do so. We are optimistic that improved technology will reduce these costs in the future, and that positive experience with a requirement that all custodial interrogations in serious felony cases be audio recorded will convince all concerned that eventual conversion to video recording is well worth the cost.

The cost of recording custodial interrogations must be measured against the cost of false confessions, which takes a devastating human toll upon those who are wrongfully charged, their families, the victims of crime, and their families.

Closing a case with conviction of the wrong person based upon a false confession also leaves the real perpetrator at large, to victimize others. The costs of litigating claims of police misconduct that might have been deterred by taping,⁸ and the savings in avoiding false claims of police misconduct should, in the long run, more than pay the costs of implementation of a mandate that all custodial interrogation in serious criminal cases be electronically recorded.

Recommendations

1 The Commission recommends that the state legislature enact the following statute to require the recording of the entirety of custodial interrogations of individuals suspected of all serious felonies:

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS

Section 1: Definitions.

(a) "Electronic Recording" or "Electronically Recorded" means an audio, video or digital audio or video recording that is an authentic, accurate, complete, unaltered record of a custodial interrogation, including a law enforcement officer's advice of the person's constitutional rights and ending when the interview has completely finished.

(b) "Serious Felony" means any of the offenses listed in Section 1192.7(c) of the California Penal Code.

(c) "Statement" means an oral, written, sign language or nonverbal communication.

Section 2: Electronic Recording Required.

All Statements made during custodial interrogation relating to a Serious Felony shall be Electronically Recorded.

Section 3: Cautionary Instruction Required.

If any Statement is admitted in evidence in any criminal proceeding which occurred during custodial interrogation which was not Electronically Recorded in its entirety in compliance with Section 2, the court shall, at the request of the defendant, provide the jury with an instruction in a form to be recommended by the California Judicial Council, which advises the jury to view such statements with caution.

Section 4: Handling and Preservation of Electronic Recordings of Custodial Interrogations relating to a Serious Felony.

(a) Every Electronic Recording of a Custodial Interrogation shall be clearly identified and catalogued by law enforcement personnel.

(b) If a juvenile or criminal proceeding is brought against a person who was the subject of an Electronically Recorded Custodial Interrogation, the Electronic Recording shall be preserved by law

8. Chris Ochoa and his co-defendant settled their claims of civil rights violations against the Austin, Texas Police Department for more than \$16 million dollars.

enforcement personnel until all appeals, post-conviction and habeas corpus proceedings are final and concluded, or the time within which they must be brought has expired, or the sentence has been completed.

(c) If no juvenile or criminal proceeding is brought against a person who has been the subject of an Electronically Recorded Custodial Interrogation, the related Electronic Recording shall be preserved by law enforcement personnel until all applicable state and federal statutes of limitations bar prosecution of the person.

2 The Commission urges all California law enforcement agencies to videotape the entirety of all custodial interrogations of felony suspects or, where videotaping is impractical, to audiotape the entirety of such custodial interrogations.

3 The Commission recommends that the State Legislature appropriate funds, to be administered by the Attorney General, to provide grants to California Police Agencies that wish to implement programs to videotape custodial interrogations.

4 The Commission recommends that training programs should be provided and required to train police, prosecutors, defense lawyers and judges about the causes, indicia and consequences of false confessions. Police interrogators should receive special training in how to identify and interrogate persons with developmental disabilities and juveniles.

ABSTAINING FROM REPORT OF COMMISSION

Sheriff Lee Baca
Los Angeles County Sheriffs Department

(Sheriff Baca served as a Commissioner from 2004–2006).

Actions

The Report occasioned six articles from the press lauding the Commission's findings.

Senator Elaine Alquist's bill, SB 171, requiring the electronic recording of interrogations, passed the Senate and the Assembly, only to be vetoed by Governor Schwarzenegger.

In 2007, Senator Alquist (D-San Jose) introduced SB 511, amending the 2006 bill based upon the Commission's recommendations. The new bill directly addressed the concerns expressed by the Governor in his veto message. SB 511 passed the Senate and Assembly, only to be vetoed by Governor Schwarzenegger.

In 2008, Senator Alquist re-introduced SB 511 as SB 1590. The bill passed the Senate Public Safety Committee, but due to the State Budget shortfall, did not pass the Senate Appropriations Committee.

LEGISLATIVE COUNSEL'S DIGEST

SB 511, Alquist. Interrogation: recording.

Existing law provides that under specified conditions the statements of witnesses, victims, or perpetrators of specified crimes may be recorded and preserved by means of videotape.

This bill would require the electronic recordation of the entire proceedings of any custodial interrogation of an individual who is in a fixed place of detention and who, at the time of the interrogation, is suspected of committing or accused of a homicide or a violent felony, except as specified. The bill would also prohibit the interrogating entity from destroying or altering any electronic recording made of the interrogation until the final conclusion of the proceedings, as specified. The bill would become operative on July 1, 2008. By

imposing these new requirements on local law enforcement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS

Section 1. It is the intent of the Legislature in enacting this act to require the creation of an electronic record of an entire custodial interrogation in order to eliminate disputes in court as to what actually occurred during the interrogation, thereby improving prosecution of the guilty while affording protection to the innocent.

Section 2. Section 859.5 is added to the Penal Code, to read:

859.5. **1** (a) Any custodial interrogation of an individual who is in a fixed place of detention and who, at the time of interrogation, is suspected of committing or accused of a homicide, as defined in Chapter 1 (commencing with Section 187) of Title 8 of Part 1, or a violent felony, as defined in subdivision (c) of Section 667.5, shall be electronically recorded in its entirety. This provision applies to both adult and juvenile proceedings.

(b) The requirement for the electronic recording of a custodial interrogation pursuant to this section shall not apply if the person to be

interrogated provides an electronically recorded statement expressing that he or she will speak to the law enforcement officer or officers only if the interrogation is not electronically recorded. Where electronic recording of that statement is refused by the person to be interrogated, then that refusal may be documented in writing.

(c) The interrogating entity shall not destroy or alter any electronic recording made of a custodial interrogation until the time that a conviction for any offense relating to the interrogation is final and all direct and habeas corpus appeals are exhausted or the prosecution for that offense is barred by law. The interrogating entity may make one or more true, accurate, and complete copies of the electronic recording in a different format.

2 Any law enforcement officer who conducts a custodial interrogation of an individual described in subdivision (a) shall be required to make an electronic recording of the interrogation pursuant to subdivision (a), unless the law enforcement officer can demonstrate, by a preponderance of the evidence, that the electronic recording of the custodial interrogation was not feasible for a specified reason, including, but not limited to, the following:

(a) Access to equipment required to electronically record an interrogation could not be obtained during the period of time that the defendant could be lawfully detained.

(b) The failure to create an electronic recording of the entire custodial interrogation was the result of a malfunction of the recording device and obtaining a replacement device was not feasible.

(c) The questions put by law enforcement personnel, and the person's responsive statements, were part of a routine processing or booking of the person.

(d) The law enforcement officers in good faith failed to make an electronic recording of the custodial interrogation because the officers inadvertently failed to operate the recording equipment properly, or without the officer's knowledge the recording equipment malfunctioned or stopped operating.

(e) The custodial interrogation took place in another jurisdiction and was conducted by the officers of that jurisdiction in compliance with the law of that jurisdiction.

(f) The law enforcement officers conducting or contemporaneously observing the custodial interrogation reasonably believed that the crime of which the person was suspected was not among those listed in paragraph (1) of subdivision (a).

(g) Exigent circumstances existed which prevented the making of, or rendered it not feasible to make, an electronic recording of the custodial interrogation.

3 For the purposes of this section, the following terms have the following meanings:

(a) "Custodial interrogation" means express questioning or its functional equivalent that is conducted by a law enforcement officer from the time that the suspect is, or should be, informed of his or her rights to counsel and to remain silent, until the time that the questioning ends.

(b) "Electronic recording" means an analog or digital recording that includes the audio representations of any interrogator and individual involved in a custodial interrogation, provided however, that a motion picture, videotape, analog, or digital recording that includes both audio and visual representations of any interrogator and individual involved in a custodial interrogation is also permitted. Law enforcement officers are encouraged, if videotaping, to position the

camera to capture facial images of the suspect and the interrogators. Law enforcement officers are encouraged to videotape the custodial interrogation of individuals suspected or accused of committing a homicide.

(c) "Law enforcement officer" means any officer of the police, sheriff, highway patrol, or district attorney, and any peace officer included in Chapter 4.5 (commencing with Section 830).

(d) "Fixed place of detention" means a jail, police, or sheriff's station, holding cell, or a correctional or detention facility.

(e) A person is "suspected of" committing a homicide or violent felony, for purposes of this section, if law enforcement officers have reasonable cause, at the time of the interrogation, to believe that the person committed a homicide or violent felony.

(f) This section shall become operative on July 1, 2008.

Section 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Informant Testimony

Of 117 death penalty appeals currently being handled by the State Public Defender, seventeen featured testimony by in-custody informants, and another six by informants who were in constructive custody. Such testimony is frequently utilized to convince a jury to impose a death sentence by showing lack of remorse.

Data and Hearings

In preparation for a public hearing on the topic of the Use of Jailhouse Informant Testimony, the Commission considered the following documents:

- Report of the 1989–90 Los Angeles County Grand Jury. *Investigation of the Involvement of Jail House Informants in the Criminal Justice System in Los Angeles County*.
- *Jailhouse Informants*—Chapter 5, *Achieving Justice: Freeing the Innocent; Convicting the Guilty*, Report of the American Bar Association Criminal Justice Section's Ad Hoc Innocence Committee to Ensure the Integrity of the Criminal Process, 2006.
- Warden, Robert, "The Snitch System: How Incentivised Witnesses Put 38 Innocent Americans on Death Row," presented April 25, 2002 at Arizona State University College of Law.
- *The Snitch System: How Snitch Testimony Sent Randy Steidl and Other Innocent Americans to Death Row*, Center for Wrongful Convictions, Northwestern University School of Law (Winter 2004–2005).
- Trott, The Honorable Stephen S., *Words of Warning for Prosecutors Using Criminals as Witnesses*, 47 *Hastings L.J.* 1381 (July/August 1996).
- Yaroshefsky, Ellen. *Introduction*, Symposium *The Cooperating Witness Conundrum: Is Justice Obtainable?*, Jacob Burns Ethics Center at Cardozo Law School, Yeshiva University, 23 *Cardozo L. Rev.* 747, (February 2002).
- Scheck, Barry. *Closing Remarks*, Symposium *The Cooperating Witness Conundrum: Is Justice Obtainable?*, Jacob Burns Ethics Center at Cardozo Law School, Yeshiva University, 23 *Cardozo L. Rev.* 899, (February 2002).
- Uviller, H. Richard. *No Sauce for the Gander: Valuable Consideration For Helpful Testimony from Tainted Witnesses in Criminal Cases*, 23 *Cardozo L. Rev.* 771 (2002).
- Skurka, Steven. *A Canadian Perspective on the Role of Cooperators and Informants*, 23 *Cardozo L. Rev.* 759 (2002).
- Cal Penal Code §1127a (a)–(d), §1191.25(a), §4000.1(a)–(c)
- CALCRIM No. 336, including benchnotes and authority

At the public hearing held at the Hall of Justice in the County Board Chambers of San Mateo County, on September 20, 2006, the Commission heard from Professor Ellen Yaroshefsky of the Cardozo School of Law in New York, an expert on informant testimony; John Spillane, Chief Deputy of the Los Angeles County District Attorney's Office, responsible for their informant committee; Gigi Gordon, Director of the Post-Conviction Assistance Center, one of two original petitioners to the LA County Grand Jury in 1988 to investigate sweeping corruption in the use of jailhouse informants in Los Angeles; and Dennis Fritz, wrongfully convicted in Oklahoma for murder in the 1st degree, chronicled in the recent John Grisham book, *The Innocent Man*. Over 70 members of the public and press attended the hearing.

The Report and Recommendations Regarding Informant Testimony were issued November 20, 2006, as follows:

Report

This Report will address the use of testimony from informants who are themselves in custody or facing criminal prosecution. The motivation for such testimony is frequently the expectation of some reward in the form of reduction of charges, eligibility for bail, leniency in sentencing, or better conditions of confinement. In a report by the Northwestern University School of Law Center on Wrongful Convictions, the use of such informants was identified among the three most prevalent factors in the wrongful convictions of death row inmates. After a review of the cases of 111 persons released from the nation's death rows after they were exonerated, from 1973 through 2004, the Center found use of false testimony from informants in 45.9% of the cases. That made false informant testimony the leading cause of wrongful convictions in U.S. capital cases – followed by erroneous eyewitness identifications (25.2% of the cases), and false confessions (14.4% of the cases). (Northwestern University School of Law Center on Wrongful Convictions, *The Snitch System*, p. 3, 2005.)

While none of the 111 cases in the Center on Wrongful Convictions report took place in California, the frequent use of informant testimony in capital cases appears in California capital cases as well. Michael Laurence, the Director of the California Habeas Corpus Resource Center, explained to the Commission the reasons for the high prevalence of the use of arrested or charged informants in capital cases. In his opinion, while they are rarely needed to supply evidence of the defendant's guilt of the underlying crime, they often provide crucial testimony to prove the alleged

special circumstances which make the defendant eligible for the death penalty, or to provide evidence of aggravation to persuade the jury to select death as the appropriate penalty. State Public Defender Michael Hersek reported to the Commission that of the 117 death penalty appeals currently pending in his office, seventeen featured testimony by in-custody informants, and another six included testimony by informants who were in constructive custody. Thus, confidence in the reliability of the testimony of arrested or charged informant witnesses is a matter of continuing concern to ensure that the administration of justice in California is just, fair and accurate.

The Commission conducted a public hearing in Redwood City, California on September 20, 2006. Among the witnesses who testified at the public hearing was Dennis Fritz, a former junior high school teacher from Ada, Oklahoma. Mr. Fritz told the Commission that he and a codefendant named Ron Williamson were convicted of the rape and murder of Debra Sue Carter six years after the murder took place. The principal testimony against them came from in-custody jail informants. Based on this testimony, with little corroboration, Williamson was sentenced to death, and Fritz was given a life sentence.

Five days before his scheduled execution, Williamson won a new trial.

In preparation for the retrial, DNA testing was finally done. It resulted in a match to one of the informants, and exonerated both Williamson and Fritz. They were released after twelve years in prison. The informant was subsequently convicted of the murder, and is now serving a life sentence. Further information about this case can be found at *Williamson v. State*, 812 P.2d 384 (Okla. Ct.

Crim. App. 1991); *Williamson v. State*, 852 P.2d 167 (Okla. Ct. Crim. App. 1993); *Williamson v. Reynolds*, 904 F.Supp. 1529 (E.D. Okla. 1995); *Williamson v. Ward*, 110 F.3d 1508 (10th Cir. 1997); *Fritz v. State*, 811 P.2d 1353 (Okla. Ct. Crim. App. 1991); *Gore v. State*, 119 P.3d 1268 (Okla. Ct. Crim. App., 2005). (See Grisham, *The Innocent Man*, 2006. Compare Letter of District Attorney William N. Peterson to Commissioner Greg Totten. Available at www.ccfaj.org/rr-usefed.html.)

THE LOS ANGELES COUNTY EXPERIENCE

In 1989, the exploits of Leslie Vernon White, a Los Angeles jail inmate who demonstrated on national television how easy it was for prisoners to gather information about the pending cases of other prisoners and fabricate testimony that might gain them greater lenience in their own cases, led the Los Angeles County Grand Jury to convene a comprehensive investigation of the use of in-custody informants. The grand jury heard the testimony of 120 witnesses, including six self-professed jail house informants. The report made recommendations for both the L.A. County District Attorney and the L.A. County Sheriff's Department with respect to the handling of informants in jail and their use as witnesses in criminal cases. (See Report of the 1989-90 Los Angeles County Grand Jury. Investigation of the Involvement of Jail House Informants in the Criminal Justice System in Los Angeles County, 1990.) In response to this report, the Los Angeles County District Attorney's office adopted policy guidelines to strictly control the use of jailhouse informants as witnesses. The policy requires "strong corroborative evidence," consisting of more than the fact that the informant appears to know details of the crime thought to be known only to law enforcement. A deputy wishing

to use a jailhouse informant as a prosecution witness must obtain the prior approval of a Jailhouse Informant Committee headed by the Chief Assistant District Attorney. The office maintains a Central Index of jailhouse informants who have offered to be, or who have been used as witnesses. All records of jailhouse informants are preserved, including notes, memoranda, computer printouts, records of promises made, payments made, or rewards given, as well as records of the last known location of the informant and records relating to cell assignments. (See Los Angeles County District Attorney's Office, Legal Policies Manual, Chapter 19, Jailhouse Informants, pp. 187-190, April, 2005. Available at www.ccfaj.org/rr-use-expert.html.)

John Spillane, who currently serves as Chief Assistant District Attorney in Los Angeles County, and heads the Jailhouse Informant Committee, informed the Commission that the Committee rarely approves the use of in-custody informants as witnesses. None has been approved during the past twenty months, and only twelve in the past four years.

Throughout the 1990's, the annual number of approvals averaged less than six. Mr. Spillane informed the Commission that the office also requires that interviews of in-custody informants by attorneys or investigators from the District Attorney's office must be tape recorded.

The Los Angeles District Attorney's Office also offers training sessions to its deputies to acquaint them with the risks and perils of using informants as witnesses. In recent years, the training has been conducted by Judge Stephen S. Trott of the U.S. Court of Appeals for the Ninth Circuit. (See Trott, *Words of Warning for Prosecutors Using Criminals as Witnesses*, 47 *Hastings Law Journal* 1381, 1996.) The Commission recommends that all prosecutors, defense lawyers, judges and police

investigators in California receive training with respect to the perils of using arrested or charged informants as witnesses.

The Commission undertook to ascertain whether the best practices exemplified by the Los Angeles County District Attorney were being implemented by other District Attorneys throughout the State of California. A letter was sent to each of the fifty-eight County District Attorneys in the State, inquiring whether they had office policies governing the use of in-custody informants, and requesting a copy of that policy if it was in writing. The letter also inquired as to how many cases included testimony of in-custody informants during the past five years. We received nine responses. Four of the five largest counties had written policies similar to the Los Angeles County policy, requiring supervisory approval before the testimony of an in-custody informant could be utilized.¹ None of the four smallest counties had written policies, but three indicated that supervisory approval is required.² The Santa Clara County and Orange County District Attorneys were the only offices whose policy requires the maintenance of a central file of all informant information.

The survey suggests that the use of the testimony of in-custody informants is rarely approved by any of the responding offices.

The Commission recommends that the following best practices be implemented whenever feasible. The Commission recommends that each District Attorney's office in the State of California adopt a written policy which requires:

- 1** The decision to use the testimony of an in-custody informant be reviewed and approved by supervisory personnel other than the deputy assigned to the trial of the case;
- 2** The maintenance of a central file preserving all records relating to contacts with in-custody informants, whether they are used as witnesses or not;
- 3** The recording of all interviews of in-custody informants conducted by District Attorney personnel;
- 4** The corroboration of any testimony of an in-custody informant by evidence which independently tends to connect the defendant with the crime, special circumstance or circumstance in aggravation to which the informant testifies.

The 1989 Los Angeles grand jury inquiry also led the California State Legislature to enact Section 1127a of the California Penal Code, which currently requires that, upon the request of a party, the judge instruct the jury in any case in which an in-custody informant testifies that the testimony should be viewed with caution and close scrutiny, and the jury should consider the extent to which it may have been influenced by the receipt of, or expectation of, any benefits from the party calling that witness. This instruction is now contained in CALCRIM No. 336, the recommended jury instructions approved by the Judicial Council of California. Penal Code Section 1127a also requires the prosecutor to file a written statement with the court, contemporaneous with the calling of an in-custody informant as a witness in any criminal trial, setting out any and all consideration promised to, or received by the in-custody informant. Monetary payments to in-custody informants for testimony by law enforcement or correctional officials are limited to \$50 by California Penal Code Section 4001.1.

1. Orange, San Bernardino, Santa Clara and Ventura Counties have written policies; Sacramento does not.

2. Monterey, Placer and Solano Counties all require supervisory approval. The District Attorney for Yuba County declined to disclose his policy.

CORROBORATION REQUIREMENTS

At present, California law does not directly require the corroboration of the testimony of an in-custody informant. The Commission was informed by Professor Ellen Yaroshefsky of the Benjamin N. Cardozo School of Law that seventeen states now require the corroboration of accomplice testimony. The only corroboration requirement currently embodied in California law is the requirement of corroboration of the testimony of accomplices, contained in Penal Code Section 1111:

1111. A conviction cannot be had upon the testimony of an accomplice unless it be corroborated by such other evidence as shall tend to connect the defendant with the commission of the offense; and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof. An accomplice is hereby defined as one who is liable to prosecution for the identical offense charged against the defendant on trial in the cause in which the testimony of the accomplice is given.

CALCRIM No. 335 is currently used to instruct juries of the accomplice corroboration requirement. While the instruction requires supporting evidence independent of the accomplice's testimony that tends to connect the defendant to the commission of the crime, it adds:

Supporting evidence, however, may be slight. It does not need to be enough, by itself, to prove that the defendant is guilty of the charged crime, and it does not need to support every fact... about which the accomplice testified.

The instruction also informs the jury that accomplices may not corroborate each other:

The evidence needed to support the testimony of one accomplice cannot be provided by the testimony of another accomplice.

The Commission considered whether California should have a statutory requirement of corroboration for the testimony of in-custody informants, and whether that requirement should track the current requirements for accomplice testimony. The Commission concluded that the testimony of in-custody informants potentially presents even greater risks than the testimony of accomplices, who are incriminating themselves as well as the defendant. Using the language of the accomplice corroboration requirement, however, would not address the frequent use of in-custody informants in death penalty cases to prove special circumstances or provide evidence for aggravation of the penalty. In such cases, there will invariably be some supporting evidence tending to connect the defendant to the commission of the crime. The jury should be instructed that a finding of a special circumstance, or a finding of a circumstance of aggravation, may not be based solely upon the uncorroborated testimony of an arrested or charged informant, and the corroboration should independently tend to connect the defendant with the special circumstance or circumstance of aggravation. And just as with accomplices, in-custody informants should not be permitted to corroborate each other. The jury should not be instructed that corroborating evidence "may be slight." A statutory requirement embodying these suggestions is included among the Commission's recommendations.

ARRESTED OR CHARGED INFORMANTS WHO ARE NOT IN CUSTODY

The Commission considered whether the prosecutorial policies governing the use of in-custody informants and the statutory requirement of corroboration should be extended to *all* informants, whether they are in actual custody at the time they allegedly acquire information concerning the case

of another accused, or are at liberty either because they have not yet been arrested on pending charges or have been freed on bail or recognizance pending resolution of the charges against them. Here, grave concerns were expressed to insure that “informant testimony” is not defined so broadly that it encompasses citizen informants, or those responding to offers of rewards. Nor should it reach the use of informants used to supply probable cause for arrests or searches, but who never testify at trial. Not every witness who testifies to hearing a statement made by the defendant should be included, simply because they may have some expectation of benefit from their testimony. But the peculiar risks created by informants who may have some expectation of leniency or reward from their testimony are similar, regardless of whether the accused and the informant are both in custody at the time of the alleged statements. Therefore, the Commission recommends that, whenever feasible, an express agreement in writing should describe the range of recommended rewards or benefits that might be afforded in exchange for truthful testimony by an arrested or charged informant, whether the informant is in custody or not. A minority of the Commissioners would also support an expansion of the definition of the informants included in Penal Code Sections 1127a, 1191.25 and 4001.1, to include all arrested or charged informants, and an extension of the requirement of corroboration to all arrested or charged informants.³

Recommendations

1 The California Commission on the Fair Administration of Justice recommends that, whenever feasible, an express agreement in writing should describe the range of recommended

rewards or benefits that might be afforded in exchange for truthful testimony by an arrested or charged informant.

2 The California Commission on the Fair Administration of Justice recommends that, whenever feasible, California District Attorney Offices adopt a written internal policy to govern the use of in-custody informants. The policy should provide:

- (a) The decision to use the testimony of an in-custody informant be reviewed and approved by supervisory personnel other than the deputy assigned to the trial of the case;
- (b) The maintenance of a central file preserving all records relating to contacts with in-custody informants, whether they are used as witnesses or not;
- (c) The recording of all interviews of in-custody informants conducted by District Attorney personnel;
- (d) The corroboration of any testimony of an in-custody informant by evidence which independently tends to connect the defendant with the crime, special circumstance or circumstance in aggravation to which the informant testifies.

3 The California Commission on the Fair Administration of Justice recommends the enactment of a statutory requirement of corroboration of in-custody informants, similar to the current requirement of the corroboration of accomplices contained in Penal Code Section 1111.

The statute should provide:

A conviction can not be had upon the testimony of an in-custody informant unless it be corroborated by such other evidence as shall independently tend to connect the defendant with the commission of the offense or the special circumstance or the circumstance of aggravation to which the in-custody

3. Commissioners Bellas, Hersek, Hing, Judge, Laurence, Ridolfi and Streater.

informant testifies. Corroboration is not sufficient if it merely shows the commission of the offense or the special circumstance or the circumstance in aggravation. Corroboration of an in-custody informant cannot be provided by the testimony of another in-custody informant. An in-custody informant is hereby defined as a person, other than a codefendant, percipient witness, accomplice or coconspirator whose testimony is based upon statements made by the defendant while both the defendant and the informant are held within a correctional institution.

A jury should be instructed in accordance with the language of this statute.

A jury should not be instructed that corroborating evidence may be slight, as in CALCRIM No. 335.

4 The California Commission on the Fair Administration of Justice recommends that training programs for California prosecutors, defense lawyers, judges and police investigators include a component addressing the use of arrested or charged informants as witnesses.

Actions

The Report occasioned six articles from the press lauding the Commission's findings.

In 2007, Sen. Gloria Romero (D-Los Angeles) introduced SB 609, providing that a Court could not convict a defendant, find a special circumstance true, or use a fact in aggravation based solely on the uncorroborated testimony of an in-custody informant. The bill passed the Senate and Assembly only to be vetoed by Governor Schwarzenegger.

In 2008, Sen. Romero re-introduced SB 609 as SB 1589. The bill passed the Senate and awaits review in the Assembly.

Scientific Evidence

Public confidence in investigations of negligence or misconduct in the preparation or presentation of forensic evidence requires the involvement of a government entity that is truly independent of the police and sheriff agencies that operate forensic laboratories.

Data and Hearings

In preparation for a public hearing on the topic of Problems with Scientific Evidence, the Commission considered the following documents:

- Mnookin, Jennifer. *The Achilles Heel of Fingerprints*, The Washington Post, May 29, 2004.
 - Stahl, Lesley. *Fingerprints: Infallible Evidence?*, CBS News, June 6, 2004.
 - Murphy, Shelley. *City Pays Wrongfully Jailed Man \$3.2 Million*, appearing in the Los Angeles Daily Journal, August 14, 2006.
 - Cherry and Imwinkelried. *A Cautionary Note About Fingerprint Analysis and Reliance on Digital Technology*, 30-AUG Champion 27, 2006.
 - Profile of Josiah Sutton, retrieved from Innocence Project website on August 29, 2006.
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At the public hearing on January 10, 2007, in Hearing Room 4203 at the State Capitol in Sacramento, the Commission heard from Peter Neufeld, Co-Director of the Innocence Project at Cardozo Law School in New York, New York; Dr. William C. Thompson, Professor and Chair of the Department of Criminology, Law, & Society at the University of California, Irvine; Dr. Frederick A. Tulleners, Director of the Forensic Science Graduate Program at the University of California, Davis; Professor Susan Rutberg, Golden Gate University School of Law; Ms. Bicka Barlow, Office of the Public Defender, San Francisco; Ms. Gail Abarbanel, Director, the Rape Treatment Center at UCLA Medical Center; Mr. Michael Chamberlain, Deputy Attorney General, DNA Legal Unit for the California Department of Justice; Mr. Rockne Harmon, Deputy District Attorney, Alameda County; Mr. Herman Atkins, Exonerate and Chair of the California Council of the Wrongfully Convicted; Mr. Thomas J. Nasser, President, the California Association of Crime Laboratory Directors; Mr. Lance Gima, Chief, Bureau of Forensic Services, at the California Department of Justice; and Mr. Barry A.J. Fisher, Director of the Crime Laboratory for the Los Angeles County Sheriff's Department. The hearing was broadcast on closed-circuit television across Sacramento and over 250 members of the public and interested parties attended this hearing.

The Commission issued an Emergency Report and Recommendations Regarding the DNA Testing Backlog in the State of California on February 20, 2007, as follows:

Report: DNA Testing Backlogs

This Report will address the current California backlogs in the processing of DNA samples taken from suspects arrested for violent felonies and the entering of the data into the databank, as well as the delays in testing of rape kits and other DNA samples collected during criminal investigations. There are numerous other issues of justice, fairness and accuracy with regard to the availability and use of forensic evidence in the California criminal justice system, which will be addressed in future Commission reports. The problem of backlogs, however, is urgently in need of immediate attention. Recognizing this urgency, the Commission decided to address this issue first, and to issue its emergency report and recommendations as quickly as possible.

The use of DNA profiles has rapidly become one of the most useful tools available to correctly identify criminal perpetrators. Recognizing its great potential, California voters adopted the DNA Fingerprint, Unsolved Crime and Innocence Protection Act by popular initiative at the November, 2004 general election, by a 62% margin. Also known as Proposition 69, the measure mandates a vast expansion of the statewide DNA Database and Data Bank program, recognizing it as the most reasonable and certain means to solve crimes, to aid in the identification of missing and unidentified persons, and to exonerate persons wrongly suspected or accused of crime. Proposition 69 requires the taking of buccal swab samples, along with thumbprints and palmprints, from any person convicted of any felony offense, as well as any person arrested for or charged with a homicide or sexual offense. Commencing January 1, 2009, Proposition 69 provides that coverage will expand to require the submission of samples for any adult persons

1. CODIS [The Combined DNA Index System] is a national database used by qualified law enforcement officials to link DNA evidence found at a crime scene with a suspect whose DNA is already on file. It was established by the

Federal Bureau of Investigation pursuant to authority granted by the Violent Crime Control and Law Enforcement Act of 1994, Pub.L. No. 103-322, 108 Stat. 1796 (Sept. 13, 1994). Subsequently, all fifty state legislatures enacted

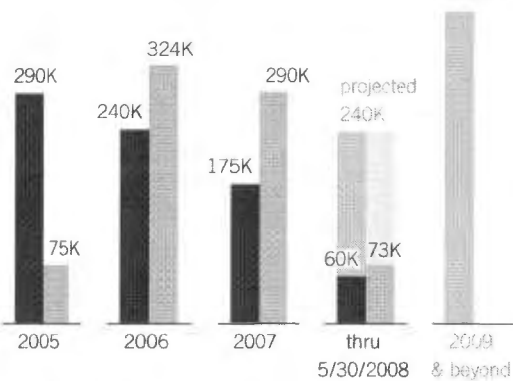
arrested or charged with any felony offense. The buccal swab samples are deposited with the DNA Laboratory of the California Department of Justice, which is required to perform DNA analysis and enter the results in a DNA data bank and database. DNA profiles are also uploaded into the national databank [CODIS] maintained by the FBI.¹

The Commission was informed that as of January 31, 2007, the California Department of Justice had received 895,409 buccal swab samples pursuant to Proposition 69, and had uploaded profiles for 736,863, leaving a backlog of 158,546. It is anticipated that the backlog will be reduced below 60,000 by June 30, 2007. For each of the next three years, the Department anticipates receiving 240,000 samples per year. In 2009, when samples will be taken from every adult felony arrestee, the Department estimates the number will jump another 160,000, to 400,000 per year.

DNA SAMPLES RECEIVED / UPLOADED

SOURCE: California Department of Justice

With Prop. 69 change expect to receive 390K samples each year



■ DNA Samples Received
 ■ DNA Samples Uploaded

Current backlog (as of May 30, 2008) 27,826

DEPARTMENT OF JUSTICE LAB SALARIES LAG BEHIND CITIES AND COUNTIES

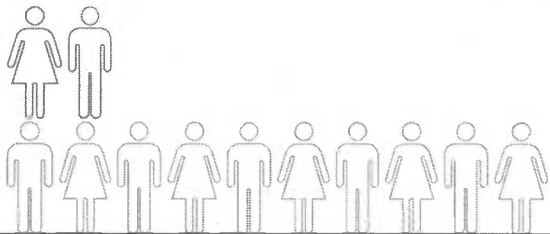


The vast increase of samples in such a short period of time has severely burdened the capacity of the Department's DNA Laboratory in Richmond, California. The reductions in backlog achieved thus far have been accomplished by an expansion of the Richmond Laboratory facilities and staff, an increase in incentive pay for overtime, and some outsourcing of analysis to other laboratories. Opportunities for outsourcing are limited, however, since only the DOJ lab is

statutes, requiring convicted offenders to provide DNA samples for entry into the CODIS system. See H.R. Report No. 106-900(I), at 8 (Sept. 26, 2000).

Proposition 69 expanded the California statutes to include arrested suspects as well as convicted offenders.

permitted to upload DNA profiles into the CODIS national databank. But the greatest challenge the laboratory faces is in recruiting and retaining criminalists to fill existing vacancies. There are currently twenty vacancies for criminalists in Department of Justice labs, including six vacant supervisor positions. The Department of Justice laboratories are at a serious disadvantage in recruiting criminalists because of the differential in starting pay offered by other public laboratories in the State of California. The Department reports that currently, rank and file DOJ Criminalists and supervisors/managers are at least 30% behind city and county crime laboratory salaries. Despite



10 CRIMINALISTS VACANCIES IN DOJ LABS, INCLUDING 2 SUPERVISOR POSITIONS (6/18/08).

recent stopgap measures, the serious salary differential between the state laboratory and other public laboratories remains, and is not addressed in the currently pending state budget.

Backlogs and delays in the entry of offender DNA profiles into the databank have a serious impact upon the work of all law enforcement agencies in California. If an offender's profile is not yet in the databank, a forensic sample from a crime scene entered into the databank by any crime laboratory in the state will not produce a match, leaving the offender free to commit additional crimes. The potential exoneration of a suspect by finding a match to someone else will also be foreclosed.

The DNA data bank is already producing "cold hits" at a remarkable rate, identifying perpetrators of crimes that had gone unsolved for many years in California. Delays in the processing of offender profiles can result in irretrievable loss of the opportunity to resolve unsolved cases. Frequently, when an innocent person is exonerated by means of DNA testing, the testing also produces a "cold hit" of another suspect who remained at large to victimize others. The production of "cold hits" also impacts the availability of investigative, prosecution and defense resources at the local level. Proposition 69 provided some funding to local agencies to collect buccal samples, but no resources for follow-up investigations of "cold hits." In Los Angeles alone, forty "cold hits" were produced in January, 2007.

The Commission was also informed that delays of six months or more have become the norm at local crime laboratories for analysis of rape kits and other DNA samples collected during criminal investigations. The consequences of such delays were described for the Commission by Gail Abarbanel, Director of the Rape Treatment Center at Santa Monica-UCLA Medical Center. She described the case of a rape victim whose rape kit sat on a shelf, unopened, for several months despite the investigating detective's extraordinary efforts to expedite the testing. When it was finally tested, it produced a "cold hit" identifying a rapist who had attacked at least two other victims, one a child, during the period of delay. Such delays not only endanger potential victims, they may also result in unnecessary incarceration of innocent suspects. In another case described by Ms. Abarbanel, a Rancho Cucamonga man accused of raping a 4-year-old girl was held in jail for seven months before DNA tests were finally conducted which exonerated him. Some rape kits are *never* tested. Oakland reports that it processes fewer than



half of the rape kits collected in the city. One of the crime labs in Los Angeles reports a backlog of 5,000 unopened rape kits.

DNA testing is not the only laboratory forensic service that is seriously backlogged in California. The State Laboratory reports long turn-around times for other types of forensic testing (see above chart).

In order to provide a 30 day turnaround for all cases which have been pending for over 30 days, the State Laboratory would have to hire 92 new forensic scientists. At current salary levels, this is virtually impossible.

California Penal Code Section 680 already provides that law enforcement agencies have an obligation to victims to conduct timely testing of rape kit and other crime scene evidence. A state norm of a six month delay is not timely. Delays put potential victims at risk by letting offenders go free, deprive innocent accused of prompt exoneration, and inflict delays in the orderly processing of criminal cases in our courts.

Recommendations: DNA Testing Backlogs

The California Commission on the Fair Administration of Justice recommends immediate implementation of the following measures to address the problems of DNA testing backlogs and other problems in California:

- 1** The California Department of Justice should immediately ascertain the staffing levels required for the State Laboratory to reduce the backlog in the uploading of DNA profiles to thirty days or less, both now and when the future demands of Proposition 69 take effect. The salary level necessary to fill and maintain those staffing levels should also be ascertained.
- 2** Emergency budget appropriations should be immediately introduced, to provide state funding to staff the State Laboratory at the levels ascertained pursuant to the Commission's first recommendation.
- 3** The California Attorney General should immediately commence consultation with state and local public laboratories, criminalists, law enforcement, prosecutor's offices, public defenders and private defense lawyers, victim representatives and judges

to address the problems of DNA forensic technology resources in California. The following concerns should be urgently addressed:

- (a) Identify the nature and scope of current capacity problems, backlogs of unprocessed evidence and systems issues that impede the utilization of DNA forensic technology to its fullest potential.
- (b) Identify best practices that enhance collection and timely processing of DNA evidence, including crime scene and rape kit evidence, to meet the needs of the criminal justice system.
- (c) Make recommendations for eliminating current backlogs and preventing future backlogs of unprocessed evidence in state and local public laboratories.
- (d) Evaluate the efficiency and effectiveness of the current organization of resources in the State of California, to determine what systems and strategies will most effectively serve the needs of the State of California.
- (e) Recommend strategies for training and educational programs to address the shortages of trained personnel to meet the staffing needs of crime labs throughout the State of California.
- (f) Assess the impact of “cold hits” upon local investigative, prosecution and defense resources.
- (g) Report to the Legislature and Governor regarding the legislative or administrative steps that must be taken to insure timely processing of evidence in California’s criminal justice system.

4 The Legislature and the Governor should provide adequate support to quickly respond to the needs identified by the Attorney General.

After issuing the Emergency Report on the DNA testing backlog, the Commission issued its Report and Recommendations Regarding Forensic Science Evidence on May 8, 2007, as follows:

Report: Forensic Science Evidence

This Report will address issues surrounding the preparation and use of forensic science evidence in California criminal cases, and make recommendations to minimize the risk of wrongful conviction in such cases. The Commission previously addressed the California backlog in processing DNA samples taken from suspects arrested for violent felonies, entering that data into the national databank, and the delays in testing of rape kits and other DNA samples collected during criminal investigations. There are numerous other issues of justice, fairness and accuracy with regard to the availability and use of forensic evidence in the California criminal justice system, some of which will be addressed in this Report.

The presentation of forensic science evidence is often the turning point in a criminal trial. Today, the news carries reports of erroneous forensic identifications of hair, bullets, handwriting, footprints, bite marks, and even venerated fingerprints.¹ The

1. A recent analysis identifies 22 reported cases of fingerprint misattributions, including the case of Brandon Mayfield, an Oregon attorney and Muslim convert wrongfully accused of participation in the Madrid terrorist train bombing, and Stephan Cowans, convicted of shooting a police officer based on fingerprint identification and eyewitness testimony, released after serving six and a half years after he was exonerated by DNA testing. The Boston Police Department acknowledged that the fingerprint identification was erroneous. Cole, *More Than Zero: Accounting for Error in Latent Fingerprint Identification*, 95 J. of Crim. Law & Criminology 985 (2005).

2. Some confusion has arisen regarding research as to which causes of wrongful conviction are most prevalent. In this Commission’s first report, we cited studies that report mistaken eyewitness identifications was the leading cause of wrongful convictions. Report and Recommendations Regarding Mistaken Eyewitness Identification, April 13, 2006. In our third report, regarding the use of informant testimony, we cited a study which reports that false informant testimony was the leading cause of wrongful conviction in U.S. capital cases. Report and Recommendations Regarding Informant Testimony, November, 2006. The Innocence Project data includes both capital and non-capital cases in which subsequent DNA testing exonerated the defendant. It consistently concludes that eyewitness error is the leading cause of wrongful conviction,

Innocence Project at Cardozo Law School identified forensic science testing errors in 63% of 86 DNA exoneration cases analyzed, the second most common factor contributing to wrongful convictions.² (Saks & Koehler, *The Coming Paradigm Shift in Forensic Identification Science*, 309 *Science* 892, Aug. 5, 2005.)

As recently noted in the Report of the Ad Hoc Innocence Committee of the American Bar Association, three developments in the 1990's dramatically altered the judicial approach to scientific evidence. (*Achieving Justice: Freeing the Innocent, Convicting the Guilty*, ABA 2006.) First, unlike any other forensic discipline that preceded it, DNA profiling entered the courts only after it had been extensively validated through broad research and elaborate quality assurance programs which included rigorous proficiency testing, standards for declaring a match, and the appropriate content of a report. This set a "gold standard" against which other forensic sciences are now measured and often found wanting. Raising the standards of the other forensic disciplines is all the more critical since it is the non-DNA disciplines that comprise the bulk of the crime lab's output.

According to Barry Fisher, DNA testing constitutes approximately five percent of the work of crime labs.

Second, the decision of the United States Supreme Court in *Daubert v. Merrill Dow Pharm., Inc.*, 509 U.S. 579 (1993), established a more rigorous

standard of admissibility for expert testimony, requiring it to be based upon sufficient facts or data, the product of reliable principles and methods, and reliably applied to the facts of the case. The California Supreme Court rejected the application of the *Daubert* standard in California cases, *People v. Leahy*, 8 Cal.4th 587, 882 P.2d 321 (1994), retaining the more traditional "general acceptance" standard of *Frye v. United States*, 293 Fed. 1013 (D.C. Cir. 1923). The reinigorated *Frye* standard has led to much closer scrutiny of scientific proof.³

The third development was the exposure of serious abuse in a number of crime labs throughout the United States. Serious misconduct of forensic experts led to the reexamination of many cases in West Virginia, Oklahoma and Montana. (See, e.g., *In re Investigation of the W. Va. State Police Crime Lab, Serology Div.*, 438 S.E.2d 501, W. Va. 1993.) The Houston Police Department shut down the DNA and Serology section of its crime laboratory in early 2003 after a television exposé revealed serious deficiencies in the lab's procedures. Two men who were falsely incriminated by botched lab work were released after subsequent DNA testing proved their innocence. In Virginia, an independent lab confirmed that DNA tests conducted by the state lab were botched and misinterpreted in the case of a man who came within days of being executed. The governor ordered a broader investigation of the state lab to determine whether these problems were endemic. (See Thompson, *Tarnish on the 'Gold Standard': Understanding Recent Problems in Forensic DNA Testing*, *The Champion*, Jan.–Feb. 2006, p. 10.) California has occasionally endured laboratory scandals. In 1994, more than 1,000 fel-

appearing in 71% of the cases, while forensic science testing errors ranks second, appearing in 63% of the cases. More than one factor was found in many cases. See <http://www.innocenceproject.org/understand/Forensic-Science-Misconduct.php> The forensic testing errors identified include statistical exaggeration or misinterpretation, suppression of exculpatory evidence, lying about credentials, falsified results, contamination, and experts testifying to results of tests that were never conducted.

3. Many of the most populous states followed California's lead in rejecting the *Daubert* standard, including Florida, New Jersey, New York and Pennsylvania. Some of these courts believe *Frye* offers greater protection for criminal defendants than *Daubert*. See, e.g., *Ramirez v. State*, 810 So.2d 836, 843 (Fla. 2001).

ony convictions were jeopardized by the revelation that a San Francisco police lab technician had been certifying that samples contained illicit narcotics without performing laboratory tests. (Zamora, *Lab Scandal Jeopardizes Integrity of San Francisco Justice; Sting Uncovered Bogus Certification*, San Francisco Examiner, Sept. 16, 1994, p. A-7.)

All three of these developments come into sharp focus particularly when DNA testing exonerates persons who had been convicted in reliance upon other forensic sciences that were either negligently or intentionally misapplied. The Commission learned of California cases in which wrongful convictions were at least partly attributable to erroneous non-DNA forensic evidence. Herman Atkins was convicted of rape in Riverside County in 1988, and sentenced to forty-five years in prison. After serving eleven years in prison for a crime he did not commit, he was exonerated by DNA testing conducted in 1999, which showed he was not the source of semen found on the victim's sweater. His defense at trial was based on mistaken eyewitness identification. In testifying at his trial, a criminalist from the California State Laboratory at Riverside improperly testified that Atkins was included in a population of only 4.4% of the population that could have contributed the semen. In truth, because nothing foreign to the victim was seen, no male in the world could ever be excluded as a potential semen donor. Hence, 100% of the male population could be contributors. The serology data, in fact, was not probative of guilt or innocence but the jury was nonetheless misled by the state's expert. (See *Atkins v. County of Riverside*,

No. 03-55844, 2005 U.S.App. LEXIS 19928, Feb. 9, 2005); Testimony of Peter Neufeld, California Commission on the Fair Administration of Justice Sacramento Hearing, January 10, 2007.

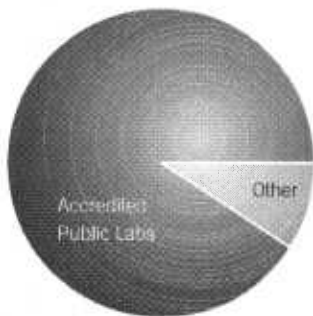
Jeffrey Rodriguez, 28, was freed in San Jose on Monday, February 5, 2007. He had served 5 years of a 25 years to life sentence for a robbery under California's "three strikes" law. In his case, a shaky eyewitness identification was corroborated by the testimony of a criminalist who claimed his pants contained a stain with a combination of motor oil and cooking oil. Such a combination would have connected him to the crime scene. Subsequent tests by a state crime lab concluded that the stain was not as described. Although at his first trial, jurors voted 11-1 to acquit, by the time of his retrial his family ran out of money, and his lawyer failed even to call the defense witnesses who had testified at the first trial. After his conviction was set aside on appeal because of ineffective assistance of counsel, the prosecution elected to drop the charges. (See Tulskey, "DA's Office Drops Charges Amid Signs of a Wrongful Conviction", San Jose Mercury News, Feb. 6, 2007.)

1 Accreditation of Laboratories and Certification of Forensic Experts.

In December, 1998, the California State Auditor reviewed nineteen local crime laboratories operated by police, sheriffs or district attorneys in California to assess their readiness to obtain accreditation under the standards developed by the American Society of Crime Lab Directors Laboratory Accreditation Board (ASCLD/LAB).⁴ To obtain accreditation, a laboratory must demonstrate that

4. The Auditor noted that the 19 laboratories examined served approximately 77% of the State's population in 13 counties. The State Department of Justice operated full-service laboratories at 11 sites to provide services to the remaining counties in the State. The audit only addressed the readiness of the 19 local labs. California State Auditor, *Forensic Laboratories: Many Face Challenges Beyond Accreditation to Assure the Highest Quality Services*, p. 1 (Dec. 1998). Today, the State Department of Justice operates thirteen laboratories, all of which are fully accredited by ASCLD.

its management, operations, personnel, procedures, equipment, facility, security, and health and safety procedures meet established standards. They are also required to implement proficiency testing, continuing education, and other programs that improve the overall skills and services of laboratory personnel. The Auditor concluded that 13 of the 19 laboratories had not developed or implemented one or more of the components of a quality control system. In addition, many of the laboratories did not have proficiency testing or court monitoring programs. Through voluntary efforts, most of these shortcomings have been corrected. Seventeen of the nineteen laboratories audited in 1998 are now fully accredited by ASCLD/LAB.⁵ The Commission has concluded that further action to achieve accreditation of California publicly funded crime labs is not necessary. Private laboratories also exist, two of which are ASCLD/LAB accredited.⁶ The accreditation of private laboratories should also remain voluntary. California laboratories should be commended for their vigorous and sustained efforts to achieve accreditation voluntarily. The Commission does believe, however, that rigorous certification standards should be established and encouraged for individual forensic experts employed by the crime labs. While each laboratory sets its own hiring and promotion



IN CALIFORNIA, 31 OUT OF 33 PUBLIC LABS ARE ACCREDITED.

standards, there are no generally recognized standards to define who is qualified to perform analysis of evidence in any particular scientific discipline. We believe such standards should be formulated and applied on a statewide basis. Rigorous written examinations, proficiency testing, continuing education, recertification procedures, an ethical code, and effective disciplinary procedures should be part of such a program.

A program for Certification of Criminalists is currently available through the American Board of Criminalistics [ABC]. The ABC offers a certificate in criminalistics, as well as in the specialty disciplines of forensic biology, drug chemistry, fire debris analysis and trace evidence. Proficiency testing is an essential component of the ABC certification program. The Board has also adopted Rules of Ethics, and established a disciplinary procedure to deal with ethical infractions. (See www.criminalistics.com.) Whether through the ABC program or some other equivalent, California Crime Lab Directors should take the lead in encouraging certification by using it as a factor in promotion and salary decisions. Laboratories should provide the funds necessary for their criminalists and other forensic experts to achieve certification.

Where appropriate, both prosecutors and criminal defense lawyers can provide additional motivation by presenting certification in the qualification of expert witnesses in court, and cross examining uncertified experts as to why they have not pursued certification. Many lawyers are not even aware of the existence of certification standards.

5. Only the laboratories operated by the Fresno County Sheriff and the Huntington Beach Police Department have not achieved accreditation. One additional laboratory, operated by the Los Angeles County Coroner, which was not audited in 1998, has achieved accreditation.

6. Crime Scene Technologies, San Diego and Serological Research Institute, Richmond are accredited by ASCLD.

2 The Need for Independent Investigation of Laboratory Errors.

While accreditation of laboratories assures compliance with accepted standards in procedures, management and equipment, the occasional errors and even rarer instances of misconduct that occur need to be closely scrutinized to identify the cause so that corrective measures can be taken. That scrutiny should come from an independent source, not connected with the management of the laboratory itself, which may be motivated to minimize or conceal an ongoing problem. For this very reason, the recipients of federal grants under the federal Paul Coverdell Forensic Science Improvement Grant Program are required to certify that:

...a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.

42 U.S.C.A. § 3797k(4) (2004). California receives Coverdell grant funds each year, which are disbursed by the Governor's Office of Emergency Services, Law Enforcement and Victim Services Division (OES). In 2005, \$1.1 million was received, and in 2006, \$1.2 million was received. The OES requires each subgrantee to certify to the presence of an oversight process and describe that process. The Commission examined the oversight entity described by each of the California recipients, which included the State Department of Justice Bureau of Forensic Services, the Sheriff's Departments of eleven counties, and six municipal police departments and three District Attorney's offices which operate their own laboratories. In

nearly every instance, the independent auditing entity described was the Internal Affairs Division of the County Sheriff's Office or Police Department involved.⁷

The Commission believes that public confidence in the independence of investigations of negligence or misconduct in the preparation or presentation of forensic evidence in criminal cases requires the involvement of a government entity that is truly independent of the police and sheriff agencies that operate the laboratories. Not all forensic laboratories, coroner's offices or medical examiner's offices in California are recipients of Coverdell grants, and may not have any oversight entity in place.

The application of uniform standards requires consistency in the operation of the investigative function.

Moreover, some of the forensic functions that prosecutors rely upon occur outside of government laboratories. Often there are small forensic operations embedded in police departments, and sometimes the expert is an independent contractor hired directly by the prosecutor (e.g., a forensic dentist opining on bite marks). The transparency of the investigative process will be hampered by a myriad of entities with varying regulations regarding disclosure of the results.

The State of Texas recently responded to a similar need with the creation of the Texas Forensic Science Commission. The Commission was charged with developing and implementing a reporting system through which accredited laboratories, facilities, or entities report professional negligence or misconduct, and:

...investigate, in a timely manner, any allegation of professional negligence or misconduct that would

7. The exception was the Santa Clara County Crime Lab operated by the Santa Clara County District Attorney's Office, which designates the State Attorney General for independent audits under its Coverdell Grants.

8. California Government Code Section 12550 provides: "The Attorney General has direct supervision over the district attorneys of the several counties of the State and may require of them written reports as to the condition of public business entrusted to their charge."

substantially affect the integrity of the results of a forensic analysis conducted by an accredited laboratory, facility or entity.

Article 38.01, Texas Code of Criminal Procedure, enacted in 2005. The Commission considered the creation of a Commission similar to the Texas model, but concluded a new level of bureaucracy is not necessary to achieve the stated goals in California. We believe the District Attorneys in each county can be relied upon to evaluate allegations of negligence or misconduct occurring in all laboratories within their county, and conduct an independent investigation where appropriate. District Attorneys can call upon the Attorney General for any additional investigative resources needed to carry out this function. County District Attorneys would have the necessary authority and independence to evaluate allegations of negligence or misconduct in the thirteen laboratories operated by the California Department of Justice as well. The results of all such independent investigations should be reported to the California Attorney General, who already has the requisite authority to maintain oversight over California District Attorneys.⁸ Where a local laboratory is actually operated by the District Attorney himself or herself, as is currently the arrangement in Santa Clara, Sacramento and Kern Counties, independent examinations of allegations of negligence or misconduct should be conducted by the California Attorney General.

The Commission has not addressed the procedures and policies that should be implemented when an allegation of negligence or misconduct has been sustained. There is compelling authority, however, that such information would qualify as material evidence which should be disclosed to the defendant pursuant to the obligations imposed by *Brady v. Maryland*, even after conviction.⁹

3 The Need for Forensic Science Standards in California.

The Commission believes that there is a need in California for the promulgation of standards for scientific testing, report writing, and the parameters of appropriate expert testimony, as well as for greater circulation of information to all participants in the criminal justice system, and better training for those who testify as experts on any aspect of forensic science.

The Forensic Science Board created by the State of Virginia provides some of these functions. The Board is charged with the power and duty to ensure the development of long-range programs and plans for the incorporation of new technologies as they become available. It reviews, amends and approves recommendations of a Scientific Advisory Committee, which in turn is charged with the following responsibilities:

- (a) The Committee may review laboratory operations of the Department and make recommendations concerning the quality and timeliness of services furnished to user agencies.
- (b) The Committee shall review and make recommendations as necessary to the Director of the Department and the Forensic Science Board concerning:
 1. New scientific programs, protocols, and methods of testing;
 2. Plans for the implementation of new programs, sustaining existing programs and improving upon them where possible, and the elimination of programs no longer needed;
 3. Protocols for testing and examination methods, and guidelines for the presentation of results in court; and

9. The prosecution has an independent, self-executing duty under the Constitution of the United States to disclose discovery material under *Brady v. Maryland*, 373 U.S. 83, 87 (1963). See *People v. Gonzales*, 51 Cal. 3d 1179, 1260–61 (1990) (noting the State's obligation to disclose *Brady*

material continues after trial); *Thomas v. Goldsmith*, 979 F.2d 746 (9th Cr. 1992) (recognizing the State's continuing post-judgment obligation to disclose exculpatory information).

4. Qualification standards for the various scientists of the Department, including the Director.

(c) Upon request of the Director of the Department, the Forensic Science Board, or the Governor, the Committee shall review analytical work, reports and conclusions of scientists employed by the Department. The Committee shall recommend to the Forensic Science Board a review process for the Department to use in instances where there has been an allegation of misidentification or other testing error made by the Department during its examination of evidence.

Code of Virginia, § 9.1-1113 (2005).

Continuing education and training of forensic science experts is essential to maintain their competency in scientific fields that are constantly changing and improving. A recurring problem of resource allocation in laboratories arises when personnel must devote substantial time and effort to on-site training of individuals or small groups of employees. There is currently no State entity in California which addresses the needs for statewide training and continuing education programs which would consolidate and address the training needs of laboratories and law enforcement agencies throughout the state. In addition to the promulgation of standards, such an entity could serve as a source for coordinated training and continuing education of forensic science experts. It would also provide a valuable service to the entire criminal justice system, by serving as a source of up-to-date information regarding new developments in the forensic sciences. Research needs and opportunities could be identified and funded, such as research utilizing the growing DNA database.

The Commission believes the creation or designation of an entity in California to assume these responsibilities should be preceded by an opportunity for the Forensic Science community and all affected criminal justice agencies to be heard from, to elicit a wide spectrum of views as to how these needs can best be met. The legislature should undertake an examination of the comparative merits of the alternatives that are available, including the assignment of this responsibility to the California Attorney General. Legislation has already been proposed for the creation of a "Crime Laboratory Review Task Force" to address some, but not all of these concerns. (See A. B. No. 1079, Introduced by Assembly Member Richardson on February 23, 2007.) This legislation, supported by the Attorney General, could provide an excellent vehicle to elicit the input the Commission is recommending.

4 The Need for Forensic Science Training for Prosecutors, Defense Lawyers and Judges.

The diversity of disciplines which become the subject of expert scientific evidence and the rapid developments in new technology present serious challenges for the California judiciary. Judges need up-to-date training to assist them in their evaluation of scientific evidence and expert testimony. Recognizing this need, in February, 2005 Chief Justice Ronald M. George of the California Supreme Court established the Judicial Council Science and the Law Steering Committee, to evaluate the needs of the courts, including guidance in developing effective education strategies and pertinent educational content. The Committee, chaired by Associate Justice Ming Chin, issued its recommendations on January 10, 2007. The recommendations include a comprehensive plan to establish a statewide judicial education plan on science and technology. On February 10, 2007, the Committee issued a second set of recommen-

dations to improve the judicial management of issues regarding science, technology and the law. These recommendations include a number of projects and resources to facilitate the exchange of information between the courts and the science and technology communities, to assess emerging issues and potential partnerships relating to science, technology and the law. The Commission commends and encourages these efforts.

The recurring need for prosecutors and defense lawyers to have up-to-date training in issues surrounding forensic science evidence is obvious. The challenge is to provide the resources to free overworked and heavily burdened deputies to participate in training programs. Specialized programs in DNA or other categories of scientific evidence will reach only a small proportion of the deputies who confront such issues on a day to day basis. The Commission recommends greater creativity in delivering needed training, including more on-line resources for in-office training, available on a state-wide basis. Cooperative ventures should also be encouraged, to combine the training of deputy district attorneys with the training of public defenders and defense attorneys. The essential understanding of the science involved transcends the issues of tactics that may need to be addressed in a more exclusive setting.

The traditional reliance upon the adversary system to expose errors may break down when it comes to forensic science evidence.

Many of the examples of wrongful convictions attributable to misconduct or negligence by forensic experts could have been avoided if defense

lawyers were fully competent to challenge the evidence. But the shortcomings of defense representation go beyond the problem of education and training. There may be serious problems with regard to the availability of experts and resources for expert assistance for defense lawyers. The Commission intends to explore such problems in addressing the issues surrounding incompetence of defense attorneys in a future report.

Recommendations: Forensic Science Evidence

- 1** The California Commission on the Fair Administration of Justice recommends that California Crime Lab Directors encourage the certification of the forensic experts they employ, and use certification wherever possible as a basis for promotion and salary decisions.
- 2** The California Commission on the Fair Administration of Justice recommends that legislation be enacted to require that any allegation of professional negligence or misconduct that would affect the integrity of the results of a forensic analysis conducted by a California laboratory, facility or entity be reported in a timely manner to the District Attorney or other appropriate prosecutorial agency, and to require the District Attorney or other prosecutorial agency to which such allegations are reported to report the results of any independent investigations of such allegations to the State Attorney General.

3 The California Commission on the Fair Administration of Justice recommends that the legislature consider the creation or designation of a governmental agency or commission (which could be the office of the California Attorney General) with the power and duty to formulate and apply standards to define who is qualified to perform analysis of evidence in any particular scientific discipline on a statewide basis. The creation or designation of such an entity should be preceded by an opportunity for the Forensic Science community and all affected criminal justice agencies to be heard from, to elicit a wide spectrum of views as to how these needs can best be met. A.B. 1079, currently pending before the legislature, could provide an excellent vehicle to elicit this input. Rigorous written examinations, proficiency testing, continuing education, recertification procedures, an ethical code, and effective disciplinary procedures could be part of such a program. Such an agency could also promulgate standards for scientific testing, report writing, and the parameters of appropriate expert testimony; provide information to all participants in the criminal justice system regarding the evidentiary validity of forensic science evidence; identify and fund research needs and opportunities; and provide state-wide training programs for forensic experts.

4 The California Commission on the Fair Administration of Justice recommends that training programs for California prosecutors, defense lawyers, judges and police investigators be expanded to include greater attention to the appropriate use and validity of forensic science evidence.

Note: Commissioner Totten does not concur in Recommendation (3). While he supports the need for additional training and the establishment of additional professional standards, he does not support the creation of a new state agency to oversee crime labs or the assignment of this responsibility to an existing state agency. He believes that doing so will increase state bureaucracy without producing a measurable improvement in forensic services or accuracy.

Actions

The Reports and Recommendations on DNA testing backlog and Problems with Forensic Science Evidence occasioned twelve articles lauding the Commission for its work on this topic.

The Commission endorsed A.B. 385, which was enacted by the legislature in 2007 to require a survey of the salaries of scientists employed by California public agencies. The measure was vetoed by Governor Schwarzenegger.

The Commission endorsed A.B. 1079, which was enacted by the legislature in 2007 to establish a task force to review California's crime laboratory system. The measure was signed by the Governor and chaptered as Section 11062 of the California Penal Code. The task force is required to report its findings to the legislature by July 1, 2009.

Professional Responsibility and Accountability

Where an attorney in a criminal proceeding has engaged in egregious misconduct, appropriate corrective action should include a report to the State Bar, even if the misconduct did not affect the judgment of the court. Adequate funding is critical to meet constitutional standards for the defense of indigent accused.

Data and Hearings

In preparation for a public hearing on the topic of Professional Responsibility and Accountability of Prosecutors and Defense Lawyers, the Commission considered the following documents:

- Defense Counsel Practices—Chapter 6, *Achieving Justice: Freeing the Innocent; Convicting the Guilty, Report of the American Bar Association Criminal Justice Section's Ad Hoc Innocence Committee to Ensure the Integrity of the Criminal Process*, 2006.
 - *A Critical Analysis of Lessons Learned Recommendations for Improving the California Criminal Justice System in the Wake of the Rampart Scandal*, Los Angeles County Bar Association Task Force on the State Criminal Justice System, April 2003.
 - Goldberg, Dick. *A Twist of Fate*, Los Angeles Daily Journal, October 13, 1995.
 - Carrizosa, Phillip. *Justices to Hear Rights Claim by Ex-Defendants*, Los Angeles Daily Journal, January 23, 1997.
 - Smith, Sarah Lavender. *P.D. Finds Murder Case Full of Holes*, Los Angeles Daily Journal, January 23, 1996.
 - Koehler, Tamara. *Kern County Judge Frees Father After 15 Years*, Los Angeles Daily Journal, May 21, 1999.
 - Koehler, Tamara. *Man Freed After 15 Years Sues DA*, Los Angeles Daily Journal, October 11, 1999.
 - Perry, Tony. *Convictions Overturned in Policeman's Slaying*, Los Angeles Times, July 21, 1999.
 - Weinberg, Steve. *Changing an Office's Culture*, Center for Public Integrity, June 26, 2003.
 - Roemer, John. *Free From Death Row, Man Sues City, Police*, Los Angeles Daily Journal, October 29, 2002.
 - Seina, Robert. *Mix of Persistence, Luck Frees Prisoner*, Los Angeles Daily Journal, September 12, 2003.
 - Roemer, John. *Panel Tosses Conviction for Errors at Trial*, Los Angeles Daily Journal, July 28, 2006.
 - Hansen, Amelia. *8-Year-Old's Killer Is Let Off Death Row*, Los Angeles Daily Journal, Aug. 14, 2006.
 - Simmons, Leslie. *Defender Loses Malpractice Case*, San Francisco Daily Journal, May 27, 2005.
 - Abrams, Gary. *Errors by Jones' Trial Attorney Were Primary Case of Reversal*, Los Angeles Daily Journal, April 11, 1997.
 - Armstrong, Jason. *Counsel Ineffective at Trial, Justices Agree*, Los Angeles Daily Journal, April 28, 1998.
 - Berg, Martin. *After 17 Years, Man's Plea of Injustice Yields Results*, Los Angeles Daily Journal, September 10, 1999.
 - Weinstein, Henry. *Man Ordered Freed or Retried After 10 Years*, Los Angeles Times, July 23, 2002.
 - Weinstein, Henry. *Man Ordered Freed or Retried After 10 Years*, Los Angeles Times, July 23, 2002.
 - Love, Andrew. *Progress in Death Penalty Challenges is Too Late for Some*, Los Angeles Daily Journal, March 14, 2005.
 - Zacharias, Fred C. *The Professional Discipline of Prosecutors*, Public Law and Legal Theory Working Paper #10, University of San Diego School of Law.
 - *Rule 3.8: Special Responsibilities of a Prosecutor, Model Rules of Professional Conduct*, American Bar Association.
 - Green, Bruce A. *Prosecutorial Ethics as Usual*, 5 University of Illinois Law Review 1573, December 2003.
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- Freedman, Monroe H. *An Ethical Manifesto for Public Defenders*, 39 Valparaiso Law Review 911, October 2005.
- Weinberg, Steve. *Shielding Misconduct: The Law Immunizes Prosecutors from Civil Suits*, Center for Public Integrity, June 26, 2003.
- *Imbler v. Pachtman*, 424 U.S. 409, March 1976.
- O'Connell, J. Bradley. *Professional Responsibility & Liability Standards for Criminal Appellate Practice*, First District Appellate Project Training Seminar, January 21, 2006.
- Zapler, Mike. *State Bar Ignores Errant Lawyers*, San Jose Mercury News, February 12, 2006.
- Drexel, Scott J. *Headlines Aside, State Bar Does Discipline Bad Lawyers*, San Jose Mercury News.
- Yaroshefsky, Ellen. *Wrongful Convictions: It Is Time to Take Prosecution Discipline Seriously*, 8 Dist. Colum. Law Rev. 1, Fall 2004.
- Davis, Angela J. *Prosecutors Who Intentionally Break the Law*, 1 Crim. L. Brief 16 (2006).
- Eliason, Randall D. *The Prosecutor's Role: A Response to Angela Davis*, 2 Crim. L. Brief 15 (2006).
- *Gideon's Broken Promise: America's Continuing Quest for Equal Justice*, A Report on the American Bar Association's Hearings on the Right to Counsel in Criminal Proceedings, 2004.
- *Guidelines on Indigent Defense Services Delivery Systems*, State Bar of California, 2006.
- *Contracting for Indigent Defense Service: A Special Report*, United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, April 2000.
- Clark and Stone. *Bolder Management for Public Defense: Leadership in Three Dimensions*, John F. Kennedy School of Government at Harvard University, Bulletin #1, November 2001.
- Feinberg and Steige. *Cultural Revolution: Transforming the Public Defender's Office*, John F. Kennedy School of Government at Harvard University, Bulletin #3, August 2002.
- Moore, Mark H. *Alternative Strategies for Public Defenders and Assigned Counsel*, John F. Kennedy School of Government at Harvard University, April 2001.

At a public hearing on July 11, 2007 in Donovan Hall at Loyola Law School in Los Angeles, the Commission heard from Prof. Cookie Ridolfi, Santa Clara University School of Law and Executive Director of the Northern California Innocence Project; Prof. Laurie Levenson, Loyola Law School; Kate Flaherty, Deputy District Attorney, San Diego County; Dolores Carr, District Attorney, Santa Clara County; Michael Schwartz, Special Assistant District Attorney, Ventura County; Lael Rubin, Deputy District Attorney, Los Angeles County; Juliana Humphrey, Deputy Public Defender, San Diego County; Charles Patterson, Attorney at Law, Morrison & Foerster; Prof. Larry Benner, Cal Western School of Law (& Lorenda Stern); Lon Sarnoff, former Assistant Public Defender, Los Angeles County; Len Tauman, Assistant Public Defender, Sacramento County; Former Public Defender, Placer County; John Wesley Hall, First Vice-President, National Association of Criminal Defense Lawyers; Judge Steven R. Van Sicklen, Los Angeles County Superior Court, Supervising Judge, Criminal Division; Harry Sondheim, Chair, Commission for the Revision of Rules of Professional Conduct, California State Bar; Scott Drexel, Chief Trial Counsel, California State Bar.

The Commission issued three reports. The first was a Report and Recommendations on Reporting Misconduct, issued on October 18, 2007, as follows:

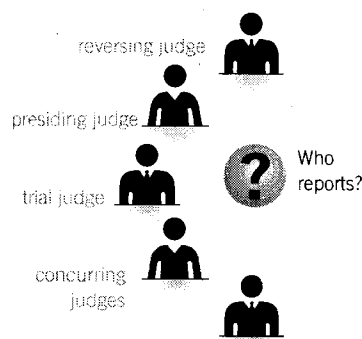
Report: Reporting Misconduct

There is every indication that, overall, District Attorneys and their staffs, Public Defenders and their staffs, and private criminal defense lawyers in California provide competent and highly professional service, meeting the highest ethical standards.

Self congratulation should not blind us, however, to the problem of accountability where prosecutors and defense lawyers do occasionally go astray. While appellate courts frequently review criminal convictions to assess claims of misconduct or incompetence on the part of prosecutors or defense lawyers, their review of these claims is often limited to determining whether the impact of misconduct or incompetence requires reversal of a judgment of conviction. Whether discipline of an attorney is warranted, and what that discipline should be, is ordinarily left to supervisory personnel in the District Attorney's or Public Defender's Office, or to the State Bar. The Commission has concluded that there are important steps which can be taken to increase the effectiveness of this system.

Internal discipline by prosecutors' or public defenders' offices necessarily lacks transparency, because of legal restrictions on disclosure to protect the privacy of employees. But the lack of public access often means that no track record is available to identify repeat offenders.

The State Bar is limited by its reliance upon the receipt of reports of misconduct or incompetence by judges or self-reporting by the offending attorneys. The Commission has discovered that much is not reported which should be, and clarification is needed of what should be reported by whom. While not recommending any statutory changes, the Commission is recommending changes in Court Rules, the California Code of Judicial Ethics, and the reporting function of the State Bar to address these shortcomings and increase the accountability and transparency of the process, without compromising the privacy of individual attorneys. While there is no public access to complaints or reports to the State Bar either, unless a disciplinary proceeding is initiated, at least the State Bar can serve as a collection and preservation point, to assure that a cumulative record is maintained and preserved.



IT IS NOT CLEAR WHO BEARS THE RESPONSIBILITY FOR REPORTING MISCONDUCT.

1. Use of the terms "prosecutorial misconduct" and defense lawyer "incompetence" can be misleading. These terms are so frequently used in the written opinions of courts that they have become a sort of shorthand that encompasses a wide variety of professional failings. Thus, "prosecutorial misconduct" includes conduct that may not be intentional, and defense lawyer "incompetence" includes deliberate misconduct. The use of these terms in this report does not imply any judgment that one is more or less culpable than the other. Both have been identified among the leading causes of wrongful convictions. A study of the first 74 DNA exonerations in the United States found that prosecutorial misconduct was a factor in 45% of the cases, and defense lawyer incompetence was a factor in 32% of the cases. Frequently, both factors were found in the same case. Scheck, Neufeld & Dwyer, *Actual Innocence*, p. 365 (New American Library, 2003).

2. Professor Ridolfi also searched the State Court database for cases alleging that prosecutors had withheld exculpatory evidence. She used the search term

"Brady" but excluded cases that also contained the term "prosecutorial misconduct". This search yielded 154 cases. In 129, discovery had been withheld but in only 16, did the court find *Brady* error. In the remaining 113, the courts concluded that the withheld evidence did not meet the test for "materiality" under *Brady v. Maryland*, 373 U.S. 83 (1963)

Using the same search terms, she searched the federal court databases and generated 188 cases. That research remains ongoing.

There was also a search of both California State and federal databases for cases alleging discrimination in use of peremptory challenges (Batson/Wheeler violations). That search yielded 586 cases. In 20, the decision resulted in a remand or outright reversal. In 17 or 85% of the cases the discrimination involved African Americans.

3. California Business and Professions Code Section 6086.7(a)(2) provides: "A court shall notify the State Bar of any of the following: ... (2) Whenever a

The Commission asked its researchers to analyze every reported appellate decision in California, whether published or unpublished, where the Courts addressed a claim of prosecutorial misconduct or defense lawyer incompetence for the ten year period ending in 2006.¹

The result of this research suggests that our reliance upon the State Bar as the primary disciplinary authority is seriously hampered by underreporting.

REPORTING OF PROSECUTORIAL MISCONDUCT

Professor Cookie Ridolfi of Santa Clara University School of Law located 2,131 California cases in which claims of prosecutorial misconduct were raised.

Courts concluded that prosecutorial misconduct did occur in 444 of these cases, or 21%.

In 390 of these cases, however, the court concluded the misconduct was harmless error and affirmed the conviction. In 54 cases, the misconduct resulted in a reversal of the conviction. The most common forms of misconduct found were use of false evidence, improper examination of witnesses and improper argument. (Ridolfi, *Prosecutorial Misconduct: A Systemic Review*, available on the Commission's website.)²

Pursuant to Section 6086.7(a)(2),³ there should have been a report made to the State Bar in each of the 54 cases in which prosecutorial misconduct resulted in a reversal in the past ten years.

In a follow-up to Professor Ridolfi's research, Chief Trial Counsel Scott Drexel of the State Bar testified that, after checking half of these 54 cases to determine whether any of them resulted in a report to the State Bar, he had yet to find a single example of a report by a court of misconduct resulting in reversal of a conviction.⁴ Mr. Drexel attributes this to lack of judicial familiarity with the requirements of Section 6086.7. However, he also informed the Commission that each year the State Bar sends out a letter reminding judges of the statutory requirements. A spate of reporting follows,⁵ but then it drops off.

He suggested a reminder from the Chief Justice might yield better results. It is also possible that the current lack of reporting is attributable to confusion as to who has the actual duty to report when a judgment is reversed: the trial judge who rendered the judgment? The judge who authored the reversing opinion? The Presiding Judge of the Court of Appeal that rendered the reversing judgment? All of the judges who concurred in the reversing judgment? It may be that everyone's business becomes nobody's business. Section 6086.7 should be clarified by a Court Rule clearly defining which judge of the court has the obligation to report to the State Bar.

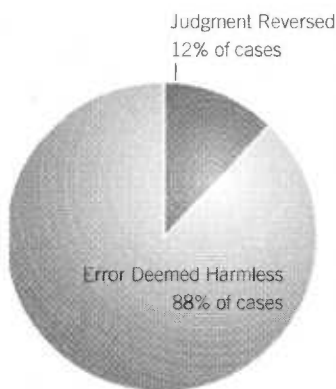
modification or reversal of a judgment in a judicial proceeding is based in whole or in part on the misconduct, incompetent representation, or willful misrepresentation of an attorney."

4. This is not to suggest that prosecutors are never disciplined for misconduct by the State Bar. In February, 2006, the San Jose Mercury News reported that after reviewing 1,464 lawyer discipline cases published in the California Bar Journal between 2001 and 2005, they found just one case in which disciplinary action was taken against a prosecutor for misconduct. appler, *State Bar Ignores Errant Lawyers*, San Jose Mercury News, Feb. 12, 2006. Scott Drexel, Chief Trial Counsel for the California State Bar, responded by citing three 2005 cases in which prosecutors were disciplined, and another in which discipline was pending. Three of the cases involved failure to disclose potentially exculpatory evidence to the defense. Drexel, *Headlines Aside, State Bar Does Discipline Bad Lawyers*, San Jose Mercury News, Feb. 19, 2006. It

is not known whether these disciplinary proceedings were initiated by judicial reports, attorney self-reporting, or complaints from other sources.

5. The 2006 Report on the State Bar of California Discipline System, p. 5, indicates that in 2006, the Bar received 134 reports from judges, and 83 self-reports by attorneys. These judicial reports, however, include all "reportable actions" under Calif. Bus.&Prof. Code Sections 6086.7 and 6068(a). In addition to the reversal or modification of judgments due to misconduct of an attorney, judges are required to report all findings of contempt by lawyers, all judicial sanctions against lawyers, and all civil penalties and judgments against lawyers for fraud, breach of fiduciary duty, misrepresentation or gross negligence in a professional capacity. Self-reports by attorneys are also required in numerous other categories besides reversal or modification of a judgment due to misconduct. They must report the filing of malpractice lawsuits, judgments in specified civil actions, indictments or convictions, and the imposition of sanctions or discipline.

Limiting the mandatory reporting requirement to cases that result in a modification or reversal of a judgment appears to make little sense. Whether a judgment is reversed depends upon factors such as the strength of other evidence which may have nothing to do with the egregiousness



OUT OF 444 PROSECUTORIAL MISCONDUCT CASES, ONLY 54 RESULTED IN REVERSAL OF JUDGMENT.

of the misconduct or incompetence. The research conducted for the Commission by Professor Ridolfi strongly confirms this. In 444 cases in which a claim of prosecutorial misconduct was sustained, only 54 cases (12%) resulted in a reversal of the judgment. In 88% of the cases, the error was deemed harmless. She identifies

eight examples in which nearly identical conduct by a prosecutor led to reversal in one reported decision, while in a different reported decision the judgment was affirmed because the identical misconduct was deemed "harmless error."⁶

REPORTING OF DEFENSE LAWYER INCOMPETENCE

Professor Larry Benner of Cal Western Law School located approximately 2500 California cases in which claims of ineffective counsel were raised. Courts concluded that counsel's performance fell below the constitutionally required minimum in 121 of these cases, or 4%. In 17 of these cases, the deficient performance was found to be harmless; 104 of the cases resulted in a reversal of the

judgment. The most common forms of ineffective assistance were failure to investigate (44%) and lack of knowledge of the law (32%).⁷

With respect to criminal defense lawyers, the problem is more complex than with prosecutors. Defense representation may be supplied by a public defender's office, a contract lawyer who agrees to supply public defender services, a private lawyer appointed by the court, or a lawyer retained by the defendant. There does not appear to be reliable data available to indicate what proportion of criminal defendants are represented by each of these alternative means, but the State Bar Guidelines on Indigent Defense Services Delivery Systems (2006) notes the vast preponderance of persons charged with criminal offenses in California are indigent.

Nationally, it is estimated that 60 to 90% of all criminal cases involve indigent defendants.

Based on his survey data, Professor Benner estimates that 85% of California criminal defendants are indigent. While contractors, administrators of assigned counsel systems and presiding judges may have varying practices or procedures to address complaints of misconduct or incompetence, there is simply no mechanism in place for discipline of privately retained lawyers. In his research for the Commission, Professor Benner examined all 121 California cases in which claims of ineffective assistance of counsel were sustained during the ten year period ending in 2006. In 20% of the cases, the identity of the lawyer could not be determined; 32% were privately retained, 33% were public defenders, and 15% were assigned counsel. Thus, it is clear that privately retained lawyers are vastly overrepresented in sustained claims of

6. Ridolfi, Preliminary Report at Appendix D.

7. Benner, *Systemic Factors Affecting the Quality of Criminal Defense Representation*, Preliminary Report and Supplemental Report, both available on the Commission's website, www.ccfaj.org.

ineffective assistance of counsel. The only mechanism available to identify them, and discipline them when appropriate, is the State Bar.

JUDICIAL RELUCTANCE

Part of the problem of reliance on judges to report lawyer misconduct is a deep-seated reluctance on the part of trial judges to “blow the whistle” on lawyers who appear before them. Judges apparently proceed on the assumption that Canon 3D(2)⁸ of the California Code of Judicial Ethics takes precedence over Business and Professions Code Section 6086.7. Canon 3D(2) provides that whenever a judge has personal knowledge that a lawyer has violated any provision of the Rules of Professional Conduct, the judge shall take “appropriate action.” Even though Business and Professions Code Section 6086.7 imposes additional reporting requirements, California trial judges apparently construe their obligation to report misconduct or incompetence to the State Bar as limited to cases in which they consider such reporting “appropriate.” Apparently, California trial judges rarely consider it appropriate to report misconduct or incompetence to the State Bar, and even where misconduct or incompetence *does* result in a reversal, appellate judges fail to report the attorney to the State Bar.

The Commission considered proposing an expansion of Business and Professions Code Section 6086.7 to require a judicial report of *any* finding of misconduct by a prosecutor or defense lawyer, whether it resulted in modification or reversal of the judgment or not. We were persuaded that a modification of the ethical canons in the Code of Judicial Responsibility, and a clarification by Rule of Court as to who has the duty to report under Business & Professions Code Section 6086.7, would be more effective. First, we were concerned that judges who are now reluctant to report could

avoid the requirement by failing to make formal “findings” of misconduct. Second, there was no reason to expect that amending the statute would lead to increased reporting. If judges are not reporting now even when there is a modification or reversal of the judgment, it is not likely they would *increase* their reporting if the requirement of modification or reversal of the judgment were eliminated. Finally, if judges are more inclined to use Canon 3D as their guide, the problem should be addressed directly in Canon 3D by defining the circumstances where a report to the State Bar *should* be made. This change in the Canons of Judicial Ethics should be accompanied by increased training and education of judges with respect to their reporting obligations. To the extent their reluctance to report attorneys is based on a lack of confidence in the State Bar disciplinary process to sort out serious offenders from those who may be guilty of a momentary lapse, judicial ethics training should include broad exposure to how the State Bar disciplinary process works. NOT every report will lead to an investigation, and NOT every investigation will lead to discipline, but the State Bar is the most appropriate forum to exercise discretion, and the exercise of that discretion must be informed by a cumulative track record.

INTERNAL DISCIPLINE

Some District Attorneys objected that discipline of prosecutors should be left to the internal discipline mechanism in each individual District Attorney’s office. While the vast majority of California District Attorneys closely supervise their deputies and impose appropriate discipline when misconduct is called to their attention, one consequence of the independence of each of California’s fifty-eight district attorney offices, and the civil service protection for many of their employees, is a complete lack of transparency of

8. Canon 3D(2) provides: “(2) Whenever a judge has personal knowledge that a lawyer has violated any provision of the Rules of Professional Conduct, the judge shall take appropriate corrective action.”

internal discipline procedures. The Commission's attempt, through Prof. Laurie Levenson,⁹ to survey prosecutor's offices to ascertain how complaints of misconduct are handled met with substantial resistance at first. Her efforts are continuing, and there are hopeful signs the level of cooperation in the Commission's research will improve. The information collected suggests many offices lack formal procedures for tracking and investigating complaints, with no uniform policy. Professor Levenson concludes:

One major gap in the disciplinary system is the decision by DA offices not to keep a record of complaints of misconduct. Therefore, it is very difficult to track problem DA's other than by reputation of that individual in a given office.

Reliance upon informal internal procedures has three consequences. First, turnover in supervisory personnel will result in no continuing "track record" for subordinate employees even within the office. Second, deputies who are fired or voluntarily leave the office are free to engage in private practice while their record of prior misconduct remains invisible and inaccessible. Third, even where a report is made to the State Bar because misconduct resulted in a reversal of judgment, or discipline is contemplated for some other reason, the State Bar will have no access to any record of prior discipline to inform its exercise of discretion to undertake an investigation or initiate disciplinary proceedings.

REPEAT OFFENDERS

The lack of a report to the State Bar in these cases means there simply is no "track record" of an offending attorney's history anywhere. Analysis of California cases in which a court made a finding of prosecutorial misconduct suggests that the phenomenon of repeat offenders is significant.

The identity of the prosecutor was ascertainable in only 347 of 443 such cases in the ten year period from January 1, 1997 to December 31, 2006.

Thirty repeat offenders were identified, including two who committed misconduct in three different cases. Two-thirds of the repeat offenders committed the exact same conduct in multiple trials.

Seven of the repeat offenders had been disciplined by the State Bar but not one for misconduct in the prosecution of a criminal case.

Six were subjected to State Bar discipline for failure to pay Bar dues and one for noncompliance with MCLE requirements.¹⁰ Another disturbing aspect of the "repeat offender" data is that several of the counties which appear to have a disproportionately high rate of cases in which claims of prosecutorial misconduct were sustained, also had multiple cases of repeat offenders. The Commission was unable to procure comparable data on the prevalence of repeat offenders among defense lawyers, but anecdotal evidence suggests repeated instances of incompetent representation even in California death penalty cases.¹¹

ENCOURAGING REPORTING BY JUDGES

From a practical standpoint, the biggest obstacle to utilizing mandatory reporting to the State Bar to compile a "track record" for claims of misconduct or incompetence is the prevailing attitude of judges. Expanding the mandatory reporting requirement, however, would present a particular problem for California trial judges. As described in the testimony of Judge Steven Van Sicklen, Supervising Judge of the Criminal Courts in Los Angeles County:

9. Levenson, Preliminary Report, Study of California District Attorney Offices, available on the Commission's Website.

10. Ridolfi, Prosecutorial Misconduct: A Systemic Review, available on the Commission's Website.

11. In the case of *In Re Jones*, 13 Cal.4th 552 (1996), the California Supreme Court reversed both the death sentence and conviction of Troy Lee Jones because he was incompetently represented by his trial attorney. In the case of *Stankewitz v. Woodford*, 365 F.3d 706 (9th Cir. 2003), the United States Court

To require a Bench Officer to report any finding of incompetence or misconduct places a potential chilling effect on the Court, adds a potential irrelevant consequence to the fact finding process and leaves no discretion with regard to the degree of the finding. In other words does the misconduct have to be really serious or the incompetence something as innocuous as failing to ask a question a Judge might have asked if he or she were trying the case? Would every Wheeler violation have to be reported? Would the failure to call every potential witness in a case amount to reportable misconduct? Would this change generate unnecessary motions, or witness[es] in cases because an attorney is worried about what the Judge might think?

Rather than leaving it up to each individual judge to determine which forms of misconduct or incompetence are serious enough to merit a report to the State Bar, the Commission concluded that Canon 3D should itself define what kinds of misconduct are so serious that a report to the State Bar and the attorney's supervisor would ordinarily be appropriate. While the Commission has limited its identification of examples of egregious conduct to criminal cases, these examples might be equally egregious in civil cases, and there may be additional examples applicable to civil cases. The Judicial Council may wish to address that question, but the Commission felt it was beyond its purview. Every report of such misconduct or incompetence may not result in discipline, or even in an investigation, but the complaints would be available to identify repeat offenders. A "track record" of all reports with respect to every offending attorney would be maintained.

The Commission concluded it would also be useful to maintain a county-wide track record, so particular offices that may have a high rate of prosecutorial

misconduct or defense lawyer incompetence can be identified. The need for additional training, stronger internal discipline mechanisms, or greater public accountability can thus be facilitated. Commission research suggests that some California counties may have a disproportionately high number of convictions being reversed because of judicial findings of prosecutorial misconduct, and in some cases, they appear to be the same counties that have a "repeat offender" problem of prosecutors responsible for multiple findings of misconduct. We believe that this objective can be achieved by simply reformulating the data collected by the State Bar Disciplinary System regarding reports of misconduct.

IDENTIFYING EGREGIOUS MISCONDUCT

The task of identifying "egregious misconduct" that should be reported to the State Bar should not be difficult. There are certainly some forms of misconduct which all reasonable lawyers and judges would agree are serious, and should give rise to heightened concern and scrutiny. This is not to suggest that other forms of misconduct may not be equally serious, and that judges should only find a report to the State Bar appropriate in the defined circumstances. But the discretion of judges to determine what "corrective action" is "appropriate" should be guided by a collective judgment of the circumstances that would call for a report to the State Bar. The Commission agreed that the following forms of misconduct should be encompassed by such a recommendation:

1 Lying to a Court.

A deliberate misrepresentation of law or fact to a Court should be reported. Current Rule 5-200(B) provides that a member "shall not seek to mislead the judge, judicial officer, or jury by an artifice or false statement of law" in presenting a matter to

of Appeals reversed the denial of a writ of habeas corpus and remanded for an evidentiary hearing on the claim of Douglas Stankewitz that he was incompetently represented by the same attorney who represented Troy Lee Jones in the penalty phase of his death penalty trial. Stankewitz is the longest tenant

of California's death row, where he has been since October of 1978. Wilbur Jennings, who has been on death row for 19 years, is also asserting a claim of incompetent representation by the same attorney who represented Jones and Stankewitz in a pending habeas corpus proceeding.

a tribunal. Recommended reporting should be limited to deliberate violations of Rule 5-200(B), but “artifice” should not be included. “Artifice” is an overly broad term that, according to the Merriam-Webster dictionary, includes “clever or artful skill.” A specific requirement that requires reporting of any willful misrepresentation of law or fact to a court is appropriate. The current reporting requirement includes not only misconduct and incompetence, but any willful misrepresentation when it results in a modification or reversal of a judgment. This change would eliminate the necessity of a modification or reversal of a judgment based upon the willful misrepresentation before reporting to the State Bar.

2 Appearing in a judicial proceeding while under the influence of illicit drugs or alcohol.

Drug or alcohol intoxication would certainly qualify as “failing to perform legal services with competence,” as prohibited by Rule 3-110, but we do not want to subject every claim of incompetence to mandatory reporting. Reporting could be limited to *incompetence* caused by intoxication, but even a lawyer whose drunkenness causes a delay in a trial should be reported, whether it produces a failure to perform with competence or not. A specific rule that requires reporting of a lawyer who appears in court under the influence of illicit drugs or alcohol is appropriate. Interestingly, Judge Van Sicklen used the example of intoxication in suggesting that “appropriate action” means either discussing the matter with the attorney or reporting the matter to the State Bar. If no report is made, the same attorney could be repeatedly showing up drunk before a number of judges, none of whom are even aware of prior repeated transgressions.

Reporting an intoxicated attorney to the State Bar will often lead to intervention, and referral to the State Bar’s Lawyer Assistance Program, preventing future damage to clients and facilitating treatment of the offending attorney. If no report is made, however, no track record of the attorney’s repeated lapses will be available.

3 Engaging in willful unlawful discrimination in a judicial proceeding.

Judge Van Sicklen asked whether every *Wheeler*¹² violation should be reported to the State Bar. We conclude that it should. A *Wheeler* violation occurs when a judge finds a pattern of discrimination requires an explanation, and the explanation does not dispel the appearance of deliberate racial discrimination. It ordinarily requires dismissing the jury panel and starting over. The more appropriate question may be why shouldn’t every *Wheeler* violation be reported to the State Bar, whether by the prosecutor or the defense lawyer? There is currently no specific Rule of Professional Conduct that addresses improper discrimination in court.¹³ But Section 231 of the California Code of Civil Procedure provides:

231.5. A party may not use a peremptory challenge to remove a prospective juror on the basis of an assumption that the prospective juror is biased merely because of his or her race, color, religion, sex, national origin, sexual orientation, or similar grounds.

Commissioners Jim Fox and Greg Totten believe that not every *Wheeler* violation necessarily includes willful, unlawful discrimination. The Commission majority, however, concludes that dismissal of the jury panel and the resulting mistrial caused by the improper use of a peremptory challenge at least creates a presumption of unlawful discrimination that should be called to the attention of the State Bar.

12. *People v. Wheeler*, 22 Cal.3d 258 (1978) requires a lawyer to provide an explanation when peremptory challenges demonstrate systematic exclusion of a cognizable group. Cognizable groups include race, religion, ethnicity, gender

and sexual orientation. If the explanation is not satisfactory, the jury panel must be excused. A similar requirement is imposed by the U.S. Constitution. *Batson v. Kentucky*, 476 U.S. 79 (1986). If improper discrimination is utilized

4 Willful *Brady* violations.

A “*Brady* violation” occurs when a prosecutor withholds or suppresses exculpatory evidence that is material to issues of guilt or punishment. It is a violation of the defendant’s constitutional right to due process of law. *Brady v. Maryland*, 373 U.S. 83 (1963). Exculpatory evidence includes evidence to impeach the credibility of witnesses. *Brady* violations can occur even where the exculpatory evidence was never delivered to the prosecutor by the police, however. *Giglio v. United States*, 405 U.S. 150 (1972). Thus, requiring the reporting of every *Brady* violation would be too broad. Reporting every violation of Rule 5-220 of the California Rules of Professional Conduct might also be too broad, since it simply provides, “A member shall not suppress any evidence that the member or the member’s client has a legal obligation to reveal or produce.” We do not want to make every discovery violation subject to reporting, only deliberate, bad faith violations of a constitutional duty. By limiting the recommended reporting requirement to bad faith violations that are deliberate, we address a narrow category of the most egregious *Brady* violations, where the prosecutor is aware of exculpatory evidence and deliberately suppresses it.

5 Willful presentation of material perjured testimony.

There are likely to be very few cases where a judge can conclude that a lawyer was aware that testimony he or she presented was perjurious. But such situations do occur, and reasonable lawyers and judges would agree this is among the most serious forms of misconduct imaginable, especially in criminal cases. A defense lawyer who conforms to the ethical requirements regarding the presentation of the testimony of the accused would not be willfully presenting perjured

testimony even if he knows his client is lying, because the accused has a constitutional right to testify over the objection of his attorney.

6 Willful unlawful disclosure of victim or witness information.

The California Penal Code includes very specific limitations on the disclosure of the name or address of the victim of a sex offense (California Penal Code Section 293) and the addresses or telephone numbers of victims and witnesses revealed in the course of pre-trial discovery (California Penal Code Section 1054.2). Willful violation of Section 1054.2 by an attorney is a misdemeanor. Whether an attorney is charged with a misdemeanor or not, a willful violation of these provisions should be reported to the State Bar.

7 Failure to Properly Identify Oneself in Interviewing a Victim or Witness.

The California Penal Code requires that prosecutors, defense lawyers and their investigators clearly identify themselves, identify the full name of the agency which employs them, and identify whether they represent the prosecution or defense before interviewing victims and witnesses. If the interview is in person a business card or official identification must be presented. California Penal Code, Section 1054.8. These provisions offer important protection to victims and witnesses. A failure to comply with these requirements should be reported to the State Bar.

REPORTING MISCONDUCT OR INCOMPETENCE TO SUPERVISORS

The California Public Defenders Association suggests that if there is to be a duty to report misconduct, it should also be required that notice go to the head of the prosecutor or public defender office or the contractor of defender services or the

in a deliberate effort to cause discharge of the jury panel, additional sanctions may be imposed. *People v. Willis*, 27 Cal.4th 811 (2002).

13. Rule 2-400 prohibits discriminatory conduct in the management or operation of a law practice, but applies only to employment decisions and accepting or terminating representation of a client.

administrator of an assigned counsel program, or the presiding judge who controls appointment of individual attorneys. That can be easily accomplished by including such a requirement in the Rule of Court defining which judge has the mandatory duty to report.

SELF REPORTING BY LAWYERS

If the self reporting requirements of California Business and Professions Code Section 6068(o) were fully complied with, a great deal more of the unreported misconduct and incompetence of lawyers would come to the attention of the State Bar. Section 6068(o) provides that every California lawyer has a duty:

(a) To report to the agency charged with attorney discipline, in writing, within 30 days of the time the attorney has knowledge of any of the following:

(b) The filing of three or more lawsuits in a 12-month period against the attorney for malpractice or other wrongful conduct committed in a professional capacity.

(c) The entry of judgment against the attorney in a civil action for fraud, misrepresentation, breach of fiduciary duty, or gross negligence committed in a professional capacity.

(d) The imposition of judicial sanctions against the attorney, except for sanctions for failure to make discovery or monetary sanctions of less than one thousand dollars (\$1,000).

(e) The bringing of an indictment or information charging a felony against the attorney.

(f) The conviction of the attorney, including any verdict of guilty, or plea of guilty or no contest, of a felony, or a misdemeanor committed in the course

of the practice of law, or in a manner in which a client of the attorney was the victim, or a necessary element of which, as determined by the statutory or common law definition of the misdemeanor, involves improper conduct of an attorney, including dishonesty or other moral turpitude, or an attempt or a conspiracy or solicitation of another to commit a felony or a misdemeanor of that type.

(g) The imposition of discipline against the attorney by a professional or occupational disciplinary agency or licensing board, whether in California or elsewhere.

(h) Reversal of judgment in a proceeding based in whole or in part upon misconduct, grossly incompetent representation, or willful misrepresentation by an attorney.

(i) As used in this subdivision, "against the attorney" includes claims and proceedings against any firm of attorneys for the practice of law in which the attorney was a partner at the time of the conduct complained of and any law corporation in which the attorney was a shareholder at the time of the conduct complained of unless the matter has to the attorney's knowledge already been reported by the law firm or corporation.

(j) The State Bar may develop a prescribed form for the making of reports required by this section, usage of which it may require by rule or regulation.

(k) This subdivision is only intended to provide that the failure to report as required herein may serve as a basis of discipline.

Although it is limited to a reversal of judgment, as opposed to "a modification or reversal," Section 6068(o)(7) is roughly comparable to the judicial reporting requirement in Section 6086.7(a)(2). Thus, even if judges are underreporting, the attorneys themselves should be reporting cases

in which misconduct or incompetence has led to reversal of a judgment. The lack of self-reporting may be attributable to the lack of enforcement of the self-reporting requirement. Instead of operating as a “fail-safe” mechanism to require reporting by two separate, independent sources, the self-reporting requirement is widely ignored, assuring that even repeat offenders completely escape any scrutiny by the bar.

While the Commission does not offer any recommendation to change the self-reporting requirement, it believes that many California attorneys are simply unaware that this requirement exists. Continuing legal education programs dealing with ethics, which are mandatory for California attorneys, should focus attention on this requirement. And the State Bar should examine compliance with self-reporting requirements in exercising its discretion whether discipline is appropriate for misconduct or incompetence, as well as basing discipline on the failure to self-report itself when appropriate.

Recommendations: Reporting Misconduct

The Commission offers four recommendations addressed to the rule-making authority of the California Judicial Council and the State Bar of California. In addition, the Commission recommends enhanced training in ethics for California prosecutors, defense lawyers and judges, to familiarize them with the requirements for reporting and self-reporting of misconduct and incompetence, and the consequences of such reports.

1 The Commission recommends *no* change in the statutory language of Business & Professions Code Section 6086.7:

6086.7. (a) A court shall notify the State Bar of any of the following:

(1) A final order of contempt imposed against an attorney that may involve grounds warranting discipline under this chapter. The court entering the final order shall transmit to the State Bar a copy of the relevant minutes, final order, and transcript, if one exists.

(2) Whenever a modification or reversal of a judgment in a judicial proceeding is based in whole or in part on the misconduct, incompetent representation, or willful misrepresentation of an attorney.

(3) The imposition of any judicial sanctions against an attorney, except sanctions for failure to make discovery or monetary sanctions of less than one thousand dollars (\$1,000).

(4) The imposition of any civil penalty upon an attorney pursuant to Section 8620 of the Family Code. (b) In the event of a notification made under subdivision (a) the court shall also notify the attorney involved that the matter has been referred to the State Bar. (c) The State Bar shall investigate any matter reported under this section as to the appropriateness of initiating disciplinary action against the attorney.

2 The Commission recommends the adoption of the following California Rule of Court:

When notification of the State Bar is required of a court pursuant to California Business and Professions Code Section 6086.7(a), if the order of contempt, modification or reversal of judgment, imposition of judicial sanctions or imposition of a civil penalty is signed by a Superior Court judge or magistrate, that judge or magistrate shall notify the State Bar. Modification of a judgment includes the vacation of a judgment in granting

an Extraordinary Writ. If the order of contempt, modification or reversal of judgment, imposition of judicial sanctions or imposition of a civil penalty is by the Court of Appeal or the Supreme Court, the author of the Court's order or opinion shall notify the State Bar. The report to the State Bar shall include the State Bar member's full name, and State Bar number, if known. When notifying the attorney involved pursuant to California Business and Professions Code Section 6086.7(b), the judge, magistrate or Justice identified in this Rule shall also notify the attorney's supervisor, if known.

3 The Commission recommends the following changes in Canon 3D of the California Code of Judicial Ethics (Changes indicated in blue):

D. Disciplinary Responsibilities

(1) Whenever a judge has reliable information that another judge has violated any provision of the Code of Judicial Ethics, the judge shall take or initiate appropriate corrective action, which may include reporting the violation to the appropriate authority.

(2) Whenever a judge has personal knowledge that a lawyer has violated any provision of the Rules of Professional Conduct, or makes a finding that such violation has occurred, the judge shall take appropriate corrective action.

Appropriate corrective action should include a prompt report to the State Bar and to the attorney's supervisor, if known, where an attorney in a criminal proceeding has engaged in egregious misconduct, including but not limited to:

(a) A willful misrepresentation of law or fact to a Court;

(b) Appearing in a judicial proceeding while intoxicated;

(c) Engaging in willful unlawful discrimination in a judicial proceeding;

(d) Willfully and in bad faith withholding or suppressing exculpatory evidence (including impeachment evidence) which he or she is constitutionally obligated to disclose.

(e) Willful presentation of perjured testimony.

(f) Willful unlawful disclosure of victim or witness information.

(g) Failure to properly identify oneself in interviewing victims or witnesses.

Any doubt whether misconduct is egregious should be resolved in favor of reporting the misconduct.

(3) A judge who is charged by prosecutorial complaint, information, or indictment or convicted of a crime in the United States, other than one that would be considered a misdemeanor not involving moral turpitude or an infraction under California law, but including all misdemeanors involving violence (including assaults), the use or possession of controlled substances, the misuse of prescriptions, or the personal use or furnishing of alcohol, shall promptly and in writing report that fact to the Commission on Judicial Performance.

(4) A prompt report means as soon as practicable, and in no event more than thirty days after knowledge is acquired or a finding is made.

4 The Commission recommends that the State Bar include, in its annual report on the State Bar of California Discipline System, the number of Reportable Actions received from Courts pursuant to each of the four categories in Business and Professions Code Section 6068.7(a), and each of the six categories in Canon 3D(2) of the California Code of Judicial Ethics. In addition, the Report should indicate the number of Reportable Actions related to the conduct of prosecutors and defense lawyers by County. Defense lawyer data should be reported to distinguish public defenders, contract defenders, appointed lawyers, and privately retained lawyers. Prosecutorial data should be reported to distinguish district attorneys and city attorneys.

5 The Commission recommends that law school courses in legal ethics and continuing education programs in legal ethics for prosecutors, defense lawyers and judges include familiarity with the obligations to report misconduct and incompetent representation by lawyers, and the obligation of lawyers to self-report, to the California State Bar, as well as familiarity with the consequences of such reports with respect to the State Bar's investigatory and disciplinary authority.

LETTER OF DISSENT

October 12, 2007

Commissioners
California Commission on the
Fair Administration of Justice

Dear Commissioners:

I must respectfully dissent from the Commission's Final Report on Professional Responsibility.

It is appropriate for the Commission to urge clarification of the judicial officer responsible for reporting misconduct to the State Bar and include the attorney's supervisor as a recipient of such report. However, I strongly oppose the Commission's recommendation to create a separate rule of court that attempts to identify categories of misconduct subject to the reporting requirement contained in Business and Professions Code section 6086.7. This proposed rule places an unreasonable burden on prosecutors and the courts that will significantly increase litigation of collateral issues and further erode civility while doing little to address the issue of professional responsibility. As discussed below, there are several significant problems with the Commission's recommendations for change.

First, the report is clearly premised upon an underlying assumption that simply because courts are not fully complying with reporting requirements, attorney misconduct goes undetected and unaddressed within the criminal justice system and in district attorney offices. Most prosecutors would find this assumption both erroneous and offensive to our profession's duty of integrity and fairness.

The public rightfully expects prosecutors to go into the competitive arena of the courtroom on a daily basis and make literally hundreds of split second decisions on law, evidence, and argument. It is also a routine occurrence and accepted strategy for defense counsel to make claims of misconduct against prosecutors during the heat of trial. As with any system administered by human beings, the court process is imperfect and errors are inevitable.

Through comprehensive training, extensive scrutiny of prosecutor applicants and prompt discipline when warranted, district attorneys strive to minimize errors and root out individuals who do not meet the very high ethical standards of our noble profession. As a result, sustained claims of prosecutor misconduct are exceedingly rare.¹

Yet the majority effectively encourages more second-guessing of prosecutors. If the proposed rule were adopted in our highly adversarial system, demands by counsel for judicial findings of misconduct would become commonplace and the courts would inevitably find themselves mired in ruling on disputes among lawyers rather than evidence and law affecting the underlying charges. The majority thus overlooks the inherent dangers of seeking perfect process without regard to its impact on the prompt and fair resolution of criminal cases. More than three decades ago, Justice

Macklin Fleming of the California Court of Appeal warned about the pursuit of perfect procedure:

For when we aim at perfect procedure, we impair the capacity of the legal order to achieve the basic values for which it was created, that is, to settle disputes promptly and peacefully, to restrain the strong, to protect the weak, and to conform the conduct of all to settled rules of law. If criminal procedure is unable promptly to convict the guilty and promptly acquit the innocent of the specific accusations against them, and to do it in a manner that retains public confidence in the accuracy of its results, the deterrent effect of swift and certain punishment is lost, the feeling of just retribution disappears, and belief in the efficacy of the system of justice declines.²

The majority report also indirectly infers that civil service protection and the privacy of prosecutor personnel records somehow insulate prosecutor misconduct. I have been a prosecutor for 25 years and that has not been my experience. Simply stated, the basic civil service and privacy protection afforded to prosecutors have never precluded management in this office from dealing directly, swiftly and appropriately with prosecutor misconduct.

Second, the *Wheeler* and *Brady* provisions contained in the proposed rule are fraught with peril. *Brady* is a dynamic area of the law and no one can confidently predict how it will develop in the courts next year, let alone ten years from now when

1. The statistics upon which the Commission relies establish that incidents of prosecutor misconduct are rare in California.

The Preliminary Report of Professor Laurie Levenson lists in Section IX.A (pp. 8–9) appellate decisions citing prosecutorial misconduct and rankings of 10 California counties as a percentage of felony cases filed. She concludes, "Percentage-wise, the number of prosecutorial claims per felony cases is less than 1%, averaging from .028% to .008%." (*Id.*, fn. 7.) Converted to common fractions, this is equal to 1/3000 cases to 1/12,000 cases. And this is just the number of *claims*; the number of cases in which the court has found error is far smaller, and the number of cases in which error was reversible is smaller still. Professor Levenson's figures indicate that of 199 cases between 2000–2005 in which prosecutorial misconduct was found, only 15 (7.5%) constituted reversible error.

The Judicial Council of California reports 1,588,079 felony filings in California in the 6-year period from the 2000–2001 fiscal year through the 2005–2006 fiscal year. (Judicial Council of California, 2007 Court Statistics Report, Table

7, p. 51.) <http://www.courtinfo.ca.gov/reference/documents/csr2007.pdf>). Applying the percentages from Professor Levenson's report, this would mean that prosecutorial misconduct was claimed in only 127 to 445 of these 1.6 million cases.

The Commission also considered the California Public Defenders Association Response to Focus Questions on Professional Responsibility Issues. This response states that prosecutorial misconduct is "often" cited as a factor in appellate dismissal or reversal of cases or reduction of sentences. (CPDA Response, p. 2.) In support of this contention, the response cited "Harmful Error," a Prosecutorial Misconduct Study Report written by the Center for Public Integrity. (CPDA Response, pp. 2–3, fn. 1.) According to the response, the study "studied 590 California cases from 1970 to the present [actually, 2003] in which the defendant alleged prosecutorial misconduct... Of all the defendants who alleged misconduct, one later proved his innocence. [¶] Of the cases in which judges ruled a prosecutor's conduct prejudiced the defendant, 48 involved improper trial arguments or examination, 11 involved

the Supreme Court is scrutinizing a prosecutor's decision in a capital case. Likewise, it makes no sense to require reporting any time a court concludes counsel violated *Wheeler* because it does not accept the prosecutor's reasons for excusing jurors. A court's decision on *Wheeler* is often subjective and can be influenced by a myriad of factors including the court's own bias or feelings about the underlying case.

Wheeler and *Brady* issues are the subject of intense scrutiny and litigation in the criminal justice system. Under existing law, the court already has the authority to report violations of *Brady* or *Wheeler*.³ Creating a new court rule regarding misconduct that attempts to further define these two case doctrines will not increase the reporting of such violations. Instead, the rule would further complicate existing law, potentially narrow the circumstances under which a court already disposed to report would in fact report, and once again encourage greater litigation of collateral issues. Indeed, there is even some risk that concern about the obligation to report could influence the court's decisions on the merits of the underlying *Wheeler* or *Brady* issue.

Third, at least some of the misconduct cases cited in one of the Commission's studies appear to merit further scrutiny and review. For example, Professor Kathleen Ridolfi's study erroneously lists two cases from Ventura County, where the

court allegedly found prosecutor misconduct but concluded it was "harmless error." Our review of both of these cases suggests they should not be included in the study at all.

In *People v. Hosea* (Feb. 3, 2004, B165929) 2004 WL 198360, 2004 Cal.App.Unpub.LEXIS 1109, there is no judicial finding of misconduct. In that case, the defense objected to a comment by the prosecutor during argument that to find the defendant not guilty, the jurors would have to believe the defendant's story. The court held that there was "no prejudicial misconduct" but did not state whether there was misconduct at all. The court stated in part:

To prevail on a claim of prosecutorial misconduct based on remarks to the jury, the defendant must show a reasonable likelihood the jury understood or applied the complained-of comments in an improper or erroneous manner.... Prosecutorial misconduct involves use of deceptive or reprehensible methods to persuade the jury, or acts so egregious as to create an unfair trial.... There was no such egregious conduct here. The prosecutor did not employ deceptive or reprehensible methods in his argument to the jury. After the defense objection, the trial court reiterated that the prosecutor bore the burden to prove appellant's guilt beyond a reasonable doubt. This was effectively an admonition that cured any error... Appellant received a fair trial. There was no prejudicial misconduct. (Emphasis added.)

withholding evidence from the defense, eight involved discrimination in jury selection, three involved improper pre-trial tactics, two involved threatening a witness and the three remaining cases involved destruction of evidence, breaching an agreement and eavesdropping." (*Ibid.*)

These figures, which cover a period of 33 years, show that only in only 75 cases was prejudicial error found, including only 11 cases of withholding evidence. This is only one *Brady* violation every three years statewide, which cannot be considered a crisis under any definition. The low incidence of prosecutorial misconduct is also supported by the statistics provided in a report prepared for the Commission's July 11 hearing by Professor Kathleen Ridolfi entitled "Prosecutorial Misconduct: A Systematic Review." She states that she reviewed California state and federal appellate court cases decided between January 1, 1997 and December 31, 2006. (Ridolfi report, Appx. A, p. 15.) Of these, 2,131 raised an issue of prosecutorial misconduct on appeal,

and the court found misconduct in 444 of these cases. (Ridolfi report, p. 4.) The court found the error to be prejudicial in only 54 of these cases. (Ridolfi report, p. 5.)

The Judicial Council reports that there were 2,585,018 felony filings from the 1996–97 fiscal year through the 2005–06 fiscal year. Using Professor Ridolfi's figures, only .08% (8 in 10,000) of the cases raised an issue of prosecutorial misconduct, in only .02% (2 in 10,000) did the court find prosecutorial misconduct, and .0002% (2 in 100,000) involved prejudicial misconduct. These figures are a small percentage of the 2.6 million felony filings during that period.

2. Justice Macklin Fleming, *The Price of Perfect Justice: The Adverse Consequences of Current Legal Doctrine on the American Courtroom*, Basic Books, Inc., New York, 1974.

3. Rule of Professional Conduct 5-220, Business and Professions Code §6086.7 and *People v. Wheeler* (1978) 22 Cal. 3d 258, 282 fn. 29...

In the second case, *People v. Johnson* (Mar. 19, 2003, B156543) 2003 WL 1309091, one might infer that the court found misconduct but the court's opinion is not entirely clear on that issue. In that case, the prosecutor asked a deputy sheriff whether the defendant was one of the people depicted in a videotape. The defense objected that the testimony was improper. The reviewing court's analysis of the issue inconsistently referred to "the error" and the "alleged misconduct." The court stated:

*The trial court found that **the error** could be easily cured by admonishing the jury [noting that the trial court struck the question and the answer].... [¶] A trial court is vested with considerable discretion in ruling on a motion for mistrial based on prosecutorial misconduct.... Hence, in the absence of prejudice to the fairness of a trial, prosecutor misconduct will not trigger reversal.... [¶] Here there was no prejudice. The evidence was overwhelming.... [¶] The trial court was in the best position to gauge **the misconduct** and the effect on the jury. It found that an admonishment would cure **the error**.... [¶] On this record, we agree.... **The alleged misconduct** was harmless beyond a reasonable doubt. (Citations omitted and emphasis added.)*

Finally, the suggestion that district attorneys do not keep records of prosecutor misconduct is misleading and use of the term "repeat offender" for attorneys is not appropriate within the professional responsibility subject matter of this report. District attorneys are required to maintain confidential personnel files on prosecutors and findings of misconduct would ordinarily be documented in such files by way of performance evaluation or disciplinary action. We do not keep separate public records

listing such findings and identifying the attorneys because doing so would violate the attorneys' rights to privacy in their own personnel records. Use of the term "repeat offender" is typically associated with individuals who commit multiple violations of criminal law and for this reason it is inappropriately inflammatory to use such a term when referring to either defense attorneys or prosecutors for committing errors in court.

In sum, I respectfully dissent from the Commission's Final Report on Professional Responsibility for all of the reasons set forth above. I continue to believe the court's failure to report attorney misconduct is most effectively addressed through additional training and education. The Commission's recommendation to create a new rule is neither necessary nor will it accomplish its intended purpose.

Very truly yours,

Gregory D. Totten, *District Attorney*

The Commission's second report on Professional Responsibility and Accountability was a Report and Recommendations on Compliance with the Prosecutorial Duty to Disclose Exculpatory Evidence, issued on March 6, 2008, as follows:

Report: Exculpatory Evidence

The Commission's Report and Recommendations on Professional Responsibility and Accountability of Prosecutors and Defense Lawyers, issued October 18, 2007, noted that the failure to disclose exculpatory evidence was a leading ground for reversal of California criminal convictions based on claims of prosecutorial misconduct during the ten year period ending December 31, 2006. The duty to disclose exculpatory evidence has been recognized as a constitutional imperative since 1963, when the United States Supreme Court decided the case of *Brady v. Maryland*, 373 U.S. 83 (1963). The obligation is commonly referred to as the "Brady" obligation or duty.

Prosecutorial compliance with the *Brady* duty includes the duty to disclose materials relevant to impeach prosecution witnesses, *Giglio v. United States*, 405 U.S. 150 (1972), and to materials that are in the possession or control of investigating law enforcement agencies, placing the onus upon prosecutors to insure that police or other investigative agencies have fully reported on the existence of potentially exculpatory evidence. *Kyles v. Whitley*, 514 U.S. 419 (1995). A potential source of non-compliance is that the *Brady* duty is limited to "material" exculpatory evidence. Prosecutors may not fully realize the ways in which potentially exculpatory evidence can be put to material use by criminal defense lawyers.

The prosecutor's *Brady* duty to disclose exculpatory evidence under the due process clause of the United States constitution is wholly independent of any statutory scheme.

It is self-executing and needs no statutory support to be effective. *Alford v. Superior Court*, 29 Cal.4th 1033, 1046 n.6 (2003). But the issue of access to records of misconduct complaints against police officers, which may be relevant to challenge their credibility in a criminal case, is closely related to and frequently overlaps with the *Brady* duty. Under California law, upon a showing of good cause and materiality, a court will review an officer's personnel file to determine whether it contains any information that should be disclosed to the defendant. *Pitchess v. Superior Court*, 11 Cal.3d 531 (1974); California Evidence Code §§ 1043-45; California Penal Code §§ 832.7-832.8. Such requests are commonly referred to as "*Pitchess* motions." *Pitchess* requirements limit the access of both prosecutors and defense lawyers to police personnel records, and limit the disclosure of such records.

THE RAMPART TASK FORCE RECOMMENDATIONS

In 1999, the exposure of a pattern of false arrests, perjured testimony and the planting of evidence by L.A.P.D. officers assigned to the Crash Unit of the Department's Rampart Division led the Los Angeles District Attorney [LADA] to dismiss nearly 100 cases in which felony convictions had been obtained, many of them on pleas of guilty. In 2001, the Los Angeles County Bar Association convened a special Rampart Task Force to make recommenda-

tions relating to all parts of the justice system that could prevent this type of misconduct in the future.¹ Their Report, issued in April, 2003,² included a number of key recommendations addressing *Brady* and *Pitchess* obligations and compliance.

In anticipation of the public hearing convened by our Commission, we asked witnesses to address whether existing office policies and procedures implemented by District Attorney Offices and Public Defender Offices were adequate to ensure full compliance by all deputies with discovery obligations, and whether any legislative or administrative changes were needed to assure full compliance with the requirements for disclosure of evidence. We also asked whether four specific recommendations of the Rampart Task Force should be implemented on a statewide basis:

2.1 To implement prosecutors' responsibility for obtaining and producing Brady material, prosecuting agencies should establish procedures to gather Brady material in a systematic fashion from all appropriate sources. To assist prosecutors in the fulfillment of their obligations, governmental agencies should establish procedures to gather all Brady material and to provide that material to prosecuting agencies in a timely manner. Other options for obtaining Brady material should be utilized by prosecutors before resorting to Pitchess motions.

2.2 Brady... material should be collected in a central database under the control of the prosecuting agency.

2.3 Production of Brady material to the defense must be timely. In particular, Brady material tending to establish factual innocence or an affirmative defense should be revealed before a guilty plea is entered.

2.4 In felony cases, prosecutors should be required to execute a declaration affirming that inquiries have been made of all appropriate sources and that all Brady material obtained has been reviewed and disclosed.

We also invited written submissions to address the question whether the Rampart Task Force's detailed recommendations on the collection and dissemination of *Pitchess* material should be implemented on a statewide basis.

The Commission received thoughtful responses to these questions, both in the form of written submissions³ and oral testimony.⁴ Based upon these submissions, the Commission is in agreement that statewide legislation is not the most appropriate vehicle to assure full compliance with *Brady* and *Pitchess* obligations. The size and organization of prosecutors' offices throughout the State of California varies substantially, and assuring full compliance with these obligations is best addressed by the adoption of clear administrative policies within each office that are available for public scrutiny. Such policies should describe the standard to be used in determining whether information should be disclosed, and should require the maintenance of a "*Brady* List," identifying witnesses as to whom *Brady* material exists.

1. The Task Force, chaired by U.S. District Judge Audrey Collins, a former state prosecutor, included former prosecutors, public defenders, private practitioners, judges and academics.

2. Los Angeles County Bar Association Task Force on the State Criminal Justice System, *A Critical Analysis of Lessons Learned: Recommendations for Improving the California Criminal Justice System in the Wake of the Rampart Scandal*, April, 2003.

3. The responses of the California District Attorneys Association, the Los Angeles County District Attorney, and the Ventura County District Attorney are available on the Commission's website, www.ccfaj.org.

4. Santa Clara County District Attorney Dolores Carr testified on behalf of the California District Attorneys Association; Deputy District Attorney Lael Rubin testified on behalf of the Los Angeles County District Attorney's Office; and Special Assistant District Attorney Michael Schwartz testified on behalf of the Ventura County District Attorney's Office.

DISTRICT ATTORNEY BRADY POLICIES

The Commission has examined the publicly available office policies of the Los Angeles County District Attorney's Office, the Ventura County District Attorney's Office, and the Santa Clara County District Attorney's Office. The response of the California District Attorneys Association [CDAA] notes that "other offices... have opted not to have a specific policy, but to require their deputies to follow the statutory and case law on these subjects."⁵ The Commission believes that compliance with *Brady* obligations should not be left up to each individual deputy's own interpretation of statutory and case law. A written Office Policy and training regarding this policy can help insure that all prosecutors will fully comply with their *Brady* obligations.

In accordance with the Rampart Task Force recommendations, procedures should be established to gather *Brady* material in a systematic fashion from all appropriate sources, consistent with the requirements of *Pitchess*. The material should be identified and a record should be kept of when and how it was delivered to the defense. Material determined to be relevant to factual innocence or an affirmative defense should be disclosed as soon as that determination is made, and prior to entry of a guilty plea.

When there is information about a witness that may be subject to disclosure requirements under *Brady*, the identity of that witness should be maintained on a "*Brady* List" for use in other cases. The Commission does not believe that a formal declaration of full *Brady* compliance needs to be signed

by the prosecutor, but prosecutors should be ready to offer assurances to both the defense and the court that inquiries have been made of all appropriate sources, and all *Brady* material received has been reviewed and disclosed in accordance with all legal obligations.

The CDAA finds most of these recommendations appropriate. CDAA, however, suggests that existing policies and procedures are adequate to ensure full compliance, and that "in establishing policies for *Brady* databases, one size does not fit all. Each prosecutor's office should design and implement procedures to deal with *Brady* evidence that works for that jurisdiction."

The Commission does not suggest a uniform policy and procedure for every District Attorney's Office in the State of California. We are in full agreement that each prosecutor's office should design and implement procedures that work for that jurisdiction. But the Commission strongly believes that public accountability requires such policies and procedures be in written form and available for public scrutiny. Consultation with law enforcement agencies, peace officer associations representing law enforcement officers, and Public Defender Offices will be helpful in formulating effective policies that are widely accepted and understood. In many counties, such policies are already the product of such collaboration.

The process of devising a written policy frequently exposes friction points that can be directly addressed and eliminated. A written policy also

5. California District Attorneys Association, *Position Statement of the California District Attorneys Association Regarding "Focus Questions for Hearing on Professional Responsibility Issues"* of the California Commission on Fair Administration of Justice, July 11, 2007, at p. 13.

provides a basis for consistent training of personnel and evaluation of their compliance. Therefore, the Commission recommends that every District Attorney's Office in California formulate and disseminate a written Office Policy to govern *Brady* compliance, and that this policy provide for gathering *Brady* material in a systematic fashion from all appropriate sources, tracking the delivery of the material, and disclosing material determined to be relevant in a manner that is consistent with *Pitchess*. The policy should require that material relevant to factual innocence or an affirmative defense be disclosed as soon as that determination is made, and prior to entry of a guilty plea. Policies should be regularly reviewed and updated to reflect evolving changes in judicial interpretation of the *Brady* duty and *Pitchess* limitations.

THE LIMITATIONS OF PITCHESS

With respect to the Rampart recommendations regarding *Pitchess* material, both the CDAA and the LADA point out that some of these recommendations are precluded by the subsequent ruling of the California Supreme Court in *Alford v. Superior Court*, 29 Cal.4th 1033 (2003). The Court held that protective orders issued in compliance with California Evidence Code Section 1045(e) must require that material disclosed pursuant to a defense *Pitchess* motion may only be utilized for the case in which the motion was made, and that the prosecution has no automatic right to police personnel records that are disclosed to the defense pursuant to a *Pitchess* motion. The inclusion of *Pitchess* material in a database for future disclosure does not appear to be feasible under the strictures of *Alford*. But the maintenance of an office "*Brady* List," identifying particular officers with credibility problems, is not precluded by *Alford* if information obtained from a *Pitchess* motion is not disclosed, and such a list can provide a useful tool in alerting

prosecutors to the need to further investigate the need for *Brady* disclosures, including a subsequent additional *Pitchess* motion. The recent ruling of the California Supreme Court in *Chambers v. Superior Court*, 42 Cal.4th 673 (2007) may permit defense counsel and defender offices to maintain a list of the names of officers as to whom *Pitchess* motions have been granted, so that when another *Pitchess* motion in a different case is granted as to the same officer, counsel can access derivative information in the previous case.

The system utilized by Ventura County provides a useful model. Complaints regarding the credibility of a police officer are evaluated as they are received, with an opportunity for the officer and the employing law enforcement agency to provide input. If the Office concludes that material evidence exists regarding an officer's credibility, the officer's name is placed on a "*Brady* List." Past cases in which the officer testified are researched and identified, to determine if the defense should be advised of the new information. In future cases in which the officer will be a prosecution witness, the prosecutor is required to consult with a designated supervisor as to how to proceed. Normally, the officer is not called as a witness, or the *Brady* information is disclosed. If there is doubt as to whether the information is material, an *in camera* evaluation for a judicial determination is sought.

The Commission is in agreement with Recommendation 6.2 of the Rampart Task Force, that a database organized and maintained by the prosecutor's office should be created pursuant to procedures and standards established by that office and containing the names of police officers and other recurring witnesses for whom *Brady* material exists. Case-specific *Pitchess* motions can then be filed by either the prosecution or the defense,

or both. Again, we are aware that one size does not fit all. But we cannot accept the suggestion that such procedures are not necessarily appropriate for smaller jurisdictions where officers with credibility problems are more readily known to those in the legal community. Compliance with *Brady* requirements is too important to rely upon courthouse gossip as a substitute for systematic procedures.

STANDARDS FOR "BRADY LIST" DETERMINATIONS

The Rampart Report recommended a standard of reasonable suspicion for information questioning a witness' credibility, before that witness is put on a "Brady List" to alert prosecutors to potential *Brady* problems. This appears consistent with the "substantial information" standard employed by the Ventura County and Santa Clara County District Attorneys' policies:

"Substantial information is facially credible information that might reasonably be deemed to have undermined confidence in a later conviction in which the law enforcement employee is a material witness, and is not based on mere rumor, unverifiable hearsay, or a simple and irresolvable conflict in testimony about an event."

The standard adopted by the Los Angeles County District Attorney requires "clear and convincing evidence":

"The decision to include such material (concerning a peace officer or governmentally employed expert witness) will be made using a standard of clear and convincing evidence which is higher than a preponderance of evidence but less than beyond a reasonable doubt. In other words, without clear and convincing evidence that the potential impeachment evidence is reliable and credible, it will not be included in the alert system."

While a "Brady List" is not a public record,⁶ prosecutors must be cognizant that a decision to place an officer on the list due to a "credibility problem" can have a damaging impact upon the officer's career and reputation, and even result in termination. While established instances of dishonesty or moral turpitude must be disclosed, "preliminary, challenged, or speculative information" does not come within *Brady*, and should not result in placing an officer on a "Brady List". (*United States v. Agurs*, 427 U.S. 97, 109 n.16, 1976.) Where evidence challenging an officer's credibility is disputed, the existence of a dispute itself should not exempt the material from the *Brady* requirement of disclosure. The dispute, of course, must be resolved.

Whether the resolution requires "facial credibility" or "clear and convincing evidence" is not for this Commission to decide. The suggestion has been made that in actual practice, there is little difference between the standard utilized in Los Angeles County and the standard applied in Ventura and Santa Clara Counties. Others disagree. The disagreement itself underscores the importance of defining the standard in writing and making it publicly available.

Brady policies should include an opportunity for the affected officer and the employing law enforcement agency to provide input before a determination is made to include an officer's name on a "Brady List". The officer and employing agency should also be given an opportunity to seek review of the determination by senior management of the District Attorney's Office. The policies of Ventura and Santa Barbara Counties include such provisions. The dramatic effect a *Brady* determination may have upon both the officer and the employing department requires fundamental fairness in making the determination. Receiving this input will also assist the District Attorney in

6. *Coronado Police Officers Association v. Carroll*, 106 Cal. App. 4th 1001 (2003).

understanding and evaluating the evidence. The policies must provide for expedited procedure for cases in which immediate disclosure is required, such as the discovery of information during trial.

The Commission believes all California District Attorneys should heed the warnings from the U.S. Supreme Court that “the prudent prosecutor will resolve doubtful questions in favor of disclosure,” *United States v. Agurs*, 427 U.S. 97, 108 (1976) and that prosecutors should avoid “tacking too close to the wind.” (*Kyles v. Whitley*, 514 U.S. 419, 439, 1995.)

THE NEED FOR TRAINING

Written policies and procedures alone, of course, will not suffice if the policies and procedures are not part of the training of the deputies who will be expected to follow them. As the policies and procedures are interpreted and applied to specific cases, examples will be available to further the understanding of deputies through training programs. The Commission learned of an innovative approach to training regarding *Brady* issues recently undertaken in Santa Clara County. The Santa Clara County Bar Association sponsored a joint training, for both deputy public defenders and deputy district attorneys at the same time. Such joint training programs can be used to promote a collaborative and cooperative approach to troublesome discovery issues.

There is no question but that California prosecutors generally take their constitutional obligations to disclose exculpatory evidence seriously, and many District Attorney Offices have devoted considerable time and resources to the drafting, promulgation and implementation of excellent written policies. In recommending that all

California District Attorneys follow their example, the Commission is hopeful that no legislative action will be necessary to assure full compliance with *Brady/Pitchess* obligations.

Recommendations: Exculpatory Evidence

1 The California Commission on the Fair Administration of Justice recommends that all District Attorney Offices in California formulate and disseminate a written Office Policy to govern *Brady* compliance, and that this policy provide for gathering *Brady* material in a systematic fashion from all appropriate sources in a manner that is consistent with *Pitchess*, tracking the delivery of the material, and disclosing material determined to be relevant. The policy should provide that material relevant to factual innocence or an affirmative defense be disclosed as soon as that determination is made, and prior to entry of a guilty plea.

2 The California Commission on the Fair Administration of Justice recommends that a list organized and maintained by each District Attorney's office should be created pursuant to procedures and standards established by that office, in consultation with law enforcement agencies, peace officer associations representing law enforcement officers, and Public Defender Offices. The list should contain the names of police officers and other recurring witnesses as to whom there is information that may be subject to disclosure requirements under *Brady*. This would include all facially credible information that might reasonably be deemed to undermine confidence in a conviction in which the law enforcement employee is

a material witness, and is not based upon mere rumor, unverifiable hearsay, or an irresolvable conflict in testimony about an event.

3 The California Commission on the Fair Administration of Justice recommends that training programs be conducted to assure that all deputy district attorneys understand and apply office policies and procedures with regard to *Brady* disclosure and *Pitchess* motions. If feasible, joint training programs should be organized to include prosecutors, public defenders and other criminal defense lawyers.

4 The California Commission on the Fair Administration of Justice recommends that all police and other investigative agencies formulate policies and procedures to systematically collect any potential *Brady* material and, consistent with the statutory protections for personnel records, promptly deliver it to prosecutors.

5 The California Commission on the Fair Administration of Justice recommends that training programs for peace officers include full treatment of the obligation to disclose *Brady* material to the prosecutor.

The Commission's third report on Professional Responsibility and Accountability was a Report and Recommendations on Funding of Defense Services in California, issued on April 14, 2008, as follows:

Report: Funding Defense Services

The constitutions of the United States and of California guarantee a right to counsel for all accused in criminal proceedings, and indigent accused are guaranteed competent counsel regardless of their ability to pay. *Gideon v. Wainwright*, 372 U.S. 335 (1963). In 2003, after convening public hearings and hearing the testimony of 32 expert witnesses, the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants concluded:

Forty years after Gideon v. Wainwright, indigent defense remains in a state of crisis, resulting in a system that lacks fundamental fairness and places poor persons at constant risk of wrongful conviction.

A key recommendation of the Committee's report was that State governments should establish oversight organizations that ensure the delivery of independent, uniform, quality indigent defense representation in all criminal and juvenile delinquency proceedings. (ABA Standing Comm. on Legal Aid and Indigent Defendants, *Gideon's Broken Promise: America's Continuing Quest for Equal Justice*, 2004.)

Many of the causes of wrongful convictions that the Commission has previously recognized (mistaken eyewitness identifications, false confessions, perjured jail informant testimony, faulty forensic evidence) could have been exposed and addressed if the defendant had been represented by competent zealous counsel who had fully investigated

and prepared the case. A study of the first 74 DNA exonerations in the United States found that defense lawyer incompetence was a factor in 32% of the cases. (Scheck, Neufeld & Dwyer, *Actual Innocence*, p. 365, New American Library, 2003.)

THE DEFENSE OF INDIGENT ACCUSED IN CALIFORNIA

The Commission has learned that the quality of representation afforded indigent accused is far from uniform in California, and sometimes falls short of the constitutional minimum. In California, the primary responsibility for providing competent counsel to indigent accused falls upon each individual county. California's fifty-eight counties meet this obligation in a variety of ways. Thirty-three counties (57%) have created one or more institutional public defender offices as county departments to serve as the primary provider of criminal defense services to indigent accused. This includes every county in California with a population in excess of 500,000, with the exception of San Mateo County.

Contract defenders are the primary provider of indigent felony and misdemeanor representation in 24 counties (41%). Eight counties have contracted with a single law firm, which provides various types of representation through branch offices. Some counties contract with solo practitioners. Several counties, for example, have four different solo contract defenders handling different portions of the caseload, and one county has seven separate contract defenders. The amount of compensation afforded by these contracts is often based upon a fixed fee per case, or a flat fee for the expected annual caseload. While this type of system is heavily concentrated in rural counties having populations of less than 100,000, it also

exists in some urban counties where public defenders are the primary providers. Many counties with a public defender office, for example, use a contract defender to handle conflicts.

In virtually every county, assigned counsel systems exist to handle multiple defendant cases where the primary provider would have a conflict of interest in representing more than one defendant. Assigned counsel is ordinarily appointed by a court to handle a single case. Only one county, San Mateo, uses an assigned counsel system administered by the local bar association as the primary provider of indigent defense services.

The Commission received evidence at our July 11, 2007 public hearing related to inadequate funding of defense services in some California counties, especially for needed investigative and expert support. Competent investigation of one's case, as well as the employment of expert witnesses who are "basic tools of an adequate defense," is just as fundamental as the right to competent counsel. (*Cf. Ake v. Oklahoma*, 470 U.S. 69, 1985.) (*Right to expert assistance in capital case raising a mental defense.*)

Professor Larry Benner of California Western School of Law conducted a statewide survey of judges and lawyers for the Commission. He also examined 2500 reported appellate decisions in which ineffective assistance of counsel claims were raised from 1997 through 2006. Courts sustained these claims, finding ineffective assistance of counsel in 121 of these cases, and in 104 of them the judgment of conviction was reversed and the case was remanded for a new trial. The most frequent performance deficiency, reported in 44% of the 121 cases, was failure to investigate.

Responses to the surveys came from 85% of the state's public defender offices, and 33% of the contract defenders. One hundred and nine certified criminal specialists responded, as well as 38

1. An initiative measure, Proposition 115, adopted in 1991, provides that the finding of probable cause can be based in whole or in part upon hearsay gathered by police in the course of their investigation. See California Penal

Code §872(b). Since then, preliminary hearings rarely involve the live testimony of victims or witnesses; only the investigating officer testifies. Under current California law, the purpose of the preliminary hearing is not to facilitate

judges. Nearly all survey respondents indicated that lack of resources for investigation was a serious problem which they face. Further, changes in the conduct of preliminary hearings has reduced in some cases the opportunity for defense attorneys to assess the strength and weaknesses of the prosecution's case.¹ Every public defender responding reported facing excessive investigator caseloads. Over two-thirds of judges surveyed indicated that lack of investigative resources for the defense was a problem in their county. In six counties, defenders had no investigative staff. While some public defender offices have budgeted funds to retain expert witnesses, others must obtain court approval for such assistance. More than one-quarter of the offices (28%) report difficulty in obtaining such approval.

The Benner Survey also inquired into the problem of excessive attorney workloads. All public defender offices save one reported facing a problem with attorney workloads. Over 81% indicated that attorney workload was a significant, very significant, or serious problem. (Lawrence A. Benner, *Preliminary Report: Systemic Factors Affecting the Quality of Criminal Defense Representation*, 2007, available on the Commission's website.)

Despite heavy workloads, California's institutional public defenders have generally provided competent representation for their clients, and vigorous advocacy for adequate funding of defense services. The California Public Defenders Association recently surveyed public defender offices to determine the level of compliance with the State Bar Guidelines for Indigent Defense Delivery Systems, and found a high degree of compliance. Institutional Public Defenders handle 80% of the State's felony filings. We believe that California's public defender offices, and certainly the largest ones, meet reasonable standards of acceptable

workloads. That does not diminish the need, however, for California to assure that constitutional standards are being met in every case, regardless of the county in which it occurs.

FLAT FEE CONTRACTING

While there is nothing inherently wrong with competitive bidding for contracts to supply defense services, when such contracts are awarded on a flat fee basis it may, in some cases, create a conflict of interest for the contracting lawyer. Unless it is separately reimbursed, the portion of the contract amount employed for investigative services or expert assistance comes off the top, and reduces the compensation or profit for the contracting attorney. Such contracts may also burden a defendant's right to jury trial, since the contractor's compensation will not be enhanced by the additional expense of preparing a case for trial. As described by Barry Melton, Yolo County's public defender and immediate past President of the California Public Defenders Association, to the extent a flat fee contractor does not provide services, he or she makes a profit. So if at all possible, the contractor may avoid going to trial because going to trial is expensive.²

In *People v. Barboza*, 29 Cal.3d 375 (1981), the California Supreme Court found that the contract between the County of Madera and the contract defender was illegal because it created a disincendive to declare a conflict of interest. Under the contract, the Madera County public defender was paid \$104,000 per year, with \$15,000 deducted and held in reserve to be drawn against by conflict counsel. Any deficiency in the reserve account was to be deducted from monthly payments to the public defender. Any balance left in the account at the end of the year was to be paid to the public defender. The Court concluded that this arrangement created an "inherent and irreconcilable"

discovery, but to determine probable cause. *Whitman v. Superior Court*, 54 Cal.3d 1063 (1991).

2. Miller, *California Defense Firm Borrows Wal-Mart Business Model*, The Recorder, Dec. 26, 2007.

financial disincentive for the public defender to declare a conflict. In declaring the contract unlawful, the Court broadly condemned "contracts of this type" pursuant to "a judicially created rule of criminal procedure." By analogy, an inherent and irreconcilable financial disincentive for a contract defender to investigate the case or hire experts also creates an unacceptable conflict of interest. The Commission has concluded that flat-fee contracts in California should separately reimburse the contracting attorneys for the expenses of adequate investigation and needed experts.

In April, 2000, the U.S. Department of Justice funded a national study of Contracting for Indigent Defense Services. The Study Report began with an example of how critics' worst fears about indigent defense contract systems came true. The example came from an unidentified California county. It is a very sobering account:

In 1997 and 1998, a rural county in California agreed to pay a low-bid contractor slightly more than \$400,000 a year to represent half of the county's indigent defendants. The contractor was a private practitioner who employed two associates and two secretaries, but no paralegal or investigator. The contract required the contractor to handle more than 5,000 cases each year. All of the contractor's expenses came out of the contract. To make a profit, the contractor had to spend as little time as possible on each case. In 1998, the contractor took fewer than 20 cases – less than 0.5 percent of the combined felony and misdemeanor caseload – to trial.

One of the contractor's associates was assigned only cases involving misdemeanors. She carried a caseload of between 250 and 300 cases per month. The associate had never tried a case before a jury. She was expected to plead cases at the defendant's first appearance in court so she could move on to the next case. One afternoon, however, the associate was given a felony case scheduled for trial the following week. The case involved multiple felony and misdemeanor charges. When she looked at the case file, the associate discovered that no pretrial motions had been filed, no witness list had been compiled, no expert witnesses had been endorsed, and no one had been subpoenaed. In short, there had been no investigation of any kind into the case, and she had no one to help her with the basics of her first jury trial.

The only material in the case file was five pages of police reports. In these reports, she found evidence of a warrantless search, which indicated strong grounds for suppression. She told the judge she was not ready to proceed and that a continuance was necessary to preserve the defendant's sixth amendment right to counsel. The continuance was denied. The associate refused to move forward with the case. The contractor's other associate took over the case and pled the client guilty to all charges. The associate who had asked for a continuance was fired.

(The Spangenberg Group, *Contracting for Indigent Defense Service: A Special Report*, U.S. Department of Justice Office of Justice Programs, April, 2000.) The Commission independently verified the facts reported in this account, and learned that the unidentified California County was, in fact, Shasta

3. The Commission has rejected a comparison of District Attorney and Public Defender budgets as a means of measuring the adequacy of defense funding, since District Attorneys are required to fund broad categories of activity that do not affect the work of public defenders, and the nature of these activities vary significantly from one county to another. Comparisons across time within the same county, however, may suggest changes that signal growing inequity.

4. In addition to Placer County, Barker/Ciummo has been the primary public defender for Madera County since 1988 (Annual Caseload 8,000); for Amador County since 1994 (Annual caseload 1,000); for Modoc County since 1999 (Annual caseload not reported); and for Calaveras County since 2001 (Annual caseload 1,100). They also provide contract defense representation for Napa County in dependency matters, for Fresno County in conflict cases and juvenile dependency matters, and for Sonoma County in juvenile dependency matters. See website, www.ciummolaw.com. The Ciummo website, under

County. The fired associate, Gabrielle Fitzmaurice-Kendrick, subsequently filed a federal lawsuit against the contractor who fired her, and received a substantial settlement. (*Fitzmaurice-Kendrick v. Suter*, U.S. District Court for E.D. Calif., 1999.) In a deposition for that lawsuit, the contractor boasted that he pled 70% of his clients guilty at the first court appearance, after spending 30 seconds explaining the prosecutor's "offer" to the client. *Deposition of Jack Suter*. Shasta County subsequently abandoned the use of flat-fee contracts, and established a public defender office which currently enjoys an excellent reputation. As disturbing as the scenario recounted in the federal report may be, little has been done in California to prevent the recurrence of such scenarios.

While the State Bar of California Guidelines on Indigent Defense Services Delivery Systems (2006) recommend that the cost of resources such as investigators, qualified experts, paralegals, laboratory fees and support technology "should not operate as a charge against the indigent defense provider to such an extent that the net personal compensation to the defender is diminished," (pp. 30-31), flat fee contracts are still being negotiated for defense services with no separate funding for investigators and ancillary services.

The Commission heard the testimony of Len Tauman, who described the bidding process in Placer County. Tauman was awarded the contract to provide indigent defense services in Placer

County in 1990, although he was not the lowest bidder. He had eighteen years experience as a public defender, and managed a conflicts office for ten years. His contract was renewed in 1994 despite another lower bid, when a judge convinced the Board of Supervisors that the top quality representation was worth the \$1 million difference in the bids. The Board vote was 3-2. Tauman's contract was renewed in 1998 and 2002. In 2000, the defender budget in Placer County was 41% of the District Attorney budget. By 2005, they were operating at 27% of the District Attorney budget. Tauman submitted a bid for \$28 million, to increase funding up to 38% of the D.A. budget.³ He was undercut by a bid from John A. Barker & Associates, now operating as Richard A. Ciummo & Associates. Ciummo now contracts with eight California counties to provide defense services.⁴ The Barker-Ciummo bid was \$16.8 million. The County accepted the lower bid.⁵ Ciummo's operation has been described as the "Wal-Mart Business Model" for providing defense services, "generating volume and cutting costs in ways his government-based counterparts can't and many private-sector competitors won't."⁶ Mr. Ciummo responds that he operates on a single-digit profit margin, and substantial savings result from hiring attorneys on a contract basis that does not include expensive benefit and retirement packages.⁷ While his contracts with counties provide separate reimbursement for interpreters and expert witness fees, there is no separate reimbursement for investigative services.⁸ There is no comparative data

the headline, "What Would Your County Do With Hundreds of Thousands of Dollars?", boasts that "Every county we have contracted with has saved substantial funds over their previous method of providing these services. Additionally, our firm has an excellent record of containing cost increases."

5. Wiener, *Placer Swaps Legal Teams*, Sacramento Bee, June 28, 2006.

6. Miller, *California Defense Firm Borrows Wal-Mart Business Model*, The Recorder, Dec. 26, 2007.

7. *Id.*

8. See, e.g., Agreement with Richard A. Ciummo and Associates for Alternate Indigent Defense Services, June 6, 2007, available at www.co.fresno.ca.us/portal/BBRs/Agreement%20with%20Richard%20A.%20Ciummo%20and%20Associates%20for%20Alter...

available to track the impact upon per attorney caseloads or trial rates in the counties that have entered into flat-fee contracts for indigent defense. Mr. Ciummo did not respond to Professor Benner's survey for the Commission regarding any of the counties with which he contracts. In two recent unpublished rulings of the California Courts of Appeal, convictions have been reversed and/or remanded because of a conflict of interest created by Ciummo's representation.⁹

The most direct way to deal with the potential conflicts that could be presented by flat fee contracts for indigent defense services would be for the legislature to mandate certain provisions be included in such contracts. Contracting standards are already imposed by the state for county contracts for public works. See California Public Contracts Code, Sections 20120–20145. Minimal standards could be drawn from the Guidelines on Indigent Defense Services Delivery Systems approved by the State Bar of California in 2006. The State Bar Guidelines provide:

Indigent defense providers should enjoy parity, to the extent permitted by law, on a relative scaled basis, with prosecutors in access to technology, criminal history information, other criminal justice databases such as those housing DNA information, legal research tools, investigators and investigative tools, including a travel budget, experts, paralegals, forensic labs, facilities, data processing and exhibit creation capability. The cost of these resources

should not operate as a charge against the indigent defense provider to such an extent that the net personal compensation to the defender is diminished.

Id. at 30 (emphasis added). The Commission recommends that legislation be enacted to provide that when Counties contract for indigent defense services in criminal cases, the contract shall provide separate funding for accessing technology and criminal justice databases to the extent those are provided by law, legal research tools, travel expenses, forensic laboratory fees and costs, data processing, modern exhibit capabilities, paralegals, investigators and expert witnesses.

OVERSIGHT OF DEFENDER SERVICES

Just regulating flat fee contracts, however, will not address problems of underfunding and overload that can affect all defender offices, whether contractual, assigned, or public defender types. Comparisons of defender offices to measure the availability of resources is currently impossible, because these offices are not required to collect data on the handling of cases or report it to any state agency. California lacks any statewide authority to monitor the adequacy of defender services, leaving it up to each county to determine the level of funding to be provided. That level may be determined without appropriate deference to minimum standards for delivery of defense services.

Minimum standards for indigent defense delivery systems have been drafted by a Commission of the State Bar of California. (*Guidelines on Indigent*

9. *People v. Cousins*, 2007 Cal. App. Unpub. LEXIS 2844 (3rd App. Dist. April 9, 2007); *In Re Manuel L.*, 2004 Cal. App. Unpub. LEXIS 8335 (5th App. Dist. Sept. 13, 2004).

Defense Services Delivery Systems, 2006.) The Guidelines provide clear standards with respect to standards of representation, qualifications of indigent defense providers, quality control, training, juvenile practice, resources, compensation, ethics and management/leadership. The Guidelines were drafted by a group of lawyers broadly representative of the defense bar, including public defenders, contract defenders, appointed lawyers and private practitioners. As previously noted, a survey by the California Public Defenders Association found a high level of compliance with the guidelines among institutional public defender offices. The Guidelines themselves lack any direct enforcement mechanism.¹⁰

As the State Bar Commission noted, workload standards vary significantly from state to state, and the 1973 national standards formulated by the National Advisory Commission on Criminal Standards and Goals¹¹ are of limited utility today. Because the organization of the courts and assignment of deputies varies substantially from county to county, it is not possible to devise numerical workload standards on a statewide basis. There is not even agreement, either in California or on a national basis, of how to define a “case” for purposes of caseload standards. But it might be possible to identify counties where the workloads are excessive, and broad numerical standards could help to identify those counties where excessive workload may be a problem, and calls for further investigation.

The Commission has pondered whether the functions of establishing statewide performance standards and monitoring the adequacy of defender services at the county level should be assigned to an agency with statewide jurisdiction. The composition and role of such an agency would have to be carefully defined after full input from the affected defender service providers. The Commission reviewed three alternatives which might be employed to achieve this goal in California. The alternatives are:

1 The Administrative Office of the Courts (AOC). The AOC already administers the court appointed counsel program for indigent appeals and funds the appellate projects which provide counsel, as well as the appointment, compensation and reimbursement for attorneys handling death penalty appeals and habeas claims. Minimum standards to qualify for appointment as counsel for indigent appeals and death penalty appeals and habeas claims have been established. In 2002, the California Judicial Council also set minimum standards for appointment to represent defendants at trial in death penalty cases. Individual defender offices and contractors could be required to report to the Administrative Office of the Courts, on an annual basis, the data necessary to confirm their compliance with minimum standards for the hiring of deputies, whether the caseloads assigned to them may be excessive, the adequacy of training, compliance with ethical standards, independence, quality control, investigative resources and compensation. The AOC could then certify that particular counties are meeting minimal standards. The AOC has accumulated broad experience in

10. The California Rules of Professional Conduct require a lawyer to act competently, and this includes the duty to supervise the work of subordinate attorneys. Rule 3-110, California Rules of Professional Conduct, and Discussion to Rule 3-110. In addition, Rule 1-120 provides “A member shall not knowingly assist in, solicit, or induce any violation of these rules or the State Bar Act.” Thus, public defenders may risk State Bar discipline if excessive caseloads are not addressed.

11. Standard 13.12 of the NAC Standards were: no more than 400 misdemeanors per attorney per year; or no more than 150 felonies per attorney per year; or no more than 200 juvenile cases per attorney per year. The associate attorney who was discharged in Shasta County was being assigned 3,600 misdemeanors per year.

weighting caseloads in order to assess court workloads. They would be uniquely equipped to measure defense caseloads in California and identify counties that fall outside the normal range.

The disadvantage of using the Administrative Office of the Courts, however, is a potential conflict of interest and violation of the constitutional separation of powers. The identification of a county as falling outside the normal range could give rise to claims of ineffective assistance of counsel that the courts would have to litigate. The intrusion of a judicial agency into the operation of defender offices could cross the line into executive and legislative functions.

2 The California State Bar (CSB).

The California State Bar Commission on the Delivery of Legal Services to the Indigent Accused promulgated voluntary guidelines for the delivery of indigent criminal defense services in 1990. In 2005, the Bar Board of Governors appointed a ten member working group to collect information and public comment on the 1990 Guidelines and submit a revised set of guidelines by December of 2005. *The Guidelines on Indigent Defense Services Delivery Systems* (2006) discuss standards of representation and quality of services, with suggested adaptations for each of the alternative delivery systems. While no effort was made to establish numerical caseload standards, and no means of enforcement was suggested, these tasks could be delegated to the California State Bar by the legislature. Through appropriate legislation, the State Bar could be designated as the repository of mandated reports from defender organizations and contract defenders throughout the state, empowered to establish minimum standards, and authorized to conduct investigations and certify counties that are in compliance.

One difficulty of utilizing the State Bar, of course, is that the State Bar is funded entirely by the dues paid by its member lawyers. It would be unfair to tax the bar to fund a function that is the ultimate responsibility of the State as a whole. Thus, any delegation of this task to the State Bar should be accompanied by state appropriation of funds to finance this activity.

3 Establishment of a new Indigent Defense Commission (IDC).

In recent years, a number of states have responded to the national crisis in underfunding of indigent defense services by the creation of agencies to establish statewide standards and oversight of defense services. In 2001, Texas enacted landmark legislation, known as the Texas Fair Defense Act. It provides for statewide standards and oversight of defense services through a new Texas Task Force on Indigent Defense, and provides partial state funding of defense services for the first time ever. Just as in California, Texas counties have the primary responsibility for funding and organizing indigent defense services. Counties can opt to use a court-appointed counsel, public defender or contract counsel system to provide indigent defense services, or they can use some combination of these models. Out of the state's 254 counties, however, only seven have a public defender office. The Texas Task Force on Indigent Defense provides state formula grants to counties, whose costs increased from the reforms put in place by the Texas Fair Defense Act. In addition, the Task Force develops minimum standards of quality indigent defense services; monitors and assists counties in meeting those standards; and works to bring

consistency, quality control and accountability to indigent defense practices in Texas.

(See www.courts.state.tx.us/tfid/.)

In 2004, Virginia enacted legislation creating the new Virginia Indigent Defense Commission, which began overseeing both assigned counsel and public defender programs throughout the state in July, 2005. Among its other duties, the Virginia IDC is charged with setting caseload limits and establishing and enforcing qualification and performance standards for indigent defense representation.

Statewide systems have also operated successfully for many years in Massachusetts and Indiana. In Massachusetts, a single, independent organization, known as the Committee for Public Counsel Services, oversees both public defenders and 2,000 private attorneys statewide, and has adopted training and performance standards as well as caseload limits. Indiana has a state commission, known as the Indiana Public Defender Commission, which is authorized by statute to reimburse counties 40% of their expenditures in felony and juvenile cases, provided the counties create an independent board to oversee defense services and comply with the commission's caseload, qualification, and other standards for representation. Currently, 53 of the state's 92 counties have adopted the commission's standards and established independent boards. (See *Gideon's Broken Promise: America's Continuing Quest for Equal Justice*, American Bar Assoc. 2004.)

The difficulty with assigning this task to a new independent agency is the costs of the creation of a new bureaucracy, and its tendency to grow. The ideal system would assign *both* the function of collecting data (preferably though statutorily

mandated reporting from defense contractors and public defenders) to establish performance standards, *and* the function of identifying counties which are in compliance, to the same entity. Conceivably, however, those functions could be separated. The Administrative Office of the Courts or the State Bar, for example, could be charged with collecting the data needed to propound statewide caseload and performance standards, and formulating those standards. The subsequent identification of noncompliance with those standards could then be delegated to a newly created IDC.

The Commission was unable to agree upon either the need for oversight or the identification of the appropriate oversight entity. Strong opposition was registered by public defenders who are concerned that the designation of an oversight agency could be counterproductive. Some public defenders have expressed concern that, rather than elevating the quality of indigent defense services in California, a process of identifying providers who are in compliance with minimum standards will create a race for the bottom. Counties that currently provide adequate funding for defense services could seek to cut funding to the level that meets minimal standards for compliance. In today's budget climate, this is a realistic cause for concern.

The Commission recommends that the California State Bar reconvene its Commission on the Delivery of Legal Services to the Indigent Accused to resolve the issues of how adequate funding of defense services in California can be achieved.

Recommendations: Funding Defense Services

1 The Commission recommends that legislation be enacted to provide that when Counties contract for indigent defense services in criminal cases, the contract shall provide separate funding for accessing technology and criminal justice databases to the extent those are provided by law, legal research tools, travel expenses, forensic laboratory fees and costs, data processing, modern exhibit capabilities, paralegals, investigators and expert witnesses with appropriate qualifications and experience. Full time defense counsel should be compensated at rates equivalent to comparable prosecutors.

2 The Commission recommends that the California State Bar reconvene its Commission on the Delivery of Legal Services to the Indigent Accused to make recommendations regarding the adequacy of funding for defense services which meet acceptable standards of competent representation.

Actions

The hearing and reports occasioned six articles from the press, lauding the Commission's findings.

Remedies

Those who have been released back into the community after successfully challenging their convictions face the same obstacles encountered by parolees. They should receive at least the same level of counseling and assistance in locating housing or jobs.

Data and Hearings

In preparation for a public hearing on the topic of Remedies for Wrongful Conviction, the Commission considered the following documents:

- Systemic Remedies—Chapter 1, *Achieving Justice: Freeing the Innocent; Convicting the Guilty*, Report of the American Bar Association Criminal Justice Section's Ad Hoc Innocence Committee to Ensure the Integrity of the Criminal Process, 2006.
- *An Act to Establish the North Carolina Innocence Inquiry Commission*, House Bill 1323, Session Law 2006-184, General Assembly of North Carolina, Session 2005.
- Fact Sheet: *Preservation of Evidence*, retrieved from Innocence Project website on July 25, 2007.
- California Penal Code §1417-1417.9
- Fact Sheet: *Access to Post-Conviction DNA Testing*, retrieved from Innocence Project website on July 25, 2007.
- California Penal Code §1404-1405
- Chamberlain, Michael. *Access to DOJ Labs and DNA Data Bank Program*, Memorandum from Department of Justice, State of California, March 8, 2007.
- Compensation for the Wrongfully Convicted—Chapter 9, *Achieving Justice: Freeing the Innocent; Convicting the Guilty*, Report of the American Bar Association Criminal Justice Section's Ad Hoc Innocence Committee to Ensure the Integrity of the Criminal Process, 2006.
- Fact Sheet: *Compensating the Wrongly Convicted*, retrieved from Innocence Project website on July 25, 2007.

- California Penal Code §4900-4906
- *Pete Rose v. Harry Hudson*, 3rd D.C.A. July 24, 2007

At a public hearing on October 17, 2007 in the Kennedy Commons at Santa Clara University in Santa Clara, the Commission heard from Prof. Myrna Raeder, Southwestern University School of Law, Los Angeles, American Bar Association Criminal Justice Section Ad Hoc Innocence Committee; Prof. Justin Brooks, California Western School of Law, San Diego, Executive Director, California Innocence Project; Linda C. Starr, Santa Clara University School of Law, Santa Clara, Legal Director, Northern California Innocence Project; Prof. Cookie Ridolfi, Santa Clara University School of Law, Executive Director, Northern California Innocence Project; Michael Chamberlain, Deputy Attorney General, Department of Justice, California; Mark Windham, Head Deputy, Los Angeles County Public Defender's Office, Representative of California Public Defenders' Association; Jon Eldan, Attorney at Law, Coblenz Hatch Duffy and Bass LLP; Richard Schoenberger, Attorney for Exoneree Rick Walker; Rick Walker, Exoneree; Mark Merin, Attorney for Exoneree Pete Rose; Herman Atkins, Exoneree; Jeff Rawitz, Partner at Jones Day and Attorney for Exoneree Dwayne McKinney. The Commission also received written submissions from Karen McGagin, Director, California Victim Compensation and Government Claims Board; and Stephen Saloom, Policy Director, Innocence Project at Benjamin N. Cardozo School of Law, Yeshiva University.

The Report and Recommendations Regarding False Confessions were issued on February 22, 2008, as follows:

Report

This Report will address some of the obstacles faced by persons who have established their innocence after conviction of a crime, in gaining access to post conviction relief, achieving reintegration into society, and gaining compensation for their wrongful incarceration. It will also address the access and reintegration problems encountered by those released after reversal or vacation of their convictions without a finding of innocence. Access to post conviction relief and reintegration into society should be a goal for all those whose convictions are subject to legal challenge. They often have distinct problems re-entering society, and have difficulty achieving legal redress due to a variety of substantive and technical obstacles in the law. Compensation, however, should be limited to those who have been found innocent of the crime or crimes for which they were convicted and imprisoned, not because of procedural errors in their trials. They have been deprived of their liberty based upon a failure in the criminal justice system.

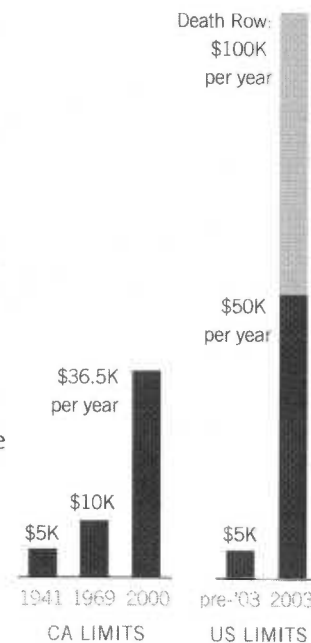
It should be the policy of the State of California to redress the injury inflicted upon the innocent as quickly as possible, to restore them to full participation in the life of the community, and to provide all of the services needed for the difficult transition from wrongful imprisonment to restoration of all the rights and liberties to which they are otherwise entitled.

The Commission conducted a public hearing addressing these issues at Santa Clara University on October 17, 2007. The Commission heard testimony from innocent persons who were erroneously convicted and the lawyers who have represented them that was remarkably consistent: they face many difficult obstacles to full restoration of their rights and liberties, and the compensation they receive for their losses is frequently inadequate.

While organizations such as Life After Exoneration seek to assist, they rely upon volunteers and charitable contributions. Last year, Life After Exoneration attempted to serve over 70 exonerees throughout the nation with a budget of \$100,000 and a staff of two social workers. Many of their needs are unmet. (See www.exonerated.org.) Such assistance should not be dependent upon charitable contributions. It is an obligation of the State, which bears responsibility for the wrongful deprivation of an innocent person's liberty, to provide assistance in the adequate restoration of that innocent life which was disrupted.

COMPENSATION FOR THE INNOCENT

California has a statutory scheme for compensating claimants who can establish that the crime of which they were convicted was not committed or was not committed by them, that they did not contribute to the bringing about of their arrest or conviction, and that they sustained pecuniary injury. The statute was first enacted in 1941, with a compensation limit of \$5,000. In 1969, the maximum limit was raised to \$10,000. In 2000, the statute was amended to provide that if compensation is awarded, it is limited to \$100 per day of wrongful incarceration, or a maximum of \$36,500 per year of incarceration. The award must be subsequently approved by the legislature. The comparable federal statutory provisions for



compensating innocent persons capped recovery at \$5,000 until the 2003 enactment of the Innocence Protection Act, which increased the limit to \$50,000 for each year of prison confinement, and \$100,000 for each year on death row. 28 U.S.C. §2513.

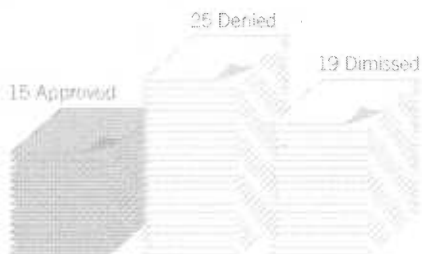
Since 1984, the California Victim Compensation & Government Claims Board has approved 15 claims from persons who established their innocence of the crimes of which they were convicted.¹ During the same period, the Board denied 25 claims, and dismissed another 19 because they were untimely, incomplete, or the claimant had not been released from prison. California Penal Code Sections 4900–4906; Letter to Commission from Karen McGagin, Executive Officer, California Victim Compensation & Government Claims Board. (See www.vcgcb.ca.gov.)

California Penal Code §4901 currently requires that a claim for compensation for wrongful imprisonment of an innocent person must be

presented within a period of six months after judgment of acquittal or discharge given, or after pardon granted, or after release from prison. The Commission recommends that the time limit for presentation of such claims be extended to two years. The difficult adjustment required after release from wrongful incarceration frequently renders the current deadline unreasonable. These claims should not be precluded by a delay of less than two years.

The Commission also recommends that a court granting judicial relief upon a claim of innocence be required to notify the petitioner of the availability of compensation pursuant to California Penal Code Section 4900, and the time limits for the filing of such claims.

California Penal Code §4904 requires a claimant for victim compensation to establish that the claimant did not, by any act or omission either intentionally or negligently, contribute to the bringing about of his or her arrest or conviction. The Commission is concerned lest this requirement be utilized to exclude innocent persons who were victims of false confessions or improperly induced guilty pleas from compensation for their wrongful convictions. The exception should not include those who were victims of false confessions or improperly induced guilty pleas. It should be limited to those who intentionally subverted the judicial process.



CALIFORNIA CLAIMS

Exonerates	Claim Approved	Awarded	Years Served
David Jones	March 15, 2007	\$74,600	9
John Stoll	May 18, 2007	\$704,400	19
Kenneth Marsh	Jan. 19, 2006	\$756,900	21
Pete Rose	Oct. 20, 2005	\$328,200	9 months
Kevin Baruxes	June 25, 2004	\$258,700	7.5
Quedellis Walker	Sept. 19, 2003	\$421,000	12
David Quindt	Feb. 28, 2003	\$17,000	14 months
Leonard McSherry	August 23, 2002	\$481,200	13
Frederick Daye	March 22, 2002	\$389,000	10

APPROVED CLAIMS DURING THE PAST 5 YEARS

1. See chart. All of these claims were subsequently approved by the legislature with the exception of David Jones. His claim was included in S.B. 242 (Torlakson)(2007) as an appropriations measure. The bill failed on the Senate

floor when an Urgency clause was defeated. It may be eligible for reconsideration in its second year, however.

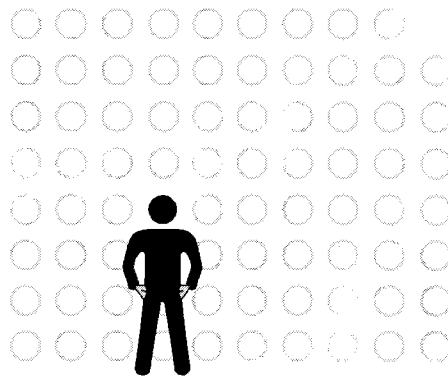
The current limitation of compensation to innocent persons who were wrongfully convicted to one hundred dollars per day of incarceration, or a maximum of \$36,500 per year, should be increased. The Commission recommends that the level of statutory compensation be increased, at least to the level of comparable federal compensation (\$50,000 per year maximum). There should also be an adjustment to increase the award to reflect the annual rate of inflation subsequent to enactment of this level of compensation.

PROVIDING POST-RELEASE ASSISTANCE

It is currently the declared policy of California to provide educational, vocational, family and personal counseling necessary to assist parolees in the transition between imprisonment and discharge. California Penal Code §3074. SB 618, enacted in 2005, added Section 1203.8 to the Penal Code, to authorize Counties to develop a multiagency plan to prepare and enhance nonviolent felony offenders' successful reentry into the community. Ironically, even the limited resources made available to convicted felons who have served their sentences and are released from prison are not available to those whose convictions have been set aside. Parolees are released to the community in which they were arrested or convicted; services such as counseling and assistance in locating housing or jobs are limited to those who remain under parole supervision.

But those who are being released because their conviction is set aside, including those who have been found innocent, receive none of these services.

Those who have been released back into the community after successfully challenging their convictions, whether innocent or not, face the same obstacles encountered by parolees, and more. Many are afflicted with post-traumatic stress disorder, or other psychological damage resulting from their wrongful incarceration over a long period of time. Of the States with compensation laws, only three – Massachusetts, Louisiana and Vermont – provide for the costs of medical and psychological care.



79 EXONEREES RECEIVED NO COMPENSATION
More than 50% who did receive compensation waited
2+ years for first payment.

The *New York Times* recently gathered information on 137 of the 206 imprisoned individuals who have been found innocent by DNA testing from 1989 through 2007. The reporters also researched the compensation claims of all 206. They found that at least 79 of these persons (40%) received no compensation at all. More than half of those who did receive compensation waited two years or longer after exoneration for the first payment. Few received any government services after their release. They typically left prison with less help – prerelease counseling, job training, substance-abuse treatment, housing assistance and other services – than some states offer to paroled prisoners. Most found that authorities were slow to wipe the convictions from their records, if they

did so at all. Even those who were well educated and fully employed at the time of their wrongful conviction had difficulty finding work after their release. (Roberts & Stanton, *A Long Road Back After Exoneration*, and *Justice is Slow to Make Amends*, New York Times, Nov. 25, 2007; Santos & Roberts, *Putting a Price on a Wrongful Conviction*, New York Times, Dec. 2, 2007.)

The Commission recommends that services to assist with reintegration into society be available to all those released from prison after their judgment of conviction has been reversed, vacated or set aside. This would include assistance in locating housing, a cash allowance, clothing, and employment counseling.

CLAIMS BARRED BY STATUTE OF LIMITATIONS

Many of the exonerated have a valid cause of action for the wrongful acts or omissions of the lawyers who previously represented them which resulted in their erroneous conviction. If they delay filing a cause of action until they achieve exoneration, their claim will in most cases be barred by the Statute of Limitations. Yet proving their exoneration is an element they must establish to recover damages. It is a classic "Catch-22" created by California Civil Procedure Code §340.6(a), which provides:

An action against an attorney for a wrongful act or omission, other than for actual fraud, arising in the performance of professional services shall be commenced within one year after the plaintiff discovers, or through the use of reasonable diligence should have discovered, the facts constituting the wrongful act or omission, or four years from the date of the wrongful act or omission, whichever occurs first.

California Civil Procedure Code §352.1(a) provides:

If a person entitled to bring an action... is, at the time the cause of action accrued, imprisoned on a criminal charge, or in execution under the sentence

of a criminal court for a term less than for life, the time of that disability is not a part of the time limited for the commencement of the action, not to exceed two years.

Normally, the facts constituting the wrongful act or omission (such as a failure to investigate or call available witnesses) will be known to the defendant at the time of his conviction. Even with the two year tolling, his cause of action would have to be filed within three years.

In *Coscia v. McKenna & Cuneo*, 25 Cal.4th 1194 (2001), the California Supreme Court held that a person alleging he was convicted through the wrongful acts or omissions of his lawyer must obtain post conviction relief in the form of a final judicial disposition of the underlying case, such as acquittal after retrial, reversal on appeal with directions to dismiss the charges, reversal followed by the People's refusal to continue the prosecution, or a grant of habeas corpus relief, as a prerequisite to proving actual innocence in a malpractice action against his former criminal defense counsel. This requires an erroneously convicted innocent person to file a malpractice claim within the period of the statute of limitations, even though he will not be able to pursue the claim until he achieves exoneration, perhaps many years later. It is unrealistic to expect a prisoner to file a lawsuit against his attorney before his efforts for post-conviction relief have succeeded. In many cases, post-conviction relief comes many years after conviction. If such a lawsuit were filed, it would have to be held in abeyance anyway, until post-conviction remedies have been exhausted.

The recent case of *Rose v. Hudson*, 153 Cal.App.4th 641 (2007) provides a good example. Pete Rose was convicted of the kidnap and rape of a 13 year

old girl in November, 1995. His conviction was vacated in October, 2004 upon his exoneration.² He filed a complaint against his defense attorney, alleging that the attorney's negligence contributed to his wrongful conviction. His complaint was dismissed because it was not filed within the statute of limitations, even though the Court conceded that he could not have recovered on his claim until his conviction had been vacated. Thus, the only way one who maintains his innocence can obtain relief on a claim of attorney malpractice is to file the claim prior to achieving exoneration, and ask the court to stay the suit pending resolution of his post-conviction remedies.

The Commission recommends that the California Code of Civil Procedure be amended to provide that a two year Statute of Limitations for professional malpractice claims shall commence upon the granting of post conviction relief in the form of a final judicial disposition of the underlying case.

ACCESS TO POST-CONVICTION RELIEF

The Commission also examined some of the obstacles which innocent persons may face in obtaining access to testing and a judicial hearing that could lead to exoneration. California Penal Code Section 1405 permits a prisoner to petition for performance of DNA analysis that might exonerate him, and upon the filing of a proper motion, an attorney will be appointed to assist him. Many prisoners seek the assistance of the Innocence Projects at Santa Clara University School of Law and California Western School of Law to evaluate their claims and file the necessary petition to make an adequate showing. More than 173,000 inmates are incarcerated in California prisons. California Western Law School and Santa Clara University have been working collaboratively over the past seven years to assist indigent California inmates raising innocence claims. Santa Clara's Northern

California Innocence Project (NCIP) represents inmates convicted in Northern California courts and California Western's California Innocence Project (CIP) represents inmates convicted in Southern California courts. The Projects operate with significant assistance from law students and their sponsoring educational institutions.

Both projects are active founding members of the Innocence Network, an association of innocence projects working nationally to address problems of wrongful conviction.

In 2001, California mandated that all costs associated with representing inmates pursuant to Penal Code section 1405 to investigate and, if appropriate, file motions for DNA testing of biological evidence where such testing could prove innocence, be borne by the State. In that same year, California allocated \$1.6 million dollars over two years to provide counsel to assist inmates with innocence claims. For 2002 and 2003, the NCIP and CIP received state funding. That funding was discontinued as a result of state budget cuts in 2003.

If the innocence projects are forced to shut down or seriously cut back the work they do, California will be faced with adding to the burden of state offices which would be left to handle these cases without the particularized experience representing innocence claims post-conviction, and the resource of volunteer law students.

To date, the Innocence Projects have succeeded in helping to exonerate 11 people, two based on DNA evidence and nine on other grounds. Each exoneration has saved the state the cost of housing an innocent person and has returned the exonerees to their families and communities. Moreover, as in the case of Kevin Green, whose exoneration in

2. As noted in fn. 1, *supra*, Rose established his innocence and was awarded compensation by the California Victim Compensation & Government Claims Board in 2005.

Orange County led to the conviction of the real murderer and rapist, the work of innocence projects also advances the interest of public safety.

With hundreds of law students assisting, and the support of Santa Clara University and California Western School of Law, the Projects are screening on average 3,200 claims each year. While most innocence claims come from guilty prisoners, every claim must be reviewed and evaluated in order to identify those prisoners who do have legitimate innocence claims.

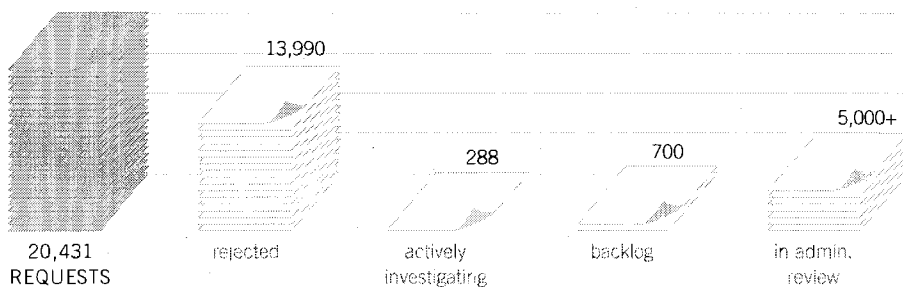
Over the past seven years, the Projects have processed and reviewed 20,431 requests for assistance. Of those, 13,990 have been rejected and 288 are being actively investigated. There is a current backlog of 700 cases, which cannot be thoroughly reviewed because of the limited resources of the Projects. The remaining cases are in various stages of administrative review. It is remarkable – a testament to the efficiency and effectiveness of the Projects – that the backlog is only 700 cases. However, that backlog is ever increasing and will only worsen at the current level of Project funding.

Other states provide state funding for the work of projects similar to the California Innocence Projects. The State of Connecticut, with a prison

population that is 8.5 times *smaller* than California's, funds their Public Defender's Office with more than \$500,000 per year to pay for four full-time Innocence Project positions. The new positions have no termination date and are expected to continue. The Commission recommends that State funding for the Northern California Innocence Project and the California Innocence Project be restored.

DISCOVERY OF INFORMATION AND ACCESS TO DNA DATABASES TO ESTABLISH INNOCENCE CLAIMS

The Commission is continuing its assessment and analysis of problems encountered by the Innocence Projects and defense counsel in gaining access to information and evidence from District Attorney's Offices regarding claims of innocence which they are investigating; gaining access to DNA databases to seek matches to DNA material that may assist in establishing a claim of innocence; and gaining discovery to support pending *habeas corpus* claims on behalf of those seeking exoneration on a claim of innocence. The Commission did not have enough time to fully consider this issue.



INNOCENCE PROJECTS HAVE LIMITED RESOURCES FOR CURRENT VOLUME OF REQUESTS FOR ASSISTANCE.

Recommendations

1 The California Commission on the Fair Administration of Justice recommends that services to assist with reintegration into society be available to all those released from custody. This would include assistance in locating housing, a cash allowance, clothing, and employment counseling.

2 California Penal Code §4901 currently requires that a claim for compensation for wrongful imprisonment of an innocent person must be presented within a period of six months after judgment of acquittal or discharge given, or after pardon granted, or after release from prison. The California Commission on the Fair Administration of Justice recommends that the time limit for presentation of such claims be extended to two years. While exonerees may wish to file these claims as quickly as possible, their claims should not be precluded by a delay of less than two years.

3 The California Commission on the Fair Administration of Justice recommends that a court granting judicial relief upon a claim of innocence be required to notify the petitioner of the availability of compensation pursuant to California Penal Code Section 4900, and the time limits for the filing of such claims.

4 California Penal Code §4904 requires a claimant for victim compensation to establish that the claimant did not, by any act or omission either intentionally or negligently, contribute to the bringing about of his or her arrest or conviction. This requirement should not be utilized to exclude innocent persons who were victims of false confessions or improperly induced guilty pleas from compensation for their wrongful convictions. The Commission recommends that this requirement be limited to a showing that the claimant did not intentionally subvert the judicial process.

5 California Penal Code §4904 currently limits compensation to innocent persons who were wrongfully convicted to one hundred dollars per day of incarceration, or a maximum of \$36,500 per year. The California Commission on the Fair Administration of Justice recommends that the level of statutory compensation be substantially increased, at least to the level available under the federal system of compensation. There should also be an adjustment to increase the award to reflect the annual rate of inflation subsequent to enactment of this level of compensation.

6 Currently, innocent persons who are released from prison are required to file a separate legal action for expungement of their conviction before they are fully restored to all the rights of citizenship and relieved of the disabilities imposed by a prior conviction. The California Commission on the Fair Administration of Justice recommends the enactment of legislation to provide for automatic expungement of the record of conviction whenever a final judgment of conviction is set aside or vacated and the Court makes a finding of the actual innocence of the defendant.

7 The California Commission on the Fair Administration of Justice recommends that the California Code of Civil Procedure be amended to provide that a two year Statute of Limitations for professional malpractice claims shall commence upon the granting of post conviction relief in the form of a final judicial disposition of the underlying case.

8 The California Commission on the Fair Administration of Justice recommends that State funding for the Northern California Innocence Project and the California Innocence Project be restored.

Actions

The hearing and reports occasioned one article from the press, lauding the Commission's findings.

In 2008, Assemblyman Solorio (D-Anaheim) introduced AB2937, to provide post-release services for the wrongfully convicted and to extend the Statute of Limitations on bringing lawsuits against counsel. The bill has passed the Assembly and will now be considered by the Senate.

Death Penalty

California's death penalty is dysfunctional. The system is plagued with excessive delay in the appointments of counsel for appeals and habeas corpus petitions, and a severe backlog in the review of appeals and habeas petitions before the California Supreme Court.

Data and Hearings

In preparation for three public hearings on the topic of the Fair Administration of the Death Penalty in California, the Commission considered the following documents:

- *Supreme Court Proposes Amendments To Constitution in Death Penalty Appeals*, News Release #76, Judicial Council of California, November 19, 2007.
 - Alarcon, Judge Arthur L. *Remedies for California's Death Row Deadlock*, 80 So. Cal. Law Rev 697 (2007).
 - Liebman and Marshall. *Less is Better: Justice Stevens and the Narrowed Death Penalty*, 74 Fordham L. Rev. 1607 (2005-2006).
 - Pierce and Radelet. *The Impact of Legally Inappropriate Factors on Death Sentencing For California Homicides*, 1990-99, 46 Santa Clara L. Rev 2005.
 - Shatz, Steven F. *The Eighth Amendment, The Death Penalty, and Ordinary Robbery-Burglary Murderers: A California Case Study*, 59 Florida Law Rev. 4 (September 2007).
 - Kreitzberg, Ellen. *The Death Penalty: A Review of Special Circumstances in California Death Penalty Cases*, Original Research for the Commission.
 - Caldwell, Chase, and Goodman. *The Exercise of Discretion to Prosecute a Homicide Case as a Death Penalty Case*, Original Research for the Commission.
 - Latzer and Cauthen. *Justice Delayed? Time Consumption in Capital Appeals: a Multi-State Study*, John Jay College of Criminal Justice (2004).
 - Gross and O'Brien. *Frequency and Predictors of False Conviction: Why We Know So Little, and New Data on Capital Cases*, Working Paper #93, University of Michigan Law School (October 2007).
 - *ABA Study: State Death Penalty Systems Deeply Flawed*, News Release from the American Bar Association, October 29, 2007.
 - *Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases*, American Bar Association, February 2003.
 - Dewan and Goodman. *Capital Cases Stalling as Costs Grow Daunting*, The New York Times, November 4, 2007.
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 - California Rules of Court, Rule 4.117 Appointment of Trial Counsel in Capital Cases.
 - Sullivan, Thomas. *Efforts to Improve the Illinois Capital Punishment System: Worth the Cost?*, 41 U. Richmond L. Rev. 935 (May 2007).
 - Letter to the Commission from R. Clayton Seaman, Jr., Chair, Capital Case Committee, California Appellate Defense Counsel, Nov. 30, 2007.
 - Letter to the Commission from Natasha Minsker, Death Penalty Policy Director, ACLU of Northern California, July 10, 2007.
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The Commission held three public hearings. At its first hearing on January 10, 2008 in Room 4203 of the State Capitol Building in Sacramento, the Commission heard from Hon. Ronald George, Chief Justice of California; Hon. Arthur L. Alarcon, Senior Circuit Judge, U.S. Court of Appeals for the Ninth Circuit; Hon. Gerald Kogan, former Chief Justice, Supreme Court of the State of Florida; former Chief Prosecutor, Homicide and Capital Crimes Division, Dade County, Florida; Co-Chair, Death Penalty Initiative, The Constitution Project; Lawrence C. Marshall, Professor of Law, Stanford Law School; Co-Founder, Center for Wrongful Convictions, Northwestern University; Steven Shatz, Professor of Law, University of San Francisco School of Law; Michael Radelet, Professor and Chair, Dept. of Sociology, University of Colorado; Ellen Kreitzberg, Professor of Law, Santa Clara University School of Law; Director, Death Penalty College.

At its second hearing on February 20, 2008 in the Los Angeles County Board of Supervisors Hearing Room 381-B in the Kenneth Hahn Hall of Administration in Los Angeles, the Commission heard from Professors Carol Chase and Chris Goodman, Pepperdine School of Law; Susan Everingham, Rand Corporation; John Phillipsborn, California Attorneys for Criminal Justice and Mexican Capital Legal Assistance Program; John Poyner, District Attorney, Colusa County, President, California District Attorneys' Association; Mike Ramos, District Attorney, San Bernardino County; Dane Gillette, Chief Assistant Attorney General, California Attorney General's Office; Greg Fisher, Deputy Public Defender, Special Circumstances Case Coordinator, Los Angeles County Public Defender's Office; Michael Laurence, Director, California Habeas Corpus

Resource Center; Michael Hersek, California State Public Defender; Michael Millman, Director, California Appellate Project, San Francisco; Barry Melton, Public Defender, Yolo County, California Public Defenders Association; Prof. Elisabeth Semel, Director of Death Penalty Clinic, Boalt Hall School of Law; Clay Seaman, California Appellate Defense Counsel; Cliff Gardner, Attorney at Law.

At its third hearing on Friday, March 28, 2008 in the California Mission Room at Santa Clara University, the Commission heard from Professors Linda E. Carter and Mary Beth Moylan, McGeorge School of Law; Craig Haney and Lois Heaney, National Jury Project; Kent Scheidegger, Criminal Justice Legal Foundation; Natasha Minsker, ACLU of Northern California; Judy Kerr, California Crime Victims for Alternatives to the Death Penalty; James S. Thomson, Attorney at Law; Bill Babbitt, Murder Victims' Families for Human Rights; Darrel Myers, Murder Victim Families for Reconciliation.

The Report and Recommendations on the Administration of the Death Penalty in California were issued on June 30, 2008, as follows:

Introduction: Charge and Nature of Inquiry

The California Commission on the Fair Administration of Justice was established in 2004 by California State Senate Resolution No. 44 to carry out the following charges:

1 To study and review the administration of criminal justice in California to determine the extent to which that process has failed in the past, resulting in wrongful executions or the wrongful conviction of innocent persons;

2 To examine ways of providing safeguards and making improvements in the way the criminal justice system functions;

3 To make any recommendations and proposals designed to further ensure that the application and administration of criminal justice in California is just, fair, and accurate.

In carrying out these charges, the Commission has undertaken a thorough review and analysis of the administration of the death penalty in California. This is the first time since the California death penalty law was legislatively enacted in 1977 that any official body has undertaken a comprehensive review of its operation. The Commission funded a feasibility study by the Rand Corporation, and independent research by professors at California law schools, to examine particular aspects of death penalty administration in California.¹ A recent analysis of California's death row deadlock by Senior Judge Arthur Alarcon of the United States Court of Appeals for the Ninth Circuit was especially helpful to the Commission.² The Commissioners also considered the research and recommendations of numerous other academics and organizations who have studied the operation of California's death penalty law, as well as the laws of other states.

The Commission convened three public hearings, in Sacramento, Los Angeles and Santa Clara, and heard the views of 72 witnesses. The witnesses described a system that is close to collapse. The elapsed time between judgment and execution in California exceeds that of every other death penalty state.³ California now has the largest death row in the nation, with 670 awaiting execution.⁴

The initial witnesses before the Commission offered thoughtful proposals to address the problems of justice, fairness and accuracy in the administration of California's death penalty law. Based upon their presentations, subsequent witnesses were asked to respond to eleven "focus questions" compiled by the Commission.⁵

Commissioners heard the testimony of judges, prosecutors, and defense lawyers actively engaged in the administration and operation of California's death penalty law, as well as academics, victims of crime, concerned citizens and representatives of advocacy organizations. A total of 66 written submissions addressing these questions were also received.

The Commission does not view its charge in Senate Resolution No. 44 as calling for a judgment on the morality of the death penalty.

The Commissioners hold a broad spectrum of divergent views on the death penalty, some of which are reflected in individual statements attached to this report.

After careful study, the Commission finds itself in full agreement with California Chief Justice Ronald M. George in his conclusion that California's death penalty system is dysfunctional.⁶

The system is plagued with excessive delay in the appointments of counsel for direct appeals and habeas corpus petitions, and a severe backlog in

1. Professors Harry Caldwell, Carol Chase and Chris Chambers of Pepperdine University School of Law conducted research to identify the processes by which California District Attorneys decide to proceed with a homicide prosecution as a death penalty case; Professor Ellen Kreitzberg of Santa Clara University School of Law conducted research to identify which special circumstances were utilized in all cases resulting in a death judgment in California since 1977; and Professors Linda E. Carter and Mary Beth Moylan of the University of the Pacific, McGeorge School of Law conducted research regarding the use of commutation in California death penalty cases. The results of this research are available on the Commission's website, www.ccfaj.org, and will be summarized in this Report.

2. Arthur L. Alarcon, *Remedies for California's Death Row Deadlock*, 80 U.S.C.L. Rev. 697 (2007).

3. Latzer & Cauthern, *Justice Delayed? Time Consumption in Capital Appeals: A Multistate Study* (John Jay College of Criminal Justice, 2006).

4. The Death Penalty Information Center tracks the population of each State's death row based upon information from official prison sources. As of February, 2008, there were a total of 3,263 men and women on the nation's death rows.

5. The "focus questions" are attached to this report as Appendix I.

6. Testimony of California Chief Justice Ronald M. George, January 10, 2008.

the review of appeals and habeas petitions before the California Supreme Court. Ineffective assistance of counsel and other claims of constitutional violations are succeeding in federal courts at a very high rate. Thus far, federal courts have rendered final judgment in 54 habeas corpus challenges to California death penalty judgments. Relief in the form of a new guilt trial or a new penalty hearing was granted in 38 of the cases, or 70%.⁷

The Chief Justice told the Commission that if nothing is done, the backlogs in post conviction proceedings will continue to grow “until the system falls of its own weight.” While some opponents of the death penalty might welcome such a prospect, the members of this Commission believe that doing nothing would be the worst possible course. The failures in the administration of California’s death penalty law create cynicism and disrespect for the rule of law, increase the duration and costs of confining death row inmates, weaken any possible deterrent benefits of capital punishment,⁸ increase the emotional trauma experienced by murder victims’ families, and delay the resolution of meritorious capital appeals.

The Commission heard moving testimony from the parents and other relatives of murder victims who await the execution of the perpetrator. Some described the anger and frustration they experience over continuing delays in the administration of the death penalty. Several have waited twenty-five or thirty years for the execution of the perpetrator of a vicious murder of a son or a daughter. Many

others expressed opposition to the death penalty, arguing that they will receive no consolation from the execution of someone who murdered a family member. Both views received the respectful consideration of the Commission.

Summary of Recommendations

This report is divided into three parts. In Part A, the Commission identifies flaws in California’s death penalty system that render it dysfunctional, and remedies we unanimously recommend to repair it. Repairing the system would enable California to achieve the national average of a twelve year delay between pronouncement of sentence and the completion of all judicial review of the sentence. In Part B, the Commission offers the Legislature, the Governor, and the voters of California information regarding alternatives available to California’s present death penalty law. The Commission makes no recommendation regarding these alternatives. In Part C, the Commission presents recommendations relating to miscellaneous aspects of the administration of California’s death penalty law. We were not able to reach unanimous agreement upon all of these recommendations, and dissents are noted where applicable. Commissioner Jerry Brown, Attorney General of California, agrees in principle with some of the Commission’s recommendations as set forth in his separate statement. Commissioner William Bratton, Chief of Police for the City of Los Angeles, abstains from the specific recommendations in this Report, and will issue a separate explanatory statement.

7. See Appendix II, *infra*. If a case is remanded for a new trial or a new penalty hearing, the defendant is removed from death row. The case is returned to the State courts to start over. At that point, there may be a disposition by a plea admitting to lesser criminal culpability or accepting a sentence of life without the possibility of parole (LAOP), a dismissal of charges or the death sentence, or a new guilt trial or penalty hearing before another jury. If it results in another death sentence, the process of direct appeal and habeas corpus petitions begins anew.

8. Whether the death penalty has a deterrent effect is a hotly contested issue. Compare Dr. Paul Rubin, Testimony Before the Subcommittee on the Constitution, Civil Rights, and Property Rights of the Committee on the Judiciary, U.S. Senate, Feb. 1, 2006, with Donohue & Wolfers, *Uses and Abuses of Empirical Evidence in the Death Penalty Debate*, 58 *Stan. L. Rev.* 791 (2005), and see Shepard, *Murders of Passion, Execution Delays, and the Deterrence of Capital Punishment*, 33 *J. Legal Studies* 283 (2004). If there is a deterrent value, however, it is certainly dissipated by long intervals between judgment of death and its execution.

PART A: WHY THE SYSTEM IS BROKEN, AND WHAT IT WILL TAKE TO FIX IT

In 1978, the people of the State of California expressed their support for the death penalty and, accordingly, the death penalty is the law of this State. However, it is the law in name only, and not in reality.

We currently have a dysfunctional system. The lapse of time from sentence of death to execution averages over two decades in California. Just to keep cases moving at this snail's pace, we spend large amounts of taxpayers' money each year: by conservative estimates, well over one hundred million dollars annually.

The families of murder victims are cruelly deluded into believing that justice will be delivered with finality during their lifetimes.

Those condemned to death in violation of law must wait years until the courts determine they are entitled to a new trial or penalty hearing. The strain placed by these cases on our justice system, in terms of the time and attention taken away from other business that the courts must conduct for our citizens, is heavy. To reduce the average lapse of time from sentence to execution by half, to the national average of 12 years, we will have to spend nearly twice what we are spending now. The time has come to address death penalty reform in a frank and honest way. To function effectively, the death penalty must be carried out with reasonable dispatch, but at the same time in a manner that assures fairness, accuracy and non-discrimination. The California Commission on the Fair

Administration of Justice unanimously recommends the following steps to achieve the goals of California's death penalty law:

1 The Commission recommends that the California Legislature immediately address the unavailability of qualified, competent attorneys to accept appointments to handle direct appeals and habeas corpus proceedings in California death penalty cases:

(a) The Commission recommends that the backlog of cases awaiting appointment of counsel to handle direct appeals in death penalty cases be eliminated by expanding the Office of the State Public Defender to an authorized strength of 78 lawyers. This will require a 33% increase in the OSPD Budget, to be phased in over a three year period.⁹

(b) The Commission recommends that the backlog of cases awaiting appointment of counsel to handle habeas corpus proceedings in death penalty cases be eliminated by expanding the California Habeas Corpus Resource Center to an authorized strength of 150 lawyers. This will require a 500% increase in the CHCRC Budget, to be phased in over a five year period.¹⁰

(c) The Commission recommends that the staffing of the Offices of the Attorney General which handle death penalty appeals and habeas corpus proceedings be increased as needed to respond to the increased staff of the Office of the State Public Defender and the California Habeas Corpus Resource Center.

(d) The Commission recommends that funds be made available to the California Supreme Court to ensure that all appointments of private counsel to represent death row inmates on direct appeals and habeas corpus proceedings comply with ABA Guidelines 4.1(A), and are fully com-

9. Commissioner Hersek abstains from this recommendation.

10. Commissioner Laurence abstains from this recommendation.

pensated at rates that are commensurate with the provision of high quality legal representation and reflect the extraordinary responsibilities in death penalty representation. Flat fee contracts should not be utilized unless an hourly alternative is available, and any potential conflicts of interest between the lawyer maximizing his or her return and spending for necessary investigation, and expert assistance and other expenses are eliminated.

2 The Commission recommends that funds be appropriated to fully reimburse counties for payments for defense services pursuant to California Penal Code Section 987.9.

3 The Commission recommends that the California Legislature reexamine the current limitations on reimbursement to counties for the expenses of homicide trials contained in Government Code Sections 15200–15204.

4 The Commission recommends that California counties provide adequate funding for the appointment and performance of trial counsel in death penalty cases in full compliance with ABA Guidelines 9.1(B)(1), 3.1(B), and 4.1(A)(2). Flat fee contracts that do not separately reimburse investigative and litigation expenses should not be permitted. Such contracts should not be utilized unless an hourly alternative exists. In all cases, attorneys must be fully compensated at rates that are commensurate with the provision of high quality legal representation and reflect the extraordinary responsibilities in death penalty representation.

PART B: AVAILABLE ALTERNATIVES

The remedies which the Commission has proposed in Part A will require the new investment of at least \$95 million dollars per year. We recognize

that we call for this investment in the face of a budget crisis of great magnitude for California. The Commission has examined two alternatives available to California to reduce the costs imposed by California's death penalty law. First, to reduce the number of death penalty cases in the system by narrowing the list of special circumstances that make one eligible for the death penalty, and second, to replace the death penalty with a maximum penalty of lifetime incarceration without the possibility of parole.

Using conservative rough projections, the Commission estimates the annual costs of the present system (\$137 million per year), the present system after implementation of the reforms recommended in Part A (\$232.7 million per year), a system in which significant narrowing of special circumstances has been implemented (\$130 million per year), and a system which imposes a maximum penalty of lifetime incarceration instead of the death penalty (\$11.5 million). There may be additional alternatives or variations which the Commission has not considered. While the Commission makes no recommendations regarding these alternatives, we believe they should be presented so the public debate over the future of the death penalty in California will be fully informed.

Whether to do nothing, to make the investments needed to fix the current system, to replace the current system with a narrower death penalty law, or to replace capital punishment with lifetime incarceration are ultimately choices that must be made by the California electorate, balancing the perceived advantages gained by each alternative against the potential costs and foreseeable consequences. We hope the balancing required can take place in a climate of civility and calm discourse. Public debate about the death penalty arouses deeply felt passions on both sides. The time has come for a rational consideration of all

alternatives based upon objective information and realistic assessments. As U.S. Supreme Court Justice John Paul Stevens observed in his recent concurrence in the judgment upholding execution by lethal injection:

*The time for a dispassionate, impartial comparison of the enormous costs that death penalty litigation imposes on society with the benefits that it produces has certainly arrived.*¹¹

PART C: ADMINISTRATIVE REFORMS

In the course of its work, the Commission examined many aspects of the administration of California's death penalty law, including the California Supreme Court backlog of undecided cases, racial and geographic disparities in employment of the death penalty, the unavailability of accurate information regarding the administration of the death penalty, the transparency of prosecutorial decision-making, and the implementation of the Governor's clemency power. We were not able to achieve unanimous agreement with respect to some of these issues, but a majority of the Commission concurs in all of the following recommendations:

1 The Commission recommends that upon the implementation of the Recommendations in Part A of this Report, serious consideration be given to a proposed constitutional amendment to permit the California Supreme Court to transfer fully briefed pending death penalty appeals from the Supreme Court to the Courts of Appeal. This amendment should not be adopted without the provision of

adequate staff and resources for the Courts of Appeal, and provisions for ongoing monitoring by the Supreme Court.¹²

2 The Commission recommends that upon the implementation of the Recommendations in Part A of this Report, changes to California statutes, rules and policies be seriously considered to encourage more factual hearings and findings in state habeas proceedings in death penalty cases, including a proposal to require petitions be filed in the Superior Court, with right of appeal to the Courts of Appeal and discretionary review by the California Supreme Court.

3 The Commission recommends the establishment of a California Death Penalty Review Panel, to be composed of judges, prosecutors, defense lawyers, law enforcement representatives and victim advocates appointed by the Governor and the Legislature. It should be the duty of this Panel to issue an annual report to the Legislature, the Governor and the courts, gauging the progress of the courts in reducing delays, analyzing the costs of and monitoring the implementation of the recommendations of this Commission, and examining ways of providing safeguards and making improvements in the way the California death penalty law functions.¹³

4 The Commission recommends that reporting requirements be imposed to systematically collect and make public cumulative data regarding all decisions by prosecutors in murder cases whether or not to charge special circumstances and/or seek the death penalty, as well as the disposition of such cases by dismissal, plea or verdict in

11. *Baze v. Rees*, No. 07-5439, U.S. Supreme Court (Stevens, J. concurring) (April 16, 2008). Justice Stevens took particular note of California's death penalty stalemate.

Some argue that these costs are the consequence of judicial insistence on unnecessarily elaborate and lengthy appellate procedures. To the contrary, they result "in large part from the States' failure to apply constitutionally sufficient procedures at the time of initial [conviction or] sentencing." *Knight v. Florida*, 528 U.S. 990, 998 (1999) (Breyer, J., dissenting from denial of certiorari). They may also result from a general reluctance by States to put large numbers of defendants to death, even after a sentence of death is imposed.

Cf. Tempest, *Death Row Often Means Long Life: California condemns many murderers, but few are ever executed*, L.A. Times, Mar. 6, 2006, p. B1 (noting that California death row inmates account for about 20% of the Nation's death row population, but that the State accounts for only 1% of the Nation's executions). In any event, they most certainly are not the fault of judges who do nothing more than ensure compliance with constitutional guarantees prior to imposing the irrevocable punishment of death.

12. Commissioners Bellas, Cottingham, Hill, Hing, Moulds, Ridolfi and Totten oppose this recommendation.

13. Commissioners Hill, Mayorkas and Totten oppose this recommendation.

the trial courts. The Legislature should impose a requirement upon courts, prosecutors and defense counsel to collect and report any data other than privileged material designated by the California Death Penalty Review Panel which may be necessary: (1) to determine whether demographics affect decisions to implement the death penalty, and if so, how; (2) to determine what impact decisions to seek the death penalty have upon the costs of trials and post-conviction review; and (3) to track the progress of potential and pending death penalty cases to predict the future impact upon the courts and correctional needs. The information should be reported to the California Department of Justice and the California Death Penalty Review Panel. The information reported should be fully accessible to the public and to researchers.¹⁴

5 The Commission recommends that each District Attorney Office in California formulate a written Office Policy describing when and how decisions to seek the death penalty are made, such as who participates in the decisions, and what criteria are applied. Such policies should also provide for input from the defense before the decision to seek the death penalty is made.

6 The Commission recommends that Article V, Section 8(a) of the California constitution be amended to read as follows:

Art. V, Section 8(a). Subject to application procedures provided by statute, the Governor, on conditions the Governor deems proper, may grant a reprieve, pardon, and commutation, after sentence, except in case of impeachment. The Governor shall report to the Legislature each

reprieve, pardon, and commutation granted or ~~denied, stating the pertinent facts and the reasons for granting it. The Governor may not grant a pardon or commutation to a person twice convicted of a felony except on recommendation of the Supreme Court, 4 judges concurring.~~

7 The Commission recommends that Penal Code Section 4813 be amended to make it discretionary rather than mandatory that requests for clemency by a twice convicted felon be referred to the Board of Prison Terms for a written recommendation.

Part A: Why the System Is Broken, and What It Will Take to Fix It

1. CALIFORNIA'S DEATH PENALTY LAW

The current California death penalty law was adopted by popular initiative in 1978, after the United States Supreme Court declared that providing guidance to fact-finders to narrow the exercise of their sentencing discretion was required by the Eighth Amendment prohibition of cruel and unusual punishment, incorporated by the due process clause of the Fourteenth Amendment to the United States Constitution.¹⁵

California law requires three separate findings before a sentence of death may be imposed. First, the fact-finder (normally a jury, unless the right to jury trial has been waived) must determine that the defendant is guilty of first-degree murder.¹⁶ Second, the fact-finder must determine that one or

14. Commissioners Boscovich, Cottingham, Dunbar, Hill, Mayorkas, Fox and Totten oppose this recommendation.

15. *Furman v. Georgia*, 408 U.S. 238 (1972); *Gregg v. Georgia*, 428 U.S. 153 (1976).

16. California Penal Code Section 189 defines first degree murder to include "all murder which is perpetrated by means of a destructive device or explosive, a weapon of mass destruction, knowing use of ammunition designed primarily to penetrate metal or armor, poison, lying in wait, torture, or by any other kind of willful, deliberate, and premeditated killing," murder committed in the perpetration of any of thirteen enumerated felonies [arson, rape,

carjacking, robbery, burglary, mayhem, kidnapping, train wrecking, torture, sodomy, lewd acts against a child, unlawful oral copulation, and unlawful sexual penetration], and murder perpetrated "by means of discharging a firearm from a motor vehicle, intentionally at another person outside of the vehicle with the intent to inflict death."

more of twenty-one separately enumerated "special circumstances" is true.¹⁷ Both of these findings require proof beyond a reasonable doubt during the initial "guilt phase" of the trial. If the defendant is convicted of first-degree murder and a special circumstance is found true, a "penalty phase" trial follows, at which the fact-finder considers evidence of "any matter relevant to aggravation, mitigation, and sentence."¹⁸ At the conclusion of the penalty phase, the jury is instructed as follows:

*Determine which penalty is appropriate and justified by considering all the evidence and the totality of any aggravating and mitigating circumstances. Even without mitigating circumstances, you may decide that the aggravating circumstances, are not substantial enough to warrant death. To return a judgment of death, each of you must be persuaded that the aggravating circumstances both outweigh the mitigating circumstances and are also so substantial in comparison to the mitigating circumstances that a sentence of death is appropriate and justified.*¹⁹

California's definition of special circumstances gives broad discretion to prosecutors to decide whether a homicide should be prosecuted as a death penalty case. A narrower death penalty law was initially enacted by the California Legislature in 1977; the enactment of the Briggs Initiative one year later more than doubled the number of special circumstances itemized under Penal Code Section 190.2, by adding five more "victim" circumstances, four more "felony murder" circumstances, and two more "motive" circumstances. In addition, the initiative removed the requirements in the pre-Briggs

statute that the state had to prove that a murderer possessed the intent to kill before he or she could be eligible for the death penalty, and that an accomplice was personally present and physically aided the death-causing acts before he could be eligible for the death penalty. Under the death penalty statute now in effect, 87% of California's first degree murders are "death eligible," and could be prosecuted as death cases.²⁰

In 1978, under the pre-Briggs statute enacted by the Legislature, only seven death sentences were handed down in California. The number tripled to 20 in 1979, then climbed to an average of 32 new death judgments per year during the twenty-one year period from 1980 to 2000. Since 2000, the number of new death judgments has declined to an average of 20 per year. The chart to the right shows the growth of California's death row from 1978 through 2007.

The death row population does not precisely correspond with the cumulative number of new death judgments rendered each year. This is because death sentences may be set aside by the courts, persons may die in prison without being executed, be re-sentenced to death, removed pending retrial, re-sentenced to a penalty less than death, or freed.

The Commission's researchers identified 822 sentences of death imposed in California from 1977 through 2007, upon 813 different defendants. (Nine defendants had sentences of death in more than one county). The difference between the 813 individuals sentenced to death and the 2007 population of California's death row (670) is attributable to deaths by natural causes (38),

17. California Penal Code Section 190.2 (a) defines twenty-two special circumstances. The special circumstance enumerated in Section 190.2(a)(14) (the murder was "especially heinous, atrocious or cruel") was declared unconstitutional by the California Supreme Court in *People v. Superior Court (Engert)*, 31 Cal.3d 797 (1982).

18. California Penal Code Section 190.3.

19. CAL. CRIM. Jury Instruction No. 766 (2008).

20. Steven F. Shatz and Nina Rivkind, *The California Death Penalty Scheme: Requiem for Furman?*, 72 N.Y.U. L. Rev. 1283, 1331 (December, 1997).

21. Many of the reversals occurred from 1979 through 1986, when the California Supreme Court reversed 59 of 64 judgments of death it reviewed. Since the removal of three Justices in the election of 1986 and their subsequent replacement, the affirmance rate of the California Supreme Court for death judgments has exceeded 90%. See Uelmen, *Review of Death Penalty Judgments By the Supreme Courts of California: A Tale of Two Courts*, 23 Loyola (L.A.) L. Rev. 237 (1989). In recent years, 32 California death judgments have been set aside by federal courts in habeas corpus proceedings. Of

suicides (14), executions (13), and death judgments which have been reversed by the courts and not reinstated on remand (98).²¹

The number of persons on California's death row is currently driven by factors over which we have no direct control. If the current average of 20 new death judgments per year is maintained, full implementation of the Commission's recommendations could begin to reduce the size. But the backlog is now so severe that California would have to execute five prisoners per month for the next twelve years just to carry out the sentences of those currently on death row.

2. EXCESSIVE DELAY IN CALIFORNIA

A defendant sentenced to death in California has a right to three stages of review of the conviction and sentence: an automatic appeal directly to the California Supreme Court; a petition for a writ of habeas corpus filed in the California Supreme Court; and a federal habeas corpus petition filed in the Federal District Court.²²

At each of these three stages, the defendant is entitled to the appointment of counsel if he or she is indigent. All of the 670 inmates on California's death row qualify as indigents, although counsel has been retained in one case (Scott Peterson). Review of the California Supreme Court's decision of the direct appeal and the state habeas corpus petition can be sought in the United States Supreme Court by petition for a writ of certiorari.

CALIFORNIA DEATH JUDGMENTS AND DEATH ROW POPULATION 1978–2007²³

Year	New Death Judgments	Death Row Population
1978	7	7
1979	20	25
1980	23	42
1981	39	80
1982	39	113
1983	35	143
1984	27	161
1985	16	159
1986	21	179
1987	25	203
1988	34	223
1989	33	247
1990	33	279
1991	26	305
1992	40	345
1993	34	374
1994	21	391
1995	38	426
1996	40	461
1997	40	493
1998	32	518
1999	42	558
2000	33	589
2001	25	610
2002	17	618
2003	22	639
2004	12	642
2005	22	654
2006	22	662
2007	20	670

the federal habeas petitions of California death row inmates decided by federal courts since 1978, some relief has been granted in 70% of the cases.

22. Habeas corpus petitions provide a vital means of determining whether constitutional standards have been met and a defendant received effective assistance of counsel at the guilt and penalty phases of the trial. An independent investigation is required, and it often uncovers mitigating evidence that was available but was not presented at trial. The leading ground for reversal of death verdicts in California in both state and federal habeas proceedings is a denial of the constitutional right to effective assistance of counsel.

23. California Dept. of Justice, Criminal Justice Statistics Center, *Homicide in California, 2005*, Table 35. 2006 and 2007 statistics courtesy of California Appellate Project.

A Federal District Court ruling on a federal habeas corpus petition can be appealed to the United States Court of Appeals for the Ninth Circuit, and review of that Court's decision can be sought in the United States Supreme Court. A defendant can also petition the Governor for clemency prior to his or her execution.

The United States Department of Justice has tracked the elapsed time from sentence to execution for all defendants who have been executed in the United States since 1978. The average lapse of time has grown steadily throughout the United States, from an average of 4.25 years during the period of 1977 to 1983, to an average of 12.25 years in 2005.²⁴ The average lapse of time between pronouncement of a judgment of death and execution in California is 17.2 years, but using an "average" number may be misleading since only thirteen have been executed.²⁵

While it is widely assumed that delays benefit those confined on death row by prolonging their lives, it should be noted that California inmates with meritorious claims are also denied prompt disposition of those claims. In cases where the judgment of guilt and/or the sentence were vacated between 1987 and 2005, the average delay was 11 years. California death row inmates whose convictions or sentences were vacated by a federal court waited an average of 16.75 years.²⁶

A recent study by Senior Judge Arthur Alarcon of the U.S. Court of Appeals for the Ninth Circuit identified the critical periods of delay that contribute to California exceeding the national average.²⁷

First is the delay in appointing counsel to handle the direct appeal. There are currently 79 defendants on death row who have not yet had counsel appointed to handle their direct appeal to the California Supreme Court. There is now a wait of 3 to 5 years before appellate counsel is appointed. Delay in appointing appellate counsel also delays certification of the accuracy of the record, since the accuracy of the record cannot be certified until appellate counsel is appointed.²⁸

Second is the delay in scheduling the case for a hearing before the California Supreme Court after all of the briefs have been submitted. The California Supreme Court now has a backlog of 80 fully briefed automatic appeals in death cases awaiting argument. The Court ordinarily hears 20-25 of these cases each year, so the wait for an oral argument now averages 2.25 years.

Third is the delay in appointing counsel for the state habeas corpus petition. There are now 291 inmates on California's death row who do not have counsel appointed to handle their habeas corpus petitions. Delays of 8-10 years after sentence in appointing habeas counsel mean that investigation and preparation of habeas petitions is usually delayed until after the direct appeal is decided. Prompt appointment of habeas counsel would permit the habeas petition to be prepared while the appellate briefing is being prepared, so it can be promptly filed shortly after the direct appeal is decided, if the death sentence is affirmed.

Fourth is the delay in deciding state habeas corpus petitions. The California Supreme Court currently has 100 fully briefed habeas corpus petitions

24. U.S. Bureau of Justice Statistics, 2006:11, table 11.

25. Two of the California executions have been of "volunteers," who withdrew their appeals and habeas petitions and requested execution.

26. Alarcon, *Remedies for California's Death Row Deadlock*, *supra* n 2.

27. *Id.*

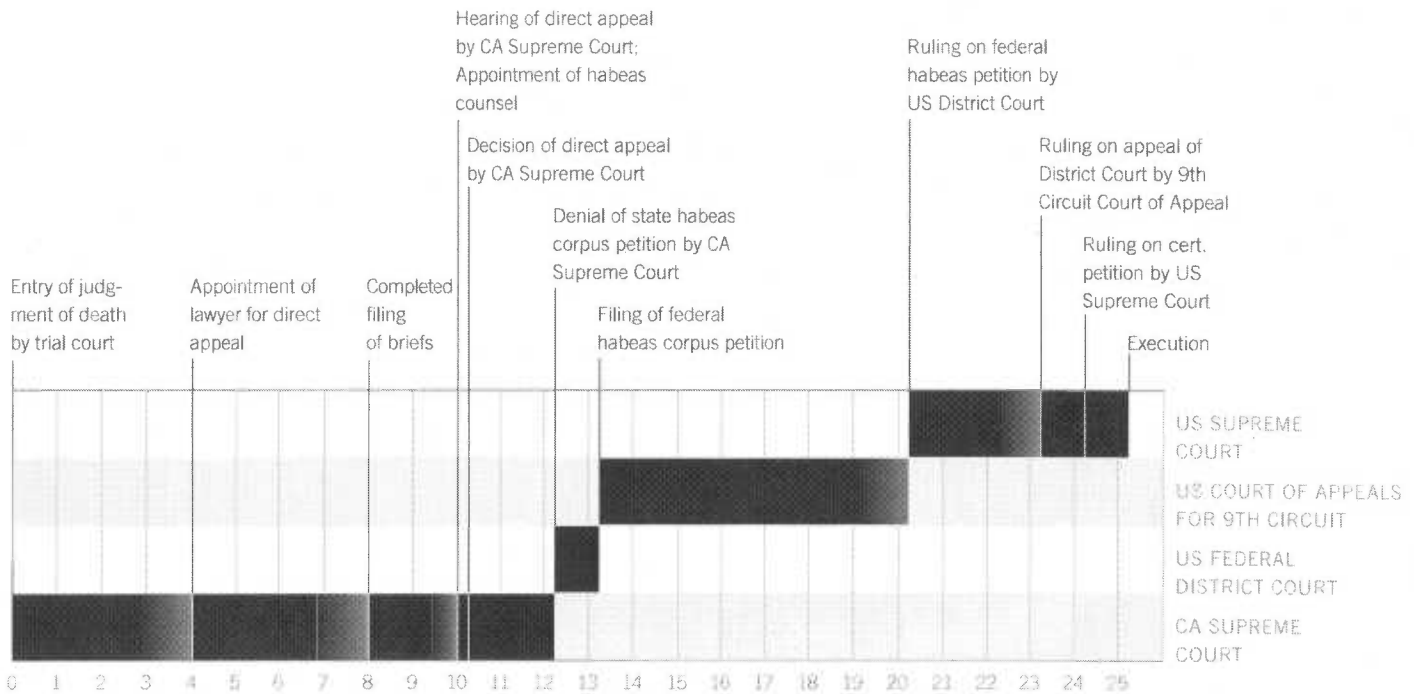
28. California Penal Code Section 190.8(g) requires the trial court to certify the record for *accuracy* no later than 120 days after the record has been delivered to appellate counsel. Certification of the record for *completeness* ordinarily takes place within 90 days of the imposition of the death sentence.

awaiting decision. While these cases are rarely decided by published opinions, there is now an average delay of 22 months between the filing of the petition and the decision of the California Supreme Court.

Fifth is the delay in deciding federal habeas corpus petitions. The average delay from the filing of a habeas petition to the grant or denial by a federal district court is 6.2 years in California cases.²⁹ Another 2.2 years are consumed by appeals to the Ninth Circuit. Much of this delay is attributable to the absence of a published opinion and/or an

evidentiary hearing in the state courts. Often, the federal courts cannot ascertain why state relief was denied. While the Antiterrorism and Effective Death Penalty Act requires federal deference to state factual findings and legal conclusions, the typical denial of a habeas petition in a death case by the California Supreme Court contains neither. (AEDPA)³⁰

The following chart summarizes the lapse of time at each of the various stages as the system currently operates in California. The total lapsed time from judgment of death to execution is 20–25 years.



UNDER CURRENT CONDITIONS, TOTAL LAPSED TIME 20–25 YEARS

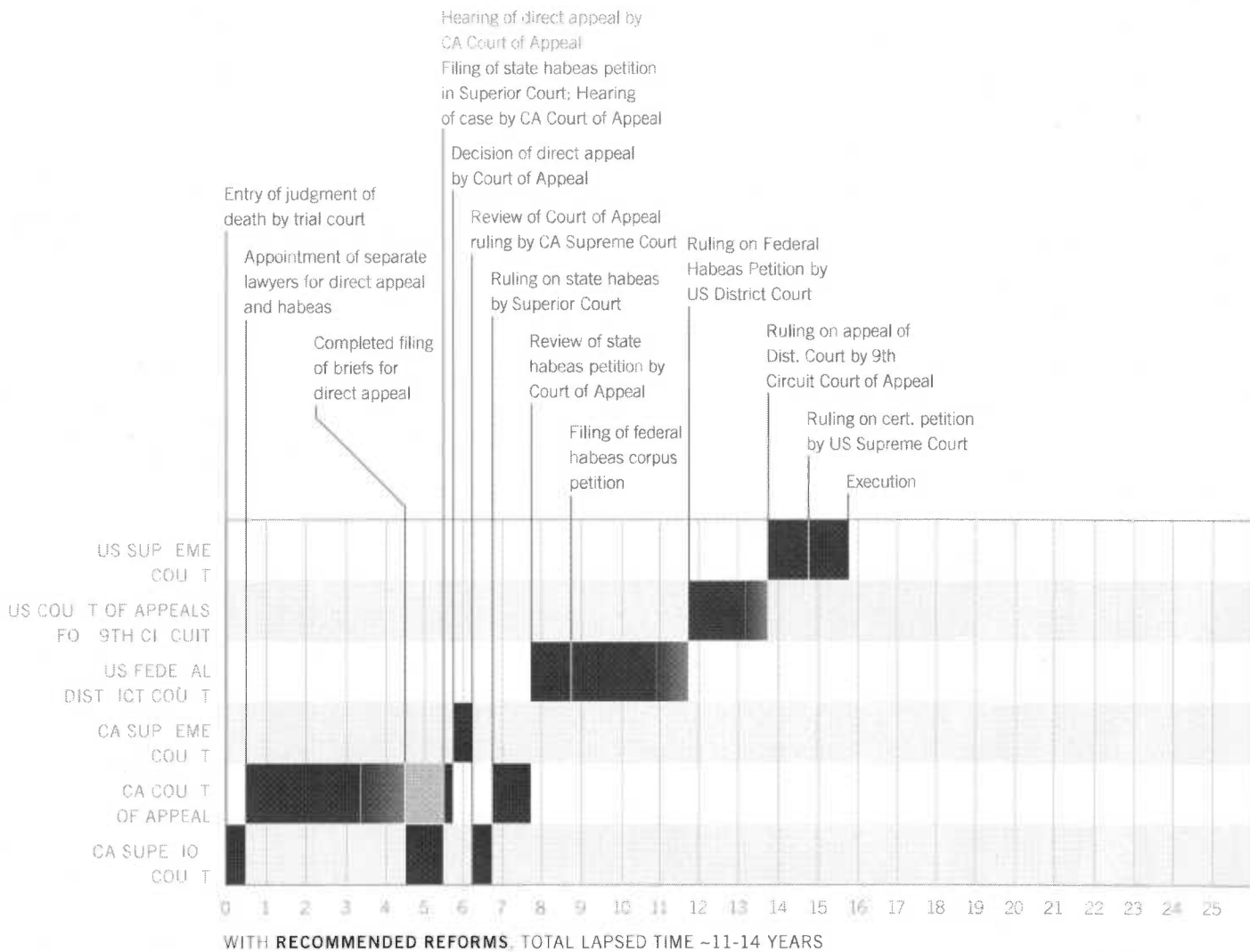
29. Alarcon, *supra* n.2 at, 707–708.

30. In *Williams v. Taylor*, 529 U.S. 362 (2000), the Supreme Court held that the Antiterrorism and Effective Death Penalty Act (AEDPA) imposes a deferential standard of review that precludes a federal habeas court from granting relief based simply on its independent assessment of federal law.

Under AEDPA, federal habeas courts must defer to a state court's rejection of a petitioner's constitutional claim unless the state court's decision is either contrary to or involves an unreasonable application of established federal law.

The Commission recommends a series of related reforms that have the potential to reduce the

California delay to the national average of 11-14 years. The following chart summarizes the potential effects of these proposed reforms:



31. Alarcon, *supra* n. 2 at p. 748.

32. One might fairly ask, why can't California be as efficient as Florida, Texas or Virginia? The next two largest death rows after California are Florida with 397 and Texas with 393. Florida has carried out 64 executions since 1978, Texas has executed 405, and Virginia has executed 94. Virginia is the most expeditious in disposing of death penalty direct appeals, averaging less than one year compared to the national average of four years. No one has been on Virginia's death row longer than ten years. In Texas, the average delay for the direct appeal is three years. The average time on death row before execution in Texas is 10.26 years. The average in Florida is 14 years. Virginia now has a backlog of only 23 cases. It should also be noted, however, that Florida, Virginia and Texas have high rates of exonerations of innocent persons, including death row inmates. Florida has had 22 death row exonerations, more than

any other state. Since 1989, there have been 33 exonerations in Texas by DNA. Eight death row inmates have been exonerated. Virginia has recorded eight exonerations, all but one by DNA. Two of the exonerees were sentenced to death. It is also worth noting that none of these states have experienced the serious backlog that has affected the California Supreme Court. The Virginia Supreme Court receives an average of three new death judgments a year. In Texas, death penalty appeals are not heard by the State Supreme Court, but by a special Court of Criminal Appeals that does not have the responsibility of determining state law in other than criminal cases. The Florida Supreme Court reviews all death sentences for proportionality, and has the highest reversal rate in the nation for death penalty cases.

33. See Appendix II, *infra*.

Delays grow worse every year. As the population of California's death row has grown, the length of the delay between sentence and disposition of appellate reviews has grown as well. Thirty persons have been on California's death row for more than 25 years; 119 have been on death row for more than 20 years; and 240 have been on death row for more than 15 years.³¹

The delay between sentence and execution in California is the longest of any of the death penalty states.³²

3. INEFFECTIVE ASSISTANCE OF COUNSEL

Delay in post-conviction review is not the only dysfunction in California's death penalty law. Federal courts are granting relief in 70% of the California death judgments they review, most often because of ineffective assistance of counsel at the trial level.³³ Thus, the appointment and performance of qualified trial counsel, and the resources available to counsel to adequately investigate and prepare the case, are subjects of serious concern in the administration of California's death penalty law.

For counties without a public defender, the appointment of trial counsel for death penalty cases is left to the discretion of the trial court, subject to California Rules of Court, Rule 4.117, which defines the minimum qualifications for appointed trial counsel in capital cases. In most cases, two

attorneys are appointed, one to act as lead counsel, and one to serve as associate counsel.³⁴ Some counties appoint a single lawyer.³⁵ The American Bar Association Guidelines recommend that the defense team for capital cases should consist of no fewer than two lawyers, an investigator, and a mitigation specialist from the outset of representation.³⁶ Typically, associate counsel directs an intensive investigation of the defendant's social history and background, to develop potential evidence of mitigation for the penalty phase.

In Los Angeles County, approximately half of the ongoing death penalty cases are handled by the Public Defender, and half are handled by the Alternate Public Defender or appointed counsel. Under Rule 4.117(g), public defender offices are supposed to assign deputies who otherwise meet the requisite qualifications for direct appointment, but no certification of those qualifications is required. Many county public defender offices assign two counsel to every death eligible case when the appointment is initially accepted. Where private counsel is appointed, however, only one lawyer is ordinarily appointed until the decision is made to file the case as a death case, which will not occur until after the preliminary hearing, as much as one year later. This may delay the mitigation investigation to the prejudice of the defendant. The results of mitigation investigations are frequently employed to persuade the district attorney not to seek the death penalty. If the investigation is delayed until second counsel is appointed, the decision to seek the death penalty has already been made.

34. Lead counsel must have ten years of criminal litigation experience, including at least two murder cases tried to conclusion. Associate counsel must have three years of criminal litigation experience, including three serious felony cases tried to conclusion. The court may appoint an attorney who does not meet all required qualifications if it makes a finding that "the attorney demonstrates the ability to provide competent representation to the defendant." California Rule of Court Rule 4.117(i) requires the filing of an order of appointment which certifies that appointed counsel meets the necessary qualifications. A recent survey found that 42 of California's 58 County Superior Courts had no such orders on file. Testimony of Prof. Elisabeth Semel, Director of Death Penalty Clinic, University of California Law School at Berkeley, Feb. 20, 2008.

35. Testimony of Prof. Semel, February 20, 2008, at pp. 14-15.

36. American Bar Association, *Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases, Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases*, Guideline 4.1 (A)(1) (Revised Edition, Feb. 2003):

4.1 A. The Legal Representation plan should provide for the assembly of a defense team that will provide high quality legal representation.

1. The defense team should consist of no fewer than two attorneys qualified in accordance with Guideline 5.1, an investigator, and a mitigation specialist.
2. The defense team should contain at least one member qualified by training and experience to screen individuals for the presence of mental or psychological disorders or impairments.

The payment of appointed counsel varies from one county to another. At least four counties use flat-fee contracts negotiated on a case-by-case basis.³⁷ The flat fee typically includes investigative and paralegal expenses, creating a conflict of interest for the lawyer when these services will reduce his or her return on the contract. The bids for flat-fee contracts must be submitted before the lawyer has fully investigated the case, which creates a risk of underbidding. The Committee learned that there is a declining pool of competent experienced criminal defense lawyers who are willing to accept employment to handle death penalty trials, because they are not supplied sufficient funding to provide competent representation.³⁸

4. THE RISK OF WRONGFUL EXECUTIONS, WRONGFUL CONVICTIONS AND WRONGFUL DEATH SENTENCES

The Commission has learned of no credible evidence that the State of California has ever executed an innocent person. Nonetheless, the Commission cannot conclude with confidence that the administration of the death penalty in California eliminates the risk that innocent persons might be convicted and sentenced to death. All of the factors previously identified by the Commission as enhancing the risk of wrongful convictions are equally present in capital and non-capital trials. Nationally, there were 205 exonerations of defendants convicted of murder from 1989 through 2003. Seventy-four of them had been sentenced to death. Fourteen of these 205 murder cases took place in California.³⁹

Since 1979, six defendants sentenced to death, whose convictions were reversed and remanded, were subsequently acquitted or had their murder charges dismissed for lack of evidence.⁴⁰ While DNA testing was not available and these defendants were not officially exonerated, the reversal of their convictions freed them. A subsequent acquittal or dismissal of charges renders them legally not guilty, although there was no determination of "factual innocence" pursuant to California Penal Code Section 851.8 in these cases.

Nationally, erroneous eye-witness identifications have been identified as a factor in 80% of exonerations, and false confessions were a factor in 15%.⁴¹

California State Public Defender Michael Hersek reported to the Commission that of the 117 death penalty appeals currently pending in his office, seventeen featured testimony by in-custody informants, and another six included testimony by informants who were in constructive custody.⁴² The Commission's recommendations to reduce the risks of wrongful convictions resulting from erroneous eye-witness identifications, false confessions, and testimony by in-custody informants, although enacted by the Legislature, were all vetoed by Governor Arnold Schwarzenegger. These factors remain as risks in all criminal cases in California, including death penalty cases.

37. Testimony of Prof. Elisabeth Semel, Feb. 20, 2008, at pp. 19–23.

38. Testimony of Clifford Gardner, Feb. 20, 2008.

39. Gross, Jacoby, Matheson, Montgomery & Patil, *Exonerations in the United States, 1989 Through 2003*, 95 J. of Crim. Law & Criminology 523 (2005).

40. In 1979, the California Supreme Court reversed the 1976 conviction and death sentence of Ernest Graham for the murder of a state correctional officer because prosecutors improperly excluded prospective African-American jurors. The defendants were convicted of violating Penal Code section 4500, aggravated assault by a life prisoner. At the time the offense was committed, section 4500 prescribed the death penalty as the automatic, mandatory punishment whenever the assault was directed against a non-prisoner and

resulted in the victim's death within a year and a day. *People v. Allen*, 23 Cal.3d 286 (1979). After his fourth trial on remand, Graham was acquitted by the jury. In 1984, the California Supreme Court reversed the 1980 conviction and death sentence of Jerry Bigelow for the murder of a kidnap victim. *People v. Bigelow*, 37 Cal.3d 731 (1984). In a 1988 retrial, Bigelow was acquitted. Morain, *Inmate Walks Away From Death Row After His Acquittal*, Los Angeles Times, July 6, 1989. In 1985, the California Supreme Court reversed the 1979 conviction and death sentence of Patrick Croy for the murder of a police officer in Placer County, although the Court upheld a conspiracy conviction. In a 1990 retrial, Croy was acquitted of the murder, but placed on probation for the conspiracy charge. After Croy was returned to prison in 1997 for a probation violation, the conspiracy charge was vacated in federal court, and Croy was released in 2005. In 1996, the California Supreme Court vacated the

Identifying “wrongful” death sentences presents greater complexity, since 87% of those charged with murder in California are eligible for the death penalty, but fewer than 10% of these defendants are sentenced to death.⁴³ By definition, these death sentences would not be “wrongful” in the same sense that convictions would be “wrongful,” if the defendant were properly convicted of the underlying murder. Yet if the defendant were inappropriately singled out for a death sentence, or if his lack of economic resources increased the probability of his death sentence, or if his lawyer failed to present mitigating evidence that might have convinced a jury to opt for a life sentence, or if the prosecutor suppressed exculpatory evidence, we would certainly conclude that his death sentence was “wrongful.” An illustrative example can be found in the recent ruling of the California Supreme Court in the case of *In Re Adam Miranda*, No. SO58528 & SO60781 (May 5, 2008). The defendant was convicted of a robbery-murder in Los Angeles in 1982. His conviction was affirmed in 1987, and three prior petitions for habeas corpus were denied. Yet, after 26 years on death row, the unanimous Court vacated his death sentence and remanded for a possible new penalty trial. The only evidence in aggravation offered at Mr. Miranda’s penalty trial was the testimony of Joe Saucedo that the defendant had also murdered another individual two weeks before the capital crime, after an argument over drugs. Saucedo had himself been charged with that murder, but after he testified against Miranda, the charge was reduced and he was granted probation. In 1996, it was disclosed

to Miranda for the first time that the prosecutor had a handwritten letter from a fellow prisoner of Saucedo’s, recounting in detail how Saucedo described committing the murder himself. The Court concluded this was a clear violation of the prosecutor’s obligations to disclose exculpatory evidence under *Brady v. Maryland*, 373 U.S. 83 (1963).⁴⁴ Miranda is not “innocent,” nor was he “wrongfully convicted,” but we would certainly conclude his death sentence was “wrongful.”

A national study of all death sentences imposed from 1973 to 1995 revealed that 82% (247 out of 301) of the capital judgments that were reversed and returned for a retrial or a new penalty hearing were replaced with a sentence *less* than death, or *no* sentence at all. In the latter regard, 7% (22/301) of the reversals for serious error resulted in a determination on retrial that the defendant was *not guilty* of the capital offense.⁴⁵

5. RECOMMENDATIONS FOR THE TRIAL OF DEATH PENALTY CASES

The decision to seek the death penalty in a pending murder prosecution triggers a number of consequences that affect the duration, complexity and cost of the trial proceedings. Death penalty trials clearly take longer and cost more than murder trials in which the death penalty is not sought.

Unfortunately, we have only a rough estimate of how many death penalty trials are taking place each year in California. The trials that result in a

1981 conviction and death sentence of Troy Lee Jones for murder. The Fresno County District Attorney dismissed all charges against Jones in November, 1996. In 1988, the California Supreme Court vacated the 1983 death sentence of Oscar Lee Morris for murder, for prosecutorial misconduct in not revealing leniency granted to a witness in exchange for his testimony. *People v. Morris*, 46 Cal.3d 1 (1988). Ten years later, his conviction was vacated, when the witness admitted he had fabricated the entire case against Morris. Morris was released in 2000, when the Los Angeles County District Attorney declined to retry him. In 1989, the California Supreme Court overturned the 1981 death sentence of Lee Perry Farmer, Jr. for murder. *People v. Farmer*, 47 Cal.3d 888 (1989). A 1991 penalty phase retrial resulted in a life sentence. In 1997, the Ninth Circuit Court of Appeals overturned his conviction because of ineffective assistance of counsel. At a 1999 retrial, Farmer was acquitted of the murder.

41. *Supra* n. 39 at p. 544.

42. California Commission on the Fair Administration of Justice, *Report and Recommendations Regarding Informant Testimony*, p. 2 (2007).

43. Steven F. Shatz and Nina Rivkind, *The California Death Penalty Scheme: Requiem for Furman?*, 72 N.Y.U. L. Rev. 1283, 1331 (December, 1997).

44. See California Commission on the Fair Administration of Justice, *Report and Recommendations on Compliance with the Prosecutorial Duty to Disclose Exculpatory Evidence*. (March 6, 2008).

45. Liebman et al., *A Broken System: Error Rates in Capital Cases, 1973–1995* (Columbia Law School, 2000).

judgment of death and put an additional inmate on death row are a fraction of the cases that are actually tried, and an even smaller fraction of the cases that are death-eligible. During a five-year period in the early 1980's, the State Public Defender was systematically collecting data about ongoing death cases. At that time, for every 100 cases that were charged as capital cases, 40 actually went to trial on the guilt phase, 20 went to penalty phase, and 10 resulted in a judgment of death.⁴⁶ The rate of juries returning verdicts of death may have declined since then, but the Commission could not ascertain this rate because no one is keeping track.⁴⁷ If the rate is still the same, the twenty annual death judgments we currently see are the product of 200 cases per year in which special circumstances are charged, of which 80 cases proceed to trial, and 40 cases proceed to penalty phase.

When California's death penalty law was originally enacted, the legislature recognized that the trial of death penalty cases would impose serious financial burdens upon counties. Section 987.9 was added to the California Penal Code, to provide that defense counsel in capital cases "may request the court for funds for the specific payment of investigators, experts, and others for the preparation or presentation of the defense," and further provides "the Controller may reimburse extraordinary costs in unusual cases if the County provides sufficient documentation of the need for those expenditures." In fact, no funds have been appropriated for such reimbursement for more than fifteen years, leaving

counties to foot the bill. As a result, the willingness of courts to grant Section 987.9 requests varies significantly from county to county, with greater reluctance to grant requests in cash-strapped counties. Access to investigators and experts necessary for the defense of death penalty cases should not depend upon the vagaries of county budgets. The State of California should meet the obligation undertaken as part of the original death penalty law, to reimburse counties for funds awarded pursuant to California Penal Code Section 987.9. The Commission recommends that counties be fully reimbursed for payments for defense services pursuant to California Penal Code Section 987.9. The estimated annual cost of Section 987.9 payments for death penalty cases in Los Angeles County in 2007 was \$4.5 million.⁴⁸ Los Angeles County accounts for approximately one-third of California's death sentences. Thus, this recommendation will require an annual shift of roughly \$13.5 million of the current cost of death penalty trials in California from the counties to the State.

Another device for the State to reimburse smaller counties for the costs incurred in connection with homicide trials is provided by California Government Code Section 15200-15204. This provides that costs incurred by the district attorney, sheriff and public defender or court-appointed attorneys, except normal salaries and expenses, can be reimbursed by the State "if such costs will seriously impair the finances of the county." There are two limitations upon these provisions that should be revisited by the Legislature, however. Reimbursement is limited to costs "in excess of the amount of money derived by the county from a tax

46. California Appellate Project, RECAP RE:CAPITAL LITIGATION, Issue 10, June 17, 1985. Collecting all statewide special circumstance filings from August 11, 1977 through December 31, 1984, CAP reported 2,219 filings, 960 guilty trials, 394 penalty trials, and 190 death verdicts, with 372 cases still pending.

47. The Los Angeles County Public Defender's Office reports that they normally have 60 cases at a time in their office that are death-eligible, but only 10-12 of those cases will typically go to trial as death cases. Testimony of Greg Fisher, Deputy Public Defender, Special Circumstance Case Coordinator, Los Angeles County Public Defender's Office, Feb. 20, 2008.

48. Email to Commission from Robert E. Kalunian, Chief Deputy Public Defender, Los Angeles County, May 14, 2008.

of 0.0125 of 1 percent of the full value of property assessed for purposes of taxation within the county.” Section 15202(b). This formula will subject both the State and smaller Counties to unpredictable fluctuations as property assessments rise and fall in today’s housing market. Such factors have no relationship to the need for reimbursement of unpredictable costs of homicide trials.

Second, Sections 15202(b) and 15202.1(a) require advance approval of the Attorney General to reimburse costs of travel in excess of 1,000 miles. Insofar as it applies to travel by defense counsel in homicide cases, this is an inappropriate limitation. The Attorney General will be opposing counsel in any appeals, creating a conflict of interest. The Commission recommends that the California Legislature reexamine the limitations on reimbursement to counties for the expenses of homicide trials contained in Government Code Sections 15200–15204.

In an effort to identify the costs of death penalty trials, the ACLU of Northern California, through a series of Public Records Act requests, obtained all documents pertaining to reimbursements to smaller counties for homicide trials for a ten year period, 1996 through 2005. The records encompass claims submitted by 20 counties in 21 identifiable homicide trials and 317 unidentified trials and hearings. The state paid \$45.8 million to reimburse counties during this ten-year period. The request yielded relatively comprehensive accounting for ten trials each involving a single defendant. Eight of these trials were death penalty

cases, and two were not. The three most expensive cases were the Charles Ng trial (\$10.9 million to Calaveras County),⁴⁹ the Donald Bowcutt case (\$5 million to Siskiyou County),⁵⁰ and the Scott Peterson case (\$3.2 million to Stanislaus County).⁵¹ Comparing the least expensive death penalty trial to the most expensive non-death trial yielded a difference of \$1.1 million more for the death case, but it is impossible to project this difference to all death penalty trials. As the author of this study concedes, “Because there is no consistent or comprehensive tracking of trial level costs across the state and so many costs are hidden, it is impossible to say for certain how much more counties are spending in pursuit of execution.”⁵² It can certainly be said that death penalty trials take longer and cost considerably more than non-death murder trials. The records reviewed also confirm that it is feasible to track the trial level costs in death penalty cases, if a uniform system of reporting data is imposed.

During the penalty phase, it is the obligation of defense counsel to present all available mitigating evidence which might persuade the jury to reject a penalty of death. The leading cause of reversal of death judgments in California is the failure of counsel to adequately investigate potential mitigating evidence. In subsequent habeas corpus proceedings, in which funds are made available for a complete investigation of the defendant’s background, evidence is uncovered which, if presented at the penalty phase, might have persuaded a jury to reject a death sentence. In *Wiggins v. Smith*, 539 U.S. 510 (2003), the U. S. Supreme Court held that trial counsel’s failure to investigate the defen-

49. The Ng trial costs included \$1.24 million for Court expenses, \$2.2 million for Prosecution expenses, and \$6.42 million for Defense expenses.

50. The Bowcutt reimbursement was an advance payment of \$5 million for anticipated costs. Actual costs were not documented.

51. The Peterson reimbursement included \$1.4 million for prosecution expenses and \$1.4 million to the City of Modesto for police expenses. Defense expenses were not reimbursed, since Peterson had retained counsel.

52. Natasha Minsker, *The Hidden Death Tax: The Secret Costs of Seeking Execution in California*, A Report by the ACLU of Northern California, p. 32 (2008).

dant's background and to present evidence of the defendant's unfortunate life history at the penalty phase of his trial was a violation of defendant's Sixth Amendment right to counsel, because his failure had fallen below the standard of reasonableness under prevailing professional norms. In defining prevailing professional norms, the Court relied upon the guidelines for capital defense work articulated by the American Bar Association (ABA Guidelines), "standards to which we long have referred as 'guides to determining what is reasonable.'" *Id.* at 524. The Court cited the "well-defined norm" of Section 11.4.1 (C), which provides that investigations into mitigating evidence "should comprise efforts to discover all *reasonably available* mitigating evidence and evidence to rebut any aggravating evidence that may be introduced by the prosecutor."⁵³

In a number of cases, the California Supreme Court has concluded that defense counsel's investigation of mitigating circumstances was inadequate, requiring reversal of the jury's penalty determination in a death case.⁵⁴ Most recently, in *In Re Lucas*, 33 Cal. 4th 682 (2004), the California Supreme Court followed the *Wiggins* case in finding defense counsel's representation at the penalty phase constitutionally defective, because his tactical decisions were not informed by an adequate investigation of available mitigating evidence. The Court concluded:

Lead counsel's failure to investigate petitioner's early social history was not consistent with established norms prevailing in California at the time of trial, norms that directed counsel in death penalty cases

*to conduct a reasonably thorough independent investigation of the defendant's social history – as agreed by respondent's own expert and as reflected in the American Bar Association standards relied upon by the court in the Wiggins case.*⁵⁵

The *Wiggins* and *Lucas* rulings clearly recognize the ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases as establishing norms for competent representation in death penalty cases. The Commission has learned that in a number of important instances, the provisions for appointment of trial counsel in California death penalty cases do not meet the standards of the ABA Guidelines:

1. *The ABA Guidelines provide that flat fees, caps on compensation, and lump-sum contracts are improper in death penalty cases. Guideline 9.1 (B) (1).*⁵⁶ *In a number of California counties, flat fee contracts have become the prevailing method of appointment of counsel in death cases.*
2. *The ABA Guidelines recommend that the selection of lawyers for particular cases should be by a responsible agency that is "independent of the judiciary." Guideline 3.1 (B).*⁵⁷ *In many California counties, appointments of trial counsel in death penalty cases are made by the courts.*
3. *The ABA Guidelines recommend that the defense team consist of "no fewer than two attorneys..., an investigator, and a mitigation specialist." Guideline 4.1 (A) (2).*⁵⁸ *In some California cases, a single lawyer is appointed, or the appointment of a second lawyer is delayed.*

53. In the February, 2003 Revised Edition of the Guidelines, portions of Guideline 11.4.1(C) were moved to Guidelines 10.5 and 10.7. Guideline 10.7 (A) now provides: "Counsel at every stage have an obligation to conduct thorough and independent investigations relating to the issues of both guilt and penalty." The commentary to the Guideline lists all of the elements of an appropriate investigation.

54. *In Re Marquez*, 1 Cal. 4th 584 (1992); *In Re Jackson*, 3 Cal. 4th 578 (1992).

55. 33 Cal. 4th at 725 (emphasis supplied).

56. ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases, Guideline 9.1.B:

Counsel in death penalty cases should be fully compensated at a rate that is commensurate with the provision of high quality legal representation and reflects the extraordinary responsibilities in death penalty representation.

1. Flat fees, caps on compensation, and lump-sum contracts are improper in death penalty cases.
2. Attorneys employed by defender organizations should be compensated according to a salary scale that is commensurate with the salary scale of the prosecutor's office in that jurisdiction.
3. Appointed counsel should be fully compensated for actual time and service performed at an hourly rate commensurate with the prevailing rates for similar services performed by retained counsel in the jurisdiction, with no distinction

The Commission recommends that California counties provide adequate funding for the appointment and performance of trial counsel in death penalty cases in full compliance with ABA Guidelines 10.7 (A), 9.1(B)(1), 3.1(B), and 4.1(A)(2). Flat fee contracts that do not separately reimburse investigative and litigation expenses should not be permitted. Such contracts should not be utilized unless an hourly alternative exists. In all cases, attorneys must be fully compensated at rates that are commensurate with the provision of high quality legal representation and reflect the extraordinary responsibilities in death penalty representation.

The cost of meeting the standards of the Guidelines is very difficult to estimate, but it will be substantial. The Guidelines should be met in every potential capital case from the outset. Thus, two qualified counsel as well as an investigator and mitigation specialist should be appointed for as many as 200 cases each year, even though only 20 of them may end in a judgment of death. The breadth of our death penalty law requires a much heavier investment at the trial level than for the appeals or habeas proceedings, since in nine out of ten cases, a case in which the investment has been made will not result in a death judgment. Adequate representation by a full complement of two attorneys, an investigator and a mitigation specialist at the outset of the case may save money in the long run, however, if it results in a decision by the prosecutor not to seek the death penalty.

6. RECOMMENDATIONS FOR THE DIRECT APPEAL OF DEATH PENALTY CASES

The California Supreme Court has exclusive jurisdiction to consider appeals from a judgment of death in California. Since 1935, appeal has been automatic in all death cases.⁵⁹ After the filing of the trial record in the California Supreme Court,⁶⁰ indigent death row inmates must await the appointment of counsel to handle the appeal. Currently, a delay of three to five years elapses before counsel is appointed. Once counsel is appointed, he or she must read the record which averages in excess of 9,000 pages of Reporter's and Clerk's transcripts, research the law, and then file an opening brief with the Court. The average delay between appointment of counsel and the filing of the opening brief is 2.74 years. The prosecution, represented by the California Attorney General, then files a responsive brief, ordinarily within six months. The defendant is then permitted to file a reply brief, again ordinarily within six months. The case then awaits the scheduling of an oral argument before the Supreme Court. Currently, the Court has 80 fully-briefed death appeals awaiting oral argument. Since the Court ordinarily hears only 20–25 of these cases per year, the wait for oral argument will be 2–3 years. A decision is announced within 90 days after the case is argued and submitted. Thus, the average delay between judgment of death and final disposition of the automatic appeal is currently between 11.7 and 13.7 years. The duration of this delay has steadily increased. For condemned prisoners convicted

between rates for services performed in or out of court. Periodic billing and payment should be available.

57. ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases, Guideline 3.1 (B) provides:

The responsible agency should be independent of the judiciary and it, not the judiciary or elected officials, should select lawyers for specific cases.

Under Guideline 3.1 (C), the Responsible Agency must be either a defender organization or an independent authority run by defense attorneys with demonstrated knowledge and expertise in capital representation.

58. See fn. 36, *supra*.

59. California Penal Code Section 1239. Section 1239 was enacted when a defendant was executed while his appeal was still pending, due to confusion whether he had filed a notice of appeal. See Alarcon, *Remedies for California's Death Row Deadlock*, *supra* n.2 at 714–15.

60. Delays in the certification of the record by the trial court have been substantially reduced by the 1996 enactment of California Penal Code Section 190.8 (d), which requires the trial court to certify the record for completeness and for incorporation of all corrections no later than 90 days after imposition of a death sentence, unless good cause is shown. Certification of the *accuracy* of the record, however, must await the appointment of appellate counsel.

between 1978 and 1989, the average delay was 6.6 years. For condemned prisoners convicted between 1990 and 1996, the average delay was 10.7 years. The Supreme Court has issued only one opinion disposing of an automatic appeal of a prisoner convicted after 1997.⁶¹

Delays in the appointment of counsel to handle direct appeals are attributable to the small pool of qualified California lawyers willing to accept such assignments. Many of the experienced appellate lawyers who have handled California death cases are retiring or decline to take new cases that will tie them up for ten or twelve years. The requisite qualifications for appointment to handle death penalty appeals before the California Supreme Court appear in Rule 8.605(d) of the California Rules of Court. A lawyer must have four years of active practice of law, including service as counsel of record in seven completed felony appeals, including at least one murder case, or service as counsel of record in five completed felony appeals and as supervised counsel in two death penalty appeals. Completion of training and demonstrated proficiency in appellate skills is also required. The State Public Defender can accept appointment, but must assign deputies who meet these minimum qualifications.

The State Public Defender was created in 1976 to handle indigent appellants in all criminal cases. In the early 1990's, under a gubernatorial directive, the office was asked to focus on capital cases only. In 1997, the office was expanded to 128 funded positions, which somewhat alleviated the backlog of 170 death row inmates then awaiting appointment of counsel to handle their direct appeal. That backlog has now been reduced to 79 inmates. But by 2003, budget cuts reduced the staff of the State Public Defender by 41 positions, more than half of which were attorneys. With an

annual budget of approximately \$12 million, the office is currently handling 125 automatic appeals for death row inmates, and cannot accept additional appointments. The office is facing another 10% cut in next year's budget, which will result in the loss of additional attorney positions.

There is no dearth of lawyers who want to make a career of death penalty defense within the security of an agency setting. The Office of State Public Defender has a pool of 150 applicants for attorney positions. These positions provide excellent training for those who will fill the ranks of appointed lawyers in the future. The most direct and efficient way to reduce the backlog of death row inmates awaiting appointment of appellate counsel would be to again expand the Office of the State Public Defender. Instead, California is cutting its budget and reducing its staff.

Currently, private lawyers who accept an appointment to handle death row appeals are compensated at a rate of \$145 per allowable hour.⁶² In determining how many hours are allowable for a given task, the Court sets benchmarks, which create presumptions of what will and what will not be paid. Lawyers handling death penalty appeals in California complain that the benchmarks are set too low, and the hassle of challenging them is demeaning and time-consuming. The Commission learned that at least twenty of the lawyers handling California death penalty appeals can no longer afford to live in California, and are currently residing in other states. For the level of experience required and the rigorous demand of death appeals, the low level of income is certainly a significant factor in the decline of the pool of attorneys available to handle death penalty appeals.

61. Alarcon, *supra* n. 2 at 722-23.

62. See <http://www.courtinfo.ca.gov/courts/supreme/documents/SupremeCourtBrochure2008.pdf>.

The payment of appointed lawyers to handle death penalty appeals in California does not meet the standard established by the federal courts for lawyers appointed to handle federal habeas corpus proceedings in death cases. The Ninth Circuit rate varies from \$135 to \$170 per hour, depending upon the level of experience. Judge Alarcon concludes:

*The California legislature must provide sufficient funds to compensate qualified lawyers who are willing to accept an appointment to represent death row inmates in their automatic appeals. There is no justification for the Legislature's failure to address the longstanding shortage of qualified counsel. Private practitioners who can bear the financial sacrifice of accepting court-appointment at the present hourly rates are scarce.*⁶³

Chief Justice Ronald M. George expressed his full agreement with Judge Alarcon's call for more funding for counsel.⁶⁴ The California Supreme Court has an annual budget of \$15,406,000 to compensate and reimburse expenses for appointed lawyers doing both direct appeals and habeas corpus cases for death row inmates. \$5.585 million of that is allocated to the California Appellate Project (CAP), which maintains a full time staff of 40 (18 attorneys) in San Francisco to supervise and assist private lawyers who accept appointments to handle death penalty appeals. Currently, 188 private lawyers have contracted with the Court to handle direct appeals, and 141 have accepted appointment to provide representation in habeas corpus proceedings. The Commission recommends that the remaining backlog of cases awaiting appointment of counsel to handle direct appeals in death penalty cases be eliminated by expanding the Office of the State Public Defender. This will require increasing the OSPD budget to \$16 million per year, a one-third increase over its current budget. The increase could be phased in over a four year period.

The existing appointments of private lawyers should, of course, be continued, and the budget of CAP should be maintained. With enhanced staffing, OSPD would be able to take on 18–20 new appointments per year to handle death penalty appeals. The current backlog of 79 unrepresented death row inmates could be reduced to a one year wait if the number of new death judgments does not begin to increase again. The Commission recommends that, to the extent appointments of private counsel are utilized, such appointments should comply with ABA Guideline 4.1(A)(2),⁶⁵ and should be fully compensated at rates that are commensurate with the provision of high quality legal representation and reflect the extraordinary responsibilities in death penalty representation. Flat fee contracts should not be utilized unless an hourly alternative is available, and any potential conflicts of interest between the lawyer maximizing his or her return and spending for necessary investigation, and expert assistance and other expenses are eliminated.

7. RECOMMENDATIONS FOR STATE HABEAS CORPUS REVIEW OF DEATH JUDGMENTS

In addition to the direct appeal, a defendant sentenced to death is also permitted to file a petition for a writ of habeas corpus in the California Supreme Court. A habeas corpus petition challenges the legality of a prisoner's confinement based upon factual issues that normally cannot be determined by the appellate record, such as whether the defendant received effective assistance of counsel, or the availability of new evidence of innocence that was not available at trial. Frequently, a claim of ineffective assistance of counsel requires a reinvestigation of the case, to demonstrate that additional evidence was available that could have been presented to mitigate the sentence, but was not due to the inadequacy of counsel's pretrial

63. Alarcon, *supra* n. 2 at 734.

65. See fn. 36, *supra*.

64. Testimony of Chief Justice Ronald M. George, p. 7.

investigation. Representation of the prisoner in habeas corpus proceedings includes the duty to review the trial records; conduct an investigation of potential constitutional and statutory defects in the judgment of conviction or death sentence; prepare and file a petition for a writ of habeas corpus; represent the prisoner at the hearing to set an execution date pursuant to Penal Code section 1227; and prepare a request for executive clemency from the Governor of California.

Currently, 291 California death row inmates do not have habeas counsel. The average wait to have habeas counsel appointed is eight to ten years after the imposition of sentence. Attorneys representing death row inmates in state habeas proceedings have three years from the date of their appointment to file a state habeas petition. If counsel is appointed while the direct appeal is still pending, the investigation can be concluded and the petition filed shortly after the appeal is decided, if the death sentence is affirmed. The average delay between the filing of a state petition for a writ of habeas corpus and the filing of the California Supreme Court's decision is 22 months. In the vast majority of cases, the California Supreme Court decides the case on the basis of an informal response from the Attorney General. Out of 689 state habeas corpus proceedings filed in the Supreme Court since 1978, the Court has issued orders to show cause, requiring the Attorney General to respond to the petition, in only 57 cases, and held evidentiary hearings only 31 times.⁶⁶

Initially, the California Supreme Court attempted to consolidate its consideration of the direct appeal and the habeas petition, appointing the same lawyer to handle both. That proved impractical for a variety of reasons.⁶⁷ California Government Code Section 68663 now provides for separate counsel to be appointed unless the prisoner and counsel request representation by the same attorney in both aspects of the capital case.

While the Court now appoints separate lawyers to handle the direct appeal and the habeas petition, the appointment of the habeas lawyer lags far behind the appointment of the appellate lawyer, creating a variety of problems. First, the factual investigation of habeas claims is delayed for many years. Inevitably, records are lost, witnesses become unavailable, and memories fade. Second, the one-year statute of limitations upon federal habeas claims begins to run when the State direct appeal proceedings have concluded. If a state habeas claim is not filed within that period, federal habeas review may be unavailable. Speeding up the disposition of death penalty appeals and addressing the delays in appointment of habeas counsel go hand in hand, since inmates must have habeas counsel while the clock is running on their federal habeas rights.

Those that have lawyers for their habeas proceedings are represented by private attorneys who accept appointment from the California Supreme Court, or lawyers employed by the California Habeas Corpus Resource Center [HCRC]. Established in 1998, HCRC is authorized to employ up to 34 attorneys to handle death penalty habeas petitions in state and federal court. With an

66. Alarcon, *supra* n. 2, at p. 741.

67. Representing death row inmates on direct appeal and representing them on habeas corpus call for different skill sets that are rarely found in the same lawyer. By experience, training and inclination, appellate lawyers are rarely interested in assuming responsibility for habeas representation, and vice versa.

68. The HCRC receives \$13.9 million from the State's General Fund, and is authorized to receive up to \$1 million from the federal government in reimbursements for work done in federal court. Given the backlog of death-row inmates needing appointment of state habeas corpus counsel, the HCRC has focused its efforts on state appointments, and accepted only nine federal appointments.

69. Rule 8.605 (e), California Rules of Court.

70. Rule 8.605 (g), California Rules of Court.

annual budget of \$14.9 million,⁶⁸ it has provided representation that meets the ABA Guidelines for 70 clients in state habeas corpus proceedings. A total of 141 habeas cases are now being handled by private court appointed counsel.

Private lawyers appointed to handle habeas claims must meet qualifications similar to those required for appointment to handle direct appeals.⁶⁹ In addition, if an evidentiary hearing is ordered, the lawyer must have trial experience, or engage an attorney who has such experience.⁷⁰ Like the attorneys handling appeals, appointed habeas counsel are paid \$145 per hour. In addition, a recently increased maximum of \$50,000 is available to cover expenses. The expenses for a habeas investigation and the retaining of necessary experts can easily exceed this maximum. Frequently, volunteer counsel handling habeas proceedings pay out of pocket expenses far in excess of available reimbursement, on a pro bono basis.⁷¹ Currently, the State Supreme Court allocates approximately half of its \$15.4 million annual capital defense budget to habeas counsel. At this level of funding, there is little prospect that appointed private lawyers can ever meet the needs of the 284 unrepresented death row inmates for habeas counsel. California Appellate Defense Counsel, an organization of lawyers who accept appointments in capital cases, recently surveyed its membership to identify lawyers willing to accept habeas cases if expense reimbursement were increased to the current \$50,000 level. They received one positive response.⁷²

Representation by appointed private lawyers does not currently meet ABA Guidelines. Just as in the case of trial counsel, lump sum contracts are sometimes utilized, payment is lower than federal rates, and two counsel are not always appointed. Private lawyers are reluctant to accept appointments, knowing the client would receive better representation from HCRC. As one such lawyer told the Commission:

If you want private counsel to shoulder the burden, you have to fund them at the level you would fund a public agency so that we have investigators, paralegals, etc. so that when we file a petition, if you don't win in State Court, at least you don't hurt the clients by filing a petition that doesn't have all the claims and facts that need to be in that petition.⁷³

The Commission recommends that the need for additional habeas counsel be immediately met by expanding the California Habeas Corpus Resource Center to an authorized strength of 150 lawyers, phased in over a five year period. This will require a five-fold increase over the current \$14.9 million annual budget of HCRC. The Commission also recommends that, to the extent they are available for conflicts, such appointments include qualified lawyers employed by the State Public Defender as well as private lawyers. Such appointments should comply with ABA Guideline 4.1(A)(2),⁷⁴ and should be fully compensated at rates that are commensurate with the provision of high quality legal representation and reflect the extraordinary responsibilities in death penalty representation. Flat fee contracts should not be utilized unless an hourly alternative is available, and any potential

71. For the successful habeas petition in *In Re Lucas*, 33 Cal.4th 682 (2004), the law firm of Cooley Godward LLP provided 8,000 hours of pro bono attorney time, 7,000 hours of paralegal time, and litigation expenses of \$328,000. Testimony of Elisabeth Semel, February 28, 2008.

73. Testimony of Cliff Gardner, February 28, 2008.

74. See fn. 36, *supra*.

72. Testimony of Clay Seaman, February 28, 2008.

conflicts of interest between the lawyer maximizing his or her return and spending for necessary investigation, and expert assistance and other expenses are eliminated.

8. RECOMMENDATIONS FOR FEDERAL HABEAS CORPUS REVIEW OF CALIFORNIA DEATH JUDGMENTS

A state prisoner, including one under sentence of death, may file an application for a writ of habeas corpus in federal court “on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.”⁷⁵ Federal courts can grant a request for the appointment of counsel, who can be paid and reimbursed for expenses from federal funds.⁷⁶

A federal application for habeas corpus cannot be granted “unless it appears that the applicant has exhausted the remedies available in the courts of the State.”⁷⁷ Thus, a federal application would be filed after the direct appeal and habeas petition in state court have been denied or rejected. The federal petition must be filed within one year of the conclusion of the state direct appeal, but this period is stayed while a state habeas petition is pending.

Access to federal habeas review is a crucial step for death row inmates, especially in states with a high rate of death penalty affirmance. A national study conducted by Columbia University researchers examined the review of all death judgments from 1973–1995, and found that 59% were affirmed by state supreme courts.⁷⁸ A more recent

study of fourteen death penalty states from 1992 through 2002 reported an affirmance rate of 73.7% in death appeals.⁷⁹ The California Supreme Court has affirmed death judgments at a rate in excess of 90% since 1987, and denied state habeas relief at an even higher rate. The Liebman study found that 40% of death judgments reviewed on federal habeas corpus were set aside, and this number increased where the state courts had a higher affirmance rate than the national average. In California, 70% of habeas petitioners in death cases have achieved relief in the federal courts, even though relief was denied when the same claims were asserted in state courts. There may be a number of explanations for this, including the availability of sufficient funds for investigation of the defendant’s claims in federal court, the opportunity to develop a more comprehensive record at a federal evidentiary hearing, and the greater independence of federal judges with lifetime appointments.

The average delay from the filing of an application for federal habeas relief in a California death case until the grant or denial of relief by a federal district judge is 6.2 years. If the federal petition includes claims that have not been exhausted in state court, the court can stay the proceedings while the defendant returns to state court to exhaust the remedies available in the state courts.⁸⁰ This increases the delay in disposing of the federal habeas petition by two years. Because California does not provide adequate resources to lawyers handling state habeas claims, 74% of federal habeas applications filed by California

75. 28 U.S.C. Section 2254 (a).

76. 18 U.S.C. Section 3599 (a)(2).

77. 28 U.S.C. Section 2254 (b)(1)(A).

78. Liebman et al., *A Broken System: Error Rates in Capital Cases, 1973–1995* (June, 2000).

79. Latzer & Cauthen, *Justice Delayed? Time Consumption in Capital Appeals: A Multistate Study*, p. 23 (2005).

80. *Rose v. Lundy*, 455 U.S. 509 (1982).

death row inmates are stayed for the exhaustion of state remedies.⁸¹ Thus, the under-funding of state habeas proceedings in California increases the burden on federal courts and delays the administration of justice:

*The failure of the California legislature to provide sufficient funding to permit state habeas counsel to investigate each death row inmate's federal constitutional claims cannot be understated. It shifts to the federal government the burden of providing sufficient funds to permit federal habeas counsel to discover evidence to demonstrate additional federal constitutional violations.*⁸²

The grant or denial of habeas relief by the federal district court can then be appealed to the U.S. Court of Appeals for the Ninth Circuit. The average delay for appellate review, including a petition for en banc review and a petition for certiorari to the U.S. Supreme Court is 4.2 years.⁸³

Continuity of representation by the same lawyer in both state and federal habeas corpus proceedings helps to reduce many of the delays that now occur in state and federal habeas proceedings, especially where exhaustion of claims in state court is a problem. With private appointed lawyers, however, continuity cannot be assured. The appointment authority of the California Supreme Court only extends to state habeas proceedings. Representation by HCRC, on the other hand, assures continuity of representation, since the agency is available to accept federal appointments after the state proceedings are concluded, and seeks to investigate and present all federal constitutional claims in state court before a federal petition

is filed. Thus, a return to state court for exhaustion of claims may be obviated. Currently, only 7.3% of the habeas appointments of HCRC are for purposes of exhaustion, while 23.7% of the habeas appointments of private attorneys are for exhaustion purposes. The Commission recommends that continuity of representation by the same attorney for state and federal habeas claims be encouraged. The Commission's recommendation that the unmet need for habeas counsel be met by expanding HCRC, rather than expanding the number of appointments of private counsel, would address the need for continuity of counsel between state and federal habeas proceedings.

Part B: Available Alternatives

In addition to the choices presented in Part A, to leave the present broken system in place, or to provide the recommended resources to enable California to achieve the national average in death penalty delays, the Commission examined two other available alternatives: a significant narrowing of special circumstances to reduce the number of death penalty cases coming into the system, or replacing the death penalty with a maximum sentence of lifetime incarceration. The Commission makes no recommendation regarding these alternatives, but presents information regarding them to assure a fully informed debate. An effort is made to compare the costs for all four of these alternatives, but the figures presented are only rough estimates, due to the unavailability of accurate data.

81. Alarcon, *supra* n. 2, at p. 749.

82. *Id.* at p. 748.

83. *Id.* at p. 749.

1. THE ALTERNATIVE OF NARROWING THE LIST OF SPECIAL CIRCUMSTANCES

Several of the witnesses who testified before the Commission suggest the primary reason that the California Death Penalty Law is dysfunctional is because it is too broad, and simply permits too many murder cases to be prosecuted as death penalty cases. The expansion of the list of special circumstances in the Briggs Initiative and in subsequent legislation, they suggest, has opened the floodgates beyond the capacity of our judicial system to absorb. As former Florida Supreme Court Chief Justice Gerald Kogan told the Commission, having 21 special circumstances is “unfathomable. The problem is the front-end of the system. There are too many people eligible to receive the death penalty.”⁸⁴ A number of research projects have concluded that the narrower the category of those eligible for the death penalty, the less the risk of error, and the lower the rate of racial or geographic variation.⁸⁵

An initiative of the Constitution Project, based in Washington, D.C., established a blue-ribbon bipartisan commission of judges, prosecutors, defense lawyers, elected officials, FBI and police officials, professors and civic and religious leaders to examine the administration of the death penalty throughout the United States. The Constitution Project achieved broad consensus on two key recommendations to reserve capital punishment for the most aggravated offenses and most culpable offenders:

5. Death Penalty Eligibility Should Be Limited to Five Factors:

The murder of a peace officer killed in the performance of his or her official duties when done to prevent or retaliate for that performance;

The murder of any person (including but not limited to inmates, staff, and visitors) occurring at a correctional facility;

The murder of two or more persons regardless of whether the deaths occurred as the result of the same act or of several related or unrelated acts, as long as either (a) the deaths were the result of an intent to kill more than one person, or (b) the defendant knew the act or acts would cause death or create a strong probability of death or great bodily harm to the murdered individuals or others;

The intentional murder of a person involving the infliction of torture. In this context, torture means the intentional and depraved infliction of extreme physical pain for a prolonged period of time before the victim's death; and depraved means that the defendant relished the infliction of extreme physical pain upon the victim, evidencing debasement or perversion, or that the defendant evidenced a sense of pleasure in the infliction of extreme physical pain;

The murder by a person who is under investigation for, or who has been charged with or has been convicted of, a crime that would be a felony, or the murder of anyone involved in the investigation, prosecution, or defense of that crime, including, but not limited to, witnesses, jurors, judges, prosecutors, and investigators.

6. Felony Murder Should Be Excluded as the Basis for Death Penalty Eligibility.

The five eligibility factors in Recommendation 5, which are intended to be an exhaustive list of the only factors that may render a murderer eligible for capital punishment, do not include felony murder as a basis for imposing the death penalty. To ensure that the death penalty is reserved for the most culpable offenders and to make the imposition of the death penalty more proportional, jurisdictions that nevertheless choose to go beyond these five eligibil-

84. Testimony of Gerald Kogan, at p. 30.

85. See Liebman & Marshall, *Less Is Better: Justice Stevens and the Narrowed Death Penalty*, 74 *Fordham L. Rev.* 1607 (2006).

*ity factors should still exclude from death eligibility those cases in which eligibility is based solely upon felony murder. Any jurisdiction that chooses to retain felony murder as a death penalty eligibility criterion should not permit using felony murder as an aggravating circumstance. (2005 Update).*⁸⁶

Similarly, the Illinois Governor's Commission on Capital Punishment, a bipartisan group of seventeen current or former prosecutors, defense lawyers, judges and civic leaders established to determine what reforms would ensure that the Illinois capital punishment system is fair, just and accurate, unanimously concluded that the Illinois death penalty law be narrowed to the functional equivalent of the Constitution Project recommendation:

*The Commission unanimously concluded that the current list of 20 factual circumstances under which a defendant is eligible for a death sentence should be eliminated in favor of a simpler and narrower group of eligibility criteria. A majority of the Commission agreed that the death penalty should be applied only in cases where the defendant has murdered two or more persons, or where the victim was either a police officer or a firefighter; or an officer or inmate of a correctional institution; or was murdered to obstruct the justice system; or was tortured in the course of murder.*⁸⁷

Hon. Alex Kozinski, now presiding judge of the U.S. Court of Appeals for the Ninth Circuit, suggested thirteen years ago that narrowing of the death penalty laws was the most appropriate way to address the "illusory" nature of the death penalty. Noting the growing gap between the numbers of people sentenced to death and the numbers we were actually willing to execute, he suggested decreasing the number of crimes punishable by death and the circumstances under which death

may be imposed so that we only sentence to death "the number of people we truly have the means and the will to execute."⁸⁸ The goal of narrowing, then, is to limit the numbers of death row inmates to those whom we truly have the means and the will to execute.

Our Commission undertook a comprehensive review to determine which special circumstances were found in all cases in which the death penalty was imposed in California from 1978 through 2007. Despite the difficulties in gathering data because of the lack of a systematic data reporting requirement in California, the researchers, led by Professor Ellen Kreitzberg of Santa Clara University School of Law, were able to locate 822 death penalty judgments, and identify the special circumstances utilized in all but 26 of these cases. They concluded that since 1978, one of the five special circumstances identified by the Constitution Project was found in 55% of California death cases, or a total of 451 of the cases examined. This means that if the California death penalty law had limited itself to the "worst of the worst" as identified by the Constitution Project and the Illinois Commission, we would have approximately 368 on death row, rather than 670. The researchers also analyzed trends in the use of California's special circumstances over time. They found that there is a growing trend to narrow the use of special circumstances to the five which were identified in the *Mandatory Justice* report of the Constitution Project:

Our analysis of the special circumstances found by juries in California death penalty cases shows a growing trend in the percentage of cases where at least one Mandatory Justice factor is found. Compare 1980, where only 37% of the cases that year had at least one Mandatory Justice factor, with 2007, where 79% of the cases had at least one factor. Since 1998, a Mandatory Justice factor has

86. The Constitution Project, *Mandatory Justice: The Death Penalty Revisited*, p. xxiv-xxv (2001; 2005 Update).

Punishment (April 2002).

87. State of Illinois, Report of the Governor's Commission on Capital

88. Hon. Alex Kozinski & Sean Gallagher: *Death: The Ultimate Run-on Sentence*, 46 Case W. Res. L. Rev. 1,3 (1995).

been found in at least 59% of the cases each year – most years over 65% of the total cases. However, there is significant disparity from county to county with several counties falling far below the state average. California needs to determine how to eliminate these geographic disparities in the imposition of the death penalty.⁸⁹

Thus, a narrowing of the California special circumstances to the five factors recommended by *Mandatory Justice* and the Illinois Commission could largely eliminate the geographic variation in use of the death penalty which the Commission notes below.⁹⁰ The following chart illustrates the percentage of death penalty cases which included at least one *Mandatory Justice* factor for 1978 through 2007 from each of the fourteen counties which most frequently utilize the death penalty:

PERCENTAGE OF CALIFORNIA DEATH CASES WITH AT LEAST ONE MANDATORY JUSTICE FACTOR BY COUNTY⁹¹

County	Total Death Sentences	Percentage with at Least One Factor
Alameda	55	51%
Contra Costa	20	65%
Fresno	18	50%
Kern	29	55%
Los Angeles	247	64%
Orange	60	38%
Riverside	65	48%
Sacramento	43	37%
San Bernardino	46	52%
San Diego	43	63%
San Mateo	18	78%
Santa Clara	30	57%
Tulare	17	41%
Ventura	17	41%

The Kreitzberg study was also critical of the use of felony murder as a special circumstance:

*The use of felony murder as a special circumstance should be reviewed. Over the years felony murder (robbery) was either the first or second most frequently used special circumstance. While many felony murders are among the most intentional and aggravated killings, the felony murder circumstance fails to differentiate between these aggravated murders and a minimally culpable defendant who would still qualify under this factor.*⁹²

Some of the gravest concerns about the fairness of the death penalty might be alleviated or eliminated if its use were limited to the most aggravated cases. The current list of 21 factual circumstances under which a defendant is eligible for a death sentence could be eliminated in favor of a simpler and narrower group of eligibility criteria.

The use of the *Mandatory Justice* factors is not the only option available to narrow the use of California's death penalty. Other alternatives could be considered as well. Commissioner Jon Streeter suggests adding to the *Mandatory Justice* factors the further limitation that the crime in question must be found to have "legally affected all citizens of the State of California." According to this approach, any killing of a peace officer, a correctional officer, or a participant in the justice system would be presumed to have the requisite "citizen impact," since those crimes are, in effect, attacks on the State itself and on the State's ability to mete out justice on behalf of all of its citizens. For multiple murder and murder involving torture, there would be no such presumption; it would take more than a simple allegation of "murder of more than two persons" or "infliction of torture" to justify a capital charge. In those cases, "citizen impact" would have to be proved by the prosecution.⁹³ Unquestionably, some case-by-case line-drawing would be required,

89. Kreitzberg, et al., *A Review of Special Circumstances in California Death Penalty Cases*, p. 8 (2008).

90. See Section C-2 of this Report, *infra*. 91. *Id.* at pp. 45–46.

92. *Id.* at p. 8.

93. By way of illustration, mass murderers (e.g. the Oklahoma City bomber, the September 11 assassins) and serial murderers whose crimes are notorious

but the courts already do that kind of line-drawing in interpreting and applying our current death penalty special circumstances. As Commissioner Streeter puts it:

The overall idea behind this approach would be to impose a limitation that distinguishes between purely local crimes (where the costs of prosecution will be borne largely by county taxpayers) from crimes of state-wide import (where the costs of prosecution will be borne largely by all taxpayers of the state). Not only does this approach directly address the issue of geographical disparity, but, by introducing the principle that no crime may qualify for the death penalty unless it is a matter of some state-wide consequence, it also minimizes the need to draw potentially arbitrary distinctions between different types of heinous crimes. Most importantly, because the number of capital-eligible crimes would shrink dramatically – yet leave open the option of using capital punishment in cases that are often used as examples for why we should have the death penalty – this approach accomplishes a substantial narrowing of death eligibility, yet does so in a way that acknowledges and respects the strongly-felt views of many citizens that the ultimate punishment is appropriate in some cases. In effect, we would propose to ‘right size’ the death penalty in the State so that the citizens end up with a workable, yet fair, system that we can afford.

The Commission is not suggesting any particular formula or list to narrow California’s death penalty law. This judgment is best left to the legislative process. Other criteria, such as the murder of children, could be included on the list. But the list must be carefully measured to actually achieve the benefits of narrowing that have been identified. However the list of special circumstances is narrowed, this narrowed list would only be applied in death

penalty cases. The current list of special circumstances could still be utilized to impose sentences of life without possibility of parole.

If California’s death penalty law were narrowed, it would be unwise to proceed with the execution of defendants whose death judgment was not based upon one of the identified special circumstances. With respect to the thirteen executions conducted by California since 1978, ten of them would have met the recommended special circumstance for multiple murders. Only the executions of Thomas M. Thompson, Manuel Babbitt and Stephen Wayne Anderson would not have resulted in a death sentence using the *Mandatory Justice* factors. The death sentence of any death row inmate whose conviction did not include a finding of one or more of the enumerated special circumstances could be commuted to a sentence of life without possibility of parole. Taking this step would actually have little impact for the death row inmates involved. Most of them will never be executed, but will die in prison. Changing their sentence to one of lifetime incarceration would only change the location in which they will serve their sentence. But just that change could save the State of California \$27 million dollars each year over the current cost of confining these prisoners on death row.

The additional cost of confining an inmate to death row, as compared to the maximum security prisons where those sentenced to life without possibility of parole ordinarily serve their sentences, is \$90,000 per year per inmate.⁹⁴

With California’s current death row population of 670, that accounts for \$63.3 million annually.

for their depravity and the widespread fear they create (e.g. the Breonna Taylor killings, the D.C. sniper killings) are examples of cases in which a state-wide “citizen impact” seems readily apparent and readily provable.

94. Tempest, *Death Row Often Means a Long Life*, Los Angeles Times, Mar. 6, 2005, quoting Corrections Department Spokeswoman Margot Bloch.

Reducing the death row population to those whose death judgment is based upon one or more of the five special circumstances recommended by the Constitution Project would immediately reduce the size of California's death row to 368, who could be confined on death row at an annual cost of \$35 million. With respect to those no longer subject to the death penalty, millions more would be saved by eliminating the need to litigate their appeals and habeas petitions.

In terms of the future growth of California's death row, the Kreitzberg study suggests that for the past four years, 70% of the new death judgments in California have included at least one of the recommended circumstances. Thus, an average of 11 or 12 new death judgments could be anticipated, if prosecutors seek the death penalty at the same rate. The numbers, both in terms of backlog and new judgments, could be managed with substantially less resources than we currently devote to our death penalty system. The cost of implementing many of the reforms recommended by this Commission to fix the current system would be reduced by 30 to 40%.

A 45% reduction in the size of death row would also reduce the otherwise necessary expansion of the State Public Defender, the Habeas Corpus Resource Center, and the Court staffing needed.

2. THE ALTERNATIVE OF ESTABLISHING THE MAXIMUM PENALTY AT LIFETIME INCARCERATION

After a comprehensive review of the costs and benefits of the death penalty, the New Jersey Death Penalty Commission reached the following conclusions:⁹⁵

1 *There is no compelling evidence that the death penalty rationally serves a legitimate penological purpose;*

2 *The costs of the death penalty are greater than the costs of life in prison without parole;*

3 *There is increasing evidence that the death penalty is inconsistent with evolving standards of decency;*

4 *The penological interest in executing a small number of persons is not sufficiently compelling to justify the risk of making an irreversible mistake;*

5 *The alternative of life imprisonment in a maximum security institution without the possibility of parole would sufficiently ensure public safety and address other legitimate social and penological interests, including the interests of the families of murder victims;*

6 *Abolition would make sufficient funds available to ensure adequate services and advocacy for the families of murder victims.*

These considerations led the State of New Jersey to abolish the death penalty this year, in favor of the alternative of life imprisonment without parole. (LWOP). We have the same alternative available in California.

California has had a sentence of life imprisonment without possibility of parole available since 1978. According to the California Department of Corrections, as of January 1, 2008, 3,622 defendants are serving LWOP sentences, including some who were initially charged in death penalty cases. Thus, throughout the past thirty years, we have increased our LWOP population at an average rate of 120 defendants per year. It is appropriate to label these as cases of lifetime incarceration. The term of imprisonment is the defendant's life. He is being sentenced to die in prison. Not only are the costs of confinement significantly reduced, compared to the cost of confinement on death row, many of the costs of trial and appellate review for death cases are eliminated.

95. Final Report, New Jersey Death Penalty Study Commission Report, p. 1 (January, 2007).

96. California Code of Civil Procedure, Section 197(a). In contrast, New York uses five source lists, including state income taxpayers, state unemployment, and welfare rolls. Testimony of Lois Heaney, March 28, 2008.

At the trial level, substantial savings would result from the elimination of the necessity for death-qualified juries. Among the increased costs necessitated by death penalty trials are the heavier burdens imposed upon potential jurors than non-death cases. In Los Angeles County, 800 potential jurors may be summoned for a death penalty case. California jury commissioners rely solely upon voter registration and DMV lists to summon jurors, although state law permits expansion of source lists.⁹⁶ Seventy-five percent of potential jurors will be excused for financial hardship because of the length of the trial. California courts pay jurors at a rate of \$15 per day.⁹⁷ Many employers do not pay employees for jury service, and those who do frequently limit the payment to no more than two weeks. The remaining jurors must undergo individual questioning to determine whether they have opinions about the death penalty that would preclude their serving in a death case. This process of “death qualification” has resulted in larger numbers of potential jurors being excused as public opinion against the death penalty has grown.

While a jury is normally selected in one or two days in most felony cases, the selection of a death-qualified jury normally takes 8–10 days of court time. The use of limited source lists, the exclusion of a higher proportion of potential jurors for economic hardship, together with the exclusion of those who disapprove of the death penalty, results in juries that do not reflect a cross-section of the community to the extent that non-death juries do.

Upon conviction of first-degree murder and a finding of at least one special circumstance, the same jury is required to return for a second trial, the penalty phase in which the jury decides between a sentence of death or a sentence of life imprisonment without possibility of parole. This is a full trial, with opening statements, presentation of evidence by both sides, closing arguments and jury

instructions. The jury is asked to weigh aggravating and mitigating circumstances, and impose a sentence of death if aggravating circumstances outweigh mitigating circumstances, or a sentence of life imprisonment without possibility of parole if mitigating circumstances outweigh aggravating circumstances. The jury must unanimously agree as to the penalty; if they are unable to achieve unanimity, another jury must be impaneled to decide the penalty.⁹⁸

The expenses for trial and appellate counsel would also be substantially reduced if lifetime incarceration became the maximum penalty in California. Only one defense lawyer would have to be appointed for the trial. There would be no automatic appeal to the California Supreme Court, so appeals would be handled much more expeditiously by the Courts of Appeal. Between June 2005 and June 2006 the California Courts of Appeal decided 100 LWOP appeals after an average delay of 18.6 months.⁹⁹ While habeas corpus petitions are available, there is no right to appointed counsel, as there is for appeals and for habeas petitions in death cases. And since there is no discretion in the exercise of the sentencing function, there is no issue regarding the adequacy of investigation of mitigating evidence or the effective assistance of counsel at a sentencing trial. Finally, although the risks of wrongful convictions remain, there would be no wrongful executions. New trials could be ordered if necessary, and the exonerated would be released.

If the New Jersey approach were used in California, the death penalty backlog would immediately disappear.

The issues being litigated in direct appeals and habeas petitions would no longer have to be decided by the California Supreme Court. Penalty

97. At least 31 states and the Federal Courts pay jurors more than California. In Federal Courts, jurors receive \$50 per day. Testimony of Lois Heaney, March 28, 2008.

98. California Penal Code Section 190.4 (b).

99. Alarcon, *supra* n. 2 at p. 731.

issues would not have to be decided at all. The forty death penalty trials each year would simply be added to the existing schedule of LWOP cases; instead of 120 LWOP cases per year, we would have 160. With a dysfunctional death penalty law, the reality is that most California death sentences are actually sentences of lifetime incarceration. The defendant will die in prison before he or she is ever executed. The same result can be achieved at a savings of well over one hundred million dollars by sentencing the defendant to lifetime incarceration without possibility of parole.

A significant one-time savings is also available to California under this option. According to the California State Auditor Report for 2006, the current condemned-inmate facilities at San Quentin do not meet many of the Department of Corrections standards for maximum security facilities. The Department received spending authority of \$220 million to build a new condemned-inmate complex, but the audit found the analysis of alternative locations and costs was incomplete.¹⁰⁰ Governor Schwarzenegger has set aside \$136 million to proceed with construction of a new death row at San Quentin. The Department of Corrections estimate for completion of the project is \$356 million, up \$19 million from the year before.¹⁰¹ The California State Auditor reported in June, 2008 that this estimate is too low:

Analyses by our consultant suggest that the cost to construct the CIC will exceed Corrections' recent estimate. Although Corrections reasonably estimated construction costs, it was precluded from

applying realistic escalation rates, and delays from the anticipated start date will add to project costs. Additionally, Corrections did not include the costs to activate and operate the CIC in its estimated costs. Our consultant estimates the cost to construct the CIC will exceed Corrections' estimate of \$356 million by \$39.3 million and that the cost to activate the new CIC will reach \$7.3 million. Furthermore, our consultant estimates that the average new staffing costs to operate the new CIC will average \$58.8 million per year, for a total of approximately \$1.2 billion over the next 20 years.¹⁰²

3. ESTIMATING AND COMPARING THE ANNUAL COSTS OF AVAILABLE ALTERNATIVES

As we have previously noted, it is impossible to ascertain the precise costs of the administration of California's death penalty law at this time. But the choices that California faces require some comparison of projected costs; for this purpose, rough estimates will have to do.

In recent years, a number of states have attempted to compare the costs imposed by a death penalty trial to a murder trial where the death penalty is not sought, with quite consistent results. A performance audit report prepared for the State of Kansas in 2003 compared the average cost of cases in which a death sentence was imposed (\$1.2 million) with the average cost of murder cases in which the death penalty was not sought (\$.7 million) and concluded that seeking the death penalty adds 70% to the cost of a murder case.¹⁰³ A report by the Comptroller of the Treasury for the State of Tennessee concluded that seeking the death pen-

100. California State Auditor Report 2006-406, p. 281.

101. Halstead, *\$136 Million Requested for New Death Row at San Quentin*, Marin Independent Journal, April 30, 2008.

102. California State Auditor, *California Department of Corrections and Rehabilitation: Building a Condemned Inmate Complex at San Quentin May Cost More Than Expected*, June 2008 Letter Report 2007-120.1.

103. Performance Audit Report: Costs Incurred for Death Penalty Cases, A Report to the Legislative Post Audit Committee, State of Kansas, December 2003.

104. Wilson, Doss & Phillips, *Tennessee's Death Penalty: Costs and Consequences*, State of Tennessee, July 2004.

105. Janeway, *The Application of Indiana's Capital Sentencing Law: Findings of the Indiana Criminal Law Study Commission* (2002).

alty in murder trials adds an average of 48% to the cost of the trial.¹⁰⁴ A study of Indiana death penalty trials concluded that the cost of a death penalty trial and direct appeal alone is more than five times the cost of a life without parole trial and direct appeal. Including the relative costs of incarceration, the study concluded that obtaining the death penalty increases the cost by 38%.¹⁰⁵ Michael Ebert of the George Mason University School of Public Policy evaluated these studies, and concluded that “the Indiana analysis may well be the new ‘gold standard’ in this unique area of capital vs. non-capital cost assessments. The American Bar Association (ABA) examined the Indiana study and has commented very favorably on its techniques.”¹⁰⁶

A recent report for the Washington State Bar Association elicited estimates from prosecutors and public defenders of the costs added to trials when the death penalty was sought. The report concluded “that the prosecutor’s average estimate of \$217,000 and the public defenders average estimate of \$246,000 were realistic estimates of the cost difference for death penalty cases at the trial level.”¹⁰⁷

Not surprisingly, California estimates for trial costs have been somewhat higher. A U.C. Berkeley School of Public Policy researcher in 1993 reported that a capital murder trial cost \$1.9 million, compared to \$630,000 for a non-capital murder case, a difference of \$1.27 million.¹⁰⁸ The ACLU comparison of death penalty cases and non-death penalty cases in which counties were reimbursed by the state found the difference between the least expensive death penalty trial with the most expensive non-death penalty trial was \$1.1 million.¹⁰⁹

For comparative purposes, the Commission adopted a very conservative estimate that seeking the death penalty adds \$500,000 to the cost of a murder trial in California. The costs of a second defense lawyer, the background investigation for the penalty phase, and the added duration and expense of the trial for jury selection and penalty trial alone would easily add up to \$500,000 in most cases. The current rate of 20 death sentences per year would require 40 death penalty trials per year, for a total added cost of \$20 million. The Commission’s recommendations for adequate funding of defense costs for death penalty trials, especially the necessary investigation of mitigation, will easily increase this cost differential by 50%. If the same pace of 40 death penalty trials were maintained, the needed reforms would then require an annual expenditure of \$30 million, rather than \$20 million. This expenditure would be at the county level, but \$13.5 million of it would be reimbursed by the State pursuant to Penal Code Section 987.9.

If California’s death penalty law were narrowed to a more selective list of special circumstances, the number of death penalty trials would be reduced to 24, requiring the expenditure of \$18 million including the recommended reforms. If California opted in favor of terminal confinement [LWOP] as the maximum penalty, there would no longer be the enhanced costs of death penalty trials, but the number of LWOP trials would probably increase. In some cases, the risk of facing the death penalty provides an incentive to plead guilty and accept

106. Ebert, *Weighing the Costs of Capital Punishment v. Life in Prison Without Parole: An Evaluation of Three States’ Studies and Methodologies*, Volume I, New Voices in Public Policy (Spring 2007).

107. Washington State Bar Association, Final Report of the Death Penalty Subcommittee on the Committee on Public Defense, December 2006, at p. 18.

108. Tempest, *Death Row Often Means a Long Life*, Los Angeles Times, March 6, 2005 at p. B1. Based on Erickson, *Capital Punishment at What Price?*, available at <http://death.live.radicaldesigns.org/downloads/Erickson1993COSTSTUDY.pdf>

109. Minsker, *The Hidden Death Tax: The Secret Costs of Seeking Execution in California*, March 2008, at p. 32.

an LWOP sentence. If the incentive is removed, more LWOP cases may have to be tried. And if more LWOP cases are tried, more will be appealed. California currently processes approximately 120 LWOP cases each year, but fewer than 5% of them are disposed of by a plea of guilty.¹¹⁰ Even if all cases formerly charged as death cases become LWOP cases and all of those cases go to trial, that would add approximately \$5 million to the cost of LWOP trials and \$3 million to the cost of LWOP appeals. Both the trials and appeals would be considerably less expensive than death cases, because there would be no penalty phase, and no right to counsel for a habeas petition.

The costs of appellate and habeas corpus review for death cases can be estimated with somewhat more precision. The current budgets of the California Supreme Court for the appointment of private lawyers (\$15.4 million), of the State Public Defender for death penalty appeals (\$12.1 million) and the California Habeas Corpus Resource Center for habeas representation (\$14.9 million) total \$42.4 million. Former Attorney General Bill Lockyer estimated that 15% of his criminal division budget is devoted to capital cases. That currently amounts to \$12 million per year. Thus, at least \$54.4 million is currently devoted to post-trial review of death cases in California. The recommended budget increases proposed by the Commission in Part A would increase this figure by \$85 million. The added charges to the State general fund would include \$6 million for the State Public Defender, \$70 million for the California Habeas Corpus Resource Center, \$6 million to the Attorney General, and \$3 million to the State Supreme Court for appointed counsel. The reduction of the backlog by adopting the narrowing proposal would reduce these enhanced budgets by 45%, to a total of \$68 million.

The costs of confinement can also be estimated with some precision, based upon the Department of Corrections estimate that confinement on death row adds \$90,000 per year to the cost of confinement beyond the normal cost of \$34,150. Thus, just the enhanced confinement costs for the 670 currently on California's death row totals \$63.3 million. This figure increases each year as the population of California's death row grows.

The needed reforms recommended by the Commission would reduce the delays and eventually lead to reductions in the death row population. The alternative of narrowing the death penalty law could result in a 45% reduction in the size of death row, and a corresponding 45% reduction in the costs of confinement to \$35 million per year. This number would also decline as the backlog was reduced. The alternative of terminal confinement would not reduce confinement costs to zero, since current death row inmates who might have been executed will be confined for their full life expectancy, although at the lower confinement rate of \$34,150 per year. Assuming 100 inmates might otherwise have been executed, the cost of their continued confinement would amount to \$3.5 million per year.

Thus, using conservative, rough estimates, the total cost of the available alternatives would be (1) to continue spending at least \$137.7 million per year to maintain our dysfunctional system; (2) to spend \$216.8 million to reduce delays in resolving cases from 20–25 years down to the national average of 12 years; (3) to spend \$121 million per year for a narrowed death penalty producing 10–12 new death sentences per year; (4) or to adopt a policy of terminal confinement at an annual cost of \$11.5 million.

These estimates make no effort to measure opportunity costs or savings. For example, the California Supreme Court currently devotes 20–25% of its

110. This estimate is based upon a 2008 survey of the California Appellate Projects.

ESTIMATING THE ANNUAL COSTS OF FOUR ALTERNATIVES

	Current System	Current System with Part A Additions	Narrowed Death Penalty Law with Part A Additions	Maximum of Lifetime Incarceration (LWOP)
Additional Costs of Trials	\$20 million	\$30 million	\$18 million	\$5 million
Additional Cost of Appeal and Habeas Proceedings	\$54.4 million	\$139.4 million	\$77 million	\$3 million
Additional Cost of Confinement	\$63.3 million (Increasing)	\$63.3 million (Declining)	\$35 million (Declining)	\$3.5 million
Total	\$137.7 million (Increasing)	\$232.7 million (Declining)	\$130 million (Declining)	\$11.5 million

time and resources to processing death penalty appeals and habeas petitions. If California's death penalty law were significantly narrowed, the Supreme Court caseload would be correspondingly lighter. The reduction would be even more dramatic with the alternative of lifetime incarceration as the maximum penalty.

The following chart summarizes the additional annual charges to the California state budget which each of four alternatives would impose: the present system, the present system with the reforms recommended in Part A of this Report, a significantly narrowed death penalty law, and a maximum punishment of lifetime incarceration without possibility of parole.

Part C: Administrative Reforms

1. REDUCING THE CALIFORNIA SUPREME COURT BACKLOG

Despite extraordinary efforts and the investment of substantial resources, the California Supreme Court has been unable to stay abreast of the rising tide of death cases arriving at its door. As already noted, the delays in appointment of counsel for both direct appeals and state habeas proceedings are attributable to lack of adequate funding rather than any failure on the part of the Court. The Court

has no control over the number of death verdicts returned each year, and the numbers have far surpassed the capacity of the court to promptly process and decide the cases. The Court has added attorneys to the staff of each Justice's chambers, and created a central staff of ten attorneys dedicated to death penalty motions, appeals and habeas proceedings. These cases arrive with lengthy records, and the opinions issued by the Court addressing the issues raised on appeal are lengthy and complex. Ordinarily, the Court will issue published opinions deciding 20 to 25 death appeals each year, and an additional 30 memorandum opinions deciding habeas petitions. There is now a delay of as much as two or three years from the time a death case is fully briefed until it is set for oral argument. The Court has 80 direct appeals fully briefed and awaiting oral argument. Another 100 fully briefed habeas petitions are before the Court.

According to Chief Justice Ronald M. George, the Court now faces a crisis, in which the death penalty backlog is threatening the Court's ability to resolve other statewide issues of law and settle conflicts at the appellate level, which is its primary duty and responsibility. The California Supreme Court has formulated a proposal to address the delay in deciding fully briefed death penalty appeals by amending the California constitution to

give the Supreme Court discretion to transfer fully briefed cases to the intermediate Courts of Appeal for decision.¹¹¹ The Supreme Court would review the Court of Appeals judgment and could summarily affirm it, or hold oral argument and issue its own decision with reasons stated, addressing all or part of the Court of Appeal's decision.¹¹² On March 25, 2008, the Chief Justice announced that in view of the budget situation, the Court is not asking that the proposal be advanced at this time. The Commission recommends that this proposal be advanced only in conjunction with implementation of recommendations it is presenting in this report to adequately fund the appointment of both appellate and habeas counsel in death cases, and the provision of adequate staffing for the Courts of Appeal.

Witnesses before the Commission have addressed a number of other concerns regarding the implementation of this proposal. Concern has been expressed that transferring as many as thirty death appeals each year to the nineteen different divisions and districts of the Court of Appeal will result in inconsistent rulings, especially in resolving issues such as harmless error. The lack of formal proportionality review in California, coupled with the patterns of geographic disparity, give added weight to concerns regarding the consistency of death penalty review.

The assurance of the Supreme Court that Court of Appeal rulings would be carefully scrutinized should be accepted. An annual evaluation of the effects of this proposal could be assured by the implementation of the Commission's recom-

mendation to establish a California Death Penalty Review Panel (*infra*, pp. 102–103). The Commission majority recommends adoption of the proposed constitutional amendment if the recommendations contained in Part A of this Report are implemented.

While the California Supreme Court is also considering proposals to address the backlog of state habeas cases, Senior Judge Arthur Alarcon of the U.S. Court of Appeals for the Ninth Circuit has suggested that California law be changed to permit original habeas petitions in death cases to be filed in the Superior Courts, with right of appeal to the Courts of Appeal and discretionary review by the Supreme Court.¹¹³ He suggests:

The potential for reducing the delay of finally adjudicating a sentence of death by having the original habeas corpus petition filed in the superior court is tremendous. There are 1499 superior court judges in California. An average of thirty-eight state habeas corpus petitions in death penalty cases are filed each year in the California Supreme Court. Spreading these state habeas corpus petitions among the trial courts would dramatically reduce the Supreme Court's caseload while having a minimal impact on the superior courts. Trial court judges are uniquely qualified to hear original habeas corpus claims because they are already familiar with the evidence presented at trial. And in order to facilitate appellate review, the superior court judge hearing the petition should be required to issue a written order explaining the reasons for granting or denying habeas corpus relief.¹¹⁴

111. A constitutional amendment would be required because the California constitution gives the Supreme Court exclusive jurisdiction over appeals involving judgments of death. Cal. Const., art. VI, Section 12.

112. News Release, Supreme Court Proposes Amendments to Constitution in Death Penalty Appeals, Nov. 19, 2007.

113. Alarcon, *supra* n. 2, at 743–49.

114. *Id.* at p. 743.

The Alarcon proposal may not require amendment of the California constitution. The Supreme Court, the Courts of Appeal and Superior Courts share original jurisdiction over habeas corpus proceedings.¹¹⁵ The reason habeas cases are filed directly in the Supreme Court is because only the Supreme Court is authorized to pay counsel. The California Supreme Court has adopted a policy which declares:

*Absent prior authorization by this court, this court will not compensate counsel for the filing of any other motion, petition or pleading in any other California or federal court or court of another state. Counsel who seek compensation for representation in another court should secure appointment by, and compensation from, that court.*¹¹⁶

Adoption of the Alarcon proposal could also expedite the consideration of a subsequent habeas corpus petition in federal court. Under the existing system, federal courts do not have the benefit, in most cases, of a prior evidentiary hearing or a written order from the Supreme Court explaining the reasons for its decision. After the California Supreme Court rejected requests from the judges of the Ninth Circuit Court of Appeals that the Court spell out its reasons for denying petitions for habeas corpus, due to lack of time and resources, Senator Dianne Feinstein wrote to Governor Arnold Schwarzenegger requesting assistance in addressing this problem. She concluded that “[t]he absence of a thorough explanation of the [California Supreme] Court’s reasons for its habeas corpus decisions often requires

federal courts to essentially start each federal habeas death penalty appeal from scratch, wasting enormous time and resources.”¹¹⁷

The Commission majority recommends that changes to California statutes, rules and policies be seriously considered to encourage more hearings and formal findings in considering state habeas corpus petitions in death penalty cases. The California Supreme Court’s summary denial of habeas petitions without evidentiary hearings and without any explanation of the reasons¹¹⁸ does not save time, since it adds to the delay in resolution of the inevitable subsequent federal habeas corpus claim. Simply adopting the Alarcon proposal to shift the initial consideration of habeas petitions to the Superior Courts, however, would only add to the delays if the Superior Courts summarily deny the petitions at the same rate, competency standards for the appointment of counsel are not ensured, or additional resources are not provided for full development of the facts necessary to resolve claims for relief. Among the statutory changes to be considered should be a reexamination of the standards for requiring the Attorney General to file a return, and the standards for requiring an evidentiary hearing. Written findings should also be required.

2. EXPLAINING RACIAL AND GEOGRAPHIC DISPARITIES

The decision to pursue the death penalty for a death eligible defendant is the responsibility of the elected District Attorney in each California county. Although there is no current data to show

115. Cal. Const., art. VI, Section 10.

116. Supreme Court Policies Arising From Judgments of Death, at Policy 3, 2-1 (1989).

117. Alarcon, *supra* n. 2, at 742-43.

118. The California Supreme Court issues an order to show cause requiring the Attorney General to respond in only 8% of death penalty habeas corpus petitions, and orders an evidentiary hearing before a referee in only 4.5% of the cases.

what proportion of California homicides are *charged* as first degree murder and/or death penalty cases, there has been research focused upon the cases that actually result in a sentence of death. Professors Glen Pierce and Michael Radelet examined the racial, ethnic and geographical variation in the imposition of the death penalty based on an analysis of homicides that occurred in California between January 1, 1990 and December 31, 1999.¹¹⁹ They found that for the 33,914 homicides occurring in California during this period, 302 defendants were sentenced to death. The statewide ratio for this ten-year period was .89 death sentences for every 100 homicide victims. The authors then examined variations in this ratio based upon the race of the victim and the geographical location of the homicide. They found the ratio varied substantially among California counties. Excluding counties in which fewer than five death sentences were imposed,¹²⁰ death sentencing ratios varied from .58 for each 100 homicides to rates nearly ten times higher.

These ratios do not take into consideration variations in arrest rates across counties. Larger urban counties may have higher proportions of stranger-to-stranger homicides, which often remain unsolved and produce correspondingly lower arrest rates. Pierce and Radelet adjusted for variance in arrest rates by counting homicides in which an offender was identified (ordinarily by making an arrest), and then comparing the death sentencing rate to the urban character of the county as measured by population density, and the proportion of the county's population that were non-Hispanic whites. This comparison strongly suggested that

those counties with the highest death sentencing rates tend to have the highest proportion of non-Hispanic whites in their population, and the lowest population density. The more white and more sparsely populated the county, the higher the death sentencing rate.

Pierce and Radelet also subjected their data to logistic regression analysis to ascertain whether the race and ethnicity of homicide victims is associated with imposition of the death penalty in California. Overall, controlling for all other predictor variables, they found all those who kill African Americans, regardless of the ethnicity or race of the perpetrator, are 59.3% less likely to be sentenced to death than those who kill non-Hispanic whites. This disparity increases to 67% when comparing the death sentencing rates of those who kill whites with those who kill Hispanics, again without regard to the ethnicity or race of the perpetrator.

It should be clearly understood that this data does not establish that prosecutorial discretion is affected by race and class bias, unconscious or otherwise. There are many other plausible explanations for the consistent patterns based on race of victim that appear in every death penalty state. Similar patterns have been found in other states in recent studies, including Florida, Illinois, Nebraska, Arizona, Maryland, North Carolina and Pennsylvania, as well as in studies of death sentencing in federal cases.¹²¹ More detailed analysis of more data is necessary to identify the reasons for patterns of disparity based upon the race of the victims.¹²²

119. Pierce & Radelet, *The Impact of Legally Inappropriate Factors on Death Sentencing for California Homicides, 1990-1999*, 46 Santa Clara L. Rev. 1 (2005).

120. In almost half the counties, 28 of the 58, no death sentences were imposed during the 1990's, although 1,160 homicides took place in these counties. The current District Attorney for San Francisco, Kamala Harris, and her predecessor, Terrence Hallinan, pledged never to seek the death penalty. Since 1979, only two defendants have been sentenced to death for murders in San Francisco. *Id.* at 26, n.128.

121. Pierce and Radelet, *supra* n. 119, at 38-39.

122. Analysis of racial data should include all cases in which the death penalty was sought and those in which it was rejected as well as those in which it was imposed. Data from San Mateo County illustrates the difficulty of drawing any conclusions from a simple comparison of the race of the defendant and the race of the victim in cases where the death penalty was imposed. Since 1983, 26 capital cases were tried to penalty phase to a jury. 13 of the defendants were white, and 13 were persons of color. There were a total of 42 victims: 27 were white and 15 were persons of color. Death verdicts were returned in 14 of the cases, 8 against white defendants, and 6 against defendants of color.

Professors Pierce and Radelet noted broad concerns about data quality and availability in California:

Such issues raise crucial questions about the interest, and, more fundamentally, the ability of the State to monitor its death sentencing process. A comprehensive and effective monitoring program needs to track all homicide cases from arrest through appeal. To accurately assess the full range of factors that may or may not affect criminal justice decisions, all links and actors in the decision-making process must be monitored. This necessitates collecting information from the very start of the process, including information on the character of police investigations and prosecutorial charging decisions.¹²³

The systematic collection and monitoring of more comprehensive data about how homicide cases are selected for prosecution as death cases could yield valuable insights into the impact of the race of the victim. This data should be regularly collected and analyzed.

Prosecutors suggest that geographical variation in utilizing the death penalty is not a problem, because locally elected District Attorneys are responding to the demands of the electorate which they represent. The California Supreme Court has consistently rejected claims that the discretion conferred on the district attorney of each county to seek the death penalty results in a county-by-county disparity in capital prosecutions, causing arbitrariness forbidden by the federal Constitution.¹²⁴ Others suggest that since the death penalty is administered in the name of the State, there should be a uniform statewide standard applied to determine if the death penalty should

be employed.¹²⁵ A local decision to seek the death penalty may impose tremendous costs that will be borne by the State as a whole, including the costs of subsequent appeal and habeas proceedings and the costs of confinement on death row.

Many states address the problem of geographical variation by imposing a requirement of comparative proportionality in death sentences.

The United States Supreme Court has ruled that the Eighth Amendment of the U.S. Constitution does not *require* comparative proportionality review in death penalty cases, concluding that disparities in death sentences cannot be labeled as cruel and unusual punishment. The Court also held that death penalty statutes without proportionality review do not violate the Fourteenth Amendment's guarantee of equal protection. Indeed, these rulings came in a case challenging California's death penalty statute for failing to provide proportionality review.¹²⁶ Nevertheless, the majority of states which provide for the death penalty do require comparative proportionality review to achieve a consistent statewide standard.¹²⁷ Gerald Kogan, former Chief Justice of the Florida Supreme Court, told the Commission that Florida has one of the highest rates of state Supreme Court reversal of death penalties in the nation, because of its employment of proportionality review.¹²⁸

In those 14 cases, there were 27 victims, 16 white and 11 persons of color. In the twelve cases where the jury rejected a death verdict, 5 defendants were white and 7 were persons of color. There were 15 victims in those 12 cases: 11 were white, and 4 were persons of color.

123. *Supra*, n. 119 at p. 37.

124. See, e.g., *People v. Ayala*, 23 Cal.4th 225 (2000); *People v. Holt*, 15 Cal.4th 629, 702 (1997); *People v. Ochoa*, 19 Cal.4th 353, 479 (1998).

125. See, e.g., the suggestion of Commissioner Jon Streeter, pp. 67-68 *supra*.

126. *Pulley v. Harris*, 465 U.S. 37 (1984).

127. Kaufman-Osborn, *Capital Punishment, Proportionality Review, and Claims of Fairness (With Lessons From Washington State)*, 79 Wash. L. Rev. 775, 790-92 (2004) (21 of the 39 states with death penalty laws impose a requirement of comparative proportionality review).

128. Testimony of Hon. Gerald Kogan, p. 34.

The Commission majority has concluded that geographical and racial variation should be subjected to further study and analysis in California. Evidence of disparities in the administration of the death penalty undermines public confidence in our criminal justice system generally. California is the most diverse state in the country. It is our duty to ensure that every aspect of the criminal justice system is administered fairly and evenly, and that all residents of the state are accorded equal treatment under the law. This is especially true when the state chooses to take a life in the name of the people. The Commissioners are unwilling to recommend a requirement of comparative proportionality or approval of local death penalty decisions by a statewide body, however, without additional data and research.

3. COMPREHENSIVE DATA COLLECTION AND MONITORING

The Commission made a concerted effort to identify the process by which decisions are made by California District Attorneys to proceed with a homicide prosecution as a death penalty case. After completing preliminary research, Professors Harry Caldwell, Carol Chase and Chris Chambers of Pepperdine University School of Law prepared a survey form which was sent to the District Attorneys in each of California's 58 counties. The survey sought information concerning the process by which each office determines whether to file a homicide as a capital case, as well as information designed to reveal whether certain types of special

circumstances are more likely than others to be filed as capital cases, and whether certain characteristics of defendants, victims, or the crimes alleged were more likely to result in a capital charge. Despite extensive follow-up contacts, twenty counties never responded to the survey, and another fourteen responded by declining to participate in the survey. The non-cooperating counties included five of the top ten death-sentencing counties in California.¹²⁹

With respect to the counties that completed the survey, most indicated that a panel or committee of prosecutors was utilized to make a recommendation to the District Attorney whether the death penalty should be sought. Very few counties indicated they had written policies or guidelines, and only one was willing to provide a copy of their written policy. The responding offices differed as to their use of information from the defense in making their decisions. In most counties, the decision is not made until the information is filed, after the preliminary hearing.

The survey did not yield enough statistical information to draw any conclusions with regard to the decision-making process. The Pepperdine researchers concluded:

Of all the decisions that a government can make, the decision to seek to end the life of another human being must be the most important and sobering. These decisions should be made only after careful consideration of specified factors after a clearly defined process designed to ensure fairness and to avoid arbitrary results. As the ultimate decision for each county rests with an elected official, the District

129. The non-cooperating counties included Riverside, Orange, Alameda, San Diego and Kern. The top ten death-sentencing counties in California, measured by the number of inmates on death row in January, 2004, were: 1. Los Angeles (194), 2. Riverside (54), 3. Orange (49), 4. Alameda (43), 5. Sacramento (34); 6. San Bernardino (34); 7. San Diego (32), 8. Santa Clara (27), 9. Kern (23), 10. San Mateo (16).

Attorney, one would hope that the District Attorney would value transparency in his/her decision-making process, both to insure that these important decisions are being made as evenhandedly as possible and to give the electorate the opportunity to voice its approval or disapproval of the process by which the District Attorney makes those decisions. Unfortunately, our experience has revealed a wariness about disclosing information about the death penalty decision-making process on the part of many district attorneys offices. While some offices – including the office of the most populous county (Los Angeles), have been very forthcoming – a record of 15 relatively complete responses out of 58 counties¹³⁰ paints a distressing picture of the willingness of those who tinker with the machinery of the death penalty to expose their decision-making process to the electorate.¹³¹

Regrettably, a similar experience of wariness was reported by the Rand Corporation, which was retained by the Commission to determine the feasibility of a major study of the administration and the administrative costs of the death penalty in California:

At the outset of our conversations with representatives of participating agencies, the relevance of the underlying political dynamic became undeniably apparent. Namely, that many (if not most) of the participants in the death penalty process have strongly held views about the death penalty, and that those views have implications for our ability to gather the necessary data for the proposed study. The representatives on the defense side with whom

we spoke tended to see it as their responsibility to prevent or delay the application of capital punishment. Therefore, not surprisingly, they appear to fall largely within the group of those opposed to the use of the death penalty. And the representatives on the prosecution side, especially at the local level, showed an interest in maintaining all possible sentencing options for any given crime, which allows for the widest discretion in determining how to handle their cases, as well as providing leverage for plea-bargaining. Thus, the two groups of key stakeholders not only play adversarial roles in individual cases, but they also largely disagree when it comes to the death penalty.

It is perhaps not surprising then, that many of the stakeholders in the current death penalty process are wary of the kind of independent study we have proposed, for fear that it could end up swaying opinion in a direction contrary to their own convictions. This wariness was expressed to us directly by some, as well as indirectly (e.g., difficulties we encountered getting connected in a timely fashion to the right people). In our experience, such ambivalence about a study can make data collection extremely difficult – if not effectively impossible.¹³²

Providing the public with reliable information about how the death penalty is being administered in California should not depend upon the discretion of those who are charged with its administration. The Commission majority recommends that reporting requirements be imposed to systematically collect and make public data regarding all decisions by prosecutors in murder cases whether or not to charge special circumstances

130. In addition to Los Angeles County, relatively complete responses were received from Butte, Calaveras, Imperial, Inyo, Kings, Lake, Mendocino, Nevada, San Bernardino, San Mateo, Santa Clara, Shasta, Tehama and Tuolumne Counties.

131. Caldwell, Chase & Goodman, *Death Penalty Survey Report*, p. 7 (Nov. 7, 2007).

132. Everingham, Ridgley, Reardon & Anderson, *Feasibility Study: Characterizing the Administration and Assessing the Administrative Costs of the Death Penalty in California*, p. 11 (Rand Corp., August 2007).

and/or seek the death penalty, as well as the disposition of such cases by dismissal, plea or verdict in the trial courts. The Legislature should impose a requirement upon courts, prosecutors and defense counsel to collect and report all data needed to determine the extent to which race of the defendant, the race of the victim, geographic location and other factors affect decisions to implement the death penalty, to accurately determine the costs, and to track the progress of potential death penalty cases. This recommendation was among the most vigorously debated by the Commission, with some Commissioners believing that data collection is useless without a carefully defined purpose for the data. The Commission majority concluded that a newly created Death Penalty Review Panel would play a vital role in defining what data is necessary to carry out its monitoring and advising functions.

The Commission received a recommendation from Professors Ellen Kreitzberg, Michael Radelet and Steven Shatz describing a comprehensive system of data collection modeled on the system implemented by the Supreme Court of New York.¹³³ Some counties, such as Alameda County, already routinely collect much of the data that would be reported. The Commission recommends that reporting requirements be imposed to systematically collect and make public cumulative data regarding all decisions by prosecutors in murder cases whether or not to charge special circumstances and/or seek the death penalty, as well as the disposition of such cases by dismissal, plea or verdict in the trial courts.

The Legislature should impose a requirement upon courts, prosecutors and defense counsel to collect and report any data other than privileged material designated by the California Death Penalty Review Panel which may be necessary: (1) to determine whether demographics affect decisions to implement the death penalty, and if so, how; (2) to determine what impact decisions to seek the death penalty have upon the costs of trials and postconviction review; and (3) to track the progress of potential and pending death penalty cases to predict the future impact upon the courts and correctional needs. The information should be reported to the California Department of Justice and the California Death Penalty Review Panel. The information reported should be fully accessible to the public and to researchers.

The experience of this Commission in undertaking a comprehensive review of the administration of California's death penalty law confirms the need for more comprehensive collection of data and the continual monitoring and analysis of that data, to identify and address the problems of delay, chronic under-funding, and the potential risk of wrongful convictions and executions, and to assure ourselves that racial and geographic variations do not reflect the inappropriate exercise of discretion.

The Commission majority recommends the establishment of a California Death Penalty Review Panel, to be composed of judges, prosecutors, defense lawyers, law enforcement representatives and victim advocates appointed by the Governor and the Legislature. It should be the duty of this Panel to issue an annual report to the Legislature,

133. Kreitzberg, Radelet & Shatz, Response to Questions on Proportionality Review and Data Collection, March 12, 2008. (Available on Commission's Website).

the Governor and the courts, gauging the progress of the courts in reducing delays in death penalty cases, analyzing the costs of and monitoring the implementation of the recommendations of this Commission, and examining ways of providing safeguards and making improvements in the way the California death penalty law functions.

4. THE NEED FOR GREATER TRANSPARENCY IN THE EXERCISE OF PROSECUTORIAL DISCRETION TO PURSUE THE DEATH PENALTY

Although the Commission's attempt to survey prosecutors was largely unsuccessful, the ACLU of Northern California conducted a survey of defense attorneys to ascertain the death penalty charging procedures in their counties.¹³⁴ They received information regarding the practices in fifteen active death penalty counties,¹³⁵ in most cases from the Chief Public Defender or a deputy. The data obtained was entirely consistent with that collected by the Pepperdine researchers. It demonstrated great variation in the practices for charging special circumstances, a lack of racial diversity among the individuals who made the decision, great variation in when the decision was made, and significant variation in the involvement of the defense in the process. In all but three of the responding counties (Kern, Sacramento and Solano) review panels or Committees of prosecutors were utilized to make a recommendation to the District Attorney. Only two responses indicated the review committees were racially diverse. In three of the counties, the defense is not regularly consulted before a

decision is made.¹³⁶ Five of the counties permit written submissions by the defense.¹³⁷ Seven of the counties permit the defense to actually meet with the committee.¹³⁸

There was also significant variation in when the decision to seek the death penalty was made. Most counties made the decision after the preliminary hearing, but there was significant variation in how long after the preliminary hearing a decision was made. In one recent case, the prosecution declared for the first time that it was seeking a sentence of death on the first day of trial.¹³⁹

The Commission recently recommended that all District Attorney Offices in California formulate and disseminate a written Office Policy to govern compliance with the constitutional obligation to disclose exculpatory evidence. *Report and Recommendations on Compliance With the Prosecutorial Duty to Disclose Exculpatory Evidence* (March 6, 2008). We believe it is equally important that the policy governing the decision to seek the death penalty be in writing and publicly available. The Commission therefore unanimously recommends that all District Attorney Offices in California formulate and disseminate a written Office Policy describing how decisions to seek the death penalty are made, who participates in the decisions, and what criteria are applied. Such policies should also provide for input from the defense before the decision is made.

134. Natasha L. Minsker, *Charging Practices of CA DA's in Death Penalty Cases. Survey Responses*, Letter to the Commission dated Feb. 15, 2008 (Available on Commission's Website).

135. Responses were obtained for Alameda, Contra Costa, Fresno, Kern, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Mateo, Santa Clara, Solano, Tulare and Ventura Counties. Thus, all of the top ten death-sentencing counties were included. See n. 96, *supra*.

136. Kern, Riverside and San Bernardino.

137. Alameda, Contra Costa, Fresno, Los Angeles and Solano.

138. Orange, San Diego, San Mateo, Sacramento, Santa Clara, Tulare and Ventura.

139. Dan Bernstein, *A Late Penalty*, Riverside Press-Enterprise, Oct. 9, 2007.

140. Carter and Moylan, *Clemency in Capital Cases* (2008) (Available on the Commission's Website)

5. THE GOVERNOR'S CLEMENCY POWER IN DEATH PENALTY CASES

The California constitution vests the power to commute or pardon a person condemned to death in the Governor:

Art. V, Section 8(a). Subject to application procedures provided by statute, the Governor, on conditions the Governor deems proper, may grant a reprieve, pardon, and commutation, after sentence, except in case of impeachment. The Governor shall report to the legislature each reprieve, pardon, and commutation granted, stating the pertinent facts and the reasons for granting it. The Governor may not grant a pardon or commutation to a person twice convicted of a felony except on recommendation of the Supreme Court, 4 judges concurring.

At the request of the Commission, Professors Linda E. Carter and Mary-Beth Moylan of the University of the Pacific, McGeorge School of Law undertook a comprehensive study of the use of commutation in California death penalty cases.¹⁴⁰ Historically, they found substantial variation in the rates at which California Governors exercised clemency in death penalty cases. Governor Culbert Olson (1939–1942) commuted 16 death sentences while overseeing 29 executions.¹⁴¹ Governor Earl Warren (1943–1953) commuted 7 death sentences while overseeing 80 executions.¹⁴² Governor Edmund G. “Pat” Brown commuted 20 death sentences while presiding over 20 executions.¹⁴³ The last commutation of a death sentence in California was by Governor Ronald Reagan in 1967. Governor Reagan also presided

over one execution. Since the enactment of the current California death penalty law in 1978, there have been 13 executions. Clemency was denied in all 13 cases: five by Governor Pete Wilson, five by Governor Gray Davis, and three by Governor Arnold Schwarzenegger.

Professors Carter and Moylan conclude that executive clemency cannot and should not function as a device to review procedural errors or legal challenges to execution. Its purpose is to provide a safety valve, and its unregulated nature furthers that purpose. They do make two recommendations to amend Article V, Section 8(a) of the California constitution, however, and the Commission unanimously supports these recommendations:

1 Decisions denying clemency in death cases should be preserved in the records of the Legislature as well as decisions granting clemency. All of the last thirteen denials of clemency resulted in the issuance of written decisions, but Professors Carter and Moylan encountered difficulty in locating all of those decisions. The second sentence of Section 8(a) should be amended to read: “The Governor shall report to the Legislature each reprieve, pardon, and commutation granted or *denied*.”

2 The requirement of Supreme Court concurrence in the grant of executive clemency to a twice-convicted felon should be removed. Involving the Supreme Court in the clemency process intertwines the judicial branch in a power that is exclusively vested in the executive branch by the California constitution. No other state has a process that gives the judicial branch this type of veto power over the executive’s decision. The concept of

140. Carter and Moylan, *Clemency in Capital Cases* (2008) (Available on the Commission’s Website).

141. Governor Olson’s Clemency Secretary was Stanley Mosk, who later served as California Attorney General and as a Justice of the California Supreme Court for 37 years.

142. Governor Warren later served as Chief Justice of the United States Supreme Court for 15 years.

143. One of Governor Brown’s Clemency Secretaries was Arthur Alarcon, now a Senior Judge of the U.S. Court of Appeals for the Ninth Circuit. Governor

Brown authored a book describing his experiences in considering death penalty commutations. Edmund (Pat) Brown with Dick Adler, *Public Justice, Private Mercy: A Governor’s Education on Death Row* (1989).

granting mercy is an extra-judicial function that is not within the purview or function of a court.

The Commission is also in agreement with the suggestion of Professors Carter and Moylan that Penal Code Section 4813 be amended to make it discretionary rather than mandatory that requests for clemency by a twice convicted felon be referred to the Board of Prison Terms for a written recommendation. This proposed amendment will bring the statute into conformity with the actual practice of recent Governors and alleviate a possible conflict with the California constitution and its requirement of the separation of powers.

Finally, the Commission suggests that the Governor receive information from the attorneys for the accused, and should consider in each case meeting personally with the attorneys for each side before making a decision regarding commutation in a death penalty case. As the only decision maker, the Governor should hear evidence and arguments in person as much as possible.

Conclusion

If we are to achieve the goals of justice, fairness and accuracy in the administration of the death penalty in California, and reduce delays at least to the national average, there is urgent need to increase funding at every level: trials, direct appeals and habeas corpus review. Once increased funding has been achieved, serious consideration should be given to both a proposed constitutional amendment to permit the California Supreme Court to transfer fully briefed pending death penalty

appeals from the Supreme Court to the Courts of Appeal, and changes to California statutes, rules and policies to encourage more factual hearings and findings in state habeas proceedings in death penalty cases.

Reporting requirements should be imposed to systematically collect and make public cumulative data regarding all decisions by prosecutors in murder cases whether or not to charge special circumstances and/or seek the death penalty, as well as the disposition of such cases by dismissal, plea or verdict in the trial courts.

A Death Penalty Review Panel should be established to issue an annual report to the Legislature, the Governor and the courts, gauging the progress of the courts in reducing delays, analyzing the costs of and monitoring the implementation of the recommendations of this Commission, and examining ways of providing safeguards and making improvements in the way the California death penalty law functions.

Each District Attorney Office in California should formulate a written Office Policy describing when and how decisions to seek the death penalty are made.

The constitutional and statutory provisions governing Gubernatorial clemency should be modified to maintain consistent records and eliminate unnecessary procedural steps.

This report sets forth an ambitious and expensive agenda of reform. The failure to implement it, however will be even more costly. The death penalty will remain a hollow promise to the people of California.

Appendix I:

DEATH PENALTY FOCUS QUESTIONS

- 1** Should reporting requirements be imposed to systematically collect and make public data regarding all decisions by prosecutors in murder cases whether or not to charge special circumstances and/or seek the death penalty, as well as the disposition of such cases by dismissal, plea or verdict in the trial courts?
 - 2** Should the California constitution be amended to permit the transfer of jurisdiction over pending death penalty appeals from the Supreme Court to the Courts of Appeal?
 - 3** Should California law be changed to require state habeas corpus petitions in death penalty cases be filed in the Superior Courts?
 - 4** Should California law be changed to narrow the special circumstances that would make a defendant eligible for the death penalty?
 - (a) Should death penalty eligibility be limited to cases in which the defendant was the actual killer?
 - (b) Should death penalty eligibility be limited to cases in which the defendant formed the intent to kill?
 - (c) Should felony murder special circumstances be retained?
 - (d) Should special circumstances be limited to the "worst of the worst"? If so, which special circumstances define the "worst of the worst"?
 - 5** What measures should be taken to assure the prompt appointment of qualified lawyers to provide competent representation for the defendant in death penalty cases at the trial stage, on direct appeal, and for habeas corpus challenges?
 - 6** Should consistency of representation be provided for state and federal habeas corpus proceedings in death penalty cases?
 - 7** Are funding and support services for the defense of capital cases adequate to assure competent representation by qualified lawyers?
 - 8** Are there significant racial disparities associated with the race of the victim or the defendant in imposing the death penalty in California? If so, what remedies are available to minimize or eliminate the problem?
 - 9** Are there significant geographical disparities from county to county in utilizing the death penalty in California? Is this a problem? If so, what remedies are available to minimize or eliminate the problem?
 - 10** Is there a need for proportionality review of death penalty sentences in California? If so, how should such a review process be incorporated into California's death penalty law?
 - 11** Are clemency procedures used by California governors consistent from one administration to the next? Are they consistent with the procedures utilized by other states? Are they adequate to assure a fair opportunity to be heard by all interested parties, and to assure a principled decision on the merits?
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Appendix II:

FEDERAL GRANTS OF RELIEF IN CALIFORNIA CAPITAL CASES (JUDGMENTS ARE FINAL) (N=38)

	Inmate	Result	Relief Granted on Guilt or Penalty	Case Citation
1.	Acala, Rodney	Granted	Guilt	<i>Alcala v. Woodford</i> , 334 F.3d 862 (9th Cir. 2003)
2.	Ainsworth, Steven	Granted	Penalty	<i>Ainsworth v. Woodford</i> , 268 F.3d 868 (9th Cir. 2001)
3.	Bean, Anthony	Granted	Guilt	<i>Bean v. Calderon</i> , 163 F.3d 1073 (9th Cir. 1998), <i>cert. denied</i> , 528 U.S. 922 (1999)
4.	Bloom, Robert	Granted	Guilt	<i>Bloom v. Calderon</i> , 132 F.3d 1267 (9th Cir. 1997), <i>cert. denied</i> , 523 U.S. 1145 (1998)
5.	Caro, Fernando	Granted	Penalty	<i>Caro v. Woodford</i> , 280 F.3d 1247 (9th Cir.), <i>cert. denied</i> , 536 U.S. 951 (2002)
6.	Clark, William	Granted	Guilt (Special Circumstance)	<i>Clark v. Brown</i> , 442 F.3d 708 (9th Cir.), <i>cert. denied</i> , 127 S. Ct. 555 (2006)
7.	Coleman, Russell	Granted	Penalty	<i>Coleman v. Calderon</i> , 210 F.3d 1047 (9th Cir. 2000)
8.	Daniels, Jackson	Granted	Guilt	<i>Daniels v. Woodford</i> , 428 F.3d 1181 (9th Cir. 2005), <i>cert. denied</i> , 127 S. Ct. 2876 (2007)
9.	Douglas, Fred	Granted	Penalty	<i>Douglas v. Woodford</i> , 316 F.3d 1079 (9th Cir.), <i>cert. denied</i> , 540 U.S. 810 (2003)
10.	Dyer, Alfred	Granted	Guilt	<i>Dyer v. Calderon</i> , 151 F.3d 970 (9th Cir.), <i>cert. denied</i> , 525 U.S. 1033 (1998)
11.	Frierson, Lavell	Granted	Penalty	<i>Frierson v. Woodford</i> , 463 F.3d 982 (9th Cir. 2006), <i>cert. denied</i> , 127 S. Ct. 2976 (2007)
12.	Ghent, David	Granted	Guilt (Special Circumstance)	<i>Ghent v. Woodford</i> , 279 F.3d 1121 (9th Cir. 2002)
13.	Grant, Richard	Granted in District Court (Petitioner Appealed denial of guilt relief, Warden did not appeal grant of penalty relief)	Penalty	<i>Grant v. Brown</i> , Order, Civ. S-90-0779 (E.D. Cal. Jan. 12, 2006)
14.	Hamilton, Bernard	Granted	Penalty	<i>Hamilton v. Vasquez</i> , 17 F.3d 1149 (9th Cir.), <i>cert. denied</i> , 512 U.S. 1220 (2000)
15.	Hayes, Blufford	Granted	Guilt	<i>Hayes v. Brown</i> , 399 F.3d 972 (9th Cir. en banc 2002)
16.	Hendricks, Edgar	Granted	Penalty	<i>Hendricks v. Calderon</i> , 70 F.3d 1032 (9th Cir. 1995), <i>cert. denied</i> , 517 U.S. 1111 (1996)
17.	Hovey, Richard	Granted	Penalty	<i>Hovey v. Ayers</i> , 458 F.3d 892 (9th Cir. 2006)
18.	Howard, Gary	Granted in District Court (Parties stipulated to dismissal of appeal)	Penalty	<i>Howard v. Calderon</i> , Order, CV 88-7240 (C.D. Cal. Sept. 26, 1996)

	Inmate	Result	Relief Granted on Guilt or Penalty	Case Citation
19	Hunter, Michael	Granted in District Court (Neither party appealed)		<i>Hunter v. Vasquez</i> , Order, C 90-3275 (N.D. Cal. Dec. 9, 1998)
20	Jackson, Earl	Granted	Penalty	<i>Jackson v. Brown</i> , 513 F.3d 1057 (9th Cir. 2008)
21	Jackson, Michael	Granted	Penalty	<i>Jackson v. Calderon</i> , 211 F.3d 1148 (9th Cir. 2000), <i>cert. denied</i> , 531 U.S. 1072 (2001)
22	Jennings, Michael	Granted	Guilt	<i>Jennings v. Woodford</i> , 290 F.3d 1006 (9th Cir. 2002), <i>cert. denied</i> , 539 U.S. 958 (2003)
23	Karis, James	Granted	Penalty	<i>Karis v. Calderon</i> , 283 F.3d 1117 (9th Cir. 2002), <i>cert. denied</i> , 539 U.S. 958 (2003)
24	Keenan, Maurice	Granted in District Court (Petitioner appealed denial of guilt relief; Warden did not appeal grant of penalty relief)	Penalty	<i>Keenan v. Woodford</i> , 2001 WL 835856 (Dec. 21, 1999)
25	Malone, Kelvin	Granted in District Court (Executed in Missouri)	Penalty	<i>Malone v. Vasquez</i> , Order, 96-4040-WJR, (C.D. Cal. Jan. 11, 1999)
26	Mayfield, Demetrie	Granted	Penalty	<i>Mayfield v. Woodford</i> , 270 F.3d 915 (9th Cir. 2001)
27	McDowell, Charles	Granted	Penalty	<i>McDowell v. Calderon</i> , 130 F.3d 833 (9th Cir. en banc 1997), <i>cert. denied</i> , 523 U.S. 1103 (1998)
28	McLain, Robert	Granted	Penalty	<i>McLain v. Calderon</i> , 134 F.3d 1383 (9th Cir.), <i>cert. denied</i> , 525 U.S. 942 (1998)
29	Melton, James	Granted in District Court (Neither party appealed)	Guilt	<i>Melton v. Vasquez</i> , Order, CV 89-4182 (C.D. Cal. Jan. 19, 2007)
30	Moore, Charles	Granted	Guilt	<i>Moore v. Calderon</i> , 108 F.3d 261 (9th Cir.), <i>cert. denied</i> , 521 U.S. 1111 (1997)
31	Morris, Bruce	Granted	Penalty	<i>Morris v. Woodford</i> , 273 F.3d 826 (9th Cir.), <i>cert. denied</i> , 537 U.S. 941 (2002)
32	Murtishaw, David	Granted	Penalty	<i>Murtishaw v. Woodford</i> , 255 F.3d 926 (9th Cir. 2001), <i>cert. denied</i> , 535 U.S. 935 (2002)
33	Odle, James	Granted	Guilt	<i>Odle v. Woodford</i> , 238 F.3d 1084 (9th Cir.), <i>cert. denied</i> , 534 U.S. 888 (2001)
34	Ramirez, Richard	Granted in District Court (Warden did not appeal)	Guilt	<i>Ramirez v. Vasquez</i> , Order, 91-CV-03802 (C.D. Cal. Feb. 5, 2008)
35	Sandoval, Alfred	Granted	Penalty	<i>Sandoval v. Calderon</i> , 241 F.3d 765 (9th Cir.), <i>cert. denied</i> , 534 U.S. 847 (2001)
36	Silva, Benjamin	Granted	Guilt	<i>Silva v. Woodford</i> , 416 F.3d 980 (9th Cir. 2005)
37	Wade, Melvin	Granted	Penalty	<i>Wade v. Calderon</i> , 29 F.3d 1312 (9th Cir. 1994), <i>cert. denied</i> , 513 U.S. 1120 (1995)
38	Williams, Michael	Granted in District Court (Parties stipulated to dismissal of appeal)	Penalty	<i>Williams v. Vasquez</i> , Order, 90-1212R (S.D. Cal. Sept. 9, 1993)

FEDERAL DENIALS OF RELIEF IN CALIFORNIA CAPITAL CASES (JUDGMENTS ARE FINAL) (N=16)¹⁴⁴

	Inmate	Result	U.S. Supreme Court Action	Case Citation
1.	Allen, Clarence	Denied by 9th Circuit	Certiorari Denied	<i>Allen v. Woodford</i> , 395 F.3d 979 (9th Cir.), <i>cert. denied</i> , 546 U.S. 858 (2005)
2.	Anderson, Stephen	Denied by 9th Circuit	Certiorari Denied	<i>Anderson v. Calderon</i> , 232 F.3d 1053 (9th Cir. 2000), <i>cert. denied</i> , 534 U.S. 1036 (2001)
3.	Babbitt, Manuel	Denied by 9th Circuit	Certiorari Denied	<i>Babbitt v. Calderon</i> , 151 F.3d 1170 (9th Cir. 1998), <i>cert. denied</i> , 525 U.S. 1159 (1999)
4.	Beardslee, Donald	Denied by 9th Circuit	Certiorari Denied	<i>Beardslee v. Woodford</i> , 358 F.3d 560 (9th Cir.), <i>cert. denied</i> , 543 U.S. 842 (2004)
5.	Bonin, William	Denied by 9th Circuit	Certiorari Denied	<i>Bonin v. Calderon</i> , 59 F.3d 815 (9th Cir. 1995), <i>cert. denied</i> , 516 U.S. 1051 (1996)
6.	Davis, Larry	Denied by 9th Circuit	Certiorari Denied	<i>Davis v. Woodford</i> , 384 F.3d 628 (9th Cir. 2004), <i>cert. dismissed</i> , 545 U.S. 1165 (2005)
7.	Fields, Stevie	Denied by 9th Circuit	Certiorari Denied	<i>Fields v. Woodford</i> , 503 F.3d 755 (9th Cir. 2007), <i>cert. denied</i> , 128 S.Ct. 1875 (2008)
8.	Harris, Robert	Denied by 9th Circuit	Reversed	<i>Harris v. Pulley</i> , 692 F.2d 1189, (9th Cir.1982), <i>rev'd</i> , 465 U.S. 37 (1984)
9.	Morales, Michael	Denied by 9th Circuit	Certiorari Denied	<i>Morales v. Calderon</i> , 388 F.3d 1159 (9th Cir. 2004), <i>cert. denied</i> , 546 U.S. 935 (2005)
10.	Raley, David	Denied by 9th Circuit	Certiorari Denied	<i>Rayley v. Ylst</i> , 470 F.3d 792 (9th Cir. 2006), <i>cert. denied</i> , 128 S. Ct. 59 (2007)
11.	Rich, Darrell	Denied by 9th Circuit	Certiorari Denied	<i>Rich v. Calderon</i> , 187 F.3d 1064 (9th Cir. 1999), <i>cert. denied</i> , 528 U.S. 1092 (2000)
12.	Sims, Mitchell	Denied by 9th Circuit	Certiorari Denied	<i>Sims v. Brown</i> , 430 F.3d 1220 (9th Cir. 2005), <i>cert. denied</i> , 127 S. Ct. 62 (2006)
13.	Siripongs, Jaturun	Denied by 9th Circuit	Certiorari Denied	<i>Siripongs v. Calderon</i> , 133 F.3d 732 (9th Cir.), <i>cert. denied</i> , 52 U.S. 839 (1998)
14.	Thompson, Thomas	Denied by 9th Circuit	Reversed	<i>Thompson v. Calderon</i> , 120 F.3d 1045 (9th Cir. 1997), <i>rev'd</i> , 523 U.S. 538 (1998)
15.	Williams, Keith	Denied by 9th Circuit	Certiorari Denied	<i>Williams v. Calderon</i> , 83 F.3d 281 (9th Cir.), <i>cert. denied</i> , 517 U.S. 1183 (1996)
16.	Williams, Stanley	Denied by 9th Circuit	Certiorari Denied	<i>Williams v. Woodford</i> , 384 F.3d 567 (9th Cir. 2004), <i>cert. denied</i> , 546 U.S. 934 (2005)

FEDERAL DENIALS OF RELIEF IN CALIFORNIA CAPITAL CASES (JUDGMENTS ARE NOT FINAL) (N=3)

	Inmate	Result	U.S. Supreme Court Action	Case Citation
1.	Brown, Albert	Denied by 9th Circuit	Certiorari Pending	<i>Brown v. Ornoski</i> , 503 F.3d 1006 (9th Cir. 2007), <i>cert. pending</i> (petition filed May 1, 2008)
2.	Cooper, Kevin	Denied by 9th Circuit		<i>Cooper v. Brown</i> , 510 F.3d 870 (9th Cir. 2007), petition for rehearing pending
3.	Pinholster, Scott	Denied by 9th Circuit		<i>Pinholster v. Ayers</i> , 525 F.3d 742 (9th Cir. 2008), petition for rehearing to be filed

144. The table includes four cases of California inmates (Mr. Morales, Mr. Fields, Mr. Raley, and Mr. Sims) whose first federal petition is final, but for whom successor litigation may invalidate their convictions or sentences.

Similarly, Mr. Davis died prior to a decision regarding his petition for certiorari and thus his case was not a final decision on the merits. Nonetheless, I have included the cases out of an abundance of caution.

**SEPARATE STATEMENT OF
COMMISSIONER BROWN**

June 30, 2008

John Van de Kamp, Chairman
Commissioners
California Commission on the
Fair Administration of Justice

Dear Chairman Van de Kamp and
Commission Members:

I appreciate the hard work that went into this report. There are many issues involved in the application of the death penalty in California and I know commission members strove to achieve consensus on meaningful reforms. Regretfully, this goal still eludes us.

Capital litigation constitutes a substantial portion of my office's workload. Our lawyers work every day to defend death penalty judgments consistent with fairness, due process and constitutional requirements. Currently, we are handling some 343 capital cases at various stages of direct appeal to the California Supreme Court, 103 capital cases on habeas corpus in the state courts, 121 capital cases on habeas corpus in the federal district courts, and 16 capital cases in the United States Court of Appeals for the Ninth Circuit. Four condemned inmates have exhausted all challenges to their judgments and await the setting of their execution dates once the status of California's lethal-injection protocol is resolved by the state and federal courts. I know of no defendant facing execution who is innocent of the crime for which he was convicted and sentenced.

I share the Commission's concerns about the high costs associated with capital litigation and about the difficulty in finding and appointing qualified counsel to represent defendants in these cases. I am also concerned about needless delay in reviewing capital judgments, which has a number of causes. While death penalty proceedings warrant exceptionally careful review and cannot be rushed, multiple rounds of repetitive litigation can cause unnecessary delay, increase costs, and undermine respect for the criminal justice system.

I agree with the Commission that consideration should be given to seeking a constitutional amendment to permit transferring some death-penalty appeals from the California Supreme Court to the courts of appeal. I also agree that consideration should be given to seeking authorization to allow initiating state capital habeas corpus cases in the trial court, with appellate review in the courts of appeal. I believe that we should promptly begin to work on these proposals, even though their specific features need to be worked out.

I ask that this letter be included with the Commission's report.

Sincerely,

Edmund G. Brown Jr.
Attorney General

**SEPARATE STATEMENT OF
COMMISSIONER BRATTON**

June 30, 2008

Commissioners
California Commission on the
Fair Administration of Justice

I believe that the imposition of the Death Penalty is an appropriate remedy. I further believe that the imposition of the penalty should be imposed within a reasonable time and not unduly delayed. There must be an assurance that those convicted of murder and sentenced to death have received adequate representation, a full review of the legal issues involved and that they are in fact guilty of the crimes charged. The improvements in technology and its increased use in the determination of these cases has given me confidence that those who will be convicted and sentenced to death will be guilty of the crimes charged. I have supported the previous recommendations of the Commission regarding eyewitness identification, use of jailhouse informants, confessions, scientific evidence, the professional responsibility and accountability of prosecutors and defense lawyers to further ensure that this occurs.

I support the position that California has a dysfunctional system. A lapse of time of over two decades between sentence and imposition of sentence is unacceptable. To require the family of the victims to have to wait over to 20 years to have the promised punishment imposed only adds to their pain and suffering and renders it an illusory punishment. The legislature and the people of the State of California should undertake a meaningful debate to determine how to correct this problem. I

realize correcting the problem will require a large expenditure of funds, at a time when we are facing a budget crisis, and may only result in the imposition of the penalty within ten years rather than 20 years. However, if we are to impose the penalty we should do it as expeditiously as possible, while ensuring that each defendant has received a fair trial and full review of all legal and factual issues.

I do not join in any proposal to limit the ultimate punishment to life without the possibility of parole or in narrowing the list of special circumstances.

William J. Bratton
Chief of Police, Los Angeles

**SEPARATE STATEMENT OF
COMMISSIONERS TOTTEN, BOSCOVICH,
COTTINGHAM, DUNBAR, HILL**

June 30, 2008

Commissioners
California Commission on the
Fair Administration of Justice

We respectfully dissent from the Report and Recommendations on the Administration of the Death Penalty in California, which was issued today by the California Commission on the Fair Administration of Justice. Regrettably, we believe the majority report indirectly assaults California's death penalty by seeking to undermine public confidence in our capital punishment law and procedure. While the majority refrains from making specific recommendations to weaken this voter

approved law, the tone and unbalanced discussion of potential reform is anything but neutral. By doing so, the majority exceeds the scope of its original charge and unfortunately, diminishes the value of other worthwhile recommendations.

The duties of the Commission were to make recommendations as to the application and administration of the criminal justice system in California, not to advocate for or against the public policy issue of whether California should have a death penalty. Although the report purports to be neutral as to capital punishment, it unmistakably reveals a personal bias against the death penalty. The report does not reflect the views of those Commissioners joining this dissent, or those of the majority of Californians.

At the outset, it is important to note two themes in the report with which we wholeheartedly agree. First, delay on appeal and in habeas corpus in state and federal court is excessive and frustrates the effective administration of the death penalty. Second, additional resources should be expended to address a major source of that delay, the availability of sufficient competent appellate counsel, coupled with an increase in the number of attorney general deputies to respond to the appeals and writs. Additional funding for appellate counsel is a realistic measure that could significantly reduce the backlog and the delays that currently plague the administration of the death penalty in California. The Commission has performed an important service in quantifying how much these changes would cost, and the expected benefits from those expenditures. While the total figure of \$95 million is a

significant amount of money, it is a small proportion of our state's \$140 billion annual budget, or of our state judicial branch's \$3.5 billion budget.

Unfortunately, the Commission did not limit itself to fact-based recommendations, but added discussion motivated by the personal philosophies of the Commissioners. For example, the majority repeatedly uses the statement that "California's Death Penalty system is dysfunctional."¹ This broad indictment of a criminal sanction that was overwhelmingly approved by voters and still enjoys the Californian's support by a 2 to 1 margin is not simply improper – it is highly misleading.² The report quotes California Chief Justice Ronald M. George as stating that the death penalty system in California is "dysfunctional." However, a careful reading of the Chief Justice's comments and writings makes clear that he is referring only to the overburdened capital appellate process, and not to the entire death penalty system.³ By completely disregarding this context, the majority effectively bootstraps this comment into a broader indictment of entire death penalty system and law.

The report discusses two "available alternatives" to increased funding: narrowing the list of special circumstances that would make a murder case eligible for the death penalty, and eliminating the death penalty altogether. The Commission purports to "make[] no recommendation regarding these alternatives" and claims that it merely "presents information regarding them to assure a fully informed debate." But the lengthy discussion of these proposals consists entirely of arguments in

1. See majority report, pp. 3, 6 and 60.

2. The current death penalty law, Proposition 7, was an initiative approved at the General Election of November 7, 1978, by 72 percent of the voters. (*People v. Teron* (1979) 23 Cal.3d 103, 124–125.) A recent poll shows 63% of adults in favor of the death penalty, 32% opposed, and 5% with no opinion. (Field Poll, March 3, 2006.) For registered voters, the figures were 67% in favor, 29% opposed, and 4% no opinion. (*Ibid.*)

3. California Supreme Court Chief Justice Ronald M. George used the term "dysfunctional" in the narrow context of death penalty appeal delays. In a January 7, 2008 article he wrote: "The existing system for handling capital

favor of these alternatives and excludes any discussion against them. A “fully informed debate” should include both sides of an issue, not just one side.

Reducing the number of special circumstances would exclude some of California’s most brutal murderers from death row. The report goes so far as to suggest that these changes be retroactive to killers already on death row, even though the death penalty was lawfully imposed in those cases at the time. A few examples will illustrate how reducing the number of special circumstances would exclude from the death penalty some of California’s most heinous murders:

1 Gregory Scott Smith is on death row for the murder of an 8-year-old boy for whom he was a teacher’s aide.⁴ He had previously been mean to the victim, and on two occasions had tied him up with jump ropes. Angry that the victim had asked that Smith be fired, Smith gagged the victim with a cloth gag and duct tape, forcibly sodomized him, and strangled him. He poured fire accelerant on the body and set the body on fire, where it was discovered burning by firefighters. Smith was convicted of murder in the commission of a kidnapping, a lewd act upon a child, and an act of sodomy. None of these special circumstances would warrant the death penalty under the Commission’s proposal.

2 The Commission’s proposal would also exclude Mitchell Sims, known as the Domino’s Pizza Killer, who is on death row with all state and federal review completed.⁵ After ordering pizza to be delivered to his motel room, Sims robbed the delivery driver, tied him up, strangled him with a

rope, and fully submerged him in a bathtub with a gag tied into his mouth. After killing the driver, Sims went to Domino’s, robbed two other employees at gunpoint, and forced them into the cooler, suspended with nooses around their necks. When one employee warned that the delivery driver was due back, Sims took off his sweater to reveal a Domino’s shirt with the driver’s name tag and chuckled, “No, I don’t think so.” Sims was found guilty of murder with special circumstances of murder while lying in wait and during the commission of a robbery, as well as attempted murder and robbery of the other employees. These special circumstances would not warrant the death penalty under the Commission’s proposal.

3 Stevie Lamar Fields is also on death row, with state and federal review completed.⁶ Shortly after being released from prison for a previous manslaughter, Fields became what the California Supreme Court described as “a one-man crime wave.” Sitting in a car with a victim, he fired five shots and told the driver to keep on driving. He said that the victim was not dead and he needed to be sure she was, so he hit her in the head with a blunt object and dumped her body into an alley. He was convicted of robbery-murder with the special circumstance of murder during the commission of a robbery, as well as kidnapping for robbery and forced oral copulation of several other women. Under the Commission’s proposal to limit special circumstances, Fields would escape the death penalty.

appeals in California is dysfunctional and needs reform. The state has more than 650 inmates on death row, and the backlog is growing.” (Ronald M. George, Reform Death Penalty Appeals, *Los Angeles Times*, January 7, 2008.)

4. *People v. Smith* (2005) 35 Cal.4th 334.

5. *People v. Sims* (1993) 5 Cal.4th 405; *Sims v. Brown* (9th Cir. 2005) 425 F.3d 560.

6. *People v. Fields* (1983) 35 Cal.3d 329; *Fields v. Brown* (9th Cir. 2007) 503 F.3d 755.

4 The Commission advocates eliminating the death penalty in felony-murder cases. One such case this proposal would exclude is Vicente Benavides, who was sentenced to death for the murder of a 21-month-old girl he was babysitting.⁷ The victim died of an acute blunt force penetrating injury of the anus. The anus was expanded to seven or eight times its normal size, and multiple internal organs were injured. The victim's upper lip was torn, consistent with a hand being held over her mouth, and there was evidence of previous rib fractures. The special circumstances were felony-murder rape, felony-murder rape, and felony-murder sodomy, all of which the proposal would eliminate as bases for the death penalty.

These are but a few examples of special circumstances that voters, prosecutors, and juries have rightly determined to warrant death. The Commission's proposal to eliminate these and many other special circumstances is not a mere efficiency measure, but would seriously weaken California's death penalty law.

The credibility of the report is further damaged by giving serious consideration to a proposal that in order to obtain the death penalty, the prosecution be required to prove that the crime has "legally impacted all citizens of the State of California," an artificial concept that has no precedent in the law and is totally unworkable.

A significant portion of the report is devoted to promising various purported benefits of eliminating the death penalty altogether, including cost savings, shorter periods of jury service, and freeing the Supreme Court to hear more cases of other types. This section makes no attempt to even mention a single argument in favor of the death penalty

such as deterrence that will save lives, the community's sense of justice, or upholding the will of the People who enacted the death penalty.⁸ One of the most important reasons for maintaining the death penalty, its deterrent effect, is quickly dismissed in a footnote earlier in the report as a "contested issue."⁹

Some of the commissioners came to the project with the unfounded assumption that the death penalty is being administered in a discriminatory manner against minorities, and that prosecutors must be considering some undisclosed improper factors to make decisions. The report engages in a circular logic that bemoans the lack of evidence to support these assumptions, and then proposes establishing another commission, the California Death Penalty Review Panel, to study whether there is any evidence to support these suspicions. In fact, during the 30-year history of California's death penalty law, there is never been even a single finding of prosecutorial abuse in this decision making process. We oppose the creation of a California Death Penalty Review Panel as an unnecessary creation of another level of bureaucracy.

The report's apprehension regarding the process utilized by district attorneys to make death penalty decisions is similarly without factual basis. The report begins with the assumption that 87% of first degree murders are eligible for the death penalty, a figure that we cannot accept as accurate. For example, in Ventura County, the District Attorney has sought death in only 4% of the murder cases filed, reserving this decision for the worst of the worst. Statewide, only 2% of "cleared" murder cases have resulted in death verdicts. The formulation of formal written policies as to how prosecutorial discretion will be exercised is not required by law and would serve primarily to create new grounds for condemned prisoners to challenge their

7. *People v. Benevides* (2005) 35 Cal.4th 69.

8. See *Baze v. Rees* (2008) 128 S.Ct. 1520, 1547, 170 L.Ed.2d 420, 450, fn. 13 (Stevens, J., conc.), and 128 S.Ct. at 1553, 170 L.Ed.2d at 456 (Scala, J., conc.).

9. Majority report, p. 4, n. 8.

convictions. The factors to be considered are already laid out in the statutory enumeration of factors in aggravation and factors in mitigation.

Most puzzling is the lengthy discussion and the call for further study on the issue of "geographic disparity" between the counties, even though the law is clear that uniformity between different jurisdictions is not required. This entire discussion is inappropriate in light of the Commission's acknowledgement that the "data does not establish that prosecutorial discretion is affected by race and class bias, unconscious or otherwise." The voters of each county select a District Attorney to enforce the law, including the death penalty, according to his or her exercise of discretion. Uniformity is not mandated and should not have been the subject of the Commission's agenda.

The Commission discusses the proposal of Ninth Circuit Senior Judge Arthur Alarcon to encourage hearing habeas corpus petitions in Superior Court. The report also discusses the proposal of Chief Justice Ronald M. George to transfer capital appeals from the California Supreme Court to the Courts of Appeal. These are thoughtful proposals from distinguished jurists that merited additional discussion and study before an endorsement by the Commission should have been made. Additional ideas, such as establishing a court of criminal appeals similar to that used in Texas, also warrant discussion, and should have been addressed by the Commission.

The report's introduction correctly notes that the commissioners hold a diverse spectrum of divergent views on the death penalty. We respect the diversity of opinion on this issue in our democratic society and have never doubted the sincerity

of any of the commissioners in their views. The problem is that the final report is entirely unbalanced. It gives weight only to those who seek to limit or eliminate the death penalty, and ignores views in favor.

We fear that the important accomplishments of the Commission addressing improvements in the administration in the death penalty will be overshadowed by the report's obvious bias against capital punishment. The Commission's report will rightly expose the Commission to extensive criticism where the horrific facts of hundreds of cases impacted by such a policy will be cited in detail. Such recommendations create the likelihood that the Commission will be marginalized and identified as an anti-death penalty body. Under no circumstances can we support or be a silent partner to such a fundamentally flawed effort to weaken our existing death penalty law.

Respectfully submitted,

Gregory D. Totten
*District Attorney,
County of Ventura*

I join in the dissent:

Harold Boscovich
*Retired, Director Victim/Witness
County of Alameda*

Ron Cottingham
*President,
Peace Officers Research Association of California*

Pete Dunbar
*Chief of Police, Pleasant Hill
California Police Chiefs Association Representative*

Curtis Hill
Sheriff, County of San Benito

**SEPARATE STATEMENT OF
COMMISSIONER MAYORKAS**

June 30, 2008

Commissioners
California Commission on the
Fair Administration of Justice

The charge of our Commission has been to assess the administration of criminal justice in California and to recommend improvements. In the last phase of our work as a Commission, we have focused our attention on the administration of the death penalty in particular. I appreciate the strong feelings the death penalty engenders, and understand there are divergent views of the appropriateness of the death penalty itself. However, I do not believe it has been our Commission's charge to opine on whether or not the death penalty should be available as the ultimate sentence, or whether the crimes that qualify for its imposition should be limited in any fashion. To the extent our Commission's final report renders any such opinions, explicitly or implicitly, I respectfully dissent. The decision whether to have a death penalty in California, and to what extent, is within the province of the People of this State, and our charge as a Commission has been to make recommendations we believe will enhance the fair administration of it.

Respectfully submitted,

Alejandro N. Mayorkas
*Retired, U.S. Attorney,
Central District of California*

**SEPARATE STATEMENT OF
COMMISSIONERS BELLAS, FREEHLING,
HERSEK, HING, JUDGE, LAURENCE,
MOULDS, RING**

June 30, 2008

Commissioners
California Commission on the
Fair Administration of Justice

INTRODUCTION

We support the recommendations of the Commission if Californians elect to continue the death penalty. However, we write separately because, after carefully considering all the information and evidence put before the Commission, we believe that the death penalty should be repealed. The death penalty is too costly, the possibility is high that a person who has been wrongfully convicted will be put to death, capital punishment inordinately affects communities of color, the imposition of the death penalty varies greatly from county to county, a low income defendant faces a troubling disadvantage when charged with a capital offense, the death penalty forecloses any possibility of healing and redemption, the death qualification juror requirement inherently and unjustly biases the process against the defendant, and California should follow the lead of other civilized societies who have concluded that the death penalty be abolished.

The Commission's report is the product of serious deliberations over the fairness of the death penalty in California. All members took their responsibilities seriously, with a deep commitment to justice. We are convinced that when it comes to the death penalty (and indeed punishment for any crime)

every member of the Commission wants to make sure that the convicted person is the actual perpetrator, in other words, that no innocent person is convicted of a crime.

We submit this separate statement with the greatest respect for our cocommissioners who have chosen not to comment more broadly. However, we present these additional views out of a sense of personal duty to the public for whom we pledged responsibility when we agreed to serve. The Commission report is the result of hard, collaborative work aimed at outlining how the death penalty can be administered in a fair and just manner; in short, the recommendations address how to make the system functional. However, as we listened to testimony, read written submissions and research, and participated in Commission discussions, it became clear to us that the question of whether to continue the death penalty at all had to be considered; we felt that the public should know that there are good reasons to consider abolishing the death penalty beyond the system's dysfunctionality.

SUMMARY OF REASONS

Here is a brief summary of the reasons that have convinced us that the people of California ought to repeal the death penalty.

Costs. The resources that go into a death penalty case are enormous. The pursuit of execution adds millions at each phase of the process, from trial, to appeal, and habeas proceedings. For example, a death penalty trial costs counties at least \$1.1 million more than a conventional murder trial. The state spends at least an additional \$117 million a year on capital punishment, about half of it on prison expenses that exceed the usual costs of housing inmates and the rest on arguing and

judging death penalty appeals. The costs mount because death penalty trials and appeals take far longer than others, involve more lawyers, investigators and expert witnesses, and displace other cases from courtrooms. In contrast, adopting a maximum penalty of life without possibility of parole (for which there is growing sentiment) would incur only a fraction of the death penalty costs, including prison expenses. Our personal view is that funds spent administering the death penalty would be better spent on other California priorities like health, education, and infrastructure, or for providing direct financial and social services to the relatives of crime victims.

Racial and geographic variation. The Commission considered research by Professors Glenn Pierce and Michael Radelet on variations in the death penalty related to race and geographical location. The counties with the highest death penalty sentencing rates tend to have the highest proportion of whites in their population and are more rural. Also, those who kill African Americans and Latinos are less likely to be sentenced to death than those who kill whites. The Commission was not willing to recommend comparative proportionality review in death penalty cases, as required in some states, and thought that the racial data was insufficient on which to base recommendations. In other words, the good faith of local prosecutors should be given deference. In our view, the Pierce and Radelet data and similar research are good cause to recommend termination of the death penalty. The data are troubling, and leaving these important determinations to the good faith of local prosecutors, who are subject to political winds, is fraught with potential inconsistency and danger. The Commission came across no evidence of intentional racial motivation on the part of prosecutors who seek the death penalty. Yet, persons of color have been sentenced to death at rates far exceeding their numbers in the

population. Why? Our society has not reached the point where unconscious racism and institutional bias based on past processes and beliefs have been eliminated. We fool ourselves if we believe that we have evolved beyond institutional racism in our state and country. Consider the fact that the homicide rate for black and Latino victims is much higher than white victims. Violent crime in low-income Southeast Asian communities is on the increase as well. Poverty and socioeconomic challenges in those communities create racial impact whether we like it or not. The correlation between poor communities (that are comprised of many blacks, Latinos, and Southeast Asians) and crime and inadequate representation is just too high to accept capital punishment as a potential penalty.

Economic disadvantage. Another regrettable feature of the death penalty is that it disproportionately punishes the poor. In *Furman v. Georgia*, Supreme Court Justice William Douglas noted, "One searches our chronicles in vain for the execution of any member of the affluent strata in this society."¹ Economically deprived, marginalized Californians are particularly vulnerable in society and within the judicial system. Over 90 percent of defendants charged with capital crimes are indigent, and as a result the vast majority of death row inmates in California are poor. In our view and experience, a poor defendant initially may be at a disadvantage primarily because poverty fractures his or her past. How can a picture be painted of such an individual who rarely went to school or saw a doctor, whose own parents might be unknown to him or her, whose illiteracy compromises the ability to participate fully as a member of the defense team, whose "neighbors" were transient? A jury can be made aware of these things, but they do not "mitigate" in the common sense of that word. A person who can finance

a death penalty defense will have no trouble establishing history as a student, family member, patient, neighbor, employee or even employer. Thus, poverty creates serious disparities in the administration of justice as well. A person of means can afford to employ forensic experts with the most impressive resumes who may have access to nationally acclaimed labs. In contrast, those of modest means are often limited to experts on a court-appointed list who have agreed to work at the lowest end of the compensation scale who are likely to lose the battle of *curricula vitae*. Furthermore, the indigent accused may not be fortunate enough to be represented by an institutional Public Defender team with the experience, skills, and resources to provide high quality, zealous advocacy. Instead, such an indigent may be saddled with an appointed lawyer who lacks those essential qualities. Such a defendant lacks the sophistication to know whether the appointed lawyer is properly preparing the guilt and penalty defenses and no one is monitoring the preparation. A person of means can afford to hire a team and, with money as leverage, is in a better position to insist that the entire team explain all the alternatives and strategies that are available. The person who can hire a ten-person defense team is an aberration. The more likely scenario involves the middle class defendant who pools all the family resources and puts up the house to pay an attorney who, it turns out, has never tried a capital case. In those cases, the client may have been better off in a California county with a Public Defender office where death penalty cases generally are well handled (with the defendant assigned two attorneys at the outset, unlike court appointed systems where second chair is appointed after the preliminary hearing and after the district attorney has made the final decision regarding whether to seek death). Most county Public Defender offices have defense investigators and in-house expertise

1. 408 U.S. 238 (1972).

on a myriad of issues and topics. The problem is that depending on where the crime occurs in California, the defendant could have all of this or none of it, and that is the travesty caused by poverty. In short, the death penalty has a troubling, disparate impact on the poor.

Risk of error. While the Commission found no conclusive evidence that any wrongfully convicted person has ever been executed in California since 1977, the risk is unmistakable. Many jurists and researchers are convinced that the likelihood of wrongly convicted defendants having been executed in the United States is high. Unfortunately, in our criminal justice system, wrongful convictions arising from such factors as faulty eyewitness identification, false confessions, police mistake or misconduct, and prosecution mistake or misconduct occur with unacceptable frequency. Inept defense representation, lack of defense resources, and shoddy investigations also increase the risk of error. Many individuals on death row have been exonerated or otherwise have had their convictions set aside. That means that now or in the future, a person improperly sentenced to death will likely be sitting on California's death row. We have experienced advances in DNA science, but the problem is that in the vast majority of criminal cases, DNA evidence is not available. This all raises the grim prospect that someday a mistake will be made (if one has not already been made of which we are unaware), and an innocent person or one wrongfully sentenced will be put to death in California. There is good reason why experienced Supreme Court justices from Douglas and Blackmun to O'Connor and Ginsburg, as well as other jurists across the country, have expressed great skepticism about the accuracy and fairness of the implementation of the death penalty.

Closing off other options. Another major concern that the death penalty raises for us is that it closes the door on any possibility of redemption and healing, something that we should all care about as a civil society. We heard testimony from relatives of murder victims who had the opportunity to meet with the murderers of their loved ones. Several were convinced of the sincerity of remorse that the perpetrators expressed and believed in their redemption. Those experiences have convinced many such relatives that capital punishment must be abolished. Loved ones of murdered victims have shared with us their poignant experiences of finding a comforting balm, produced by extolling life over death by virtue of their advocacy of a sentence of imprisonment until death without execution, for those convicted of such crimes. Moreover, some of those who have lost family members report they have benefited as a result of participating in what are essentially strength-based therapeutic sessions together with prisoners who demonstrated honest remorse. In addition, there are some loved ones who receive spiritual validation and fulfillment by assisting those convicted who genuinely pursue redemption in their own penitential journey toward the ultimate judgment of their savior. Are some individuals beyond redemption or rehabilitation? Probably. But being sentenced to life without the possibility of parole addresses that problem. A civil and compassionate society should embrace the opportunity to develop the humanity in these individuals through our own humanity, but the death penalty forecloses that option.

Death qualification. We are also deeply troubled by the death qualification requirement for jurors. As the Commission report points out, during jury selection, potential jurors in capital cases are questioned about their views regarding capital punishment in order to determine whether they will be able to follow the law in deciding what sentence to

impose. In order to be “death-qualified” to serve on a capital jury, a person must be willing to consider all of the sentencing options – usually death and life imprisonment without parole. If their opinions would prevent them from considering any of the sentencing options, then they are not “death-qualified” and are barred from serving on the jury. This culling of potential jurors based on their moral views may produce a jury that looks quite different from the community at large and also, as some studies show, may bias the jury toward a verdict of guilt for the defendant. Capital juries tend to be less representative with respect to gender and race because women and African Americans are more opposed to the death penalty than white men. Researchers have found that the jury in capital trials is more biased toward the prosecution and a guilty verdict as compared to the juries in robbery trials or non-capital murder trials. There is evidence that death qualification biases the jury in two different ways. First, it tends to select jury members who are “conviction prone.” Second, the very process of death qualification may further bias the jurors. A credible argument can be made that questioning the jurors intensively about punishment, before the trial even starts, suggests that there will be a sentencing phase of the capital trial – implying that the defendant is probably guilty. Death qualified juries deliberate less thoroughly and possibly less accurately than juries that better represent the whole population. This is born out by a study that reported that over 40 percent of jurors in capital cases surveyed admitted they had already decided on the penalty before the guilt phase had concluded. Thus, the requirement of a death qualified jury in itself causes unfairness.

Evolving standards in other countries. Capital punishment has been abandoned by a majority of the countries of the world. The list includes allies

and many with whom we share a common heritage like the United Kingdom, Germany, France, Spain, Mexico, Ireland, the Philippines, and Canada. Even countries like Russia and Myanmar have a de facto ban on the death penalty. In Israel, capital punishment is illegal in almost all circumstances; the death penalty was abolished there in 1954 with the exceptions of conviction for genocide, war crimes, crimes against humanity, crimes against the Jewish people, and treason in wartime. As a death penalty jurisdiction, California is in the company of such countries as North Korea, China, Iran, Saudi Arabia, Libya, Kuwait, Pakistan, Afghanistan, Cuba, and Egypt.

The Commission report points out that New Jersey abolished the death penalty this past December. In doing so, New Jersey joined thirteen other states (Alaska, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, New York, North Dakota, Rhode Island, Vermont, West Virginia, Wisconsin), plus the District of Columbia and Puerto Rico, to ban capital punishment. Illinois has had a moratorium on the death penalty for several years. New Jersey’s ban came on the heels of a state Death Penalty Study Commission report that concluded that the death penalty did not fit with evolving standards of decency, was more costly to the state than life in prison, did not effectively prevent violent crime, and could lead to innocent people being executed. The commission – comprised of prosecutors, law-enforcement, victims, religious groups, and individuals – also reported that the death penalty law had not resulted in an execution since 1963 and was unfair for victims’ families seeking swift justice.

VOICES OF RELATIVES OF VICTIMS

We can understand the desire of relatives of murder victims to see the murderers put to death by the state. Revenge, retaliation, and retribution are natural responses for many human beings. The Commission received some testimony to this effect. But in the words of former Missouri Supreme Court Justice Charles B. Blackmar, "The relatives of the victim have the right to demand swift and sure punishment, but they do not have the right to demand death when the process is so severely flawed."² We sincerely wish that victims' families who are looking for revenge or closure through the death penalty could find peace for their pain and agony through some other means.

In contrast, the Commission heard the words of other relatives of victims who are opposed to the death penalty. We admire all of the courageous relatives of victims who came before the Commission (both for and against the death penalty) to testify. However, we were particularly moved by those who spoke in opposition to the death penalty; we honestly do not know if we would have the ability to find forgiveness and compassion in our hearts under the same circumstances. It would be so much easier to hate and to lash out at the perpetrator. But knowing what we now know about the death penalty and why we think it should be repealed, we pray that we would have the ability and capacity to choose forgiveness over retribution if a loved one were murdered. Here are examples of those relatives of victims who demonstrated such remarkable capacity.

1 Aba Gayle spoke of her twelve years of anger and rage, until she wrote to the murderer of her daughter. She now has visited the man in San Quentin many times, and she has forgiven him. He has expressed deep remorse and has wept

while he apologizes. The man who murdered Aba's daughter no longer exists in her opinion. She feels that state-sanctioned capital punishment would tarnish the memory of her daughter.

2 Dawn Spears' daughter was murdered, leaving three children. Dawn does not want the children growing up with hate in their hearts. She feels that if she wanted death for the murderer, the message she would be conveying to the children is that it's okay to react violently. She cannot live with that in her heart, and she does not want her grandchildren to live with that in their hearts.

3 The murderers of Barbara Zerbe Macnab's father were executed even though her mother pleaded with the court to spare their lives. Barbara testified that capital punishment does not lessen the pain of the victim's family. Revenge is not beneficial to those who have lost a loved one.

4 The daughter of Amanda and Nick Wilcox was murdered by a deranged gunman who went on a rampage. Mr. and Mrs. Wilcox urged the prosecutor not to seek the death penalty. They knew that their daughter would not have wanted the broken, expensive, and violent practice of capital punishment administered in her name. They believe that life without possibility of parole is appropriate for holding murderers accountable and keeping society safe.

5 Aundre Herron's brother was murdered, Herron first had a violent reaction to seek revenge. But she then realized that doing so would have forever tied the memory of her brother to an act that was antithetical to whom she was. Herron testified that if the state really cared about relatives of victims, then money should be spent on grief counseling, funeral expenses, loss of income, and other resources that will actually help them heal.

2. Charles B. Blackmar, *Death Penalty Process is Full of Fatal Flaws* (Letter to the Editor), ST. PETERSBURG TIMES, Feb. 15, 2003, available at: http://www.sptimes.com/2003/02/15/Opinion/Death_penalty_process.shtml

6 Lorrain Taylor's twin boys were gunned down in Oakland. She knows that her sons would not want any other mothers to feel the pain that she felt by imposing the death penalty on the perpetrators. She feels that revenge is not justice.

These individuals mirror the sentiment of Coretta Scott King, widow of Dr. Martin Luther King, Jr.: "As one whose husband and mother-in-law have died victims of murder assassination, I stand firmly and unequivocally opposed to the death penalty for those convicted of capital offenses. An evil deed is not redeemed by an evil deed of retaliation. Justice is never advanced in the taking of a human life. Morality is never upheld by a legalized murder."³

CLOSING

Why consider the repeal of the death penalty? No government action taken against an individual is more serious than the imposition of the death penalty. Nothing is more severe. Nothing is more final. Our position on the death penalty says much about us as a people.

After full consideration of the information that has been brought to the attention of the Commission, we are compelled to conclude that the death penalty should be repealed in California. Its process and administration are inherently flawed. Its costs are too high.

Diane Bellas
Alameda County Public Defender

Rabbi Allen I. Freehling
*Executive Director,
City of Los Angeles Human Relations Commission*

Michael Hersek
California State Public Defender

Bill Ong Hing
Professor, U.C. Davis School of Law

Michael P. Judge
Los Angeles County Public Defender

Michael Laurence
*Executive Director,
Habeas Corpus Resource Center*

Hon. John Moulds
*Magistrate Judge,
U.S. District Court – Eastern District*

Douglas Ring
Businessman, The Ring Group

SEPARATE STATEMENT OF COMMISSIONERS STREETER,¹ RIDOLFI, HERSEK, LAURENCE

June 30, 2008

Commissioners
California Commission on the
Fair Administration of Justice

I. INTRODUCTION

We write separately to address alternatives to this Commission's recommendations for death penalty reform. Although the Commission's Report is complex and lengthy, it documents one simple reality. The death penalty as it is currently structured in California is vastly overbroad and cannot be sustained in its present form at a price that anyone would find even remotely reasonable. To any fair-minded reader, what follows is unavoidable: Our state's death penalty law must be either downsized or eliminated.

3. See *Archbishop O'Malley: Death Penalty*, THE PILOT, May 7, 2004, at <http://www.rcab.org/Pilot/2004/ps040507/OMalley.html>

1. Commissioner Streeter, the Vice Chairman of the Commission, is the principal author of this Statement.

No member of the Commission disputed the death penalty's massive financial burden on taxpayers. Some, however, declined to address what should be done if the Commission's recommendations are not adopted. That is why the Report takes a neutral stance on the issue of alternatives. Commissioner Totter's dissent contends that the views of death penalty supporters were ignored in our deliberations, but our collective silence on the issue of alternatives evidences a respectful accommodation of those Commissioners who did not wish to appear to say anything that might somehow undermine the death penalty as it currently exists. Beyond that, we did not consider whether any Commissioner's views were "pro-death penalty" or "anti-death penalty." We looked solely to the fairness and function of our capital punishment system and what it will take to fix the many flaws that we found.

Given our charge, we feel duty bound to comment on what should be done if our reform recommendations are not adopted. Clearly, abolition of the death penalty is one option. The time may be right to put that issue to a statewide vote. Although current polls show continuing public support for the death penalty, whether those polls truly reflect what the voters would choose after being fully informed of the death penalty's costs is open to question. Every judge, every prosecutor, every witness who testified before the Commission gave the same answer to the question of cost; it will take tens of millions of *additional* taxpayer dollars to create a fair and functional capital punishment system. The harsh but incontrovertible reality that we must spend far more just to attain an acceptable level of fundamental fairness is bound to have a profound impact on voters. What we now know about these extraordinary costs fundamentally alters the terms

of the public debate and may alone justify returning the death penalty to the ballot by legislative referendum for a *fully informed* up-or-down vote.

The more modest alternative, and the more pragmatic approach, is a ballot referendum designed to narrow the scope of the death penalty. In describing various approaches to narrowing, the Commission's Report does not, in our view, sufficiently emphasize how much the death penalty needs to be cut back to address its mounting costs. To bring about meaningful reform, any narrowing proposal must be designed to reduce the universe of capital-eligible first-degree homicides from 87% to something less than 10%. Only by reducing the sheer volume of cases in the system can we address the root cause of the dysfunction that Chief Justice George described to us. Focusing on the front end by limiting the number of cases eligible for capital charging is crucial. We must be explicit about this goal. Anything less will amount to nothing more than rearranging the deck chairs on the Titanic.

If the recommendations of this Commission are not adopted and if the death penalty is not abolished or narrowed, another option, in theory, is to do nothing. We could just continue to muddle along with our current broken system. That is not a viable option, in our view. To continue spending massive amounts of money at current levels each year only to see the backlog of cases in the system continue to grow larger, rendering the death penalty system increasingly ineffective and increasing prone to the ultimate risk – the execution of innocent people – is impossible to justify. Given the many other critical budget priorities in this State, the fact that we spend well over a hundred million dollars a year to pay for a dysfunctional death penalty system will come as a surprise to voters; the notion of doubling that spend rate to repair it

is likely to be taken as an outrage. *Something* must be done. Set forth are what we see as the only reasonable options.

II. ABOLITION OF THE DEATH PENALTY

In broad terms, we embrace the conclusions reached by Commissioner Hing in his Separate Statement calling for abolition of the death penalty. Most basically, we believe that the risk of wrongful conviction and punishment – a problem that plagues our criminal justice system to a degree that is little known to most citizens – simply cannot be tolerated when life is at stake.

Commissioner Hing justifies his call for abolition on broader grounds. He is in good company. Many of the reasons he cites may be found in the published opinions of six Justices of the United States Supreme Court who have opined on different occasions since 1970 that the death penalty is unconstitutional, either facially or as applied.² Commissioner Hing is not the first to cite the exorbitant costs of the death penalty,³ the statistics suggesting racial discrimination,⁴ the disproportionate impact of the death penalty on the poor and the disadvantaged,⁵ the biasing effect of death qualification,⁶ and most importantly, the heightened risk of error in capital cases coupled with the irrevocability of the penalty.⁷

The concerns that Commission Hing so eloquently articulates call into question whether our criminal justice system – as fine as it is – is ever capable of making life-or-death decisions with the fairness, objectivity, and reliability that we expect of it. The Supreme Court Justices who have cited these same

concerns all served as the ultimate custodians of process integrity and fairness for court systems across the country; they sat atop our country's judicial apex, and for them to question whether the courts they oversaw are up to the task in death cases is *very* significant. Indeed, it is striking that several Justices changed their views with experience and after long reflection. At least three of the Justices who are now on record opposing the death penalty began as death penalty supporters on the Court, ultimately concluding, after decades of attempting to address its many flaws, that capital punishment is unworkable in practice.⁸

In California, we have reached a similar tipping point. Based on the extensive record compiled by this Commission, one can fairly conclude, as Justice Blackmun once put it explaining his own views, that the “death penalty experiment has failed.”⁹ We find this to be true in California.

III. NARROWING OF THE DEATH PENALTY

Although outright abolition would be the cleanest, most definitive approach to death penalty reform if our recommendations are not adopted, we recognize that, ultimately, a political judgment must be made about whether the time is right to seek a fresh electoral choice on whether California ought to have a death penalty. The new information generated by our Report about the dysfunctional state of the death penalty, the massive costs of maintaining it, and the even more massive costs of fixing it, will pave the way to a changed public debate on that topic. Whether the time is right to seek a

2. See *Baze v. Rees*, ___ U.S. ___, 2008 LEXIS 3476 (2008) (Stevens, J., concurring in the judgment) (death penalty unconstitutional in all circumstances); *Callins v. Collins*, 510 U.S. 1141 (1994) (Blackmun, J. dissenting from denial of certiorari) (death penalty unconstitutional in all circumstances); *Furman v. Georgia*, 408 U.S. 238 (1972) (separate opinions of Brennan, J. and Marshall, J.) (death penalty unconstitutional in all circumstances); *id.* (separate opinions of Douglas, J., White, J. and Stewart, J.) (death penalty statutes of Georgia and Texas unconstitutional as applied). One other Justice expressed this view following retirement. See John C. Jeffries, Lewis Powell: A Biography, at 451 (1994) (reporting Justice Powell's view that the one vote he regretted casting was his tie-breaking vote to sustain the death penalty in

McCleskey v. Kemp, 481 U.S. 279 (1986)).

3. See *Baze v. Rees*, 2008 LEXIS at ***83 (“The time for a dispassionate, impartial comparison of the enormous costs that death penalty litigation imposes on society with the benefits that it produces has surely come.”) (Stevens, J., concurring in the judgment).

4. See *Callins v. Collins*, 510 U.S. at 1153 (“Even under the most sophisticated death penalty statutes, race continues to play a major role in determining who shall live and who shall die.”) (Blackmun, J. dissenting from the denial of certiorari); see also *McCleskey v. Kemp*, 481 U.S. 279 (1986) (Brennan, dissenting).

statewide vote on abolition is debatable. A more modest and pragmatic approach would be to propose a modification of the death penalty that narrows its scope.

A. The Problem of Overbreadth

One of the most significant findings in our Report is that the death penalty encompasses 87% of all first degree murders committed in this state. Commissioner Totter's dissent takes issue with that finding, but the thrust of his criticism is that only a tiny percentage of capital-eligible crimes are charged in most counties. Whether that is the case or not, it begs the question. The gross numbers speak for themselves. There are now 670 condemned inmates on death row. On average, we had 20 new death judgments entering the appellate system annually in the last eight years. We have an accumulated backlog in the Supreme Court of 180 backlog in the Supreme Court of 180 fully briefed direct appeals and habeas cases awaiting decision, and the Court cannot process more than 30-40 of these cases a year.

The sheer volume, statewide, is overwhelming the appellate system. Against this backdrop, local prosecutors may have the perception that they are charging death cases rarely and infrequently, but on a *combined basis* the rate at which they are charging these cases is clogging the Supreme Court's docket and creating delays that were unimaginable when the death penalty was adopted. To make matters worse, there is no statewide fiscal accountability to capital charging. District Attorneys often point out that they are accountable at the ballot box, and if their capital charging policies raise

questions, they will be held accountable at election time. But the reality is that, with each capital charging decision, local prosecutors are forcing taxpayers *across the state* to subsidize their cases, often for many years into the future after the cases pass into the hands of the Attorney General at the appellate and collateral review stages. As a result, the vast majority of taxpayers who are actually footing the bill have no say in what these prosecutors are deciding when they make "local" decisions to initiate capital litigation.

B. Carrying Out Narrowing

To address the problem of overbreadth, two basic approaches can be taken: (1) We can add more lawyers and other resources in an effort to beef up the overall litigation capacity of the death penalty system (which is the approach reflected in most of our recommendations), or (2) we can narrow the scope of the death penalty and try to reduce the number of cases that may be charged capitally.

If the Commission's recommendations are not adopted, and if policymakers decline to spend the amounts needed to repair the dysfunction in the system, there will remain only one possible way to address the problem of excessive capital case volume short of outright abolition – and that is to narrow capital case eligibility.¹⁰ Suffice it to say that we support the idea of reducing the number of special circumstances to five in accordance with the Constitution Project's Mandatory Justice factors. We are concerned, however, that reducing the number of special circumstances in that fashion will be

5. See *Furman v. Georgia*, 408 U.S. at 369 ("It is...evident that the burden of capital punishment falls upon the poor, the ignorant, and the underprivileged members of society. It is the poor, and the members of minority groups, who are least able to voice their complaints against capital punishment.") (separate op. of Marshall, J.).

6. See *Baze v. Rees*, 2008 LEXIS at ***88 ("Of special concern to me are rules that deprive a defendant of a trial by jurors representing a fair cross-section of the community.") (Stevens, concurring in the judgment).

7. See *Furman v. Georgia*, 408 U.S. at 288 ("The unusual severity of death is manifested most clearly in its finality and enormity.") (Douglas, J. concurring in the judgment); see also Brian Bakst, "O'Connor Questions Death Penalty,"

Associated Press (July 2, 2001) (quoting a speech by Justice O'Connor in which she stated "[i]f statistics are any indication, the system may well be allowing some innocent defendants to be executed").

8. See *Baze v. Rees*, 2008 LEXIS at ***63 (Stevens, J. concurring in the judgment); *Callins v. Collins*, 510 U.S. at 1153 (Blackmun, dissenting from the denial of certiorari); John C. Jeffries, Lewis Powell: A Biography, at 451 (1994).

9. See *Callins v. Collins*, 510 U.S. at 1130 (Blackmun, J. dissenting from the denial of certiorari).

10. We will not reiterate here the mechanics by which the death penalty law may be narrowed. That topic is covered thoroughly in the body of our Report.

insufficient to effect a material decrease in the number of capital-eligible cases. To achieve meaningful reform, it is important to constrain *aggressively* the number of capital cases entering the system on the front end. The goal ought to be that less than 10% of first degree murders qualifies for the death penalty, rather than the current 87%. And whatever new guidelines are adopted, we should be explicit about our objective. The rules governing death penalty eligibility must be designed to reduce dramatically the number of capital cases entering the system. Tinkering around the edges will not do.

The proposal made by Commissioner Streeter to supplement the Mandatory Justice factors with a statewide "citizen impact" requirement may be one way to achieve the kind of dramatic reduction that we envision.¹¹ The dissent by Commissioner Totten expresses skepticism about this proposal on the grounds that it purportedly has "no precedent in law" and would be "totally unworkable." In fact, what has "no precedent in law" is our California death penalty system as it is currently administered. No other state has as many special circumstances as we do in California; no other state sentences to death as many people as we do in California; no other state and probably no other country in the world has anything close to the number of inmates we have on death row; no other state has the combined appellate and post-conviction delays that we do in California; and no other state spends the amounts of money that we do in California, to such little effect. To deal with this unusual state of affairs, unusual measures will be required.

The idea of imposing a statewide "citizen impact" requirement is, in any event, in accord with what courts do all the time in the context of change of venue motions, where the problem of media saturation is frequently litigated, without difficulty. The same or similar forensic techniques for marshaling proof in change of venue motions (e.g. use of

demographic surveys) could certainly be used. In fact, in most cases where change of venue motions are granted, the level of media saturation that is proved would probably meet the kind of statewide "citizen impact" requirement that Commissioner Streeter has proposed, since those cases often involve the kinds of crimes that are notorious for the widespread fear and anxiety that they engender.

The bottom line is that some guidelines must be put in place to create statewide accountability, and the "citizen impact" concept is as good a way as any. It is understandable that a county prosecutor would view the proposed "citizen impact" requirement as "totally unworkable." This new hurdle would constrain his power to bring capital charges for crimes of great local concern. But that is the whole point of it. We must move away from a system in which local prosecutors are free to make capital charging decisions based on considerations of purely local concern. The grisly crimes such as those described by Commissioner Totten's dissent are unimaginably horrible. But every first degree murder, by definition, involves some sort of heinous outrage. Hundreds of these cases are charged statewide every year. The combined effect of making 87% of them automatically eligible for the death penalty in all 58 counties without some mechanism to force consideration of broader statewide interests, naturally, is going to result in runaway costs. Which is exactly what has happened.

C. Geographic Disparity and Racial Discrimination
Although significantly reducing the sheer number of capital cases coming into the criminal justice system every year is, by itself, a compelling justification for narrowing death penalty eligibility, we find one other consideration significant. The overbreadth of the death penalty law is closely related to issues of geographic disparity and racial

11. See Commission Report at 67-68.

12. Cf. *Furman v. Georgia*, 408 U.S. at 288 (death penalty imposed so "wantonly and freakishly" is cruel and unusual for the same reason that "being hit by lightning" is cruel and unusual) (Stewart, J. concurring in the judgment).

discrimination. Addressing overbreadth in an effective way will help put to rest concerns in these related areas as well.

The Commission's Report covers geographic variation thoroughly. We will make only brief additional comment. The scope of the current law permits broad variation in capital charging among the individual counties. Although some degree of unpredictability and randomness may be perfectly acceptable as a general matter in a criminal justice system that consists of 58 separate counties, it is deeply troubling in death penalty administration.¹² Direct oversight from the state level may not be feasible given the decentralized structure of state and county governments, but some indirect means of enforcing uniformity is desirable. We commented above on one possible mechanism. Adopting specific measures designed to ensure financial accountability – through one of the many fiscal tools the state has at its disposal vis-à-vis county governments – might be another approach. We do not suggest shifting the costs of these cases entirely to the counties. But some means can surely be devised by which the treasuries of counties who use the death penalty most frequently will feel the budgetary effects of their capital charging decisions.

The issue of racial discrimination is an entirely different matter, and as is so often the case, it is rife with misunderstanding. It may be, as Commissioner Totten suggests in his dissent, that only a small fraction of the 87% of first degree murders meeting the criteria for capital eligibility is actually charged capitally, but what that necessarily means is that broad discretion is being used to screen out hundreds of individuals from the death penalty each year. Each of those decisions is momentous for the people involved, perhaps more momentous than any other decision that prosecutors make. In any situation where there is such vast discretion and the stakes are so high for the

affected individuals, special care must be taken to ensure that every aspect of the decision-making process is not only carried out in manner that is objective and even-handed, but that it carries the *appearance* of fair and even-handed treatment.

Commissioner Totten's dissent suggests that some members of the Commission came to their task with the pre-existing belief that capital charging is infected with racial discrimination. That is an inaccurate and unfortunate charge. For our part, we do not doubt in the least the good faith and integrity shown by the prosecutors on this Commission, as well as by those who testified before it; we believe that their views are generally reflective of views that are held widely by prosecutors in this state; and we accept that, save for rare situations in which misconduct surfaces and a prosecutor violates his or her oath, prosecutors take no account of race when they decide who merits the death penalty. But nevertheless, there are troubling indications in the aggregate statistics presented by professors Pierce and Radelet that this Commission reviewed. Those statistics clearly *suggest* that race plays a part in the selection of who must face the death penalty.

There may be many innocent explanations for any particular type of differential treatment, but it is critical not to be dismissive of the concerns raised here. In communities of color, confidence in prosecuting agencies can easily erode when members of those communities come to suspect improper racial motivations by law enforcement; that, in turn, can hinder the effectiveness of these very agencies in serving all of their constituents. We do not take the Pierce and Radelet study as proof of discrimination on the part of any individual decision maker, but the empirical methods used by these two expert statisticians are reliable enough to raise questions that require serious further

attention.¹³ In fact, the study raises exactly the kind of questions, whether ultimately proved to be legitimate or not, that can destroy the trust and confidence that members of communities of color are entitled to have in prosecuting agencies. For this reason, we are disappointed that we did not see a greater receptiveness to the need for transparency in the capital charging process among the prosecution and law enforcement members of this Commission. In no way, however, does that disappointment amount to some kind of predisposition by any member of this Commission to assume improper racial motivations in capital charging.

IV. DOING NOTHING

Chief Justice George did not elaborate on what he meant when he testified that the continued growth in the capital case backlog, if unchecked, will at some point cause the system to “collapse[] of its own weight.” But if the delays in our system continue to grow, it is not hard to envision, in legal terms, what could happen: The wholesale invalidation of capital punishment in California. It happened once before, following the United States Supreme Court’s decision in *Furman v. Georgia* in 1972 when the death penalty statutes of Georgia and Texas were declared unconstitutional in its application under the cruel and unusual punishment clause of the Eighth Amendment.

The key votes in *Furman* were by Justices William O. Douglas, Potter Stewart and Byron White, each of whom voted to strike down capital punishment

in Georgia and Texas as applied. In effect, these Justices hit the constitutional equivalent of a computer “re-set” button, invalidating all convictions under the challenged statutes – and under similar statutes across the country, including California – but allowing state legislators to write new death penalty legislation designed to cure the defects that they found. The practical result was that death rows in all of these states were cleared out; formerly condemned inmates received life sentences; and whatever backlogs existed on the death rows of these states prior to *Furman* suddenly disappeared.

Justice White’s rationale for finding the Georgia and Texas death penalty statutes unconstitutional has particular resonance in the context of the situation we face now in California. As he explained it,

[T]he [death] penalty has not been considered cruel and unusual punishment in the constitutional sense because it was thought justified by the social ends it was deemed to serve. At the moment that it ceases realistically to further these purposes, however, the emerging question is whether its imposition in such circumstances would violate the Eighth Amendment. It is my view that it would, for its imposition would then be the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes. A penalty with such negligible returns to the State would be patently excessive and cruel and unusual punishment violative of the Eighth Amendment.

It is also my judgment that this point has been reached with respect to capital punishment as it is presently administered under the statutes involved

13. As explained by Justice Brennan’s dissent in *McCleskey v. Kemp*, 481 U.S. at 327, where a study very similar to that done by Pierce and Radelet was presented:

[The] statistics have particular force because most of them are the product of sophisticated multiple-regression analysis. Such analysis is designed precisely to identify patterns in the aggregate, even though we may not be able to reconstitute with certainty any individual decision that goes to make up that pattern....[A] multiple-regression analysis need not include every conceivable variable to establish a party’s case, as long as it includes those variables that account for the major factors that are likely to influence decisions.

in these cases. Concededly, it is difficult to prove as a general proposition that capital punishment, however administered, more effectively serves the ends of the criminal law than does imprisonment. But however that may be, I cannot avoid the conclusion that as the statutes before us are now administered, the penalty is so infrequently imposed that the threat of execution is too attenuated to be of substantial service to criminal justice.

Furman v. Georgia, 408 U.S. at 312 (emphasis added) (White, J., concurring in the judgment).

Given the lengthy and growing delays documented by the Commission in its Report, the rationale applied by Justice White in his *Furman* opinion ought to be kept in mind. Even if we were to accept as true the theoretical arguments that capital punishment can deter crime and serve as a force for community retribution, our Report casts serious doubt on whether the death penalty in this State carries out either objective, effectively or at all. Whatever the academics say, no one can credibly suggest that the death penalty deters anything or expresses any clear sense of community outrage when the time from conviction to execution averages over two decades.

Under these circumstances, the death penalty, as it is currently administered in California, is now at or near the point where it has effectively ceased to carry out the purposes for which it was designed.¹⁴

A declaration that California's death penalty is unconstitutional as applied would render invalid the sentences of all of those who are currently on

death row, resulting in the waste of what is now well over a billion dollars in taxpayer dollars that has so far been spent litigating these cases, and forcing either de facto abolition or adoption of a new, narrower death penalty law. In order to avoid this train-wreck scenario, something must be done to repair the death penalty system. Doing nothing is not a viable option. We do not predict a wholesale constitutional attack on California's death penalty system or comment on the correctness of any such attack, if it were ever made. We simply raise the question in order to illustrate that the consequences of leaving things as they are could conceivably lead to an unplanned result that may be as unwelcome in some quarters as it is avoidable. The flipside of this point is equally valid. For those who may view wholesale invalidation as a welcome result, the uncertainty that successful legal resort could eventually be had in the courts is reason enough to accept something less than might justifiably be demanded, purely in the interest of ensuring that something meaningful is done.

V. CONCLUSION

We believe that the alternative of narrowing the death penalty has great merit. This approach to death penalty reform is attractive to us because it is the most practical and perhaps the most achievable alternative.

The death penalty is obviously a controversial topic, bound to stir up strong views on both sides of any policy discussion. Certainly, in the course of our deliberations we had many spirited discussions about the best approach to death penalty reform.

14. See *Gomez v. Fierro*, 519 U.S. 918 (1996) (delays in implementation of the death penalty can be so substantial as to eviscerate the only justification under the Eighth Amendment for that kind of punishment) (Stevens, J., dissenting from the granting of certiorari); see also *Lackey v. Texas*, 514 U.S. 1045 (1995) (same) (Stevens, J., respecting the denial of certiorari).

Forceful and respectful contentions were advanced from many perspectives. The discussions involved a degree of collective problem-solving among highly skilled and experienced professionals that was truly inspiring. If the Commission's recommendations are not adopted, we would like to see the spirit of accommodation and mutual respect that characterized our deliberations continued. That is a significant reason why we propose narrowing the death penalty. Even the most basic and fundamental policy choices to be made here need not involve a zero sum game in which one point of view "wins" and one point of view "loses."

For us, narrowing is a second-best policy solution, but it is one that the evidence before the Commission fully supports. The Commissioners who took a pro-death penalty stance on the Commission have genuine and strongly-held convictions about capital punishment. The same may be said for Commissioners who question the wisdom of the death penalty. Undoubtedly, both views are broadly reflective of the opinions of millions of California voters. We believe that narrowing the death penalty represents an effort to reconcile these contending points of view, at least at some level. Not everyone on either side would be satisfied fully with a substantially narrowed death penalty. Far from it. For many on both sides, the issue is deeply infused with moral considerations and cannot be compromised. But the Commission as a whole decided early on that it would not attempt to weigh the morality of the death penalty. Rather, the Commission decided that it would seek practical solutions. In our view, the option of narrowing the death penalty is just such a solution.

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Acknowledgments

The California Commission on the Fair Administration of Justice was created on August 27, 2004 by Senate Resolution No.44 (D-Senator Burton) to carry out the following duties:

- 1** To study and review the administration of criminal justice in California to determine the extent to which that process has failed in the past, resulting in wrongful executions or the wrongful conviction of innocent persons.
- 2** To examine ways of providing safeguards and making improvements in the way the criminal justice system functions.
- 3** To make any recommendations and proposals designed to further ensure that the application and administration of criminal justice in California is just, fair, and accurate.

Senate Resolution No. 10, adopted June 28, 2007 resolved that the commission shall meet and make its recommendations to the Legislature and Governor no later than June 30, 2008.

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We thank the Commission's staff. Professor Gerald F. Uelmen of Santa Clara University

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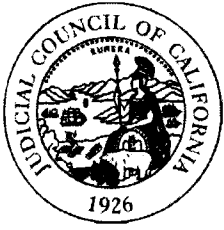
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On August 27, 2004, The California Commission on the Fair Administration of Justice was created by California State Senate Resolution No. 44, with this charge:

- (1) To study and review the administration of criminal justice in California to determine the extent to which that process has failed in the past, resulting in wrongful executions or the wrongful conviction of innocent persons.
- (2) To examine ways of providing safeguards and making improvements in the way the criminal justice system functions.
- (3) To make any recommendations and proposals designed to further ensure that the application and administration of criminal justice in California is just, fair, and accurate; and be it further.

After nearly four years of work, the Commission completed its task. This volume contains the findings of the Commission, along with specific recommendations from the Commission in ten reports covering seven different areas of focus.



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FACT SHEET

November 2015

New Judgeships

California continues to suffer from a severe shortage in the number of trial court judges. The ramifications are serious and far-reaching, and include a significant decrease in Californians' access to the courts, compromised public safety, an unstable business climate, and backlogs in some courts that inhibit fair, timely, and equitable justice.

A detailed analysis of judicial workload conducted in 2014 identified a need for more than 250 additional judges to satisfy workload requirements in California's 58 Superior Courts.

Prior Legislation

In 2005, the Judicial Council committed to seeking 150 new trial court judgeships over three years, and sponsored SB 56 (Dunn, ch. 390), which authorized the first 50 of the 150 critically needed judgeships. These 50 judgeships were funded in the 2007 Budget Act, and judges were appointed to each of them.

In 2007, AB 159 (Jones, ch. 722) authorized the second set of 50 judgeships; these judgeships, however, remain unfunded. The Judicial Council also sponsored legislation to authorize the third set of 50 judgeships in 2008 (SB 1150, Corbett), 2009 (SB 377, Corbett), 2011 (AB 1405, Feuer), 2014 (SB 1190, Jackson), and 2015 (SB 229, Roth), but in the midst of the state's economic downturn, these efforts were unsuccessful in the Legislature or vetoed by the Governor.

Due to the delay in authorization and funding of judgeships, growth in population, and the growth in court workload, the number of trial court judges needed has continued to increase.

Background

- Courts face the most urgent need for judges in some of the fastest growing counties. Legislation authorizing and funding judgeships is a crucial step to addressing the need for additional judges in these counties. The number of authorized judges in these counties falls well below the number of the judges needed to handle the workload:
 - San Bernardino County has experienced a 13 percent growth in population in the last decade, and is also authorized for just 60 percent of the judges needed in that county.
 - Riverside County has experienced a 30 percent growth in population and is authorized for just 60 percent of the judges needed in that county.
 - Los Angeles County has experienced a 4.3 percent growth in population and is authorized for just 93 percent of the judges needed in that county.
 - Kern County has experienced a 22 percent growth in population and is authorized for just 74 percent of the judges needed in that county.
 - Fresno County has experienced a 13 percent growth in population and is authorized for just 80 percent of the judges needed in that county.
 - San Joaquin County has experienced a 13 percent growth in population and is authorized for just 79 percent of the judges needed in that county.
 - Stanislaus County has experienced an 8 percent increase in population, and is authorized for just 73 percent of the judges needed to carry out the trial court workload in that county.

Consequences of Too Few Judicial Officers

- The judicial branch is unable to provide an adequate level of justice and service to the public.
- Public safety is endangered when there are too few judicial officers to hear criminal cases.
- In criminal cases, heavy caseloads put pressure to plea bargain because these cases must be dismissed if they are not heard within specified time frames, due to Constitutional protections.

- Delays in criminal cases due to an insufficient number of judges can force delays in civil case processing. These delays harm civil litigants and create uncertainty and instability for the business community.
- A stable business climate requires timely access to justice to resolve civil disputes.
- All Californians need access to courts to address civil matters of all types, including:
 - Family law—divorce, paternity, support, and child custody issues;
 - Landlord-tenant disputes and other housing issues;
 - Domestic violence and workplace violence issues.
- An increase in judgeships would allow the judicial branch to increase diversity among bench officers, which in turn enriches judicial decision-making and access to justice for Californians of diverse languages and socioeconomic backgrounds.

Legislative Solution

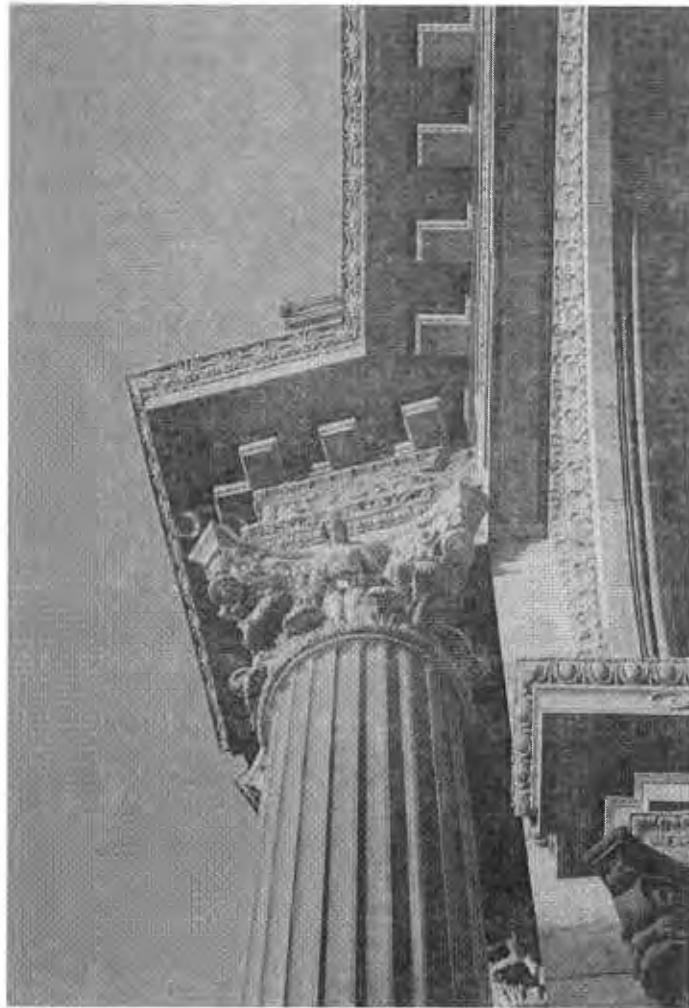
With California's improved economic outlook, the Judicial Council is sponsoring legislation to partially fund the second set of 50 previously authorized judgeships. Under this proposal, 12 new judgeships will be funded, helping to alleviate the strain on our most severely overburdened courts. The Judicial Council will pursue funding for the remaining judgeships in future years. This stepping-stone system will spread out the higher start-up costs associated with new judgeships over a time, while still providing relief and assistance to our most overworked courts.

The funding requested includes the cost of the minimal complement of necessary staff to support the work of the new judge. Each judgeship requires the equivalent of approximately three full time judicial support staff positions allocated among research attorneys, secretarial support, and court clerks. Additional staff positions, including bailiffs or internal court security and court interpreters, are funded through a separate budgetary line item. This level of support staffing is the minimal level needed to support the proposed judges. The funding requested also includes the cost of facilities, supplies, and operating expenses for the judgeships and associated staff.

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2016 COURT STATISTICS REPORT
Statewide Caseload Trends

2005-2006 Through 2014-2015



JUDICIAL COUNCIL
OF CALIFORNIA

2016 COURT STATISTICS REPORT

Statewide Caseload Trends

2005-2006 Through 2014-2015



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PREFACE

Court Statistics Report

The *Court Statistics Report (CSR)* is published annually by the Judicial Council of California and is designed to fulfill the provisions of article VI, section 6 of the California Constitution, which requires the Judicial Council to survey the condition and business of the California courts. The CSR combines 10-year statewide summaries of superior court filings and dispositions with similar workload indicators for the California Supreme Court and Courts of Appeal. The 2016 CSR also provides more detailed information on filings and dispositions in the individual superior courts for the most recent fiscal year for which data are available, 2014–2015.

Caseload Data and Court Workload

California's court system is one of the largest in the world and serves a population of more than 39 million people—about 12 percent of the total U.S. population—and more than 2,000 judicial officers and approximately 19,000 judicial branch employees statewide address the full range of cases heard each year. The vast majority of cases in the California courts begin in one of the 58 superior, or trial, courts, which reside in each of the state's 58 counties. With more than 500 court buildings throughout the state, these courts hear both civil and criminal cases as well as family, probate, mental health, juvenile, and traffic cases.

The data published in the *Court Statistics Report* is used by the judicial branch in policy development, program evaluation, performance management, and in workload analysis to measure judicial and court staff resource needs in California. Because different types of cases require different amounts of judicial and staff resources, a weighted caseload approach is the standard method, nationwide, to estimate the workload and resource needs of the courts. Weighted caseload distinguishes between different categories of filings so that the resources required to process a felony case, for example, are recognized as being much greater than the resources required to process a traffic infraction. As the mix or composition of cases change over time, a weighted caseload approach is needed to assess the impact of caseload trends on court workload. The Judicial Council has adopted caseweights for two workload models used by the judicial branch—the Judicial Workload Assessment and the Resource Assessment Study (RAS) model.

With the introduction of a new budget development and allocation process for the trial courts in 2013, the data published in the *Court Statistics Report* is being used by the judicial branch for a critically important new purpose. The Judicial Council adopted the Workload-based Allocation and Funding Methodology, or WAFM, which uses the Resource Assessment Model (RAS) and other workload factors in a new budget development process that alters baseline funding for most trial courts based on court workload.

Summary of 2016 Court Statistics Report

A summary of the caseload data in the 2016 CSR for the California Supreme Court, Courts of Appeal, and Superior Courts for fiscal year 2014–2015 are as follows:

Supreme Court

- The Supreme Court issued 76 written opinions during the year.
- Filings totaled 7,868, and dispositions totaled 7,560.
- Automatic appeals arising out of judgments of death totaled 18 cases, and the court disposed of 19 such appeals by written opinion.

- The Supreme Court ordered 21 Court of Appeal opinions depublished in this fiscal year.

Courts of Appeal

- Total contested matters for the Courts of Appeal totaled 20,661 made up of 13,607 records of appeal and 7,054 original proceedings.
- Dispositions in the Courts of Appeal totaled 22,084. Of these dispositions, 15,283 were appeals, and 6,801 were original proceedings.
- Dispositions of appeals by written opinion totaled 9,417, appeals disposed of without written opinion totaled 3,906, and appeals disposed of without a record filed totaled 1,960. Dispositions of original proceedings by written opinion totaled 442, and original proceedings disposed of without written opinion totaled 6,429.
- Statewide, 9 percent of Court of Appeal majority opinions were published.

Superior Courts

In FY 2014-15, over 6.8 million cases were filed statewide in the Superior Courts. The CSR organizes all the cases filed in the courts in four main case categories—Civil; Criminal; Family and Juvenile; Probate, Mental Health, Appeals, Habeas. The case filing totals for the individual case types reported by the courts for FY 2014-15 are as follows:

Civil: The civil case category is made up of unlimited civil, limited civil, and small claims matters. Civil unlimited cases are matters where the petitioner is seeking more than \$25,000. There were 192,761 unlimited civil cases filed in the courts. Limited civil filings are cases where the petitioner is seeking \$25,000 or less. Limited civil cases totaled 375,178 statewide. Small claims filings are cases where the petitioner is seeking \$10,000 or less and is not represented by counsel. A total of 150,382 small claims cases were filed statewide.

Criminal: The criminal case category is made up of felonies, misdemeanors, and infractions. The filing totals for the individual case types are as follows: felony filings represented 214,088 cases, misdemeanor filings totaled 922,730 cases, and infraction filings accounted for 4,424,870 cases.

Family and Juvenile: Marital filings (dissolutions, legal separations and nullities) accounted for 138,121 cases and other family law filings (e.g. paternity, child support) totaled 242,039 cases. Juvenile delinquency filings totaled 40,726 cases and juvenile dependency filings totaled 44,679 cases.

Probate, Mental Health, Appeals, and Habeas: The filing totals for the individual case types are as follows: probate filings totaled 44,456 cases; mental health filings totaled 29,718 cases; civil and criminal appeal filings totaled 5,064 cases; and criminal habeas corpus filings totaled 7,898 cases.

The largest changes in statewide filings for Superior Courts from the previous year are in limited jurisdiction case types—misdemeanors and infractions in the criminal case category and small claims and limited civil in the civil case category. Limited jurisdiction cases tend to be, on average, much less complex and resource-intensive for courts than unlimited jurisdiction case types such as felonies, civil torts, juvenile, probate, and mental health. Several of the most complex types of cases filed in the courts had an increase in filings from the previous year, which include the following case types: Personal Injury/Property Damage/Wrongful Death (PI/PD/WD), Probate, and Mental Health. Felony filings decreased for the first time in several years due presumably to the passage of Proposition 47 in November 2014, which reclassified certain theft and drug possession offenses from felonies to misdemeanors.

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INTRODUCTION

The *Court Statistics Report (CSR)* is published annually by the Judicial Council of California. The CSR combines 10-year statewide summaries of superior court filings and dispositions with similar workload indicators for the California Supreme Court and Courts of Appeal. The appendixes to this report provide detailed information on filings and dispositions in the superior courts for the most recent fiscal year, 2014–2015.

The CSR is designed to fulfill the provisions of article VI, section 6 of the California Constitution, which requires the Judicial Council to survey the condition and business of the California courts.

The CSR is published on the California Courts website at <http://www.courts.ca.gov/12941.htm>.

Snapshot of Court Caseload

The *Court Statistics Report* contains essential information about the annual caseload of the California judicial branch, with a particular emphasis on the number and types of cases that are filed and disposed of in the courts. This information is submitted to the California Legislature and used in numerous judicial branch reports. As with any published data, the numbers in this report represent a snapshot of the most complete and reliable information available at the time of compilation.

To ensure that the statistics used for making policy decisions are as accurate as possible, courts may amend the data they submit to the Judicial Council should new, more detailed or more complete information become available. For this reason, the data in this report may change slightly over time as courts revise their calculations and submit new caseload estimates.

Weighted Caseload and Court Workload

In the judicial branch the most reliable and consistent measure of workload is the number of case filings. Because different types of cases require different amounts of judicial and staff resources, a weighted caseload approach is the standard method, nationwide, to estimate the workload and resource needs of the courts. Accordingly, the Judicial Council has adopted a weighted caseload methodology to measure judicial and court staff resource needs in California. Weighted caseload distinguishes between different categories of filings so that the resources required to process a felony case, for example, are recognized as being much greater than the resources required to process a traffic infraction. Individual caseweights have been assigned to the many different types of cases filed in the courts. Caseweights are used along with the data published in the Court Statistics Report to estimate the number of judicial officers and court staff needed to fully adjudicate each case filed in the 58 superior courts.

The Judicial Council has adopted caseweights for two workload models used by the judicial branch—the Judicial Workload Assessment and the Resource Assessment Study (RAS) model. The Judicial Workload Assessment model was originally developed and adopted by the Judicial Council in 2001, and the Judicial Council adopted updated caseweights or judicial workload standards in 2012. The Resource Assessment Study (RAS) model was originally developed and adopted by the Judicial Council in 2005, and the RAS model was updated and adopted by the Judicial Council in 2013.

With the introduction of a new budget development and allocation process for the trial courts in 2013, the data published in the Court Statistics Report is being used by the judicial branch for a critically important new purpose. The Judicial Council adopted the Workload-based Allocation and Funding Methodology, or WAFM, which uses the Resource Assessment Model (RAS) and other workload factors in a new budget development process that alters baseline funding for most trial courts based on court workload. WAFM is consistent with Goal II, Independence and Accountability, of Justice in Focus: The Strategic Plan for California Judicial Branch 2006-2012, in that the methodology strives to “allocate resources in a transparent and fair manner that promotes efficiency and effectiveness in the administration of justice, supports the strategic goals of the judicial branch, promotes innovation, and provides for effective and consistent court operations” (Goal II.B.3).

Variations in Data Totals

Statewide trends in filings and dispositions may be influenced by a number of factors. For example, changes in the number of filings and dispositions may reflect shifting needs or behavior of residents of a court’s service area as well as new policy emphases in the work of justice system partners. The following are some of the more common causes of statistical variations.

Missing Data

Statewide totals in the *CSR* may be influenced by missing data for certain courts. Typically, when courts do not report data to the Judicial Council, it is because they have encountered difficulties generating automated reports from their case management systems. Filings data submitted by the courts tend to be more complete than disposition data.

Incomplete Data

The reporting of incomplete data typically occurs when courts transmit partial data totals for a particular case type because of the limits of their case management systems. It should be noted that incomplete data are more difficult to spot in the tables that follow, but in general they will cause downward shifts in the number of filings and dispositions. (Incomplete data for FY 2014–2015 are also detailed in Appendix A.)

Variation in Local Business Practices

Data reported in the *CSR* are compiled in a data warehouse, the Judicial Branch Statistical Information System (JBSIS). Because many different case management systems are used in the courts, data must be “mapped” from local systems into the standard categories used for reporting purposes. One essential function of JBSIS is to standardize the basic definitions of case types and case events across all courts in California. Another important aspect of JBSIS is its role in the extraction of court data through different transmission methods that include manual reports, web-based reports through the JBSIS Portal, and automated JBSIS reports. Through this process JBSIS contributes to the warehousing of this data in a structure that is comparable from one court to another.

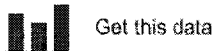
Maintaining quality control over the data contained in the JBSIS data warehouse involves:

- Training court staff on the standards for the classification, entry, and reporting of data;
- Providing information to the courts for resolving technical questions associated with data definitions, processing, and aggregation;
- Developing and adopting a new case management system infrastructure in the courts; and
- Documenting and disseminating information related to changes in the ways that courts define or report data.

Although a growing number of courts now transmit their data electronically from their case management system to the Judicial Council, there continue to be differences among superior courts' case processing and other business practices that reflect the histories of individual courts and the unique needs of the communities they serve. These differences may influence the ways in which superior courts report data to the Judicial Council. On that basis, while the filings and disposition data reported by any one court are largely comparable to data from other courts, some local variations in the classification and reporting of cases still occur.

Changes to 2016 Court Statistics Report

The 2016 *Court Statistics Report* reflects several design improvements and organizational changes to make the document more user-friendly—primarily a more graphical presentation of the material and more accurate organization of the work of the branch by case type and subject matter. The electronic PDF version of the 2016 CSR also offers access to the raw data underlying many of the graphical charts by clicking the data icon:



The major organizational change in the 2016 CSR is to distinguish descriptive caseload indicators such as filings and dispositions, and basic standards and measures of judicial administration. These measures, such as time to disposition and caseload clearance rate, allow the courts to assess case-processing practices and ensure efficient allocation of resources. Engaging in an ongoing assessment of performance measurement furthers many of the branchwide strategic goals—such as access to justice, accountability, and quality of justice and service to the public—that are vital to the effective administration of justice in California.

Judicial Administration Standards and Measures

Government Code section 77001.5 (Sen. Bill 56 [Dunn]; Stats. 2006, ch. 390) requires the Judicial Council to adopt and annually report on “judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects: (1) providing equal access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration.” The judicial administration standards and measures included in the 2016 CSR further the branch’s commitment to the goals and measures outlined in Government Code section 77001.5.

CalCourTools

CalCourTools is a set of judicial administration standards and measures linked to technical assistance available from the Judicial Council. The CalCourTools program builds on the CourTools measures developed by the National Center for State Courts and endorsed by the Conference of Chief Justices and the Conference of State Court Administrators

Statistical Overview

This section contains summaries of filings and dispositions for the California Supreme Court, Courts of Appeal, and superior courts for fiscal year 2014–2015.

Supreme Court

- The Supreme Court issued 76 written opinions during the year.

- 7,868 matters were filed with the court, with 7,560 matters disposed of during the same period.
- The court received 4,038 petitions seeking review from a Court of Appeal decision in an appeal or an original writ proceeding and disposed of 3,874 such petitions.
 - 1,158 of these petitions for review arose from civil matters, and 2,880 from criminal matters.
 - The court disposed of 1,104 civil petitions and 2,770 criminal petitions.
- The court received 2,727 petitions seeking original writ relief and disposed of 2,632 of such petitions.
 - Of the petitions seeking original writ relief, 327 arose out of civil matters and 2,400 arose out of criminal matters.
 - The court disposed of 296 civil and 2,336 criminal petitions.
- A total of 18 automatic appeals were filed with the court following a judgment of death, and the court disposed of 19 automatic appeals by written opinion.
- The court received 47 habeas corpus petitions related to automatic appeals and disposed of 17 such petitions.
- A total of 1,027 State Bar matters were filed with the court, and 1,011 such matters were disposed of during the year.
- The Supreme Court ordered 21 Court of Appeal opinions depublished in this fiscal year.

Courts of Appeal

- Contested matters for the Courts of Appeal totaled 20,661, and dispositions totaled 22,084.
- Contested matters included 13,607 records of appeal and 7,054 original proceedings.
- The 13,607 filings of records of appeal comprised 4,275 civil cases, 6,463 criminal cases, and 2,869 juvenile cases. The 7,054 filings of original proceedings included 1,834 civil, 4,803 criminal, and 417 juvenile cases.
- Filings of notices of appeal in the superior court totaled 16,211: 6,062 civil cases, 7,113 criminal cases, and 3,036 juvenile cases.
- Disposition of notices of appeal totaled 15,283 and included 6,101 civil, 6,232 criminal, and 2,950 juvenile cases.
 - Dispositions of notices of appeal by written opinion totaled 9,417: 3,106 civil cases, 4,729 criminal cases, and 1,582 juvenile cases.
 - Dispositions without written opinion totaled 3,906 cases: 1,444 civil, 1,191 criminal, and 1,271 juvenile.
 - Dispositions of notices of appeal with no record filed totaled 1,960 cases: 1,551 civil, 312 criminal, and 97 juvenile.
- Disposition of filings of original proceedings is composed of 1,769 civil, 4,788 criminal, and 314 juvenile cases.
 - Disposition of original proceedings decided with written opinion totaled 442 cases: 131 civil cases, 124 criminal cases, and 187 juvenile cases.
 - Disposition of original proceedings without written opinion totaled 6,429 cases: 1,638 civil, 4,664 criminal, and 127 juvenile.
- Of the cases disposed of by written opinion, 7,939 were affirmed, 924 were reversed, and 263 were dismissed.

- Of those cases affirmed by the Courts of Appeal, 6,383 received full affirmance, while 1,556 received affirmance with modification.
- Statewide, 9 percent of Court of Appeal majority opinions were published in this fiscal year.

Superior Court

Superior court case filings across all case categories totaled 6,832,710 cases, while dispositions numbered 6,342,662. Within these aggregate numbers, the following totals by major case category and case type were recorded:

Civil Cases. Civil filings totaled 718,321 and civil dispositions totaled 747,353, with a caseload clearance rate of 104% attained over all civil case types in this fiscal year.

- **UNLIMITED:** Civil unlimited filings totaled 192,761 cases, while civil unlimited dispositions numbered 179,509.
 - Method of disposition for civil unlimited cases: 140,124 cases disposed of before trial and 39,385 after trial.
 - Caseload clearance rate for civil unlimited cases: 93%.
 - Case processing time for civil unlimited cases was 64% within 12 months, 76% in 18 months, and 83% in 24 months.
- **LIMITED:** Civil limited filings totaled 375,178 cases, while civil limited dispositions numbered 409,944.
 - Method of disposition for civil limited trials: 377,764 cases were disposed of before trial and 32,180 after trial.
 - The caseload clearance rate for civil limited cases was 109%.
 - Case processing time for civil limited was as follows: 83% in 12 months, 91% in 18 months, and 94% in 24 months.
- **SMALL CLAIMS:** Small claims filings reached a total of 150,382 cases, while small claims dispositions numbered 157,900.
 - Method of disposition for small claims cases: 67,327 cases were disposed of before trial and 90,573 after trial.
 - The caseload clearance rate for small claims cases was 105%.
 - Case processing time in small claims cases was as follows: 58% in 70 days, 71% in 90 days.

Criminal Cases. Criminal filings totaled 5,561,688 and criminal dispositions numbered 5,119,511, with a caseload clearance rate of 92% attained over all criminal case types in this fiscal year.

- **FELONIES:** Felony filings reached a total of 214,088 cases, while felony dispositions numbered 223,339.
 - Method of disposition: 218,285 felony cases were disposed of before trial and 5,054 after trial.
 - Caseload clearance rate for felony cases was 104%.
 - Case processing time in felony cases resulting in bindovers or certified pleas: 45% in 30 days, 55% in 45 days, 71% in 90 days—with 88% of all felonies disposed of in less than 12 months.

- **MISDEMEANORS:** Misdemeanor filings reached a total of 922,730 cases, while misdemeanor dispositions numbered 757,286.
 - Method of disposition: 750,264 misdemeanor cases were disposed of before trial and 7,039 after trial.
 - Caseload clearance rate for misdemeanor cases ranged from 84% for traffic misdemeanors to 80% for nontraffic misdemeanors.
 - Case processing time for misdemeanors: 61% in 30 days, 77% in 90 days, and 83% in 120 days.
- **INFRACTIONS:** Infraction filings reached a total of 4,424,870 cases, while infraction dispositions numbered 4,138,886.
 - Method of disposition: 3,761,011 infraction cases were disposed of before trial and 377,876 after trial.
 - The caseload clearance rate for infraction cases ranged from 73% for nontraffic infractions to 95% for traffic infractions.

Family Law. Family law filings totaled 380,160, and family law dispositions numbered 340,777, with a caseload clearance rate of 90% attained over all family law case types in this fiscal year.

- **FAMILY LAW (MARITAL):** Family law (marital) filings reached a total of 138,121 cases, while this type of family law dispositions numbered 135,812.
 - Method of disposition: 134,393 family law (marital) cases were disposed of before trial and 1,419 after trial.
 - The caseload clearance rate for family law (marital) cases was 98%.
- **FAMILY LAW PETITIONS:** Family law petition filings reached a total of 242,039 cases, while this type of family law dispositions numbered 204,965.
 - Method of disposition: 203,156 family law petition cases were disposed of before trial and 1,809 after trial.
 - The caseload clearance rate for family law petition cases was 85%.

Juvenile Law. Juvenile filings totaled 85,405, and juvenile dispositions numbered 70,566.

- **JUVENILE DELINQUENCY:** Juvenile delinquency filings reached a total of 40,726 cases, while juvenile delinquency dispositions numbered 38,376.
 - Method of disposition: 6,886 juvenile delinquency cases were disposed of before hearing and 31,490 after hearing.
 - The caseload clearance rate for juvenile delinquency cases ranged from 97% for original petitions to 87% for subsequent petitions, with an average of 94% for this case type.
- **JUVENILE DEPENDENCY:** Juvenile dependency filings reached a total of 44,679 cases, while juvenile dependency dispositions numbered 32,190.
 - Method of disposition: 1,493 juvenile dependency cases were disposed of before hearing and 30,697 after hearing.
 - The caseload clearance rate for juvenile dependency cases ranged from 79% for original petitions to 27% for subsequent petitions, with an average of 72% for this case type.

Probate and Mental Health Cases.

- PROBATE: Probate (estate, guardianship, and conservatorship) filings reached a total of 44,456 cases, while probate dispositions numbered 27,701.
 - Method of disposition: 15,571 probate cases were disposed of before hearing and 12,132 after hearing.
 - The caseload clearance rate for all types of probate cases was 62%.
- MENTAL HEALTH: Mental health filings reached a total of 29,718 cases, while mental health dispositions numbered 24,557.
 - Method of disposition: 5,656 mental health cases were disposed of before hearing and 18,901 after hearing.
 - The caseload clearance rate for all types of mental health cases was 83%.

Trials, By Type of Proceeding

- JURY TRIALS: A total of 9,450 jury trials were recorded across all case types. Jury trials held in the superior courts in fiscal year 2014–2015 included 4,778 felony, 2,901 misdemeanor, 1,235 civil unlimited, 491 civil limited, and 45 probate and mental health cases.
- ALL COURT TRIALS: A total of 479,719 court trials were recorded across all the case types detailed above (excluding small claims). These included 276 felony, 382,014 misdemeanor and infractions, 34,752 civil unlimited, 31,689 civil limited, and 30,988 probate and mental health cases.
- SMALL CLAIMS TRIALS: A total of 90,573 small claims court trials were recorded, which may be distinguished from criminal and civil court trials for their tendency to be resolved in a single hearing.

Trial Court Workload and Judicial Resources

- Authorized judicial positions in the California courts in fiscal year 2014–2015 totaled 2,013: 1,715 judges and 298 subordinate judicial officers.
- The 50 new judgeships authorized by Assembly Bill 159, effective January 2008, are still unfunded but are included in the statewide number of judgeships.
- While the number of authorized judicial positions for the year was 2,013, the assessed number of judges needed (AJN) was 2,171 based on the 2014 assessment presented to the Judicial Council at the December 2014 meeting.

The California Court System

California's court system serves a population of more than 39 million people—about 12 percent of the total U.S. population—and processed about 6.8 million cases in fiscal year 2014–2015. The judicial branch budget for the 2014–2015 fiscal year excluding infrastructure of \$3.6 billion represents about 2.4 percent of the California state budget and makes possible the case-processing activity detailed above while also providing the basis of support for approximately 2,000 judicial officers and 19,000 judicial branch employees statewide.

The vast majority of cases in the California courts begin in one of the 58 superior, or trial, courts, which reside in each of the state's 58 counties. With more than 500 court buildings throughout the state, these courts hear both civil and criminal cases as well as family, probate, mental health, and juvenile cases. The equivalent of

more than 2,000 judicial positions statewide address the full range of cases heard each year by the superior courts, as reflected in the sheer number of case filings and dispositions reported here. The superior courts report summaries of their case filing counts to the Judicial Council, and the CSR reports those figures here in aggregate form.

The next level of court authority within the state's judicial branch resides with the Courts of Appeal. Most of the cases that come before the Courts of Appeal involve the review of a superior court decision that is being contested by a party to the case. The Legislature has divided the state geographically into six appellate districts, each containing a Court of Appeal. Currently, 105 appellate justices preside in nine locations in the state to hear matters brought for review. Totals of Court of Appeal case filings are forwarded to the Judicial Council; these are summarized in the tables that follow.

The Supreme Court sits at the apex of the state's judicial system, and has discretion to review decisions of the Courts of Appeal in order to settle important questions of law and resolve conflicts among the courts of appeal. Although the Supreme Court generally has considerable discretion in determining in which cases to grant review, it must review the appeal in any case in which a trial court has imposed the death penalty. The Supreme Court sends the Judicial Council its annual case filing figures, which are reported here in summary form.

Terminology and Rules for Counting Filings

Technical definitions of most terms used in this CSR can be found in the appendixes. Some core definitions are presented here in more detail.

Appellate Courts

APPEAL. An *appeal* is a proceeding undertaken to have a decision of a lower trial court reviewed by a court with appellate authority over the matter. (Certain limited matters are reviewed by the appellate department of the superior courts.) A *notice of appeal* is a written notification filed in the superior court to initiate the appeal of a judgment to the Court of Appeal. The Courts of Appeal have appellate jurisdiction in all trial court matters, except when a judgment of death is entered, in which case the Supreme Court has appellate jurisdiction. If the matter is appealable, the court must hear the appeal. A *fully briefed* appeal is one in which all briefs have been filed with the court. *Dismissal* of an appeal involves the termination of a case for reasons other than its merit. An appeal that is awaiting a final decision is said to be *pending*. **Each notice of appeal is counted as one new filing.**

PETITION FOR REVIEW. A *petition for review* is filed in the California Supreme Court to ask that court to exercise its discretion to review a decision issued by a Court of Appeal in an appeal or an original proceeding. The Supreme Court has a total of 90 days to consider a petition for review, after which it loses jurisdiction. If a petition for review is granted by the Supreme Court then full briefing occurs on the case; if a petition is denied then the judgment of the lower court becomes final as to the case.

AUTOMATIC APPEAL. An *automatic appeal* is the appeal following a judgment of death in the trial court. This type of appeal is unique because it moves directly from a superior court to the Supreme Court without first being reviewed by a Court of Appeal. Like other types of appeals, is fully briefed before being heard. **An automatic appeal is counted as one new filing.**

ORIGINAL PROCEEDING. An *original proceeding* is an action that may be filed and heard for the first time in an appellate court. This action is not an appeal; rather, it is ordinarily a petition for a writ. Examples of original

proceedings include a writ of mandamus, which instructs a lower court to perform mandatory duties correctly; a writ of prohibition, or an order that forbids certain actions; and a writ of habeas corpus, which is described below. Each original proceeding is counted as one new filing.

PETITION FOR A WRIT OF HABEAS CORPUS. A petition for the issuance of a *writ of habeas corpus* is typically filed to contest the legality of a party's imprisonment or conditions of confinement. Each habeas corpus petition is counted as one new filing.

WRITTEN OPINION. A *written opinion* is a document issued by an appellate court explaining the terms and reasoning in its disposition of a case. The written opinion includes a statement of the legal facts in the case, relevant points of law, and the court's analysis and rationale for its decision. In addition to the written majority opinion in a case, concurring and dissenting opinions also may be filed in each case. For each case, only the majority opinion is counted as a written opinion in these tables.

DISPOSITIONS. The appellate court may dispose of a case by affirming or reversing the action of the lower court, or it may send the case back to the lower court for further proceedings if appropriate.

RECORD OF APPEAL. A *record of appeal* is the compilation of documents and transcripts associated with a given superior court case under review by an appellate court. The record is a component of a new appellate case and as such is not counted separately from the initial appeal.

REVERSAL OF CASE DECISION. A *reversal* is the overturning of a lower court's decision by an appellate court.

Superior Courts

FILING. In the most general sense, a *filing* is the initiation of a legal action with the court through a carefully prescribed legal procedure.

How Filings Are Counted. The procedure used to count filings for this report follows a set of rules consistent with national standards for statistical reporting. These rules differ according to case type:

- Each filing in a *civil* case pertains to the complaint or petition that has been submitted to the court for action. A given civil complaint may name one or more individuals or groups as its object. However, regardless of the number of parties named in a case, each civil case is reported as one filing or one disposition.
- Each filing in a *criminal* case is associated with a single defendant against whom criminal charges have been filed. Multiple criminal charges may occur in a case where different charges have been brought against the same defendant, but only the single most severe charge against a defendant in a given case is counted as a new criminal filing. When multiple defendants are charged with a crime, multiple filings are reported.
- Each filing in a *juvenile* case pertains to a minor who is the subject of a petition made to the court for adjudication. A minor may have an initial filing that brought him or her to the attention of the court, and subsequent filings if new petitions or charges are filed over time. This practice continues until termination of the dependency or delinquency jurisdiction by the court or when the minor has reached the legal definition of adulthood. In a single case involving multiple minors, each minor is counted as a separate filing.

DISPOSITION. In a general sense, a *disposition* may be described as a final settlement or determination in a case. A disposition may occur either before or after a civil or criminal case has been scheduled for trial. A final judgment, a dismissal of a case, and the sentencing of a criminal defendant are all examples of dispositions. In

certain case types, however, a disposition may merely signal the beginning of the court's authority over a case. For example, after the petition to appoint a conservator is disposed of in conservatorship cases, the court assumes control over that case. Rules for counting and reporting dispositions mirror those for filings, although a case filed in one year may be disposed of by the court in a subsequent year.

California Judicial Branch: Structure and Duties

The Courts

CALIFORNIA SUPREME COURT

www.courts.ca.gov/supremecourt.htm

- Has discretionary authority to review decisions of the Courts of Appeal; jurisdiction to review original petitions for writ relief; direct responsibility for automatic appeals after death penalty judgments
- Hears oral arguments in San Francisco, Los Angeles, and Sacramento

COURTS OF APPEAL

www.courts.ca.gov/courts-of-appeal.htm

- Review the majority of appealable orders or judgments from the superior courts; jurisdiction to review original petitions for writ relief
- Six districts, 19 divisions, 9 court locations

SUPERIOR COURTS

www.courts.ca.gov/superiorcourts.htm

- Have trial jurisdiction over all criminal and civil cases filed in their respective counties; guided by state and local laws that define crimes and specify punishments, as well as defining civil duties and liabilities
- A total of 58 courts—one for each California county—each operating in 1 to 46 branches depending on county population, total local caseload, and other factors

Branch and Administration Policy

JUDICIAL COUNCIL OF CALIFORNIA

www.courts.ca.gov/policyadmin-jc.htm

The constitutionally created policymaking body of the California courts

Branch Agencies

COMMISSION ON JUDICIAL APPOINTMENTS

www.courts.ca.gov/5367.htm

Confirms gubernatorial appointments to the Supreme Court and appellate courts

COMMISSION ON JUDICIAL PERFORMANCE

<http://cjp.ca.gov>

Responsible for maintaining statewide standards for administration of justice and empowered with disciplinary authority to effect the censure, removal, retirement, or private admonishment of judges and commissioners

Decisions subject to review by the California Supreme Court

HABEAS CORPUS RESOURCE CENTER

www.courts.ca.gov/5361.htm

Handles state and federal habeas corpus proceedings; provides training and support for private attorneys who take these cases

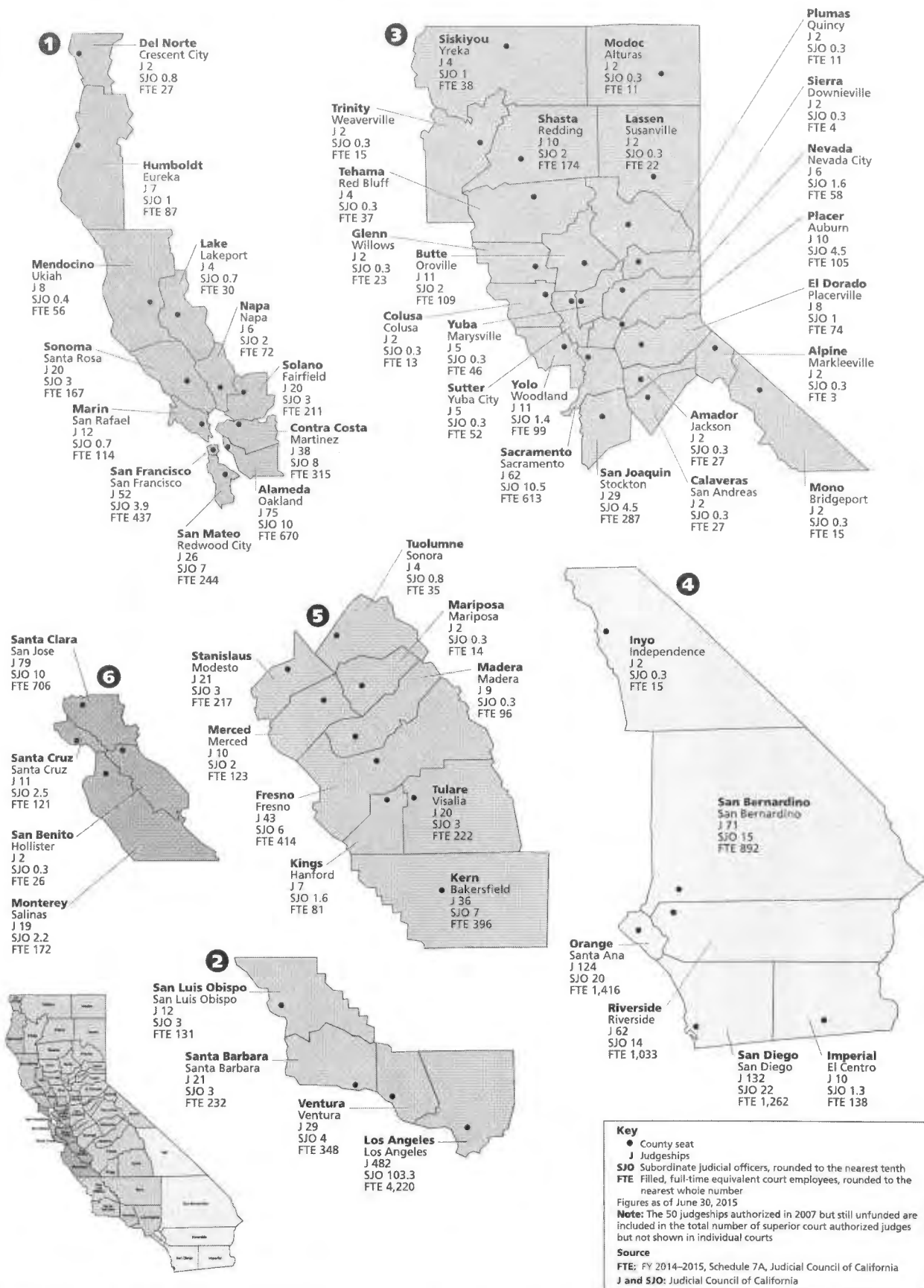
Related

STATE BAR OF CALIFORNIA

www.calbar.ca.gov

Serves the Supreme Court in administrative and disciplinary matters related to attorneys

California Judicial Officers and Court Employees



First Appellate District Justices 20 FTE 100	Second Appellate District Justices 32 FTE 230	Third Appellate District Justices 11 FTE 78	Fourth Appellate District Justices 25 FTE 172	Fifth Appellate District Justices 10 FTE 66	Sixth Appellate District Justices 7 FTE 46	Supreme Court Justices 7 FTE 149	Superior Courts Authorized judges 1,715 Authorized SJOs 298 Total FTEs 16,600
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Supreme Court



Total Filings and Dispositions
 Fiscal Years 2005–06 through 2014–15

Supreme Court
 Figures 1–2

Total Filings and Dispositions

	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15
Filings	9,465	9,198	10,752	9,486	9,759	10,328	9,232	8,027	7,913	7,868
Dispositions	9,965	9,324	10,593	9,689	9,537	10,200	9,724	8,493	7,775	7,560

Figure 1: Total Filings

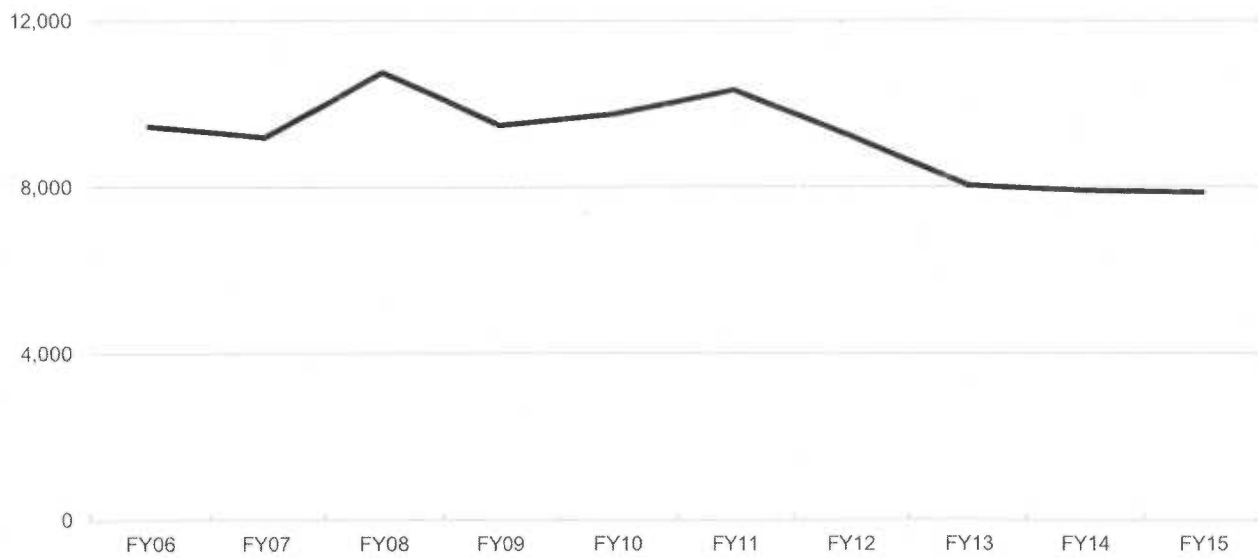
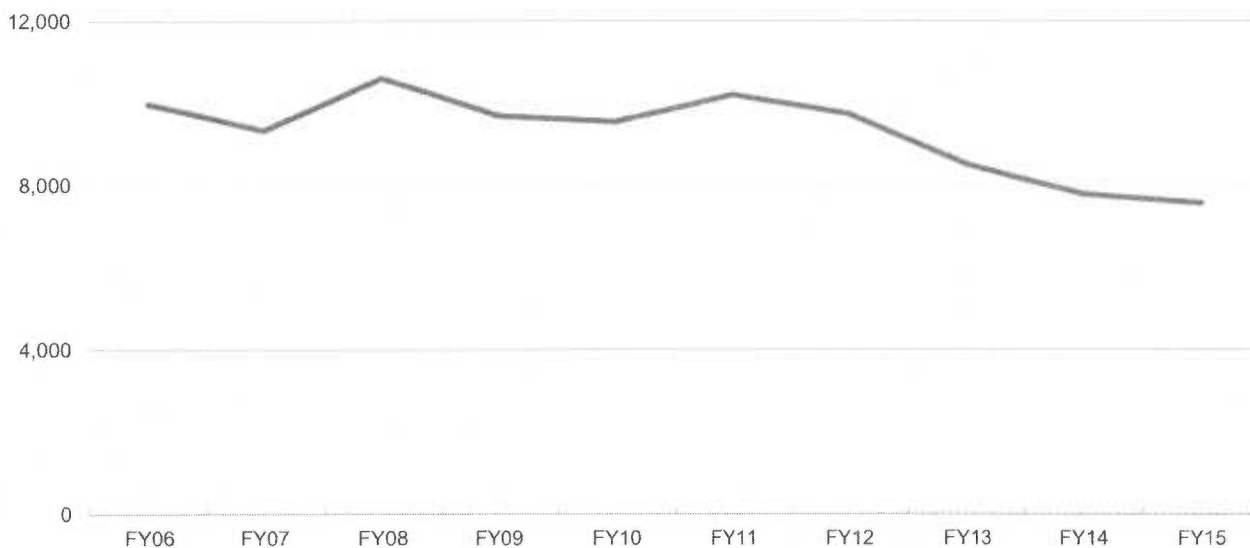


Figure 2: Total Dispositions



— Filings — Dispositions

Figure 3: Petitions for Review ¹

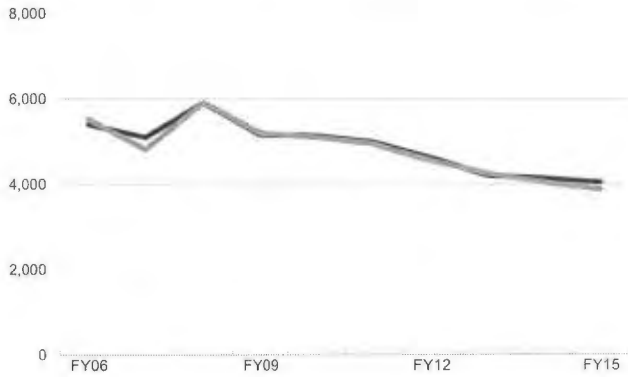


Figure 4: Original Proceedings ²

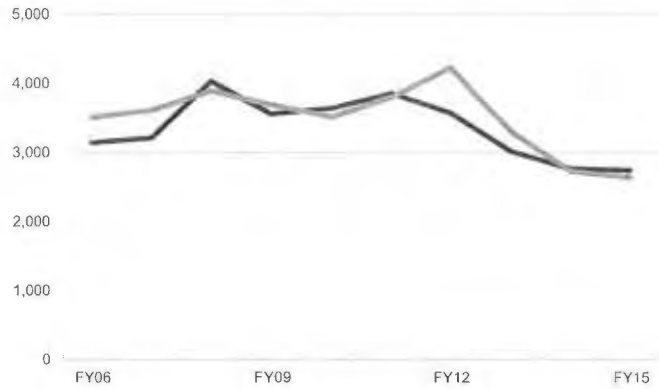


Figure 5: Automatic Appeals (Death Penalty Cases)

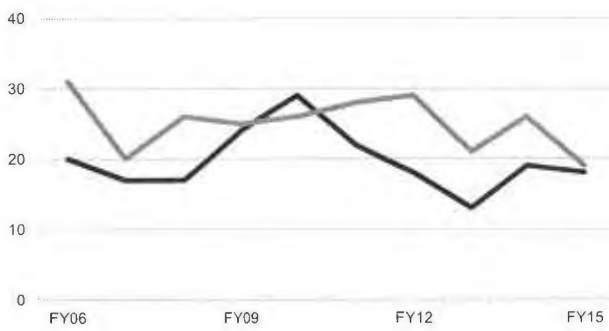


Figure 6: Habeas Corpus Related To Automatic Appeals ³

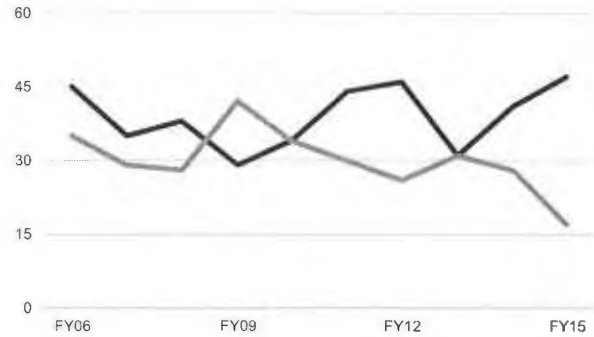
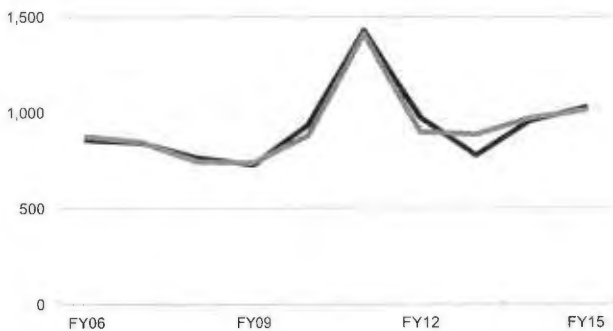


Figure 7: State Bar Matters ⁴



Notes:

- 1 Petitions seeking review following Court of Appeal decision in appeals and writs. Detailed breakout is shown in Figures 8-10c.
- 2 Original petitions for writs filed directly in the Supreme Court. Detailed breakout is shown in Figures 11-13b.
- 3 Includes petitions filed both before the court has issued an opinion in the related automatic appeal and after affirmance.
- 4 Filings include State Bar Court recommendations for disciplinary action, reports of criminal convictions of attorneys, motions for the admissions of attorneys, requests for rule proposals, and other administrative matters relating to the State Bar.

Filings and Dispositions: Summary
Fiscal Years 2005–06 through 2014–15

Supreme Court
Data for Figures 3–7

Filings						
Fiscal year	Total (A)	Petitions for review (B)	Original proceedings (C)	Automatic appeals (D)	Habeas Corpus related to automatic appeals (E)	State Bar matters (F)
FY15	7,868	4,038	2,738	18	47	1,027
FY14	7,913	4,134	2,764	19	41	955
FY13	8,027	4,191	3,015	13	31	777
FY12	9,232	4,620	3,575	18	46	973
FY11	10,328	4,984	3,850	22	44	1,428
FY10	9,759	5,128	3,633	29	34	935
FY09	9,486	5,159	3,546	24	29	728
FY08	10,752	5,911	4,023	17	38	763
FY07	9,198	5,101	3,204	17	35	841
FY06	9,465	5,404	3,138	20	45	858

Dispositions						
Fiscal year	Total (A)	Petitions for review (B)	Original proceedings (C)	Automatic appeals (D)	Habeas Corpus related to automatic appeals (E)	State Bar matters (F)
FY15	7,560	3,874	2,639	19	17	1,011
FY14	7,775	4,031	2,720	26	28	970
FY13	8,493	4,251	3,304	21	31	886
FY12	9,724	4,549	4,222	29	26	898
FY11	10,200	4,934	3,796	28	30	1,412
FY10	9,537	5,096	3,502	26	34	879
FY09	9,689	5,201	3,683	25	42	738
FY08	10,593	5,913	3,884	26	28	742
FY07	9,324	4,823	3,606	20	29	846
FY06	9,965	5,522	3,501	31	35	876

Caseload Clearance						
Fiscal year	Total (A)	Petitions for review (B)	Original proceedings (C)	Automatic appeals (D)	Habeas Corpus related to automatic appeals (E)	State Bar matters (F)
FY15	96%	96%	96%	106%	36%	98%
FY14	98%	98%	98%	137%	68%	102%
FY13	106%	101%	110%	162%	100%	114%
FY12	105%	98%	118%	161%	57%	92%
FY11	99%	99%	99%	127%	68%	99%
FY10	98%	99%	96%	90%	100%	94%
FY09	102%	101%	104%	104%	145%	101%
FY08	99%	100%	97%	153%	74%	97%
FY07	101%	95%	113%	118%	83%	101%
FY06	105%	102%	112%	155%	78%	102%

Column Key:

- (A) Sum of B through F.
- (B) Petitions seeking review following Court of Appeal decision in appeals and writs. Detailed breakout is shown in Figures 8-10c.
- (C) Original petitions for writs filed directly in the Supreme Court. Detailed breakout is shown in Figures 11-13b.
- (D) Death penalty cases.
- (E) Includes petitions filed both before the court has issued an opinion in the related automatic appeal and after affirmance.
- (F) Filings include State Bar Court recommendations for disciplinary action, reports of criminal convictions of attorneys, motions for the admissions of attorneys, request for rule proposals, and other administrative matters relating to the State Bar. Detailed breakout is shown in Table 2.

Figure 8: Total Petitions for Review

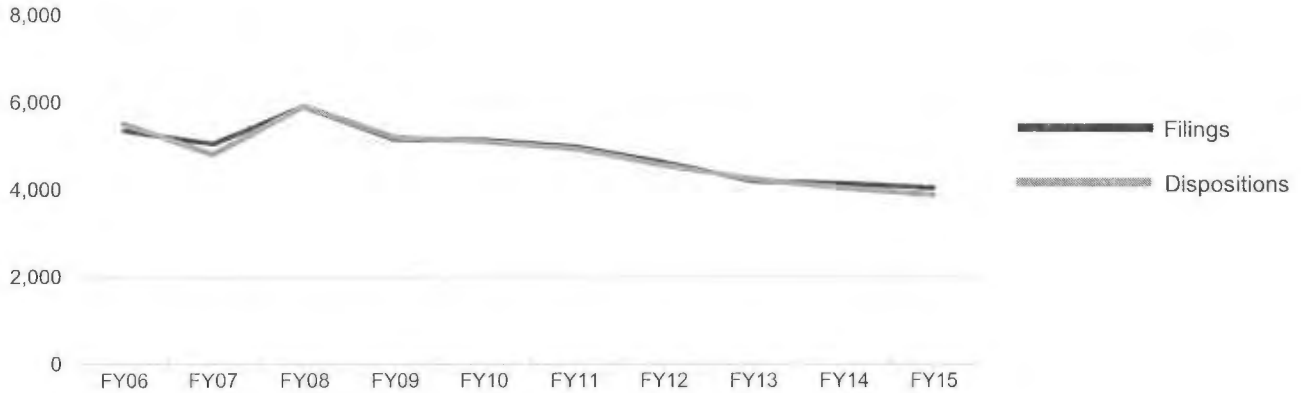


Figure 9: Civil Total

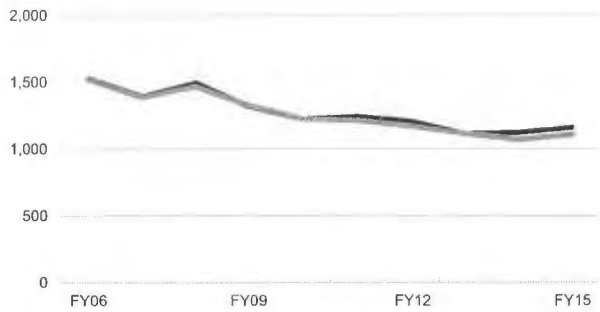


Figure 10: Criminal Total

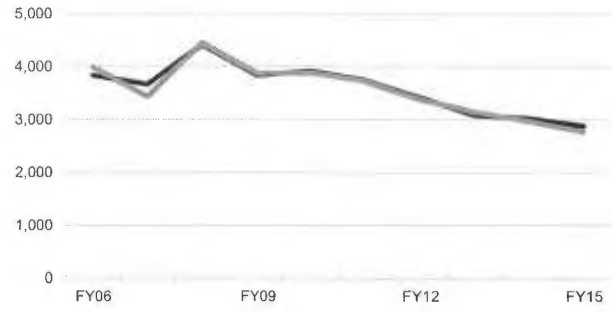


Figure 9a: Civil Appeals ¹

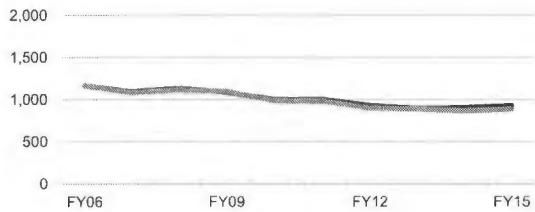


Figure 10a: Criminal Appeals ³

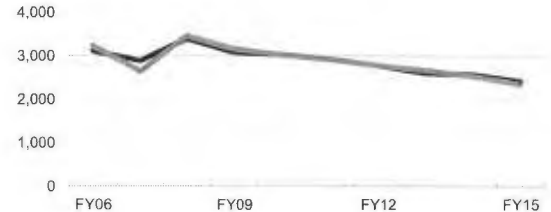


Figure 9b: Civil Writs ²

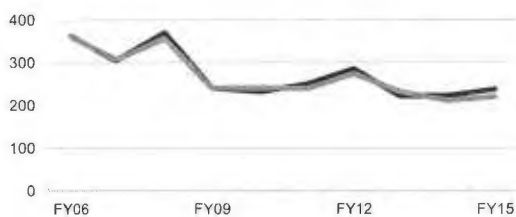


Figure 10b: Criminal Habeas Corpus ⁴

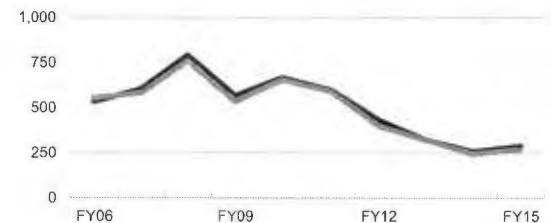
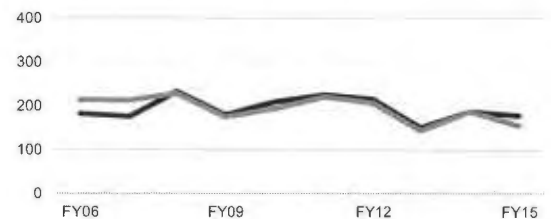


Figure 10c: Criminal – Other Writs ⁵



Notes:

- 1 Petitions for review from decisions in civil appeals
- 2 Petitions for review arising from civil original writs filed in the Courts of Appeal
- 3 Petitions for review from decisions in criminal appeals
- 4 Petitions for review arising from habeas corpus petitions filed in the Courts of Appeal
- 5 Petitions for review arising from original criminal writs filed in the Courts of Appeal other than a petition for writ of habeas corpus.

Filings and Dispositions: Petitions for Review
Fiscal Years 2005–06 through 2014–15

Supreme Court
Data for Figures 8–10c

Filings								
Fiscal year	Grand total (A)	Civil			Criminal			
		Total (B)	Appeals (C)	Writs (D)	Total (E)	Appeals (F)	Habeas Corpus (G)	Other Writs (H)
FY15	4,038	1,158	921	237	2,880	2,417	286	177
FY14	4,134	1,121	899	222	3,013	2,568	258	187
FY13	4,191	1,111	890	221	3,080	2,607	323	150
FY12	4,620	1,203	918	285	3,417	2,772	431	214
FY11	4,985	1,243	993	250	3,742	2,922	595	225
FY10	5,129	1,223	992	231	3,906	3,031	666	209
FY09	5,158	1,324	1,084	240	3,834	3,089	566	179
FY08	5,910	1,495	1,125	370	4,415	3,393	790	232
FY07	5,055	1,393	1,087	306	3,662	2,885	602	175
FY06	5,357	1,527	1,166	361	3,830	3,116	533	181

Dispositions								
Fiscal year	Grand total (A)	Civil			Criminal			
		Total (B)	Appeals (C)	Writs (D)	Total (E)	Appeals (F)	Habeas Corpus (G)	Other Writs (H)
FY15	3,874	1,104	884	220	2,770	2,347	268	155
FY14	4,031	1,068	857	211	2,963	2,533	243	187
FY13	4,251	1,114	882	232	3,137	2,670	324	143
FY12	4,549	1,168	894	274	3,381	2,778	397	206
FY11	4,934	1,213	974	239	3,721	2,913	588	220
FY10	5,096	1,223	983	240	3,873	3,025	655	193
FY09	5,201	1,331	1,091	240	3,870	3,161	535	174
FY08	5,913	1,467	1,111	356	4,446	3,460	758	228
FY07	4,823	1,389	1,081	308	3,434	2,641	581	212
FY06	5,522	1,524	1,164	360	3,998	3,233	552	213

Column Key:

- (A) B + E.
- (B) C + D.
- (C) Cases in which the Court of Appeal case was a civil appeal.
- (D) Cases in which the Court of Appeal case was a civil original proceeding.
- (E) F + G + H.
- (F) Cases in which the Court of Appeal case was a criminal appeal.
- (G) Cases in which the Court of Appeal case was a petition for writ of habeas corpus.
- (H) Cases in which the Court of Appeal case was a criminal original proceeding other than a petition for writ of habeas corpus.

Summary of Actions on Petitions for Review

Fiscal Year 2014–15

Supreme Court

Table 1

Actions taken on petitions for review

	Disposed (A)	Total (B)	Granted (C)	Granted and held (D)	Granted and transferred (E)	Denied (F)	Percentage granted (G)
Total	3,874	3,858	61	48	38	3,711	4%
Total civil	1,104	1,093	30	14	4	1,045	4%
Civil appeals	884	877	28	14	3	832	5%
Civil writs	220	216	2	0	1	213	1%
Total criminal	2,770	2,765	31	34	34	2,666	4%
Criminal appeals	2,347	2,347	27	30	13	2,277	3%
Criminal writs (excluding habeas corpus)	155	149	2	1	16	130	13%
Habeas Corpus	268	269	2	3	5	259	4%

Column Key:

(B) Sum of C through F. (Administrative dispositions are not included in this table.)

(G) $(C + D + E) / B$

Figure 11: Total Original Proceedings

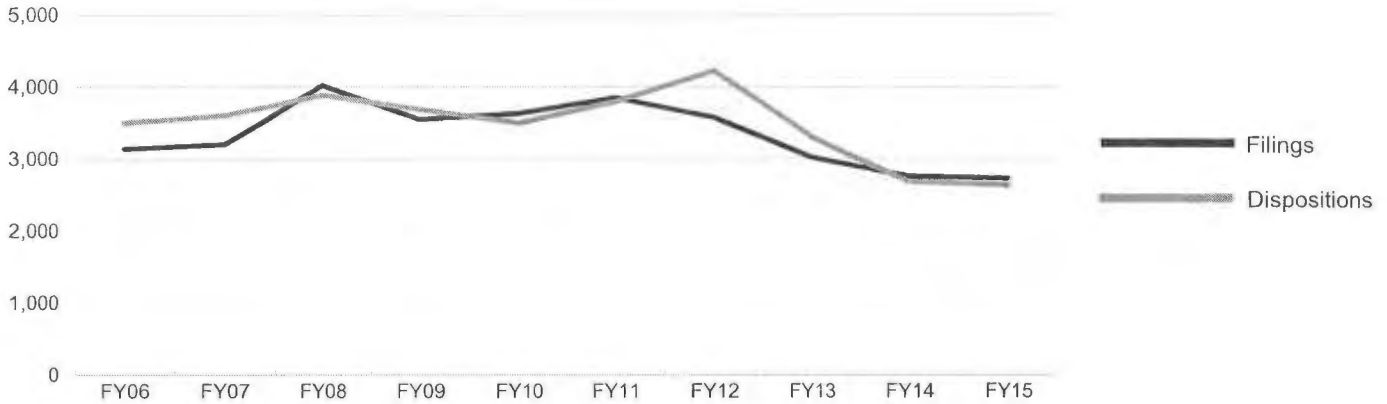


Figure 12: Civil Total ¹

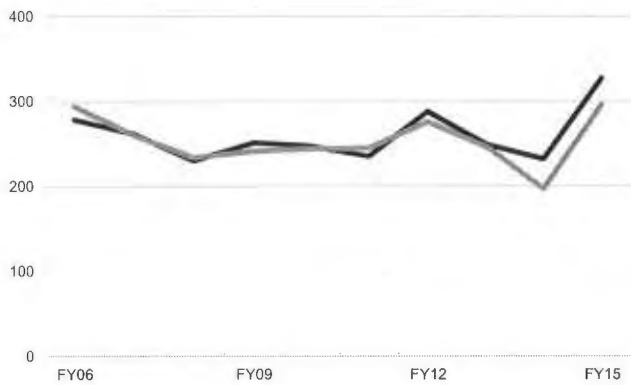


Figure 13: Criminal Total

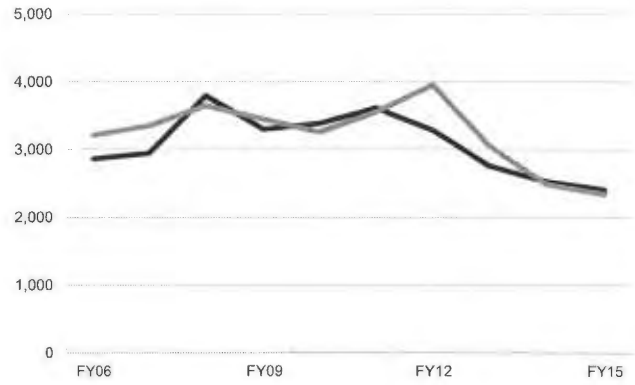


Figure 13a: Criminal Habeas Corpus ²

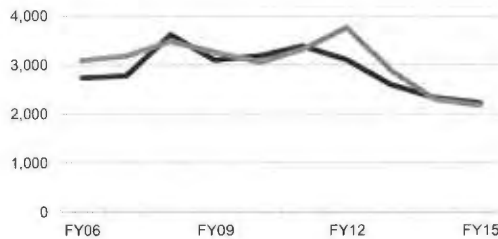
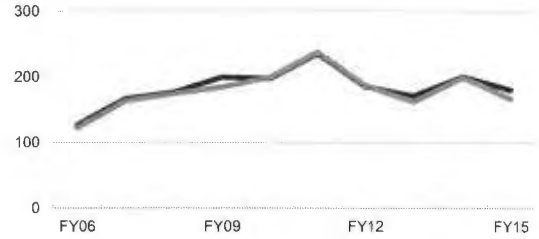


Figure 13b: Criminal – Other Writs ³



Notes:

- 1 Includes original writ petitions, questions of state law referred by the federal courts, accusations against attorneys, and petitions pertaining to Commission on Judicial Performance proceedings.
- 2 Petitions for writs of habeas corpus filed in the Supreme Court’s original jurisdiction, not including filings related to automatic appeals.
- 3 Primarily petitions for writ of mandate and/or prohibition.

Filings and Dispositions: Original Proceedings
Fiscal Years 2005–06 through 2014–15

Supreme Court
Data for Figures 11–13b

Filings							
Fiscal year	Grand total (A)	Civil			Criminal		
		Total (B)	PUC (C)	Other (D)	Total (E)	Habeas Corpus (F)	Other Writs (G)
FY15	2,727	327	0	327	2,400	2,220	180
FY14	2,758	232	2	230	2,526	2,326	200
FY13	3,015	249	0	249	2,766	2,595	171
FY12	3,575	288	0	288	3,287	3,102	185
FY11	3,850	235	2	233	3,615	3,380	235
FY10	3,633	247	3	244	3,386	3,189	197
FY09	3,546	251	0	251	3,295	3,096	199
FY08	4,023	230	1	229	3,793	3,617	176
FY07	3,204	262	6	256	2,942	2,776	166
FY06	3,138	278	3	275	2,860	2,734	126

Dispositions							
Fiscal year	Grand total (A)	Civil			Criminal		
		Total (B)	PUC (C)	Other (D)	Total (E)	Habeas Corpus (F)	Other Writs (G)
FY15	2,632	296	1	295	2,336	2,170	166
FY14	2,681	197	1	196	2,484	2,285	199
FY13	3,304	246	0	246	3,058	2,896	162
FY12	4,222	276	0	276	3,946	3,759	187
FY11	3,796	245	3	242	3,551	3,314	237
FY10	3,502	244	2	242	3,258	3,059	199
FY09	3,683	241	3	238	3,442	3,258	184
FY08	3,884	234	2	232	3,650	3,476	174
FY07	3,606	260	2	258	3,346	3,183	163
FY06	3,501	294	3	291	3,207	3,085	122

Column Key:

- (A) B + E.
- (B) C + D.
- (C) Petitions for review of Public Utility Commission matters originally filed in the Court of Appeal are reflected in Figure 9b.
- (D) Includes original writ petitions, questions of state law referred by the federal courts, accusations against attorneys, and petitions pertaining to Commission on Judicial Performance proceedings.
- (E) F + G.
- (F) Petitions for writs of habeas corpus filed in the Supreme Court's original jurisdiction, not including filings related to automatic appeals.
- (G) Primarily petitions for writ of mandate and/or prohibition.

Figure 14: Total State Bar Matters Filed ¹

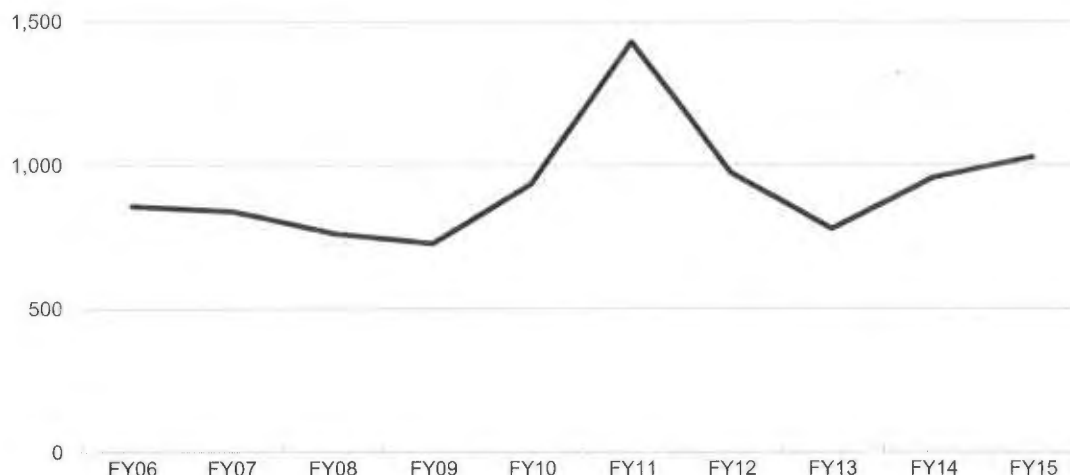


Table 2: Types of State Bar Matters Filed

Fiscal Year	Total	Admission	Discipline	Other	Reinstatement	Resignation	Rule Proposal
FY15	1,027	4	512	10	2	498	1
FY14	955	3	456	4	5	485	2
FY13	777	4	462	7	2	297	5
FY12	973	6	610	3	0	351	3
FY11	1,428	0	1,003	5	3	417	0
FY10	935	2	654	4	5	268	2
FY09	728	6	413	10	10	286	3
FY08	763	3	401	9	4	340	6
FY07	841	2	396	2	1	438	2
FY06	858	1	332	3	4	516	2

Note:
¹ Filings include State Bar Court recommendations for disciplinary action, reports of criminal convictions of attorneys, motions for the admission of attorneys, requests for rule proposals, and other administrative matters relating to the State Bar.

Figure 15: Written Opinions

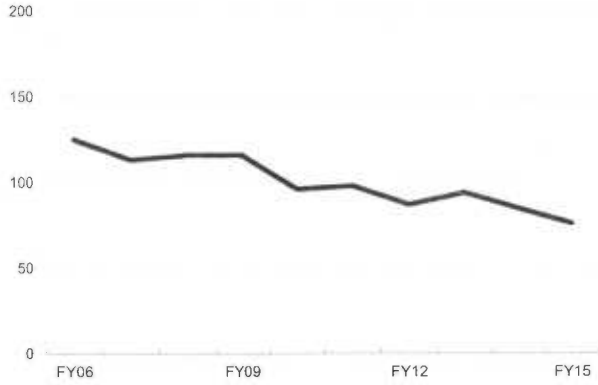


Figure 16: Original Proceedings

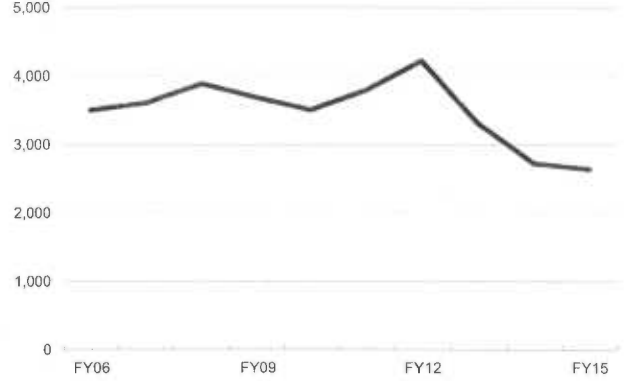


Figure 17: Petitions for Review ¹ Granted

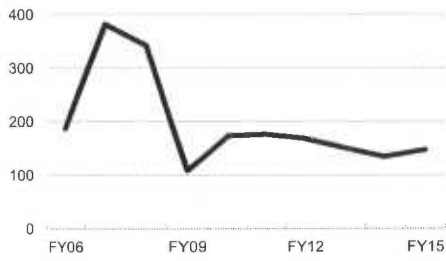


Figure 18: Petitions for Review ¹ Denied

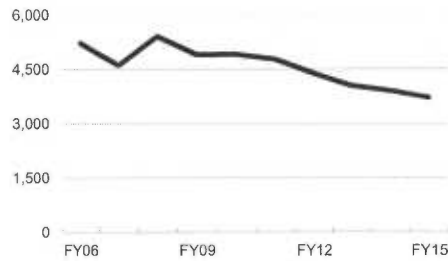


Figure 19: Petitions for Review ¹ Percent Granted

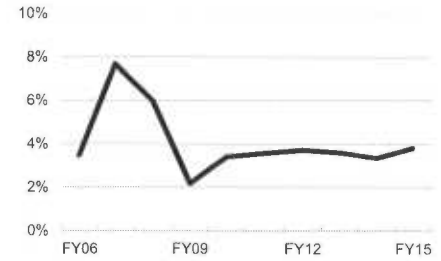


Figure 20: Rehearings – Granted

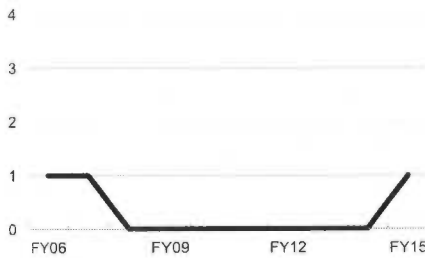


Figure 21: Rehearings – Denied

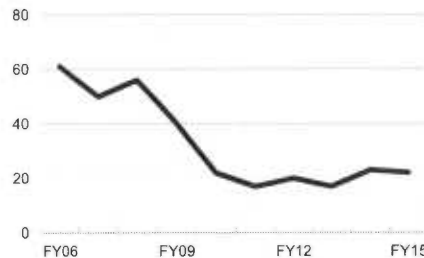


Figure 22: Executive Clemency Applications ²



Notes:

1 The Supreme Court's exercise of its discretion to grant or deny petitions for review constitutes a significant part of its workload.

2 See Cal. Const., art. V, § 8.

Business Transacted
Fiscal Years 2005–06 through 2014–15

Supreme Court
Data for Figures 15–22

Fiscal year	Written opinions (A)	Petitions for review*					Original proceedings		
		Granted (B)	Granted and held (C)	Granted and transferred (D)	Denied (E)	Percentage granted (F)	Total (G)	Alternative writs or orders to show cause (H)	Other dispositions (I)
FY15	76	61	48	38	3,711	4%	2,649	10	2,639
FY14	85	59	47	28	3,896	3%	2,720	1	2,719
FY13	94	61	46	43	4,032	4%	3,304	4	3,300
FY12	87	63	71	34	4,378	4%	4,222	12	4,210
FY11	98	71	69	36	4,769	4%	3,796	5	3,791
FY10	96	86	44	43	4,911	3%	3,502	4	3,498
FY09	116	39	33	36	4,896	2%	3,683	20	3,663
FY08	116	82	210	51	5,406	6%	3,884	11	3,873
FY07	113	92	252	38	4,609	8%	3,606	11	3,595
FY06	125	85	60	42	5,226	3%	3,501	13	3,488

Column Key:

(F) $(B + C + D) / (B + C + D + E)$.

(I) Original proceedings disposed of without an alternative writ or order to show cause, e.g., denials and administrative transfers to the Court of Appeal.

Note:

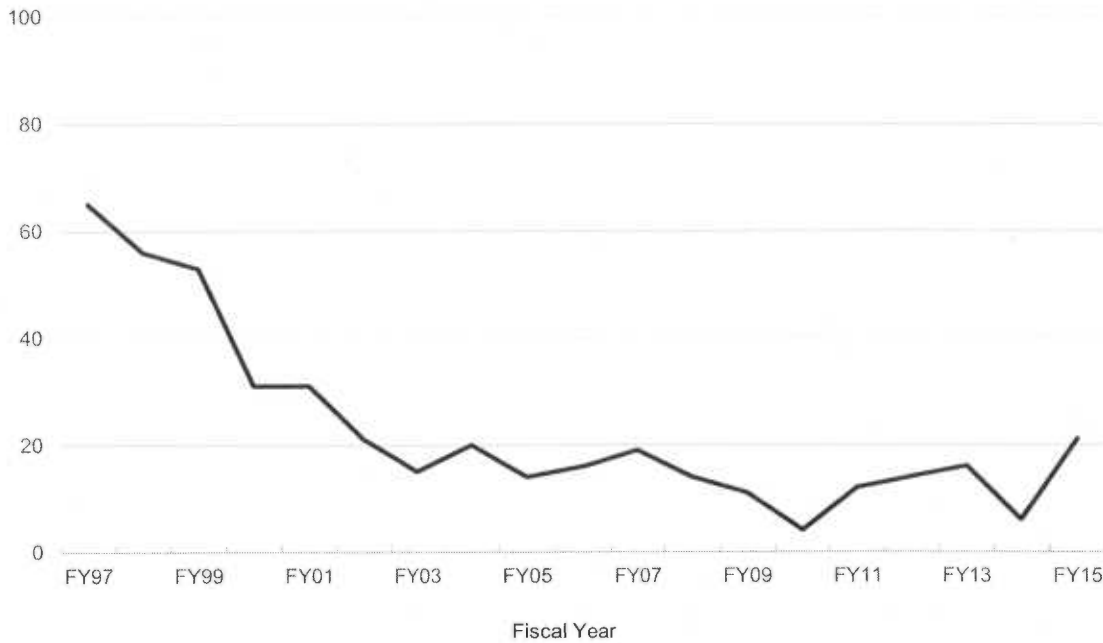
(*) The Supreme Court's exercise of its discretion to grant or deny petitions for review constitutes a significant part of its workload.

Fiscal year	Rehearings		Executive clemency applications (C)
	Granted (A)	Denied (B)	
FY15	1	22	0
FY14	0	23	3
FY13	0	17	1
FY12	0	20	1
FY11	0	17	0
FY10	0	22	0
FY09	0	40	1
FY08	0	56	0
FY07	1	50	1
FY06	1	61	1

Column Key:

(C) See Cal. Const., art. V, § 8.

Figure 30: Depublished Opinions ¹



Note:

- 1 Depublished opinions are Court of Appeal opinions that the Court of Appeal has certified for publication but that the Supreme Court, acting under its constitutional power over opinion publication (Cal. Const., art. VI, § 14), orders not published in the Official Reports, and that may be cited or relied upon only in limited circumstances (see Cal. Rules of Court, rule 8.1115(b)). For information on the total number of published and unpublished opinions issued by the Courts of Appeal, see Table 7 and Figures 28-32 in the Courts of Appeal section.

Court of Appeal Opinions Ordered Depublished by the Supreme Court
Fiscal Years 1996–97 through 2014–15

Supreme Court
Data for Figure 23

Fiscal year	Depublished opinions (A)
FY15	21
FY14	6
FY13	16
FY12	14
FY11	12
FY10	4
FY09	11
FY08	14
FY07	19
FY06	16
FY05	14
FY04	20
FY03	15
FY02	21
FY01	31
FY00	31
FY99	53
FY98	56
FY97	65

Column Key:

(A) Depublished opinions are Court of Appeal opinions that the Court of Appeal has certified for publication but that the Supreme Court, acting under its constitutional power over opinion publication (Cal. Const., art VI, § 14), orders not published in the Official Reports, and that may be cited or relied upon only in limited circumstances (see Cal. Rules of Court, rule 8.1115(b)). For information on the total number of published and unpublished opinions issued by the Courts of Appeal, see Table 7 and Figures 28-32 in the Courts of Appeal section.

**Capital Cases in Which the Record Was Not Certified for
Completeness Within 90 Days, and for Accuracy Within 120 Days**

Supreme Court

Table 3

Fiscal Year 2014–2015

In the following cases, the record was not certified for completeness within **90 days**. (See Penal Code, § 190.8(d).)

County	Supreme Court case number	Name	Superior court case number	Sentence date
---------------	--------------------------------------	-------------	---------------------------------------	--------------------------

There are no cases to report.

In the following cases, the record was not certified for accuracy within **120 days**. (See Penal Code, § 190.8 (g).)

County	Supreme Court case number	Name	Superior court case number	Sentence date
---------------	--------------------------------------	-------------	---------------------------------------	--------------------------

There are no cases to report.

Courts of Appeal



Performance Indicator Data
Fiscal Year 2014–15

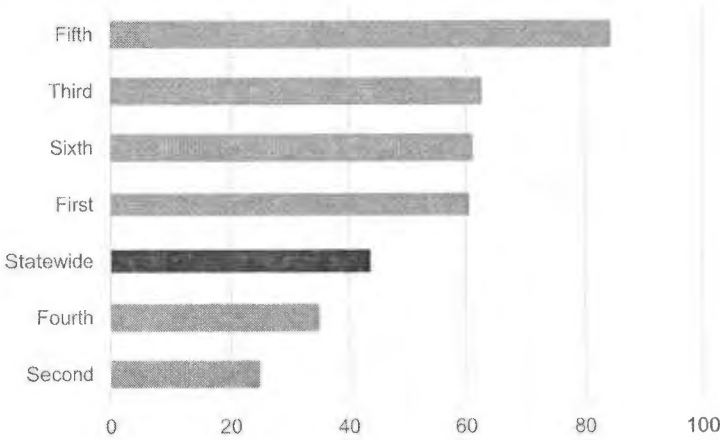
Courts of Appeal
Table 1

District	Number of authorized justices (A)	Full-time judge equivalents (B)	Pending fully briefed appeals (C)	Appeals becoming fully briefed (D)	Appeals disposed of by written opinion (E)	Majority opinions	
						Appeals (F)	Original proceedings (G)
Statewide	105	101.3	4,108	9,673	9,417	9,188	395
First	20	19.3	775	1,476	1,280	1,190	89
Second	32	29.8	763	2,936	3,115	3,085	93
Third	11	10.5	691	1,082	1,108	1,093	13
Fourth	25	24.9	888	2,759	2,575	2,520	127
Fifth	10	9.7	638	832	758	733	55
Sixth	7	7.0	353	588	581	567	18

Column Key:

- (A) Authorized justices as of June 30, 2015. Does not include assistance received through assignments.
- (B) "Full-time judge equivalents" includes a court's regular number of judges, plus 60 percent of the time reported for judges assigned to the court (translated into full-time positions), minus the time reported for the assignments of the court's regular members to another court and for unfilled vacancies (translated into full-time positions).
- (C) Appeals argued, calendared, or ready as of June 30, 2015.
- (D) The total number of appeals that became fully briefed during fiscal year 2014–15.
- (E) Appeals disposed of by opinion during fiscal year 2014–15. Includes appeals filed prior to fiscal year 2014–15.
- (F) The number of written opinions that decided appeals. One opinion may have decided more than one appeal.
- (G) The number of written opinions that decided original proceedings. One opinion may have decided more than one case.

Figure 1: Ratio of Pending Fully Briefed Appeals per 100 Appeals Disposed of by Written Opinion



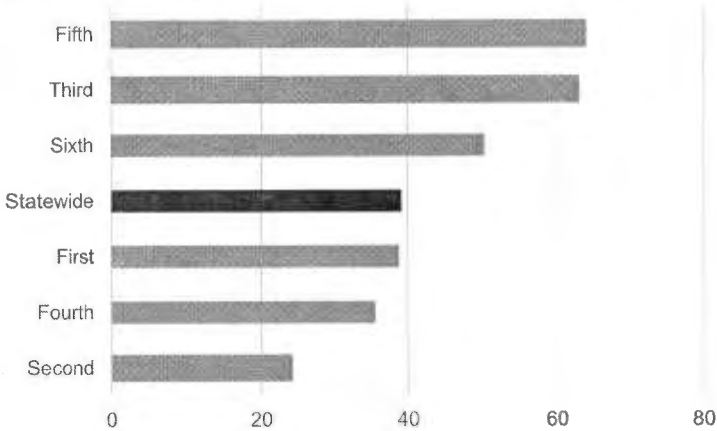
This ratio is a measure of pending workload as well as judicial productivity and is an estimate of the time a court needs to dispose of pending fully briefed appeals. A ratio of 100 is equivalent to one year, 50 is equivalent to six months, and so forth. The estimate is based on the assumption that the court will decide the same number of appeals in the next fiscal year as in 2014–15.

The Second District had 25 fully briefed appeals per 100 appeals disposed of by opinion in 2014–15, the lowest ratio among the six appellate districts.

The Fifth District had 84 pending fully briefed appeals per 100 appeals disposed of by opinion, the highest ratio among the six appellate districts.

The statewide average increased from 42 in 2013–14 to 44 in 2014–15.

Figure 2: Pending Fully Briefed Appeals per Authorized Justice as of June 30, 2015

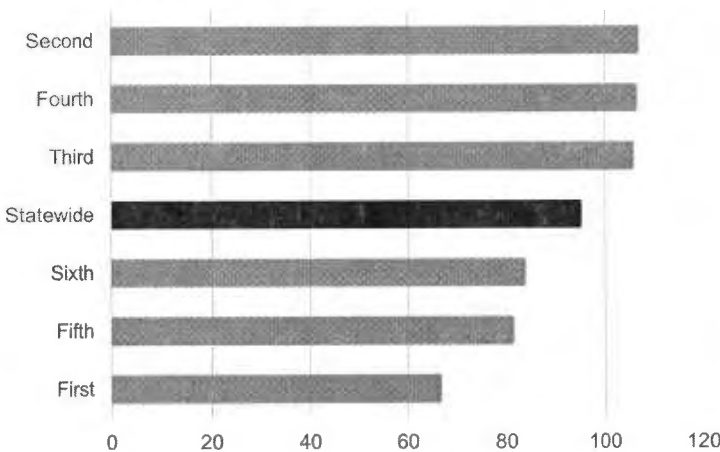


The Fifth District reported the highest number of pending fully briefed appeals per authorized justice, 64.

The Second District reported the lowest number of pending fully briefed appeals per authorized justice, 24.

The statewide average increased from 38 in 2013–14 to 39 in 2014–15.

Figure 3: Majority Opinions per Judge Equivalent



“Judge equivalent” refers to the number of authorized justices adjusted for judicial vacancies, assistance given to other courts, and judicial assistance received.

The statewide average opinions per judge equivalent was 95 in 2014–15, compared to 96 in 2013–14.

The Second District reported the highest rate, 107 opinions per judge equivalent—13 percent higher than the statewide average.

The First District reported the lowest opinion rate, 66 per judge equivalent. However, the First District had a lower than statewide average number of pending fully briefed appeals per authorized justice. The lower disposition rate may reflect that fewer cases are available for the justices.

Beyond an optimum number of opinions (not yet identified), high rates of disposition indicate overload and a need for additional justices.

Caseload Comparisons
Fiscal Year 2014–15

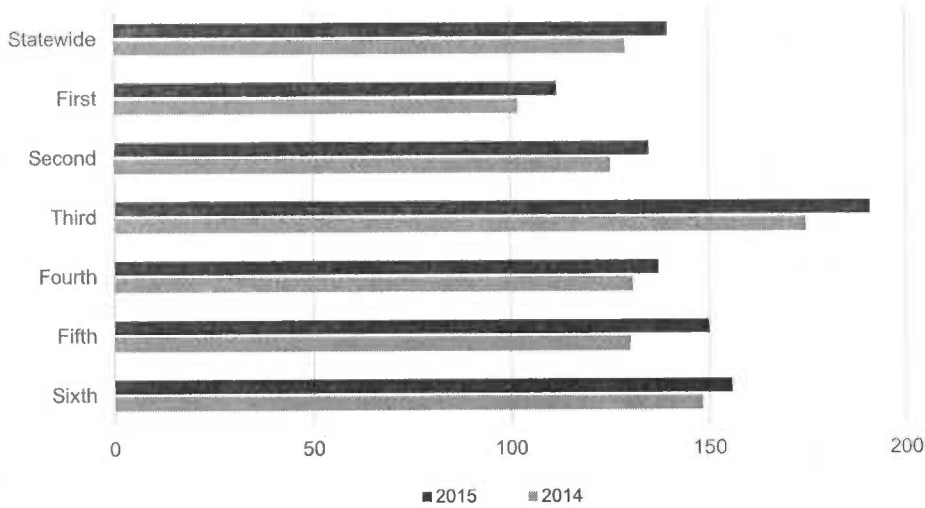
Courts of Appeal
Table 2

District	Pending appeals as of 6/30/14 (A)	Notices filed in FY 2014–15 (B)	Total appeals disposed of in FY 2014–15 (C)	Pending appeals as of 6/30/15 (D)	Number of authorized justices (E)
Statewide	13,584	15,213	14,998	14,689	105
First	2,039	2,077	1,906	2,236	20
Second	4,007	4,860	4,853	4,325	32
Third	1,921	1,800	1,741	2,099	11
Fourth	3,275	4,238	4,393	3,439	25
Fifth	1,303	1,247	1,205	1,501	10
Sixth	1,039	991	900	1,089	7

Column Key:

- (A), (B) Includes appeals for which the record has not been filed.
- (D) Includes appeals for which the record has not been filed.
- (E) Authorized justices as of June 30, 2015.

Figure 4: Pending Appeals: Caseload Comparison per Authorized Justice

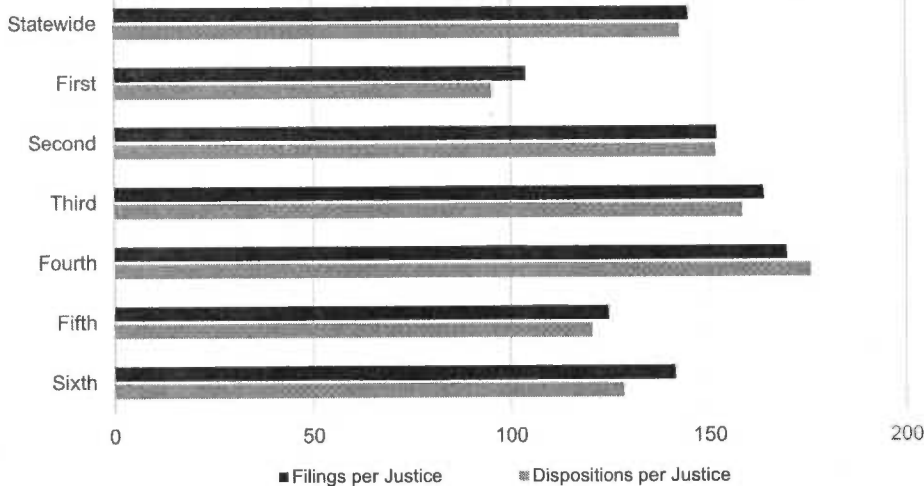


Depicts the change in courts' inventories of appeals per authorized justice by showing pending cases as of June 30, 2014, and pending cases as of June 30, 2015.

The Third District had the highest level of pending appeals per justice as of June 30, 2015—36 percent higher than the statewide average.

The statewide average of pending appeals per justice was 129 as of June 30, 2014, and 140 as of June 30, 2015—an increase of 9 percent.

Figure 5: Filings and Dispositions: Caseload Comparison per Authorized Justice



The number of filings and dispositions relates to a court's pending caseload; disposing fewer cases than were filed in a time period would add to the number of pending cases and court backlog.

The Fourth District had the highest levels of filings and dispositions per justice in 2014–15. Filings per justice in the Fourth District were 17 percent higher than the statewide average, and dispositions per justice were 23 percent higher than the statewide average.

The First District had the lowest levels of filings and dispositions per justice.

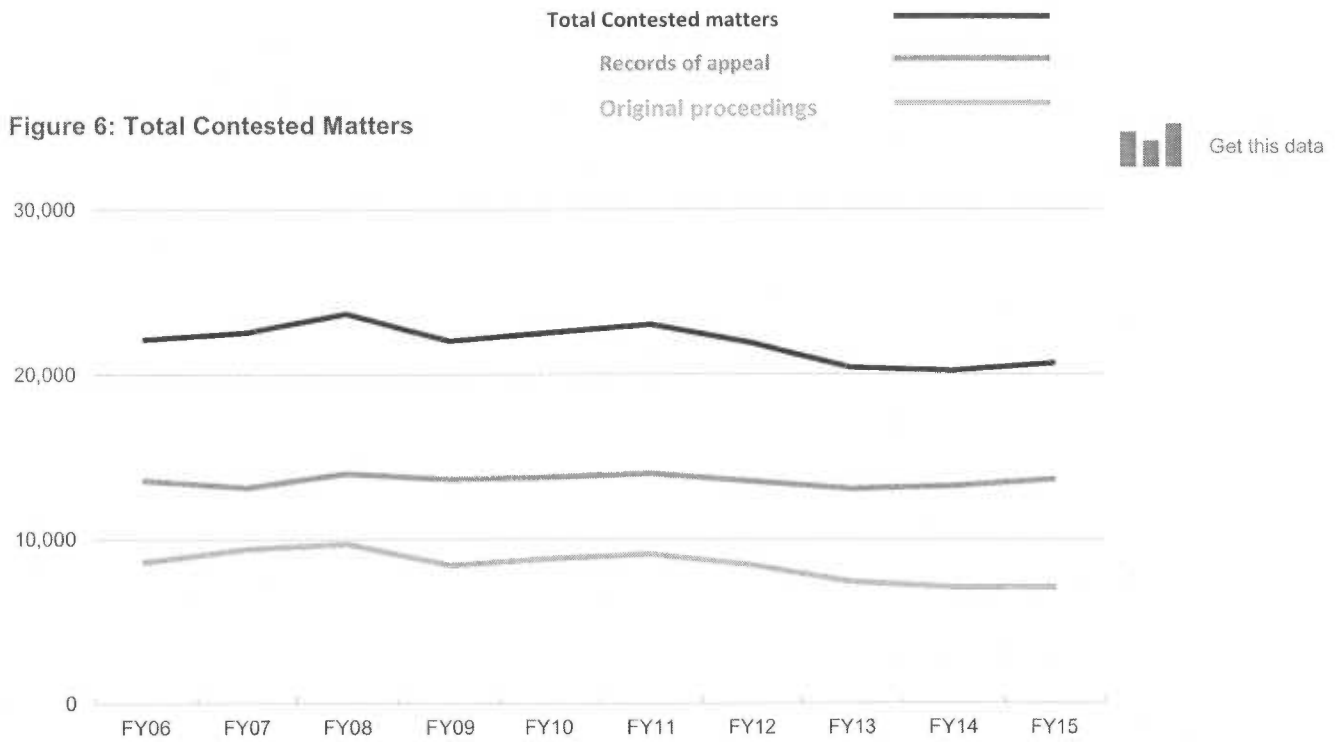
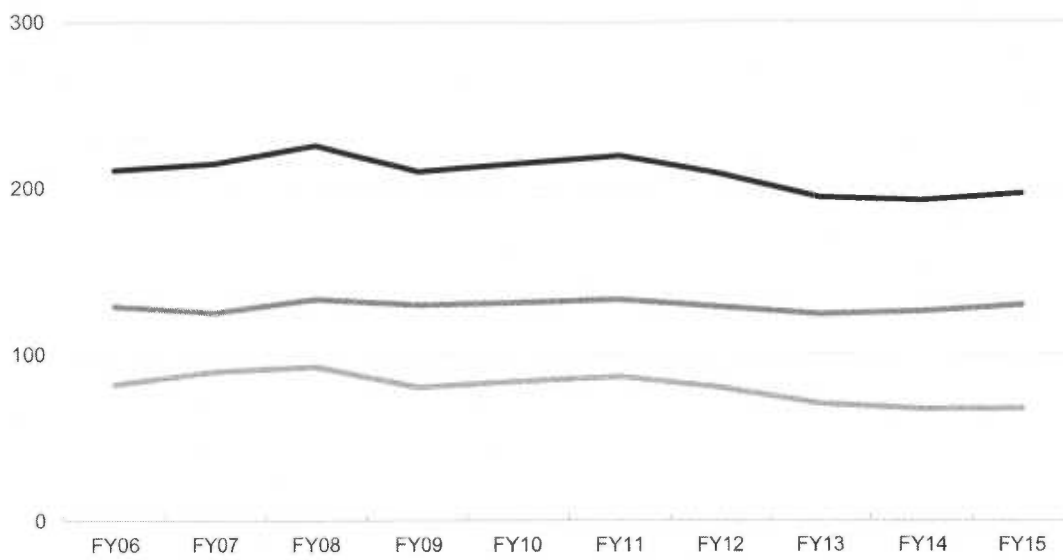


Figure 7: Total Contested Matters per Authorized Justice



Record of Appeal Filings
Fiscal Years 2005–06 through 2014–15

Courts of Appeal
Figures 8–14

Figure 8: All Districts

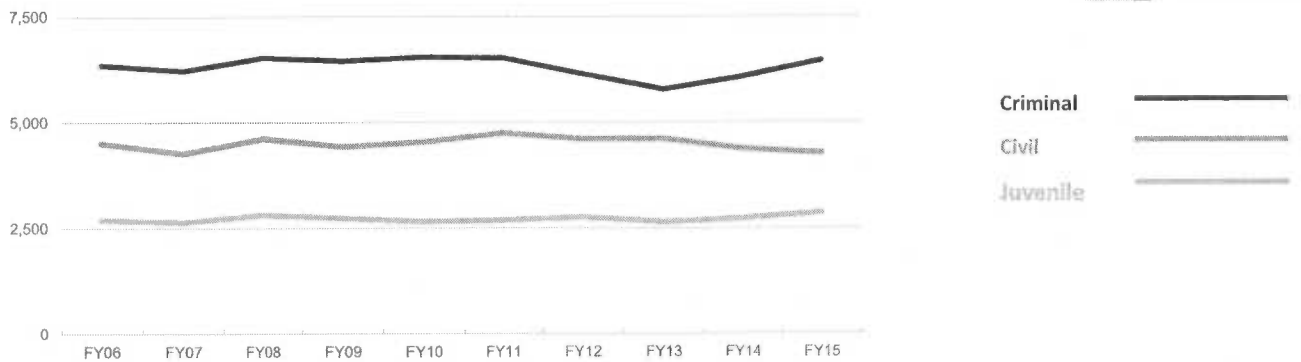


Figure 9: First District

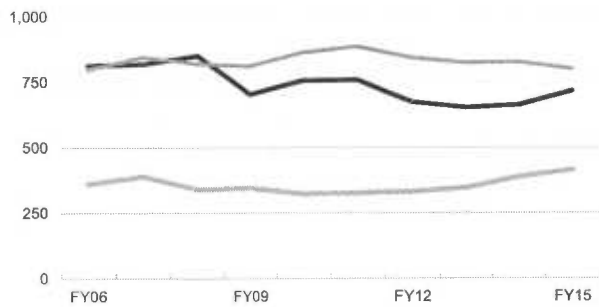


Figure 10: Second District

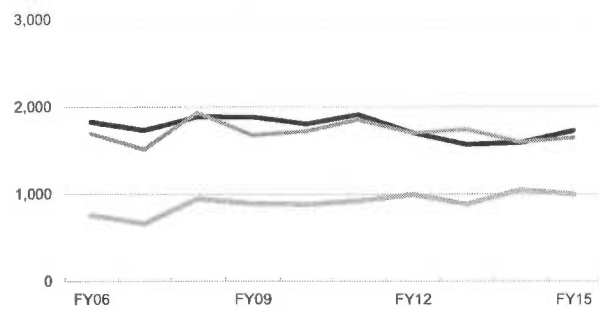


Figure 11: Third District

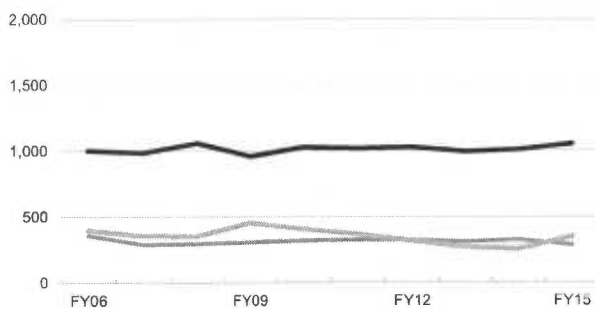


Figure 12: Fourth District

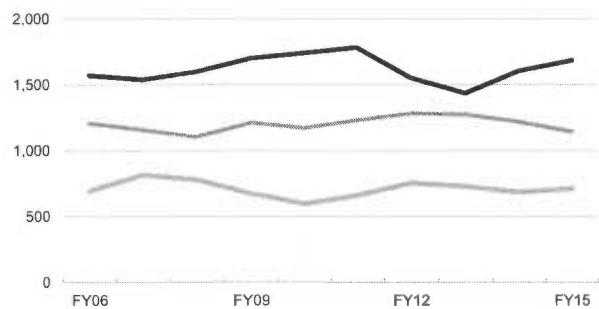


Figure 13: Fifth District

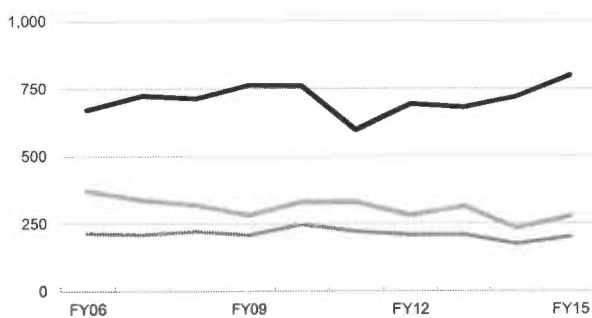


Figure 14: Sixth District

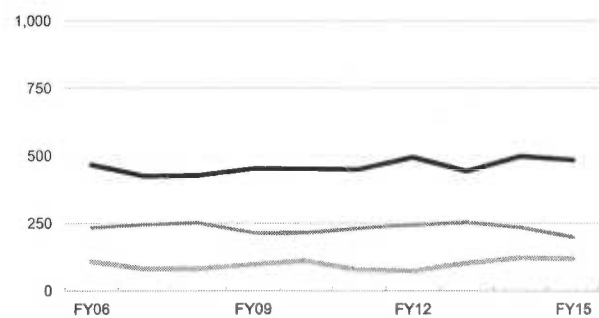


Figure 15: All Districts

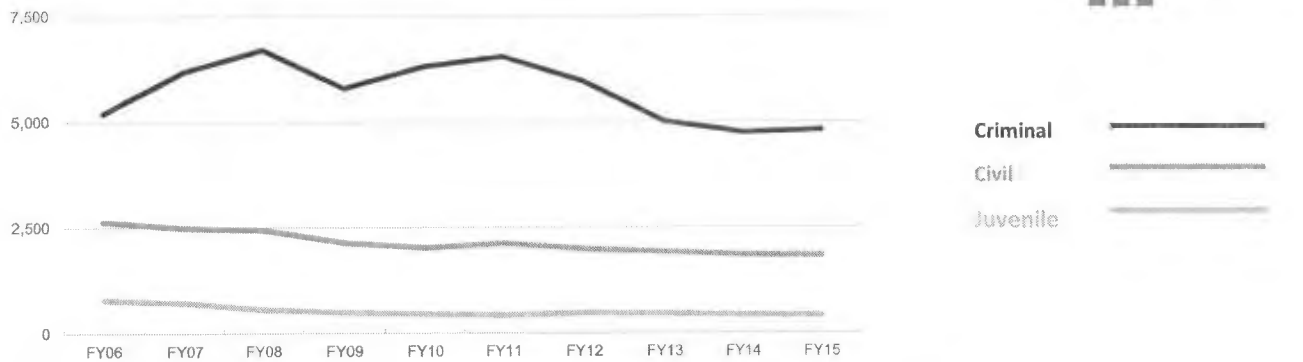


Figure 16: First District

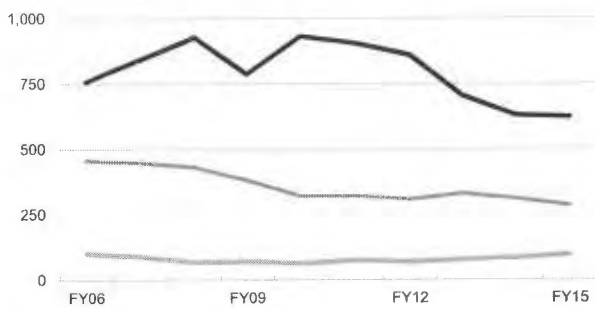


Figure 17: Second District

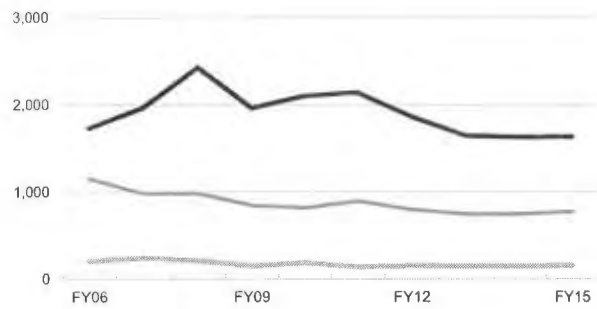


Figure 18: Third District

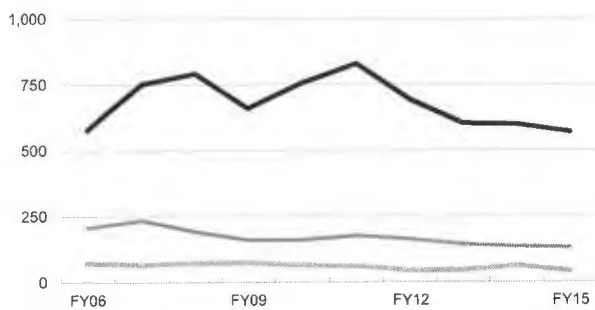


Figure 19: Fourth District

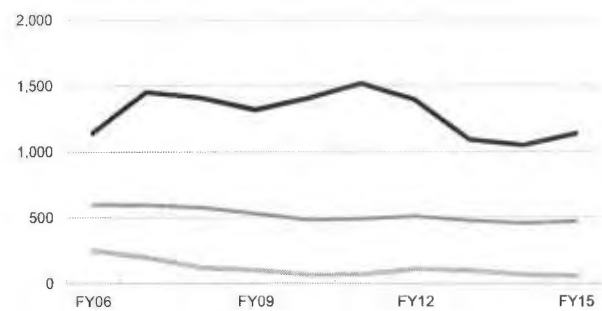


Figure 20: Fifth District

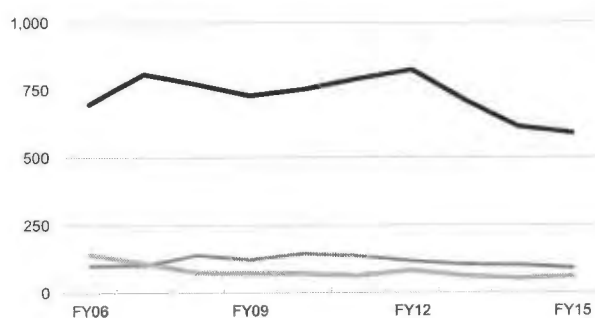
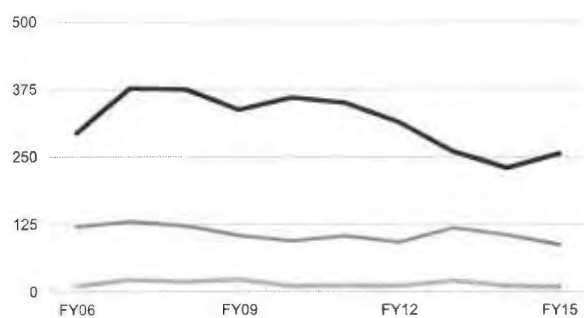


Figure 21: Sixth District



Appeals Terminated by Written Opinion
Fiscal Years 2012–13 through 2014–15

Courts of Appeal
Figures 22–27

Affirmed



Reversed



Dismissed



Get this data

Figure 22: Total appeals

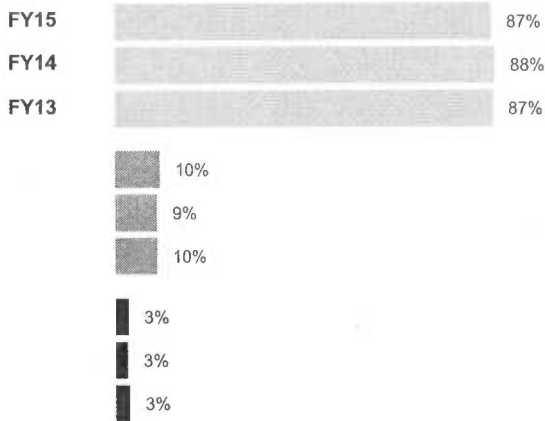


Figure 23: Criminal appeals by defendants

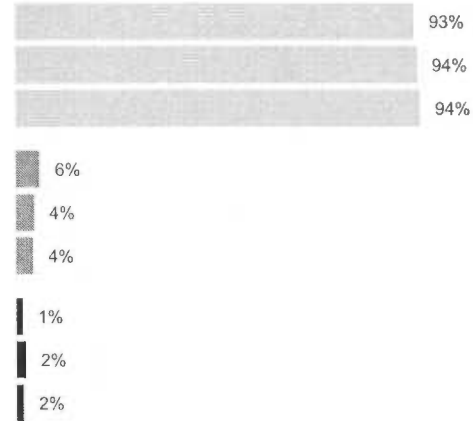


Figure 24: Criminal appeals by prosecution

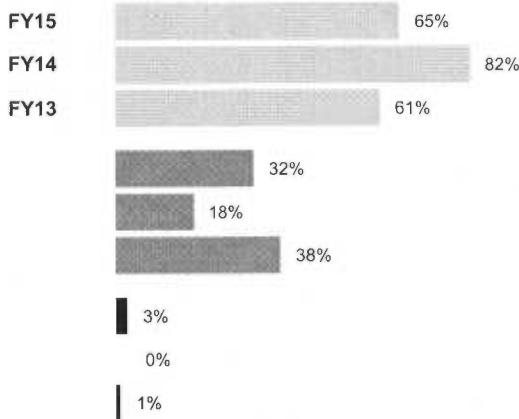


Figure 25: Civil appeals

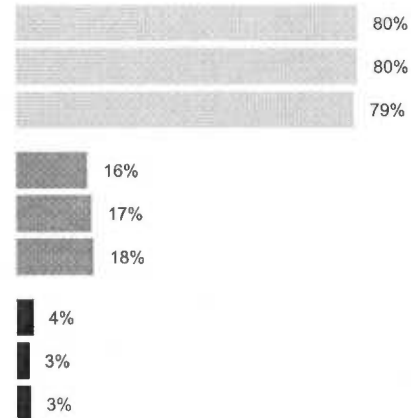


Figure 26: Juvenile appeals (criminal violation)

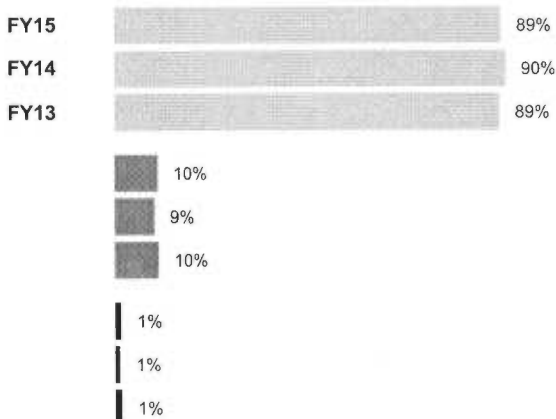


Figure 27: Other juvenile appeals

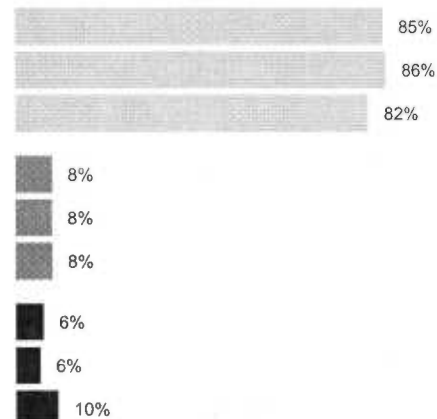


Figure 28: Total Appeals

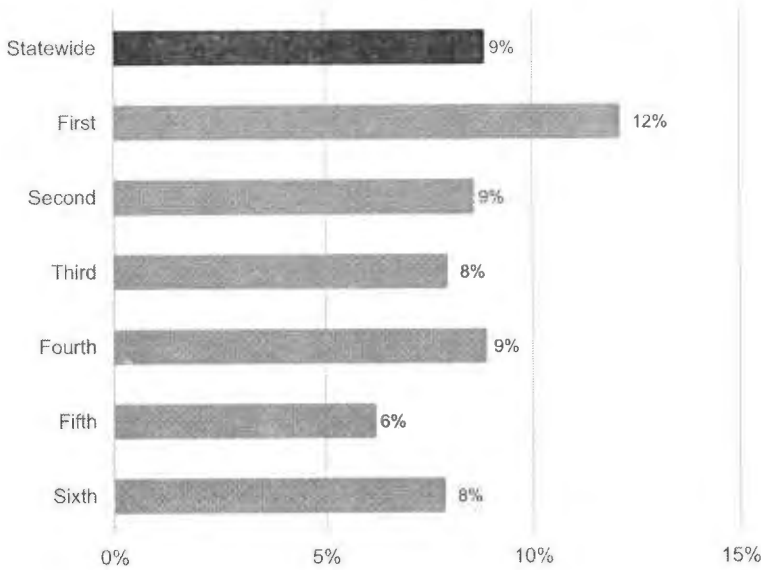


Figure 29: Criminal Appeals

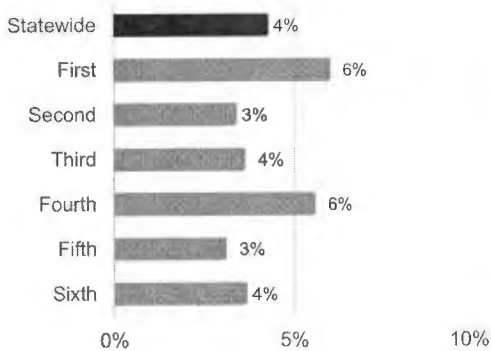


Figure 30: Civil Appeals

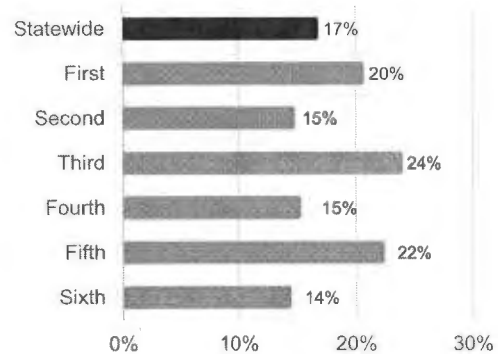


Figure 31: Juvenile Appeals

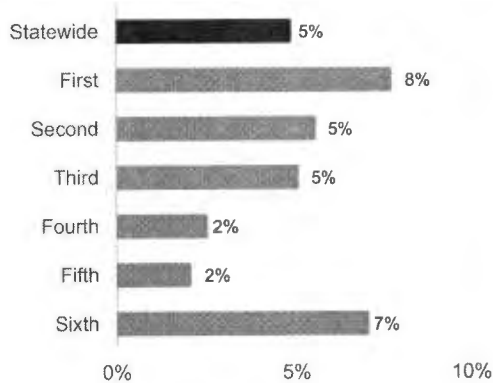
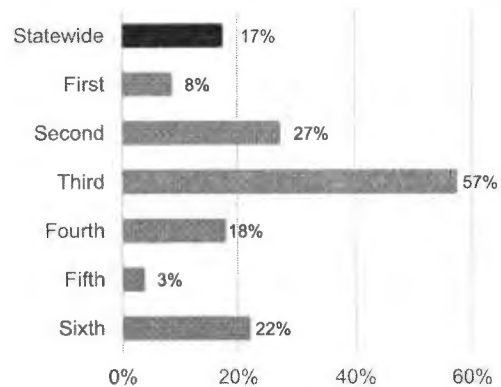


Figure 32: Original Proceedings



Civil Appeals: Time From Notice of Appeal to Filing Opinion
(90th Percentile and Median)

Courts of Appeal

Figure 33

Fiscal Year 2014–15

Court District	Division	Location	90% of Appeals Processed Within (days)	Median Time in Days
Second	6	Ventura	667	423
Second	5	Los Angeles	671	431
Second	8	Los Angeles	696	449
Second	4	Los Angeles	725	457
Second	2	Los Angeles	657	459
First	1	San Francisco	778	464
First	5	San Francisco	701	479
Fourth	1	San Diego	832	487
First	3	San Francisco	934	499
Fifth		Fresno	713	507
Second	1	Los Angeles	780	510
Second	7	Los Angeles	805	511
Statewide			846	518
Fourth	3	Santa Ana	844	518
First	2	San Francisco	762	526
Second	3	Los Angeles	785	548
First	4	San Francisco	945	639
Sixth		San Jose	998	653
Fourth	2	Riverside	952	657
Third		Sacramento	1,107	693

**Criminal Appeals: Time From Notice of Appeal to Filing Opinion
(90th Percentile and Median)**

**Courts of Appeal
Figure 34**

Fiscal Year 2014–15

<u>Court District</u>	<u>Division</u>	<u>Location</u>	<u>90% of Appeals Processed Within (days)</u>	<u>Median Time in Days</u>
Second	5	Los Angeles	519	357
Second	6	Ventura	644	379
First	5	San Francisco	709	392
Second	8	Los Angeles	650	396
First	3	San Francisco	860	412
Fourth	2	Riverside	666	414
Fourth	1	San Diego	660	419
Second	2	Los Angeles	593	422
Second	4	Los Angeles	634	430
Second	1	Los Angeles	657	434
Second	7	Los Angeles	663	440
First	1	San Francisco	797	451
Statewide			765	457
Second	3	Los Angeles	731	472
Third		Sacramento	975	472
Fourth	3	Santa Ana	692	473
Sixth		San Jose	843	485
First	2	San Francisco	917	516
First	4	San Francisco	918	537
Fifth		Fresno	835	614

Summary of Filings and Dispositions
Fiscal Years 2013–14 and 2014–15

Courts of Appeal
Table 3

Court	Filings						Dispositions					
	Total			Original proceedings			Total			Notices of appeal		
	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14
Statewide	22,994	22,229	16,211	15,213	6,783	7,016	22,084	22,172	15,283	14,998	6,801	7,174
First District	3,111	3,099	2,180	2,077	931	1,022	2,887	2,933	1,967	1,906	920	1,027
Division 1	—	—	—	—	—	—	635	606	437	394	198	212
Division 2	—	—	—	—	—	—	526	596	362	390	164	206
Division 3	—	—	—	—	—	—	602	604	415	393	187	211
Division 4	—	—	—	—	—	—	532	555	346	358	186	197
Division 5	—	—	—	—	—	—	592	572	407	371	185	201
Second District	7,651	7,376	5,167	4,860	2,484	2,516	7,470	7,411	4,995	4,853	2,475	2,558
Division 1	—	—	—	—	—	—	884	833	560	510	324	323
Division 2	—	—	—	—	—	—	906	871	578	542	328	329
Division 3	—	—	—	—	—	—	845	834	539	518	306	316
Division 4	—	—	—	—	—	—	830	901	520	557	310	344
Division 5	—	—	—	—	—	—	883	895	572	534	311	361
Division 6	835	804	608	552	227	252	821	790	586	549	235	241
Division 7	—	—	—	—	—	—	856	890	529	556	327	334
Division 8	—	—	—	—	—	—	897	871	572	565	325	306
Not assigned	6,816	6,572	4,559	4,308	2,257	2,264	548	526	539	522	9	4
Third District	2,754	2,593	2,047	1,800	707	793	2,583	2,544	1,867	1,741	716	803
Fourth District	6,095	5,809	4,470	4,238	1,625	1,571	5,923	6,046	4,329	4,393	1,594	1,653
Division 1	1,978	1,905	1,442	1,417	536	488	1,989	1,973	1,452	1,461	537	512
Division 2	2,331	2,236	1,611	1,560	720	676	2,400	2,492	1,692	1,803	708	689
Division 3	1,786	1,668	1,417	1,261	369	407	1,534	1,581	1,185	1,129	349	452
Fifth District	2,062	2,016	1,371	1,247	691	769	1,908	1,983	1,195	1,205	713	778
Sixth District	1,321	1,336	976	991	345	345	1,313	1,255	930	900	383	355

**Summary of Filings
Fiscal Years 2013–14 and 2014–15**

**Courts of Appeal
Table 4**

Court	Notices of appeal						Appeal records filed						Original proceedings					
	Civil		Criminal		Juvenile		Civil		Criminal		Juvenile		Civil		Criminal		Juvenile	
	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14
Statewide	6,062	5,983	7,113	6,373	3,036	2,857	4,275	4,374	6,463	6,082	2,869	2,726	1,834	1,851	4,803	4,742	417	423
First District	988	1,021	748	654	444	402	800	826	716	662	414	388	285	309	623	629	97	84
Second District	2,249	2,159	1,872	1,612	1,046	1,089	1,649	1,597	1,730	1,592	1,001	1,047	768	744	1,628	1,624	155	148
Division 6	177	199	337	268	94	85	144	157	307	268	87	88	56	68	167	172	15	12
Others	2,072	1,960	1,535	1,344	952	1,004	1,505	1,440	1,423	1,324	914	959	712	676	1,461	1,452	140	136
Third District	491	457	1,182	1,074	374	269	283	322	1,051	1,006	346	251	131	134	569	598	41	61
Fourth District	1,738	1,720	1,982	1,774	750	744	1,143	1,219	1,685	1,605	712	685	472	457	1,137	1,048	56	66
Division 1	596	570	556	555	290	292	389	387	420	495	286	270	158	144	373	327	16	17
Division 2	420	489	852	761	339	310	255	347	769	715	309	276	132	129	581	519	27	28
Division 3	722	661	574	458	121	142	499	485	496	395	117	139	182	184	183	202	13	21
Fifth District	287	251	792	757	292	239	201	174	797	719	277	232	91	102	590	614	59	53
Sixth District	309	375	537	502	130	114	199	236	484	498	119	123	87	105	256	229	9	11

**Appeals—Method of Disposition
Fiscal Years 2013–14 and 2014–15**

**Courts of Appeal
Table 5**

Court	By written opinion						Without opinion, record filed						No record filed												
	Civil			Juvenile			Civil			Criminal			Juvenile			Civil			Criminal			Juvenile			
	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15
Statewide	3,106	3,118	4,729	4,789	1,582	1,685	1,444	1,467	1,191	1,126	1,271	1,049	1,551	1,474	312	205	97	85							
First District	534	497	473	520	273	264	248	265	98	83	127	105	192	163	17	5	5	4							
Division 1	120	110	116	103	60	55	57	50	18	15	20	17	44	41	1	2	1	1							
Division 2	85	97	74	117	55	49	55	54	25	20	32	24	31	28	5	1	0	0							
Division 3	126	110	102	108	61	51	44	47	14	16	26	20	39	40	2	0	1	1							
Division 4	76	81	79	84	48	57	49	59	18	20	21	25	48	30	6	1	1	1							
Division 5	127	99	102	108	49	52	43	55	23	12	28	19	30	24	3	1	2	1							
Second District	1,163	1,196	1,387	1,328	565	611	503	505	237	239	463	393	599	536	54	28	24	17							
Division 1	139	144	161	157	78	86	74	46	24	19	70	46	8	7	6	3	0	2							
Division 2	144	174	164	150	81	82	67	51	33	24	65	49	17	7	4	3	3	2							
Division 3	158	146	167	149	82	64	52	60	25	29	41	56	10	11	3	3	1	0							
Division 4	145	158	137	163	67	81	62	69	30	21	60	53	11	7	4	4	4	1							
Division 5	169	152	171	168	68	85	55	57	24	19	62	44	13	6	7	2	3	1							
Division 6	118	102	255	240	42	53	53	33	31	41	37	33	38	40	8	6	4	1							
Division 7	144	160	158	141	57	88	54	66	23	24	70	60	16	14	5	0	2	3							
Division 8	146	160	174	160	90	72	61	78	22	30	56	51	15	8	5	5	3	1							
Not assigned	0	0	0	0	0	0	25	45	25	32	2	1	471	436	12	2	4	6							
Third District	195	202	793	758	120	97	80	83	231	208	200	152	162	168	67	57	19	16							
Fourth District	899	910	1,272	1,337	404	448	477	506	354	347	321	269	428	442	137	95	37	39							
Division 1	327	417	463	374	170	168	115	131	72	77	125	97	143	158	32	30	5	9							
Division 2	219	143	456	633	158	186	206	230	235	230	150	117	152	176	85	62	31	26							
Division 3	353	350	353	330	76	94	156	145	47	40	46	55	133	108	20	3	1	4							
Fifth District	140	156	469	470	149	178	62	63	163	156	112	91	70	77	20	8	10	6							
Sixth District	175	157	335	376	71	87	74	45	108	93	48	39	100	88	17	12	2	3							

**Dispositions of Original Proceedings
Fiscal Years 2013-14 and 2014-15**

**Courts of Appeal
Table 6**

Court	By Written Opinion						Without Opinion									
	Civil			Criminal			Civil			Criminal			Juvenile			
	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14
Statewide	131	141	124	161	187	199	1,638	1,751	4,664	4,696	127	130				
First District	16	27	30	31	63	55	272	286	567	601	13	18				
Division 1	4	3	6	4	17	14	54	66	128	120	1	5				
Division 2	4	8	4	7	12	20	53	45	94	122	3	5				
Division 3	4	8	13	16	14	7	41	58	120	117	4	2				
Division 4	1	2	4	2	17	10	71	58	106	121	2	4				
Division 5	3	6	3	2	3	4	53	59	119	121	3	2				
Second District	46	48	23	37	34	28	657	710	1,605	1,618	80	83				
Division 1	14	5	7	13	1	3	70	67	226	223	4	7				
Division 2	0	1	0	3	2	3	95	94	218	213	13	10				
Division 3	13	17	3	5	2	3	80	90	195	189	8	5				
Division 4	5	7	3	4	2	5	80	91	202	221	8	14				
Division 5	6	5	2	2	7	5	71	97	209	234	15	15				
Division 6	0	4	2	2	14	5	50	71	178	157	4	1				
Division 7	5	8	3	5	3	4	94	97	201	200	14	16				
Division 8	3	1	3	3	3	0	111	99	174	181	13	15				
Not assigned					0	0	6	4	2	0	1	0				
Third District	8	10	5	8	1	3	123	124	565	601	6	7				
Fourth District	47	44	47	65	39	49	407	456	1,063	1,017	17	18				
Division 1	19	15	9	11	9	13	136	135	368	329	5	7				
Division 2	16	15	22	13	23	18	113	125	549	509	7	8				
Division 3	12	14	16	41	7	18	158	196	146	179	5	3				
Fifth District	8	9	9	12	43	55	85	97	595	604	9	2				
Sixth District	6	3	10	8	7	9	94	78	269	255	2	2				

**Opinions Written
Fiscal Years 2013-14 and 2014-15**

**Courts of Appeal
Table 7**

Court	Total		Appeals				Original proceedings							
			Civil		Criminal		Juvenile		Civil		Criminal		Juvenile	
	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15	FY14
Statewide	9,583	9,780	2,968	2,966	4,674	4,731	1,546	1,648	127	128	89	120	179	187
First District	1,279	1,289	472	447	465	510	253	244	15	22	14	14	60	52
Division 1	298	277	108	102	114	102	52	52	3	3	4	4	17	14
Division 2	216	281	74	89	73	113	50	47	4	7	3	6	12	19
Division 3	284	262	110	94	98	107	57	47	4	6	4	2	11	6
Division 4	210	215	67	73	78	82	46	49	1	2	1	0	17	9
Division 5	271	254	113	89	102	106	48	49	3	4	2	2	3	4
Second District	3,178	3,201	1,143	1,173	1,379	1,324	563	607	46	45	14	26	33	26
Division 1	388	401	136	141	160	157	77	86	14	5	1	9	0	3
Division 2	389	411	142	173	164	150	81	82	0	1	0	2	2	3
Division 3	423	379	158	145	167	149	82	63	13	15	1	4	2	3
Division 4	352	408	139	155	137	162	67	80	5	6	2	2	2	3
Division 5	419	413	167	150	169	167	68	84	6	5	2	2	7	5
Division 6	427	404	116	100	253	240	42	53	0	4	2	2	14	5
Division 7	361	400	139	156	155	141	56	87	5	8	3	4	3	4
Division 8	419	385	146	153	174	158	90	72	3	1	3	1	3	0
Third District	1,106	1,057	191	197	783	745	119	97	8	8	4	7	1	3
Fourth District	2,647	2,781	861	859	1,259	1,329	400	444	45	42	43	59	39	48
Division 1	978	965	314	390	458	373	170	166	18	14	9	10	9	12
Division 2	885	998	212	141	456	630	156	184	16	15	22	10	23	18
Division 3	784	818	335	328	345	326	74	94	11	13	12	39	7	18
Fifth District	788	833	132	141	458	451	143	172	8	8	8	12	39	49
Sixth District	585	619	169	149	330	372	68	84	5	3	6	2	7	9

**Pending Appeals—Total and Fully Briefed
as of June 30, 2014, and June 30, 2015**

**Courts of Appeal
Table 8**

Court	Total pending appeals ^a						Pending fully briefed appeals									
	Total		Civil		Criminal		Juvenile		Total		Civil		Criminal		Juvenile	
	06/30/15	06/30/14	06/30/15	06/30/14	06/30/15	06/30/14	06/30/15	06/30/14	06/30/15	06/30/14	06/30/15	06/30/14	06/30/15	06/30/14	06/30/15	06/30/14
Statewide	14,689	13,584	5,659	5,625	7,509	6,515	1,521	1,444	4,108	3,982	1,638	1,704	2,190	2,023	280	255
First District	2,236	2,039	1,032	1,012	899	764	305	263	775	596	391	332	321	222	63	42
Division 1	390	383	178	188	156	147	56	48	112	104	52	54	51	41	9	9
Division 2	476	409	227	199	191	151	58	59	158	114	73	62	73	43	12	9
Division 3	432	422	195	210	184	163	53	49	148	134	86	79	60	51	2	4
Division 4	536	449	258	231	208	166	70	52	252	153	126	85	103	59	23	9
Division 5	402	376	174	184	160	137	68	55	105	91	54	52	34	28	17	11
Second District	4,325	4,007	1,916	1,921	1,828	1,519	581	567	763	761	404	391	262	271	97	99
Division 1	495	440	207	194	216	174	72	72	85	90	53	58	24	21	8	11
Division 2	449	437	165	168	214	185	70	84	67	80	35	30	19	28	13	22
Division 3	544	488	217	216	241	191	86	81	131	137	66	69	46	53	19	15
Division 4	479	434	178	177	220	175	81	82	108	104	53	55	42	35	13	14
Division 5	414	391	165	175	189	150	60	66	81	84	51	53	19	19	11	12
Division 6	485	446	139	156	303	252	43	38	69	77	28	33	38	39	3	5
Division 7	513	444	208	192	222	189	83	63	142	112	77	58	45	46	20	8
Division 8	461	427	181	164	207	182	73	81	80	77	41	35	29	30	10	12
Not assigned	485	500	456	479	16	21	13	0	0	0	0	0	0	0	0	0
Third District	2,099	1,921	620	553	1,313	1,218	166	150	691	765	237	226	434	508	20	31
Fourth District	3,439	3,275	1,413	1,451	1,745	1,522	281	302	888	943	380	504	452	393	56	46
Division 1	973	996	446	439	431	446	96	111	220	215	96	107	114	96	10	12
Division 2	1,208	1,272	349	493	730	650	129	129	305	418	116	238	159	160	30	20
Division 3	1,258	1,007	618	519	584	426	56	62	363	310	168	159	179	137	16	14
Fifth District	1,501	1,303	254	226	1,119	969	128	108	638	538	55	61	549	450	34	27
Sixth District	1,089	1,039	424	462	605	523	60	54	353	379	171	190	172	179	10	10

Note:

^a Includes appeals for which the record has not been filed.

Superior Courts



Caseloads and Authorized Judicial Positions
 Fiscal Years 2005–06 through 2014–15

Superior Courts
 Figures 1–2



Figure 1: Total Filings and Dispositions

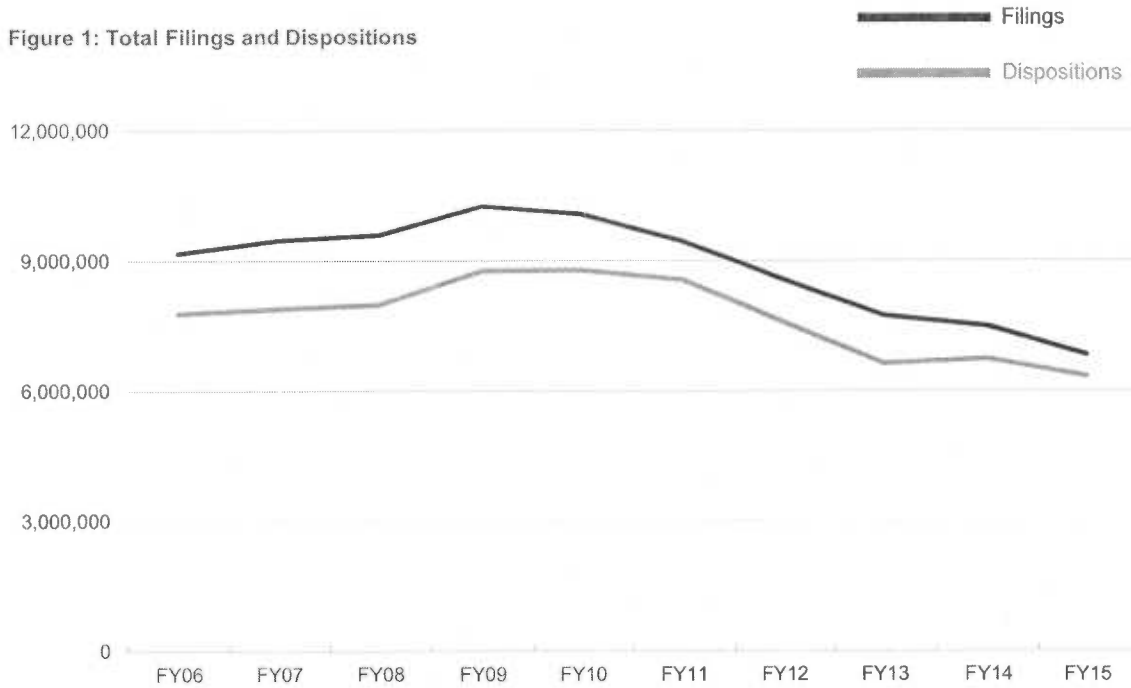
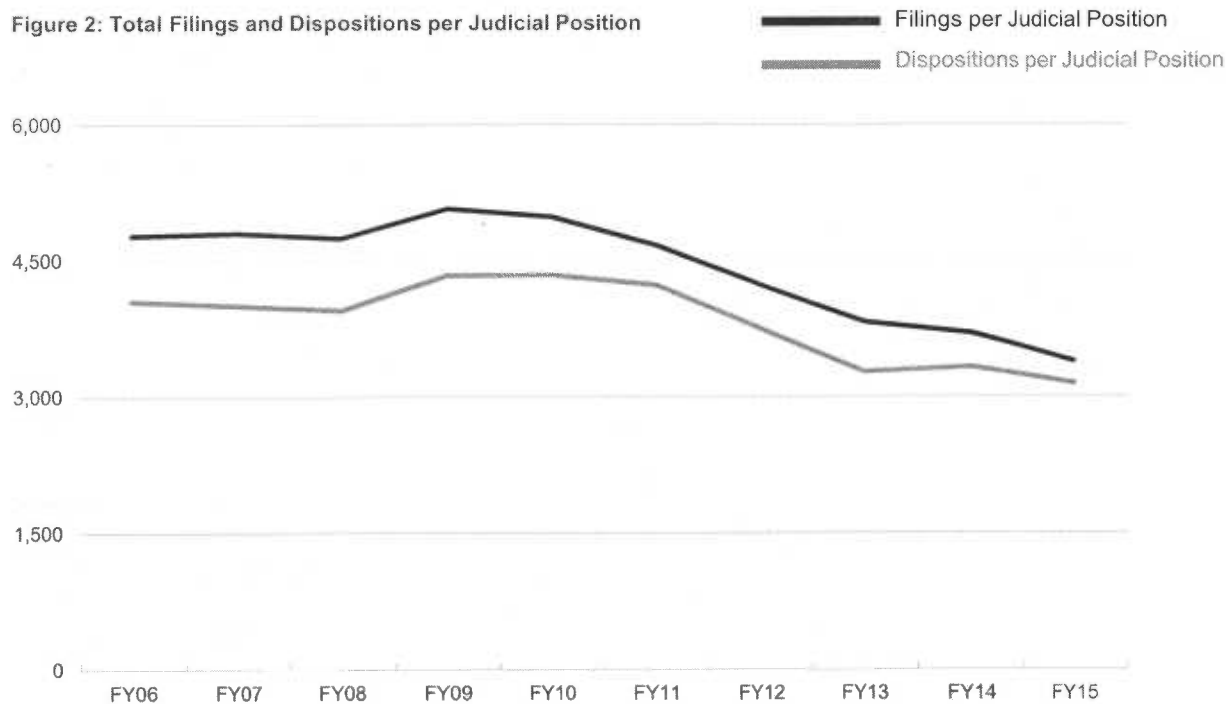


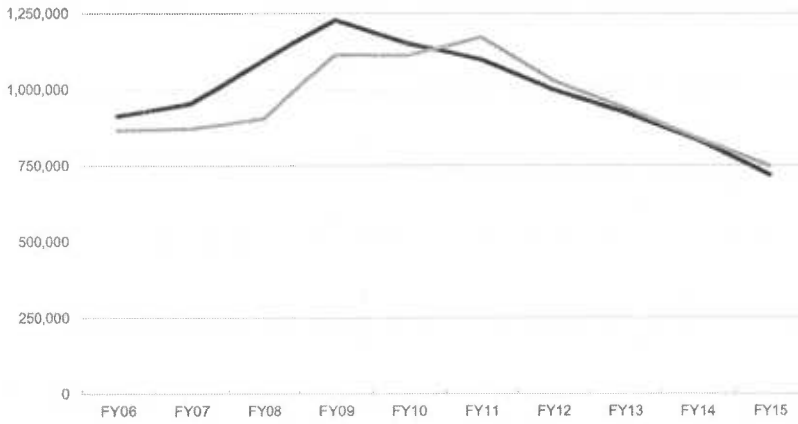
Figure 2: Total Filings and Dispositions per Judicial Position



Civil Filings and Dispositions
Fiscal Years 2005–06 through 2014–15

Superior Courts
Figures 3–9

Figure 3: Total Civil Filings and Dispositions



Get this data

Filings
Dispositions

Figure 4: Civil Unlimited

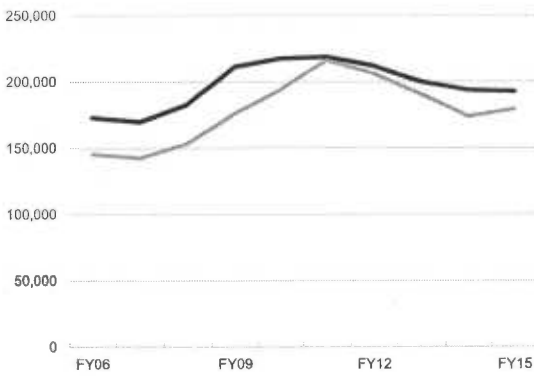


Figure 5: Motor Vehicle PI/PD/WD

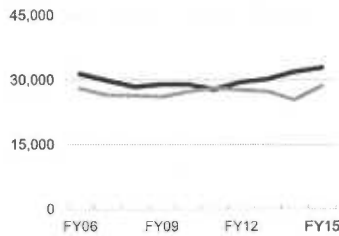


Figure 6: Other PI/PD/WD

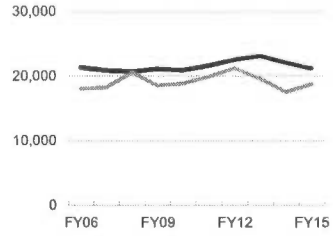


Figure 7: Civil Complaints

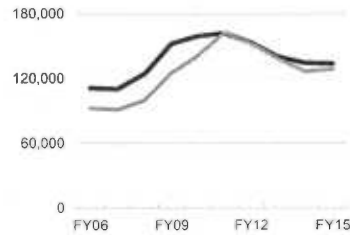


Figure 8: Civil Limited

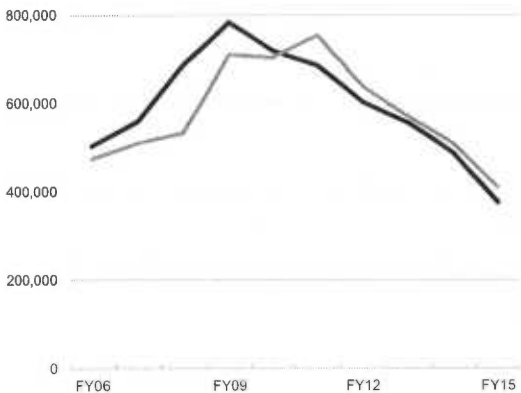
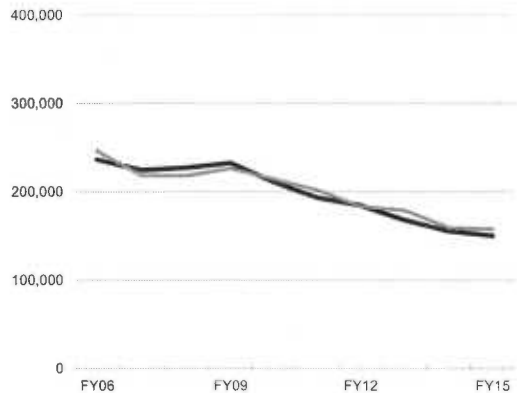


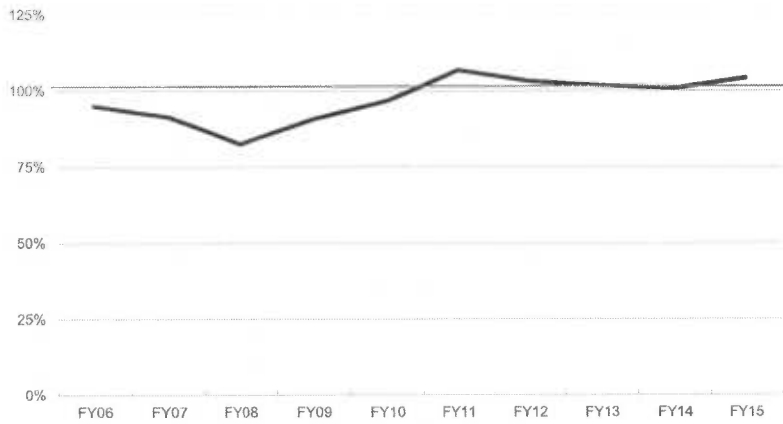
Figure 9: Small Claims





Get this data

Figure 10: Total Civil



Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 11: Civil Unlimited

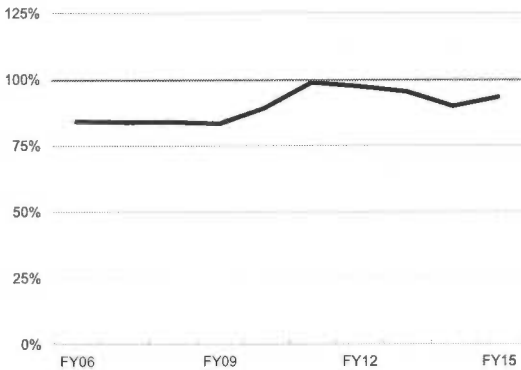


Figure 12: Motor Vehicle PI/PD/WD

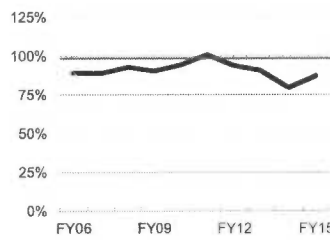


Figure 13: Other PI/PD/WD

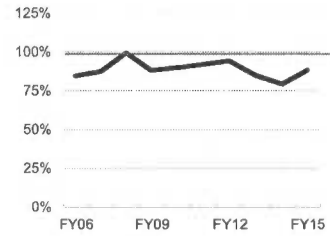


Figure 14: Civil Complaints

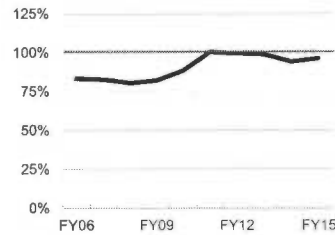


Figure 15: Civil Limited

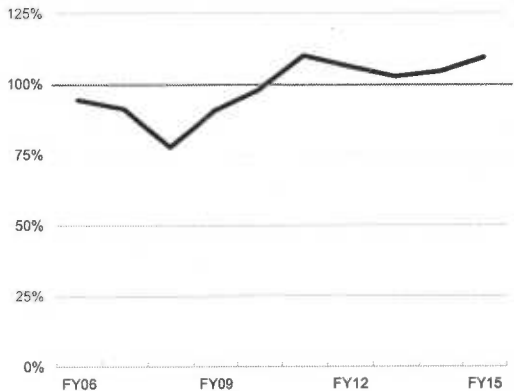
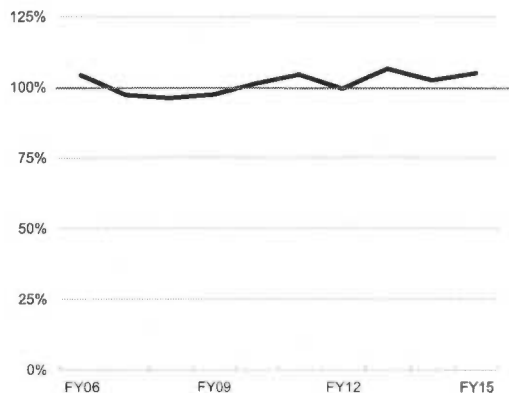


Figure 16: Small Claims





Get this data

Civil Case Processing Time (percent of cases disposed within specified periods)

The Standards of Judicial Administration establishes case processing time to disposition goals for different types of civil cases, which are presented below with the specific time standards and target performance level.

<u>Standard</u>	<u>Target</u>
Time standard	Goal

Figure 17: Civil Unlimited

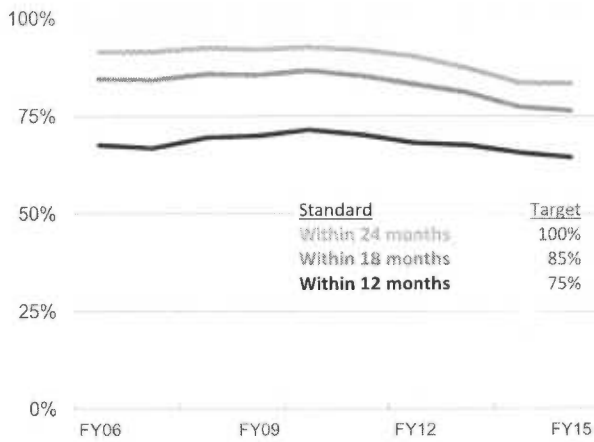


Figure 18: Limited Civil

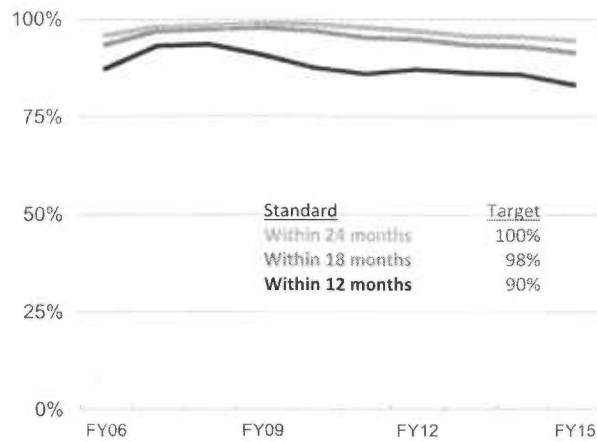


Figure 19: Unlawful Detainer

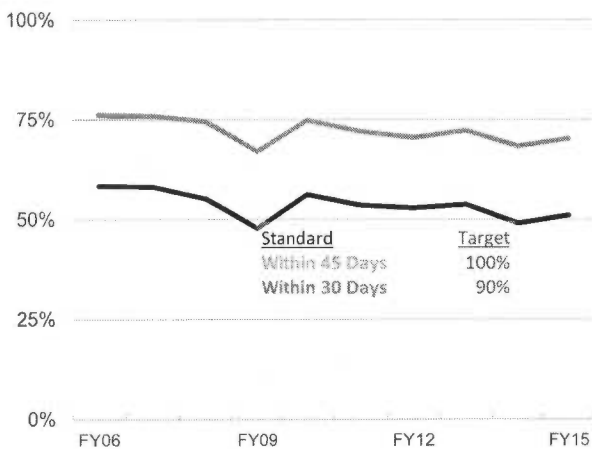
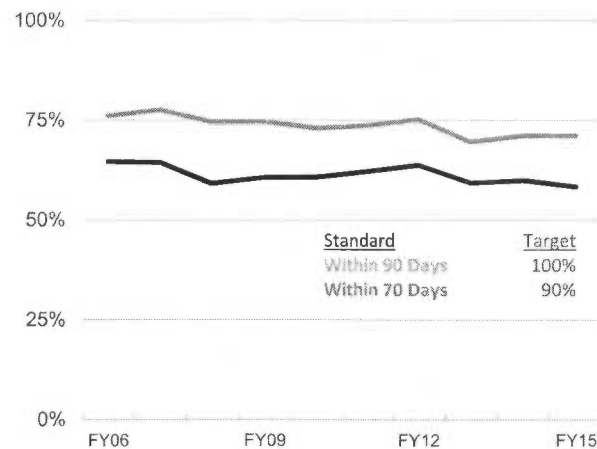


Figure 20: Small Claims



Caseflow Management Data
Stage of Case at Disposition — Civil
 Fiscal Year 2014–15

Superior Courts
 Figure 21



Figure 21: How and at what stage are civil cases resolved?

Unlimited Civil

Number disposed before trial



Number disposed after trial

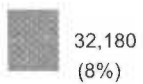


Limited Civil

Number disposed before trial



Number disposed after trial



Small Claims

Number disposed before trial



Number disposed after trial



Criminal Filings and Dispositions
Fiscal Years 2005–06 through 2014–15

Superior Courts
Figures 22–26



Figure 22: Felony

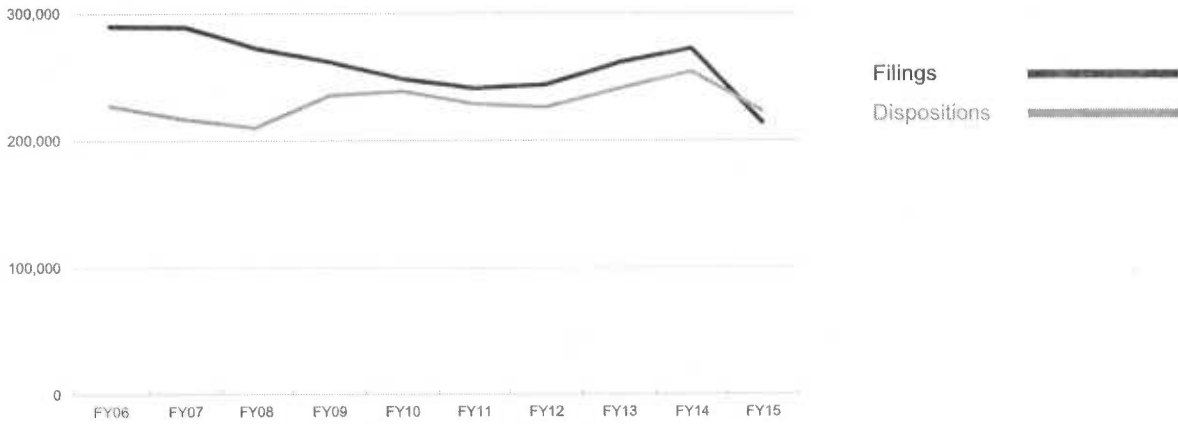


Figure 23: Nontraffic Misdemeanor

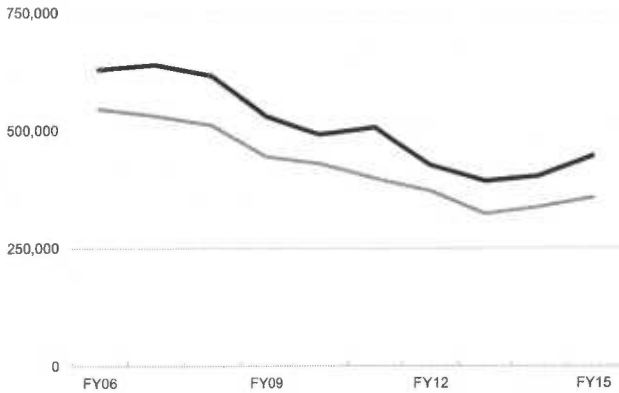


Figure 24: Traffic Misdemeanor

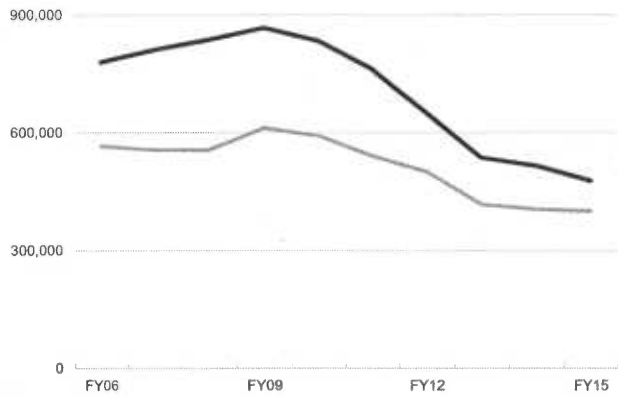


Figure 25: Nontraffic Infraction

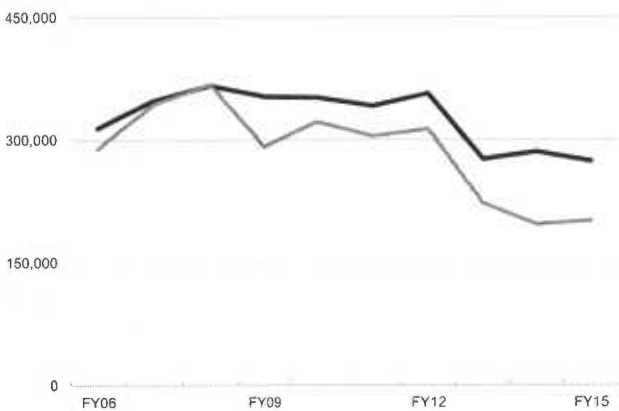
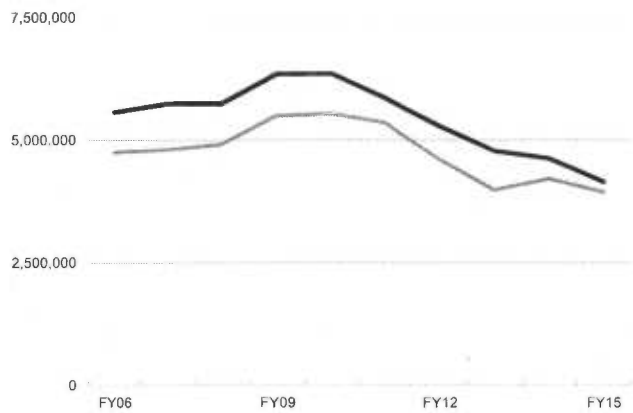


Figure 26: Traffic Infraction



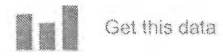
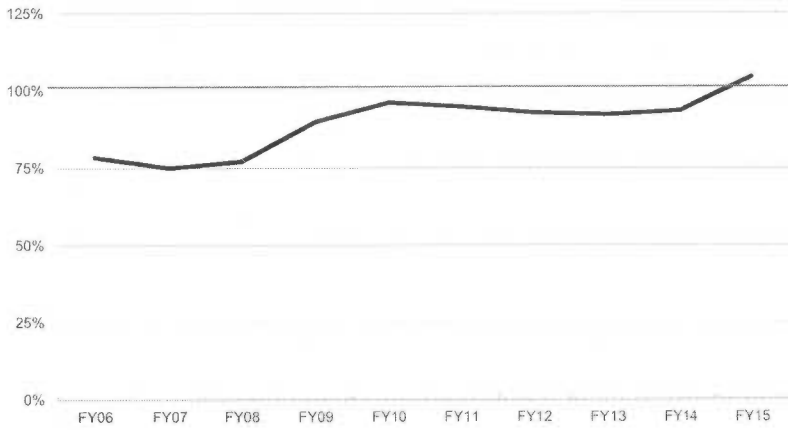


Figure 27: Felony



Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 28: Nontraffic Misdemeanor

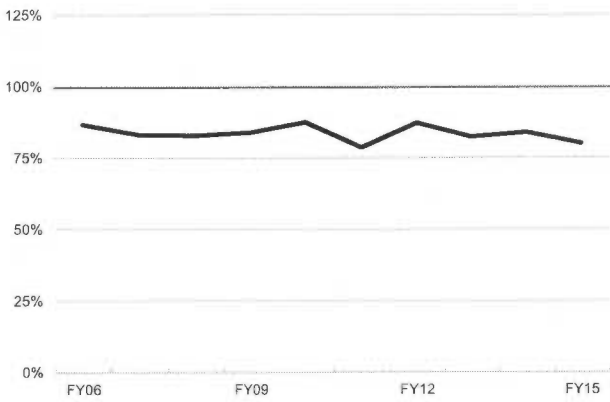


Figure 29: Traffic Misdemeanor

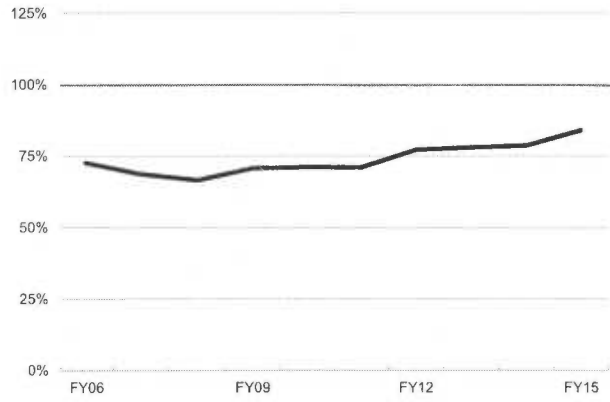


Figure 30: Nontraffic Infraction

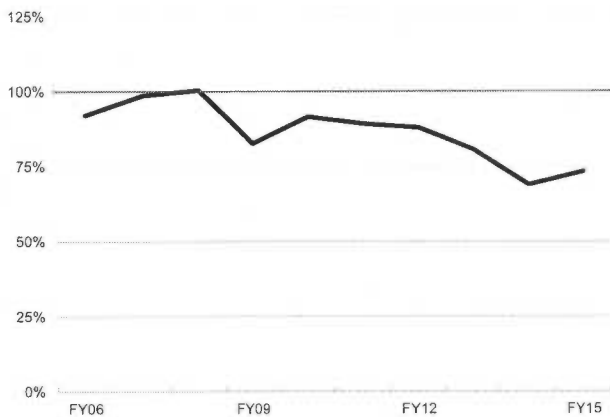


Figure 31: Traffic Infraction

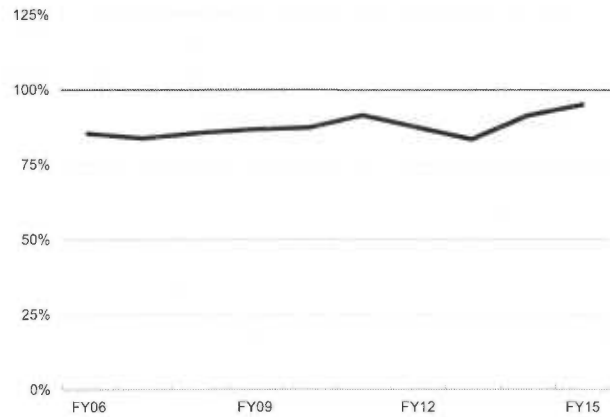
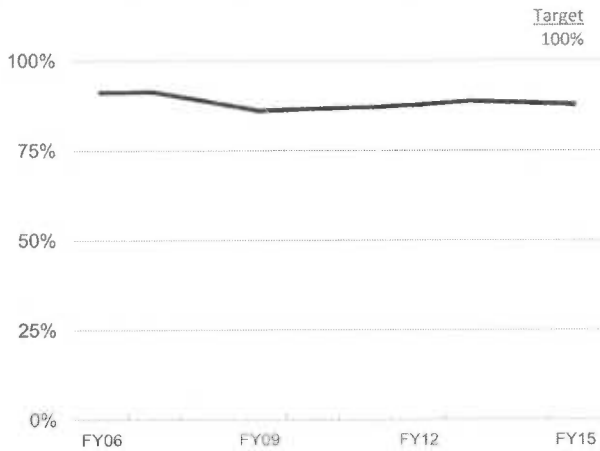




Figure 32: Felonies disposed within 12 months



Criminal Case Processing Time
(percent of cases disposed within specified periods)

The Standards of Judicial Administration establishes case processing time to disposition goals for different types of criminal cases, which are presented below with the specific time standards and target performance level.

Figure 33: Felonies resulting in bindover or certified pleas



Figure 34: Misdemeanors disposed

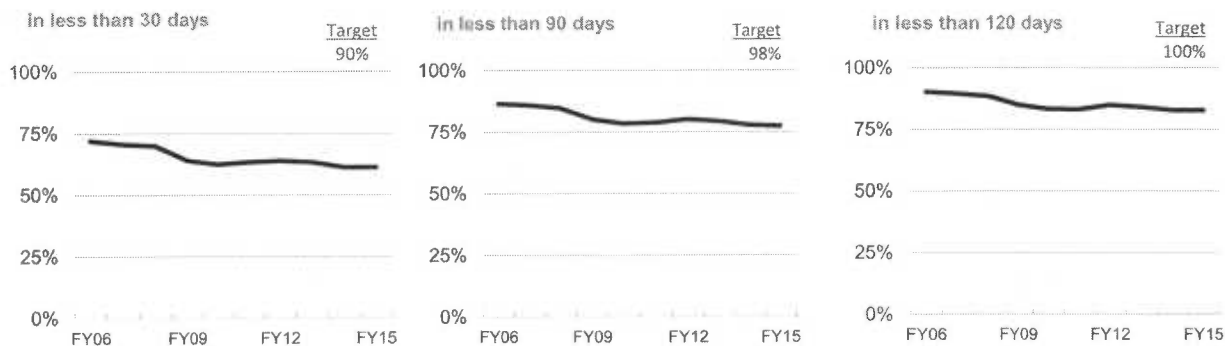


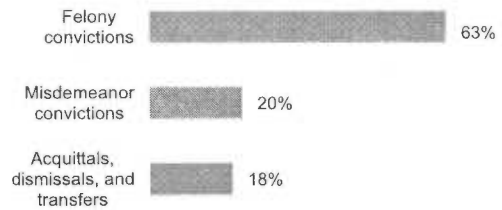


Figure 35: How and at what stage are felony cases resolved?

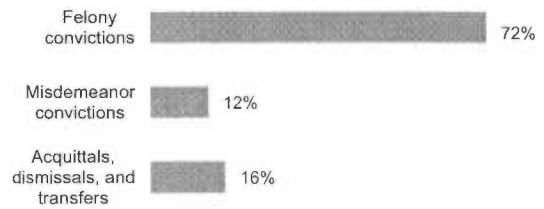
Total felony dispositions (not including felony petitions)



Number disposed before trial



Court trials



Jury trials

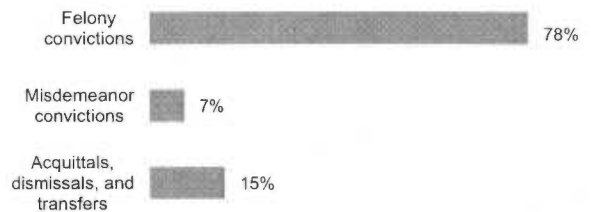
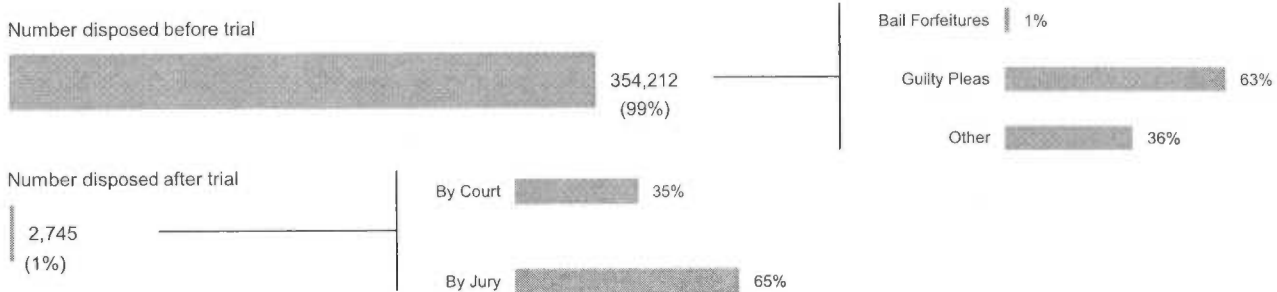


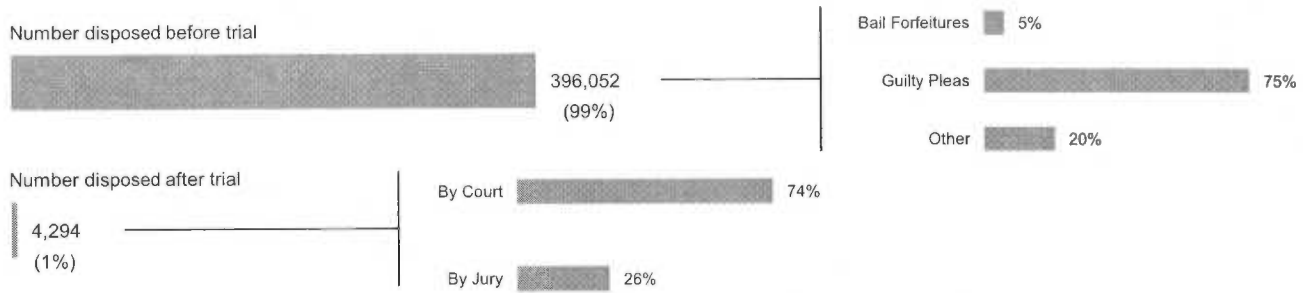


Figure 36: How and at what stage are misdemeanor and infraction cases resolved?

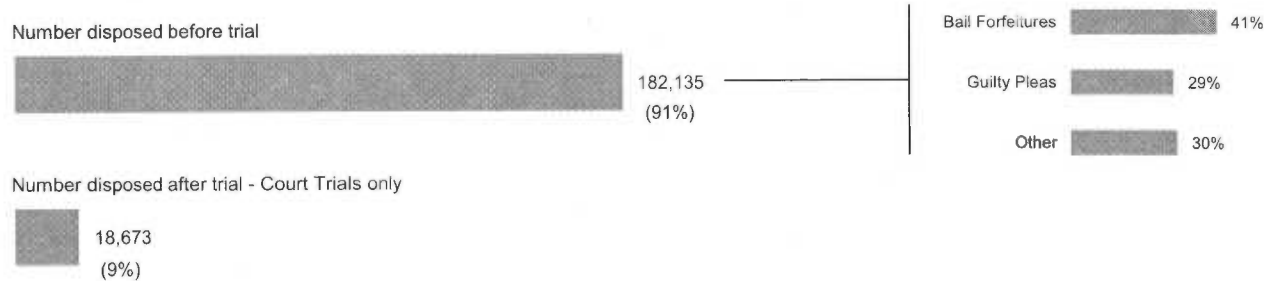
Nontraffic Misdemeanors



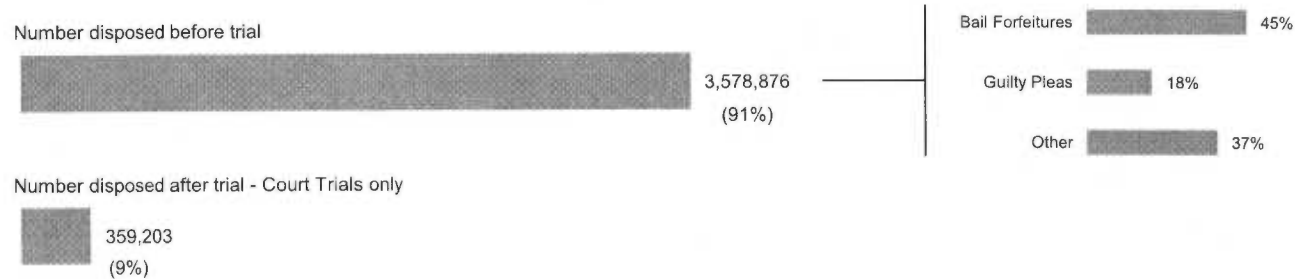
Traffic Misdemeanors



Nontraffic Infractions



Traffic Infractions



Family and Juvenile Filings and Dispositions
 Fiscal Years 2005–06 through 2014–15

Superior Courts
 Figures 37–40



Filings
 Dispositions

Figure 37: Family Law — Marital

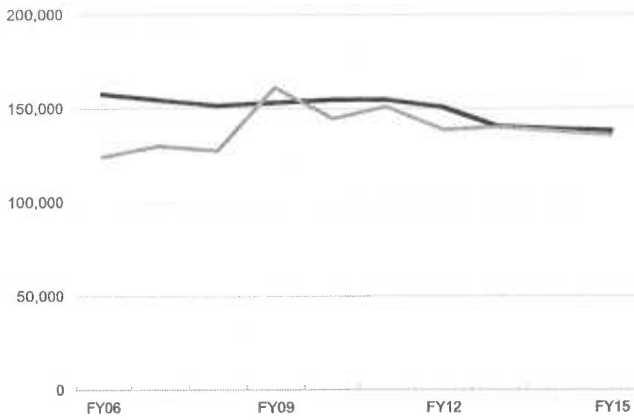


Figure 38: Family Law Petitions

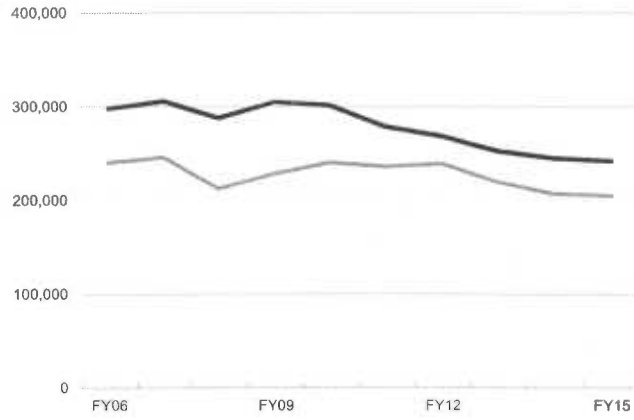


Figure 39: Juvenile Delinquency

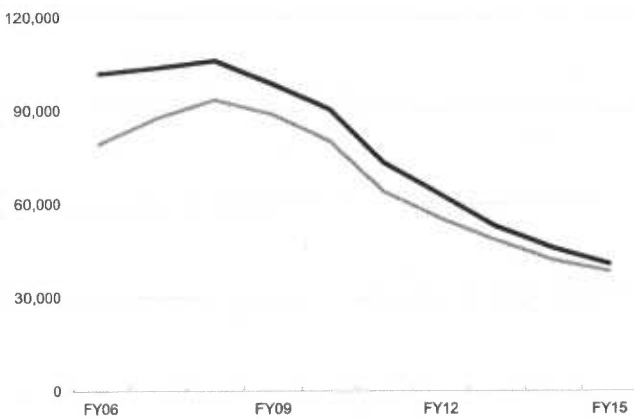
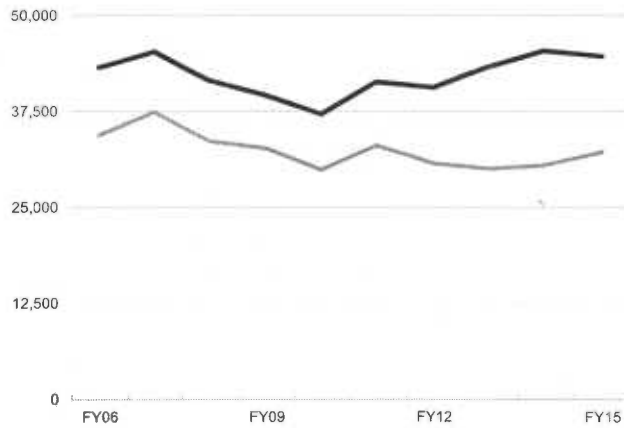


Figure 40: Juvenile Dependency





Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 41: Family Law — Marital

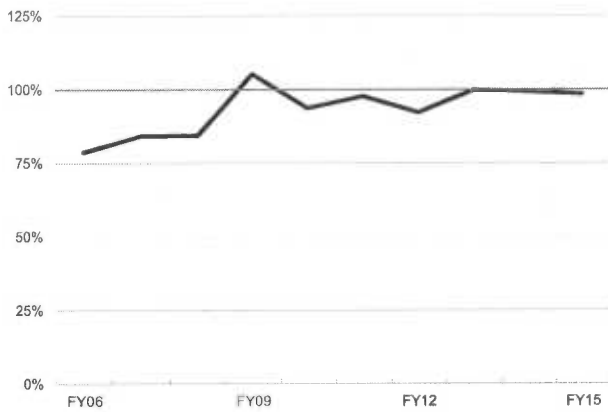


Figure 42: Family Law Petitions

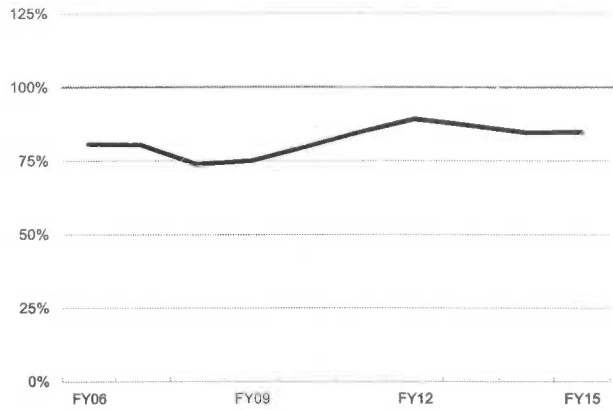


Figure 43: Juvenile Delinquency

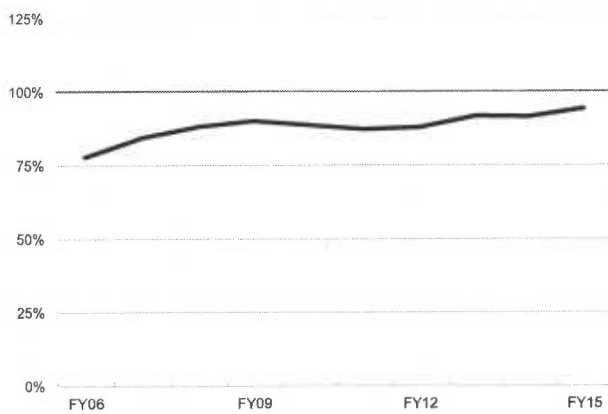
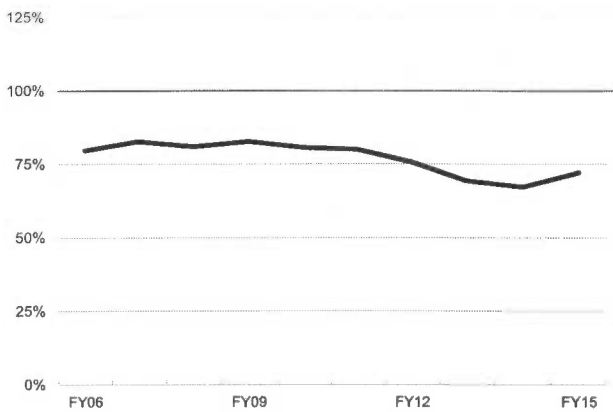


Figure 44: Juvenile Dependency



Probate, Mental Health, Appeals, Habeas Corpus Filings and Dispositions
Fiscal Years 2005–06 through 2014–15

Superior Courts
Figures 45–48



Filings 
Dispositions 

Figure 45: Probate

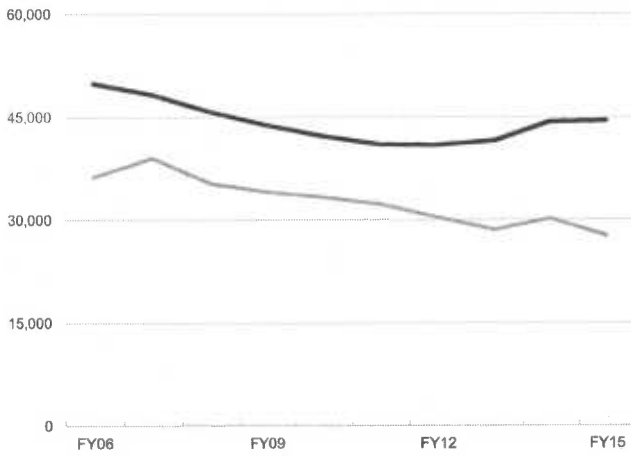


Figure 46: Mental Health

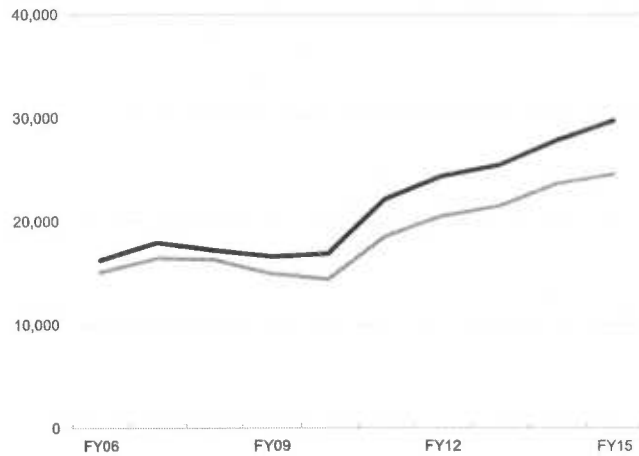


Figure 47: Appeals

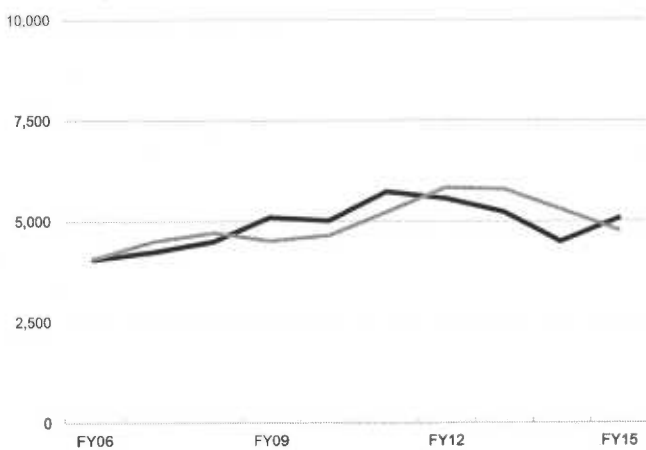
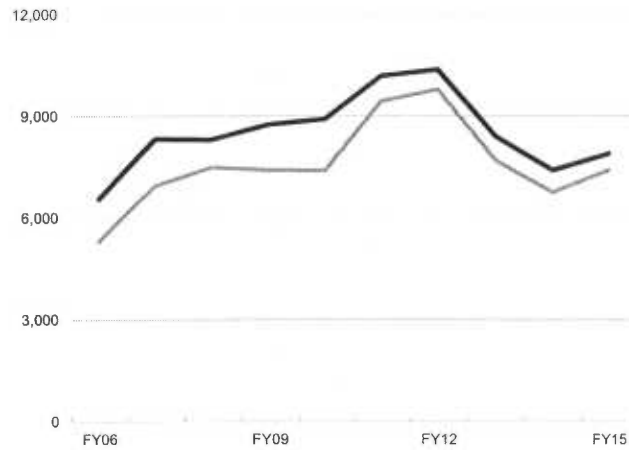


Figure 48: Criminal Habeas Corpus



CalCourTools: Caseload Clearance Rates
Probate, Mental Health, Appeals, Habeas Corpus
 Fiscal Years 2005–06 through 2014–15

Superior Courts
 Figures 49–52



Get this data

Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 49: Probate

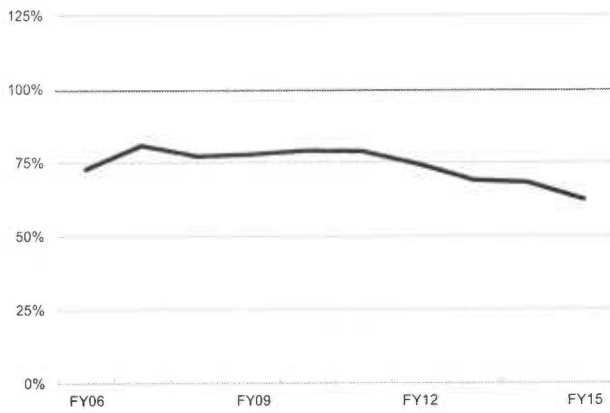


Figure 50: Mental Health

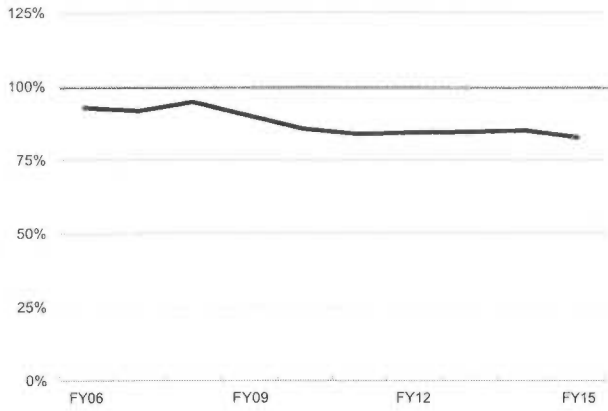


Figure 51: Appeals

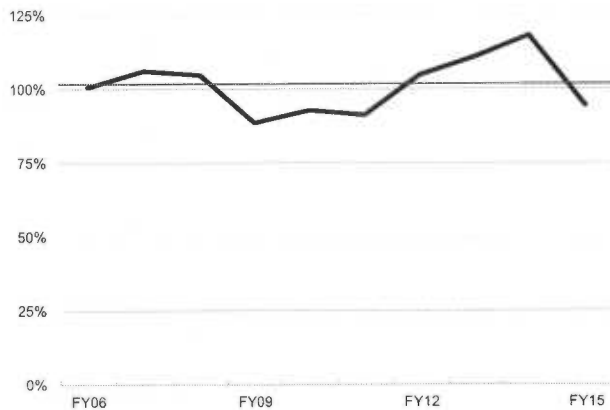
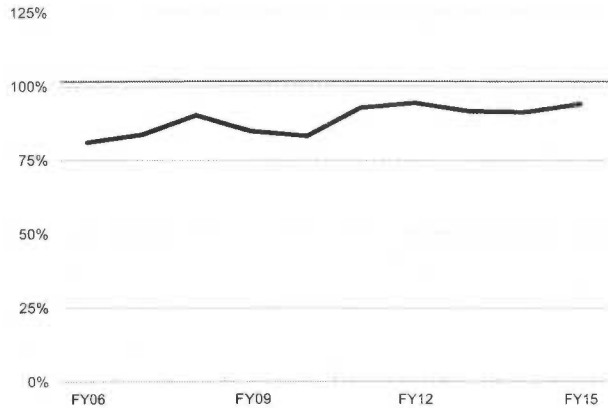


Figure 52: Criminal Habeas Corpus



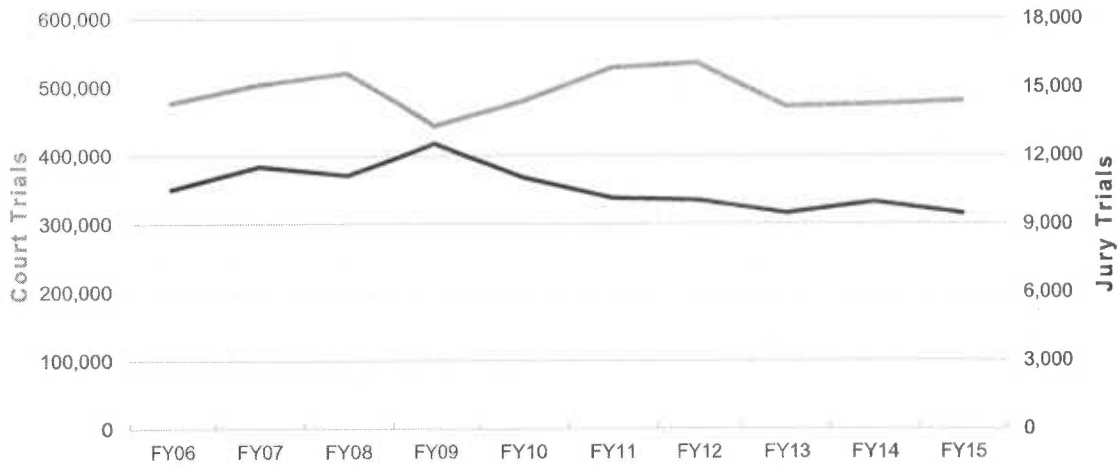
**Caseflow Management Data
Trials By Type of Proceeding**
Fiscal Years 2005–06 through 2014–15

Superior Courts
Figures 53–65



Jury Trials ———
Court Trials ———

Figure 53: Trials



Jury Trials

Figure 54: Felony

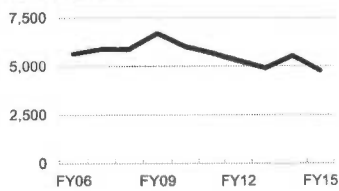


Figure 55: Misdemeanor

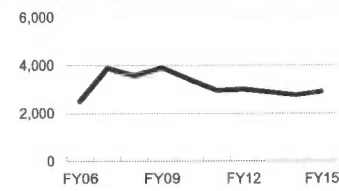


Figure 56: PI/PD/WD Civil Unlimited

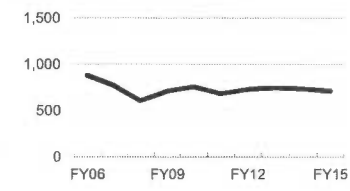


Figure 57: Other Civil Unlimited

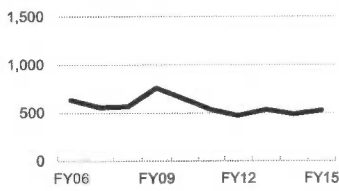


Figure 58: Civil Limited

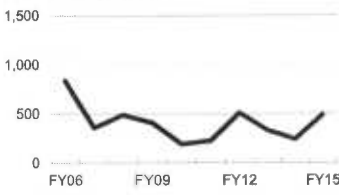
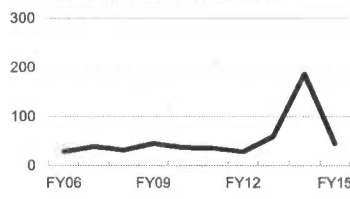


Figure 59: Probate and Mental Health



Court Trials

Figure 60: Felony

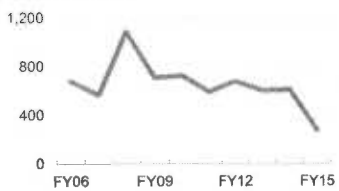


Figure 61: Misdemeanor and infractions

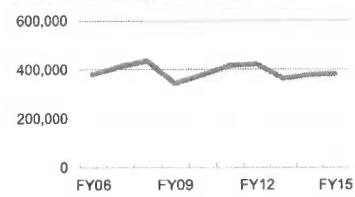


Figure 62: PI/PD/WD Civil Unlimited

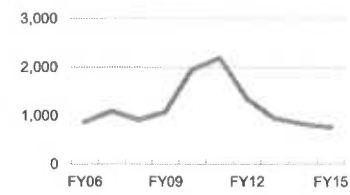


Figure 63: Other Civil Unlimited

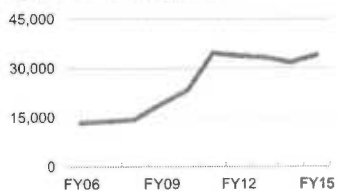


Figure 64: Civil Limited

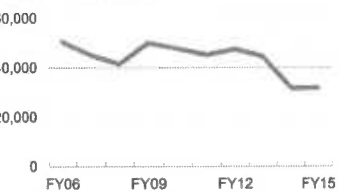
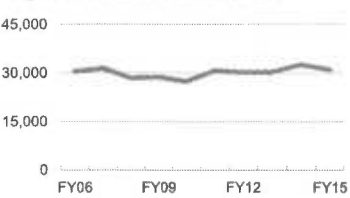


Figure 65: Probate and Mental Health





Definition of Terms

Assessed Judicial Need (AJN): Represents the estimated number of judicial officers needed to handle the workload in the trial courts based on the Judicial Needs Assessment Project. The Judicial Needs Assessment Project was approved by the Judicial Council in 2001 as the methodology for evaluating judicial workload and the need for new judgeships. In 2004, the Judicial Council approved a minor change in the assessment methodology that uses a 3-year average filings data instead of using a single year. The AJN numbers are updated on a 2-year cycle in even-numbered years, and the value for FY 2014-15 represents the 2014 update that was presented to the Judicial Council at the December 2014 meeting.

Judicial Position Equivalents (JPE): Reflects authorized judicial positions adjusted for vacancies, assistance rendered by the court, and assistance received by the court from assigned judges, temporary judges, commissioners, and referees.

Authorized Judicial Positions (AJP): Number of authorized judgeships, commissioners, and referees.

Authorized Judgeships: Number of judgeships authorized in statute.

Judicial Assistance Received by Trial Courts: Includes only assistance rendered by judges through assignments. Does not include assistance rendered by commissioners, referees, and temporary judges (these are included in JPE).

Figure 66: Total Judicial Position Equivalents (JPE) and Assessed Judicial Need (AJN)

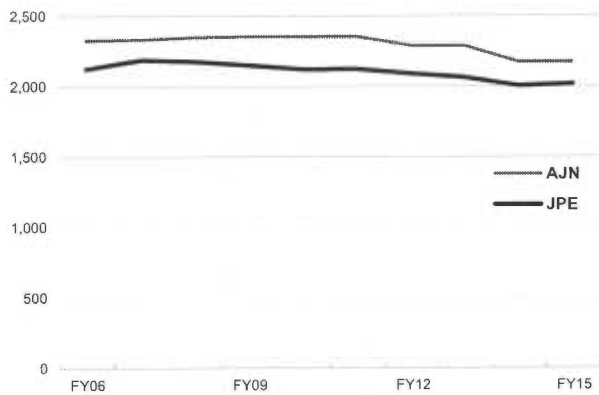


Figure 67: Total Authorized Judicial Positions (AJP) and Assessed Judicial Need (AJN)

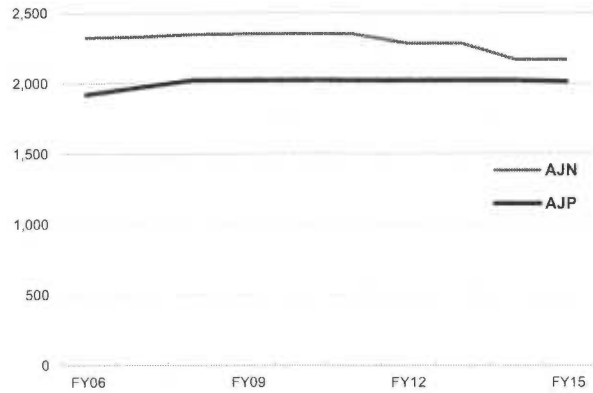


Figure 68: Authorized Judgeships

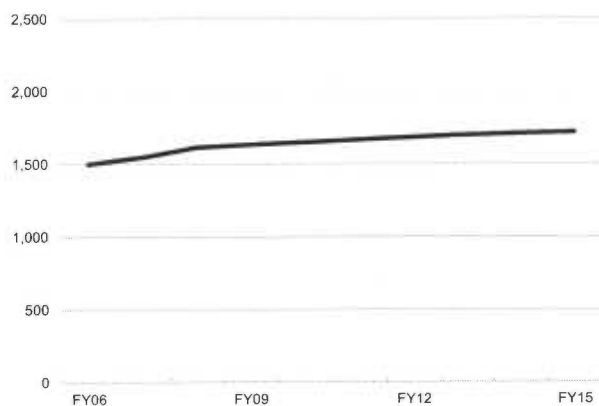
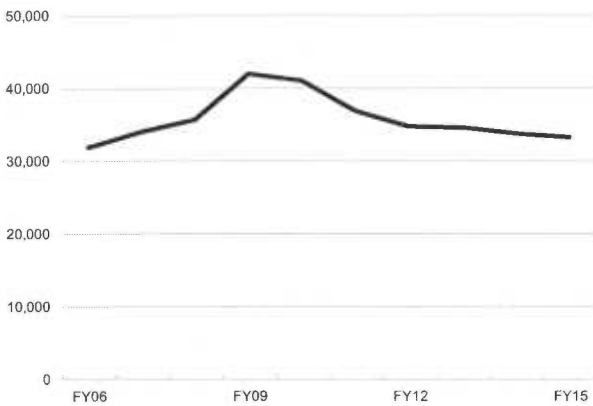


Figure 69: Judicial Assistance Received by Trial Courts (days received)



JBSIS Courts as of Fiscal Year 2014–15

The following table shows the courts that are submitting data via JBSIS v2.3 (Judicial Branch Statistical Information System) as of the end of fiscal year 2014–15. For updated information, court staff with access to the password-protected Judicial Resources Network website may log in directly to JBSIS at <http://jbsis.courts.ca.gov>.

Superior Court	04a Appellate Court	04b Appellate Division	05a Limited Civil	05b Unlimited Civil	06a Family Law	07c Felony	08a Juvenile Delinquency	09a Juvenile Dependency	10a Mental Health	11a Misdemeanor/ Infraction	12a Probate	13a Small Claims
Alameda			X	X	X		X	X				X
Alpine	X	X	X	X	X	X	X	X	X	X	X	X
Calaveras			X	X	X	X	X	X	X	X	X	X
Colusa			X	X	X		X	X	X		X	X
Contra Costa		X	X	X	X	X			X	X	X	X
El Dorado	X	X	X	X	X	X			X	X	X	X
Humboldt	X	X	X	X	X	X	X	X	X	X	X	X
Imperial	X	X	X	X	X	X	X	X	X	X	X	X
Inyo			X	X	X	X	X	X		X	X	X
Kern						X				X		
Kings												X
Lake	X	X	X	X	X	X	X	X	X	X	X	X
Lassen	X	X	X	X	X	X	X	X	X	X	X	X
Madera	X	X	X	X	X	X	X	X	X	X	X	X
Mariposa	X	X	X	X	X	X	X	X	X	X	X	X
Merced	X	X	X	X	X	X	X	X	X	X	X	X
Modoc	X	X	X	X	X	X	X	X	X	X	X	X
Monterey	X	X	X	X	X	X	X	X	X	X	X	X
Napa	X	X	X	X	X	X	X	X	X	X	X	X
Orange			X	X		X						X
Plumas	X	X	X	X	X	X	X	X	X	X	X	X
Riverside			X	X	X	X			X	X	X	X
Sacramento						X						X
San Benito	X	X	X	X	X	X	X	X	X	X	X	X
San Bernardino	X	X	X	X	X	X	X	X	X	X	X	X
San Joaquin			X	X	X			X			X	X
San Luis Obispo	X	X	X	X	X	X	X	X	X	X	X	X
San Mateo						X				X		
Santa Barbara		X	X	X	X	X	X	X	X	X	X	X
Santa Clara		X	X	X	X	X	X	X	X	X	X	X
Santa Cruz	X	X	X	X	X				X		X	X
Shasta			X	X	X	X				X	X	X
Siskiyou	X	X	X	X	X	X	X	X	X	X	X	X
Solano			X	X	X			X			X	X
Sonoma	X	X	X	X	X	X	X	X	X	X	X	X
Stanislaus	X	X	X	X	X	X	X	X	X	X	X	X
Sutter	X	X	X	X	X	X	X	X	X	X	X	X
Tehama	X	X	X	X	X	X	X	X	X	X	X	X
Trinity	X	X	X	X	X	X	X	X	X	X	X	X
Tulare	X	X	X	X	X	X	X	X	X	X	X	X
Tuolumne	X	X	X	X	X	X	X	X	X	X	X	X
Ventura		X	X	X	X	X	X	X	X	X	X	X
Yolo	X	X	X	X	X	X	X	X	X	X	X	X
Yuba	X	X	X	X	X	X	X	X	X	X	X	X

Appendixes



Appendix A Courts With Missing or Incomplete Data

JBSIS report type 4b	Appellate Division Appeals
JBSIS report type 5a	Limited Civil
JBSIS report type 5b	Unlimited Civil
JBSIS report type 6a	Family Law
JBSIS report type 7a/7b/7c	Felony
JBSIS report type 8a	Juvenile Delinquency
JBSIS report type 9a	Juvenile Dependency
JBSIS report type 10a	Mental Health
JBSIS report type 11a	Misdemeanors and Infractions
JBSIS report type 12a	Probate
JBSIS report type 13a	Small Claims

Court	Report	Missing or Incomplete Data, Fiscal Year 2014–2015
Alpine	JBSIS report types 4b, 5a, 5b, 6a, 7c, 8a, 9a, 10a, 11a, 12a, 13a	All reports missing for June 2015 with reports for other months submitted but incomplete or no disposition data reported.
Contra Costa	JBSIS report types 6a, 8a, 9a	Reports submitted but incomplete or no disposition data reported.
Kings	JBSIS report types 6a, 7a, 7b, 9a	Reports submitted but incomplete disposition data reported.
Merced	JBSIS report types 4b, 5a, 5b, 6a, 7c, 8a, 9a, 10a, 11a, 12a, 13a	Reports submitted but incomplete disposition data reported.
Nevada	JBSIS report types 11a	Reports submitted but incomplete disposition data reported.
Orange	JBSIS report types 6a, 10a, 11a, 12a	Reports submitted but incomplete or no disposition data reported.
Placer	JBSIS report type 11a	Report submitted but incomplete disposition data reported.
Sierra	JBSIS report types 4b, 5a, 5b, 6a, 7a, 7b, 8a, 9a, 10a, 11a, 12a, 13a	Reports submitted but incomplete or no disposition data reported.

APPENDIX B

Supreme Court Glossary

The definitions in this glossary are intended only to provide context and a general understanding of the information in this publication. They are not to be relied on as legal authority or cited as authoritative.

attorney disciplinary proceedings Proceedings concerning possible suspension, disbarment, and public or private reproof of attorneys for alleged violations of law or rules of professional conduct. Other State Bar filings include requests for approval of rule proposals, motions for the admission of attorneys, reports of criminal convictions and other administrative matters relating to the admission and discipline of attorneys. Most matters are resolved by the entry of an order in the Supreme Court adopting the recommendation of the State Bar Court. Requests for approval of a rule may be resolved by an order adopting or denying the request, or a retransfer of the matter to the State Bar, all undertaken by the Court acting at its weekly conference. If the Supreme Court grants review of an attorney disciplinary proceeding, the matter will be handling in the same manner as any case in which review has been granted. The California Rules of Court govern petitions for review of disciplinary matters by the respondent attorney and the State Bar's Office of Chief Trial Counsel. In addition, the Supreme Court may, on its own motion, grant review or return a matter to the State Bar Court for reconsideration.

automatic appeal A criminal appeal by operation of law, directly from a superior court to the Supreme Court, upon imposition of a judgment of death.

civil Pertaining to an appeal or original proceeding in a case that is neither a criminal nor a juvenile delinquency case.

criminal Pertaining to an appeal or original proceeding in a case charging the violation of criminal law.

depublished opinion A Court of Appeal opinion that the Court of Appeal has certified for publication but that the Supreme Court, acting under its constitutional power over opinion publication, directs the Reporter of Decisions not to publish in the *Official Reports*, and that may be cited or relied upon only in limited circumstances (see Cal. Rules of Court, rule 8.1115(b)).

original proceedings Petitions for writs within the Supreme Court's original jurisdiction. The most common types are mandamus and prohibition, which may relate to either civil or criminal matters, and habeas corpus.

petition for review A request for Supreme Court review of a Court of Appeal decision.

petition for review denied An order by the Supreme Court declining review of a Court of Appeal decision.

petition for review granted An order by the Supreme Court granting review of a Court of Appeal decision.

petition for review granted and held An order by the Supreme Court granting review of a Court of Appeal decision that will be held for final action until a lead case addressing a related issue has been decided by the Supreme Court.

petition for review granted and transferred An order by the Supreme Court granting review of a Court of Appeal summary denial in an original proceeding and transferring review of the case to a Court of Appeal for further proceedings.

request for publication or depublication A case in which the sole relief requested is for the Supreme Court to order that a Court of Appeal decision be either published or depublished.

written opinion The written decision, with reasons stated, that describes and explains the outcome of a Supreme Court case.

APPENDIX C

Courts of Appeal Glossary

The definitions in this glossary are intended only to provide context and a general understanding of the information in this publication. They are not to be relied on as legal authority or cited as authoritative.

appeal A proceeding for direct review of a judgment of an appealable order of a trial court. Excludes collateral review by means of an original proceeding. (See “civil appeal” and “criminal appeal.”)

civil appeal An appeal in a case that is neither a criminal nor a juvenile delinquency case.

civil original proceeding Any original proceeding in which the underlying case is not related to a violation of criminal law.

Court of Appeal The California court that hears (1) appeals in all noncapital cases in which a superior court has original jurisdiction and (2) appeals under other special circumstances, as prescribed by law.

criminal appeal An appeal from the judgment or order in a case charging a violation of criminal law.

criminal original proceeding Any original proceeding in which the underlying case is related to a violation of criminal law.

disposition Termination of an appeal or original proceeding. Court of Appeal dispositions are either by written opinion or without opinion (with or without a record filed).

fully briefed appeal A pending appeal in which all briefs have been filed.

median time In a listing where time values are placed in order from shortest to longest, the value with half of the cases above it and half below it.

90th percentile time In a listing where time values are placed in order from shortest to longest, the value with 10 percent of the cases above it and 90 percent below it.

notice filed The filing of a notice of appeal in the superior court, initiating the appellate process.

original proceedings Cases begun in an appellate court, commonly called writ proceedings. The most common are writs of mandamus and prohibition, usually seeking an order addressed to a lower court, and writs of habeas corpus, usually addressed to a person holding another in official custody. (See “civil original proceeding” and “criminal original proceeding.”)

pending appeal An appeal awaiting decision.

record filed The filing of the trial court clerk’s transcript (copies of documents filed in the case) and the reporter’s transcript (the typed version of oral proceedings).

APPENDIX D

Superior Courts Glossary

The definitions in this glossary are intended only to provide context and a general understanding of the information in this publication. They are not to be relied on as legal authority or cited as authoritative.

appeal A proceeding for direct review of a civil or criminal judgment from a limited-jurisdiction case, including small claims matters.

assessed judge need (AJN): Represents the estimated number of judicial officers needed to handle the workload in the trial courts based on the Judicial Needs Assessment Project.

caseload clearance rate Clearance rates show the number of outgoing cases as a percentage of the number of incoming cases. They measure whether the court is disposing of cases in a timely fashion or whether a backlog of cases is growing.

commissioner A subordinate judicial officer, employed by the court, who performs judicial or quasi-judicial duties assigned to him or her. A commissioner may be authorized to decide only limited pretrial issues of fact and law or to conduct complete trials. Commissioners frequently act as temporary judges.

disposition Termination of a proceeding. Civil dispositions *before trial* include transfers to another trial court, dismissals, summary judgments, and other judgments. Criminal dispositions *before trial* include transfers to another trial court, sentences after pleas of guilty or no contest, and dismissals. Civil dispositions *after trial* include entry of judgment after jury trial and court trial. Criminal dispositions *after trial* include acquittals, grants of probation, and sentences after conviction.

family law (marital) Proceedings in which a petition has been filed for dissolution or voiding of a marriage or for legal separation.

family law petitions Family law cases other than marital cases, such as domestic violence petitions and petitions filed by the Department of Child Support Services (DCSS) for reimbursement of child support.

felony A criminal case alleging an offense punishable by imprisonment in a state prison or by death.

filings in civil matters Civil cases for which complaints or petitions have been filed.

filings in criminal matters The number of defendants against whom criminal charges have been filed.

filings in juvenile matters The number of minors who are the subjects of petitions.

judgeship A judicial position conferring power to exercise the full legal authority of the court in which the judge sits (by selection or assignment). The term "Judgeships," as used in this report, represents the number of positions authorized by law, whether filled or vacant.

judicial position equivalents An estimate of the number of judicial officers who were present and available to conduct court business. The number includes authorized judgeships (adjusted to reflect judicial vacancies and assistance given to other courts) and assistance received from assigned judges, full-time and part-time commissioners and referees, and temporary judges serving by stipulation of the parties.

judicial positions The number of judgeships authorized by law, plus positions of referees and commissioners.

juvenile delinquency proceedings Petitions filed under Welfare and Institutions Code section 602, alleging violation of a criminal statute, and petitions filed under Welfare and Institutions Code section 601, alleging that a minor is beyond the control of parents or guardians but has not

violated any law. An *original petition* begins a delinquency proceeding. A *subsequent petition* adds allegations against a minor child who is already subject to the court's jurisdiction.

juvenile dependency proceedings Petitions filed under Welfare and Institutions Code section 300, seeking to make a minor child a ward of the court because of abuse or neglect. An *original petition* begins a dependency proceeding. A *subsequent petition* adds allegations regarding a minor child who is already subject to the court's jurisdiction.

limited civil All civil matters with a value of \$25,000 or less, except small claims matters.

mental health proceedings Includes most types of mental health cases, including but not limited to postcertification treatment (W&I 5300), LPS Conservatorship (W&I 5350), narcotics addict (W&I 3050/3051), commitments (PC 2966), mental competency (PC 1368), sexually violent predator (W&I 6600), juvenile (W&I 1800), mentally retarded and dangerous (W&I 6500), and W&I Code, § 4500.

motor vehicle personal injury, death, and property damage Actions for damages in excess of \$25,000 for physical injury to persons and property and actions for wrongful death related to motor vehicle accidents.

nontraffic infractions Nontraffic violations of state statutes or local ordinances specified as infractions.

nontraffic misdemeanors Misdemeanors including intoxication complaints and violations of the Penal Code, local city and county ordinances, and the Fish and Game Code.

other civil complaints and petitions Cases not covered in any other civil case category, including complaints for declaratory relief only, mechanics' liens, and petitions for partnership and corporate governance. If the requested relief is for money, it must be in excess of \$25,000 to be filed as a general-jurisdiction case.

other mental health proceedings Includes other mental health cases not included in the mental health category as well as noncriminal habeas corpus.

personal injury, death, and property damage All actions for damages in excess of \$25,000 for physical injury to persons and property and all actions for wrongful death.

probate and guardianship All probate proceedings, will contests, guardianship and conservatorship proceedings (including conservatorship proceedings under the Lanterman-Petris-Short Act), and petitions to compromise minors' claims (when not part of a pending action or proceeding).

reduced to misdemeanor Cases in which a charge originally filed as a felony is disposed of as a misdemeanor.

referee A subordinate judicial officer employed by a county to handle matters assigned by the court, such as traffic law violations.

small claims All matters filed in small claims court (value of \$10,000 or less).

time to disposition The amount of time it takes a court to dispose of cases within established time frames.

traffic infractions Traffic-related violations of state statutes or city or county ordinances specified as infractions, excluding parking violations.

traffic misdemeanors Violations of Vehicle Code § 20002 (hit and run, property damage), 23104 (reckless driving, causing injury), and 23152 (driving under the influence of alcohol or drugs) and all other traffic misdemeanors.

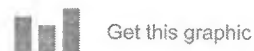
unlimited civil All civil matters with a value of more than \$25,000.

APPENDIX E — Courts of Appeal Data Tables

Summary of Filings

Fiscal Years 2005–06 through 2014–15

Courts of Appeal
Data for Figures 6–7



Fiscal year	Authorized justices (A)	Contested matters		Records of appeal		Original proceedings	
		Total (B)	Per authorized justice (C)	Total (D)	Per authorized justice (E)	Total (F)	Per authorized justice (G)
FY15	105	20,661	197	13,607	130	7,054	67
FY14	105	20,198	192	13,182	126	7,016	67
FY13	105	20,391	194	13,020	124	7,371	70
FY12	105	21,894	209	13,498	129	8,396	80
FY11	105	23,021	219	13,950	133	9,071	86
FY10	105	22,515	214	13,738	131	8,777	84
FY09	105	22,030	210	13,617	130	8,413	80
FY08	105	23,675	225	13,970	133	9,705	92
FY07	105	22,532	215	13,125	125	9,407	90
FY06	105	22,150	211	13,539	129	8,611	82

Column Key:

- (B) $D + F$. "Total contested matters" means all appeals and original proceedings; it excludes motions to dismiss on clerk's certificate, rehearings, and miscellaneous orders, which do not significantly add to the court's workload.
- (C) B / A .
- (E) D / A .
- (G) F / A .

Record of Appeal Filings

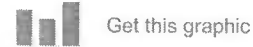
Fiscal Years 2005–06 through 2014–15

Courts of Appeal

Data for Figures 8–14

All Districts

	Total	Civil	Criminal	Juvenile
FY15	13,607	4,275	6,463	2,869
FY14	13,182	4,374	6,082	2,726
FY13	13,020	4,609	5,775	2,636
FY12	13,498	4,601	6,145	2,752
FY11	13,950	4,747	6,522	2,681
FY10	13,738	4,539	6,549	2,650
FY09	13,617	4,422	6,458	2,737
FY08	13,970	4,623	6,531	2,816
FY07	13,125	4,262	6,224	2,639
FY06	13,539	4,501	6,351	2,687



District 1

	Total	Civil	Criminal	Juvenile
FY15	1,930	800	716	414
FY14	1,876	826	662	388
FY13	1,823	823	653	347
FY12	1,848	843	674	331
FY11	1,971	886	759	326
FY10	1,943	864	756	323
FY09	1,861	812	704	345
FY08	2,010	820	851	339
FY07	2,054	846	818	390
FY06	1,973	798	814	361

District 2

	Total	Civil	Criminal	Juvenile
FY15	4,380	1,649	1,730	1,001
FY14	4,236	1,597	1,592	1,047
FY13	4,191	1,742	1,570	879
FY12	4,399	1,700	1,704	995
FY11	4,687	1,852	1,913	922
FY10	4,415	1,723	1,808	884
FY09	4,442	1,672	1,881	889
FY08	4,761	1,931	1,884	946
FY07	3,906	1,513	1,732	661
FY06	4,275	1,692	1,826	757

District 3

	Total	Civil	Criminal	Juvenile
FY15	1,680	283	1,051	346
FY14	1,579	322	1,006	251
FY13	1,566	308	992	266
FY12	1,666	323	1,028	315
FY11	1,709	324	1,019	366
FY10	1,750	317	1,028	405
FY09	1,715	305	957	453
FY08	1,704	294	1,058	352
FY07	1,629	290	985	354
FY06	1,753	357	1,002	394

District 4

	Total	Civil	Criminal	Juvenile
FY15	3,540	1,143	1,685	712
FY14	3,509	1,219	1,605	685
FY13	3,439	1,274	1,437	728
FY12	3,588	1,282	1,551	755
FY11	3,675	1,232	1,784	659
FY10	3,515	1,173	1,744	598
FY09	3,585	1,211	1,701	673
FY08	3,482	1,104	1,598	780
FY07	3,513	1,157	1,541	815
FY06	3,472	1,206	1,571	695

District 5

	Total	Civil	Criminal	Juvenile
FY15	1,275	201	797	277
FY14	1,125	174	719	232
FY13	1,201	208	680	313
FY12	1,182	208	693	281
FY11	1,148	221	597	330
FY10	1,335	246	760	329
FY09	1,249	207	762	280
FY08	1,252	221	713	318
FY07	1,270	210	723	337
FY06	1,256	214	671	371

District 6

	Total	Civil	Criminal	Juvenile
FY15	802	199	484	119
FY14	857	236	498	123
FY13	800	254	443	103
FY12	815	245	495	75
FY11	760	232	450	78
FY10	780	216	453	111
FY09	765	215	453	97
FY08	761	253	427	81
FY07	753	246	425	82
FY06	810	234	467	109

Original Proceeding Filings

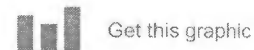
Fiscal Years 2005–06 through 2014–15

Courts of Appeal

Data for Figures 15–21

All Districts

	Total	Civil	Criminal	Juvenile
FY15	7,054	1,834	4,803	417
FY14	7,016	1,851	4,742	423
FY13	7,371	1,916	5,005	450
FY12	8,396	1,982	5,945	469
FY11	9,071	2,122	6,533	416
FY10	8,777	2,017	6,305	455
FY09	8,413	2,139	5,788	486
FY08	9,705	2,444	6,701	560
FY07	9,407	2,488	6,195	724
FY06	8,611	2,633	5,197	781



District 1

	Total	Civil	Criminal	Juvenile
FY15	1,005	285	623	97
FY14	1,022	309	629	84
FY13	1,111	330	704	77
FY12	1,236	307	860	69
FY11	1,298	320	904	74
FY10	1,313	320	931	62
FY09	1,239	381	787	71
FY08	1,426	430	928	68
FY07	1,379	448	843	88
FY06	1,314	456	757	101

District 2

	Total	Civil	Criminal	Juvenile
FY15	2,551	768	1,628	155
FY14	2,516	744	1,624	148
FY13	2,534	745	1,640	149
FY12	2,813	795	1,863	155
FY11	3,174	896	2,140	138
FY10	3,101	816	2,100	185
FY09	2,948	842	1,958	148
FY08	3,619	984	2,426	209
FY07	3,183	978	1,962	243
FY06	3,087	1,151	1,731	205

District 3

	Total	Civil	Criminal	Juvenile
FY15	741	131	569	41
FY14	793	134	598	61
FY13	788	143	601	44
FY12	896	162	691	43
FY11	1,067	177	829	61
FY10	979	160	756	63
FY09	894	160	660	74
FY08	1,056	192	792	72
FY07	1,052	234	752	66
FY06	855	207	577	71

District 4

	Total	Civil	Criminal	Juvenile
FY15	1,665	472	1,137	56
FY14	1,571	457	1,048	66
FY13	1,663	476	1,089	98
FY12	2,012	510	1,393	109
FY11	2,076	490	1,518	68
FY10	1,954	483	1,406	65
FY09	1,946	530	1,317	99
FY08	2,103	577	1,408	118
FY07	2,243	596	1,452	195
FY06	1,990	598	1,141	251

District 5

	Total	Civil	Criminal	Juvenile
FY15	740	91	590	59
FY14	769	102	614	53
FY13	878	104	712	62
FY12	1,022	116	824	82
FY11	991	136	792	63
FY10	966	144	752	70
FY09	923	122	729	72
FY08	985	139	772	74
FY07	1,021	102	809	110
FY06	939	100	697	142

District 6

	Total	Civil	Criminal	Juvenile
FY15	352	87	256	9
FY14	345	105	229	11
FY13	397	118	259	20
FY12	417	92	314	11
FY11	465	103	350	12
FY10	464	94	360	10
FY09	463	104	337	22
FY08	516	122	375	19
FY07	529	130	377	22
FY06	426	121	294	11

Appeals Terminated by Written Opinion
Fiscal Years 2012–13 through 2014–15

Courts of Appeal
Data for Figures 22–27



Fiscal year	Total cases		Affirmance						Reversed		Dismissed	
	Number (A)	Percent (B)	Total		Full		With modification		Number (I)	Percent (J)	Number (K)	Percent (L)
			Number (C)	Percent (D)	Number (E)	Percent (F)	Number (G)	Percent (H)				
Total appeals												
FY15	9,126	100%	7,939	87%	6,383	70%	1,556	17%	924	10%	263	3%
FY14	9,293	100%	8,163	88%	6,534	70%	1,629	18%	880	9%	250	3%
FY13	9,155	100%	7,999	87%	6,351	69%	1,648	18%	870	10%	286	4%
Criminal appeals by defendants												
FY15	4,424	100%	4,116	93%	3,060	69%	1,056	24%	245	6%	63	1%
FY14	4,483	100%	4,201	94%	3,092	69%	1,109	25%	188	4%	94	2%
FY13	4,593	100%	4,337	94%	3,166	69%	1,171	25%	181	4%	75	2%
Criminal appeals by prosecution												
FY15	159	100%	104	65%	94	59%	10	6%	51	32%	4	3%
FY14	172	100%	141	82%	131	76%	10	6%	31	18%	0	0%
FY13	110	100%	67	61%	58	53%	9	8%	42	38%	1	1%
Civil appeals												
FY15	3,002	100%	2,391	80%	2,088	70%	303	10%	493	16%	118	4%
FY14	2,988	100%	2,381	80%	2,068	69%	313	10%	520	17%	87	3%
FY13	2,811	100%	2,217	79%	1,931	69%	286	10%	501	18%	93	3%
Juvenile appeals (criminal violation)^a												
FY15	404	100%	360	89%	245	61%	115	28%	39	10%	5	1%
FY14	530	100%	478	90%	352	66%	126	24%	47	9%	5	1%
FY13	517	100%	459	89%	320	62%	139	27%	51	10%	7	1%
Other juvenile appeals^b												
FY15	1,137	100%	968	85%	896	79%	72	6%	96	8%	73	6%
FY14	1,120	100%	962	86%	891	80%	71	6%	94	8%	64	6%
FY13	1,124	100%	919	82%	876	78%	43	4%	95	8%	110	10%

Column Key:

- (A) $C + I + K$. Total does not match that in column E of Table 1 because of missing data. Percentages are calculated based on totals shown in column A.
- (B) $D + J + L$. Components may not add to total because of rounding.

Notes:

- ^a Juvenile appeals filed under Welf. & Inst. Code, § 602, alleging violation of a criminal statute.
- ^b Juvenile appeals filed under Welf. & Inst. Code, § 300 or § 601. These cases do not involve violations of criminal statutes.

Percentage of Majority Opinions Published
Fiscal Year 2014-15

Courts of Appeal
Data for Figures 28–32



District	Total	Civil Appeals	Criminal Appeals	Juvenile Appeals	Original Proceedings
Statewide	9%	17%	4%	5%	17%
First	12%	20%	6%	8%	8%
Second	9%	15%	3%	5%	27%
Third	8%	24%	4%	5%	57%
Fourth	9%	15%	6%	2%	18%
Fifth	6%	22%	3%	2%	3%
Sixth	8%	14%	4%	7%	22%

APPENDIX F — Superior Court Statewide Data Tables

Caseloads and Authorized Judicial Positions

Fiscal Years 2005–06 through 2014–15

Superior Courts

Data for Figures 1–2



Get this graphic

Fiscal year	Judicial positions (A)	Filings		Dispositions	
		Total (B)	Per judicial position (C)	Total (E)	Per judicial position (F)
FY15	2,013	6,832,710	3,394	6,342,662	3,151
FY14	2,024	7,492,757	3,702	6,730,412	3,325
FY13	2,024	7,735,074	3,822	6,625,491	3,273
FY12	2,024	8,558,889	4,229	7,576,781	3,743
FY11	2,022	9,442,846	4,669	8,553,501	4,230
FY10	2,022	10,079,116	4,985	8,783,029	4,344
FY09	2,022	10,257,641	5,073	8,768,510	4,336
FY08	2,022	9,592,939	4,744	7,989,156	3,951
FY07	1,972	9,469,791	4,802	7,891,932	4,002
FY06	1,922	9,172,346	4,772	7,783,855	4,050

Column Key:

(A) Judicial positions include authorized commissioners and referees in addition to the number of judges authorized for the court. The 50 new judgeships authorized but not funded by Assembly Bill 159, effective January 2008, are included in column A.

(C) B / A.

(F) E / A.

Note:

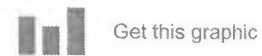
Dispositions are underreported due to incomplete data from some courts. See Appendix A for more details.

Civil Filings, Dispositions, and Caseload Clearance Rate

Fiscal Years 2005–06 through 2014–15

Superior Courts

Data for Figures 3–16



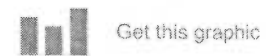
Fiscal Year	Total Civil (A)	Unlimited Civil					Limited Civil (G)	Small Claims (H)
		Total Unlimited Civil (B)	Motor Vehicle PI/PD/WD (C)	Other PI/PD/WD (D)	Other Civil Complaints & Petitions (E)	Small Claims Appeals (F)		
Filings								
FY15	718,321	192,761	32,808	21,207	133,638	5,108	375,178	150,382
FY14	835,737	193,663	31,847	22,077	134,435	5,304	486,646	155,428
FY13	924,149	200,119	30,159	23,114	140,295	6,551	555,967	168,063
FY12	999,281	212,061	29,468	22,545	153,004	7,044	602,608	184,612
FY11	1,098,548	218,932	27,812	21,649	161,825	7,646	686,000	193,616
FY10	1,150,026	217,731	28,964	20,928	159,396	8,443	720,308	211,987
FY09	1,227,779	211,555	28,945	21,142	152,262	9,206	783,883	232,341
FY08	1,096,959	182,815	28,431	20,684	124,696	9,004	686,903	227,241
FY07	954,260	169,759	29,830	20,875	110,371	8,683	560,102	224,399
FY06	912,923	173,079	31,390	21,338	111,270	9,081	503,326	236,518
Dispositions								
FY15	747,353	179,509	28,622	18,730	128,588	3,569	409,944	157,900
FY14	840,801	173,780	25,385	17,532	126,618	4,245	507,736	159,285
FY13	938,938	190,600	27,364	19,589	138,764	4,883	569,368	178,970
FY12	1,028,563	206,237	27,685	21,216	152,152	5,184	638,611	183,715
FY11	1,171,737	216,138	28,060	19,884	162,388	5,806	753,405	202,194
FY10	1,112,136	193,865	27,294	18,821	140,933	6,817	703,350	214,921
FY09	1,113,499	176,219	26,123	18,583	124,894	6,619	711,169	226,111
FY08	904,687	153,299	26,402	20,572	100,131	6,194	533,106	218,282
FY07	871,428	142,476	26,514	18,252	91,225	6,485	510,833	218,119
FY06	866,559	145,553	27,995	18,049	92,579	6,930	474,293	246,713
Caseload Clearance Rate								
FY15	104%	93%	87%	88%	96%	70%	109%	105%
FY14	101%	90%	80%	79%	94%	80%	104%	102%
FY13	102%	95%	91%	85%	99%	75%	102%	106%
FY12	103%	97%	94%	94%	99%	74%	106%	100%
FY11	107%	99%	101%	92%	100%	76%	110%	104%
FY10	97%	89%	94%	90%	88%	81%	98%	101%
FY09	91%	83%	90%	88%	82%	72%	91%	97%
FY08	82%	84%	93%	99%	80%	69%	78%	96%
FY07	91%	84%	89%	87%	83%	75%	91%	97%
FY06	95%	84%	89%	85%	83%	76%	94%	104%

Column Key:

- (A) Sum of C through H.
- (B) Sum of C through F.
- (E) Civil complaints and petitions not specified in columns C and D. Prior to the 2004 Court Statistics Report, this case type included miscellaneous family law petitions, which are now reported in the Family and Juvenile section.

Civil Case Processing Time
Fiscal Years 2005–06 through 2014–15

Superior Courts
Data for Figures 17–20



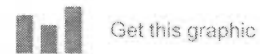
Fiscal year	General civil unlimited disposed of in less than _ months			Limited civil disposed of in less than _ months			Unlawful detainers disposed of in less than _ days		Small claims disposed of in less than _ days	
	12 (A)	18 (B)	24 (C)	12 (D)	18 (E)	24 (F)	30 (G)	45 (H)	70 (I)	90 (J)
FY15	64%	76%	83%	83%	91%	94%	51%	70%	58%	71%
FY14	66%	77%	84%	86%	93%	95%	49%	68%	60%	71%
FY13	68%	81%	87%	86%	93%	96%	54%	72%	59%	70%
FY12	68%	83%	90%	87%	95%	97%	53%	71%	64%	75%
FY11	70%	85%	92%	86%	95%	98%	54%	72%	62%	74%
FY10	72%	87%	93%	88%	97%	99%	56%	75%	61%	73%
FY09	70%	86%	92%	91%	98%	99%	48%	67%	61%	74%
FY08	70%	86%	93%	94%	97%	98%	55%	75%	59%	75%
FY07	67%	84%	92%	93%	97%	98%	58%	76%	64%	78%
FY06	68%	85%	91%	87%	93%	96%	58%	76%	65%	76%

Column Key:

(G), (H) Includes only limited jurisdiction civil unlawful detainers.

Caseflow Management Data
 Stage of Case at Disposition — Civil
 Fiscal Year 2014–15

Superior Courts
 Data for Figure 21



Unlimited Civil

	Total Filings	Total Dispositions	Before Trial		After Trial		Trial de Novo
			Dismissal for Delay in Prosecution	Other Before Trial	By Jury	By Court	
STATEWIDE	192,761	179,509	13,064	127,060	1,235	34,752	3,398
	Dispositions Before Trial		140,124				
	Dispositions After Trial				3%	88%	9%

Limited Civil

	Total Filings	Total Dispositions	Before Trial		After Trial	
			Dismissal for Delay in Prosecution	Other Before Trial	By Jury	By Court
STATEWIDE	375,178	409,944	10,082	367,682	491	31,689
	Dispositions Before Trial		377,764			
	Dispositions After Trial				2%	98%

Small Claims

	Total Filings	Total Dispositions	Before Trial		After Trial
			Dismissal for Delay in Prosecution	Other Before Trial	
STATEWIDE	150,382	157,900	15,588	51,739	90,573
	Dispositions Before Trial		67,327		
	Dispositions After Trial		90,573		

Notes: Other Before Trial includes other dismissals and transfers, summary judgments and all other judgments before trial.

Criminal Filings, Dispositions, and Caseload Clearance Rate

Fiscal Years 2005–06 through 2014–15

Superior Courts

Data for Figures 22–31



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Fiscal year	Total Criminal (A)	Felonies (B)	Nontraffic		Traffic	
			Misdemeanors (C)	Infractions (D)	Misdemeanors (E)	Infractions (F)
Filings						
FY15	5,561,688	214,088	445,654	273,881	477,076	4,150,989
FY14	6,097,660	272,548	402,188	285,141	515,611	4,622,172
FY13	6,241,424	261,268	392,109	275,952	536,004	4,776,091
FY12	6,956,193	243,962	426,072	356,546	649,973	5,279,640
FY11	7,717,629	241,222	506,649	341,550	763,142	5,865,066
FY10	8,272,833	248,448	491,870	351,704	833,793	6,347,018
FY09	8,359,266	261,768	530,320	352,893	866,747	6,347,538
FY08	7,833,177	272,764	616,963	366,441	836,521	5,740,488
FY07	7,827,293	289,263	640,119	348,237	811,546	5,738,128
FY06	7,581,616	289,835	629,803	314,194	780,136	5,567,648
Dispositions						
FY15	5,119,511	223,339	356,943	200,807	400,343	3,938,079
FY14	5,406,279	254,291	336,781	196,310	404,812	4,214,085
FY13	5,185,043	240,797	322,481	222,426	417,237	3,982,102
FY12	6,017,929	226,272	371,562	313,170	500,651	4,606,274
FY11	6,832,311	228,587	398,068	304,600	541,625	5,359,431
FY10	7,116,253	238,751	429,715	321,855	591,713	5,534,219
FY09	7,082,731	235,399	444,480	291,589	612,022	5,499,241
FY08	6,553,253	210,035	511,238	368,005	555,829	4,908,146
FY07	6,452,279	216,701	531,267	343,268	555,960	4,805,083
FY06	6,378,088	227,305	545,980	289,052	565,930	4,749,821
Caseload Clearance Rate						
FY15	92%	104%	80%	73%	84%	95%
FY14	89%	93%	84%	69%	79%	91%
FY13	83%	92%	82%	81%	78%	83%
FY12	87%	93%	87%	88%	77%	87%
FY11	89%	95%	79%	89%	71%	91%
FY10	86%	96%	87%	92%	71%	87%
FY09	85%	90%	84%	83%	71%	87%
FY08	84%	77%	83%	100%	66%	86%
FY07	82%	75%	83%	99%	69%	84%
FY06	84%	78%	87%	92%	73%	85%

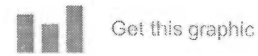
Column Key:

(A) Sum of B through F.

(B) Since 2001, a felony is counted as one filing and one disposition for each defendant throughout all stages of criminal proceedings. This change eliminated the double counting of defendants who were held to answer, certified on guilty pleas, or waived preliminary hearings, and it reduced the numbers of filings and dispositions reported.

Criminal Case Processing Time
Fiscal Years 2005–06 through 2014–15

Superior Courts
Data for Figures 32–34



Fiscal year	Felonies disposed of in less than 12 months (A)	Felonies resulting in bindovers or certified pleas in less than _ days			Misdemeanors disposed of in less than _ days		
		30 (B)	45 (C)	90 (D)	30 (E)	90 (F)	120 (G)
FY15	88%	45%	55%	71%	61%	77%	83%
FY14	88%	50%	60%	75%	61%	78%	83%
FY13	89%	49%	59%	75%	63%	79%	84%
FY12	88%	48%	58%	75%	64%	80%	85%
FY11	87%	46%	56%	72%	63%	79%	83%
FY10	87%	46%	57%	73%	62%	78%	83%
FY09	86%	47%	57%	72%	64%	80%	85%
FY08	89%	54%	63%	78%	70%	85%	88%
FY07	91%	57%	66%	80%	71%	86%	90%
FY06	91%	59%	68%	82%	72%	86%	90%

Column Key:

- (A) This column consists only of cases where defendants were held to answer or were certified on guilty pleas. Processing time is based on time from first appearance in limited jurisdiction court to final disposition.
- (B)–(D) Based on the time from filing of the initial complaint to certified plea, bindover, or dismissal at or before preliminary hearing.

Caseflow Management Data
Stage of Case at Disposition — Felony
 Fiscal Year 2014–15

Superior Courts
 Data for Figure 35



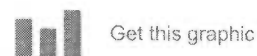
	Total Dispositions	Manner of Disposition		
		Felony convictions	Misdemeanor convictions	Acquittals, dismissals, and transfers
STATEWIDE	221,860	139,927	43,018	38,915

Stage of Disposition				
Before Trial	216,806	136,017	42,652	38,137
After Court Trial	276	198	34	44
After Jury Trial	4,778	3,712	332	734
Before Trial	98%	63%	20%	18%
After Court Trial	< 1%	72%	12%	16%
After Jury Trial	2%	78%	7%	15%

Note: Does not include disposition of felony petitions, which are reported only by JBSIS courts and are only classified as a disposition before hearing or after hearing.

Caseflow Management Data
 Stage of Case at Disposition — Misdemeanors and Infractions
 Fiscal Year 2014–15

Superior Courts
 Data for Figure 36



Nontraffic Misdemeanors

	Total Filings	Total Dispositions	Before Trial			After Trial	
			Bail Forfeitures	Guilty Pleas	Other	By Court	By Jury
STATEWIDE	445,654	356,943	4,891	221,660	127,661	969	1,776
Dispositions Before Trial		354,212	1%	63%	36%		
Dispositions After Trial		2,745				35%	65%

Traffic Misdemeanors

	Total Filings	Total Dispositions	Before Trial			After Trial	
			Bail Forfeitures	Guilty Pleas	Other	By Court	By Jury
STATEWIDE	477,076	400,343	21,635	296,152	78,265	3,169	1,125
Dispositions Before Trial		396,052	5%	75%	20%		
Dispositions After Trial		4,294				74%	26%

Nontraffic Infractions

	Total Filings	Total Dispositions	Before Trial			After Trial
			Bail Forfeitures	Guilty Pleas	Other	By Court
STATEWIDE	273,881	200,807	75,182	52,506	54,447	18,673
Dispositions Before Trial		182,135	41%	29%	30%	
Dispositions After Trial		18,673				

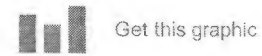
Traffic Infractions

	Total Filings	Total Dispositions	Before Trial			After Trial
			Bail Forfeitures	Guilty Pleas	Other	By Court
STATEWIDE	4,150,989	3,938,079	1,619,205	642,608	1,317,063	359,203
Dispositions Before Trial		3,578,876	45%	18%	37%	
Dispositions After Trial		359,203				

Notes: Other Before Trial includes transfers, dismissals and dismissal after diversion.

Family and Juvenile Filings, Dispositions, and Caseload Clearance Rate
Fiscal Years 2005–06 through 2014–15

Superior Courts
Data for Figures 37–44



Fiscal year	Family Law			Delinquency			Dependency		
	Total (A)	Marital (B)	Petitions (C)	Total (D)	Original (E)	Subsequent (F)	Total (G)	Original (H)	Subsequent (I)
Filings									
FY15	380,160	138,121	242,039	40,726	28,229	12,497	44,679	38,759	5,920
FY14	384,088	138,965	245,123	45,830	30,699	15,131	45,432	39,101	6,331
FY13	392,799	140,246	252,553	52,732	34,803	17,929	43,327	37,629	5,698
FY12	418,696	150,602	268,094	62,937	41,530	21,407	40,562	34,501	6,061
FY11	433,087	154,549	278,538	73,249	47,982	25,267	41,309	35,677	5,632
FY10	455,834	154,534	301,300	90,331	62,800	27,531	37,084	31,063	6,021
FY09	458,138	153,205	304,933	98,568	67,921	30,647	39,538	33,170	6,368
FY08	439,420	151,505	287,915	106,114	73,972	32,142	41,513	35,372	6,141
FY07	460,437	154,649	305,788	103,723	71,123	32,600	45,291	38,658	6,633
FY06	455,901	157,719	298,182	101,876	70,643	31,233	43,248	37,384	5,864
Dispositions									
FY15	340,777	135,812	204,965	38,376	27,500	10,876	32,190	30,605	1,585
FY14	344,990	137,691	207,299	41,955	28,154	13,801	30,491	28,824	1,667
FY13	359,567	139,934	219,633	48,356	30,541	17,815	30,021	28,609	1,412
FY12	377,726	138,739	238,987	55,338	35,594	19,744	30,714	28,892	1,822
FY11	387,004	150,932	236,072	63,933	40,299	23,634	33,028	30,900	2,128
FY10	384,848	144,628	240,220	80,156	54,142	26,014	29,849	27,866	1,983
FY09	389,785	161,129	228,656	88,845	60,029	28,816	32,655	30,318	2,337
FY08	340,238	127,654	212,584	93,578	64,153	29,425	33,611	31,825	1,786
FY07	376,279	130,170	246,109	87,604	58,871	28,733	37,420	35,599	1,821
FY06	364,680	124,239	240,441	79,336	53,170	26,166	34,422	32,635	1,787
Caseload clearance rate									
FY15	90%	98%	85%	94%	97%	87%	72%	79%	27%
FY14	90%	99%	85%	92%	92%	91%	67%	74%	26%
FY13	92%	100%	87%	92%	88%	99%	69%	76%	25%
FY12	90%	92%	89%	88%	86%	92%	76%	84%	30%
FY11	89%	98%	85%	87%	84%	94%	80%	87%	38%
FY10	84%	94%	80%	89%	86%	94%	80%	90%	33%
FY09	85%	105%	75%	90%	88%	94%	83%	91%	37%
FY08	77%	84%	74%	88%	87%	92%	81%	90%	29%
FY07	82%	84%	80%	84%	83%	88%	83%	92%	27%
FY06	80%	79%	81%	78%	75%	84%	80%	87%	30%

Column Key:

- (B) Includes dissolution, legal separation, and nullity.
- (C) Includes Department of Child Support Services (DCSS), domestic violence prevention, and other miscellaneous family law petitions.

**Probate, Mental Health, Appeals, Habeas Corpus
Filings, Dispositions, and Caseload Clearance Rate**
Fiscal Years 2005–06 through 2014–15

Superior Courts
Data for Figures 45–52



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Fiscal year	Probate (A)	Mental Health			Appeals			Habeas Corpus Criminal (H)
		Total (B)	Mental Health (C)	Other (D)	Total (E)	Civil (F)	Criminal (G)	
Filings								
FY15	44,456	29,718	22,588	7,130	5,064	1,389	3,675	7,898
FY14	44,298	27,813	21,584	6,229	4,489	1,196	3,293	7,410
FY13	41,533	25,475	19,642	5,833	5,224	1,656	3,568	8,411
FY12	40,921	24,364	18,638	5,726	5,559	1,759	3,800	10,376
FY11	40,988	22,121	17,177	4,944	5,731	1,888	3,843	10,184
FY10	42,214	16,866	12,623	4,243	5,013	1,296	3,717	8,915
FY09	43,879	16,620	12,859	3,761	5,096	1,398	3,698	8,757
FY08	45,713	17,230	13,364	3,866	4,500	1,225	3,275	8,313
FY07	48,277	17,941	14,115	3,826	4,245	1,246	2,999	8,324
FY06	49,898	16,274	13,763	2,511	4,052	1,322	2,730	6,558
Dispositions								
FY15	27,701	24,557	18,989	5,568	4,777	1,345	3,432	7,420
FY14	30,183	23,648	18,497	5,151	5,301	1,534	3,767	6,764
FY13	28,573	21,503	16,785	4,718	5,795	1,904	3,891	7,695
FY12	30,369	20,518	15,788	4,730	5,834	1,802	4,032	9,790
FY11	32,292	18,530	14,653	3,877	5,224	1,571	3,653	9,442
FY10	33,330	14,405	11,174	3,231	4,649	1,306	3,343	7,403
FY09	34,116	14,957	11,847	3,110	4,510	1,499	3,011	7,412
FY08	35,276	16,305	13,345	2,960	4,713	1,529	3,184	7,495
FY07	39,029	16,436	13,548	2,888	4,504	1,711	2,793	6,953
FY06	36,295	15,084	13,544	1,540	4,076	1,394	2,682	5,315
Caseload clearance								
FY15	62%	83%	84%	78%	94%	97%	93%	94%
FY14	68%	85%	86%	83%	118%	128%	114%	91%
FY13	69%	84%	85%	81%	111%	115%	109%	91%
FY12	74%	84%	85%	83%	105%	102%	106%	94%
FY11	79%	84%	85%	78%	91%	83%	95%	93%
FY10	79%	85%	89%	76%	93%	101%	90%	83%
FY09	78%	90%	92%	83%	89%	107%	81%	85%
FY08	77%	95%	100%	77%	105%	125%	97%	90%
FY07	81%	92%	96%	75%	106%	137%	93%	84%
FY06	73%	93%	98%	61%	101%	105%	98%	81%

Column Key:

- (C) Includes most types of mental health cases including but not limited to Postcertification Treatment (W&I 5300), LPS Conservatorship (W&I 5350), Narcotics Addict (W&I 3050/3051), Commitments (PC 2966), Mental Competency (PC 1368), Sexually Violent Predator (W&I 6600), Juvenile (W&I 1800), Mentally Retarded and Dangerous (W&I 6500), and Welf. & Inst. Code, § 4500.
- (D) Includes other mental health cases not included in (C) for JBSIS courts, and noncriminal habeas corpus reported by non-JBSIS courts.

Caseflow Management Data
Trials By Type of Proceeding
 Fiscal Years 2005–06 through 2014–15

Superior Courts
 Data for Figures 53–65



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Jury Trials

	Total (A)	Felony (B)	Misdemeanors (C)	PI/PD/WD Civil Unlimited (D)	Other Civil Unlimited (E)	Civil Limited (F)	Probate and Mental Health (G)
FY15	9,450	4,778	2,901	712	523	491	45
FY14	9,950	5,543	2,753	738	488	242	186
FY13	9,478	4,923	2,883	747	533	333	59
FY12	10,038	5,296	3,001	730	473	510	28
FY11	10,129	5,691	2,958	684	533	228	35
FY10	11,053	6,022	3,404	758	642	190	37
FY09	12,532	6,705	3,904	714	758	406	45
FY08	11,138	5,882	3,563	608	566	488	31
FY07	11,520	5,906	3,890	772	557	357	38
FY06	10,526	5,641	2,505	881	633	838	28

Court Trials

	Total (A)	Felony (B)	Misdemeanor and Infractions (C)	PI/PD/WD Civil Unlimited (D)	Other Civil Unlimited (E)	Civil Limited (F)	Probate and Mental Health (G)
FY15	479,719	276	382,014	763	33,989	31,689	30,988
FY14	474,719	606	377,309	831	31,699	31,651	32,623
FY13	472,035	600	362,435	938	33,245	44,491	30,326
FY12	535,288	677	421,903	1,354	33,789	47,340	30,225
FY11	528,656	592	415,601	2,185	34,570	45,089	30,619
FY10	479,329	725	378,169	1,954	23,445	47,643	27,393
FY09	443,442	711	343,731	1,078	19,147	50,036	28,739
FY08	520,779	1,088	434,677	913	14,283	41,374	28,444
FY07	503,909	567	411,878	1,092	13,812	45,125	31,435
FY06	476,967	678	381,089	873	13,365	50,487	30,475

Trial Court Workload and Resources
Judicial Positions and Use of Judicial Assistance
 Fiscal Years 2005–06 through 2014–15

Superior Courts
 Data for Figures 66–68



Fiscal year	Judicial positions					Judicial position equivalents (F)	Assessed Judicial Need (AJN) (G)
	Total (A)	Judges (B)	Subordinate judicial officers				
			Total (C)	Commissioners (D)	Referees (E)		
FY15	2,013	1,715	298	288	10	2,014	2,171
FY14	2,024	1,706	318	291	27	2,002	2,171
FY13	2,024	1,695	329	302	27	2,058	2,286
FY12	2,024	1,682	342	315	27	2,088	2,286
FY11	2,022	1,662	360	333	27	2,121	2,352
FY10	2,022	1,646	376	349	27	2,118	2,352
FY09	2,022	1,630	392	365	27	2,150	2,352
FY08	2,022	1,614	408	381	27	2,175	2,348
FY07	1,972	1,548	424	397	27	2,187	2,332
FY06	1,922	1,498	424	397	27	2,123	2,326

Column Key:

- (A) B + C.
- (B) The 50 new judgeships authorized but not funded by Assembly Bill 159, effective January 2008, are included in column B.
- (C) D + E. Total may not match exactly due to rounding caused by part-time commissioner and referee positions.
- (F) Reflects authorized judicial positions adjusted for vacancies, assistance rendered by the court to other courts, and assistance received by the court from assigned judges, temporary judges, commissioners, and referees. With the 50 new judgeships authorized by Assembly Bill 159 positions unfilled, pending funding approval by the Legislature, they are considered vacant and are excluded in column (F) in the same way as other judicial vacancies.
- (G) Represents the estimated number of judicial officers needed to handle the workload in the trial courts based on the Judicial Needs Assessment Project. The Judicial Needs Assessment Project was approved by the Judicial Council in 2001 as the methodology for evaluating judicial workload and the need for new judgeships. In 2004, the Judicial Council approved a minor change in the assessment methodology that uses a 3-year average filings data instead of using a single year. The AJN numbers are updated on a 2-year cycle in even-numbered years, and the values for FY 2014-15 represent the 2014 update that was presented to the Judicial Council at the December 2014 meeting.

Assistance Received and Rendered by Type of Court

Fiscal Years 2005–06 through 2014–15

Superior Courts

Data for Figure 69



Get this graphic

Days rendered by judge source

Fiscal year	Total (A)	Retired judges (B)	Court of Appeal justices (C)	Trial court judges (D)
Days received by all courts				
FY15	33,262	31,785	285	1,192
FY14	33,715	32,428	0	1,287
FY13	34,580	33,794	0	786
FY12	34,714	34,002	0	712
FY11	36,883	36,203	0	680
FY10	40,977	39,987	1	989
FY09	41,948	40,100	13	1,835
FY08	35,729	35,554	17	158
FY07	34,045	33,691	0	354
FY06	31,896	31,364	0	532
Days received by Courts of Appeal				
FY15	2,101	624	285	1,192
FY14	1,426	142	0	1,284
FY13	673	166	0	507
FY12	607	75	0	532
FY11	630	112	0	518
FY10	1,350	500	1	849
FY09	1,058	105	0	953
FY08	545	528	17	0
FY07	413	73	0	340
FY06	465	0	0	465
Days received by trial courts				
FY15	31,161	31,161	0	0
FY14	32,289	32,286	0	3
FY13	33,907	33,628	0	279
FY12	34,107	33,927	0	180
FY11	36,253	36,091	0	162
FY10	39,627	39,487	0	140
FY09	40,890	39,995	13	882
FY08	35,184	35,026	0	158
FY07	33,632	33,618	0	14
FY06	31,431	31,364	0	67

Column Key:

(A) Components may not add to total due to rounding. Includes only assistance rendered by judges through assignments. Does not include assistance rendered by commissioners, referees, and temporary judges.

APPENDIX G — County Tables

Caseloads and Judicial Positions, by County

Superior Courts

Fiscal Year 2014–15

Table 1

County	Authorized Judicial positions as of 06/30/15 (A)	Judicial position equivalents 2014–15 (B)	Filings			Dispositions		
			Total (C)	Per judicial position (D)	Rank (E)	Total (F)	Per judicial position equivalent (G)	Rank (H)
STATEWIDE	2,013.1	2,013.8	6,832,710	3,394		6,342,662	3,150	
Alameda	85.0	83.9	282,974	3,329	30	276,448	3,295	15
Alpine	2.3	2.3	(i) 1,674	(i) 728		(i) 1,483	(i) 643	
Amador	2.3	2.8	8,248	3,586	21	6,039	2,188	42
Butte	13.0	14.0	34,551	2,658	45	32,810	2,341	37
Calaveras	2.3	3.0	6,506	2,829	42	5,234	1,732	47
Colusa	2.3	2.4	9,697	4,216	10	6,779	2,867	27
Contra Costa	46.0	48.3	151,654	3,297	31	(i) 138,748	(i) 2,870	
Del Norte	2.8	3.3	8,799	3,143	38	12,073	3,623	9
El Dorado	9.0	10.9	22,463	2,496	48	23,897	2,193	41
Fresno	49.0	50.4	154,665	3,156	37	133,206	2,645	32
Glenn	2.3	2.4	10,113	4,397	8	10,227	4,210	5
Humboldt	8.0	8.7	26,747	3,343	29	25,671	2,942	24
Imperial	11.3	11.7	68,803	6,089	1	69,694	5,972	1
Inyo	2.3	2.8	10,211	4,440	7	9,808	3,508	13
Kern	43.0	44.1	198,248	4,610	5	174,372	3,950	7
Kings	8.6	9.4	35,225	4,096	12	(i) 9,167	(i) 972	
Lake	4.7	5.8	11,118	2,366	50	11,104	1,925	46
Lassen	2.3	2.9	8,009	3,482	22	6,949	2,392	36
Los Angeles	585.3	572.9	1,891,060	3,231	33	2,020,688	3,527	12
Madera	9.3	9.4	24,512	2,636	46	24,650	2,610	33
Marin	12.7	11.8	42,853	3,374	28	41,753	3,549	11
Mariposa	2.3	2.4	3,560	1,548	54	2,986	1,221	49
Mendocino	8.4	8.7	19,503	2,322	51	18,089	2,084	44
Merced	12.0	12.8	49,590	4,133	11	(i) 32,346	(i) 2,528	
Modoc	2.3	2.3	2,239	973	56	2,133	915	51
Mono	2.3	2.5	8,352	3,631	18	7,541	3,074	17
Monterey	21.2	21.9	68,203	3,217	35	64,741	2,961	22
Napa	8.0	8.5	21,672	2,709	44	22,832	2,677	31
Nevada	7.6	8.1	24,320	3,200	36	18,188	2,239	40
Orange	144.0	147.4	486,341	3,377	27	(i) 91,689	(i) 622	
Placer	14.5	16.3	45,299	3,124	39	(i) 16,438	(i) 1,011	
Plumas	2.3	2.4	3,642	1,583	53	3,169	1,316	48
Riverside	76.0	86.4	399,948	5,262	2	406,160	4,702	3
Sacramento	72.5	78.7	277,688	3,830	15	223,724	2,844	29
San Benito	2.3	2.6	7,928	3,447	24	7,575	2,952	23
San Bernardino	86.0	89.7	362,590	4,216	9	374,359	4,174	6
San Diego	154.0	151.9	534,398	3,470	23	596,297	3,924	8
San Francisco	55.9	59.0	225,633	4,036	13	177,339	3,004	21
San Joaquin	33.5	35.6	114,586	3,420	26	108,946	3,063	18
San Luis Obispo	15.0	15.9	51,332	3,422	25	47,926	3,018	19
San Mateo	33.0	33.3	154,739	4,689	3	157,004	4,720	2
Santa Barbara	24.0	26.1	95,844	3,994	14	87,975	3,366	14
Santa Clara	89.0	92.0	216,390	2,431	49	208,394	2,266	39
Santa Cruz	13.5	14.2	48,844	3,618	20	42,625	3,009	20
Shasta	12.0	13.4	43,469	3,622	19	38,290	2,858	28

Caseloads and Judicial Positions, by County
Fiscal Year 2014–15

Superior Courts
Table 1

County	Authorized Judicial positions as of 06/30/15 (A)	Judicial position equivalents 2014–15 (B)	Filings			Dispositions		
			Total (C)	Per judicial position (D)	Rank (E)	Total (F)	Per judicial position equivalent (G)	Rank (H)
STATEWIDE	2,013.1	2,013.8	6,832,710	3,394		6,342,662	3,150	
Sierra	2.3	2.4	835	363	57	705	295	52
Siskiyou	5.0	5.3	16,241	3,248	32	15,575	2,928	26
Solano	23.0	24.7	59,808	2,600	47	53,167	2,155	43
Sonoma	23.0	24.9	74,003	3,218	34	89,544	3,598	10
Stanislaus	24.0	24.6	66,832	2,785	43	60,710	2,469	34
Sutter	5.3	5.7	19,530	3,685	16	18,283	3,229	16
Tehama	4.3	4.6	19,666	4,542	6	10,643	2,296	38
Trinity	2.3	2.5	2,878	1,251	55	2,707	1,082	50
Tulare	23.0	25.1	84,063	3,655	17	73,876	2,940	25
Tuolumne	4.8	4.9	10,762	2,266	52	10,145	2,074	45
Ventura	33.0	35.5	152,495	4,621	4	162,977	4,592	4
Yolo	12.4	13.0	35,845	2,891	41	31,983	2,464	35
Yuba	5.3	5.3	15,512	2,910	40	14,781	2,773	30

Column Key:

- (A) Judicial positions include court commissioners and referees in addition to the number of judges authorized for the court. The 50 new judgeships authorized by Assembly Bill 159, effective January 2008, are still unfunded and are included in the statewide total but not shown in individual courts like in previous versions of the Court Statistics Report.
- (B) Reflects authorized judicial positions adjusted for vacancies, assistance rendered by the court to other courts, and assistance received by the court from assigned judges, temporary judges, commissioners, and referees.
- (D) C / A
- (G) F / B

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category. Ranks not computed for courts with missing or incomplete data.

Court Trials, by County and Type of Proceeding
Fiscal Year 2014–15

Superior Courts
Table 2

COUNTY	Total (A)	Felony (B)	Misdemeanor and Infractions (C)	PI/PD/WD	Other	Limited Civil (F)	Probate
				Unlimited Civil (D)	Unlimited Civil (E)		Mental Health and (G)
STATEWIDE	479,719	276	382,014	763	33,989	31,689	30,988
Alameda	11,408	3	7,666	15	2,702	385	637
Alpine	(i) 85	(i)	(i) 80	(i)	(i) 5	(i)	(i)
Amador	1,013	7	927	2	33	16	28
Butte	1,620	5	634	4	305	189	483
Calaveras	637	0	434	3	119	54	27
Colusa	148	1	138	0	0	2	7
Contra Costa	31,682	5	30,067	6	591	915	98
Del Norte	2,002	0	1,779	7	45	94	77
El Dorado	1,229	3	964	0	164	84	14
Fresno	3,392	10	924	33	134	1,244	1,047
Glenn	907	2	820	1	2	46	36
Humboldt	1,703	1	833	1	287	184	397
Imperial	9,208	0	8,878	3	174	144	9
Inyo	1,253	0	1,151	1	44	54	3
Kern	6,564	7	4,506	1	9	700	1,341
Kings	(i) 214	(i)	(i) 212	0	0	0	2
Lake	2,853	2	2,441	0	118	107	185
Lassen	98	1	80	0	1	6	10
Los Angeles	93,434	35	55,633	169	12,124	10,782	14,691
Madera	2,651	2	2,231	1	162	149	106
Marin	2,968	1	2,650	5	186	24	102
Mariposa	163	0	153	2	2	5	1
Mendocino	1,213	10	1,080	1	51	49	22
Merced	(i) 528	(i)	(i) 367	(i) 2	(i) 38	(i) 98	(i) 23
Modoc	233	0	213	0	15	4	1
Mono	372	9	354	0	7	1	1
Monterey	2,462	14	1,627	17	340	163	301
Napa	3,768	3	3,387	3	161	87	127
Nevada	760	2	605	1	102	36	14
Orange	4,619	6	(i)	28	2,312	2,273	0
Placer	(i) 301	4	(i) 41	3	107	139	7
Plumas	160	0	106	1	22	13	18
Riverside	46,650	10	41,719	30	2,159	2,287	445
Sacramento	12,222	0	7,415	132	1,761	2,210	704
San Benito	231	0	144	0	37	36	14
San Bernardino	26,079	7	22,345	15	261	2,677	774
San Diego	57,630	28	50,438	78	4,118	1,246	1,722
San Francisco	37,122	0	33,853	16	161	95	2,997
San Joaquin	5,864	0	3,693	20	670	1,272	209
San Luis Obispo	1,297	7	944	2	177	133	34
San Mateo	12,743	14	12,535	5	29	106	54
Santa Barbara	2,814	5	2,381	4	98	199	127
Santa Clara	26,994	7	22,965	6	1,424	786	1,806
Santa Cruz	1,685	2	1,214	2	294	120	53
Shasta	1,460	8	1,056	1	148	182	65

Court Trials, by County and Type of Proceeding
Fiscal Year 2014–15

Superior Courts
Table 2

COUNTY	Total (A)	Felony (B)	Misdemeanor and Infractions (C)	PI/PD/WD	Other	Limited Civil (F)	Probate
				Unlimited Civil (D)	Unlimited Civil (E)		and Mental Health (G)
STATEWIDE	479,719	276	382,014	763	33,989	31,689	30,988
Sierra	49	0	49	0	0	0	0
Siskiyou	752	1	657	1	38	52	3
Solano	2,443	3	1,718	1	206	452	63
Sonoma	17,363	9	16,340	5	448	106	455
Stanislaus	7,775	3	7,525	0	7	218	22
Sutter	1,845	0	1,436	10	229	117	53
Tehama	508	0	442	3	19	39	5
Trinity	130	5	38	0	60	15	12
Tulare	10,312	6	9,069	16	192	432	597
Tuolumne	1,498	0	1,296	0	104	56	42
Ventura	12,254	6	9,794	106	840	632	876
Yolo	1,573	0	1,431	0	58	45	39
Yuba	778	22	536	0	89	129	2

Column Key:

(B) Includes trials for defendants whose felony charges were reduced to misdemeanors before the start of trial.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Jury Trials, by County and Type of Proceeding
Fiscal Year 2014–15

Superior Courts
Table 3

COUNTY	Total (A)	Felony (B)	Misdemeanor (C)	PI/PD/WD Unlimited Civil (D)	Other Unlimited Civil (E)	Limited Civil (F)	Probate and Mental Health (G)
STATEWIDE	9,450	4,778	2,901	712	523	491	45
Alameda	159	56	60	24	11	8	0
Alpine	(i)	(i)	(i)	(i)	(i)	(i)	(i)
Amador	13	5	0	2	6	0	0
Butte	66	48	12	5	1	0	0
Calaveras	6	4	1	0	1	0	0
Colusa	4	0	3	0	1	0	0
Contra Costa	311	121	178	6	4	2	0
Del Norte	12	8	2	0	2	0	0
El Dorado	65	26	31	5	1	1	1
Fresno	126	57	46	12	7	4	0
Glenn	14	10	3	0	0	1	0
Humboldt	49	33	12	2	1	0	1
Imperial	35	15	15	5	0	0	0
Inyo	10	8	2	0	0	0	0
Kern	318	232	79	1	1	5	0
Kings	(i) 5	(i) 2	(i) 3	0	0	0	0
Lake	30	19	9	1	1	0	0
Lassen	8	5	3	0	0	0	0
Los Angeles	3,061	1,663	666	261	145	326	0
Madera	38	27	10	1	0	0	0
Marin	62	13	21	9	16	3	0
Mariposa	8	1	7	0	0	0	0
Mendocino	24	9	13	1	1	0	0
Merced	(i) 40	(i) 9	(i) 9	(i)	(i)	(i)	(i) 22
Modoc	4	1	3	0	0	0	0
Mono	4	2	0	0	2	0	0
Monterey	75	50	19	3	2	1	0
Napa	52	8	38	1	3	2	0
Nevada	14	1	9	0	4	0	0
Orange	544	368	(i)	87	75	14	0
Placer	89	25	36	13	14	1	0
Plumas	5	2	3	0	0	0	0
Riverside	500	326	128	22	15	8	1
Sacramento	296	261	6	14	11	4	0
San Benito	6	4	2	0	0	0	0
San Bernardino	583	233	272	41	18	10	9
San Diego	662	161	330	57	78	36	0
San Francisco	370	95	155	41	41	38	0
San Joaquin	130	61	37	17	9	4	2
San Luis Obispo	42	19	15	2	4	2	0
San Mateo	86	52	28	1	2	3	0
Santa Barbara	55	26	18	6	3	2	0
Santa Clara	227	122	78	9	13	1	4
Santa Cruz	50	16	26	6	2	0	0
Shasta	108	72	29	2	5	0	0

Jury Trials, by County and Type of Proceeding
Fiscal Year 2014–15

Superior Courts
Table 3

COUNTY	Total (A)	Felony (B)	Misdemeanor (C)	PI/PD/WD Unlimited Civil (D)	Other Unlimited Civil (E)	Limited Civil (F)	Probate and Mental Health (G)
STATEWIDE	9,450	4,778	2,901	712	523	491	45
Sierra	1	0	1	0	0	0	0
Siskiyou	17	10	4	2	1	0	0
Solano	135	78	49	3	4	0	1
Sonoma	82	25	37	10	7	0	3
Stanislaus	134	68	54	6	3	3	0
Sutter	23	19	0	1	3	0	0
Tehama	7	6	0	1	0	0	0
Trinity	6	3	2	0	0	1	0
Tulare	120	63	51	1	1	3	1
Tuolumne	62	31	28	3	0	0	0
Ventura	317	106	177	24	4	6	0
Yolo	165	81	80	2	0	2	0
Yuba	15	12	1	2	0	0	0

Column Key:

(B) Includes trials for defendants whose felony charges were reduced to misdemeanors before the start of trial.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Total Civil Filings, by County and Case Type
Fiscal Year 2014–15

Superior Courts
Table 4a

COUNTY	Total Civil (A)	Unlimited Civil					Limited Civil (G)	Small Claims (H)
		Total Unlimited Civil (B)	Motor Vehicle PI/PD/WD (C)	Other PI/PD/WD (D)	Other Civil Complaints & Petitions (E)	Small Claims Appeals (F)		
STATEWIDE	718,321	192,761	32,808	21,207	133,638	5,108	375,178	150,382
Alameda	24,385	8,721	1,234	851	6,445	191	10,830	4,834
Alpine	(i) 153	(i) 89	(i)	(i) 5	(i) 84	(i)	(i) 60	(i) 4
Amador	529	194	17	18	155	4	240	95
Butte	3,453	1,019	146	87	770	16	1,992	442
Calaveras	593	219	13	18	184	4	269	105
Colusa	180	51	8	4	38	1	109	20
Contra Costa	15,143	4,372	613	358	3,240	161	8,021	2,750
Del Norte	343	62	4	4	45	9	215	66
El Dorado	2,472	834	105	72	632	25	1,180	458
Fresno	16,719	4,210	811	410	2,908	81	9,923	2,586
Glenn	371	35	7	4	24	0	294	42
Humboldt	2,123	736	31	32	664	9	990	397
Imperial	2,260	582	68	53	446	15	1,213	465
Inyo	231	96	3	3	87	3	91	44
Kern	12,967	1,856	538	337	946	35	8,604	2,507
Kings	1,988	331	58	36	236	1	1,457	200
Lake	1,276	402	22	27	350	3	683	191
Lassen	420	110	1	8	101	0	208	102
Los Angeles	232,649	65,462	12,396	8,074	43,059	1,933	113,946	53,241
Madera	2,268	538	97	61	379	1	1,473	257
Marin	3,491	1,426	203	138	1,033	52	1,245	820
Mariposa	185	29	6	6	17	0	132	24
Mendocino	1,490	570	47	40	475	8	678	242
Merced	3,631	826	139	82	598	7	2,058	747
Modoc	128	50	2	2	46	0	44	34
Mono	173	81	3	10	61	7	50	42
Monterey	5,261	1,425	182	156	1,065	22	2,961	875
Napa	1,748	640	78	60	486	16	707	401
Nevada	1,209	411	42	43	312	14	509	289
Orange	56,424	16,295	2,766	1,818	11,380	331	26,298	13,831
Placer	4,957	1,808	335	170	1,245	58	2,187	962
Plumas	232	73	4	11	52	6	111	48
Riverside	42,738	9,992	1,433	1,012	7,308	239	23,038	9,708
Sacramento	53,818	7,717	1,719	804	5,035	159	41,143	4,958
San Benito	1,162	177	31	16	127	3	499	486
San Bernardino	48,143	9,339	1,456	958	6,679	246	25,527	13,277
San Diego	53,422	17,016	2,527	1,786	12,086	617	24,619	11,787
San Francisco	15,577	6,497	836	863	4,635	163	6,246	2,834
San Joaquin	12,553	2,811	546	267	1,951	47	7,386	2,356
San Luis Obispo	3,162	979	168	110	666	35	1,478	705
San Mateo	7,438	1,775	359	111	1,235	70	3,983	1,680
Santa Barbara	5,841	1,638	284	193	1,119	42	2,804	1,399
Santa Clara	20,293	6,760	1,110	570	4,913	167	9,382	4,151
Santa Cruz	3,259	1,026	107	86	791	42	1,478	755
Shasta	2,923	843	107	89	629	18	1,590	490

Total Civil Filings, by County and Case Type
Fiscal Year 2014–15

Superior Courts
Table 4a

COUNTY	Total Civil (A)	Unlimited Civil					Limited Civil (G)	Small Claims (H)
		Total Unlimited Civil (B)	Motor Vehicle PI/PD/WD (C)	Other PI/PD/WD (D)	Other Civil Complaints & Petitions (E)	Small Claims Appeals (F)		
		STATEWIDE	718,321	192,761	32,808	21,207		
Sierra	38	26	1	0	25	0	11	1
Siskiyou	704	197	7	21	167	2	433	74
Solano	7,381	1,816	287	157	1,318	54	4,425	1,140
Sonoma	6,403	2,121	309	236	1,535	41	3,086	1,196
Stanislaus	7,701	1,579	291	171	1,086	31	4,903	1,219
Sutter	1,449	475	96	31	341	7	747	227
Tehama	1,327	284	26	19	238	1	565	478
Trinity	244	118	4	1	112	1	87	39
Tulare	7,054	1,388	263	148	951	26	4,698	968
Tuolumne	927	290	26	29	235	0	348	289
Ventura	11,954	3,385	669	456	2,178	82	6,026	2,543
Yolo	2,193	656	119	51	485	1	1,166	371
Yuba	1,165	303	48	24	230	1	732	130

Column Key:

(B) Civil Unlimited includes columns (C)–(F.)

(E) Prior to the 2004 Court Statistics Report, this case type included miscellaneous family law petitions that are now reported in Table 11a.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Total Civil Dispositions, by County and Case Type
Fiscal Year 2014–15

Superior Courts
Table 4b

COUNTY	Total Civil (A)	Unlimited Civil				Small Claims Appeals (F)	Limited Civil (G)	Small Claims (H)
		Total Unlimited Civil (B)	Motor Vehicle PI/PD/WD (C)	Other PI/PD/WD (D)	Other Civil Complaints & Petitions (E)			
STATEWIDE	747,353	179,509	28,622	18,730	128,588	3,569	409,944	157,900
Alameda	23,780	8,263	1,279	839	6,127	18	10,695	4,822
Alpine	(i) 89	(i) 83	(i) 25	(i) 5	(i) 78	(i) 1	(i) 4	(i) 2
Amador	374	144	25	15	103	1	146	84
Butte	3,753	998	153	99	735	11	2,324	431
Calaveras	548	210	14	13	179	4	247	91
Colusa	150	40	8	2	30	0	93	17
Contra Costa	17,522	4,218	751	389	2,997	81	10,267	3,037
Del Norte	879	136	10	7	109	10	599	144
El Dorado	2,169	787	113	68	585	21	949	433
Fresno	13,899	3,852	840	417	2,544	51	7,488	2,559
Glenn	385	31	9	7	15	0	321	33
Humboldt	2,049	588	37	36	514	1	1,061	400
Imperial	2,634	574	67	55	438	14	1,603	457
Inyo	189	78	8	4	64	2	80	31
Kern	11,485	1,302	431	238	623	10	8,056	2,127
Kings	859	60	8	33	19	0	588	211
Lake	1,203	296	20	27	247	2	704	203
Lassen	452	109	4	7	98	0	206	137
Los Angeles	245,739	64,712	9,860	6,652	46,760	1,440	123,696	57,331
Madera	2,926	493	73	39	380	1	2,180	253
Marin	3,789	1,505	209	155	1,094	47	1,440	844
Mariposa	147	31	8	2	21	0	94	22
Mendocino	1,649	570	55	51	461	3	839	240
Merced	(i) 2,976	(i) 507	(i) 122	(i) 53	(i) 329	(i) 3	(i) 1,823	(i) 646
Modoc	111	44	1	2	41	0	38	29
Mono	181	87	2	6	74	5	40	54
Monterey	5,202	1,291	183	124	964	20	3,097	814
Napa	1,821	629	67	57	491	14	844	348
Nevada	1,106	382	57	21	275	29	474	250
Orange	61,763	16,994	2,576	1,916	12,157	345	31,148	13,621
Placer	4,803	1,709	322	202	1,135	50	2,192	902
Plumas	213	58	4	7	47	0	111	44
Riverside	47,373	9,453	1,220	887	7,204	142	26,295	11,625
Sacramento	52,206	6,032	1,535	636	3,734	127	40,975	5,199
San Benito	1,146	141	25	14	101	1	503	502
San Bernardino	50,068	7,562	1,358	941	5,031	232	29,150	13,356
San Diego	61,012	14,379	1,779	1,350	10,872	378	33,607	13,026
San Francisco	13,968	5,362	840	706	3,767	49	6,249	2,357
San Joaquin	12,404	2,536	470	266	1,775	25	8,178	1,690
San Luis Obispo	2,938	790	108	94	559	29	1,464	684
San Mateo	7,727	1,988	517	208	1,263	0	4,387	1,352
Santa Barbara	4,947	1,358	250	168	909	31	2,471	1,118
Santa Clara	19,087	5,658	969	520	4,102	67	9,626	3,803
Santa Cruz	3,491	992	108	67	782	35	1,678	821
Shasta	3,605	1,395	100	59	1,219	17	1,720	490

Total Civil Dispositions, by County and Case Type
Fiscal Year 2014–15

Superior Courts
Table 4b

COUNTY	Total Civil (A)	Unlimited Civil					Limited Civil (G)	Small Claims (H)
		Total Unlimited Civil (B)	Motor Vehicle PI/PD/WD (C)	Other PI/PD/WD (D)	Other Civil Complaints & Petitions (E)	Small Claims Appeals (F)		
STATEWIDE	747,353	179,509	28,622	18,730	128,588	3,569	409,944	157,900
Sierra	37	16	0	0	16	0	12	9
Siskiyou	493	160	11	17	131	1	260	73
Solano	8,583	1,335	264	132	836	103	5,973	1,275
Sonoma	6,983	2,172	335	254	1,554	29	3,563	1,248
Stanislaus	8,231	1,611	327	207	1,048	29	5,420	1,200
Sutter	1,551	525	110	34	373	8	829	197
Tehama	1,102	124	17	12	95	0	469	509
Trinity	205	97	5	2	90	0	73	35
Tulare	8,772	910	208	120	582	0	4,762	3,100
Tuolumne	838	261	27	29	204	1	326	251
Ventura	12,068	3,097	582	399	2,036	80	6,578	2,393
Yolo	2,465	468	88	37	342	1	1,148	849
Yuba	1,208	306	53	23	229	1	781	121

Column Key:

- (B) Civil Unlimited includes columns (C)–(F.)
- (E) Prior to the 2004 Court Statistics Report, this case type included miscellaneous family law petitions that are now reported in Table 11b.

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Total Civil—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 5a

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial		Trial de Novo (G)
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)	
STATEWIDE	718,321	747,353	38,734	546,481	1,726	157,014	3,398
Alameda	24,385	23,780	0	17,946	43	5,773	18
Alpine	(i) 153	(i) 89	0	82	0	7	0
Amador	529	374	3	227	8	135	1
Butte	3,453	3,753	0	2,994	6	742	11
Calaveras	593	548	13	280	1	252	2
Colusa	180	150	0	140	1	9	0
Contra Costa	15,143	17,522	483	13,538	12	3,410	79
Del Norte	343	879	61	563	2	243	10
El Dorado	2,472	2,169	25	1,580	7	538	19
Fresno	16,719	13,899	6	10,375	23	3,444	51
Glenn	371	385	0	308	1	76	0
Humboldt	2,123	2,049	104	1,121	3	820	1
Imperial	2,260	2,634	56	1,916	5	644	13
Inyo	231	189	0	60	0	129	0
Kern	12,967	11,485	1,041	8,616	7	1,811	10
Kings	1,988	859	4	690	0	165	0
Lake	1,276	1,203	48	836	2	317	0
Lassen	420	452	0	383	0	69	0
Los Angeles	232,649	245,739	13,923	177,691	732	51,953	1,440
Madera	2,268	2,926	66	2,379	1	480	0
Marin	3,491	3,789	13	3,004	28	697	47
Mariposa	185	147	0	121	0	26	0
Mendocino	1,490	1,649	112	1,251	2	281	3
Merced	3,631	(i) 2,976	90	2,218	0	665	3
Modoc	128	111	9	68	0	34	0
Mono	173	181	10	121	2	43	5
Monterey	5,261	5,202	171	4,029	6	980	16
Napa	1,748	1,821	37	1,301	6	465	12
Nevada	1,209	1,106	100	709	4	264	29
Orange	56,424	61,763	5,002	43,551	176	12,731	303
Placer	4,957	4,803	58	3,874	28	793	50
Plumas	232	213	11	146	0	56	0
Riverside	42,738	47,373	4,220	29,676	45	13,328	104
Sacramento	53,818	52,206	1,577	44,335	29	6,138	127
San Benito	1,162	1,146	1	934	0	210	1
San Bernardino	48,143	50,068	3,896	33,639	69	12,254	210
San Diego	53,422	61,012	3,762	44,215	171	12,486	378
San Francisco	15,577	13,968	180	11,363	120	2,256	49
San Joaquin	12,553	12,404	652	8,518	30	3,179	25
San Luis Obispo	3,162	2,938	105	1,907	8	893	25
San Mateo	7,438	7,727	0	6,676	6	1,045	0
Santa Barbara	5,841	4,947	90	3,756	11	1,060	30
Santa Clara	20,293	19,087	283	14,422	23	4,309	50
Santa Cruz	3,259	3,491	98	2,424	8	930	31
Shasta	2,923	3,605	2	2,925	7	654	17

Total Civil—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 5a

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial		Trial de Novo (G)
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)	
STATEWIDE	718,321	747,353	38,734	546,481	1,726	157,014	3,398
Sierra	38	37	17	20	0	0	0
Siskiyou	704	493	1	354	3	135	0
Solano	7,381	8,583	0	7,204	7	1,275	97
Sonoma	6,403	6,983	400	5,371	17	1,179	16
Stanislaus	7,701	8,231	849	6,135	12	1,207	28
Sutter	1,449	1,551	34	970	4	535	8
Tehama	1,327	1,102	1	787	1	313	0
Trinity	244	205	8	101	1	95	0
Tulare	7,054	8,772	176	7,344	5	1,247	0
Tuolumne	927	838	0	527	3	307	1
Ventura	11,954	12,068	347	8,358	34	3,252	77
Yolo	2,193	2,465	589	1,533	4	339	0
Yuba	1,165	1,208	0	869	2	336	1

Column Key:

- (C)–(G) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.
- (D) Includes transfers, dismissals, and judgments.
- (G) Data apply only to small claims appeals.

Notes:

- (j) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Unlimited Civil—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 5b

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial		Trial de Novo (G)
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)	
STATEWIDE	192,761	179,509	13,064	127,060	1,235	34,752	3,398
Alameda	8,721	8,263	0	5,493	35	2,717	18
Alpine	(i) 89	(i) 83	0	78	0	5	0
Amador	194	144	3	97	8	35	1
Butte	1,019	998	0	672	6	309	11
Calaveras	219	210	0	85	1	122	2
Colusa	51	40	0	39	1	0	0
Contra Costa	4,372	4,218	179	3,353	10	597	79
Del Norte	62	136	5	67	2	52	10
El Dorado	834	787	2	596	6	164	19
Fresno	4,210	3,852	2	3,613	19	167	51
Glenn	35	31	0	28	0	3	0
Humboldt	736	588	43	253	3	288	1
Imperial	582	574	9	370	5	177	13
Inyo	96	78	0	33	0	45	0
Kern	1,856	1,302	8	1,272	2	10	10
Kings	331	60	4	56	0	0	0
Lake	402	296	19	157	2	118	0
Lassen	110	109	0	108	0	1	0
Los Angeles	65,462	64,712	7,567	43,006	406	12,293	1,440
Madera	538	493	7	322	1	163	0
Marin	1,426	1,505	4	1,238	25	191	47
Mariposa	29	31	0	27	0	4	0
Mendocino	570	570	39	474	2	52	3
Merced	826	(i) 507	24	440	0	40	3
Modoc	50	44	8	21	0	15	0
Mono	81	87	2	71	2	7	5
Monterey	1,425	1,291	10	903	5	357	16
Napa	640	629	25	424	4	164	12
Nevada	411	382	32	214	4	103	29
Orange	16,295	16,994	650	13,539	162	2,340	303
Placer	1,808	1,709	7	1,515	27	110	50
Plumas	73	58	8	27	0	23	0
Riverside	9,992	9,453	1,250	5,873	37	2,189	104
Sacramento	7,717	6,032	155	3,832	25	1,893	127
San Benito	177	141	0	103	0	37	1
San Bernardino	9,339	7,562	701	6,316	59	276	210
San Diego	17,016	14,379	1,077	8,593	135	4,196	378
San Francisco	6,497	5,362	75	4,979	82	177	49
San Joaquin	2,811	2,536	229	1,566	26	690	25
San Luis Obispo	979	790	49	531	6	179	25
San Mateo	1,775	1,988	0	1,951	3	34	0
Santa Barbara	1,638	1,358	35	1,182	9	102	30
Santa Clara	6,760	5,658	123	4,033	22	1,430	50
Santa Cruz	1,026	992	4	653	8	296	31
Shasta	843	1,395	1	1,221	7	149	17

Unlimited Civil—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 5b

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial		Trial de Novo (G)
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)	
STATEWIDE	192,761	179,509	13,064	127,060	1,235	34,752	3,398
Sierra	26	16	7	9	0	0	0
Siskiyou	197	160	1	117	3	39	0
Solano	1,816	1,335	0	1,024	7	207	97
Sonoma	2,121	2,172	133	1,553	17	453	16
Stanislaus	1,579	1,611	502	1,065	9	7	28
Sutter	475	525	7	267	4	239	8
Tehama	284	124	0	101	1	22	0
Trinity	118	97	4	33	0	60	0
Tulare	1,388	910	3	697	2	208	0
Tuolumne	290	261	0	153	3	104	1
Ventura	3,385	3,097	51	1,995	28	946	77
Yolo	656	468	0	408	2	58	0
Yuba	303	306	0	214	2	89	1

Column Key:

- (C)–(G) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.
- (D) Includes transfers, dismissals, and judgments.
- (G) Data apply only to small claims appeals.

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Unlimited Civil: Motor Vehicle Personal Injury, Property Damage,
and Wrongful Death—Method of Disposition, by County

Superior Courts

Table 5c

Fiscal Year 2014–15

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	32,808	28,622	648	27,299	365	310
Alameda	1,234	1,279	0	1,261	14	4
Alpine	(i)	(i)	0	0	0	0
Amador	17	25	0	23	2	0
Butte	146	153	0	148	4	1
Calaveras	13	14	0	14	0	0
Colusa	8	8	0	8	0	0
Contra Costa	613	751	5	739	5	2
Del Norte	4	10	0	6	0	4
El Dorado	105	113	0	110	3	0
Fresno	811	840	0	810	8	22
Glenn	7	9	0	9	0	0
Humboldt	31	37	1	36	0	0
Imperial	68	67	2	63	1	1
Inyo	3	8	0	7	0	1
Kern	538	431	1	429	0	1
Kings	58	8	2	6	0	0
Lake	22	20	2	18	0	0
Lassen	1	4	0	4	0	0
Los Angeles	12,396	9,860	416	9,262	141	41
Madera	97	73	0	73	0	0
Marin	203	209	0	201	6	2
Mariposa	6	8	0	7	0	1
Mendocino	47	55	0	53	1	1
Merced	139	(i) 122	0	121	0	1
Modoc	2	1	0	1	0	0
Mono	3	2	0	2	0	0
Monterey	182	183	0	174	1	8
Napa	78	67	0	67	0	0
Nevada	42	57	1	55	0	1
Orange	2,766	2,576	19	2,502	46	9
Placer	335	322	0	313	8	1
Plumas	4	4	0	3	0	1
Riverside	1,433	1,220	23	1,181	11	5
Sacramento	1,719	1,535	31	1,414	10	80
San Benito	31	25	0	25	0	0
San Bernardino	1,456	1,358	46	1,284	23	5
San Diego	2,527	1,779	21	1,712	26	20
San Francisco	836	840	11	816	12	1
San Joaquin	546	470	5	447	7	11
San Luis Obispo	168	108	0	108	0	0
San Mateo	359	517	0	514	0	3
Santa Barbara	284	250	10	236	3	1
Santa Clara	1,110	969	0	963	5	1
Santa Cruz	107	108	0	105	3	0
Shasta	107	100	0	99	1	0

Unlimited Civil: Motor Vehicle Personal Injury, Property Damage,
and Wrongful Death—Method of Disposition, by County

Superior Courts

Table 5c

Fiscal Year 2014–15

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	32,808	28,622	648	27,299	365	310
Sierra	1	0	0	0	0	0
Siskiyou	7	11	0	10	0	1
Solano	287	264	0	264	0	0
Sonoma	309	335	6	320	6	3
Stanislaus	291	327	38	287	2	0
Sutter	96	110	2	103	0	5
Tehama	26	17	0	14	0	3
Trinity	4	5	0	5	0	0
Tulare	263	208	0	201	1	6
Tuolumne	26	27	0	25	2	0
Ventura	669	582	6	503	10	63
Yolo	119	88	0	86	2	0
Yuba	48	53	0	52	1	0

Column Key:

(C)–(F) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(D) Includes transfers, dismissals, and judgments.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Unlimited Civil: Other Personal Injury, Property Damage,
and Wrongful Death—Method of Disposition, by County

Superior Courts

Table 5d

Fiscal Year 2014–15

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	21,207	18,730	621	17,309	347	453
Alameda	851	839	0	818	10	11
Alpine	(i) 5	(i) 5	0	5	0	0
Amador	18	15	0	13	0	2
Butte	87	99	0	95	1	3
Calaveras	18	13	0	10	0	3
Colusa	4	2	0	2	0	0
Contra Costa	358	389	5	379	1	4
Del Norte	4	7	0	4	0	3
El Dorado	72	68	1	65	2	0
Fresno	410	417	0	402	4	11
Glenn	4	7	0	6	0	1
Humboldt	32	36	1	32	2	1
Imperial	53	55	3	46	4	2
Inyo	3	4	0	4	0	0
Kern	337	238	1	236	1	0
Kings	36	33	0	33	0	0
Lake	27	27	1	25	1	0
Lassen	8	7	0	7	0	0
Los Angeles	8,074	6,652	369	6,035	120	128
Madera	61	39	0	37	1	1
Marin	138	155	0	149	3	3
Mariposa	6	2	0	1	0	1
Mendocino	40	51	0	51	0	0
Merced	82	(i) 53	0	52	0	1
Modoc	2	2	0	2	0	0
Mono	10	6	0	6	0	0
Monterey	156	124	2	111	2	9
Napa	60	57	0	53	1	3
Nevada	43	21	2	19	0	0
Orange	1,818	1,916	11	1,845	41	19
Placer	170	202	0	195	5	2
Plumas	11	7	0	7	0	0
Riverside	1,012	887	23	828	11	25
Sacramento	804	636	39	541	4	52
San Benito	16	14	0	14	0	0
San Bernardino	958	941	50	863	18	10
San Diego	1,786	1,350	20	1,241	31	58
San Francisco	863	706	14	648	29	15
San Joaquin	267	266	8	239	10	9
San Luis Obispo	110	94	5	85	2	2
San Mateo	111	208	0	205	1	2
Santa Barbara	193	168	8	154	3	3
Santa Clara	570	520	0	511	4	5
Santa Cruz	86	67	0	62	3	2
Shasta	89	59	0	57	1	1

Unlimited Civil: Other Personal Injury, Property Damage,
and Wrongful Death—Method of Disposition, by County

Superior Courts

Table 5d

Fiscal Year 2014–15

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	21,207	18,730	621	17,309	347	453
Sierra	0	0	0	0	0	0
Siskiyou	21	17	0	15	2	0
Solano	157	132	0	128	3	1
Sonoma	236	254	9	239	4	2
Stanislaus	171	207	43	160	4	0
Sutter	31	34	2	26	1	5
Tehama	19	12	0	11	1	0
Trinity	1	2	0	2	0	0
Tulare	148	120	0	110	0	10
Tuolumne	29	29	0	28	1	0
Ventura	456	399	4	338	14	43
Yolo	51	37	0	37	0	0
Yuba	24	23	0	22	1	0

Column Key:

(C)–(F) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(D) Includes transfers, dismissals, and judgments.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

**Unlimited Civil: Other Civil Complaints and Petitions—
Method of Disposition, by County**
Fiscal Year 2014–15

Superior Courts
Table 5e

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	133,638	128,588	11,795	82,281	523	33,989
Alameda	6,445	6,127	0	3,414	11	2,702
Alpine	(i) 84	(i) 78	0	73	0	5
Amador	155	103	3	61	6	33
Butte	770	735	0	429	1	305
Calaveras	184	179	0	59	1	119
Colusa	38	30	0	29	1	0
Contra Costa	3,240	2,997	169	2,233	4	591
Del Norte	45	109	5	57	2	45
El Dorado	632	585	1	419	1	164
Fresno	2,908	2,544	2	2,401	7	134
Glenn	24	15	0	13	0	2
Humboldt	664	514	41	185	1	287
Imperial	446	438	4	260	0	174
Inyo	87	64	0	20	0	44
Kern	946	623	6	607	1	9
Kings	236	19	2	17	0	0
Lake	350	247	16	112	1	118
Lassen	101	98	0	97	0	1
Los Angeles	43,059	46,760	6,782	27,709	145	12,124
Madera	379	380	7	211	0	162
Marin	1,033	1,094	4	888	16	186
Mariposa	17	21	0	19	0	2
Mendocino	475	461	39	370	1	51
Merced	598	(i) 329	24	267	0	38
Modoc	46	41	8	18	0	15
Mono	61	74	2	63	2	7
Monterey	1,065	964	8	614	2	340
Napa	486	491	25	302	3	161
Nevada	312	275	29	140	4	102
Orange	11,380	12,157	620	9,150	75	2,312
Placer	1,245	1,135	7	1,007	14	107
Plumas	52	47	8	17	0	22
Riverside	7,308	7,204	1,204	3,826	15	2,159
Sacramento	5,035	3,734	85	1,877	11	1,761
San Benito	127	101	0	64	0	37
San Bernardino	6,679	5,031	605	4,147	18	261
San Diego	12,086	10,872	1,036	5,640	78	4,118
San Francisco	4,635	3,767	50	3,515	41	161
San Joaquin	1,951	1,775	216	880	9	670
San Luis Obispo	666	559	44	334	4	177
San Mateo	1,235	1,263	0	1,232	2	29
Santa Barbara	1,119	909	17	791	3	98
Santa Clara	4,913	4,102	123	2,542	13	1,424
Santa Cruz	791	782	4	482	2	294
Shasta	629	1,219	1	1,065	5	148

**Unlimited Civil: Other Civil Complaints and Petitions—
Method of Disposition, by County**

Superior Courts

Table 5e

Fiscal Year 2014–15

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	133,638	128,588	11,795	82,281	523	33,989
Sierra	25	16	7	9	0	0
Siskiyou	167	131	1	91	1	38
Solano	1,318	836	0	626	4	206
Sonoma	1,535	1,554	118	981	7	448
Stanislaus	1,086	1,048	421	617	3	7
Sutter	341	373	3	138	3	229
Tehama	238	95	0	76	0	19
Trinity	112	90	4	26	0	60
Tulare	951	582	3	386	1	192
Tuolumne	235	204	0	100	0	104
Ventura	2,178	2,036	41	1,151	4	840
Yolo	485	342	0	284	0	58
Yuba	230	229	0	140	0	89

Column Key:

(C)–(F) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(D) Includes transfers, dismissals, and judgments.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Small Claims Appeals—Stage of Case at Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 5f

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Trial de Novo (D)
STATEWIDE	5,108	3,569	171	3,398
Alameda	191	18	0	18
Alpine	(i)	(i)	0	0
Amador	4	1	0	1
Butte	16	11	0	11
Calaveras	4	4	2	2
Colusa	1	0	0	0
Contra Costa	161	81	2	79
Del Norte	9	10	0	10
El Dorado	25	21	2	19
Fresno	81	51	0	51
Glenn	0	0	0	0
Humboldt	9	1	0	1
Imperial	15	14	1	13
Inyo	3	2	2	0
Kern	35	10	0	10
Kings	1	0	0	0
Lake	3	2	2	0
Lassen	0	0	0	0
Los Angeles	1,933	1,440	0	1,440
Madera	1	1	1	0
Marin	52	47	0	47
Mariposa	0	0	0	0
Mendocino	8	3	0	3
Merced	7	(i) 3	0	3
Modoc	0	0	0	0
Mono	7	5	0	5
Monterey	22	20	4	16
Napa	16	14	2	12
Nevada	14	29	0	29
Orange	331	345	42	303
Placer	58	50	0	50
Plumas	6	0	0	0
Riverside	239	142	38	104
Sacramento	159	127	0	127
San Benito	3	1	0	1
San Bernardino	246	232	22	210
San Diego	617	378	0	378
San Francisco	163	49	0	49
San Joaquin	47	25	0	25
San Luis Obispo	35	29	4	25
San Mateo	70	0	0	0
Santa Barbara	42	31	1	30
Santa Clara	167	67	17	50
Santa Cruz	42	35	4	31
Shasta	18	17	0	17

Small Claims Appeals—Stage of Case at Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 5f

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Trial de Novo (D)
STATEWIDE	5,108	3,569	171	3,398
Sierra	0	0	0	0
Siskiyou	2	1	1	0
Solano	54	103	6	97
Sonoma	41	29	13	16
Stanislaus	31	29	1	28
Sutter	7	8	0	8
Tehama	1	0	0	0
Trinity	1	0	0	0
Tulare	26	0	0	0
Tuolumne	0	1	0	1
Ventura	82	80	3	77
Yolo	1	1	1	0
Yuba	1	1	0	1

Column Key:

- (C)–(D) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.
- (C) Data are available only for courts reporting data via the Judicial Branch Statistical Information System (JBSIS).

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Limited Civil—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 5g

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	375,178	409,944	10,082	367,682	491	31,689
Alameda	10,830	10,695	0	10,302	8	385
Alpine	(i) 60	(i) 4	0	4	0	0
Amador	240	146	0	130	0	16
Butte	1,992	2,324	0	2,135	0	189
Calaveras	269	247	13	180	0	54
Colusa	109	93	0	91	0	2
Contra Costa	8,021	10,267	95	9,255	2	915
Del Norte	215	599	23	482	0	94
El Dorado	1,180	949	8	856	1	84
Fresno	9,923	7,488	3	6,237	4	1,244
Glenn	294	321	0	274	1	46
Humboldt	990	1,061	58	819	0	184
Imperial	1,213	1,603	14	1,445	0	144
Inyo	91	80	0	26	0	54
Kern	8,604	8,056	474	6,877	5	700
Kings	1,457	588	0	588	0	0
Lake	683	704	4	593	0	107
Lassen	208	206	0	200	0	6
Los Angeles	113,946	123,696	5,073	107,515	326	10,782
Madera	1,473	2,180	38	1,993	0	149
Marin	1,245	1,440	6	1,407	3	24
Mariposa	132	94	0	89	0	5
Mendocino	678	839	44	746	0	49
Merced	2,058	(i) 1,823	5	1,720	0	98
Modoc	44	38	1	33	0	4
Mono	50	40	1	38	0	1
Monterey	2,961	3,097	19	2,914	1	163
Napa	707	844	11	744	2	87
Nevada	509	474	31	407	0	36
Orange	26,298	31,148	1,178	27,683	14	2,273
Placer	2,187	2,192	1	2,051	1	139
Plumas	111	111	1	97	0	13
Riverside	23,038	26,295	804	23,196	8	2,287
Sacramento	41,143	40,975	7	38,754	4	2,210
San Benito	499	503	0	467	0	36
San Bernardino	25,527	29,150	990	25,473	10	2,677
San Diego	24,619	33,607	239	32,086	36	1,246
San Francisco	6,246	6,249	105	6,011	38	95
San Joaquin	7,386	8,178	275	6,627	4	1,272
San Luis Obispo	1,478	1,464	53	1,276	2	133
San Mateo	3,983	4,387	0	4,278	3	106
Santa Barbara	2,804	2,471	35	2,235	2	199
Santa Clara	9,382	9,626	0	8,839	1	786
Santa Cruz	1,478	1,678	9	1,549	0	120
Shasta	1,590	1,720	1	1,537	0	182

Limited Civil—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 5g

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	375,178	409,944	10,082	367,682	491	31,689
Sierra	11	12	1	11	0	0
Siskiyou	433	260	0	208	0	52
Solano	4,425	5,973	0	5,521	0	452
Sonoma	3,086	3,563	42	3,415	0	106
Stanislaus	4,903	5,420	347	4,852	3	218
Sutter	747	829	27	685	0	117
Tehama	565	469	0	430	0	39
Trinity	87	73	0	57	1	15
Tulare	4,698	4,762	1	4,326	3	432
Tuolumne	348	326	0	270	0	56
Ventura	6,026	6,578	45	5,895	6	632
Yolo	1,166	1,148	0	1,101	2	45
Yuba	732	781	0	652	0	129

Column Key:

(C)–(F) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(D) Includes before- and after-hearing dismissals, transfers, and judgments.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Small Claims—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 5h

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial (E)
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	
STATEWIDE	150,382	157,900	15,588	51,739	90,573
Alameda	4,834	4,822	0	2,151	2,671
Alpine	(i) 4	(i) 2	0	0	2
Amador	95	84	0	0	84
Butte	442	431	0	187	244
Calaveras	105	91	0	15	76
Colusa	20	17	0	10	7
Contra Costa	2,750	3,037	209	930	1,898
Del Norte	66	144	33	14	97
El Dorado	458	433	15	128	290
Fresno	2,586	2,559	1	525	2,033
Glenn	42	33	0	6	27
Humboldt	397	400	3	49	348
Imperial	465	457	33	101	323
Inyo	44	31	0	1	30
Kern	2,507	2,127	559	467	1,101
Kings	200	211	0	46	165
Lake	191	203	25	86	92
Lassen	102	137	0	75	62
Los Angeles	53,241	57,331	1,283	27,170	28,878
Madera	257	253	21	64	168
Marin	820	844	3	359	482
Mariposa	24	22	0	5	17
Mendocino	242	240	29	31	180
Merced	747	(i) 646	61	58	527
Modoc	34	29	0	14	15
Mono	42	54	7	12	35
Monterey	875	814	142	212	460
Napa	401	348	1	133	214
Nevada	289	250	37	88	125
Orange	13,831	13,621	3,174	2,329	8,118
Placer	962	902	50	308	544
Plumas	48	44	2	22	20
Riverside	9,708	11,625	2,166	607	8,852
Sacramento	4,958	5,199	1,415	1,749	2,035
San Benito	486	502	1	364	137
San Bernardino	13,277	13,356	2,205	1,850	9,301
San Diego	11,787	13,026	2,446	3,536	7,044
San Francisco	2,834	2,357	0	373	1,984
San Joaquin	2,356	1,690	148	325	1,217
San Luis Obispo	705	684	3	100	581
San Mateo	1,680	1,352	0	447	905
Santa Barbara	1,399	1,118	20	339	759
Santa Clara	4,151	3,803	160	1,550	2,093
Santa Cruz	755	821	85	222	514
Shasta	490	490	0	167	323

Small Claims—Method of Disposition, by County

Fiscal Year 2014–15

Superior Courts

Table 5h

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial (E)
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	
STATEWIDE	150,382	157,900	15,588	51,739	90,573
Sierra	1	9	9	0	0
Siskiyou	74	73	0	29	44
Solano	1,140	1,275	0	659	616
Sonoma	1,196	1,248	225	403	620
Stanislaus	1,219	1,200	0	218	982
Sutter	227	197	0	18	179
Tehama	478	509	1	256	252
Trinity	39	35	4	11	20
Tulare	968	3,100	172	2,321	607
Tuolumne	289	251	0	104	147
Ventura	2,543	2,393	251	468	1,674
Yolo	371	849	589	24	236
Yuba	130	121	0	3	118

Column Key:

(C)–(E) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(D) Includes before- and after-hearing dismissals, transfers, and judgments.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Civil Case Processing Time, by County
Fiscal Year 2014–15

Superior Courts
Table 6a

COUNTY	General Unlimited Civil Disposed of in Less Than _ Months			Limited Civil Disposed of in Less Than _ Months			Unlawful Detainers Disposed of in Less Than _ Days		Small Claims Disposed of in Less Than _ Days	
	12	18	24	12	18	24	30	45	70	90
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)
STATEWIDE	64%	76%	83%	83%	91%	94%	51%	70%	58%	71%
Alameda	71%	84%	91%	71%	91%	96%	39%	52%	43%	63%
Alpine	—	—	—	—	—	—	0%	0%	—	—
Amador	—	—	—	—	—	—	—	—	—	—
Butte	55%	74%	88%	90%	97%	99%	62%	78%	64%	73%
Calaveras	77%	85%	90%	83%	92%	96%	39%	56%	59%	77%
Colusa	73%	85%	91%	98%	99%	99%	55%	66%	79%	79%
Contra Costa	68%	81%	91%	75%	88%	97%	47%	67%	46%	57%
Del Norte	—	—	—	—	—	—	—	—	—	—
El Dorado	69%	82%	88%	75%	90%	95%	30%	48%	11%	18%
Fresno	—	—	—	—	—	—	—	—	—	—
Glenn	78%	91%	95%	90%	99%	99%	61%	82%	73%	84%
Humboldt	74%	82%	88%	88%	95%	98%	46%	68%	70%	78%
Imperial	64%	72%	77%	85%	91%	93%	49%	65%	68%	74%
Inyo	79%	87%	91%	81%	90%	92%	48%	70%	58%	74%
Kern	76%	89%	94%	—	—	—	—	—	—	—
Kings	52%	68%	77%	81%	90%	93%	37%	63%	46%	60%
Lake	78%	85%	90%	84%	94%	98%	38%	60%	65%	75%
Lassen	87%	92%	94%	86%	95%	96%	60%	79%	58%	70%
Los Angeles	53%	74%	89%	81%	92%	97%	47%	72%	45%	76%
Madera	74%	85%	90%	88%	93%	97%	46%	68%	70%	79%
Marin	69%	82%	89%	82%	93%	96%	37%	49%	67%	79%
Mariposa	55%	65%	77%	80%	87%	90%	42%	58%	82%	95%
Mendocino	—	—	—	—	—	—	—	—	—	—
Merced	64%	75%	85%	77%	85%	92%	61%	81%	74%	81%
Modoc	87%	87%	90%	94%	100%	100%	50%	67%	79%	86%
Mono	58%	66%	75%	81%	93%	93%	64%	73%	20%	44%
Monterey	68%	80%	86%	80%	95%	98%	59%	78%	83%	88%
Napa	77%	89%	96%	83%	90%	93%	51%	67%	64%	78%
Nevada	83%	94%	97%	94%	97%	98%	39%	59%	69%	78%
Orange	69%	86%	94%	79%	94%	98%	56%	76%	49%	74%
Placer	—	—	—	—	—	—	—	—	—	—
Plumas	84%	91%	95%	94%	97%	99%	36%	62%	57%	84%
Riverside	74%	87%	93%	85%	97%	98%	55%	75%	60%	72%
Sacramento	57%	69%	82%	94%	96%	97%	100%	100%	56%	63%
San Benito	84%	95%	96%	90%	94%	96%	57%	75%	77%	82%
San Bernardino	62%	79%	88%	92%	98%	99%	58%	82%	64%	78%
San Diego	79%	90%	95%	56%	81%	90%	45%	69%	21%	26%
San Francisco	48%	74%	87%	81%	92%	95%	37%	59%	67%	74%
San Joaquin	68%	79%	86%	77%	84%	88%	43%	63%	12%	16%
San Luis Obispo	73%	86%	91%	80%	93%	97%	54%	71%	68%	74%
San Mateo	56%	77%	87%	69%	83%	90%	49%	64%	59%	73%
Santa Barbara	75%	89%	94%	86%	93%	96%	53%	72%	76%	86%
Santa Clara	68%	81%	89%	78%	88%	94%	65%	79%	53%	64%
Santa Cruz	79%	90%	94%	82%	96%	99%	48%	65%	59%	73%
Shasta	30%	37%	41%	93%	99%	100%	58%	76%	64%	74%

Civil Case Processing Time, by County
Fiscal Year 2014–15

Superior Courts
Table 6a

COUNTY	General Unlimited Civil Disposed of in Less Than _ Months			Limited Civil Disposed of in Less Than _ Months			Unlawful Detainers Disposed of in Less Than _ Days		Small Claims Disposed of in Less Than _ Days	
	12 (A)	18 (B)	24 (C)	12 (D)	18 (E)	24 (F)	30 (G)	45 (H)	70 (I)	90 (J)
STATEWIDE	64%	76%	83%	83%	91%	94%	51%	70%	58%	71%
Sierra	—	—	—	—	—	—	—	—	50%	75%
Siskiyou	83%	92%	94%	83%	88%	93%	42%	63%	53%	64%
Solano	71%	85%	93%	72%	85%	87%	38%	52%	55%	65%
Sonoma	76%	88%	92%	86%	96%	99%	65%	81%	64%	75%
Stanislaus	61%	75%	83%	79%	93%	95%	14%	34%	35%	60%
Sutter	73%	82%	89%	79%	86%	92%	63%	81%	79%	90%
Tehama	72%	87%	91%	83%	91%	95%	55%	69%	52%	65%
Trinity	84%	88%	92%	92%	97%	97%	41%	73%	60%	77%
Tulare	79%	90%	95%	82%	91%	94%	70%	88%	21%	24%
Tuolumne	81%	92%	95%	95%	98%	98%	58%	76%	52%	62%
Ventura	73%	88%	94%	86%	94%	96%	55%	75%	70%	78%
Yolo	69%	80%	88%	80%	96%	99%	55%	69%	17%	22%
Yuba	74%	82%	88%	85%	94%	95%	57%	72%	81%	93%

Column Key:
(G)–(H) Includes limited unlawful detainers only.

Note:
— The court did not submit a report in this category.

Total Criminal Filings, by County and Case Type
Fiscal Year 2014–15

Superior Courts
Table 7a

COUNTY	Total Criminal (A)	Nontraffic			Traffic	
		Felonies (B)	Misdemeanors (C)	Infractions (D)	Misdemeanors (E)	Infractions (F)
STATEWIDE	5,561,688	214,088	445,654	273,881	477,076	4,150,989
Alameda	240,885	6,900	13,033	8,271	8,374	204,307
Alpine	(i) 1,511	(i) 11	(i) 26	(i) 21	(i) 66	(i) 1,387
Amador	7,033	462	340	48	629	5,554
Butte	26,798	1,835	3,070	2,124	1,620	18,149
Calaveras	5,090	276	491	154	461	3,708
Colusa	9,198	263	306	23	402	8,204
Contra Costa	123,355	4,182	5,095	4,567	3,804	105,707
Del Norte	7,404	310	410	103	276	6,305
El Dorado	17,077	937	1,155	627	1,074	13,284
Fresno	120,603	8,345	11,965	1,815	24,303	74,175
Glenn	9,185	286	183	170	257	8,289
Humboldt	21,954	1,494	2,516	2,633	1,466	13,845
Imperial	62,098	1,630	2,771	654	2,206	54,837
Inyo	9,632	237	435	0	276	8,684
Kern	169,123	7,746	20,848	1,578	14,128	124,823
Kings	30,142	2,230	3,785	137	1,551	22,439
Lake	8,307	859	1,183	403	646	5,216
Lassen	6,845	419	430	40	467	5,489
Los Angeles	1,516,578	44,273	118,871	46,827	165,562	1,141,045
Madera	18,539	1,512	1,563	272	4,336	10,856
Marin	36,464	835	1,723	1,982	1,587	30,337
Mariposa	3,128	114	512	14	298	2,190
Mendocino	16,035	1,097	1,883	924	1,855	10,276
Merced	41,315	2,009	2,587	971	3,751	31,997
Modoc	1,807	103	248	15	137	1,304
Mono	8,067	79	781	425	528	6,254
Monterey	57,219	2,751	5,883	1,554	7,356	39,675
Napa	17,896	1,050	1,405	527	2,073	12,841
Nevada	21,861	529	1,341	992	1,595	17,404
Orange	393,875	13,284	34,469	10,918	37,330	297,874
Placer	35,236	2,019	2,863	425	2,702	27,227
Plumas	3,027	129	323	138	274	2,163
Riverside	319,280	13,543	21,827	5,216	20,044	258,650
Sacramento	198,907	9,840	11,542	23,316	26,141	128,068
San Benito	6,133	428	673	28	853	4,151
San Bernardino	274,756	15,956	36,283	8,627	35,749	178,141
San Diego	443,218	13,694	27,603	39,725	19,224	342,972
San Francisco	198,406	3,625	2,265	54,702	1,149	136,665
San Joaquin	90,139	5,136	8,826	3,596	20,122	52,459
San Luis Obispo	44,305	1,890	6,142	1,995	4,622	29,656
San Mateo	138,644	2,581	9,536	3,482	5,937	117,108
Santa Barbara	84,868	2,771	8,153	10,964	4,026	58,954
Santa Clara	179,705	7,950	18,884	9,560	15,663	127,648
Santa Cruz	42,446	1,926	3,428	9,152	2,529	25,411
Shasta	36,198	2,768	3,543	3,726	1,629	24,532

Total Criminal Filings, by County and Case Type
Fiscal Year 2014–15

Superior Courts
Table 7a

COUNTY	Total Criminal (A)	Felonies (B)	Nontraffic		Traffic	
			Misdemeanors (C)	Infractions (D)	Misdemeanors (E)	Infractions (F)
STATEWIDE	5,561,688	214,088	445,654	273,881	477,076	4,150,989
Sierra	747	27	77	21	40	582
Siskiyou	14,533	468	583	232	478	12,772
Solano	45,261	2,886	3,893	1,459	2,440	34,583
Sonoma	61,460	2,707	6,023	2,266	4,628	45,836
Stanislaus	50,162	4,734	5,168	713	5,844	33,703
Sutter	16,057	1,032	1,467	758	529	12,271
Tehama	16,825	896	1,322	202	1,657	12,748
Trinity	2,240	294	144	46	152	1,604
Tulare	69,169	4,090	9,018	1,189	4,035	50,837
Tuolumne	8,579	722	999	256	864	5,738
Ventura	128,768	3,411	10,137	2,540	3,943	108,737
Yolo	30,866	1,613	3,845	226	2,819	22,363
Yuba	12,729	894	1,779	532	569	8,955

Column Key:

(B) Since 2001, a felony is counted as one filing and one disposition for each defendant throughout all stages of criminal proceedings. This change eliminated double-counting of defendants who were held to answer, certified on guilty pleas, or waived preliminary hearings, and it reduced the numbers of filings and dispositions reported.

(B) This column also includes miscellaneous felony petitions reported only by JBSIS courts.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Total Criminal Dispositions, by County and Case Type
Fiscal Year 2014–15

Superior Courts
Table 7b

COUNTY	Total Criminal (A)	Nontraffic			Traffic	
		Felonies (B)	Misdemeanors (C)	Infractions (D)	Misdemeanors (E)	Infractions (F)
STATEWIDE	5,119,511	223,339	356,943	200,807	400,343	3,938,079
Alameda	236,832	8,321	12,035	5,256	7,919	203,301
Alpine	(i) 1,386	(i) 4	(i) 20	(i) 21	(i) 38	(i) 1,303
Amador	5,218	122	245	26	455	4,370
Butte	25,698	1,944	3,673	1,580	1,802	16,699
Calaveras	4,068	232	346	91	314	3,085
Colusa	6,397	154	377	18	631	5,217
Contra Costa	116,738	4,294	4,991	6,155	3,365	97,933
Del Norte	8,604	500	973	136	731	6,264
El Dorado	19,284	1,065	1,190	1,173	1,276	14,580
Fresno	102,596	10,500	10,001	1,615	13,926	66,554
Glenn	9,328	235	175	140	271	8,507
Humboldt	21,009	1,671	2,751	916	1,588	14,083
Imperial	61,785	1,728	2,654	703	2,176	54,524
Inyo	9,376	176	371	0	243	8,586
Kern	149,221	8,311	18,416	1,136	11,782	109,576
Kings	(i) 7,995	(i) 214	(i) 499	(i) 99	(i) 435	(i) 6,748
Lake	8,620	883	1,264	414	678	5,381
Lassen	5,791	359	364	43	471	4,554
Los Angeles	1,635,510	46,734	97,619	34,448	184,962	1,271,747
Madera	18,340	1,747	1,243	141	3,311	11,898
Marin	35,415	839	1,333	1,410	1,512	30,321
Mariposa	2,701	108	445	19	206	1,923
Mendocino	14,642	664	1,910	446	1,620	10,002
Merced	(i) 27,100	(i) 1,606	(i) 1,507	(i) 629	(i) 2,027	(i) 21,331
Modoc	1,834	108	226	37	129	1,334
Mono	7,221	142	503	410	471	5,695
Monterey	54,233	2,827	5,185	1,126	6,695	38,400
Napa	19,115	1,185	1,267	298	1,961	14,404
Nevada	16,091	486	995	580	1,180	12,850
Orange	13,175	13,175	(i)	(i)	(i)	(i)
Placer	(i) 7,562	2,794	2,636	319	1,813	(i)
Plumas	2,611	147	314	111	207	1,832
Riverside	322,623	15,168	15,304	6,269	17,107	268,775
Sacramento	148,336	10,590	8,786	3,553	4,579	120,828
San Benito	5,882	490	551	45	794	4,002
San Bernardino	288,559	14,530	31,958	24,070	26,154	191,847
San Diego	503,118	14,040	26,434	33,844	27,487	401,313
San Francisco	152,783	3,862	1,448	20,838	742	125,893
San Joaquin	86,240	5,422	8,164	3,512	12,124	57,018
San Luis Obispo	42,390	1,990	5,920	1,144	4,059	29,277
San Mateo	143,769	2,543	7,313	18,035	4,430	111,448
Santa Barbara	79,149	2,315	7,332	9,662	3,553	56,287
Santa Clara	175,440	9,086	15,377	5,604	10,760	134,613
Santa Cruz	36,251	2,032	3,656	5,412	2,578	22,573
Shasta	31,505	3,525	3,060	1,756	1,297	21,867

Total Criminal Dispositions, by County and Case Type
Fiscal Year 2014–15

Superior Courts
Table 7b

COUNTY	Total Criminal (A)	Felonies (B)	Nontraffic		Traffic	
			Misdemeanors (C)	Infractions (D)	Misdemeanors (E)	Infractions (F)
STATEWIDE	5,119,511	223,339	356,943	200,807	400,343	3,938,079
Sierra	618	23	85	18	23	469
Siskiyou	14,145	440	444	162	351	12,748
Solano	40,249	2,867	3,464	372	1,913	31,633
Sonoma	76,056	2,917	6,350	1,732	5,350	59,707
Stanislaus	46,198	5,238	3,128	528	3,301	34,003
Sutter	14,725	1,035	1,372	360	603	11,355
Tehama	8,597	443	276	34	536	7,308
Trinity	2,156	306	92	30	147	1,581
Tulare	58,430	4,327	7,444	1,375	4,241	41,043
Tuolumne	8,186	726	849	257	818	5,536
Ventura	139,504	3,680	17,864	2,232	10,478	105,250
Yolo	27,064	1,554	3,222	98	2,121	20,069
Yuba	12,042	915	1,522	369	602	8,634

Column Key:

(B) Since 2001, a felony is counted as one filing and one disposition for each defendant throughout all stages of criminal proceedings. This change eliminated double-counting of defendants who were held to answer, certified on guilty pleas, or waived preliminary hearings, and it reduced the numbers of filings and dispositions reported.

(B) This column also includes miscellaneous felony petitions reported only by JBSIS courts.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Felonies—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 8a

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial	
			Pleas of Guilty (C)	Other — Before Preliminary Hearing (D)	Other — After Preliminary Hearing (E)	By Court (F)	By Jury (G)
STATEWIDE	214,088	223,339	178,669	25,804	13,812	276	4,778
Alameda	6,900	8,321	4,518	1,766	1,978	3	56
Alpine	(i) 11	(i) 4	2	1	1	0	0
Amador	462	122	57	42	11	7	5
Butte	1,835	1,944	1,515	206	170	5	48
Calaveras	276	232	184	12	32	0	4
Colusa	263	154	92	47	14	1	0
Contra Costa	4,182	4,294	3,105	863	200	5	121
Del Norte	310	500	369	46	77	0	8
El Dorado	937	1,065	937	59	40	3	26
Fresno	8,345	10,500	8,810	1,373	250	10	57
Glenn	286	235	166	15	42	2	10
Humboldt	1,494	1,671	1,009	424	204	1	33
Imperial	1,630	1,728	1,230	191	292	0	15
Inyo	237	176	137	16	15	0	8
Kern	7,746	8,311	6,583	966	523	7	232
Kings	2,230	(i) 214	(i) 138	(i) 56	(i) 18	(i)	(i) 2
Lake	859	883	661	156	45	2	19
Lassen	419	359	253	5	95	1	5
Los Angeles	44,273	46,734	39,038	4,434	1,564	35	1,663
Madera	1,512	1,747	1,275	330	113	2	27
Marin	835	839	668	122	35	1	13
Mariposa	114	108	99	8	0	0	1
Mendocino	1,097	664	424	125	96	10	9
Merced	2,009	(i) 1,606	1,122	84	391	0	9
Modoc	103	108	59	37	11	0	1
Mono	79	142	79	25	27	9	2
Monterey	2,751	2,827	2,200	467	96	14	50
Napa	1,050	1,185	941	187	46	3	8
Nevada	529	486	366	92	25	2	1
Orange	13,284	13,175	10,863	1,474	464	6	368
Placer	2,019	2,794	2,278	432	55	4	25
Plumas	129	147	119	25	1	0	2
Riverside	13,543	15,168	13,800	657	375	10	326
Sacramento	9,840	10,590	8,619	1,348	362	0	261
San Benito	428	490	391	92	3	0	4
San Bernardino	15,956	14,530	12,340	1,387	563	7	233
San Diego	13,694	14,040	12,249	906	696	28	161
San Francisco	3,625	3,862	2,969	219	579	0	95
San Joaquin	5,136	5,422	4,150	1,024	187	0	61
San Luis Obispo	1,890	1,990	1,719	221	24	7	19
San Mateo	2,581	2,543	1,665	581	231	14	52
Santa Barbara	2,771	2,315	1,696	497	91	5	26
Santa Clara	7,950	9,086	7,823	1,005	129	7	122
Santa Cruz	1,926	2,032	1,471	419	124	2	16
Shasta	2,768	3,525	2,480	26	939	8	72

Felonies—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 8a

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial	
			Pleas of Guilty (C)	Other — Before Preliminary Hearing (D)	Other — After Preliminary Hearing (E)	By Court (F)	By Jury (G)
STATEWIDE	214,088	223,339	178,669	25,804	13,812	276	4,778
Sierra	27	23	9	10	4	0	0
Siskiyou	468	440	329	59	41	1	10
Solano	2,886	2,867	1,907	533	346	3	78
Sonoma	2,707	2,917	2,084	266	533	9	25
Stanislaus	4,734	5,238	3,289	1,109	769	3	68
Sutter	1,032	1,035	821	108	87	0	19
Tehama	896	443	318	78	41	0	6
Trinity	294	306	213	64	21	5	3
Tulare	4,090	4,327	3,695	450	113	6	63
Tuolumne	722	726	569	81	45	0	31
Ventura	3,411	3,680	3,087	148	333	6	106
Yolo	1,613	1,554	1,076	257	140	0	81
Yuba	894	915	603	173	105	22	12

Column Key:

- (B) Since 2001, a felony is counted as one filing and one disposition for each defendant throughout all stages of criminal proceedings. This change eliminated double-counting of defendants who were held to answer, certified on guilty pleas, or waived preliminary hearings, and it reduced the numbers of filings and dispositions reported.
- (B) This column also includes miscellaneous felony petitions reported only by JBSIS courts disposed before trial in columns (D) and (E.)
- (C)–(G) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.
- (C) Pleas of guilty before the start of trial. Includes felonies reduced to misdemeanors that subsequently went to trial.
- (D)–(E) Includes dismissals and transfers.
- (F) Includes trials for defendants whose felony charges were reduced to misdemeanors before the start of trial.

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Felonies—Dispositions, by Outcome and County
Fiscal Year 2014–15

Superior Courts
Table 8b

COUNTY	Total Filings (A)	Total Dispositions (B)	Felony Convictions (C)	Misdemeanor Convictions (D)	Acquittals and Dismissals (E)	Transfers (F)	Felony Petitions (G)
STATEWIDE	214,088	223,339	139,927	43,018	37,722	1,193	1,479
Alameda	6,900	8,321	2,934	1,635	3,752	0	--
Alpine	(i) 11	(i) 4	2	0	2	0	0
Amador	462	122	60	0	56	6	--
Butte	1,835	1,944	1,196	364	383	1	--
Calaveras	276	232	183	5	32	0	12
Colusa	263	154	88	4	62	0	--
Contra Costa	4,182	4,294	2,230	989	989	47	39
Del Norte	310	500	255	121	120	4	--
El Dorado	937	1,065	674	291	88	12	0
Fresno	8,345	10,500	5,274	3,592	1,582	52	--
Glenn	286	235	169	1	33	32	--
Humboldt	1,494	1,671	519	512	601	0	39
Imperial	1,630	1,728	939	303	403	1	82
Inyo	237	176	132	12	32	0	0
Kern	7,746	8,311	4,771	2,003	1,426	77	34
Kings	2,230	(i) 214	(i) 86	(i) 54	(i) 72	(i) 2	--
Lake	859	883	432	248	197	1	5
Lassen	419	359	255	4	81	3	16
Los Angeles	44,273	46,734	34,865	5,604	6,259	6	--
Madera	1,512	1,747	743	550	393	32	29
Marin	835	839	379	296	164	0	--
Mariposa	114	108	89	11	7	1	0
Mendocino	1,097	664	429	11	169	55	--
Merced	2,009	(i) 1,606	856	275	468	1	6
Modoc	103	108	24	36	47	1	0
Mono	79	142	54	36	52	0	--
Monterey	2,751	2,827	1,398	858	570	1	0
Napa	1,050	1,185	543	406	228	0	8
Nevada	529	486	201	168	117	0	--
Orange	13,284	13,175	6,070	5,117	1,665	67	256
Placer	2,019	2,794	1,638	666	490	0	--
Plumas	129	147	86	35	26	0	0
Riverside	13,543	15,168	10,586	3,522	839	117	104
Sacramento	9,840	10,590	7,208	1,629	1,753	0	0
San Benito	428	490	199	196	93	0	2
San Bernardino	15,956	14,530	12,525	0	1,946	29	30
San Diego	13,694	14,040	10,429	1,992	1,610	9	--
San Francisco	3,625	3,862	1,322	1,723	815	2	--
San Joaquin	5,136	5,422	4,198	8	1,123	93	--
San Luis Obispo	1,890	1,990	1,146	596	233	15	0
San Mateo	2,581	2,543	1,687	37	819	0	0
Santa Barbara	2,771	2,315	1,726	0	479	28	82
Santa Clara	7,950	9,086	5,258	2,683	934	97	114
Santa Cruz	1,926	2,032	1,197	289	535	11	--
Shasta	2,768	3,525	1,677	867	902	43	36

Felonies—Dispositions, by Outcome and County
Fiscal Year 2014–15

Superior Courts
Table 8b

COUNTY	Total Filings (A)	Total Dispositions (B)	Felony Convictions (C)	Misdemeanor Convictions (D)	Acquittals and Dismissals (E)	Transfers (F)	Felony Petitions (G)
STATEWIDE	214,088	223,339	139,927	43,018	37,722	1,193	1,479
Sierra	27	23	6	3	14	0	--
Siskiyou	468	440	298	40	66	3	33
Solano	2,886	2,867	1,362	608	799	98	--
Sonoma	2,707	2,917	1,629	484	290	21	493
Stanislaus	4,734	5,238	2,616	729	1,846	47	0
Sutter	1,032	1,035	570	267	163	35	0
Tehama	896	443	309	15	118	0	1
Trinity	294	306	85	134	78	9	0
Tulare	4,090	4,327	2,599	1,151	565	8	4
Tuolumne	722	726	411	182	122	0	11
Ventura	3,411	3,680	1,729	1,460	402	60	29
Yolo	1,613	1,554	1,086	60	372	22	14
Yuba	894	915	495	136	240	44	0

Column Key:

- (C)–(G) The purpose of this table is to provide a general summary of broad categories of dispositions in criminal proceedings and is not an exhaustive list of all possible dispositions in individual criminal cases. The table categorizes dismissals and acquittals together. The table does not specify the types or reasons for dismissal or acquittal, nor does it include other outcomes such as diversion programs, deferred entries of judgment, or dismissals resulting from pursuit of supervision revocations in lieu of formal convictions.
- (C)–(G) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.
- (D) Defendants convicted of one or more misdemeanors but not convicted of a felony.
- (G) Disposition of felony petitions are reported only by JBSIS courts and are only classified as a disposition before hearing or after hearing.

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Nontraffic Misdemeanors—Method of Disposition, by County

Superior Courts

Fiscal Year 2014–15

Table 9a

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial	
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)	By Jury (G)
STATEWIDE	445,654	356,943	4,891	221,660	127,661	969	1,776
Alameda	13,033	12,035	63	6,039	5,839	58	36
Alpine	(i) 26	(i) 20	8	7	5	0	0
Amador	340	245	0	156	85	4	0
Butte	3,070	3,673	2	1,961	1,690	9	11
Calaveras	491	346	7	228	111	0	0
Colusa	306	377	16	249	109	1	2
Contra Costa	5,095	4,991	0	3,136	1,722	7	126
Del Norte	410	973	0	753	177	41	2
El Dorado	1,155	1,190	4	813	354	4	15
Fresno	11,965	10,001	0	3,236	6,748	1	16
Glenn	183	175	0	144	30	0	1
Humboldt	2,516	2,751	2	1,051	1,688	3	7
Imperial	2,771	2,654	16	1,332	1,291	5	10
Inyo	435	371	5	268	94	2	2
Kern	20,848	18,416	0	11,219	7,144	9	44
Kings	3,785	(i) 499	(i)	(i) 311	(i) 187	(i)	(i) 1
Lake	1,183	1,264	0	639	617	2	6
Lassen	430	364	5	205	152	0	2
Los Angeles	118,871	97,619	2,080	68,513	26,215	353	458
Madera	1,563	1,243	0	827	410	2	4
Marin	1,723	1,333	0	743	581	4	5
Mariposa	512	445	52	277	105	6	5
Mendocino	1,883	1,910	0	1,432	465	4	9
Merced	2,587	(i) 1,507	18	803	685	0	5
Modoc	248	226	0	110	114	0	2
Mono	781	503	274	146	79	4	0
Monterey	5,883	5,185	0	3,607	1,559	10	9
Napa	1,405	1,267	0	788	453	3	23
Nevada	1,341	995	2	646	338	6	3
Orange	34,469	(i)	(i)	(i)	(i)	(i)	(i)
Placer	2,863	2,636	0	1,277	1,337	1	21
Plumas	323	314	7	232	71	2	2
Riverside	21,827	15,304	26	10,094	5,121	8	55
Sacramento	11,542	8,786	0	5,652	3,092	39	3
San Benito	673	551	0	375	174	1	1
San Bernardino	36,283	31,958	8	18,650	13,095	32	173
San Diego	27,603	26,434	1,945	17,423	6,864	25	177
San Francisco	2,265	1,448	3	691	624	40	90
San Joaquin	8,826	8,164	49	5,433	2,596	55	31
San Luis Obispo	6,142	5,920	87	3,481	2,347	6	8
San Mateo	9,536	7,313	0	5,026	2,223	41	23
Santa Barbara	8,153	7,332	1	4,098	3,218	5	10
Santa Clara	18,884	15,377	27	10,358	4,935	4	53
Santa Cruz	3,428	3,656	4	2,444	1,175	19	14
Shasta	3,543	3,060	0	1,314	1,725	3	18

Nontraffic Misdemeanors—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 9a

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial	
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)	By Jury (G)
STATEWIDE	445,654	356,943	4,891	221,660	127,661	969	1,776
Sierra	77	85	2	30	52	0	1
Siskiyou	583	444	1	282	159	0	2
Solano	3,893	3,464	9	1,210	2,202	10	33
Sonoma	6,023	6,350	3	4,168	2,145	7	27
Stanislaus	5,168	3,128	5	2,110	964	11	38
Sutter	1,467	1,372	5	846	510	11	0
Tehama	1,322	276	15	87	172	3	0
Trinity	144	92	1	50	40	0	1
Tulare	9,018	7,444	0	6,427	980	6	31
Tuolumne	999	849	2	627	161	46	13
Ventura	10,137	17,864	97	7,550	10,117	13	87
Yolo	3,845	3,222	38	1,255	1,853	17	59
Yuba	1,779	1,522	2	831	662	26	1

Column Key:

(C)–(G) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(E) Other Before Trial includes transfers, dismissal, and dismissals after diversion.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Nontraffic Infractions—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 9b

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)
STATEWIDE	273,881	200,807	75,182	52,506	54,447	18,673
Alameda	8,271	5,256	1,256	2,216	1,543	241
Alpine	(i) 21	(i) 21	17	2	2	0
Amador	48	26	5	6	4	11
Butte	2,124	1,580	357	440	648	135
Calaveras	154	91	49	24	18	0
Colusa	23	18	1	15	2	0
Contra Costa	4,567	6,155	1,103	664	4,175	213
Del Norte	103	136	76	26	31	3
El Dorado	627	1,173	1,040	0	102	31
Fresno	1,815	1,615	48	1,008	546	13
Glenn	170	140	22	52	49	17
Humboldt	2,633	916	394	127	359	36
Imperial	654	703	157	300	174	72
Inyo	0	0	0	0	0	0
Kern	1,578	1,136	222	487	376	51
Kings	137	(i) 99	(i)	(i) 59	(i) 20	(i) 20
Lake	403	414	238	126	16	34
Lassen	40	43	23	16	4	0
Los Angeles	46,827	34,448	10,809	10,879	11,885	875
Madera	272	141	78	28	31	4
Marin	1,982	1,410	972	77	92	269
Mariposa	14	19	17	0	0	2
Mendocino	924	446	176	100	156	14
Merced	971	(i) 629	44	416	162	7
Modoc	15	37	4	26	6	1
Mono	425	410	313	16	32	49
Monterey	1,554	1,126	514	225	347	40
Napa	527	298	182	21	70	25
Nevada	992	580	394	89	75	22
Orange	10,918	(i)	(i)	(i)	(i)	(i)
Placer	425	319	0	191	89	39
Plumas	138	111	54	15	27	15
Riverside	5,216	6,269	4,628	0	1,518	123
Sacramento	23,316	3,553	1,623	1,100	346	484
San Benito	28	45	0	37	4	4
San Bernardino	8,627	24,070	14,174	0	7,324	2,572
San Diego	39,725	33,844	16,067	9,106	6,531	2,140
San Francisco	54,702	20,838	5,137	2,227	3,764	9,710
San Joaquin	3,596	3,512	300	726	2,181	305
San Luis Obispo	1,995	1,144	226	524	363	32
San Mateo	3,482	18,035	4,477	12,033	1,391	134
Santa Barbara	10,964	9,662	1,653	2,497	5,399	113
Santa Clara	9,560	5,604	2,842	1,189	1,405	168
Santa Cruz	9,152	5,412	3,338	1,298	644	132
Shasta	3,726	1,756	262	478	962	54

Nontraffic Infractions—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 9b

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)
STATEWIDE	273,881	200,807	75,182	52,506	54,447	18,673
Sierra	21	18	7	4	7	0
Siskiyou	232	162	39	87	15	21
Solano	1,459	372	0	176	166	30
Sonoma	2,266	1,732	961	418	320	33
Stanislaus	713	528	62	215	233	18
Sutter	758	360	108	162	28	62
Tehama	202	34	16	4	4	10
Trinity	46	30	22	1	6	1
Tulare	1,189	1,375	38	1,041	177	119
Tuolumne	256	257	40	124	31	62
Ventura	2,540	2,232	549	1,158	466	59
Yolo	226	98	5	67	20	6
Yuba	532	369	43	183	101	42

Column Key:

(C)–(F) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(E) Other Before Trial includes transfers, dismissal, and dismissals after diversion.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Traffic Misdemeanors—Method of Disposition, by County

Superior Courts

Fiscal Year 2014–15

Table 9c

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial	
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)	By Jury (G)
STATEWIDE	477,076	400,343	21,635	296,152	78,265	3,169	1,125
Alameda	8,374	7,919	394	5,993	1,394	114	24
Alpine	(i) 66	(i) 38	22	13	3	0	0
Amador	629	455	0	357	93	5	0
Butte	1,620	1,802	6	1,345	444	6	1
Calaveras	461	314	5	279	28	1	1
Colusa	402	631	190	390	49	1	1
Contra Costa	3,804	3,365	0	2,841	466	6	52
Del Norte	276	731	0	632	87	12	0
El Dorado	1,074	1,276	35	949	273	3	16
Fresno	24,303	13,926	2,117	6,903	4,861	15	30
Glenn	257	271	0	252	15	2	2
Humboldt	1,466	1,588	0	1,070	510	3	5
Imperial	2,206	2,176	1	646	1,518	6	5
Inyo	276	243	10	224	7	2	0
Kern	14,128	11,782	0	9,609	2,128	10	35
Kings	1,551	(i) 435	(i)	(i) 396	(i) 37	(i)	(i) 2
Lake	646	678	0	497	176	2	3
Lassen	467	471	87	310	73	0	1
Los Angeles	165,562	184,962	4,719	150,581	27,202	2,252	208
Madera	4,336	3,311	0	2,750	550	5	6
Marin	1,587	1,512	0	1,243	247	6	16
Mariposa	298	206	29	154	20	1	2
Mendocino	1,855	1,620	32	1,159	419	6	4
Merced	3,751	(i) 2,027	589	573	858	3	4
Modoc	137	129	2	104	21	1	1
Mono	528	471	152	190	128	1	0
Monterey	7,356	6,695	46	5,744	872	23	10
Napa	2,073	1,961	0	1,569	372	5	15
Nevada	1,595	1,180	44	878	213	39	6
Orange	37,330	(i)	(i)	(i)	(i)	(i)	(i)
Placer	2,702	1,813	0	1,490	307	1	15
Plumas	274	207	15	150	37	4	1
Riverside	20,044	17,107	30	12,215	4,779	10	73
Sacramento	26,141	4,579	0	3,734	842	0	3
San Benito	853	794	1	719	71	2	1
San Bernardino	35,749	26,154	20	16,951	9,007	77	99
San Diego	19,224	27,487	9,861	14,876	2,559	38	153
San Francisco	1,149	742	0	612	63	2	65
San Joaquin	20,122	12,124	1,341	6,265	4,212	300	6
San Luis Obispo	4,622	4,059	436	3,251	354	14	7
San Mateo	5,937	4,430	0	3,977	442	6	5
Santa Barbara	4,026	3,553	0	3,175	364	6	8
Santa Clara	15,663	10,760	1,236	8,279	1,214	6	25
Santa Cruz	2,529	2,578	1	2,056	493	16	12
Shasta	1,629	1,297	0	1,150	136	0	11

Traffic Misdemeanors—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 9c

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial	
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)	By Jury (G)
STATEWIDE	477,076	400,343	21,635	296,152	78,265	3,169	1,125
Sierra	40	23	0	9	14	0	0
Siskiyou	478	351	1	311	37	0	2
Solano	2,440	1,913	1	1,486	405	5	16
Sonoma	4,628	5,350	0	4,517	820	3	10
Stanislaus	5,844	3,301	146	1,904	1,198	37	16
Sutter	529	603	11	518	64	10	0
Tehama	1,657	536	30	418	80	8	0
Trinity	152	147	0	115	31	0	1
Tulare	4,035	4,241	3	3,946	269	3	20
Tuolumne	864	818	1	695	52	55	15
Ventura	3,943	10,478	11	3,755	6,611	11	90
Yolo	2,819	2,121	5	1,445	635	15	21
Yuba	569	602	5	482	105	10	0

Column Key:

- (C)–(G) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.
- (E) Other Before Trial includes transfers, dismissal, and dismissals after diversion.

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Traffic Infractions—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 9d

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)
STATEWIDE	4,150,989	3,938,079	1,619,205	642,608	1,317,063	359,203
Alameda	204,307	203,301	65,184	80,291	50,573	7,253
Alpine	(i) 1,387	(i) 1,303	1,200	14	9	80
Amador	5,554	4,370	1,309	278	1,876	907
Butte	18,149	16,699	6,873	950	8,392	484
Calaveras	3,708	3,085	872	96	1,684	433
Colusa	8,204	5,217	3,418	352	1,311	136
Contra Costa	105,707	97,933	42,578	13,739	11,775	29,841
Del Norte	6,305	6,264	3,135	718	688	1,723
El Dorado	13,284	14,580	9,263	642	3,749	926
Fresno	74,175	66,554	30,842	7,305	27,512	895
Glenn	8,289	8,507	3,865	1,114	2,727	801
Humboldt	13,845	14,083	10,369	372	2,551	791
Imperial	54,837	54,524	32,401	1,361	11,967	8,795
Inyo	8,684	8,586	7,302	64	73	1,147
Kern	124,823	109,576	59,561	26,773	18,806	4,436
Kings	22,439	(i) 6,748	(i) 5,276	(i) 813	(i) 467	(i) 192
Lake	5,216	5,381	2,191	247	540	2,403
Lassen	5,489	4,554	2,946	79	1,449	80
Los Angeles	1,141,045	1,271,747	394,964	286,281	538,349	52,153
Madera	10,856	11,898	7,217	51	2,410	2,220
Marin	30,337	30,321	19,311	516	8,123	2,371
Mariposa	2,190	1,923	1,703	50	26	144
Mendocino	10,276	10,002	6,320	633	1,993	1,056
Merced	31,997	(i) 21,331	10,872	5,601	4,501	357
Modoc	1,304	1,334	986	8	129	211
Mono	6,254	5,695	2,520	100	2,775	300
Monterey	39,675	38,400	28,543	833	7,470	1,554
Napa	12,841	14,404	8,899	166	1,985	3,354
Nevada	17,404	12,850	7,731	1,184	3,397	538
Orange	297,874	(i)	(i)	(i)	(i)	(i)
Placer	27,227	(i)	(i)	(i)	(i)	(i)
Plumas	2,163	1,832	1,366	76	305	85
Riverside	258,650	268,775	132,587	8,490	86,120	41,578
Sacramento	128,068	120,828	61,613	30,554	21,769	6,892
San Benito	4,151	4,002	2,327	379	1,159	137
San Bernardino	178,141	191,847	58,112	22,462	91,609	19,664
San Diego	342,972	401,313	172,287	51,348	129,443	48,235
San Francisco	136,665	125,893	38,002	13,563	50,227	24,101
San Joaquin	52,459	57,018	36,505	15,013	2,467	3,033
San Luis Obispo	29,656	29,277	16,495	3,013	8,877	892
San Mateo	117,108	111,448	37,813	7,913	53,368	12,354
Santa Barbara	58,954	56,287	19,777	5,908	28,345	2,257
Santa Clara	127,648	134,613	65,079	9,778	36,969	22,787
Santa Cruz	25,411	22,573	8,905	2,903	9,718	1,047
Shasta	24,532	21,867	10,248	6,134	4,486	999

Traffic Infractions—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 9d

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)
STATEWIDE	4,150,989	3,938,079	1,619,205	642,608	1,317,063	359,203
Sierra	582	469	376	4	40	49
Siskiyou	12,772	12,748	9,849	1,034	1,229	636
Solano	34,583	31,633	19,265	5,709	4,986	1,673
Sonoma	45,836	59,707	32,360	3,950	7,100	16,297
Stanislaus	33,703	34,003	9,580	6,734	10,230	7,459
Sutter	12,271	11,355	6,119	2,251	1,632	1,353
Tehama	12,748	7,308	4,496	3	2,388	421
Trinity	1,604	1,581	1,195	31	318	37
Tulare	50,837	41,043	23,404	1,650	7,048	8,941
Tuolumne	5,738	5,536	2,918	355	1,130	1,133
Ventura	108,737	105,250	62,989	6,482	26,068	9,711
Yolo	22,363	20,069	5,475	3,391	9,810	1,393
Yuba	8,955	8,634	2,412	2,849	2,915	458

Column Key:

(C)–(F) The total of the manner of disposition categories may not add to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(E) Other Before Trial includes transfers, dismissal, and dismissals after diversion.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Criminal Case Processing Time, by County

Superior Courts

Fiscal Year 2014–15

Table 10a

COUNTY	Felonies Disposed of in Less Than 12 Months (A)	Felonies Disposed of in Less Than _ Days			Misdemeanors Disposed of in Less Than _ Days		
		30 (B)	45 (C)	90 (D)	30 (E)	90 (F)	120 (G)
STATEWIDE	88%	45%	55%	71%	61%	77%	83%
Alameda	—	55%	61%	70%	50%	65%	70%
Alpine	—	—	—	—	—	—	—
Amador	—	—	—	—	—	—	—
Butte	88%	47%	61%	81%	32%	57%	64%
Calaveras	69%	37%	49%	70%	52%	72%	77%
Colusa	91%	39%	53%	75%	49%	78%	86%
Contra Costa	74%	29%	37%	59%	20%	40%	51%
Del Norte	—	—	—	—	—	—	—
El Dorado	62%	36%	43%	57%	37%	58%	65%
Fresno	—	—	—	—	—	—	—
Glenn	70%	17%	24%	38%	40%	72%	78%
Humboldt	94%	28%	44%	63%	39%	64%	69%
Imperial	97%	38%	71%	90%	54%	64%	66%
Inyo	71%	31%	37%	53%	23%	63%	74%
Kern	93%	43%	66%	84%	76%	86%	88%
Kings	79%	34%	48%	68%	50%	71%	76%
Lake	89%	17%	26%	65%	18%	52%	64%
Lassen	81%	50%	60%	73%	45%	68%	75%
Los Angeles	—	55%	64%	77%	69%	83%	88%
Madera	84%	17%	33%	55%	13%	61%	71%
Marin	82%	33%	40%	61%	32%	58%	66%
Mariposa	89%	45%	57%	72%	22%	68%	77%
Mendocino	—	—	—	—	—	—	—
Merced	90%	48%	59%	85%	13%	32%	38%
Modoc	90%	22%	27%	55%	34%	70%	79%
Mono	88%	16%	22%	32%	32%	48%	53%
Monterey	90%	20%	31%	63%	68%	83%	87%
Napa	—	—	—	—	37%	58%	66%
Nevada	78%	17%	23%	37%	18%	45%	54%
Orange	—	—	—	—	—	—	—
Placer	—	—	—	—	—	—	—
Plumas	94%	17%	36%	65%	54%	76%	81%
Riverside	63%	59%	67%	78%	66%	77%	85%
Sacramento	98%	96%	96%	97%	—	—	—
San Benito	93%	16%	28%	50%	27%	64%	73%
San Bernardino	60%	28%	42%	59%	50%	65%	69%
San Diego	—	47%	60%	81%	66%	85%	90%
San Francisco	68%	31%	39%	61%	33%	60%	70%
San Joaquin	98%	42%	50%	66%	71%	82%	85%
San Luis Obispo	—	62%	69%	81%	64%	84%	89%
San Mateo	89%	36%	43%	65%	23%	56%	65%
Santa Barbara	94%	35%	42%	58%	88%	94%	95%
Santa Clara	45%	13%	21%	39%	55%	75%	81%
Santa Cruz	—	41%	50%	68%	62%	77%	81%
Shasta	89%	47%	60%	78%	47%	75%	81%

Criminal Case Processing Time, by County
Fiscal Year 2014–15

Superior Courts
Table 10a

COUNTY	Felonies Disposed of in Less Than 12 Months (A)	Felonies Disposed of in Less Than _ Days			Misdemeanors Disposed of in Less Than _ Days		
		30 (B)	45 (C)	90 (D)	30 (E)	90 (F)	120 (G)
STATEWIDE	88%	45%	55%	71%	61%	77%	83%
Sierra	—	—	—	—	—	—	—
Siskiyou	72%	25%	39%	58%	17%	46%	55%
Solano	—	—	—	—	—	—	—
Sonoma	76%	18%	26%	56%	49%	75%	83%
Stanislaus	77%	41%	48%	63%	58%	75%	80%
Sutter	81%	42%	58%	78%	47%	72%	79%
Tehama	93%	56%	70%	88%	77%	92%	94%
Trinity	76%	17%	20%	38%	22%	55%	59%
Tulare	90%	29%	44%	66%	55%	68%	77%
Tuolumne	97%	39%	54%	79%	37%	73%	78%
Ventura	67%	26%	36%	56%	69%	86%	89%
Yolo	85%	29%	40%	65%	31%	60%	68%
Yuba	72%	36%	46%	66%	22%	58%	70%

Column Key:

(A) This column consists only of cases in which defendants were held to answer or were certified on guilty pleas. Processing time is based on time from first appearance in limited-jurisdiction court to final disposition in unlimited-jurisdiction court.

(B)–(D) Based on the time from filing of the initial complaint to certified plea, bindover, or dismissal at or before preliminary hearing.

Note:

— The court did not submit a report in this category.

Family and Juvenile Filings, by County and Case Type
Fiscal Year 2014–15

Superior Courts
Table 11a

COUNTY	Family Law			Delinquency			Dependency		
	Total (A)	Marital (B)	Petitions (C)	Total (D)	Original (E)	Subsequent (F)	Total (G)	Original (H)	Subsequent (I)
STATEWIDE	380,160	138,121	242,039	40,726	28,229	12,497	44,679	38,759	5,920
Alameda	12,773	4,991	7,782	1,095	885	210	733	732	1
Alpine	(i) 2	(i)	(i) 2	(i) 1	(i) 1	(i)	(i)	(i)	(i)
Amador	395	144	251	27	20	7	75	75	0
Butte	2,903	992	1,911	242	107	135	335	304	31
Calaveras	549	198	351	45	43	2	74	74	0
Colusa	173	69	104	72	20	52	23	22	1
Contra Costa	9,221	3,634	5,587	933	723	210	931	711	220
Del Norte	609	88	521	103	35	68	84	78	6
El Dorado	1,960	807	1,153	295	120	175	232	157	75
Fresno	12,494	3,404	9,090	1,308	1,184	124	921	920	1
Glenn	377	113	264	32	21	11	38	37	1
Humboldt	1,702	463	1,239	142	108	34	254	244	10
Imperial	3,514	739	2,775	201	189	12	256	251	5
Inyo	236	95	141	45	37	8	13	13	0
Kern	10,844	3,060	7,784	1,673	1,252	421	860	845	15
Kings	1,835	549	1,286	175	119	56	412	410	2
Lake	1,073	317	756	85	52	33	75	67	8
Lassen	495	152	343	40	30	10	45	45	0
Los Angeles	92,098	34,218	57,880	8,305	4,788	3,517	20,294	16,116	4,178
Madera	2,902	527	2,375	265	156	109	204	199	5
Marin	1,752	926	826	294	113	181	82	81	1
Mariposa	192	66	126	10	10	0	3	3	0
Mendocino	1,260	398	862	263	196	67	137	132	5
Merced	3,719	890	2,829	152	113	39	356	356	0
Modoc	210	51	159	23	17	6	16	16	0
Mono	78	47	31	11	11	0	11	6	5
Monterey	3,818	1,467	2,351	890	482	408	185	185	0
Napa	1,233	527	706	262	197	65	82	80	2
Nevada	871	367	504	104	104	0	39	39	0
Orange	25,972	11,107	14,865	2,826	1,975	851	1,331	1,317	14
Placer	3,373	1,548	1,825	371	301	70	533	497	36
Plumas	256	99	157	17	15	2	52	52	0
Riverside	27,794	8,846	18,948	2,932	1,414	1,518	3,142	3,111	31
Sacramento	17,766	5,241	12,525	1,327	896	431	1,265	1,263	2
San Benito	456	142	314	54	38	16	41	40	1
San Bernardino	29,241	8,042	21,199	2,872	2,285	587	3,277	3,165	112
San Diego	29,111	14,046	15,065	2,491	2,491	0	1,394	1,393	1
San Francisco	6,239	2,518	3,721	465	300	165	905	545	360
San Joaquin	8,209	2,410	5,799	758	517	241	697	629	68
San Luis Obispo	2,164	1,002	1,162	245	181	64	195	188	7
San Mateo	5,030	2,189	2,841	1,643	734	909	640	218	422
Santa Barbara	2,932	1,381	1,551	953	730	223	238	237	1
Santa Clara	11,692	5,515	6,177	1,032	766	266	555	549	6
Santa Cruz	2,066	957	1,109	449	366	83	174	135	39
Shasta	2,505	894	1,611	434	171	263	230	185	45

Family and Juvenile Filings, by County and Case Type
Fiscal Year 2014–15

Superior Courts
Table 11a

COUNTY	Family Law			Delinquency			Dependency		
	Total (A)	Marital (B)	Petitions (C)	Total (D)	Original (E)	Subsequent (F)	Total (G)	Original (H)	Subsequent (I)
STATEWIDE	380,160	138,121	242,039	40,726	28,229	12,497	44,679	38,759	5,920
Sierra	33	7	26	1	1	0	5	5	0
Siskiyou	744	178	566	57	56	1	72	72	0
Solano	5,160	1,685	3,475	406	323	83	271	266	5
Sonoma	3,716	1,828	1,888	527	442	85	221	220	1
Stanislaus	6,795	2,329	4,466	413	314	99	335	335	0
Sutter	1,496	445	1,051	96	78	18	114	114	0
Tehama	1,125	327	798	71	68	3	144	140	4
Trinity	292	66	226	20	15	5	40	40	0
Tulare	5,303	1,612	3,691	880	589	291	821	806	15
Tuolumne	805	281	524	60	43	17	188	64	124
Ventura	7,567	3,178	4,389	1,812	1,566	246	539	485	54
Yolo	1,928	625	1,303	333	333	0	209	209	0
Yuba	1,102	324	778	88	88	0	281	281	0

Column Key:

- (B) Includes dissolution, legal separation, and nullity.
- (C) Includes Department of Child Support Services (DCSS), domestic violence prevention, and other miscellaneous family law petitions.

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Family and Juvenile Dispositions, by County and Case Type
Fiscal Year 2014–15

Superior Courts
Table 11b

COUNTY	Family Law			Delinquency			Dependency		
	Total (A)	Marital (B)	Petitions (C)	Total (D)	Original (E)	Subsequent (F)	Total (G)	Original (H)	Subsequent (I)
STATEWIDE	340,777	135,812	204,965	38,376	27,500	10,876	32,190	30,605	1,585
Alameda	11,403	4,457	6,946	1,225	903	322	773	770	3
Alpine	(i) 4	(i) 2	(i) 2	(i)	(i)	(i)	(i)	(i)	(i)
Amador	272	148	124	22	18	4	32	32	0
Butte	2,128	856	1,272	234	124	110	295	281	14
Calaveras	363	137	226	44	37	7	95	95	0
Colusa	136	69	67	57	23	34	4	4	0
Contra Costa	(i) 3,195	(i) 266	(i) 2,929	(i)	(i)	(i)	(i)	(i)	(i)
Del Norte	2,038	168	1,870	210	86	124	78	78	0
El Dorado	1,901	851	1,050	213	92	121	183	148	35
Fresno	11,650	5,018	6,632	1,299	1,202	97	1,446	1,445	1
Glenn	335	112	223	78	24	54	32	29	3
Humboldt	1,714	650	1,064	131	98	33	234	224	10
Imperial	4,560	729	3,831	166	155	11	209	205	4
Inyo	202	64	138	4	4	0	7	7	0
Kern	8,212	2,593	5,619	2,187	1,763	424	850	845	5
Kings	(i) 109	(i) 3	(i) 106	76	46	30	(i) 3	(i) 3	(i)
Lake	868	294	574	85	51	34	30	29	1
Lassen	466	141	325	36	25	11	58	58	0
Los Angeles	105,727	44,201	61,526	5,978	3,233	2,745	9,475	8,745	730
Madera	2,575	566	2,009	296	172	124	236	230	6
Marin	1,491	899	592	260	92	168	77	77	0
Mariposa	96	59	37	6	5	1	8	8	0
Mendocino	1,130	347	783	254	171	83	145	141	4
Merced	(i) 1,786	(i) 610	(i) 1,176	(i) 112	(i) 81	(i) 31	(i) 195	(i) 193	(i) 2
Modoc	106	48	58	25	20	5	20	20	0
Mono	88	53	35	26	26	0	13	13	0
Monterey	3,297	1,428	1,869	1,012	586	426	191	191	0
Napa	1,207	594	613	225	167	58	68	68	0
Nevada	730	313	417	64	63	1	57	57	0
Orange	(i) 9,843	(i) 7,759	(i) 2,084	4,431	3,617	814	1,506	1,493	13
Placer	2,896	1,332	1,564	353	287	66	535	492	43
Plumas	248	88	160	11	9	2	29	29	0
Riverside	27,381	8,686	18,695	2,361	1,568	793	2,920	2,900	20
Sacramento	16,328	4,999	11,329	1,452	956	496	1,484	1,361	123
San Benito	388	142	246	61	43	18	28	27	1
San Bernardino	27,697	7,483	20,214	3,006	2,463	543	2,927	2,813	114
San Diego	24,148	12,326	11,822	2,238	2,238	0	1,717	1,715	2
San Francisco	5,887	2,833	3,054	479	193	286	629	629	0
San Joaquin	7,440	1,752	5,688	750	492	258	624	588	36
San Luis Obispo	1,787	894	893	218	158	60	151	144	7
San Mateo	3,315	1,981	1,334	1,175	687	488	387	292	95
Santa Barbara	2,104	1,084	1,020	821	620	201	222	221	1
Santa Clara	9,430	4,505	4,925	1,094	819	275	774	774	0
Santa Cruz	1,839	895	944	501	268	233	160	90	70
Shasta	1,904	733	1,171	302	63	239	159	159	0

Family and Juvenile Dispositions, by County and Case Type
Fiscal Year 2014–15

Superior Courts
Table 11b

COUNTY	Family Law			Delinquency			Dependency		
	Total (A)	Marital (B)	Petitions (C)	Total (D)	Original (E)	Subsequent (F)	Total (G)	Original (H)	Subsequent (I)
STATEWIDE	340,777	135,812	204,965	38,376	27,500	10,876	32,190	30,605	1,585
Sierra	27	8	19	2	2	0	5	5	0
Siskiyou	714	190	524	46	45	1	55	55	0
Solano	2,926	1,153	1,773	582	260	322	86	86	0
Sonoma	4,161	2,261	1,900	567	477	90	224	220	4
Stanislaus	5,250	1,860	3,390	297	226	71	195	195	0
Sutter	1,503	483	1,020	118	102	16	109	107	2
Tehama	705	337	368	21	21	0	118	118	0
Trinity	261	56	205	11	7	4	35	35	0
Tulare	4,357	1,706	2,651	853	549	304	707	694	13
Tuolumne	655	209	446	66	49	17	186	66	120
Ventura	6,936	3,442	3,494	1,844	1,624	220	1,033	930	103
Yolo	1,691	566	1,125	327	327	0	200	200	0
Yuba	1,167	373	794	64	63	1	171	171	0

Column Key:

- (B) Includes dissolution, legal separation, and nullity.
- (C) Includes Department of Child Support Services (DCSS), domestic violence prevention, and other miscellaneous family law petitions.

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Family Law (Marital)—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 11c

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial (E)
			Dismissal for Delay in Prosecution (C)	Other Before Trial (D)	
STATEWIDE	138,121	135,812	3,255	131,138	1,419
Alameda	4,991	4,457	20	4,323	114
Alpine	(i)	(i) 2	0	2	0
Amador	144	148	2	146	0
Butte	992	856	0	856	0
Calaveras	198	137	2	133	2
Colusa	69	69	0	66	3
Contra Costa	3,634	(i) 266	(i) 5	(i) 261	(i)
Del Norte	88	168	3	165	0
El Dorado	807	851	3	844	4
Fresno	3,404	5,018	0	5,018	0
Glenn	113	112	0	112	0
Humboldt	463	650	2	643	5
Imperial	739	729	59	588	82
Inyo	95	64	0	63	1
Kern	3,060	2,593	10	2,583	0
Kings	549	(i) 3	(i)	(i) 3	(i)
Lake	317	294	37	248	9
Lassen	152	141	0	141	0
Los Angeles	34,218	44,201	1,235	42,966	0
Madera	527	566	32	529	5
Marin	926	899	4	895	0
Mariposa	66	59	0	56	3
Mendocino	398	347	2	345	0
Merced	890	(i) 610	0	610	0
Modoc	51	48	0	48	0
Mono	47	53	5	48	0
Monterey	1,467	1,428	361	1,036	31
Napa	527	594	6	579	9
Nevada	367	313	2	311	0
Orange	11,107	(i) 7,759	(i)	(i) 7,759	(i)
Placer	1,548	1,332	3	1,329	0
Plumas	99	88	6	80	2
Riverside	8,846	8,686	425	8,243	18
Sacramento	5,241	4,999	0	4,999	0
San Benito	142	142	3	138	1
San Bernardino	8,042	7,483	194	7,281	8
San Diego	14,046	12,326	199	12,127	0
San Francisco	2,518	2,833	0	2,833	0
San Joaquin	2,410	1,752	0	1,596	156
San Luis Obispo	1,002	894	7	796	91
San Mateo	2,189	1,981	0	1,981	0
Santa Barbara	1,381	1,084	2	1,057	25
Santa Clara	5,515	4,505	7	4,467	31
Santa Cruz	957	895	51	801	43
Shasta	894	733	0	678	55

Family Law (Marital)—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 11c

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial (E)
			Dismissal for Delay in Prosecution (C)	Other Before Trial (D)	
STATEWIDE	138,121	135,812	3,255	131,138	1,419
Sierra	7	8	0	8	0
Siskiyou	178	190	0	167	23
Solano	1,685	1,153	0	1,021	132
Sonoma	1,828	2,261	487	1,774	0
Stanislaus	2,329	1,860	18	1,663	179
Sutter	445	483	58	334	91
Tehama	327	337	0	327	10
Trinity	66	56	1	54	1
Tulare	1,612	1,706	0	1,702	4
Tuolumne	281	209	0	199	10
Ventura	3,178	3,442	0	3,192	250
Yolo	625	566	4	541	21
Yuba	324	373	0	373	0

Column Key:

(C)–(E) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(D) Includes before- and after-hearing dismissals, transfers, and judgments.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Family Law Petitions—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 11d

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial (F)
			Dismissal for Delay in Prosecution (C)	Other Before Hearing (D)	After Hearing (E)	
STATEWIDE	242,039	204,965	16,443	112,200	74,513	1,809
Alameda	7,782	6,946	898	4,208	1,484	356
Alpine	(i) 2	(i) 2	0	2	0	0
Amador	251	124	0	105	19	0
Butte	1,911	1,272	0	614	658	0
Calaveras	351	226	1	152	26	47
Colusa	104	67	0	47	20	0
Contra Costa	5,587	(i) 2,929	(i) 497	(i) 339	(i) 2,092	(i) 1
Del Norte	521	1,870	100	1,556	214	0
El Dorado	1,153	1,050	2	385	626	37
Fresno	9,090	6,632	0	3,345	3,287	0
Glenn	264	223	0	166	57	0
Humboldt	1,239	1,064	58	632	371	3
Imperial	2,775	3,831	84	1,579	2,031	137
Inyo	141	138	0	86	52	0
Kern	7,784	5,619	1,447	2,657	1,515	0
Kings	1,286	(i) 106	(i)	(i) 101	(i) 5	(i)
Lake	756	574	63	406	88	17
Lassen	343	325	0	313	12	0
Los Angeles	57,880	61,526	6,757	26,823	27,946	0
Madera	2,375	2,009	223	806	946	34
Marin	826	592	7	420	165	0
Mariposa	126	37	0	25	12	0
Mendocino	862	783	31	691	61	0
Merced	2,829	(i) 1,176	0	1,012	162	2
Modoc	159	58	3	26	29	0
Mono	31	35	1	25	9	0
Monterey	2,351	1,869	1	1,308	559	1
Napa	706	613	24	366	215	8
Nevada	504	417	62	227	128	0
Orange	14,865	(i) 2,084	(i)	(i) 65	(i) 2,019	(i)
Placer	1,825	1,564	18	1,526	20	0
Plumas	157	160	19	114	26	1
Riverside	18,948	18,695	2,328	10,633	5,682	52
Sacramento	12,525	11,329	0	2,061	9,268	0
San Benito	314	246	7	147	90	2
San Bernardino	21,199	20,214	2,570	13,087	4,478	79
San Diego	15,065	11,822	587	11,172	63	0
San Francisco	3,721	3,054	0	2,948	106	0
San Joaquin	5,799	5,688	0	4,183	1,499	6
San Luis Obispo	1,162	893	111	492	280	10
San Mateo	2,841	1,334	0	1,266	68	0
Santa Barbara	1,551	1,020	1	767	248	4
Santa Clara	6,177	4,925	0	2,430	2,491	4
Santa Cruz	1,109	944	159	350	435	0
Shasta	1,611	1,171	0	752	419	0

Family Law Petitions—Method of Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 11d

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial (F)
			Dismissal for Delay in Prosecution (C)	Other Before Hearing (D)	After Hearing (E)	
STATEWIDE	242,039	204,965	16,443	112,200	74,513	1,809
Sierra	26	19	3	16	0	0
Siskiyou	566	524	0	469	44	11
Solano	3,475	1,773	0	1,350	382	41
Sonoma	1,888	1,900	250	1,181	469	0
Stanislaus	4,466	3,390	28	2,283	936	143
Sutter	1,051	1,020	20	597	58	345
Tehama	798	368	0	256	111	1
Trinity	226	205	13	106	85	1
Tulare	3,691	2,651	0	1,765	885	1
Tuolumne	524	446	1	276	144	25
Ventura	4,389	3,494	0	2,388	674	432
Yolo	1,303	1,125	69	715	333	8
Yuba	778	794	0	383	411	0

Column Key:

- (A) and (D) Includes juvenile dependency adoption cases reported on JBSIS.
- (C)–(F) The total of the manner of disposition categories may not add to (B) because not all courts were able to submit complete data for all manner of disposition data elements.
- (D) Includes transfers, dismissals, and judgments.

Notes:

- Family law petitions include Department of Child Support Services (DCSS), domestic violence prevention, and other family law cases.
- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Juvenile Delinquency—Stage of Case at Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 11e

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	40,726	38,376	6,886	31,490
Alameda	1,095	1,225	361	864
Alpine	(i) 1	(i)	0	0
Amador	27	22	11	11
Butte	242	234	0	234
Calaveras	45	44	3	41
Colusa	72	57	17	40
Contra Costa	933	(i)	(i)	(i)
Del Norte	103	210	0	210
El Dorado	295	213	0	213
Fresno	1,308	1,299	795	504
Glenn	32	78	3	75
Humboldt	142	131	11	120
Imperial	201	166	95	71
Inyo	45	4	3	1
Kern	1,673	2,187	481	1,706
Kings	175	76	57	19
Lake	85	85	17	68
Lassen	40	36	5	31
Los Angeles	8,305	5,978	737	5,241
Madera	265	296	0	296
Marin	294	260	0	260
Mariposa	10	6	1	5
Mendocino	263	254	231	23
Merced	152	(i) 112	6	106
Modoc	23	25	9	16
Mono	11	26	1	25
Monterey	890	1,012	51	961
Napa	262	225	9	216
Nevada	104	64	19	45
Orange	2,826	4,431	75	4,356
Placer	371	353	21	332
Plumas	17	11	1	10
Riverside	2,932	2,361	665	1,696
Sacramento	1,327	1,452	59	1,393
San Benito	54	61	7	54
San Bernardino	2,872	3,006	830	2,176
San Diego	2,491	2,238	600	1,638
San Francisco	465	479	20	459
San Joaquin	758	750	326	424
San Luis Obispo	245	218	34	184
San Mateo	1,643	1,175	31	1,144
Santa Barbara	953	821	19	802
Santa Clara	1,032	1,094	266	828
Santa Cruz	449	501	103	398
Shasta	434	302	42	260

Juvenile Delinquency—Stage of Case at Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 11e

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	40,726	38,376	6,886	31,490
Sierra	1	2	0	2
Siskiyou	57	46	13	33
Solano	406	582	112	470
Sonoma	527	567	151	416
Stanislaus	413	297	12	285
Sutter	96	118	57	61
Tehama	71	21	10	11
Trinity	20	11	1	10
Tulare	880	853	69	784
Tuolumne	60	66	1	65
Ventura	1,812	1,844	381	1,463
Yolo	333	327	30	297
Yuba	88	64	27	37

Column Key:

(C)–(D) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Juvenile Dependency—Stage of Case at Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 11f

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	44,679	32,190	1,493	30,697
Alameda	733	773	160	613
Alpine	(i)	(i)	0	0
Amador	75	32	0	32
Butte	335	295	0	295
Calaveras	74	95	15	80
Colusa	23	4	4	0
Contra Costa	931	(i)	(i)	(i)
Del Norte	84	78	0	78
El Dorado	232	183	6	177
Fresno	921	1,446	52	1,394
Glenn	38	32	3	29
Humboldt	254	234	8	226
Imperial	256	209	13	196
Inyo	13	7	0	7
Kern	860	850	36	814
Kings	412	(i) 3	(i) 3	(i)
Lake	75	30	1	29
Lassen	45	58	0	58
Los Angeles	20,294	9,475	515	8,960
Madera	204	236	5	231
Marin	82	77	0	77
Mariposa	3	8	1	7
Mendocino	137	145	94	51
Merced	356	(i) 195	48	147
Modoc	16	20	9	11
Mono	11	13	2	11
Monterey	185	191	0	191
Napa	82	68	1	67
Nevada	39	57	1	56
Orange	1,331	1,506	58	1,448
Placer	533	535	128	407
Plumas	52	29	13	16
Riverside	3,142	2,920	60	2,860
Sacramento	1,265	1,484	7	1,477
San Benito	41	28	2	26
San Bernardino	3,277	2,927	8	2,919
San Diego	1,394	1,717	63	1,654
San Francisco	905	629	38	591
San Joaquin	697	624	2	622
San Luis Obispo	195	151	4	147
San Mateo	640	387	0	387
Santa Barbara	238	222	7	215
Santa Clara	555	774	35	739
Santa Cruz	174	160	14	146
Shasta	230	159	0	159

Juvenile Dependency—Stage of Case at Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 11f

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	44,679	32,190	1,493	30,697
Sierra	5	5	1	4
Siskiyou	72	55	7	48
Solano	271	86	4	82
Sonoma	221	224	14	210
Stanislaus	335	195	6	189
Sutter	114	109	0	109
Tehama	144	118	2	116
Trinity	40	35	0	35
Tulare	821	707	12	695
Tuolumne	188	186	1	185
Ventura	539	1,033	0	1,033
Yolo	209	200	8	192
Yuba	281	171	22	149

Column Key:

(C)–(D) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

**Probate, Mental Health, Appeals, Habeas Corpus Filings,
by County and Case Type**
Fiscal Year 2014–15

Superior Courts
Table 12a

COUNTY	Mental Health				Appeals			Habeas Corpus
	Probate (A)	Total (B)	Mental Health (C)	Other (D)	Total (E)	Civil (F)	Criminal (G)	Criminal (H)
STATEWIDE	44,456	29,718	22,588	7,130	5,064	1,389	3,675	7,898
Alameda	1,873	826	826	0	164	43	121	240
Alpine	(i) 7	(i)	(i)	(i)	(i)	(i)	(i)	(i)
Amador	79	34	34	0	3	0	3	73
Butte	518	154	150	4	22	6	16	126
Calaveras	118	34	30	4	3	1	2	0
Colusa	29	14	14	0	6	3	3	2
Contra Costa	1,487	234	120	114	200	50	150	150
Del Norte	83	162	6	156	10	6	4	1
El Dorado	281	29	9	20	61	11	50	56
Fresno	1,114	985	951	34	48	15	33	473
Glenn	56	41	0	41	0	0	0	13
Humboldt	275	244	155	89	8	2	6	45
Imperial	237	94	94	0	38	0	38	105
Inyo	45	1	1	0	7	3	4	1
Kern	1,086	996	966	30	71	6	65	628
Kings	154	310	85	225	114	42	72	95
Lake	169	90	89	1	7	3	4	36
Lassen	54	15	14	1	6	0	6	89
Los Angeles	11,073	8,194	6,763	1,431	811	324	487	1,058
Madera	186	46	46	0	17	1	16	85
Marin	438	185	156	29	64	3	61	83
Mariposa	38	1	1	0	2	2	0	1
Mendocino	204	64	62	2	13	1	12	37
Merced	346	54	36	18	15	4	11	2
Modoc	36	7	7	0	0	0	0	12
Mono	7	2	1	1	1	0	1	2
Monterey	441	106	84	22	39	6	33	244
Napa	208	172	86	86	36	3	33	35
Nevada	171	30	7	23	13	2	11	22
Orange	2,857	2,324	1,508	816	379	91	288	353
Placer	473	218	218	0	29	9	20	109
Plumas	51	2	2	0	1	0	1	4
Riverside	2,449	650	523	127	291	70	221	672
Sacramento	1,733	2,058	326	1,732	218	32	186	596
San Benito	60	21	21	0	1	0	1	0
San Bernardino	2,312	991	311	680	485	133	352	513
San Diego	2,618	1,407	1,161	246	306	79	227	431
San Francisco	1,066	2,672	2,615	57	182	22	160	121
San Joaquin	836	1,097	1,097	0	96	12	84	201
San Luis Obispo	352	798	740	58	9	1	8	102
San Mateo	1,041	173	161	12	38	12	26	92
Santa Barbara	530	366	347	19	15	2	13	101
Santa Clara	2,079	718	627	91	173	42	131	143
Santa Cruz	314	63	16	47	56	52	4	17
Shasta	375	47	47	0	671	237	434	86

**Probate, Mental Health, Appeals, Habeas Corpus Filings,
by County and Case Type**
Fiscal Year 2014–15

Superior Courts
Table 12a

COUNTY	Mental Health				Appeals			Habeas Corpus
	Probate (A)	Total (B)	Mental Health (C)	Other (D)	Total (E)	Civil (F)	Criminal (G)	Criminal (H)
STATEWIDE	44,456	29,718	22,588	7,130	5,064	1,389	3,675	7,898
Sierra	7	1	0	1	3	1	2	0
Siskiyou	111	1	1	0	8	2	6	11
Solano	587	478	466	12	72	22	50	192
Sonoma	850	715	510	205	34	3	31	77
Stanislaus	764	463	415	48	45	11	34	154
Sutter	160	95	56	39	8	1	7	55
Tehama	132	20	20	0	2	0	2	20
Trinity	32	8	6	2	2	1	1	0
Tulare	429	295	218	77	52	2	50	60
Tuolumne	106	38	35	3	13	2	11	46
Ventura	971	807	329	478	77	12	65	0
Yolo	235	60	16	44	19	1	18	2
Yuba	113	8	3	5	0	0	0	26

Column Key:

(C) Includes most types of mental health cases, including but not limited to postcertification treatment (W&I 5300), LPS Conservatorship (W&I 5350), narcotics addict (W&I 3050/3051), commitments (PC 2966), mental competency (PC 1368), sexually violent predator (W&I 6600), juvenile (W&I 1800), mentally retarded and dangerous (W&I 6500), and W&I Code, § 4500.

(D) Includes other mental health cases not included in (C) for JBSIS courts, and noncriminal habeas corpus reported by non-JBSIS courts.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

**Probate, Mental Health, Appeals, Habeas Corpus Dispositions,
by County and Case Type**
Fiscal Year 2014–15

Superior Courts
Table 12b

COUNTY	Probate (A)	Mental Health			Appeals			Habeas Corpus Criminal (H)
		Total (B)	Mental Health (C)	Other (D)	Total (E)	Civil (F)	Criminal (G)	
STATEWIDE	27,701	24,557	18,989	5,568	4,777	1,345	3,432	7,420
Alameda	1,264	895	895	0	151	33	118	125
Alpine	(i) 4	(i)	(i)	(i)	(i)	(i)	(i)	(i)
Amador	24	28	28	0	3	3	0	66
Butte	405	161	157	4	20	3	17	116
Calaveras	83	27	23	4	6	2	4	0
Colusa	27	7	7	0	0	0	0	1
Contra Costa	984	100	100	0	109	0	109	100
Del Norte	87	161	17	144	16	2	14	0
El Dorado	70	18	11	7	18	6	12	41
Fresno	875	1,053	1,019	34	50	9	41	338
Glenn	36	28	5	23	0	0	0	5
Humboldt	244	217	161	56	18	1	17	55
Imperial	200	11	11	0	30	3	27	99
Inyo	26	2	2	0	1	0	1	1
Kern	871	851	821	30	114	30	84	581
Kings	26	24	6	18	18	0	18	57
Lake	163	87	86	1	6	2	4	42
Lassen	48	17	17	0	4	0	4	77
Los Angeles	7,622	8,587	7,134	1,453	992	361	631	1,058
Madera	154	31	31	0	18	1	17	74
Marin	347	189	159	30	96	2	94	89
Mariposa	27	1	1	0	0	0	0	0
Mendocino	207	24	24	0	7	1	6	31
Merced	(i) 126	(i) 46	(i) 46	(i)	(i) 5	(i) 1	(i) 4	(i)
Modoc	27	0	0	0	0	0	0	10
Mono	0	1	1	0	10	1	9	1
Monterey	386	110	94	16	53	13	40	257
Napa	186	152	84	68	20	3	17	38
Nevada	105	5	4	1	10	2	8	20
Orange	(i)	(i)	(i)	(i)	309	89	220	662
Placer	156	7	7	0	34	12	22	92
Plumas	47	3	3	0	4	0	4	3
Riverside	2,063	612	472	140	273	64	209	554
Sacramento	713	2,263	531	1,732	255	90	165	687
San Benito	65	0	0	0	5	0	5	0
San Bernardino	673	886	269	617	110	61	49	433
San Diego	1,089	1,799	1,555	244	688	234	454	488
San Francisco	556	2,709	2,652	57	257	91	166	71
San Joaquin	651	584	584	0	66	4	62	187
San Luis Obispo	271	60	8	52	7	0	7	104
San Mateo	496	76	75	1	42	17	25	17
Santa Barbara	399	171	168	3	63	8	55	99
Santa Clara	1,657	536	455	81	168	58	110	208
Santa Cruz	266	55	14	41	35	29	6	27
Shasta	533	30	30	0	168	46	122	84

**Probate, Mental Health, Appeals, Habeas Corpus Dispositions,
by County and Case Type**
Fiscal Year 2014–15

Superior Courts
Table 12b

COUNTY	Probate (A)	Mental Health			Appeals			Habeas Corpus Criminal (H)
		Total (B)	Mental Health (C)	Other (D)	Total (E)	Civil (F)	Criminal (G)	
STATEWIDE	27,701	24,557	18,989	5,568	4,777	1,345	3,432	7,420
Sierra	9	0	0	0	7	3	4	0
Siskiyou	102	3	3	0	7	1	6	10
Solano	335	85	83	2	152	24	128	169
Sonoma	842	606	473	133	41	9	32	64
Stanislaus	499	1	0	1	39	16	23	0
Sutter	155	59	26	33	6	2	4	57
Tehama	85	3	3	0	1	0	1	11
Trinity	28	10	9	1	1	0	1	0
Tulare	286	375	304	71	49	2	47	47
Tuolumne	108	41	38	3	26	1	25	39
Ventura	716	709	276	433	167	5	162	0
Yolo	173	38	6	32	22	0	22	3
Yuba	104	3	1	2	0	0	0	22

Column Key:

(C) Includes most types of mental health cases, including but not limited to postcertification treatment (W&I 5300), LPS Conservatorship (W&I 5350), narcotics addict (W&I 3050/3051), commitments (PC 2966), mental competency (PC 1368), sexually violent predator (W&I 6600), juvenile (W&I 1800), mentally retarded and dangerous (W&I 6500), and W&I Code, § 4500.

(D) Includes other mental health cases not included in (C) for JBSIS courts, and noncriminal habeas corpus reported by non-JBSIS courts.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

**Probate (Estates, Guardianships, and Conservatorships)—
Method of Disposition, by County
Fiscal Year 2014–15**

**Superior Courts
Table 12c**

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissals and Transfers (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	44,456	27,701	2,261	13,310	6	12,126
Alameda	1,873	1,264	151	1,095	0	18
Alpine	(i) 7	(i) 4	1	3	0	0
Amador	79	24	6	18	0	0
Butte	518	405	33	49	0	323
Calaveras	118	83	13	68	0	2
Colusa	29	27	3	24	0	0
Contra Costa	1,487	984	159	825	0	0
Del Norte	83	87	1	29	0	57
El Dorado	281	70	66	3	0	1
Fresno	1,114	875	85	768	0	22
Glenn	56	36	5	0	0	31
Humboldt	275	244	21	21	1	201
Imperial	237	200	15	181	0	4
Inyo	45	26	2	23	0	1
Kern	1,086	871	9	338	0	524
Kings	154	26	0	26	0	0
Lake	169	163	9	54	0	100
Lassen	54	48	5	43	0	0
Los Angeles	11,073	7,622	6	251	0	7,365
Madera	186	154	9	67	0	78
Marin	438	347	33	283	0	31
Mariposa	38	27	1	26	0	0
Mendocino	204	207	29	162	0	16
Merced	346	(i) 126	0	125	0	1
Modoc	36	27	7	19	0	1
Mono	7	0	0	0	0	0
Monterey	441	386	26	145	0	215
Napa	208	186	15	167	0	4
Nevada	171	105	18	73	0	14
Orange	2,857	(i)	(i)	(i)	(i)	(i)
Placer	473	156	32	119	0	5
Plumas	51	47	2	30	0	15
Riverside	2,449	2,063	346	1,657	0	60
Sacramento	1,733	713	0	713	0	0
San Benito	60	65	18	33	0	14
San Bernardino	2,312	673	454	206	2	11
San Diego	2,618	1,089	131	958	0	0
San Francisco	1,066	556	13	0	0	543
San Joaquin	836	651	100	510	2	41
San Luis Obispo	352	271	14	255	0	2
San Mateo	1,041	496	4	492	0	0
Santa Barbara	530	399	66	315	0	18
Santa Clara	2,079	1,657	4	79	0	1,574
Santa Cruz	314	266	8	254	0	4
Shasta	375	533	43	452	0	38

**Probate (Estates, Guardianships, and Conservatorships)—
Method of Disposition, by County**
Fiscal Year 2014–15

Superior Courts
Table 12c

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissals and Transfers (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	44,456	27,701	2,261	13,310	6	12,126
Sierra	7	9	1	8	0	0
Siskiyou	111	102	6	96	0	0
Solano	587	335	72	248	1	14
Sonoma	850	842	65	773	0	4
Stanislaus	764	499	14	464	0	21
Sutter	160	155	8	147	0	0
Tehama	132	85	8	75	0	2
Trinity	32	28	2	24	0	2
Tulare	429	286	17	21	0	248
Tuolumne	106	108	6	99	0	3
Ventura	971	716	64	155	0	497
Yolo	235	173	22	150	0	1
Yuba	113	104	13	91	0	0

Column Key:

(C)–(F) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(C) Includes other dismissals and transfers and cases dismissed for lack of prosecution.

(D) Includes summary judgments and all other judgments before trial.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Mental Health—Stage of Case at Disposition, by County

Superior Courts

Fiscal Year 2014–15

Table 12d

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	29,718	24,557	5,656	18,901
Alameda	826	895	276	619
Alpine	(i)	(i)	0	0
Amador	34	28	0	28
Butte	154	161	1	160
Calaveras	34	27	2	25
Colusa	14	7	0	7
Contra Costa	234	100	2	98
Del Norte	162	161	141	20
El Dorado	29	18	4	14
Fresno	985	1,053	28	1,025
Glenn	41	28	23	5
Humboldt	244	217	21	196
Imperial	94	11	6	5
Inyo	1	2	0	2
Kern	996	851	34	817
Kings	310	24	22	2
Lake	90	87	2	85
Lassen	15	17	7	10
Los Angeles	8,194	8,587	1,261	7,326
Madera	46	31	3	28
Marin	185	189	118	71
Mariposa	1	1	0	1
Mendocino	64	24	18	6
Merced	54	(i) 46	2	44
Modoc	7	0	0	0
Mono	2	1	0	1
Monterey	106	110	24	86
Napa	172	152	29	123
Nevada	30	5	5	0
Orange	2,324	(i)	(i)	(i)
Placer	218	7	5	2
Plumas	2	3	0	3
Riverside	650	612	226	386
Sacramento	2,058	2,263	1,559	704
San Benito	21	0	0	0
San Bernardino	991	886	116	770
San Diego	1,407	1,799	77	1,722
San Francisco	2,672	2,709	255	2,454
San Joaquin	1,097	584	416	168
San Luis Obispo	798	60	28	32
San Mateo	173	76	22	54
Santa Barbara	366	171	62	109
Santa Clara	718	536	300	236
Santa Cruz	63	55	6	49
Shasta	47	30	3	27

Mental Health—Stage of Case at Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 12d

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	29,718	24,557	5,656	18,901
Sierra	1	0	0	0
Siskiyou	1	3	0	3
Solano	478	85	36	49
Sonoma	715	606	152	454
Stanislaus	463	1	0	1
Sutter	95	59	6	53
Tehama	20	3	0	3
Trinity	8	10	0	10
Tulare	295	375	25	350
Tuolumne	38	41	2	39
Ventura	807	709	330	379
Yolo	60	38	0	38
Yuba	8	3	1	2

Column Key:

(C)–(D) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(D) After Hearing includes jury trials.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Civil and Criminal Appeals—Stage of Case at Disposition, by County Superior Courts

Fiscal Year 2014–15

Table 12e

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	5,064	4,777	2,192	2,592
Alameda	164	151	72	79
Alpine	(i)	(i)	0	0
Amador	3	3	0	3
Butte	22	20	9	11
Calaveras	3	6	1	5
Colusa	6	0	0	0
Contra Costa	200	109	24	85
Del Norte	10	16	3	13
El Dorado	61	18	15	3
Fresno	48	50	3	47
Glenn	0	0	0	0
Humboldt	8	18	5	13
Imperial	38	30	28	2
Inyo	7	1	1	0
Kern	71	114	0	114
Kings	114	18	6	12
Lake	7	6	4	2
Lassen	6	4	2	2
Los Angeles	811	992	504	488
Madera	17	18	14	4
Marin	64	96	12	84
Mariposa	2	0	0	0
Mendocino	13	7	1	6
Merced	15	(i) 5	3	2
Modoc	0	0	0	0
Mono	1	10	0	10
Monterey	39	53	22	31
Napa	36	20	8	12
Nevada	13	10	3	7
Orange	379	309	167	142
Placer	29	34	0	34
Plumas	1	4	1	3
Riverside	291	273	162	111
Sacramento	218	255	89	166
San Benito	1	5	0	5
San Bernardino	485	110	53	57
San Diego	306	688	484	204
San Francisco	182	257	61	196
San Joaquin	96	66	23	43
San Luis Obispo	9	7	4	10
San Mateo	38	42	10	32
Santa Barbara	15	63	63	0
Santa Clara	173	168	75	93
Santa Cruz	56	35	7	28
Shasta	671	168	92	76

Civil and Criminal Appeals—Stage of Case at Disposition, by County Superior Courts
 Fiscal Year 2014–15 Table 12e

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	5,064	4,777	2,192	2,592
Sierra	3	7	3	4
Siskiyou	8	7	4	3
Solano	72	152	21	131
Sonoma	34	41	15	26
Stanislaus	45	39	23	16
Sutter	8	6	6	0
Tehama	2	1	1	0
Trinity	2	1	1	0
Tulare	52	49	4	45
Tuolumne	13	26	6	20
Ventura	77	167	68	99
Yolo	19	22	9	13
Yuba	0	0	0	0

Column Key:

(C)–(D) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Habeas Corpus Criminal —Stage of Case at Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 12f

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	7,898	7,420	6,431	989
Alameda	240	125	125	0
Alpine	(i)	(i)	0	0
Amador	73	66	59	7
Butte	126	116	111	5
Calaveras	0	0	0	0
Colusa	2	1	1	0
Contra Costa	150	100	99	1
Del Norte	1	0	0	0
El Dorado	56	41	37	4
Fresno	473	338	337	1
Glenn	13	5	5	0
Humboldt	45	55	50	5
Imperial	105	99	4	95
Inyo	1	1	1	0
Kern	628	581	580	1
Kings	95	57	57	0
Lake	36	42	37	5
Lassen	89	77	77	0
Los Angeles	1,058	1,058	1,046	12
Madera	85	74	74	0
Marin	83	89	89	0
Mariposa	1	0	0	0
Mendocino	37	31	31	0
Merced	2	(i)	0	0
Modoc	12	10	10	0
Mono	2	1	1	0
Monterey	244	257	257	0
Napa	35	38	38	0
Nevada	22	20	19	1
Orange	353	662	0	662
Placer	109	92	92	0
Plumas	4	3	3	0
Riverside	672	554	523	31
Sacramento	596	687	670	17
San Benito	0	0	0	0
San Bernardino	513	433	433	0
San Diego	431	488	485	3
San Francisco	121	71	71	0
San Joaquin	201	187	185	2
San Luis Obispo	102	104	103	1
San Mateo	92	17	17	0
Santa Barbara	101	99	89	10
Santa Clara	143	208	138	70
Santa Cruz	17	27	27	0
Shasta	86	84	61	23

Habeas Corpus Criminal —Stage of Case at Disposition, by County
Fiscal Year 2014–15

Superior Courts
Table 12f

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	7,898	7,420	6,431	989
Sierra	0	0	0	0
Siskiyou	11	10	10	0
Solano	192	169	147	22
Sonoma	77	64	54	10
Stanislaus	154	0	0	0
Sutter	55	57	57	0
Tehama	20	11	11	0
Trinity	0	0	0	0
Tulare	60	47	46	1
Tuolumne	46	39	39	0
Ventura	0	0	0	0
Yolo	2	3	3	0
Yuba	26	22	22	0

Column Key:

(C)–(D) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

**Authorized Judicial Positions and Judicial Position
Equivalents, by County**
Fiscal Year 2014–15

Superior Courts
Table 13a

COUNTY	Judicial Positions as of June 30, 2015					Judicial Position Equivalents (F)
	Total (A)	Judges (B)	Subordinate Judicial Officers			
			Total (C)	Commissioners (D)	Referees (E)	
STATEWIDE	2,013.1	1,715	298.1	288.2	9.9	2,013.8
Unfunded judgeships		50				
Alameda	85.0	75	10.0	10.0		83.9
Alpine	2.3	2	0.3	0.3		2.3
Amador	2.3	2	0.3	0.3		2.8
Butte	13.0	11	2.0	2.0		14.0
Calaveras	2.3	2	0.3	0.3		3.0
Colusa	2.3	2	0.3	0.3		2.4
Contra Costa	46.0	38	8.0	8.0		48.3
Del Norte	2.8	2	0.8	0.8		3.3
El Dorado	9.0	8	1.0	1.0		10.9
Fresno	49.0	43	6.0	6.0		50.4
Glenn	2.3	2	0.3	0.3		2.4
Humboldt	8.0	7	1.0	1.0		8.7
Imperial	11.3	10	1.3	0.3	1.0	11.7
Inyo	2.3	2	0.3	0.3		2.8
Kern	43.0	36	7.0	7.0		44.1
Kings	8.6	7	1.6	1.6		9.4
Lake	4.7	4	0.7	0.7		5.8
Lassen	2.3	2	0.3	0.3		2.9
Los Angeles	585.3	482	103.3	103.3		572.9
Madera	9.3	9	0.3	0.3		9.4
Marin	12.7	12	0.7	0.3	0.4	11.8
Mariposa	2.3	2	0.3	0.3		2.4
Mendocino	8.4	8	0.4	0.4		8.7
Merced	12.0	10	2.0	2.0		12.8
Modoc	2.3	2	0.3	0.3		2.3
Mono	2.3	2	0.3	0.3		2.5
Monterey	21.2	19	2.2	2.2		21.9
Napa	8.0	6	2.0	2.0		8.5
Nevada	7.6	6	1.6	1.6		8.1
Orange	144.0	124	20.0	20.0		147.4
Placer	14.5	10	4.5	4.0	0.5	16.3
Plumas	2.3	2	0.3	0.3		2.4
Riverside	76.0	62	14.0	14.0		86.4
Sacramento	72.5	62	10.5	4.0	6.5	78.7
San Benito	2.3	2	0.3	0.3		2.6
San Bernardino	86.0	71	15.0	15.0		89.7
San Diego	154.0	132	22.0	22.0		151.9
San Francisco	55.9	52	3.9	3.9		59.0
San Joaquin	33.5	29	4.5	4.0	0.5	35.6
San Luis Obispo	15.0	12	3.0	3.0		15.9
San Mateo	33.0	26	7.0	7.0		33.3
Santa Barbara	24.0	21	3.0	3.0		26.1
Santa Clara	89.0	79	10.0	10.0		92.0
Santa Cruz	13.5	11	2.5	2.5		14.2
Shasta	12.0	10	2.0	2.0		13.4

**Authorized Judicial Positions and Judicial Position
Equivalents, by County**
Fiscal Year 2014–15

Superior Courts
Table 13a

COUNTY	Judicial Positions as of June 30, 2015					
	Total (A)	Judges (B)	Subordinate Judicial Officers			Judicial Position Equivalents (F)
			Total (C)	Commissioners (D)	Referees (E)	
STATEWIDE	2,013.1	1,715	298.1	288.2	9.9	2,013.8
Unfunded judgeships		50				
Sierra	2.3	2	0.3	0.3		2.4
Siskiyou	5.0	4	1.0	1.0		5.3
Solano	23.0	20	3.0	3.0		24.7
Sonoma	23.0	20	3.0	3.0		24.9
Stanislaus	24.0	21	3.0	3.0		24.6
Sutter	5.3	5	0.3	0.3		5.7
Tehama	4.3	4	0.3	0.3		4.6
Trinity	2.3	2	0.3	0.3		2.5
Tulare	23.0	20	3.0	3.0		25.1
Tuolumne	4.8	4	0.8	0.8		4.9
Ventura	33.0	29	4.0	4.0		35.5
Yolo	12.4	11	1.4	0.4	1.0	13.0
Yuba	5.3	5	0.3	0.3		5.3

Column Key:

- (B) The 50 new judgeships authorized by Assembly Bill 159, effective January 2008, are included in the statewide total in (B.) These judgeships are still unfunded and are not shown in individual courts like in previous versions of the Court Statistics Report.
- (C) Sum of (D) + (E.) Total may not match exactly because of rounding caused by fractional commissioner and referee positions.
- (F) Reflects authorized judicial positions adjusted for vacancies, assistance rendered by the court, and assistance received by the court from assigned judges, temporary judges, commissioners, and referees.

Judicial Position Equivalents, by County

Fiscal Year 2014–15

Superior Courts

Table 13b

COUNTY	Permanent Resources as of June 30, 2015			Days in Fiscal Year 2014–15			Judicial Position Equivalents (G)
	Judges (A)	Commissioners (B)	Referees (C)	Vacancies (D)	Assistance Received (E)	Assistance Rendered (F)	
STATEWIDE	1,715	288.2	9.9	31,128	32,510	1,192	2,013.8
Unfunded judgeships	50			50			
Alameda	75	10.0		1,009	738		83.9
Alpine	2	0.3			2		2.3
Amador	2	0.3		112	226		2.8
Butte	11	2.0		130	382		14.0
Calaveras	2	0.3			179		3.0
Colusa	2	0.3			16		2.4
Contra Costa	38	8.0		404	1,001	15	48.3
Del Norte	2	0.8			132		3.3
El Dorado	8	1.0		170	640		10.9
Fresno	43	6.0		194	569	36	50.4
Glenn	2	0.3			32		2.4
Humboldt	7	1.0			180		8.7
Imperial	10	0.3	1.0		92		11.7
Inyo	2	0.3			123		2.8
Kern	36	7.0	0.0	322	607		44.1
Kings	7	1.6			205		9.4
Lake	4	0.7			265		5.8
Lassen	2	0.3			150		2.9
Los Angeles	482	103.3	0.0	6,713	4,673	1,012	572.9
Madera	9	0.3			36		9.4
Marin	12	0.3	0.4	406	174		11.8
Mariposa	2	0.3		40	76		2.4
Mendocino	8	0.4			69		8.7
Merced	10	2.0		31	228		12.8
Modoc	2	0.3			8		2.3
Mono	2	0.3			38		2.5
Monterey	19	2.2		186	351		21.9
Napa	6	2.0			131		8.5
Nevada	6	1.6			130		8.1
Orange	124	20.0		2,009	2,864		147.4
Placer	10	4.0	0.5		435		16.3
Plumas	2	0.3			27		2.4
Riverside	62	14.0		945	3,519		86.4
Sacramento	62	4.0	6.5	283	1,812		78.7
San Benito	2	0.3			66		2.6
San Bernardino	71	15.0		962	1,879		89.7
San Diego	132	22.0		1,253	775	32	151.9
San Francisco	52	3.9		642	1,504	84	59.0
San Joaquin	29	4.0	0.5	148	661		35.6
San Luis Obispo	12	3.0		123	341		15.9
San Mateo	26	7.0		239	305		33.3
Santa Barbara	21	3.0		170	699		26.1
Santa Clara	79	10.0		1,183	1,936	13	92.0
Santa Cruz	11	2.5	0.0		165		14.2
Shasta	10	2.0			346		13.4

Judicial Position Equivalents, by County
Fiscal Year 2014–15

Superior Courts
Table 13b

COUNTY	Permanent Resources as of June 30, 2015			Days in Fiscal Year 2014–15			Judicial Position Equivalents (G)
	Judges (A)	Commissioners (B)	Referees (C)	Vacancies (D)	Assistance Received (E)	Assistance Rendered (F)	
STATEWIDE	1,715	288.2	9.9	31,128	32,510	1,192	2,013.8
Unfunded judgeships	50			50			
Sierra	2	0.3			22		2.4
Siskiyou	4	1.0			79		5.3
Solano	20	3.0		24	439		24.7
Sonoma	20	3.0			468		24.9
Stanislaus	21	3.0		217	362		24.6
Sutter	5	0.3			90		5.7
Tehama	4	0.3			76		4.6
Trinity	2	0.3			50		2.5
Tulare	20	3.0	0.0	449	976		25.1
Tuolumne	4	0.8		117	152		4.9
Ventura	29	4.0		126	744		35.5
Yolo	11	0.4	1.0	121	265		13.0
Yuba	5	0.3					5.3

Column Key:

- (A) The 50 new judgeships authorized by Assembly Bill 159, effective January 2008, are still unfunded and are included in the statewide total but not shown in individual courts like in previous versions of the Court Statistics Report.
- (D) Number of working days during the fiscal year that were not utilized because of an unfilled judge position.
- (E) Assistance received from assigned judges, temporary commissioners and referees, and attorneys acting as temporary judges.
- (F) Assistance rendered to other trial courts or appellate courts.
- (G) $(A) + (B) + (C) + [(-D + E - F) / 248]$. There were 248 available working days in Fiscal Year 2014–15. The 50 new judgeships authorized by Assembly Bill 159, effective January 2008, are included in (A.) With the positions unfilled pending funding approval by the Legislature, they are considered vacant and counted in column (D.)



2015 COURT STATISTICS REPORT
Statewide Caseload Trends
2004-2005 Through 2013-2014



JUDICIAL COUNCIL
OF CALIFORNIA

2015 COURT STATISTICS REPORT

Statewide Caseload Trends

2004-2005 Through 2013-2014



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PREFACE

Court Statistics Report

The *Court Statistics Report (CSR)* is published annually by the Judicial Council of California and is designed to fulfill the provisions of article VI, section 6 of the California Constitution, which requires the Judicial Council to survey the condition and business of the California courts. The CSR combines 10-year statewide summaries of superior court filings and dispositions with similar workload indicators for the California Supreme Court and Courts of Appeal. The 2015 CSR also provides more detailed information on filings and dispositions in the individual superior courts for the most recent fiscal year for which data are available, 2013–2014.

Caseload Data and Court Workload

California's court system is one of the largest in the world and serves a population of more than 38 million people—about 12 percent of the total U.S. population—and more than 2,000 judicial officers and approximately 19,000 judicial branch employees statewide address the full range of cases heard each year. The vast majority of cases in the California courts begin in one of the 58 superior, or trial, courts, which reside in each of the state's 58 counties. With more than 500 court buildings throughout the state, these courts hear both civil and criminal cases as well as family, probate, mental health, juvenile, and traffic cases.

The data published in the *Court Statistics Report* is used by the judicial branch in policy development, program evaluation, performance management, and in workload analysis to measure judicial and court staff resource needs in California. Because different types of cases require different amounts of judicial and staff resources, a weighted caseload approach is the standard method, nationwide, to estimate the workload and resource needs of the courts. Weighted caseload distinguishes between different categories of filings so that the resources required to process a felony case, for example, are recognized as being much greater than the resources required to process a traffic infraction. As the mix or composition of cases change over time, a weighted caseload approach is needed to assess the impact of caseload trends on court workload. The Judicial Council has adopted caseweights for two workload models used by the judicial branch—the Judicial Workload Assessment and the Resource Assessment Study (RAS) model.

With the introduction of a new budget development and allocation process for the trial courts in 2013, the data published in the *Court Statistics Report* is being used by the judicial branch for a critically important new purpose. The Judicial Council adopted the Workload-based Allocation and Funding Methodology, or WAFM, which uses the Resource Assessment Model (RAS) and other workload factors in a new budget development process that alters baseline funding for most trial courts based on court workload.

Summary of 2015 Court Statistics Report

A summary of the caseload data in the 2015 CSR for the California Supreme Court, Courts of Appeal, and Superior Courts for fiscal year 2013–2014 are as follows:

Supreme Court

- The Supreme Court issued 85 written opinions during the year.
- Filings totaled 7,907, and dispositions totaled 7,745.
- Automatic appeals arising out of judgments of death totaled 19 cases, and the court disposed of 26 such appeals by written opinion.

- The Supreme Court ordered 6 Court of Appeal opinions depublished in this fiscal year.

Courts of Appeal

- Total contested matters for the Courts of Appeal totaled 20,198 made up of 13,182 records of appeal and 7,016 original proceedings.
- Dispositions in the Courts of Appeal totaled 22,172. Of these dispositions, 14,998 were appeals, and 7,171 were original proceedings.
- Dispositions of appeals by written opinion totaled 9,592, appeals disposed of without written opinion totaled 3,642, and appeals disposed of without a record filed totaled 1,764. Dispositions of original proceedings by written opinion totaled 501, and original proceedings disposed of without written opinion totaled 6,577.
- Statewide, 8 percent of Court of Appeal majority opinions were published.

Superior Courts

In FY 2013-14, over 7.5 million cases were filed statewide in the Superior Courts. The CSR organizes all the cases filed in the courts in four main case categories—Civil; Criminal; Family and Juvenile; Probate, Mental Health, Appeals, Habeas. The case filing totals for the individual case types reported by the courts for FY 2013-14 are as follows:

Civil: The civil case category is made up of unlimited civil, limited civil, and small claims matters. Civil unlimited cases are matters where the petitioner is seeking more than \$25,000. There were 193,190 unlimited civil cases filed in the courts. Limited civil filings are cases where the petitioner is seeking \$25,000 or less. Limited civil cases totaled 486,597 statewide. Small claims filings are cases where the petitioner is seeking \$10,000 or less and is not represented by counsel. A total of 155,428 small claims cases were filed statewide.

Criminal: The criminal case category is made up of felonies, misdemeanors, and infractions. The filing totals for the individual case types are as follows: felony filings represented 272,610 cases, misdemeanor filings totaled 915,568 cases, and infraction filings accounted for 4,907,906 cases.

Family and Juvenile: Marital filings (dissolutions, legal separations and nullities) accounted for 138,968 cases and other family law filings (e.g. paternity, child support) totaled 242,518 cases. Juvenile delinquency filings totaled 45,824 cases and juvenile dependency filings totaled 46,889 cases.

Probate, Mental Health, Appeals, and Habeas: The filing totals for the individual case types are as follows: probate filings totaled 44,298 cases; mental health filings totaled 27,377 cases; civil and criminal appeal filings totaled 4,317 cases; and criminal habeas corpus filings totaled 7,410 cases.

The largest changes in statewide filings for Superior Courts from the previous year are in limited jurisdiction case types—misdemeanors and infractions in the criminal case category and small claims and limited civil in the civil case category. Limited jurisdiction cases tend to be, on average, much less complex and resource-intensive for courts than unlimited jurisdiction case types such as felonies, civil torts, juvenile, probate, and mental health. Several of the most complex types of cases filed in the courts had an increase in filings from the previous year, which include the following case types: Felony, Personal Injury/Property Damage/Wrongful Death (PI/PD/WD), Juvenile Dependency, Probate, and Mental Health.

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INTRODUCTION

The *Court Statistics Report (CSR)* is published annually by the Judicial Council of California. The CSR combines 10-year statewide summaries of superior court filings and dispositions with similar workload indicators for the California Supreme Court and Courts of Appeal. The appendixes to this report provide detailed information on filings and dispositions in the superior courts for the most recent fiscal year, 2013–2014.

The CSR is designed to fulfill the provisions of article VI, section 6 of the California Constitution, which requires the Judicial Council to survey the condition and business of the California courts.

The CSR is published on the California Courts website at <http://www.courts.ca.gov/12941.htm>.

Snapshot of Court Caseload

The *Court Statistics Report* contains essential information about the annual caseload of the California judicial branch, with a particular emphasis on the number and types of cases that are filed and disposed of in the courts. This information is submitted to the California Legislature and used in numerous judicial branch reports. As with any published data, the numbers in this report represent a snapshot of the most complete and reliable information available at the time of compilation.

To ensure that the statistics used for making policy decisions are as accurate as possible, courts may amend the data they submit to the Judicial Council should new, more detailed or more complete information become available. For this reason, the data in this report may change slightly over time as courts revise their calculations and submit new caseload estimates.

Weighted Caseload and Court Workload

In the judicial branch the most reliable and consistent measure of workload is the number of case filings. Because different types of cases require different amounts of judicial and staff resources, a weighted caseload approach is the standard method, nationwide, to estimate the workload and resource needs of the courts. Accordingly, the Judicial Council has adopted a weighted caseload methodology to measure judicial and court staff resource needs in California. Weighted caseload distinguishes between different categories of filings so that the resources required to process a felony case, for example, are recognized as being much greater than the resources required to process a traffic infraction. Individual caseweights have been assigned to the many different types of cases filed in the courts. Caseweights are used along with the data published in the Court Statistics Report to estimate the number of judicial officers and court staff needed to fully adjudicate each case filed in the 58 superior courts.

The Judicial Council has adopted caseweights for two workload models used by the judicial branch—the Judicial Workload Assessment and the Resource Assessment Study (RAS) model. The Judicial Workload Assessment model was originally developed and adopted by the Judicial Council in 2001, and the Judicial Council adopted updated caseweights or judicial workload standards in 2012. The Resource Assessment Study (RAS) model was originally developed and adopted by the Judicial Council in 2005, and the RAS model was updated and adopted by the Judicial Council in 2013.

With the introduction of a new budget development and allocation process for the trial courts in 2013, the data published in the Court Statistics Report is being used by the judicial branch for a critically important new purpose. The Judicial Council adopted the Workload-based Allocation and Funding Methodology, or WAFM, which uses the Resource Assessment Model (RAS) and other workload factors in a new budget development process that alters baseline funding for most trial courts based on court workload. WAFM is consistent with Goal II, Independence and Accountability, of Justice in Focus: The Strategic Plan for California Judicial Branch 2006-2012, in that the methodology strives to “allocate resources in a transparent and fair manner that promotes efficiency and effectiveness in the administration of justice, supports the strategic goals of the judicial branch, promotes innovation, and provides for effective and consistent court operations” (Goal II.B.3).

Variations in Data Totals

Statewide trends in filings and dispositions may be influenced by a number of factors. For example, changes in the number of filings and dispositions may reflect shifting needs or behavior of residents of a court’s service area as well as new policy emphases in the work of justice system partners. The following are some of the more common causes of statistical variations.

Missing Data

Statewide totals in the CSR may be influenced by missing data for certain courts. Typically, when courts do not report data to the Judicial Council, it is because they have encountered difficulties generating automated reports from their case management systems. Filings data submitted by the courts tend to be more complete than disposition data.

Incomplete Data

The reporting of incomplete data typically occurs when courts transmit partial data totals for a particular case type because of the limits of their case management systems. It should be noted that incomplete data are more difficult to spot in the tables that follow, but in general they will cause downward shifts in the number of filings and dispositions. (Incomplete data for FY 2013–2014 are also detailed in Appendix A.)

Variation in Local Business Practices

Data reported in the CSR are compiled in a data warehouse, the Judicial Branch Statistical Information System (JBSIS). Because many different case management systems are used in the courts, data must be “mapped” from local systems into the standard categories used for reporting purposes. One essential function of JBSIS is to standardize the basic definitions of case types and case events across all courts in California. Another important aspect of JBSIS is its role in the extraction of court data through different transmission methods that include manual reports, web-based reports through the JBSIS Portal, and automated JBSIS reports. Through this process JBSIS contributes to the warehousing of this data in a structure that is comparable from one court to another.

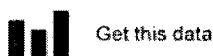
Maintaining quality control over the data contained in the JBSIS data warehouse involves:

- Training court staff on the standards for the classification, entry, and reporting of data;
- Providing information to the courts for resolving technical questions associated with data definitions, processing, and aggregation;
- Developing and adopting a new case management system infrastructure in the courts; and
- Documenting and disseminating information related to changes in the ways that courts define or report data.

Although a growing number of courts now transmit their data electronically from their case management system to the Judicial Council, there continue to be differences among superior courts' case processing and other business practices that reflect the histories of individual courts and the unique needs of the communities they serve. These differences may influence the ways in which superior courts report data to the Judicial Council. On that basis, while the filings and disposition data reported by any one court are largely comparable to data from other courts, some local variations in the classification and reporting of cases still occur.

Changes to 2015 Court Statistics Report

The 2015 *Court Statistics Report* reflects several design improvements and organizational changes to make the document more user-friendly—primarily a more graphical presentation of the material and more accurate organization of the work of the branch by case type and subject matter. The electronic PDF version of the 2015 CSR also offers access to the raw data underlying many of the graphical charts by clicking the data icon:



The major organizational change in the 2015 CSR is to distinguish descriptive caseload indicators such as filings and dispositions, and basic standards and measures of judicial administration. These measures, such as time to disposition and caseload clearance rate, allow the courts to assess case-processing practices and ensure efficient allocation of resources. Engaging in an ongoing assessment of performance measurement furthers many of the branchwide strategic goals—such as access to justice, accountability, and quality of justice and service to the public—that are vital to the effective administration of justice in California.

Judicial Administration Standards and Measures

Government Code section 77001.5 (Sen. Bill 56 [Dunn]; Stats. 2006, ch. 390) requires the Judicial Council to adopt and annually report on “judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects: (1) providing equal access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration.” The judicial administration standards and measures included in the 2015 CSR further the branch’s commitment to the goals and measures outlined in Government Code section 77001.5.

CalCourTools

CalCourTools is a set of judicial administration standards and measures linked to technical assistance available from the Judicial Council. The CalCourTools program builds on the CourTools measures developed by the National Center for State Courts and endorsed by the Conference of Chief Justices and the Conference of State Court Administrators

Statistical Overview

This section contains summaries of filings and dispositions for the California Supreme Court, Courts of Appeal, and superior courts for fiscal year 2013–2014.

Supreme Court

- The Supreme Court issued 85 written opinions during the year.

- 7,907 matters were filed with the court, with 7,745 matters disposed of during the same period.
- The court received 4,134 petitions seeking review from a Court of Appeal decision in an appeal or an original writ proceeding and disposed of 4,031 such petitions.
 - 1,121 of these petitions for review arose from civil matters, and 3,013 from criminal matters.
 - The court disposed of 1,068 civil petitions and 2,963 criminal petitions.
- The court received 2,758 petitions seeking original writ relief and disposed of 2,681 of such petitions.
 - Of the petitions seeking original writ relief, 232 arose out of civil matters and 2,526 arose out of criminal matters.
 - The court disposed of 197 civil and 2,484 criminal petitions.
- A total of 19 automatic appeals were filed with the court following a judgment of death, and the court disposed of 26 automatic appeals by written opinion.
- The court received 41 habeas corpus petitions related to automatic appeals and disposed of 28 such petitions.
- A total of 955 State Bar matters were filed with the court, and 979 such matters were disposed of during the year.
- The Supreme Court ordered 6 Court of Appeal opinions depublished in this fiscal year.

Courts of Appeal

- Contested matters for the Courts of Appeal totaled 20,198, and dispositions totaled 22,172.
- Contested matters included 13,182 records of appeal and 7,016 original proceedings.
- The 13,182 filings of records of appeal comprised 4,374 civil cases, 6,082 criminal cases, and 2,726 juvenile cases. The 7,016 filings of original proceedings included 1,851 civil, 4,742 criminal, and 423 juvenile cases.
- Filings of notices of appeal in the superior court totaled 15,213: 5,983 civil cases, 6,373 criminal cases, and 2,857 juvenile cases.
- Disposition of notices of appeal totaled 14,998 and included 6,059 civil, 6,120 criminal, and 2,819 juvenile cases.
 - Dispositions of notices of appeal by written opinion totaled 9,592: 3,118 civil cases, 4,789 criminal cases, and 1,685 juvenile cases.
 - Dispositions without written opinion totaled 3,642 cases: 1,467 civil, 1,126 criminal, and 1,049 juvenile.
 - Dispositions of notices of appeal with no record filed totaled 1,764 cases: 1,474 civil, 205 criminal, and 85 juvenile.
- Disposition of filings of original proceedings is composed of 1,892 civil, 4,857 criminal, and 329 juvenile cases.
 - Disposition of original proceedings decided with written opinion totaled 501 cases: 141 civil cases, 161 criminal cases, and 199 juvenile cases.
 - Disposition of original proceedings without written opinion totaled 6,577 cases: 1,751 civil, 4,696 criminal, and 130 juvenile.
- Of the cases disposed of by written opinion, 8,163 were affirmed, 880 were reversed, and 250 were dismissed.

- Of those cases affirmed by the Courts of Appeal, 6,534 received full affirmance, while 1,629 received affirmance with modification.
- Statewide, 8 percent of Court of Appeal majority opinions were published in this fiscal year.

Superior Court

Superior court case filings across all case categories totaled 7,488,900 cases, while dispositions numbered 6,722,593. Within these aggregate numbers, the following totals by major case category and case type were recorded:

Civil Cases. Civil filings totaled 835,215 and civil dispositions totaled 840,433, with a caseload clearance rate of 101% attained over all civil case types in this fiscal year.

- **UNLIMITED:** Civil unlimited filings totaled 193,190 cases, while civil unlimited dispositions numbered 173,420.
 - Method of disposition for civil unlimited cases: 135,918 cases disposed of before trial and 37,502 after trial.
 - Caseload clearance rate for civil unlimited cases: 90%.
 - Case processing time for civil unlimited cases was 66% within 12 months, 77% in 18 months, and 84% in 24 months.
- **LIMITED:** Civil limited filings totaled 486,597 cases, while civil limited dispositions numbered 507,728.
 - Method of disposition for civil limited trials: 475,916 cases were disposed of before trial and 31,812 after trial.
 - The caseload clearance rate for civil limited cases was 104%.
 - Case processing time for civil limited was as follows: 86% in 12 months, 93% in 18 months, and 95% in 24 months.
- **SMALL CLAIMS:** Small claims filings reached a total of 155,428 cases, while small claims dispositions numbered 159,285.
 - Method of disposition for small claims cases: 67,190 cases were disposed of before trial and 92,125 after trial.
 - The caseload clearance rate for small claims cases was 102%.
 - Case processing time in small claims cases was as follows: 60% in 70 days, 71% in 90 days.

Criminal Cases. Criminal filings totaled 6,096,084 and criminal dispositions numbered 5,400,132, with a caseload clearance rate of 89% attained over all criminal case types in this fiscal year.

- **FELONIES:** Felony filings reached a total of 272,610 cases, while felony dispositions numbered 254,410.
 - Method of disposition: 246,734 felony cases were disposed of before trial and 6,328 after trial.
 - Caseload clearance rate for felony cases was 93%.
 - Case processing time in felony cases resulting in bindovers or certified pleas: 50% in 30 days, 60% in 45 days, 76% in 90 days—with 88% of all felonies disposed of in less than 12 months.

- **MISDEMEANORS:** Misdemeanor filings reached a total of 915,568 cases, while misdemeanor dispositions numbered 740,790.
 - Method of disposition: 733,443 misdemeanor cases were disposed of before trial and 7,355 after trial.
 - Caseload clearance rate for misdemeanor cases ranged from 78% for traffic misdemeanors to 84% for nontraffic misdemeanors.
 - Case processing time for misdemeanors: 61% in 30 days, 78% in 90 days, and 83% in 120 days.
- **INFRACTIONS:** Infraction filings reached a total of 4,907,906 cases, while infraction dispositions numbered 4,404,932.
 - Method of disposition: 4,032,657 infraction cases were disposed of before trial and 372,275 after trial.
 - The caseload clearance rate for infraction cases ranged from 69% for nontraffic infractions to 91% for traffic infractions.

Family Law. Family law filings totaled 381,486, and family law dispositions numbered 344,042, with a caseload clearance rate of 90% attained over all family law case types in this fiscal year.

- **FAMILY LAW (MARITAL):** Family law (marital) filings reached a total of 138,968 cases, while this type of family law dispositions numbered 137,693.
 - Method of disposition: 136,376 family law (marital) cases were disposed of before trial and 1,317 after trial.
 - The caseload clearance rate for family law (marital) cases was 99%.
- **FAMILY LAW PETITIONS:** Family law petition filings reached a total of 242,518 cases, while this type of family law dispositions numbered 206,349.
 - Method of disposition: 205,372 family law petition cases were disposed of before trial and 977 after trial.
 - The caseload clearance rate for family law petition cases was 85%.

Juvenile Law. Juvenile filings totaled 92,713, and juvenile dispositions numbered 73,759.

- **JUVENILE DELINQUENCY:** Juvenile delinquency filings reached a total of 45,824 cases, while juvenile delinquency dispositions numbered 41,932.
 - Method of disposition: 7,194 juvenile delinquency cases were disposed of before hearing and 34,738 after hearing.
 - The caseload clearance rate for juvenile delinquency cases ranged from 92% for original petitions to 91% for subsequent petitions, with an average of 92% for this case type.
- **JUVENILE DEPENDENCY:** Juvenile dependency filings reached a total of 46,889 cases, while juvenile dependency dispositions numbered 31,827.
 - Method of disposition: 1,614 juvenile dependency cases were disposed of before hearing and 30,213 after hearing.
 - The caseload clearance rate for juvenile dependency cases ranged from 75% for original petitions to 26% for subsequent petitions, with an average of 68% for this case type.

Probate and Mental Health Cases.

- **PROBATE:** Probate (estate, guardianship, and conservatorship) filings reached a total of 44,298 cases, while probate dispositions numbered 30,183.
 - Method of disposition: 15,340 probate cases were disposed of before hearing and 14,843 after hearing.
 - The caseload clearance rate for all types of probate cases was 68%.
- **MENTAL HEALTH:** Mental health filings reached a total of 27,377 cases, while mental health dispositions numbered 22,320.
 - Method of disposition: 5,685 mental health cases were disposed of before hearing and 16,635 after hearing.
 - The caseload clearance rate for all types of mental health cases was 82%.

Trials, By Type of Proceeding

- **JURY TRIALS:** A total of 9,900 jury trials were recorded across all case types. Jury trials held in the superior courts in fiscal year 2013–2014 included 5,545 felony, 2,724 misdemeanor, 1,226 civil unlimited, 219 civil limited, and 186 probate and mental health cases.
- **ALL COURT TRIALS:** A total of 472,763 court trials were recorded across all the case types detailed above (excluding small claims). These included 785 felony, 376,906 misdemeanor and infractions, 32,187 civil unlimited, 31,593 civil limited, and 31,292 probate and mental health cases.
- **SMALL CLAIMS TRIALS:** A total of 92,125 small claims court trials were recorded, which may be distinguished from criminal and civil court trials for their tendency to be resolved in a single hearing.

Trial Court Workload and Judicial Resources

- Authorized judicial positions in the California courts in fiscal year 2013–2014 totaled 2,024: 1,706 judges and 318 subordinate judicial officers.
- The 50 new judgeships authorized by Assembly Bill 159, effective January 2008, are still unfunded but are included in the statewide number of judgeships.
- While the number of authorized judicial positions for the year was 2,024, the assessed number of judges needed (AJN) was 2,171.

The California Court System

California's court system serves a population of more than 38 million people—about 12 percent of the total U.S. population—and processed almost 7.5 million cases in fiscal year 2013–2014. The judicial branch budget for the 2013-2014 fiscal year excluding infrastructure of \$3.1 billion represents about 2.2 percent of the California state budget and makes possible the case-processing activity detailed above while also providing the basis of support for approximately 2,000 judicial officers and 19,000 judicial branch employees statewide.

The vast majority of cases in the California courts begin in one of the 58 superior, or trial, courts, which reside in each of the state's 58 counties. With more than 500 court buildings throughout the state, these courts hear both civil and criminal cases as well as family, probate, mental health, and juvenile cases. The equivalent of more than 2,000 judicial positions statewide address the full range of cases heard each year by the superior

courts, as reflected in the sheer number of case filings and dispositions reported here. The superior courts report summaries of their case filing counts to the Judicial Council, and the CSR reports those figures here in aggregate form.

The next level of court authority within the state's judicial branch resides with the Courts of Appeal. Most of the cases that come before the Courts of Appeal involve the review of a superior court decision that is being contested by a party to the case. The Legislature has divided the state geographically into six appellate districts, each containing a Court of Appeal. Currently, 105 appellate justices preside in nine locations in the state to hear matters brought for review. Totals of Court of Appeal case filings are forwarded to the Judicial Council; these are summarized in the tables that follow.

The Supreme Court sits at the apex of the state's judicial system, and has discretion to review decisions of the Courts of Appeal in order to settle important questions of law and resolve conflicts among the courts of appeal. Although the Supreme Court generally has considerable discretion in determining in which cases to grant review, it must review the appeal in any case in which a trial court has imposed the death penalty. The Supreme Court sends the Judicial Council its annual case filing figures, which are reported here in summary form.

Terminology and Rules for Counting Filings

Technical definitions of most terms used in this CSR can be found in the appendixes. Some core definitions are presented here in more detail.

Appellate Courts

APPEAL. An *appeal* is a proceeding undertaken to have a decision of a lower trial court reviewed by a court with appellate authority over the matter. (Certain limited matters are reviewed by the appellate department of the superior courts.) A *notice of appeal* is a written notification filed in the superior court to initiate the appeal of a judgment to the Court of Appeal. The Courts of Appeal have appellate jurisdiction in all trial court matters, except when a judgment of death is entered, in which case the Supreme Court has appellate jurisdiction. If the matter is appealable, the court must hear the appeal. A *fully briefed* appeal is one in which all briefs have been filed with the court. *Dismissal* of an appeal involves the termination of a case for reasons other than its merit. An appeal that is awaiting a final decision is said to be *pending*. **Each notice of appeal is counted as one new filing.**

PETITION FOR REVIEW. A *petition for review* is filed in the California Supreme Court to ask that court to exercise its discretion to review a decision issued by a Court of Appeal in an appeal or an original proceeding. The Supreme Court has a total of 90 days to consider a petition for review, after which it loses jurisdiction. If a petition for review is granted by the Supreme Court then full briefing occurs on the case; if a petition is denied then the judgment of the lower court becomes final as to the case.

AUTOMATIC APPEAL. An *automatic appeal* is the appeal following a judgment of death in the trial court. This type of appeal is unique because it moves directly from a superior court to the Supreme Court without first being reviewed by a Court of Appeal. Like other types of appeals, is fully briefed before being heard. **An automatic appeal is counted as one new filing.**

ORIGINAL PROCEEDING. An *original proceeding* is an action that may be filed and heard for the first time in an appellate court. This action is not an appeal; rather, it is ordinarily a petition for a writ. Examples of original proceedings include a writ of mandamus, which instructs a lower court to perform mandatory duties correctly;

a writ of prohibition, or an order that forbids certain actions; and a writ of habeas corpus, which is described below. **Each original proceeding is counted as one new filing.**

PETITION FOR A WRIT OF HABEAS CORPUS. A petition for the issuance of a *writ of habeas corpus* is typically filed to contest the legality of a party's imprisonment or conditions of confinement. **Each habeas corpus petition is counted as one new filing.**

WRITTEN OPINION. A *written opinion* is a document issued by an appellate court explaining the terms and reasoning in its disposition of a case. The written opinion includes a statement of the legal facts in the case, relevant points of law, and the court's analysis and rationale for its decision. In addition to the written majority opinion in a case, concurring and dissenting opinions also may be filed in each case. **For each case, only the majority opinion is counted as a written opinion in these tables.**

DISPOSITIONS. The appellate court may dispose of a case by affirming or reversing the action of the lower court, or it may send the case back to the lower court for further proceedings if appropriate.

RECORD OF APPEAL. A *record of appeal* is the compilation of documents and transcripts associated with a given superior court case under review by an appellate court. The record is a component of a new appellate case and as such **is not counted separately from the initial appeal.**

REVERSAL OF CASE DECISION. A *reversal* is the overturning of a lower court's decision by an appellate court.

Superior Courts

FILING. In the most general sense, a *filing* is the initiation of a legal action with the court through a carefully prescribed legal procedure.

How Filings Are Counted. The procedure used to count filings for this report follows a set of rules consistent with national standards for statistical reporting. These rules differ according to case type:

- Each filing in a *civil* case pertains to the complaint or petition that has been submitted to the court for action. A given civil complaint may name one or more individuals or groups as its object. However, **regardless of the number of parties named in a case, each civil case is reported as one filing or one disposition.**
- Each filing in a *criminal* case is associated with a single defendant against whom criminal charges have been filed. Multiple criminal charges may occur in a case where different charges have been brought against the same defendant, but **only the single most severe charge against a defendant in a given case is counted as a new criminal filing. When multiple defendants are charged with a crime, multiple filings are reported.**
- Each filing in a *juvenile* case pertains to a minor who is the subject of a petition made to the court for adjudication. A minor may have an initial filing that brought him or her to the attention of the court, and subsequent filings if new petitions or charges are filed over time. This practice continues until termination of the dependency or delinquency jurisdiction by the court or when the minor has reached the legal definition of adulthood. **In a single case involving multiple minors, each minor is counted as a separate filing.**

DISPOSITION. In a general sense, a *disposition* may be described as a final settlement or determination in a case. A disposition may occur either before or after a civil or criminal case has been scheduled for trial. A final judgment, a dismissal of a case, and the sentencing of a criminal defendant are all examples of dispositions. In certain case types, however, a disposition may merely signal the beginning of the court's authority over a case.

For example, after the petition to appoint a conservator is disposed of in conservatorship cases, the court assumes control over that case. Rules for counting and reporting dispositions mirror those for filings, although a case filed in one year may be disposed of by the court in a subsequent year.

California Judicial Branch: Structure and Duties

The Courts

CALIFORNIA SUPREME COURT

www.courts.ca.gov/supremecourt.htm

- Has discretionary authority to review decisions of the Courts of Appeal; jurisdiction to review original petitions for writ relief; direct responsibility for automatic appeals after death penalty judgments
- Hears oral arguments in San Francisco, Los Angeles, and Sacramento

COURTS OF APPEAL

www.courts.ca.gov/courtsofappeal.htm

- Review the majority of appealable orders or judgments from the superior courts; jurisdiction to review original petitions for writ relief
- Six districts, 19 divisions, 9 court locations

SUPERIOR COURTS

www.courts.ca.gov/superiorcourts.htm

- Have trial jurisdiction over all criminal and civil cases filed in their respective counties; guided by state and local laws that define crimes and specify punishments, as well as defining civil duties and liabilities
- A total of 58 courts—one for each California county—each operating in 1 to 46 branches depending on county population, total local caseload, and other factors

Branch and Administration Policy

JUDICIAL COUNCIL OF CALIFORNIA

www.courts.ca.gov/policyadmin-jc.htm

The constitutionally created policymaking body of the California courts

Branch Agencies

COMMISSION ON JUDICIAL APPOINTMENTS

www.courts.ca.gov/5367.htm

Confirms gubernatorial appointments to the Supreme Court and appellate courts

COMMISSION ON JUDICIAL PERFORMANCE

<http://cjp.ca.gov>

Responsible for maintaining statewide standards for administration of justice and empowered with disciplinary authority to effect the censure, removal, retirement, or private admonishment of judges and commissioners

Decisions subject to review by the California Supreme Court

HABEAS CORPUS RESOURCE CENTER

www.courts.ca.gov/5361.htm

Handles state and federal habeas corpus proceedings; provides training and support for private attorneys who take these cases

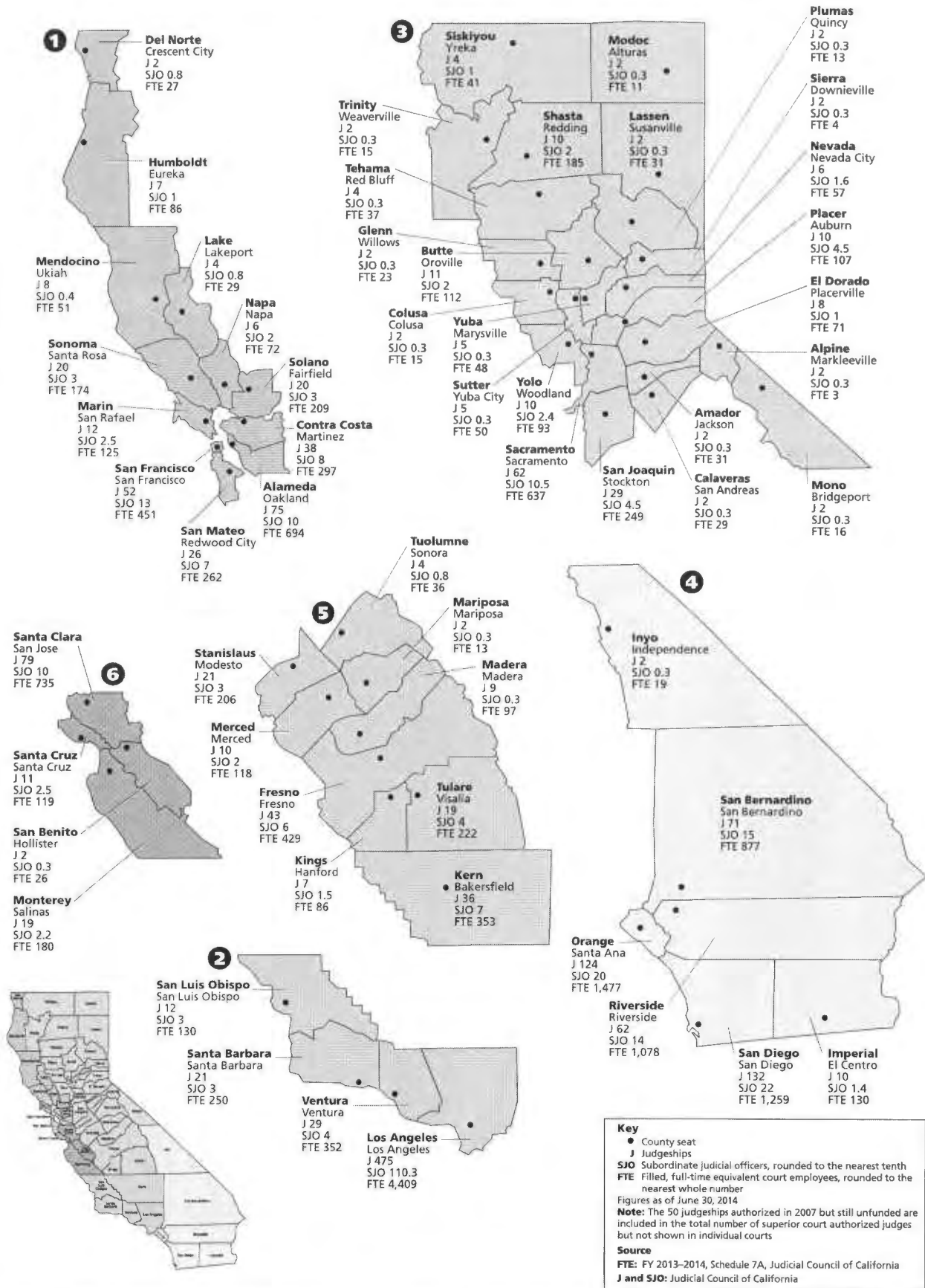
Related

STATE BAR OF CALIFORNIA

www.calbar.ca.gov

Serves the Supreme Court in administrative and disciplinary matters related to attorneys

California Judicial Officers and Court Employees

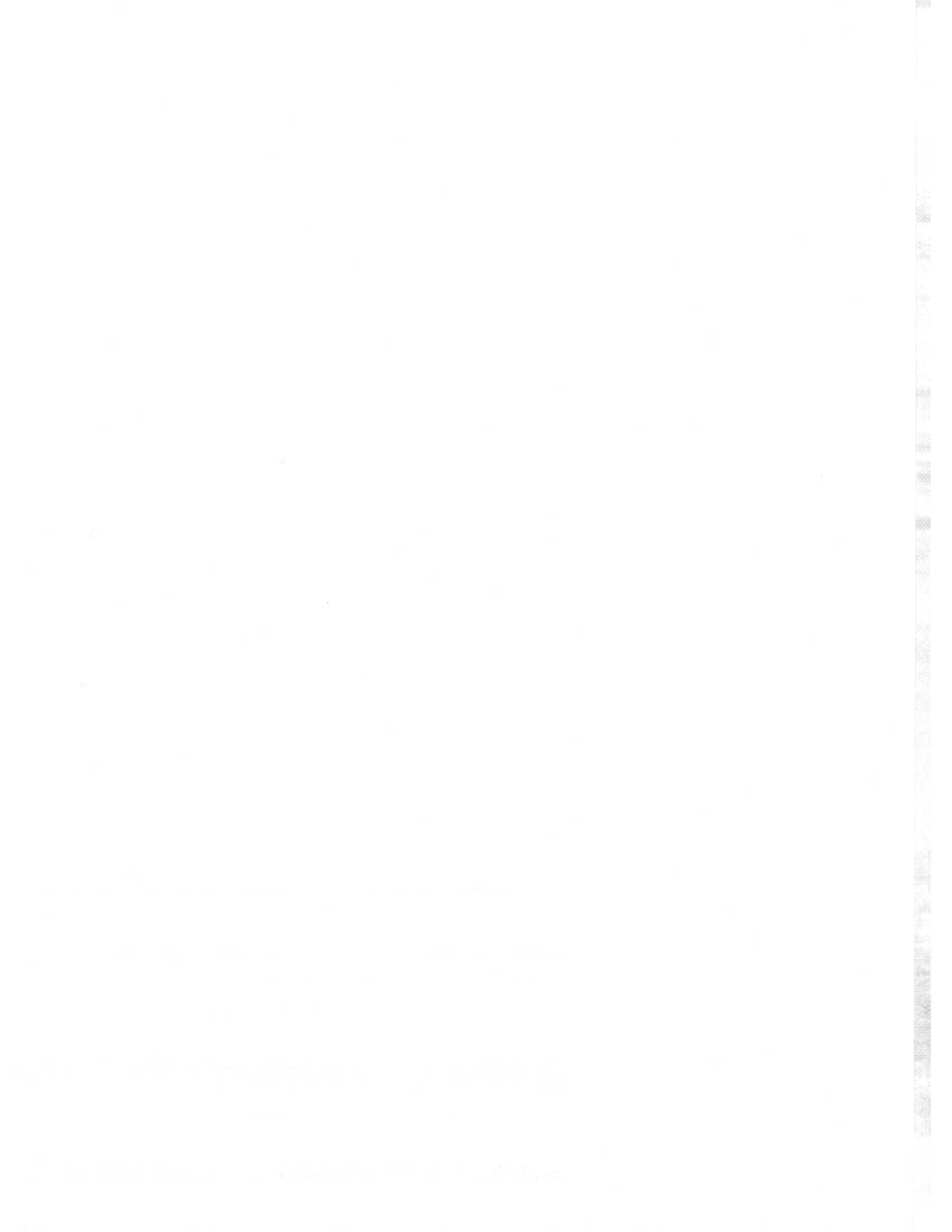


Key
 ● County seat
 J Judgeships
 SJO Subordinate judicial officers, rounded to the nearest tenth
 FTE Filled, full-time equivalent court employees, rounded to the nearest whole number
 Figures as of June 30, 2014
Note: The 50 judgeships authorized in 2007 but still unfunded are included in the total number of superior court authorized judges but not shown in individual courts
Source
 FTE: FY 2013–2014, Schedule 7A, Judicial Council of California
 J and SJO: Judicial Council of California

First Appellate District Justices 20 FTE 89	Second Appellate District Justices 32 FTE 222	Third Appellate District Justices 11 FTE 76	Fourth Appellate District Justices 25 FTE 168	Fifth Appellate District Justices 10 FTE 64	Sixth Appellate District Justices 7 FTE 43	Supreme Court Justices 7 FTE 128	Superior Courts Authorized judges 1,706 Authorized SJOs 318 Total FTEs 16,951
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Supreme Court





Total Filings and Dispositions
 Fiscal Years 2004–05 through 2013–14

Supreme Court
 Figures 1–2

Total Filings and Dispositions

	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14
Filings	9,203	9,465	9,198	10,752	9,486	9,759	10,328	9,232	8,027	7,907
Dispositions	8,607	9,965	9,324	10,593	9,689	9,537	10,200	9,724	8,493	7,745

Figure 1: Total Filings

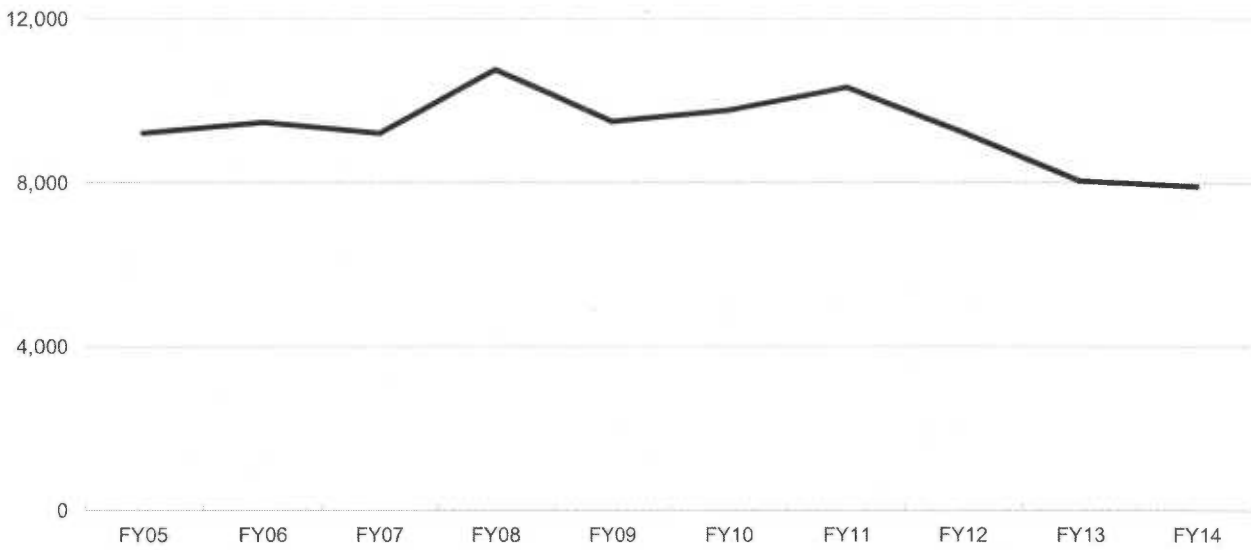
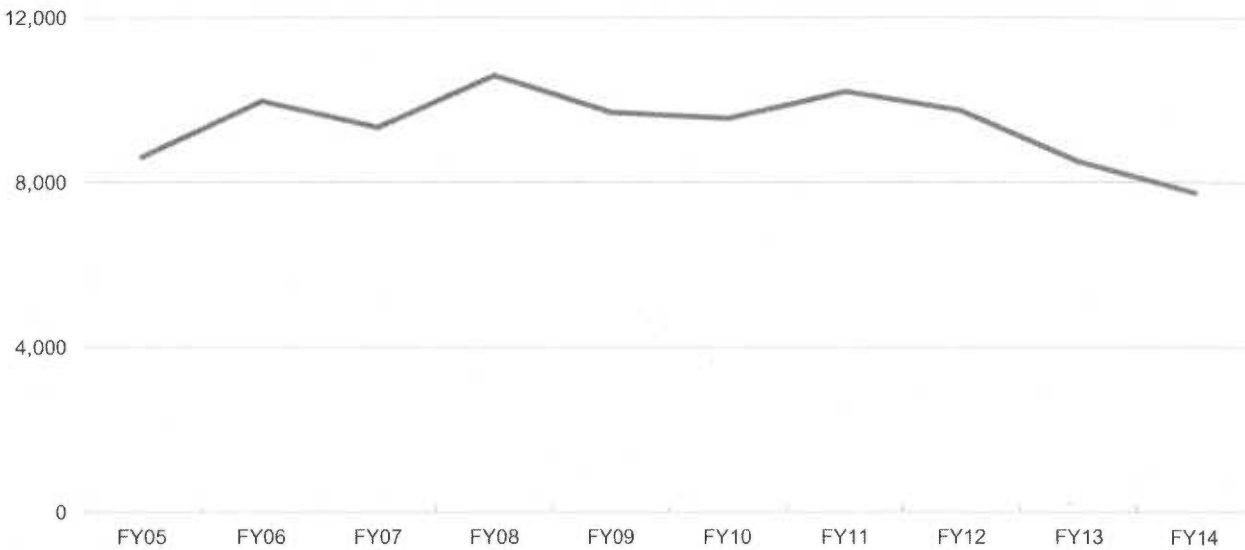


Figure 2: Total Dispositions



— Filings — Dispositions

Figure 3: Petitions for Review ¹

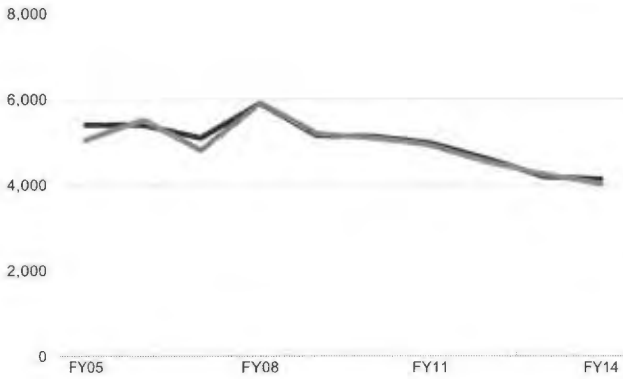


Figure 4: Original Proceedings ²

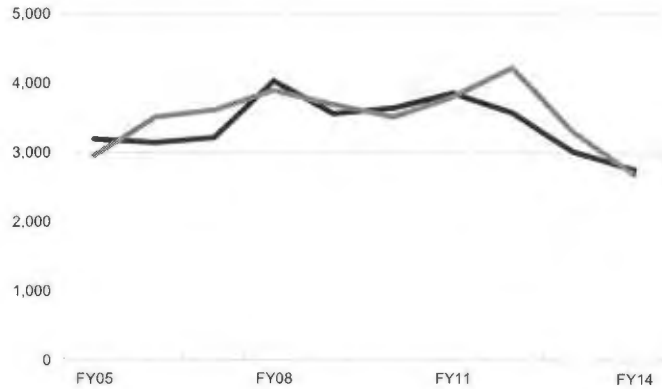


Figure 5: Automatic Appeals (Death Penalty Cases)

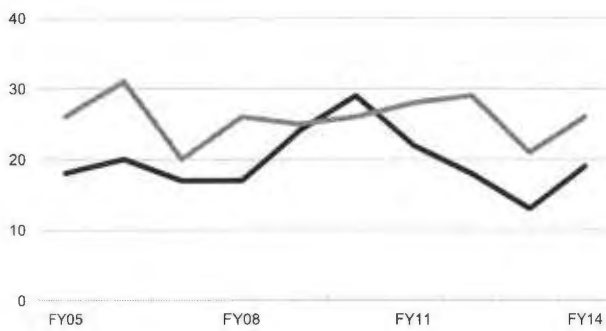


Figure 6: Habeas Corpus Related To Automatic Appeals ³

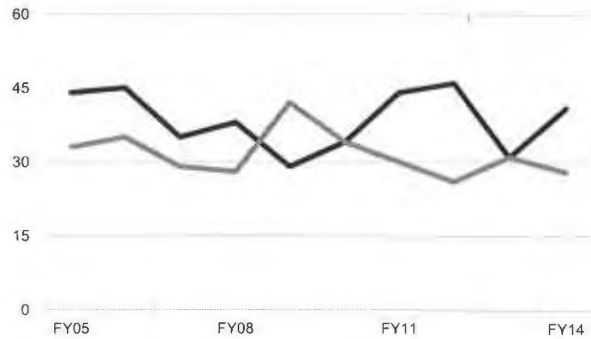
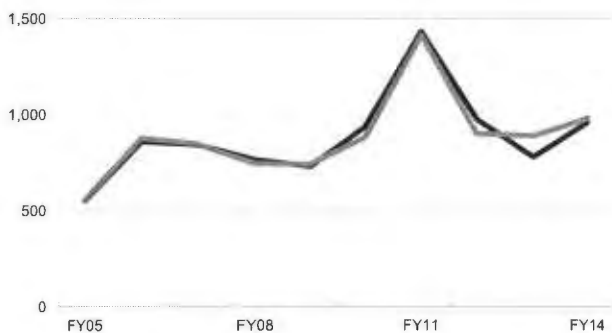


Figure 7: State Bar Matters ⁴



Notes:

- 1 Petitions seeking review following Court of Appeal decision in appeals and writs. Detailed breakout is shown in Figures 8-10c.
- 2 Original petitions for writs filed directly in the Supreme Court. Detailed breakout is shown in Figures 11-13b.
- 3 Includes petitions filed both before the court has issued an opinion in the related automatic appeal and after affirmance.
- 4 Filings include State Bar Court recommendations for disciplinary action, reports of criminal convictions of attorneys, motions for the admissions of attorneys, requests for rule proposals, and other administrative matters relating to the State Bar.

Filings and Dispositions: Summary
Fiscal Years 2004–05 through 2013–14

Supreme Court
Data for Figures 3–7

Filings						
Fiscal year	Total (A)	Petitions for review (B)	Original proceedings (C)	Automatic appeals (D)	Habeas Corpus related to automatic appeals (E)	State Bar matters (F)
FY14	7,907	4,134	2,758	19	41	955
FY13	8,027	4,191	3,015	13	31	777
FY12	9,232	4,620	3,575	18	46	973
FY11	10,328	4,984	3,850	22	44	1,428
FY10	9,759	5,128	3,633	29	34	935
FY09	9,486	5,159	3,546	24	29	728
FY08	10,752	5,911	4,023	17	38	763
FY07	9,198	5,101	3,204	17	35	841
FY06	9,465	5,404	3,138	20	45	858
FY05	9,203	5,406	3,184	18	44	551

Dispositions						
Fiscal year	Total (A)	Petitions for review (B)	Original proceedings (C)	Automatic appeals (D)	Habeas Corpus related to automatic appeals (E)	State Bar matters (F)
FY14	7,745	4,031	2,681	26	28	979
FY13	8,493	4,251	3,304	21	31	886
FY12	9,724	4,549	4,222	29	26	898
FY11	10,200	4,934	3,796	28	30	1,412
FY10	9,537	5,096	3,502	26	34	879
FY09	9,689	5,201	3,683	25	42	738
FY08	10,593	5,913	3,884	26	28	742
FY07	9,324	4,823	3,606	20	29	846
FY06	9,965	5,522	3,501	31	35	876
FY05	8,607	5,047	2,948	26	33	553

Caseload Clearance						
Fiscal year	Total (A)	Petitions for review (B)	Original proceedings (C)	Automatic appeals (D)	Habeas Corpus related to automatic appeals (E)	State Bar matters (F)
FY14	98%	98%	97%	137%	68%	103%
FY13	106%	101%	110%	162%	100%	114%
FY12	105%	98%	118%	161%	57%	92%
FY11	99%	99%	99%	127%	68%	99%
FY10	98%	99%	96%	90%	100%	94%
FY09	102%	101%	104%	104%	145%	101%
FY08	99%	100%	97%	153%	74%	97%
FY07	101%	95%	113%	118%	83%	101%
FY06	105%	102%	112%	155%	78%	102%
FY05	94%	93%	93%	144%	75%	100%

Column Key:

- (A) Sum of B through F.
- (B) Petitions seeking review following Court of Appeal decision in appeals and writs. Detailed breakout is shown in Figures 8-10c.
- (C) Original petitions for writs filed directly in the Supreme Court. Detailed breakout is shown in Figures 11-13b.
- (D) Death penalty cases.
- (E) Includes petitions filed both before the court has issued an opinion in the related automatic appeal and after affirmance.
- (F) Filings include State Bar Court recommendations for disciplinary action, reports of criminal convictions of attorneys, motions for the admissions of attorneys, request for rule proposals, and other administrative matters relating to the State Bar. Detailed breakout is shown in Table 2.

Filings and Dispositions: Petitions for Review
Fiscal Years 2004–05 through 2013–14

Supreme Court
Figures 8–10c

Figure 8: Total Petitions for Review

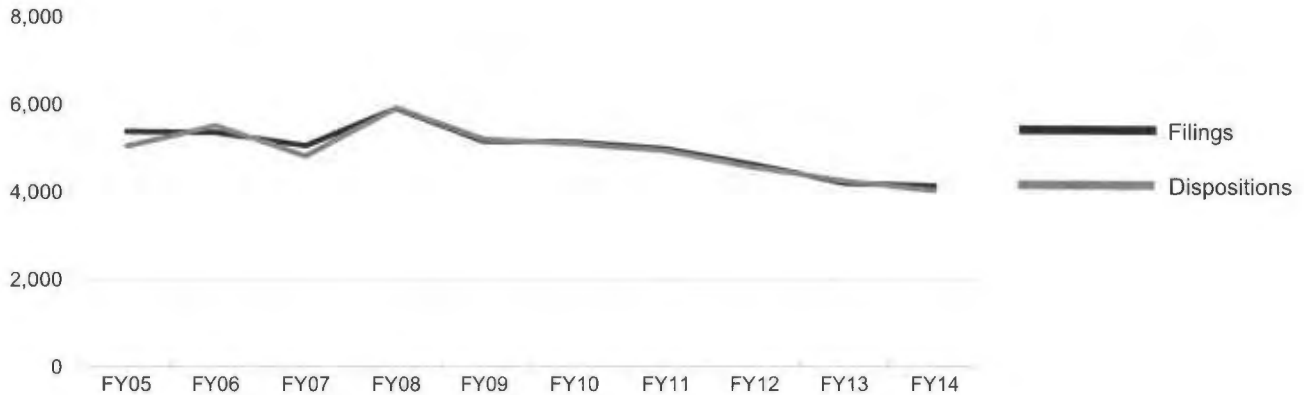


Figure 9: Civil Total

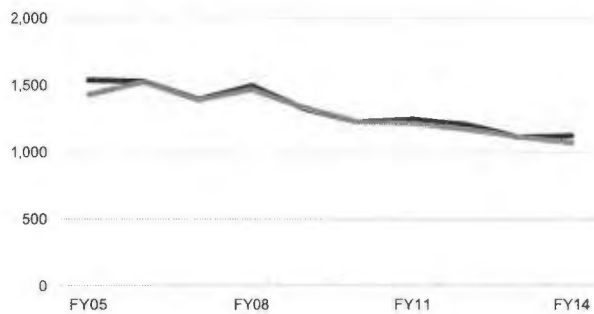


Figure 10: Criminal Total

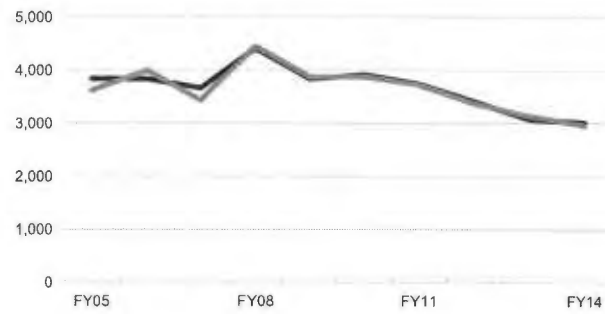


Figure 9a: Civil Appeals ¹

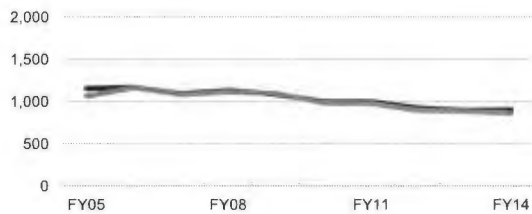


Figure 10a: Criminal Appeals ³

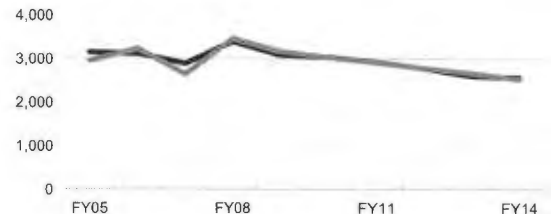


Figure 9b: Civil Writs ²

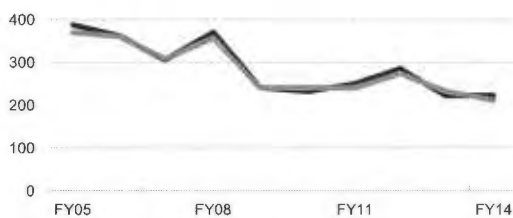


Figure 10b: Criminal Habeas Corpus ⁴

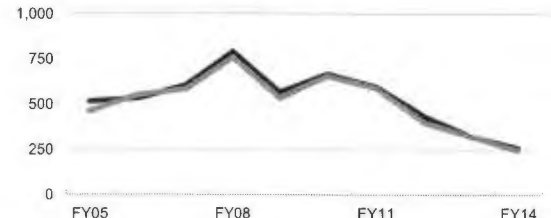
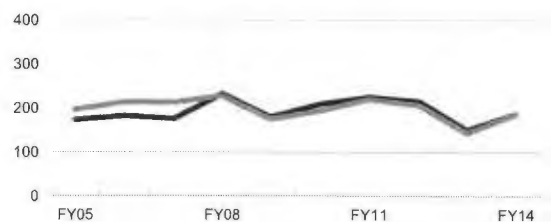


Figure 10c: Criminal – Other Writs ⁵



Notes:

- 1 Petitions for review from decisions in civil appeals
- 2 Petitions for review arising from civil original writs filed in the Courts of Appeal
- 3 Petitions for review from decisions in criminal appeals
- 4 Petitions for review arising from habes corpus petitions filed in the Courts of Appeal
- 5 Petitions for review arising from original criminal writs filed in the Courts of Appeal other than a petition for writ of habeas corpus.

Filings and Dispositions: Petitions for Review
Fiscal Years 2004–05 through 2013–14

Supreme Court
Data for Figures 8–10c

Filings								
Fiscal year	Grand total (A)	Civil			Criminal			
		Total (B)	Appeals (C)	Writs (D)	Total (E)	Appeals (F)	Habeas Corpus (G)	Other Writs (H)
FY14	4,134	1,121	899	222	3,013	2,568	258	187
FY13	4,191	1,111	890	221	3,080	2,607	323	150
FY12	4,620	1,203	918	285	3,417	2,772	431	214
FY11	4,985	1,243	993	250	3,742	2,922	595	225
FY10	5,129	1,223	992	231	3,906	3,031	666	209
FY09	5,158	1,324	1,084	240	3,834	3,089	566	179
FY08	5,910	1,495	1,125	370	4,415	3,393	790	232
FY07	5,055	1,393	1,087	306	3,662	2,885	602	175
FY06	5,357	1,527	1,166	361	3,830	3,116	533	181
FY05	5,375	1,537	1,150	387	3,838	3,152	513	173

Dispositions								
Fiscal year	Grand total (A)	Civil			Criminal			
		Total (B)	Appeals (C)	Writs (D)	Total (E)	Appeals (F)	Habeas Corpus (G)	Other Writs (H)
FY14	4,031	1,068	857	211	2,963	2,533	243	187
FY13	4,251	1,114	882	232	3,137	2,670	324	143
FY12	4,549	1,168	894	274	3,381	2,778	397	206
FY11	4,934	1,213	974	239	3,721	2,913	588	220
FY10	5,096	1,223	983	240	3,873	3,025	655	193
FY09	5,201	1,331	1,091	240	3,870	3,161	535	174
FY08	5,913	1,467	1,111	356	4,446	3,460	758	228
FY07	4,823	1,389	1,081	308	3,434	2,641	581	212
FY06	5,522	1,524	1,164	360	3,998	3,233	552	213
FY05	5,047	1,430	1,061	369	3,617	2,960	461	196

Column Key:

- (A) $B + E$.
- (B) $C + D$.
- (C) Cases in which the Court of Appeal case was a civil appeal.
- (D) Cases in which the Court of Appeal case was a civil original proceeding.
- (E) $F + G + H$.
- (F) Cases in which the Court of Appeal case was a criminal appeal.
- (G) Cases in which the Court of Appeal case was a petition for writ of habeas corpus.
- (H) Cases in which the Court of Appeal case was a criminal original proceeding other than a petition for writ of habeas corpus.

Summary of Actions on Petitions for Review
Fiscal Year 2013–14

Supreme Court
Table 1

	Actions taken on petitions for review							Percentage granted
	Disposed	Total	Granted	Granted and held	Granted and transferred	Denied		
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	
Total	4,031	4,030	59	47	28	3,896	3%	
Total civil	1,068	1,057	27	10	7	1,013	4%	
Civil appeals	857	849	26	9	5	809	5%	
Civil writs	211	208	1	1	2	204	2%	
Total criminal	2,963	2,973	32	37	21	2,883	3%	
Criminal appeals	2,533	2,540	28	9	8	2,495	2%	
Criminal writs (excluding habeas corpus)	187	190	2	26	7	155	18%	
Habeas Corpus	243	243	2	2	6	233	4%	

Column Key:

- (B) Sum of C through F. (Administrative dispositions are not included in this table.)
- (G) $(C + D + E) / B$

Figure 11: Total Original Proceedings

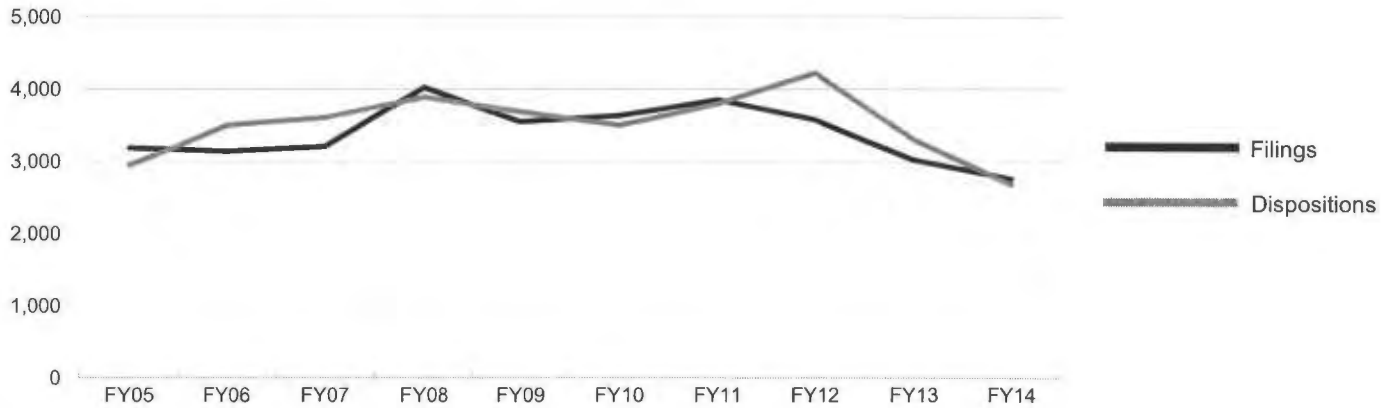


Figure 12: Civil Total ¹

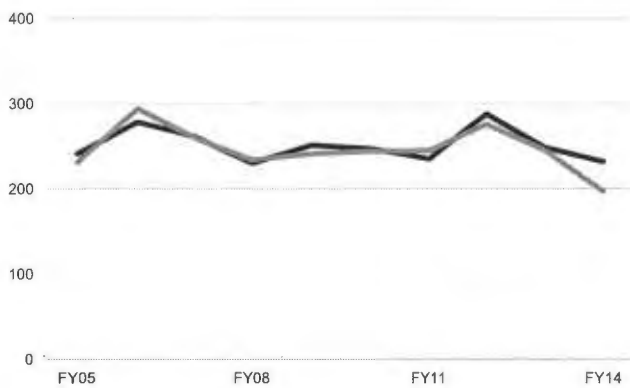


Figure 13: Criminal Total

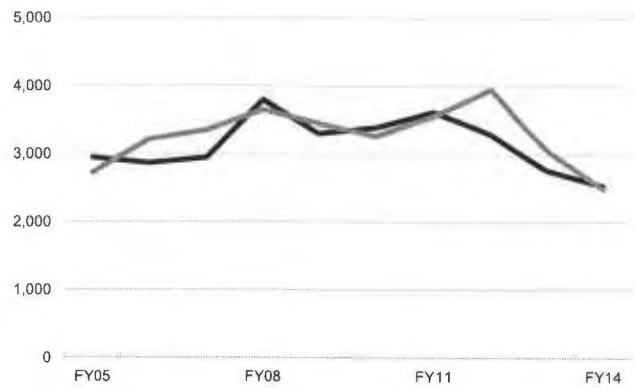


Figure 13a: Criminal Habeas Corpus ²

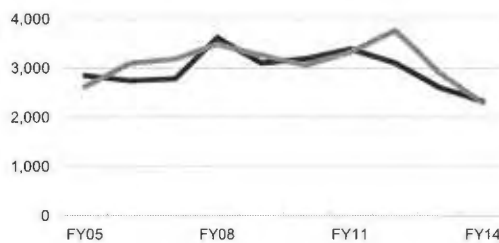
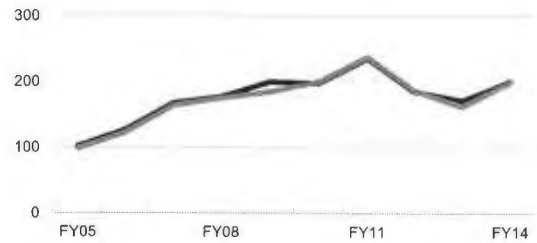


Figure 13b: Criminal - Other Writs ³



Notes:

- 1 Includes original writ petitions, questions of state law referred by the federal courts, accusations against attorneys, and petitions pertaining to Commission on Judicial Performance proceedings.
- 2 Petitions for writs of habeas corpus filed in the Supreme Court's original jurisdiction, not including filings related to automatic appeals.
- 3 Primarily petitions for writ of mandate and/or prohibition.

Filings and Dispositions: Original Proceedings
Fiscal Years 2004–05 through 2013–14

Supreme Court
Data for Figures 11–13b

Filings							
Fiscal year	Grand total (A)	Civil			Criminal		
		Total (B)	PUC (C)	Other (D)	Total (E)	Habeas Corpus (F)	Other Writs (G)
FY14	2,758	232	2	230	2,526	2,326	200
FY13	3,015	249	0	249	2,766	2,595	171
FY12	3,575	288	0	288	3,287	3,102	185
FY11	3,850	235	2	233	3,615	3,380	235
FY10	3,633	247	3	244	3,386	3,189	197
FY09	3,546	251	0	251	3,295	3,096	199
FY08	4,023	230	1	229	3,793	3,617	176
FY07	3,204	262	6	256	2,942	2,776	166
FY06	3,138	278	3	275	2,860	2,734	126
FY05	3,184	241	1	240	2,943	2,842	101

Dispositions							
Fiscal year	Grand total (A)	Civil			Criminal		
		Total (B)	PUC (C)	Other (D)	Total (E)	Habeas Corpus (F)	Other Writs (G)
FY14	2,681	197	1	196	2,484	2,285	199
FY13	3,304	246	0	246	3,058	2,896	162
FY12	4,222	276	0	276	3,946	3,759	187
FY11	3,796	245	3	242	3,551	3,314	237
FY10	3,502	244	2	242	3,258	3,059	199
FY09	3,683	241	3	238	3,442	3,258	184
FY08	3,884	234	2	232	3,650	3,476	174
FY07	3,606	260	2	258	3,346	3,183	163
FY06	3,501	294	3	291	3,207	3,085	122
FY05	2,948	231	3	228	2,717	2,619	98

Column Key:

- (A) B + E.
- (B) C + D.
- (C) Petitions for review of Public Utility Commission matters originally filed in the Court of Appeal are reflected in Figure 9b.
- (D) Includes original writ petitions, questions of state law referred by the federal courts, accusations against attorneys, and petitions pertaining to Commission on Judicial Performance proceedings.
- (E) F + G.
- (F) Petitions for writs of habeas corpus filed in the Supreme Court's original jurisdiction, not including filings related to automatic appeals.
- (G) Primarily petitions for writ of mandate and/or prohibition.

Figure 14: Total State Bar Matters Filed ¹

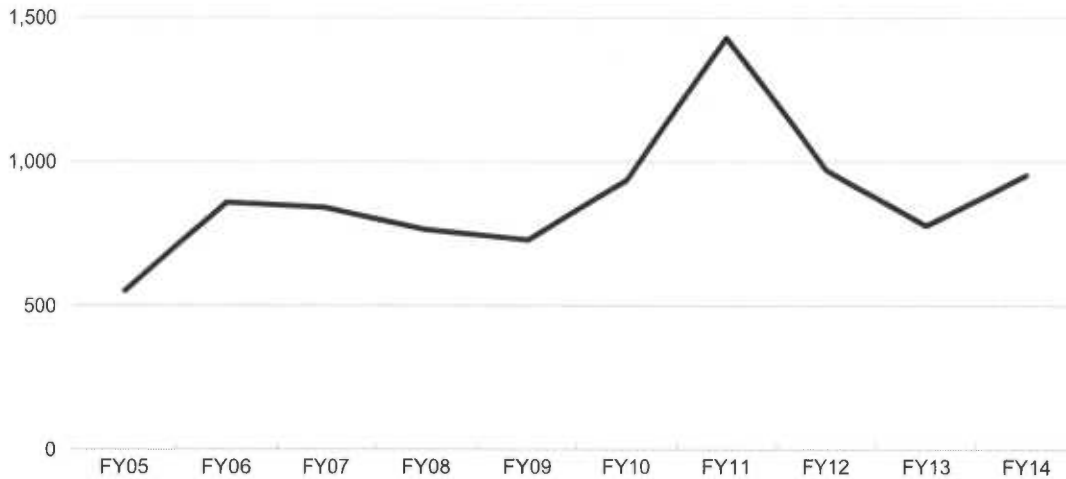


Table 2: Types of State Bar Matters Filed

Fiscal Year	Total	Admission	Discipline	Other	Reinstatement	Resignation	Rule Proposal
FY14	955	3	456	4	5	485	2
FY13	777	4	462	7	2	297	5
FY12	973	6	610	3	0	351	3
FY11	1,428	0	1,003	5	3	417	0
FY10	935	2	654	4	5	268	2
FY09	728	6	413	10	10	286	3
FY08	763	3	401	9	4	340	6
FY07	841	2	396	2	1	438	2
FY06	858	1	332	3	4	516	2
FY05	551	3	373	5	7	161	2

Note:
¹ Filings include State Bar Court recommendations for disciplinary action, reports of criminal convictions of attorneys, motions for the admission of attorneys, requests for rule proposals, and other administrative matters relating to the State Bar.

Figure 15: Written Opinions

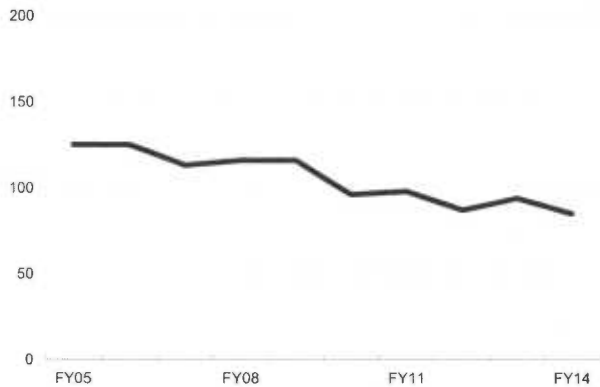


Figure 16: Original Proceedings

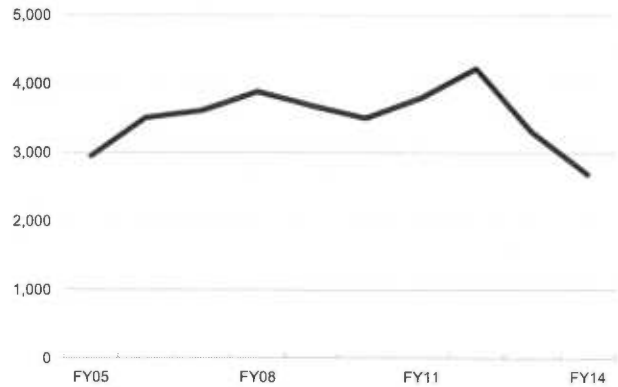


Figure 17: Petitions for Review ¹ Granted

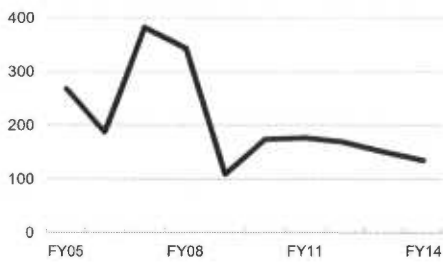


Figure 18: Petitions for Review ¹ Denied

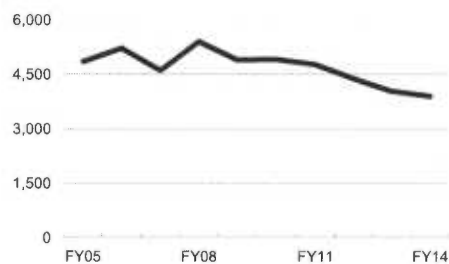


Figure 19: Petitions for Review ¹ Percent Granted

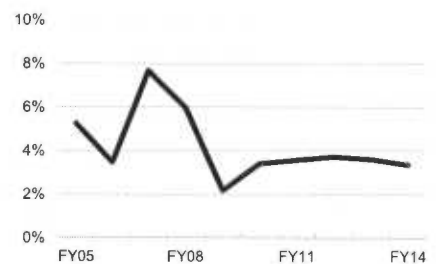


Figure 20: Rehearings – Granted

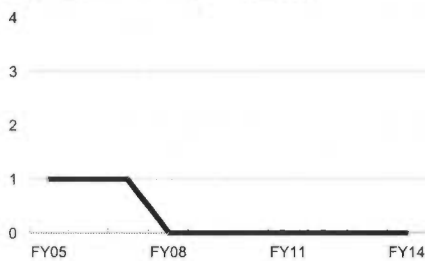


Figure 21: Rehearings – Denied

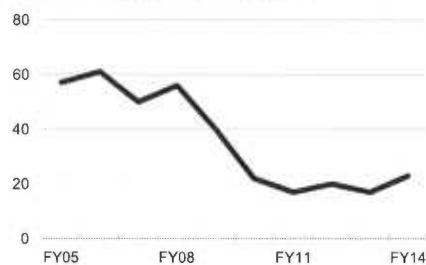
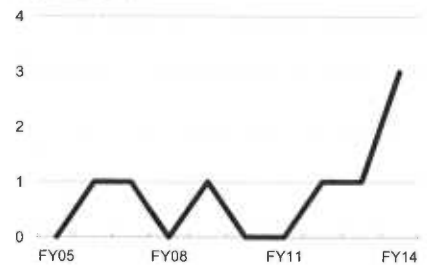


Figure 22: Executive Clemency Applications ²



Notes:

- 1 The Supreme Court's exercise of its discretion to grant or deny petitions for review constitutes a significant part of its workload.
- 2 See Cal. Const., art. V, § 8.

Business Transacted
Fiscal Years 2004–05 through 2013–14

Supreme Court
Data for Figures 15–22

Fiscal year	Written opinions (A)	Petitions for review*					Original proceedings		
		Granted (B)	Granted and held (C)	Granted and transferred (D)	Denied (E)	Percentage granted (F)	Total (G)	Alternative writs or orders to show cause (H)	Other dispositions (I)
FY14	85	59	47	28	3,896	3%	2,681	1	2,680
FY13	94	61	46	43	4,032	4%	3,304	4	3,300
FY12	87	63	71	34	4,378	4%	4,222	12	4,210
FY11	98	71	69	36	4,769	4%	3,796	5	3,791
FY10	96	86	44	43	4,911	3%	3,502	4	3,498
FY09	116	39	33	36	4,896	2%	3,683	20	3,663
FY08	116	82	210	51	5,406	6%	3,884	11	3,873
FY07	113	92	252	38	4,609	8%	3,606	11	3,595
FY06	125	85	60	42	5,226	3%	3,501	13	3,488
FY05	125	101	133	33	4,847	5%	2,948	9	2,939

Column Key:

(F) $(B + C + D) / (B + C + D + E)$.

(I) Original proceedings disposed of without an alternative writ or order to show cause, e.g., denials and administrative transfers to the Court of Appeal.

Note:

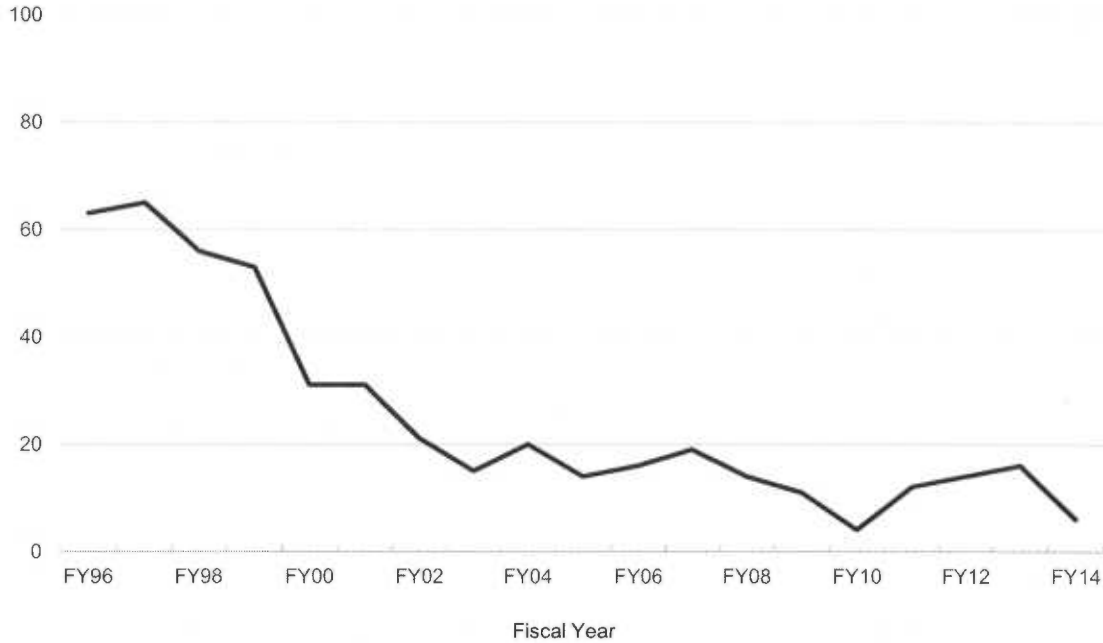
(*) The Supreme Court's exercise of its discretion to grant or deny petitions for review constitutes a significant part of its workload.

Fiscal year	Rehearings		Executive clemency applications (C)
	Granted (A)	Denied (B)	
FY14	0	23	3
FY13	0	17	1
FY12	0	20	1
FY11	0	17	0
FY10	0	22	0
FY09	0	40	1
FY08	0	56	0
FY07	1	50	1
FY06	1	61	1
FY05	1	57	0

Column Key:

(C) See Cal. Const., art. V, § 8.

Figure 30: Depublished Opinions ¹



Note:

- 1 Depublished opinions are Court of Appeal opinions that the Court of Appeal has certified for publication but that the Supreme Court, acting under its constitutional power over opinion publication (Cal. Const., art. VI, § 14), orders not published in the Official Reports, and that may be cited or relied upon only in limited circumstances (see Cal. Rules of Court, rule 8.1115(b)). For information on the total number of published and unpublished opinions issued by the Courts of Appeal, see Table 7 and Figures 28-32 in the Courts of Appeal section.

Court of Appeal Opinions Ordered Depublished by the Supreme Court
Fiscal Years 1995–96 through 2013–14

Supreme Court
Data for Figure 23

Fiscal year	Depublished opinions (A)
FY14	6
FY13	16
FY12	14
FY11	12
FY10	4
FY09	11
FY08	14
FY07	19
FY06	16
FY05	14
FY04	20
FY03	15
FY02	21
FY01	31
FY00	31
FY99	53
FY98	56
FY97	65
FY96	63

Column Key:

(A) Depublished opinions are Court of Appeal opinions that the Court of Appeal has certified for publication but that the Supreme Court, acting under its constitutional power over opinion publication (Cal. Const., art VI, § 14), orders not published in the Official Reports, and that may be cited or relied upon only in limited circumstances (see Cal. Rules of Court, rule 8.1115(b)). For information on the total number of published and unpublished opinions issued by the Courts of Appeal, see Table 7 and Figures 28-32 in the Courts of Appeal section.

**Capital Cases in Which the Record Was Not Certified for
Completeness Within 90 Days, and for Accuracy Within 120 Days**

Supreme Court
Table 3

Fiscal Year 2013–2014

In the following cases, the record was not certified for completeness within **90 days**. (See Penal Code, § 190.8(d).)

County	Supreme Court case number	Name	Superior court case number	Sentence date
---------------	----------------------------------	-------------	-----------------------------------	----------------------

There are no cases to report.

In the following cases, the record was not certified for accuracy within **120 days**. (See Penal Code, § 190.8 (g).)

County	Supreme Court case number	Name	Superior court case number	Sentence date
---------------	----------------------------------	-------------	-----------------------------------	----------------------

There are no cases to report.

Courts of Appeal



Performance Indicator Data
Fiscal Year 2013–14

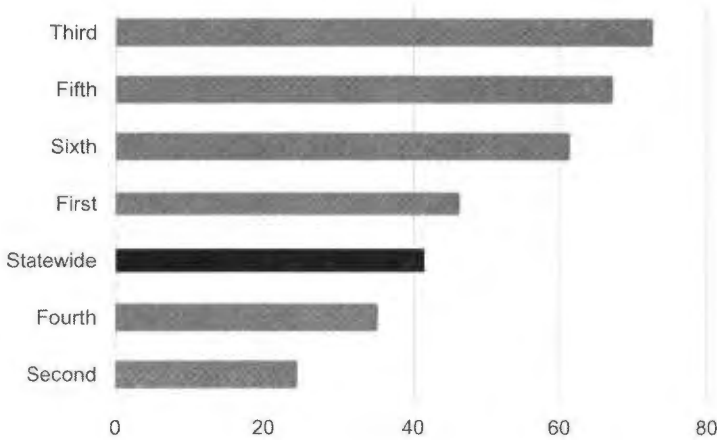
Courts of Appeal
Table 1

District	Number of authorized justices (A)	Full-time judge equivalents (B)	Pending fully briefed appeals (C)	Appeals becoming fully briefed (D)	Appeals disposed of by written opinion (E)	Majority opinions	
						Appeals (F)	Original proceedings (G)
Statewide	105	101.9	3,982	9,861	9,592	9,345	435
First	20	19.1	596	1,390	1,281	1,201	88
Second	32	31.2	761	2,994	3,135	3,104	97
Third	11	10.0	765	1,128	1,057	1,039	18
Fourth	25	25.0	943	2,808	2,695	2,632	149
Fifth	10	9.6	538	835	804	764	69
Sixth	7	7.0	379	706	620	605	14

Column Key:

- (A) Authorized justices as of June 30, 2014. Does not include assistance received through assignments.
- (B) "Full-time judge equivalents" includes a court's regular number of judges, plus 60 percent of the time reported for judges assigned to the court (translated into full-time positions), minus the time reported for the assignments of the court's regular members to another court and for unfilled vacancies (translated into full-time positions).
- (C) Appeals argued, calendared, or ready as of June 30, 2014.
- (D) The total number of appeals that became fully briefed during fiscal year 2013–14.
- (E) Appeals disposed of by opinion during fiscal year 2013–14. Includes appeals filed prior to fiscal year 2013–14.
- (F) The number of written opinions that decided appeals. One opinion may have decided more than one appeal.
- (G) The number of written opinions that decided original proceedings. One opinion may have decided more than one case.

Figure 1: Ratio of Pending Fully Briefed Appeals per 100 Appeals Disposed of by Written Opinion



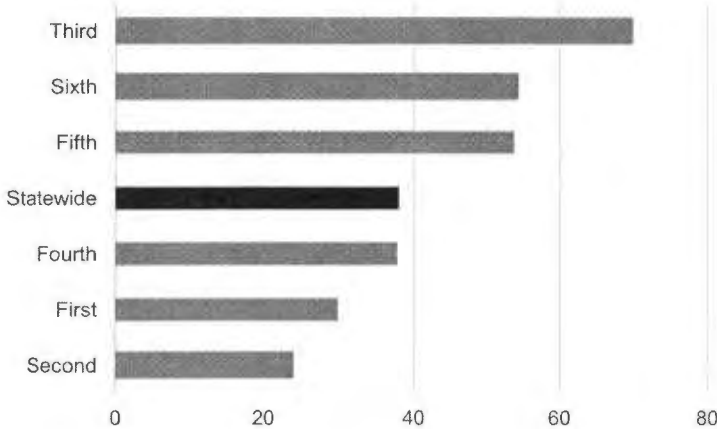
This ratio is a measure of pending workload as well as judicial productivity and is an estimate of the time a court needs to dispose of pending fully briefed appeals. A ratio of 100 is equivalent to one year, 50 is equivalent to six months, and so forth. The estimate is based on the assumption that the court will decide the same number of appeals in 2014–15 as in 2013–14.

The Second District had 24 fully briefed appeals per 100 appeals disposed of by opinion in 2013–14, the lowest ratio among the six appellate districts.

The Third District had 72 pending fully briefed appeals per 100 appeals disposed of by opinion, the highest ratio among the six appellate districts.

The statewide average increased from 40 in 2012–13 to 42 in 2013–14.

Figure 2: Pending Fully Briefed Appeals per Authorized Justice as of June 30, 2014

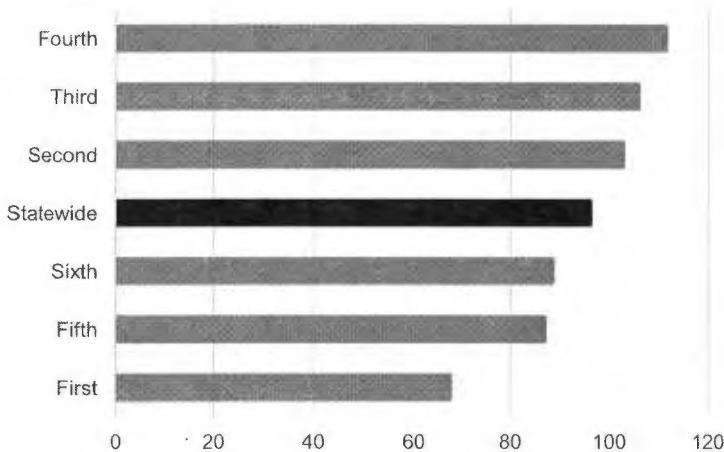


The Third District reported the highest number of pending fully briefed appeals per authorized justice, 70.

The Second District reported the lowest number of pending fully briefed appeals per authorized justice, 24.

The statewide average increased from 35 in 2012–13 to 38 in 2013–14.

Figure 3: Majority Opinions per Judge Equivalent



“Judge equivalent” refers to the number of authorized justices adjusted for judicial vacancies, assistance given to other courts, and judicial assistance received.

The statewide average opinions per judge equivalent was 96 in 2013–14, compare to 92 in 2012–13.

The Fourth District reported the highest rate, 111 opinions per judge equivalent—16 percent higher than the statewide average.

The First District reported the lowest opinion rate, 67 per judge equivalent. However, the First District had a low number of pending fully briefed appeals per authorized justice. The lower disposition rate may reflect that fewer cases are available for the justices.

Beyond an optimum number of opinions (not yet identified), high rates of disposition indicate overload and a

Caseload Comparisons
Fiscal Year 2013–14

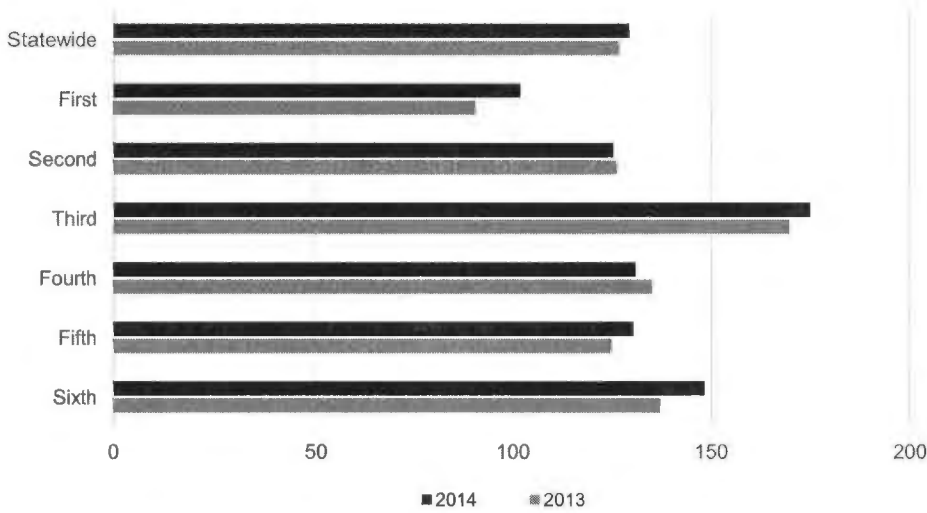
Courts of Appeal
Table 2

District	Pending appeals as of 6/30/13 (A)	Notices filed in FY 2013–14 (B)	Total appeals disposed of in FY 2013–14 (C)	Pending appeals as of 6/30/14 (D)	Number of authorized justices (E)
Statewide	13,303	15,213	14,998	13,584	105
First	1,812	2,077	1,906	2,039	20
Second	4,036	4,860	4,853	4,007	32
Third	1,864	1,800	1,741	1,921	11
Fourth	3,382	4,238	4,393	3,275	25
Fifth	1,247	1,247	1,205	1,303	10
Sixth	962	991	900	1,039	7

Column Key:

- (A), (B) Includes appeals for which the record has not been filed.
- (D) Includes appeals for which the record has not been filed.
- (E) Authorized justices as of June 30, 2014.

Figure 4: Pending Appeals: Caseload Comparison per Authorized Justice

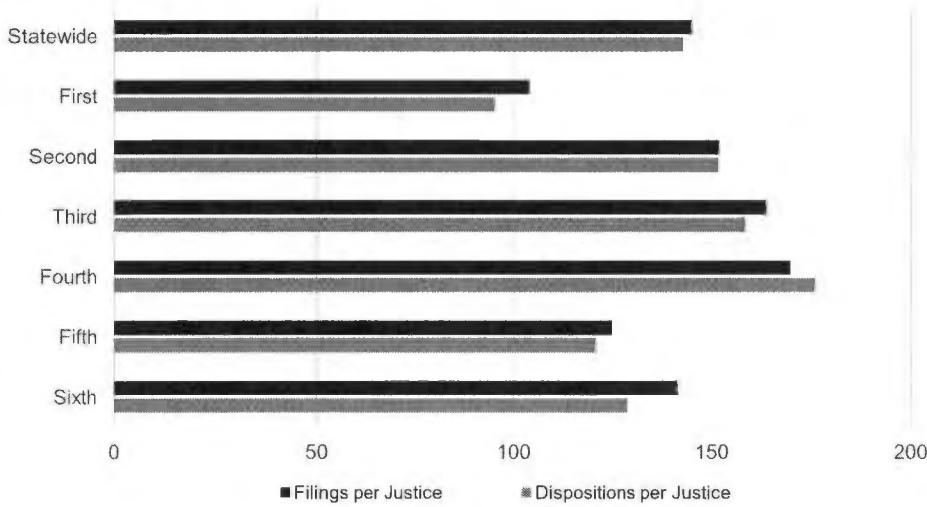


Depicts the change in courts' inventories of appeals per authorized justice by showing pending cases as of June 30, 2013, and pending cases as of June 30, 2014.

The Third District had the highest level of pending appeals per justice as of June 30, 2014—35 percent higher than the statewide average.

The statewide average of pending appeals per justice was 127 as of June 30, 2013, and 129 as of June 30, 2014—an increase of 2 percent.

Figure 5: Filings and Dispositions: Caseload Comparison per Authorized Justice



The number of filings and dispositions relates to a court's pending caseload; disposing fewer cases than were filed in a time period would add to the number of pending cases and court backlog.

The Fourth District had the highest levels of filings and dispositions per justice in 2013–14. Filings per justice in the Third District were 17 percent higher than the statewide average, and dispositions per justice were 23 percent higher than the statewide average.

The First District had the lowest levels of filings and dispositions per justice.

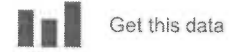
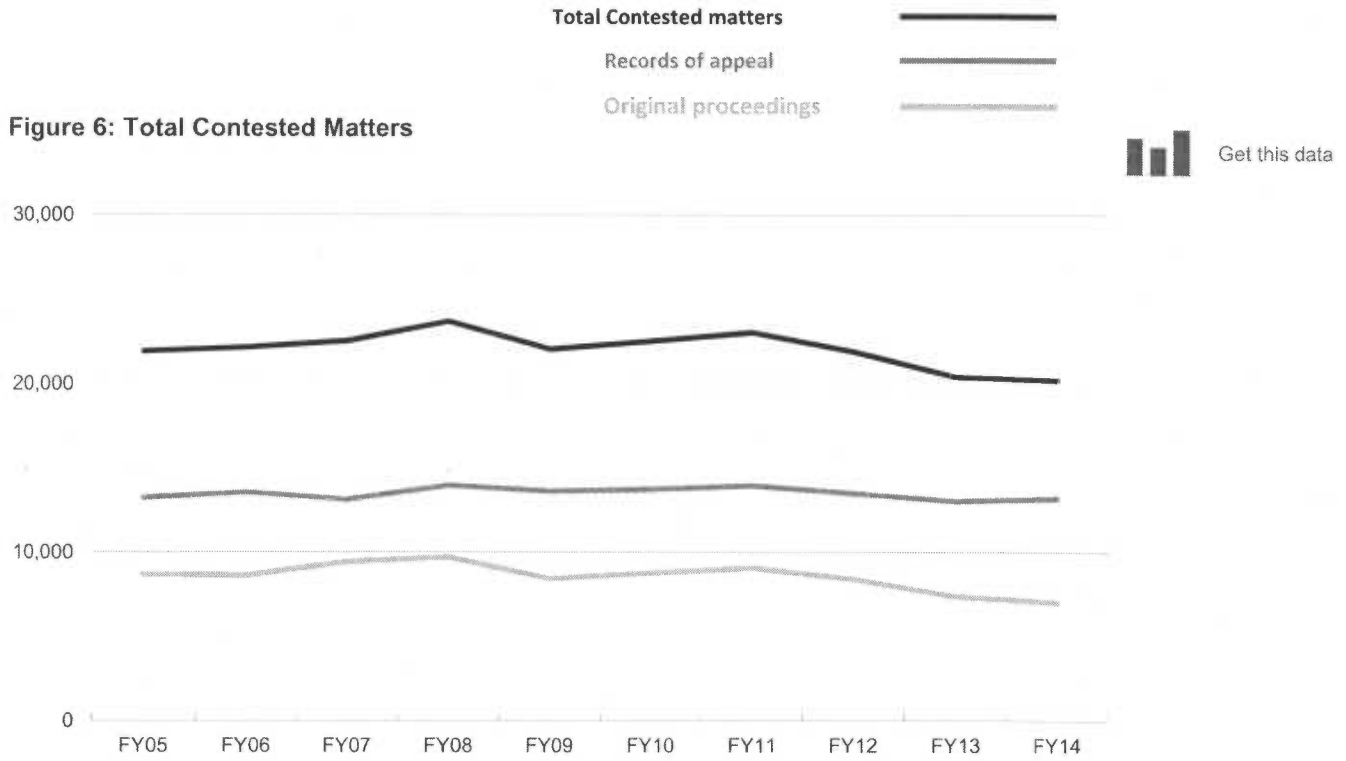


Figure 7: Total Contested Matters per Authorized Justice

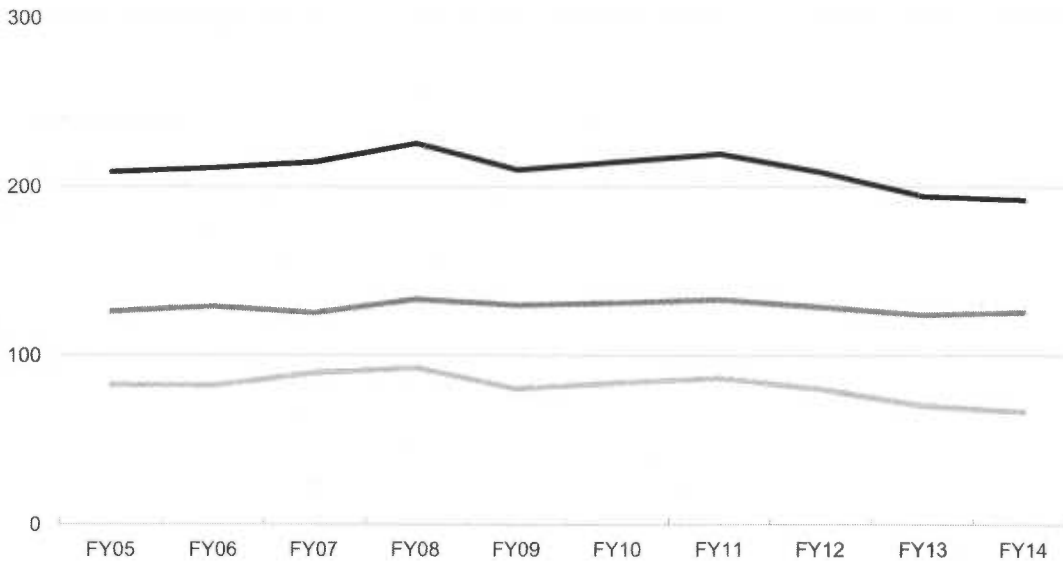


Figure 8: All Districts

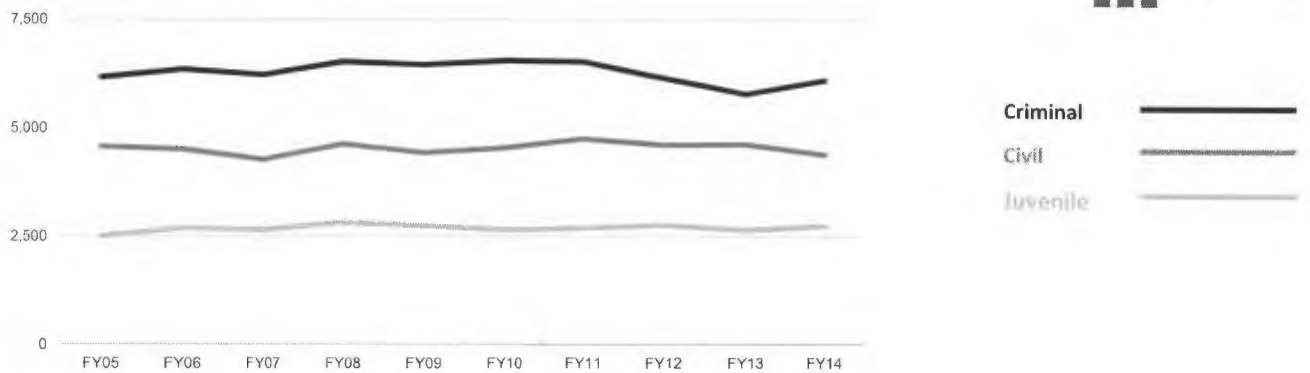


Figure 9: First District

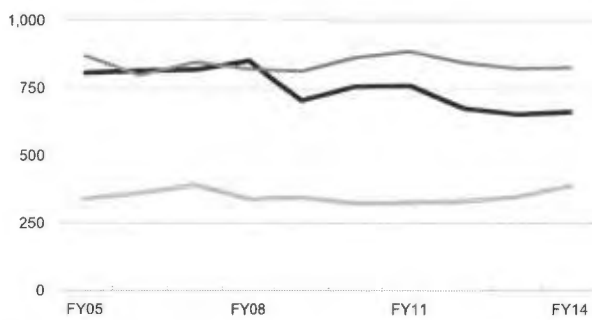


Figure 10: Second District

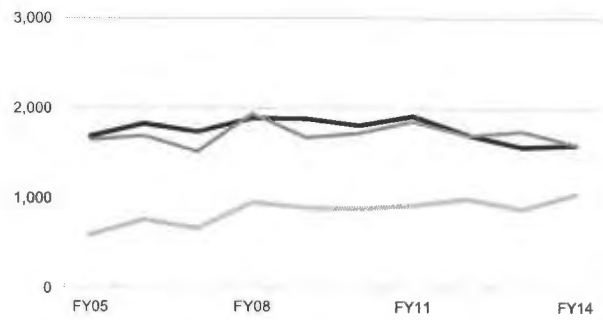


Figure 11: Third District

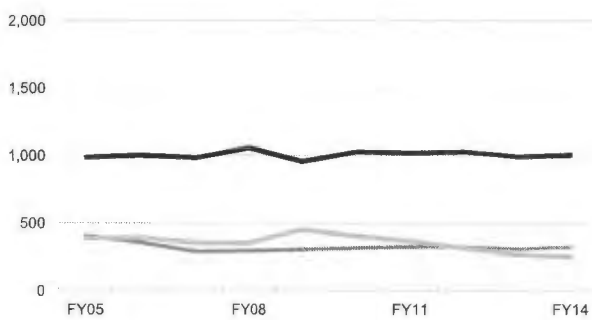


Figure 12: Fourth District

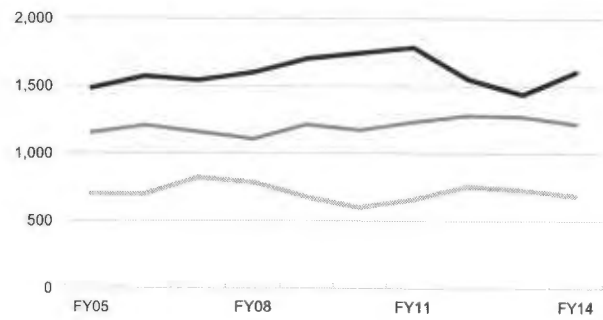


Figure 13: Fifth District

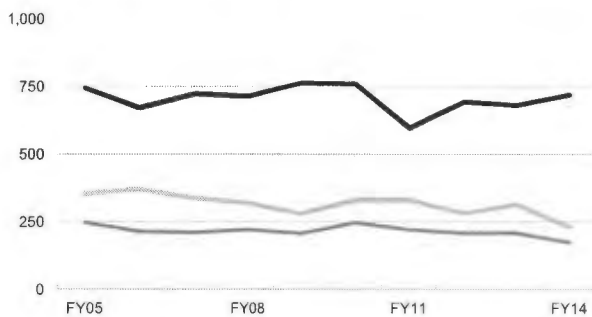


Figure 14: Sixth District

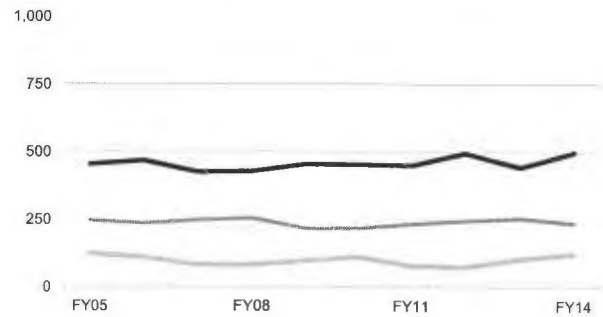


Figure 15: All Districts

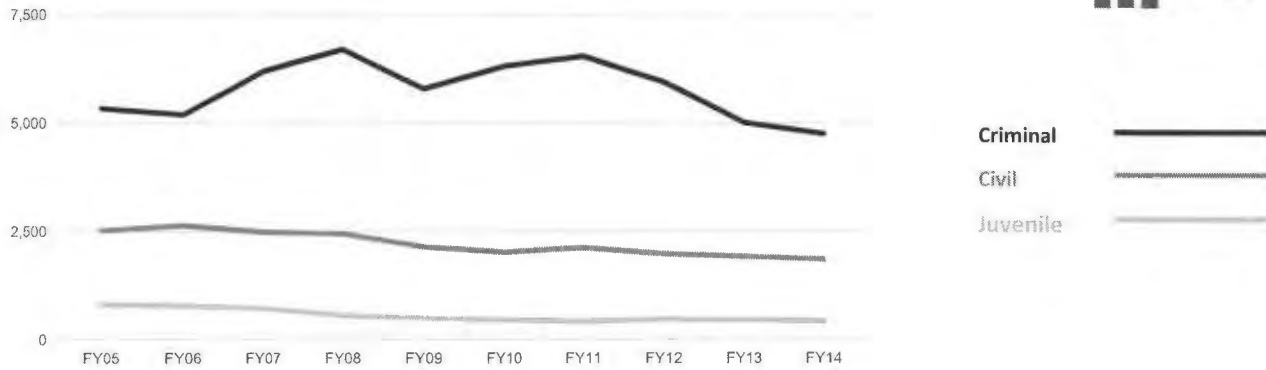


Figure 16: First District

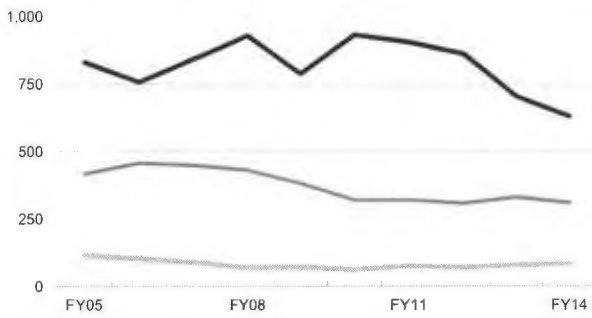


Figure 17: Second District

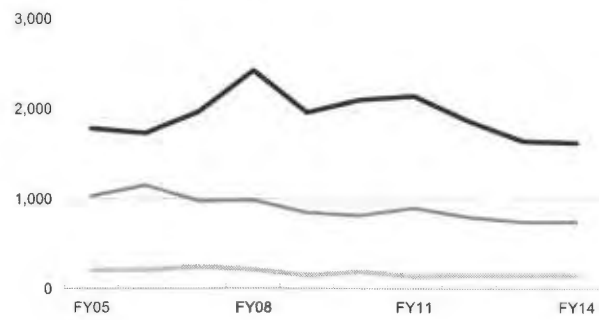


Figure 18: Third District

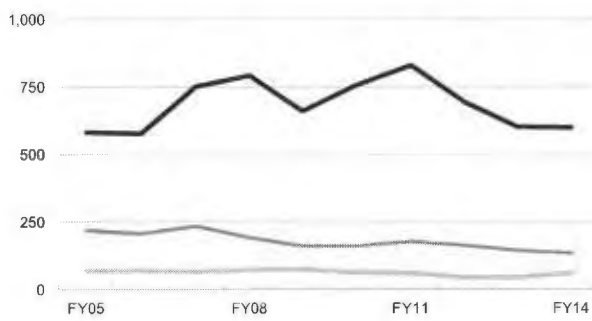


Figure 19: Fourth District

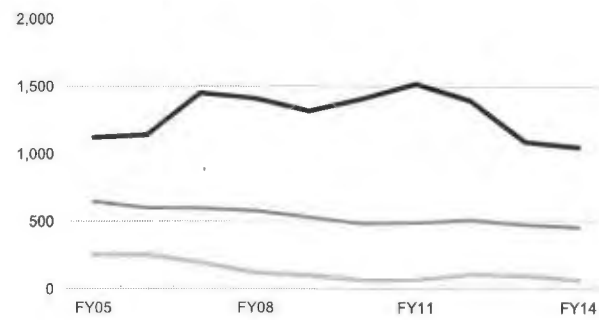


Figure 20: Fifth District

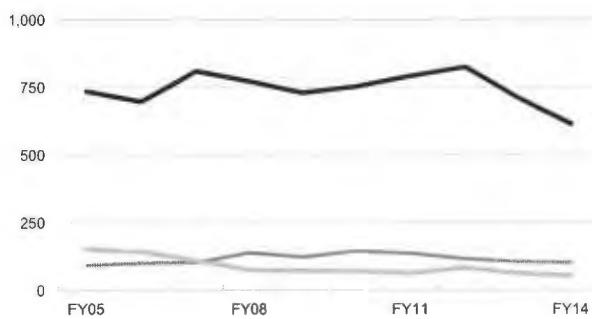
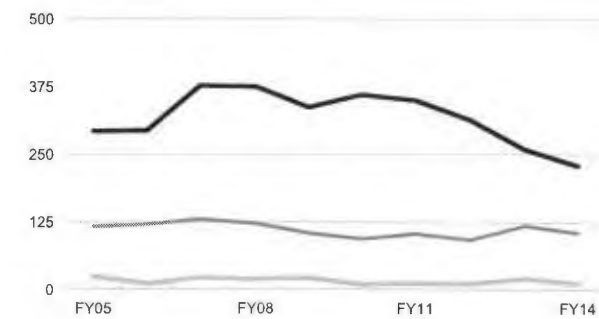


Figure 21: Sixth District



Appeals Terminated by Written Opinion
Fiscal Years 2011–12 through 2013–14

Courts of Appeal
Figures 22–27

Affirmed  Reversed  Dismissed 


 Get this data

Figure 22: Total appeals

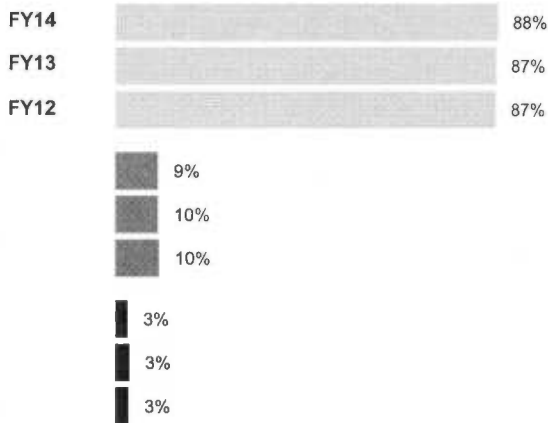


Figure 23: Criminal appeals by defendants

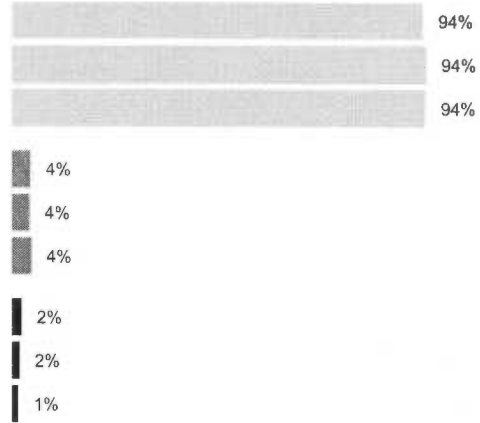


Figure 24: Criminal appeals by prosecution

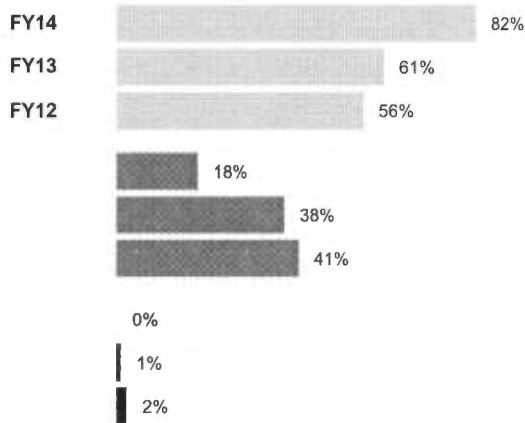


Figure 25: Civil appeals

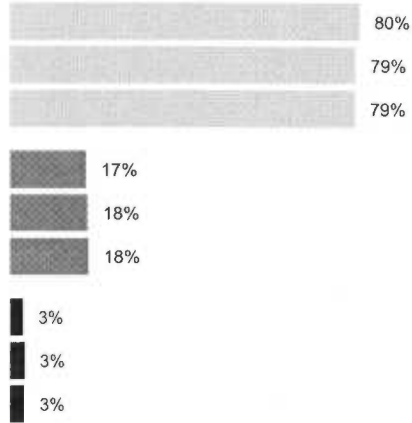


Figure 26: Juvenile appeals (criminal violation)

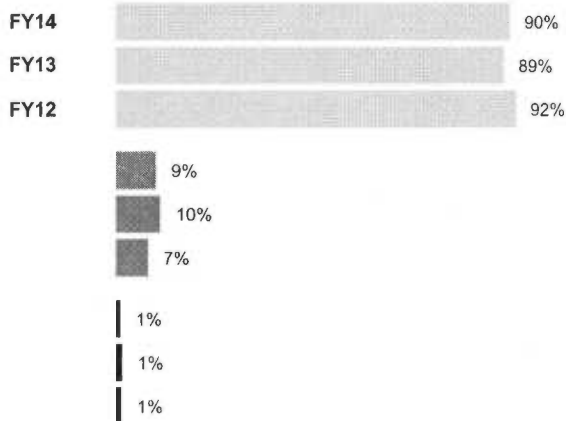


Figure 27: Other juvenile appeals

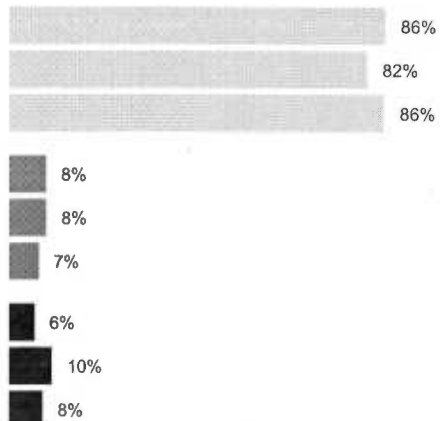


Figure 28: Total Appeals

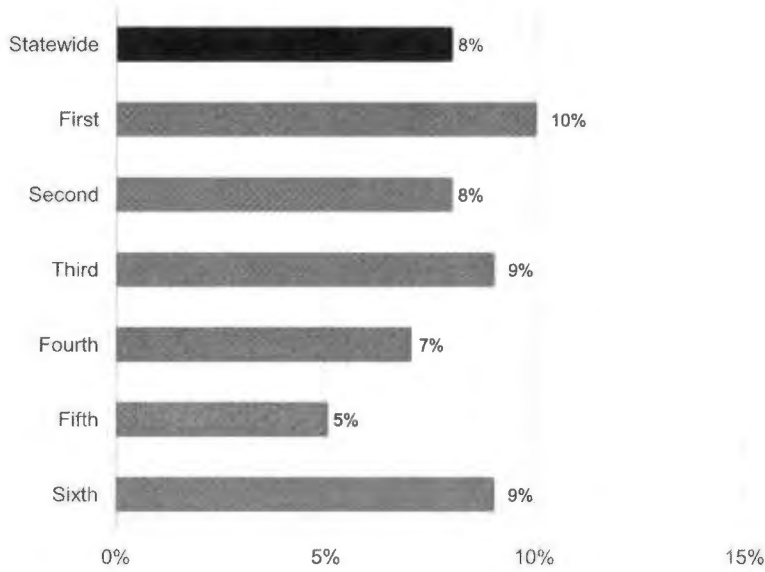


Figure 29: Criminal Appeals

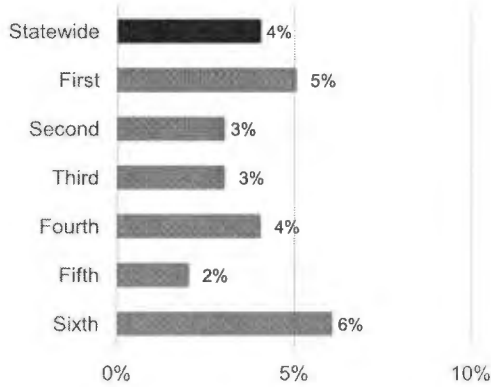


Figure 30: Civil Appeals

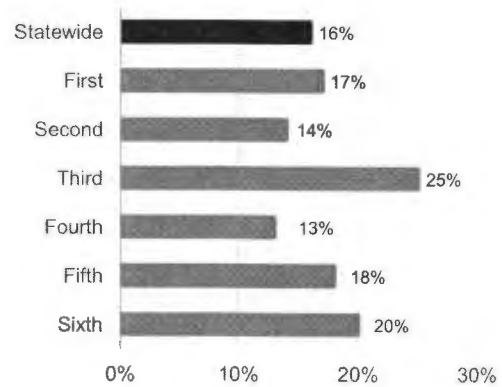


Figure 31: Juvenile Appeals

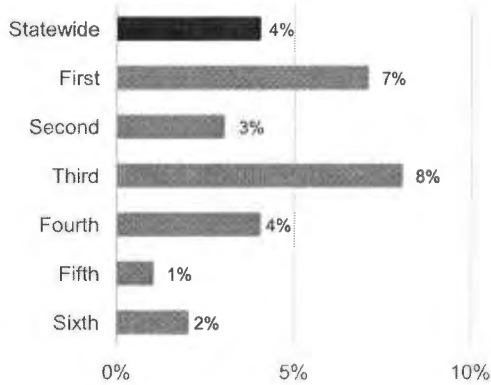
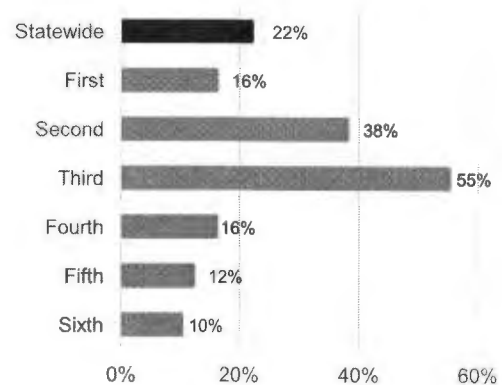


Figure 32: Original Proceedings



Civil Appeals: Time From Notice of Appeal to Filing Opinion
(90th Percentile and Median)

Courts of Appeal
Figure 33

Fiscal Year 2013–14





















Court District	Division	Location	90% of Appeals Processed Within (days)	Median Time in Days
Second	6	Ventura	705	413
First	5	San Francisco	655	418
Fourth	3	Santa Ana	719	420
Second	4	Los Angeles	644	449
Second	5	Los Angeles	673	451
First	3	San Francisco	964	458
First	1	San Francisco	686	461
Second	2	Los Angeles	711	467
Second	3	Los Angeles	750	485
Second	8	Los Angeles	679	488
Second	1	Los Angeles	711	491
Fourth	1	San Diego	773	498
Statewide			807	498
First	4	San Francisco	899	507
Second	7	Los Angeles	691	510
First	2	San Francisco	798	513
Fifth		Fresno	737	546
Sixth		San Jose	999	647
Third		Sacramento	1077	686
Fourth	2	Riverside	981	713

**Criminal Appeals: Time From Notice of Appeal to Filing Opinion
(90th Percentile and Median)**

Courts of Appeal

Figure 34

Fiscal Year 2013–14

<u>Court District</u>	<u>Division</u>	<u>Location</u>	90% of Appeals Processed Within (days)	Median Time in Days
Fourth	1	San Diego	566	 364
Second	5	Los Angeles	557	 372
Second	6	Ventura	657	 385
Second	4	Los Angeles	610	 400
Second	8	Los Angeles	623	 413
Second	1	Los Angeles	637	 414
First	1	San Francisco	742	 424
Fourth	3	Santa Ana	680	 428
Sixth		San Jose	737	 430
Second	7	Los Angeles	634	 432
Second	2	Los Angeles	657	 437
Statewide			722	 438
First	4	San Francisco	861	 444
First	2	San Francisco	789	 450
Third		Sacramento	909	 452
Fourth	2	Riverside	700	 452
First	5	San Francisco	700	 455
Second	3	Los Angeles	742	 475
First	3	San Francisco	902	 490
Fifth		Fresno	759	 557

Summary of Filings and Dispositions
Fiscal Years 2012-13 and 2013-14

Courts of Appeal
Table 3

Court	Filings						Dispositions											
	Total			Notices of appeal			Original proceedings			Total			Notices of appeal			Original proceedings		
	FY14	FY13	FY14	FY14	FY13	FY14	FY14	FY13	FY14	FY14	FY13	FY14	FY14	FY13	FY14	FY14	FY13	FY14
Statewide	22,229	22,140	15,213	14,769	7,016	7,371	22,172	22,092	14,998	14,778	7,174	7,314	22,229	22,140	15,213	14,769	7,016	7,371
First District	3,099	3,137	2,077	2,026	1,022	1,111	2,933	3,066	1,906	1,957	1,027	1,109	3,099	3,137	2,077	2,026	1,022	1,111
Division 1	—	—	—	—	—	—	606	638	394	402	212	236	—	—	—	—	—	—
Division 2	—	—	—	—	—	—	596	613	390	387	206	226	—	—	—	—	—	—
Division 3	—	—	—	—	—	—	604	599	393	385	211	214	—	—	—	—	—	—
Division 4	—	—	—	—	—	—	555	615	358	399	197	216	—	—	—	—	—	—
Division 5	—	—	—	—	—	—	572	601	371	384	201	217	—	—	—	—	—	—
Second District	7,376	7,264	4,860	4,730	2,516	2,534	7,411	7,603	4,853	5,092	2,558	2,511	7,376	7,264	4,860	4,730	2,516	2,534
Division 1	—	—	—	—	—	—	833	886	510	551	323	335	—	—	—	—	—	—
Division 2	—	—	—	—	—	—	871	892	542	562	329	330	—	—	—	—	—	—
Division 3	—	—	—	—	—	—	834	883	518	555	316	328	—	—	—	—	—	—
Division 4	—	—	—	—	—	—	901	848	557	529	344	319	—	—	—	—	—	—
Division 5	—	—	—	—	—	—	895	858	534	559	361	299	—	—	—	—	—	—
Division 6	804	794	552	546	252	248	790	865	549	623	241	242	804	794	552	546	252	248
Division 7	—	—	—	—	—	—	890	908	566	574	334	334	—	—	—	—	—	—
Division 8	—	—	—	—	—	—	871	859	565	540	306	319	—	—	—	—	—	—
Not assigned	6,572	6,470	4,308	4,184	2,264	2,286	526	604	522	599	4	5	6,572	6,470	4,308	4,184	2,264	2,286
Third District	2,593	2,569	1,800	1,781	793	788	2,544	2,560	1,741	1,758	803	802	2,593	2,569	1,800	1,781	793	788
Fourth District	5,809	5,653	4,238	3,990	1,571	1,663	6,046	5,670	4,393	3,977	1,653	1,693	5,809	5,653	4,238	3,990	1,571	1,663
Division 1	1,905	1,787	1,417	1,286	488	501	1,973	1,984	1,461	1,433	512	551	1,905	1,787	1,417	1,286	488	501
Division 2	2,236	2,379	1,560	1,631	676	748	2,492	2,207	1,803	1,465	689	742	2,236	2,379	1,560	1,631	676	748
Division 3	1,668	1,487	1,261	1,073	407	414	1,581	1,479	1,129	1,079	452	400	1,668	1,487	1,261	1,073	407	414
Fifth District	2,016	2,201	1,247	1,323	769	878	1,983	2,038	1,205	1,160	778	878	2,016	2,201	1,247	1,323	769	878
Sixth District	1,336	1,316	991	919	345	397	1,255	1,155	900	834	355	321	1,336	1,316	991	919	345	397

Court	Notices of appeal						Appeal records filed						Original proceedings					
	Civil		Criminal		Juvenile		Civil		Criminal		Juvenile		Civil		Criminal		Juvenile	
	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13
Statewide	5,983	6,052	6,373	6,004	2,857	2,713	4,374	4,609	6,082	5,775	2,726	2,636	1,851	1,916	4,742	5,005	423	450
First District	1,021	1,021	654	657	402	348	826	823	662	653	388	347	309	330	629	704	84	77
Second District	2,159	2,239	1,612	1,608	1,089	883	1,597	1,742	1,592	1,570	1,047	879	744	745	1,624	1,640	148	149
Division 6	199	180	268	288	85	78	157	138	268	283	88	72	68	54	172	184	12	10
Others	1,960	2,059	1,344	1,320	1,004	805	1,440	1,604	1,324	1,287	959	807	676	691	1,452	1,456	136	139
Third District	457	486	1,074	1,011	269	284	322	308	1,006	992	251	266	134	143	598	601	61	44
Fourth District	1,720	1,674	1,774	1,551	744	765	1,219	1,274	1,605	1,437	685	728	457	476	1,048	1,089	66	98
Division 1	570	570	555	448	292	268	387	442	495	416	270	268	144	137	327	330	17	34
Division 2	489	514	761	776	310	341	347	376	715	696	276	310	129	151	519	559	28	38
Division 3	661	590	458	327	142	156	485	456	395	325	139	150	184	188	202	200	21	26
Fifth District	251	285	757	720	239	318	174	208	719	680	232	313	102	104	614	712	53	62
Sixth District	375	347	502	457	114	115	236	254	498	443	123	103	105	118	229	259	11	20

Appeals—Method of Disposition
Fiscal Years 2012–13 and 2013–14

Courts of Appeal
Table 5

Court	By written opinion						Without opinion, record filed						No record filed					
	Civil		Criminal		Juvenile		Civil		Criminal		Juvenile		Civil		Criminal		Juvenile	
	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13
Statewide	3,118	2,897	4,789	4,854	1,685	1,678	1,467	1,420	1,126	1,061	1,049	945	1,474	1,591	205	226	85	106
First District	497	515	520	527	264	226	265	302	83	103	105	90	163	175	5	18	4	1
Division 1	110	107	103	115	55	45	50	57	15	22	17	17	41	35	2	4	1	0
Division 2	97	108	117	104	49	39	54	66	20	20	24	15	28	31	1	4	0	0
Division 3	110	105	108	98	51	61	47	59	16	16	20	16	40	25	0	5	1	0
Division 4	81	103	84	102	57	40	59	67	20	25	25	15	30	44	1	2	1	1
Division 5	99	92	108	108	52	41	55	53	12	20	19	27	24	40	1	3	1	0
Second District	1,196	1,147	1,328	1,515	611	596	505	552	239	281	393	316	536	628	28	42	17	15
Division 1	144	136	157	182	86	79	46	66	19	31	46	42	7	13	3	1	2	1
Division 2	174	151	150	177	82	77	51	74	24	30	49	37	7	12	3	3	2	1
Division 3	146	130	149	185	64	82	60	71	29	27	56	41	11	13	3	4	0	2
Division 4	158	146	163	173	81	72	69	58	21	25	53	41	7	6	4	6	1	2
Division 5	152	150	168	192	85	71	57	75	19	29	44	31	6	6	2	3	1	2
Division 6	102	124	240	280	53	52	33	44	41	43	33	24	40	48	6	8	1	0
Division 7	160	169	141	160	88	76	66	62	24	32	60	57	14	11	0	5	3	2
Division 8	160	141	160	166	72	87	78	58	30	29	51	43	8	8	5	7	1	1
Not assigned	0	0	0	0	0	0	45	44	32	35	1	0	436	511	2	5	6	4
Third District	202	199	758	724	97	129	83	80	208	221	152	160	168	188	57	37	16	20
Fourth District	910	757	1,337	1,356	448	498	506	356	347	215	269	227	442	418	95	98	39	52
Division 1	417	305	374	474	168	239	131	128	77	72	97	42	158	132	30	29	9	12
Division 2	143	132	633	560	186	181	230	96	230	95	117	129	176	175	62	65	26	32
Division 3	350	320	330	322	94	78	145	132	40	48	55	56	108	111	3	4	4	8
Fifth District	156	142	470	382	178	168	63	63	156	156	91	120	77	90	8	25	6	14
Sixth District	157	137	376	350	87	61	45	67	93	85	39	32	88	92	12	6	3	4

Dispositions of Original Proceedings
Fiscal Years 2012-13 and 2013-14

Courts of Appeal
Table 6

Court	By Written Opinion						Without Opinion								
	Civil			Juvenile			Civil			Criminal			Juvenile		
	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14
Statewide	141	106	161	128	199	236	1,751	1,808	4,696	4,816	130	220			
First District	27	22	31	19	55	51	286	310	601	686	18	21			
Division 1	3	10	4	2	14	12	66	63	120	144	5	5			
Division 2	8	2	7	4	20	11	45	69	122	137	5	3			
Division 3	8	3	16	9	7	11	58	55	117	135	2	1			
Division 4	2	3	2	3	10	11	58	65	121	131	4	3			
Division 5	6	4	2	1	4	6	59	58	121	139	2	9			
Second District	48	31	37	34	28	42	710	718	1,618	1,577	83	109			
Division 1	5	5	13	10	3	3	67	71	223	232	7	14			
Division 2	1	1	3	0	3	4	94	94	213	212	10	19			
Division 3	17	9	5	13	3	6	90	86	189	203	5	11			
Division 4	7	4	4	4	5	6	91	87	221	199	14	19			
Division 5	5	5	2	1	5	4	97	107	234	167	15	15			
Division 6	4	0	2	0	5	9	71	54	157	177	1	2			
Division 7	8	4	5	6	4	6	97	95	200	207	16	16			
Division 8	1	3	3	0	0	4	99	119	181	180	15	13			
Not assigned		0		0	0	0	4	5	0	0	0	0			
Third District	10	9	8	7	3	3	124	153	601	591	7	39			
Fourth District	44	40	65	50	49	72	456	425	1,017	1,072	18	34			
Division 1	15	14	11	22	13	34	135	120	329	351	7	10			
Division 2	15	18	13	16	18	23	125	140	509	532	8	13			
Division 3	14	8	41	12	18	15	196	165	179	189	3	11			
Fifth District	9	1	12	9	55	54	97	101	604	703	2	10			
Sixth District	3	3	8	9	9	14	78	101	255	187	2	7			

Court	Total						Appeals						Original proceedings								
	Civil			Juvenile			Civil			Criminal			Civil			Criminal			Juvenile		
	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	FY14	FY13	
Statewide	9,780	9,620	2,966	2,764	4,731	4,792	1,648	1,646	128	101	120	90	187	227							
First District	1,289	1,281	447	470	510	517	244	215	22	21	14	9	52	49							
Division 1	277	269	102	90	102	112	52	44	3	9	4	2	14	12							
Division 2	281	252	89	98	113	103	47	36	7	2	6	3	19	10							
Division 3	262	264	94	97	107	95	47	56	6	3	2	3	6	10							
Division 4	215	248	73	95	82	101	49	38	2	3	0	0	9	11							
Division 5	254	248	89	90	106	106	49	41	4	4	2	1	4	6							
Second District	3,201	3,314	1,173	1,122	1,324	1,506	607	594	45	29	26	21	26	42							
Division 1	401	412	141	136	157	182	86	79	5	5	9	7	3	3							
Division 2	411	406	173	148	150	177	82	76	1	1	2	0	3	4							
Division 3	379	416	145	130	149	184	63	82	15	8	4	6	3	6							
Division 4	408	399	155	143	162	172	80	72	6	3	2	3	3	6							
Division 5	413	417	150	145	167	191	84	71	5	5	2	1	5	4							
Division 6	404	464	100	124	240	279	53	52	4	0	2	0	5	9							
Division 7	400	404	156	157	141	158	87	75	8	4	4	4	4	6							
Division 8	385	396	153	139	158	163	72	87	1	3	1	0	0	4							
Third District	1,057	1,052	197	191	745	716	97	127	8	9	7	6	3	3							
Fourth District	2,781	2,691	859	717	1,329	1,338	444	492	42	38	59	38	48	68							
Division 1	965	1,052	390	294	373	466	166	237	14	12	10	12	12	31							
Division 2	998	924	141	130	630	559	184	178	15	18	10	16	18	23							
Division 3	818	715	328	293	326	313	94	77	13	8	39	10	18	14							
Fifth District	833	724	141	133	451	370	172	161	8	1	12	8	49	51							
Sixth District	619	558	149	131	372	345	84	57	3	3	2	8	9	14							

**Pending Appeals—Total and Fully Briefed
as of June 30, 2013, and June 30, 2014**

**Courts of Appeal
Table 8**

Court	Total pending appeals ^a						Pending fully briefed appeals									
	Total		Civil		Criminal		Juvenile		Total		Civil		Criminal		Juvenile	
	06/30/14	06/30/13	06/30/14	06/30/13	06/30/14	06/30/13	06/30/14	06/30/13	06/30/14	06/30/13	06/30/14	06/30/13	06/30/14	06/30/13	06/30/14	06/30/13
Statewide	13,584	13,311	5,625	5,568	6,515	6,263	1,444	1,480	3,982	3,728	1,704	1,650	2,023	1,814	255	264
First District	2,039	1,812	1,012	899	764	693	263	220	596	484	332	275	222	167	42	42
Division 1	383	345	188	177	147	129	48	39	104	99	54	54	41	32	9	13
Division 2	409	371	199	174	151	151	59	46	114	87	62	41	43	42	9	4
Division 3	422	400	210	201	163	158	49	41	134	132	79	84	51	45	4	3
Division 4	449	363	231	184	166	131	52	48	153	103	85	61	59	31	9	11
Division 5	376	333	184	163	137	124	55	46	91	63	52	35	28	17	11	11
Second District	4,007	4,036	1,921	1,925	1,519	1,527	567	584	761	752	391	408	271	236	99	108
Division 1	440	432	194	179	174	174	72	79	90	90	58	52	21	22	11	16
Division 2	437	447	168	184	185	182	84	81	80	87	30	45	28	27	22	15
Division 3	488	466	216	207	191	189	81	70	137	123	69	65	53	42	15	16
Division 4	434	445	177	186	175	176	82	83	104	108	55	47	35	35	14	26
Division 5	391	378	175	161	150	160	66	57	84	89	53	56	19	25	12	8
Division 6	446	441	156	137	252	264	38	40	77	65	33	24	39	36	5	5
Division 7	444	439	192	196	189	167	63	76	112	100	58	63	46	26	8	11
Division 8	427	446	164	193	182	191	81	62	77	90	35	56	30	23	12	11
Not assigned	500	542	479	482	21	24	0	36	0	0	0	0	0	0	0	0
Third District	1,921	1,864	553	540	1,218	1,183	150	141	765	721	226	190	508	500	31	31
Fourth District	3,275	3,390	1,451	1,562	1,522	1,504	302	324	943	985	504	542	393	402	46	41
Division 1	996	1,055	439	580	446	364	111	111	215	251	107	185	96	58	12	8
Division 2	1,272	1,516	493	545	650	816	129	155	418	548	238	251	160	273	20	24
Division 3	1,007	819	519	437	426	324	62	58	310	186	159	106	137	71	14	9
Fifth District	1,303	1,247	226	260	969	850	108	137	538	465	61	74	450	357	27	34
Sixth District	1,039	962	462	382	523	506	54	74	379	321	190	161	179	152	10	8

Note:

^a Includes appeals for which the record has not been filed.

Superior Courts





Figure 1: Total Filings and Dispositions

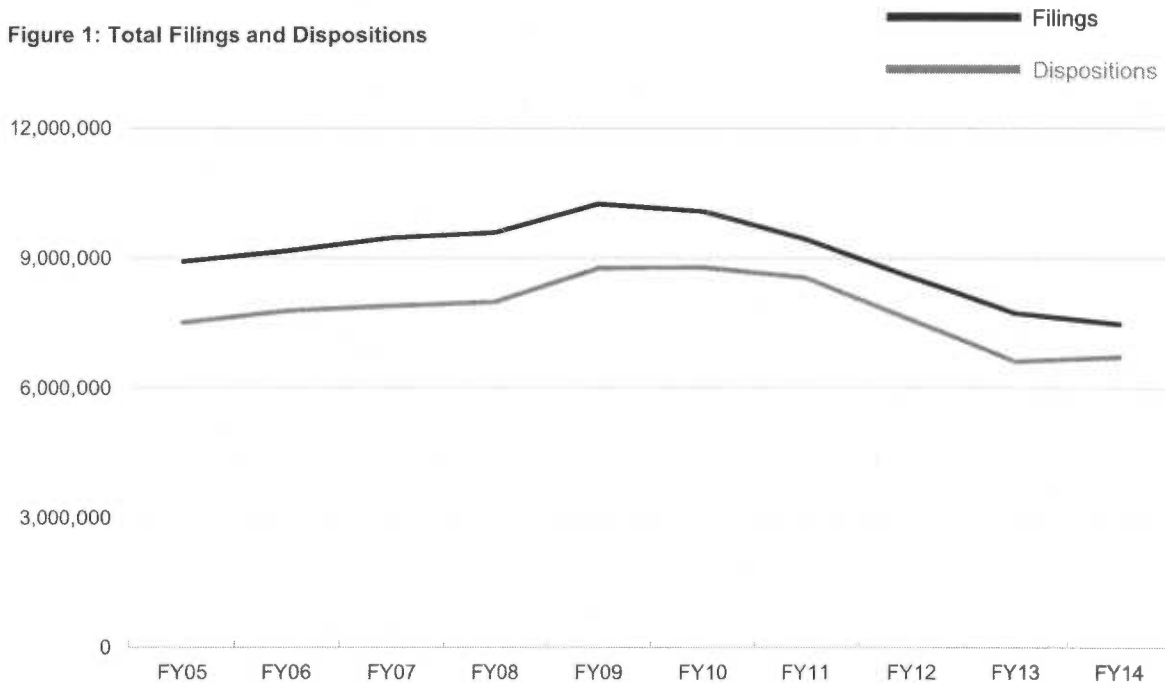
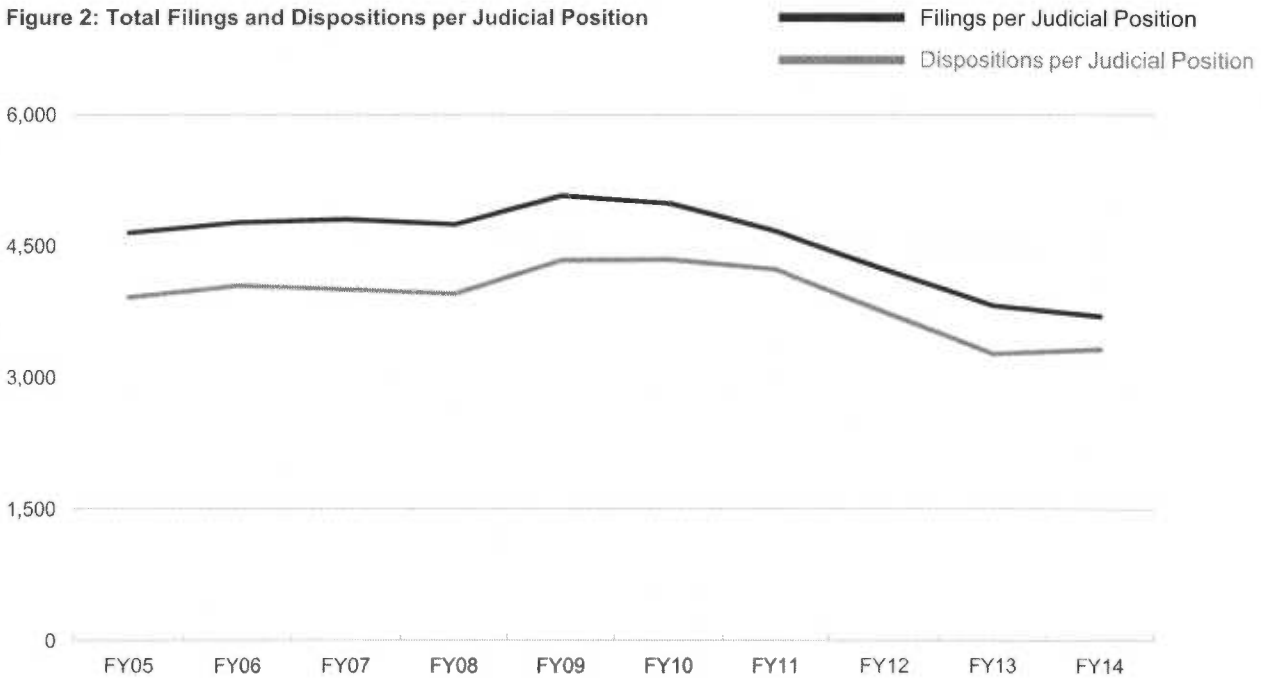


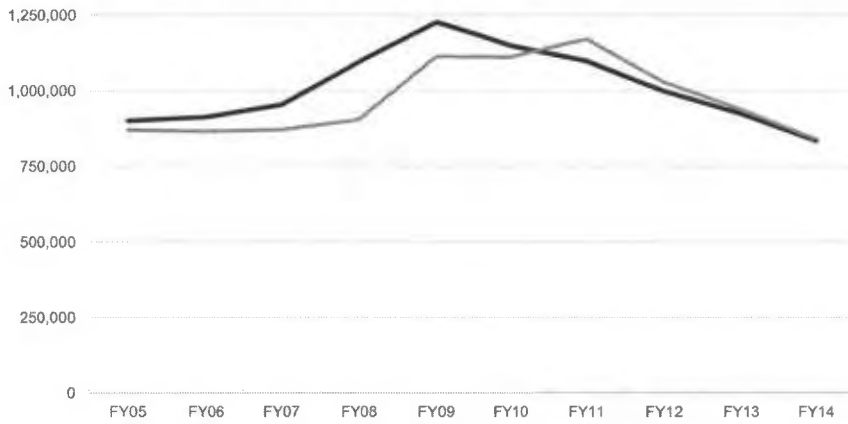
Figure 2: Total Filings and Dispositions per Judicial Position



Civil Filings and Dispositions
Fiscal Years 2004–05 through 2013–14

Superior Courts
Figures 3–9

Figure 3: Total Civil Filings and Dispositions



Get this data

Filings

Dispositions

Figure 4: Civil Unlimited

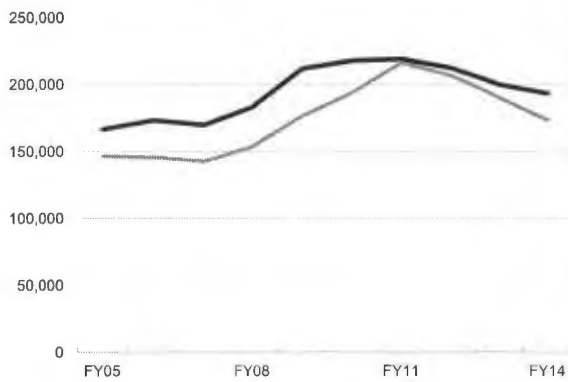


Figure 5: Motor Vehicle PI/PD/WD

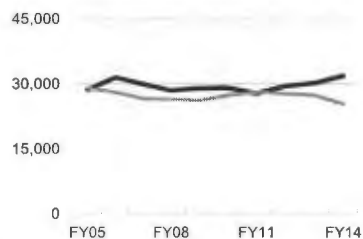


Figure 6: Other PI/PD/WD

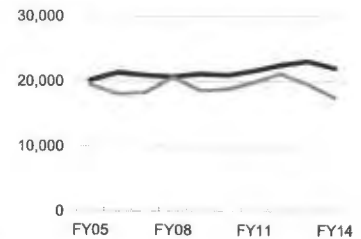


Figure 7: Civil Complaints

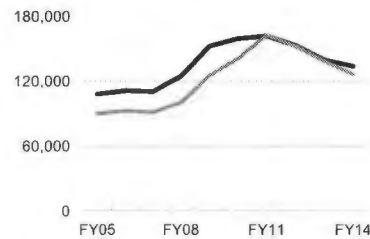


Figure 8: Civil Limited

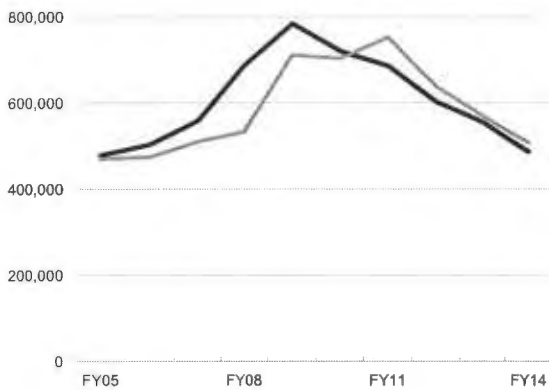


Figure 9: Small Claims

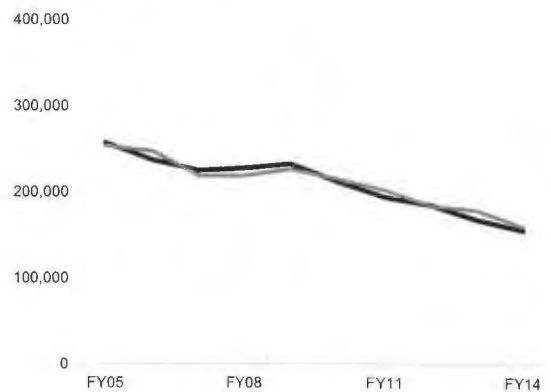
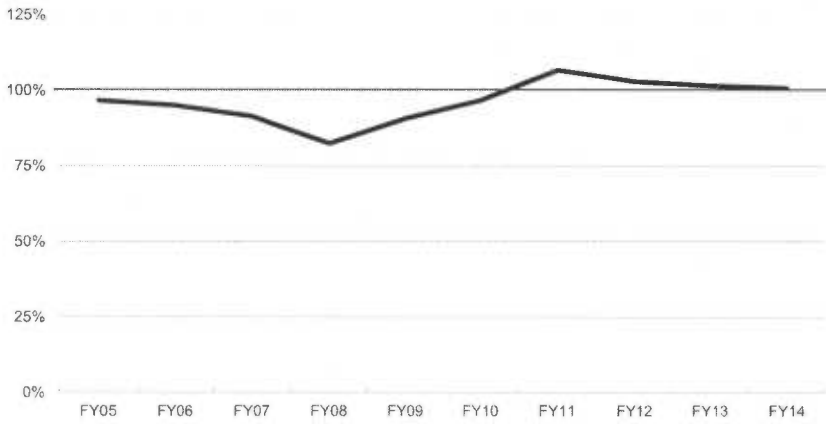




Figure 10: Total Civil



Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 11: Civil Unlimited

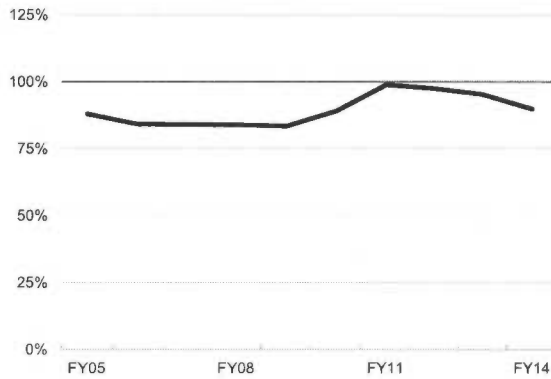


Figure 12: Motor Vehicle PI/PD/WD

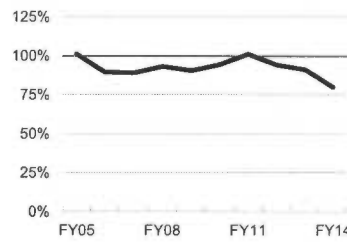


Figure 13: Other PI/PD/WD

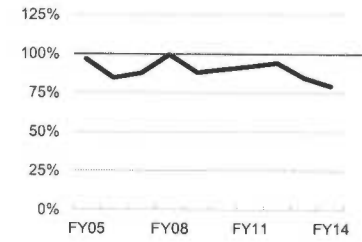


Figure 14: Civil Complaints

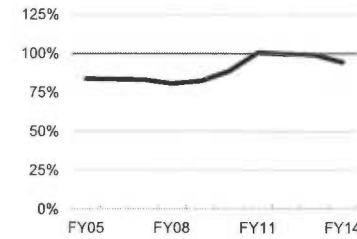


Figure 15: Civil Limited

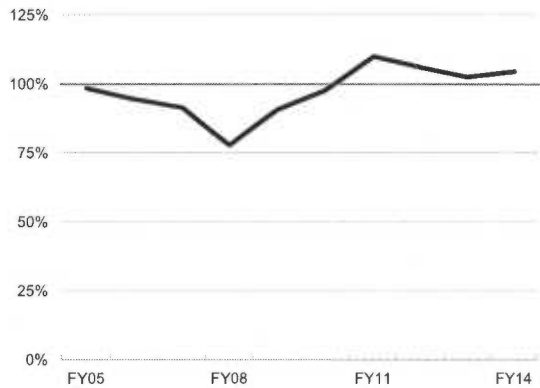
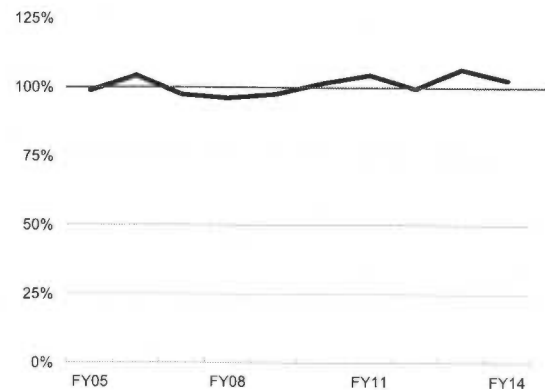
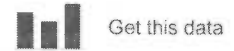


Figure 16: Small Claims





Civil Case Processing Time (percent of cases disposed within specified periods)

The Standards of Judicial Administration establishes case processing time to disposition goals for different types of civil cases, which are presented below with the specific time standards and target performance level.

<u>Standard</u>	<u>Target</u>
Time standard	Goal

Figure 17: Civil Unlimited

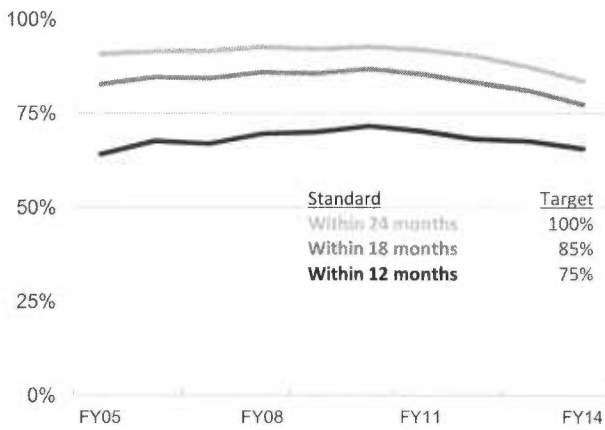


Figure 18: Limited Civil

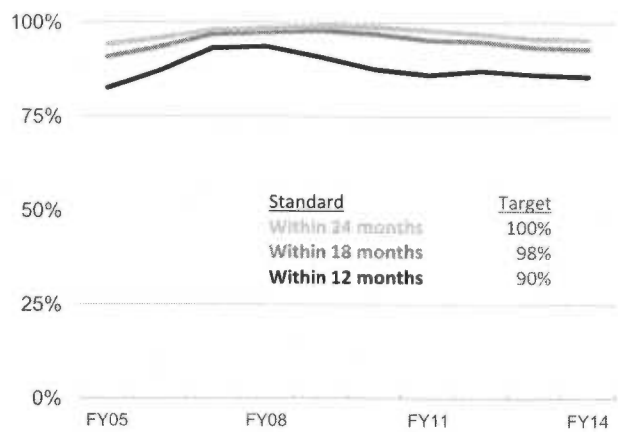


Figure 19: Unlawful Detainer

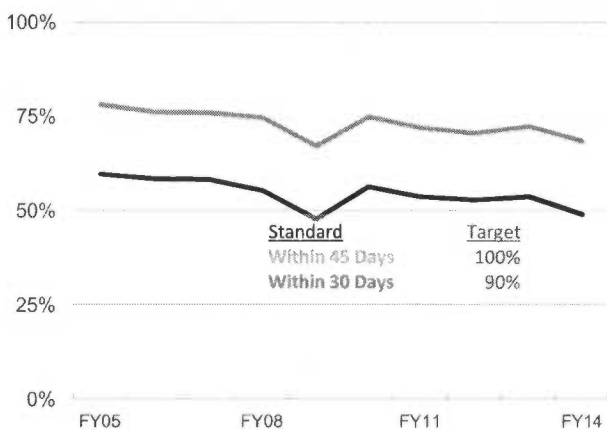
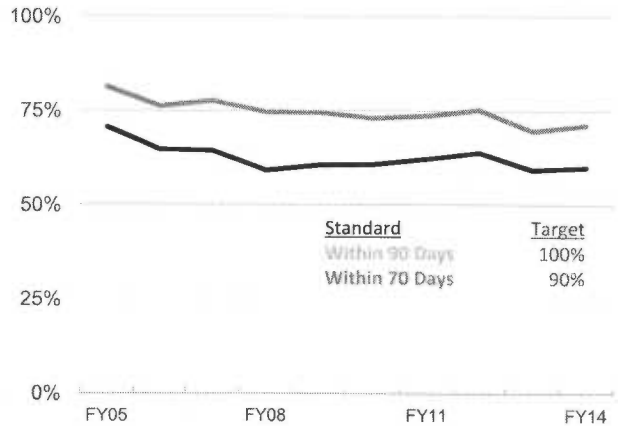


Figure 20: Small Claims



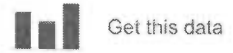


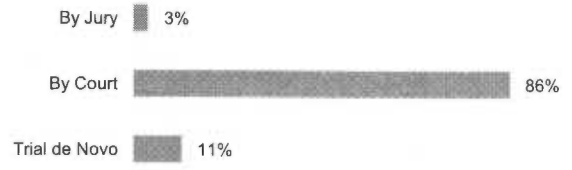
Figure 21: How and at what stage are civil cases resolved?

Unlimited Civil

Number disposed before trial



Number disposed after trial



Limited Civil

Number disposed before trial



Number disposed after trial



Small Claims

Number disposed before trial



Number disposed after trial



Criminal Filings and Dispositions
 Fiscal Years 2004–05 through 2013–14

Superior Courts
 Figures 22–26



Figure 22: Felony

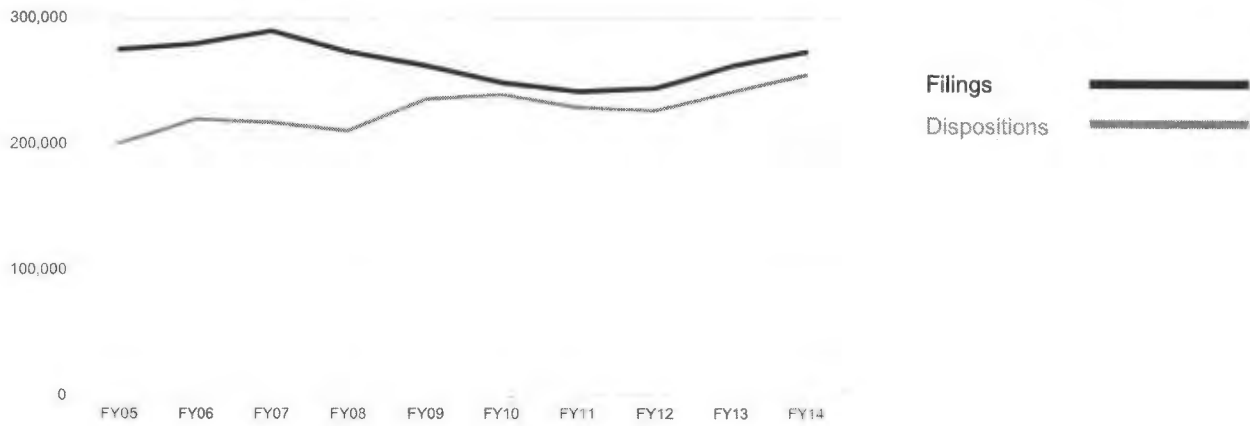


Figure 23: Nontraffic Misdemeanor

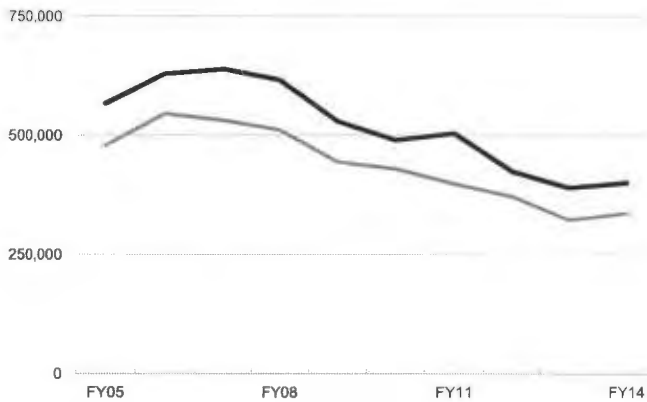


Figure 24: Traffic Misdemeanor

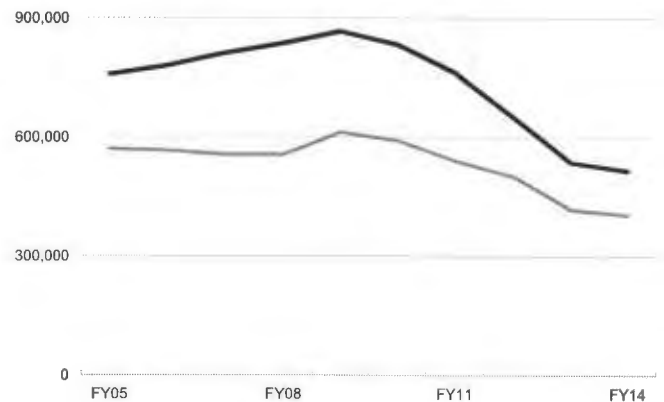


Figure 25: Nontraffic Infraction

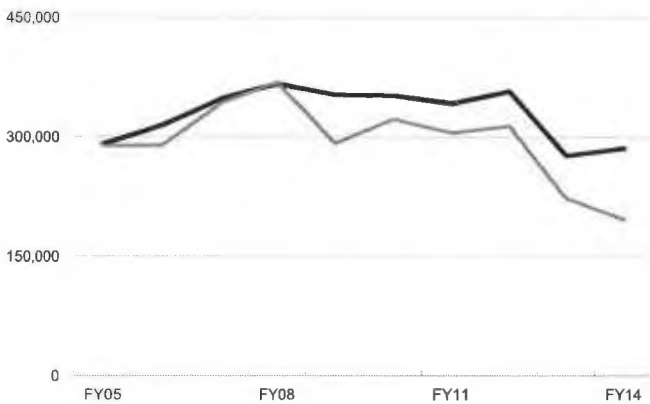
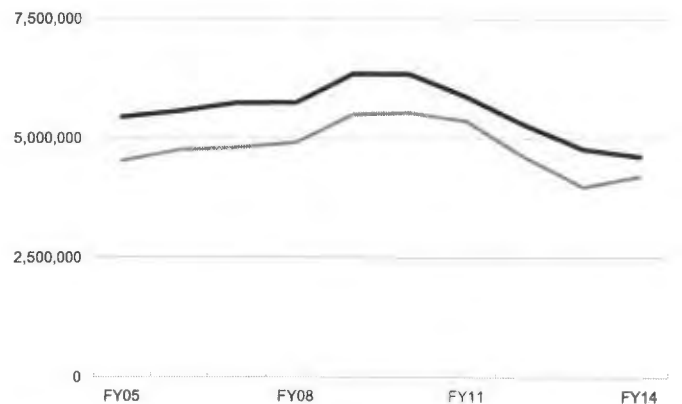


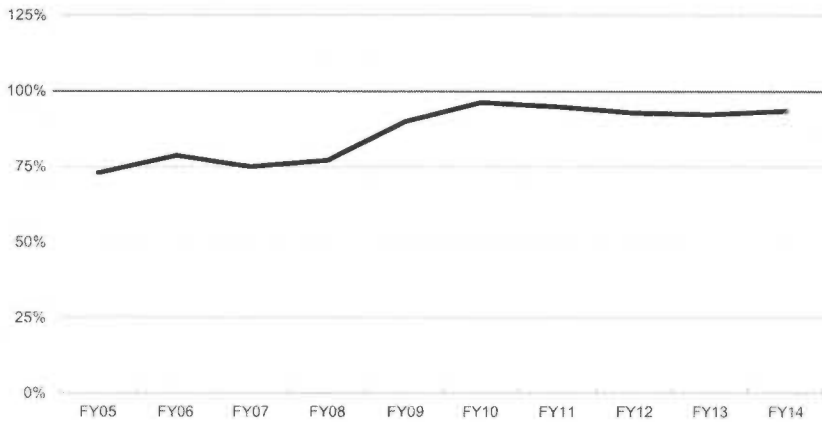
Figure 26: Traffic Infraction





Get this data

Figure 27: Felony



Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 28: Nontraffic Misdemeanor

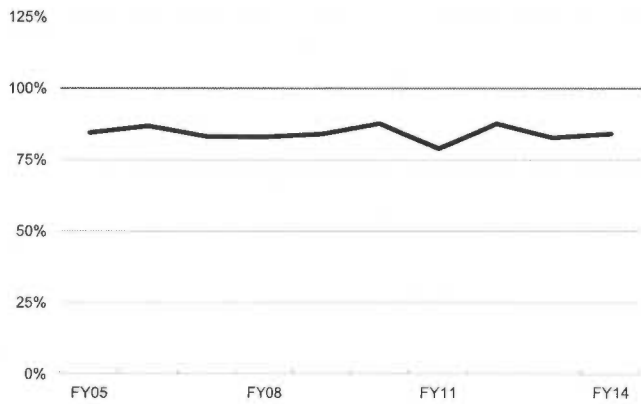


Figure 29: Traffic Misdemeanor

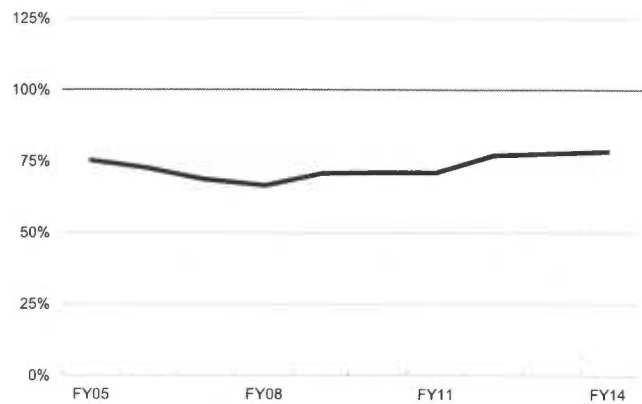


Figure 30: Nontraffic Infraction

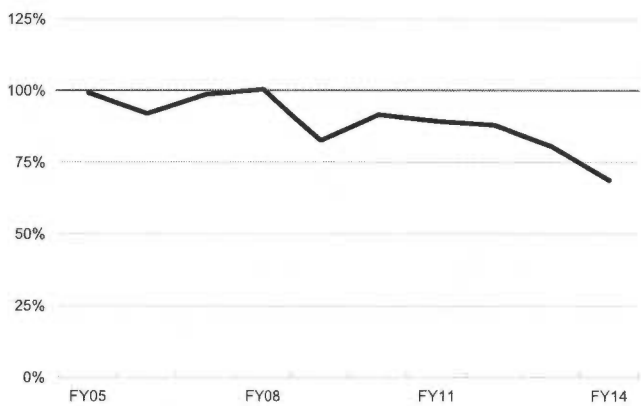
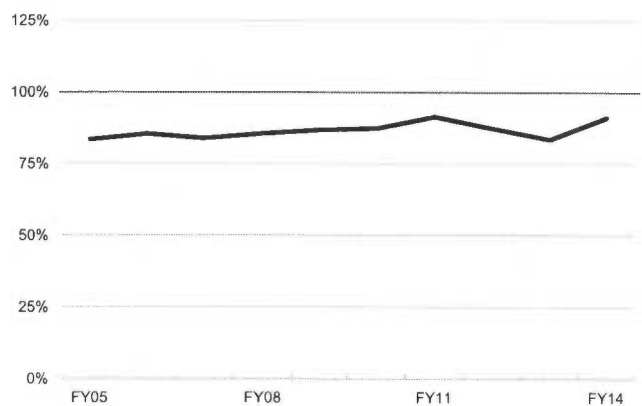


Figure 31: Traffic Infraction



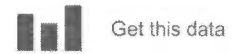
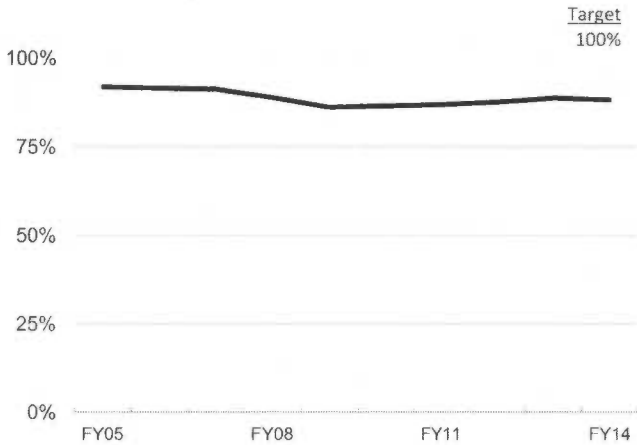


Figure 32: Felonies disposed within 12 months



Criminal Case Processing Time
(percent of cases disposed within specified periods)

The Standards of Judicial Administration establishes case processing time to disposition goals for different types of criminal cases, which are presented below with the specific time standards and target performance level.

Figure 33: Felonies resulting in bindover or certified pleas

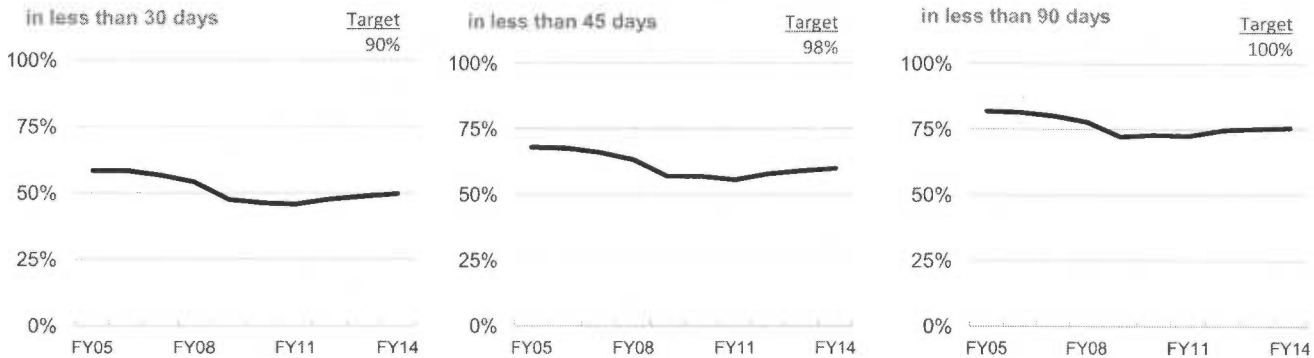
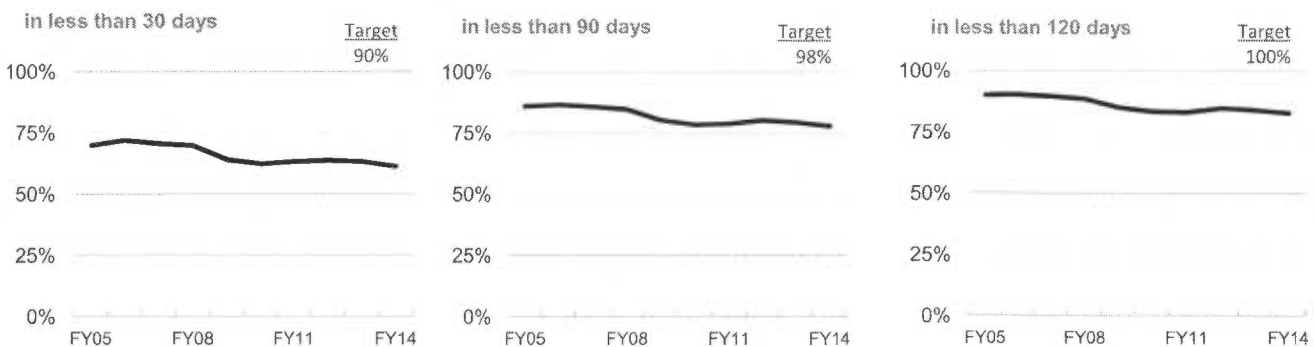


Figure 34: Misdemeanors disposed



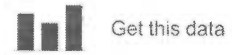
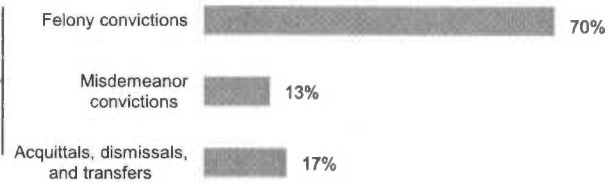


Figure 35: How and at what stage are felony cases resolved?

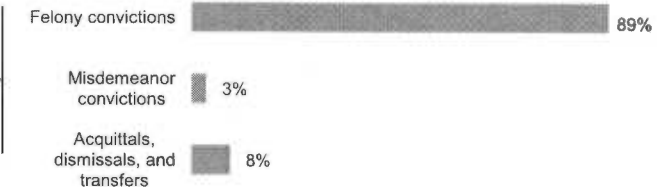
Total felony dispositions (not including felony petitions)



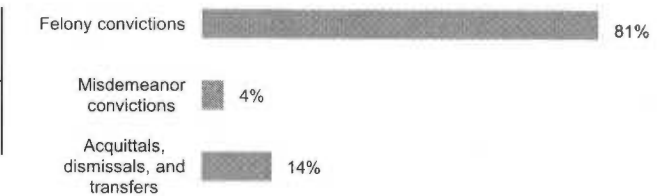
Number disposed before trial



Court trials



Jury trials



Caseflow Management Data
Stage of Case at Disposition – Misdemeanors and Infractions
 Fiscal Year 2013–14

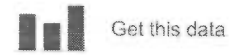
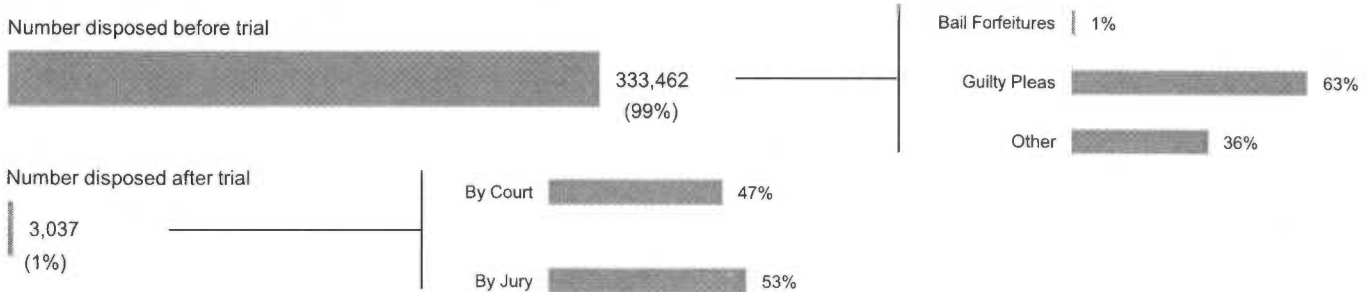
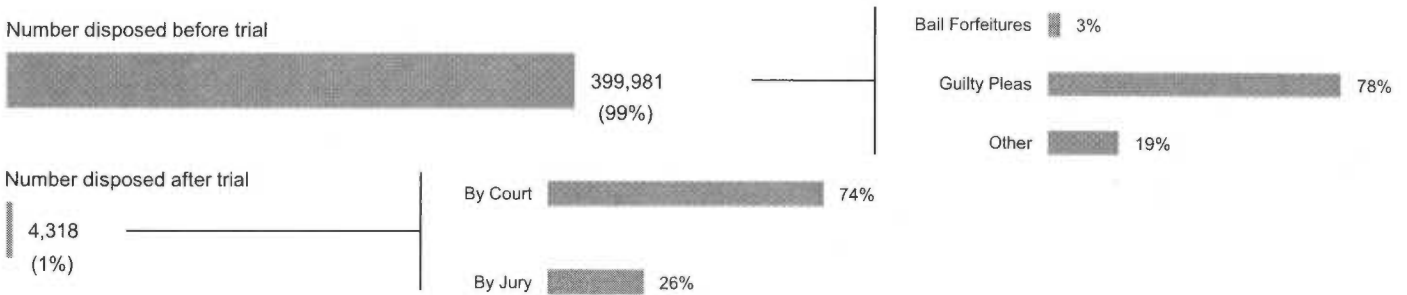


Figure 36: How and at what stage are misdemeanor and infraction cases resolved?

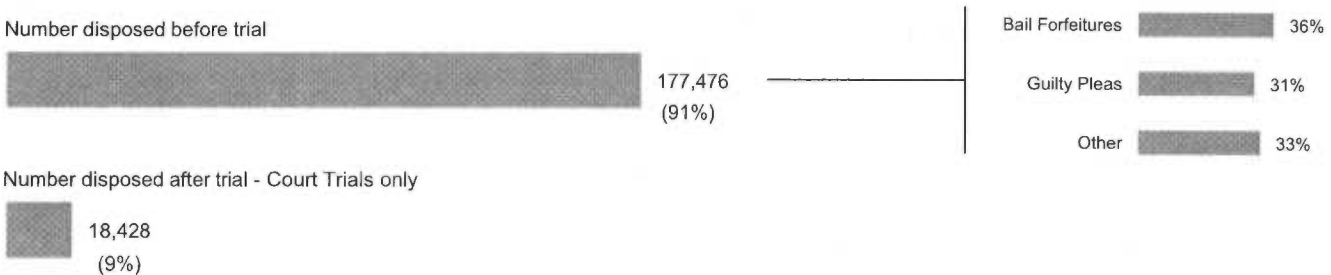
Nontraffic Misdemeanors



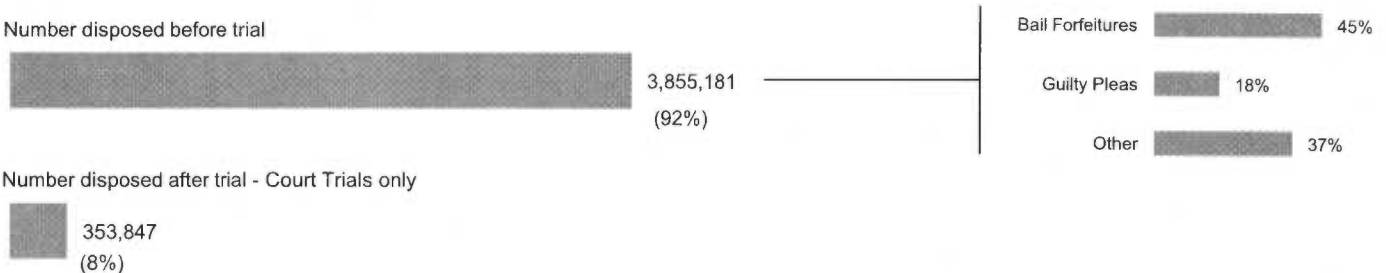
Traffic Misdemeanors



Nontraffic Infractions



Traffic Infractions



Family and Juvenile Filings and Dispositions
Fiscal Years 2004–05 through 2013–14

Superior Courts
Figures 37–40



Filings 
 Dispositions 

Figure 37: Family Law — Marital

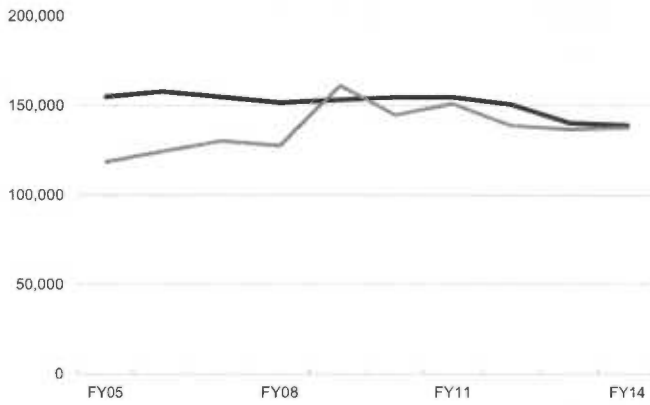


Figure 38: Family Law Petitions

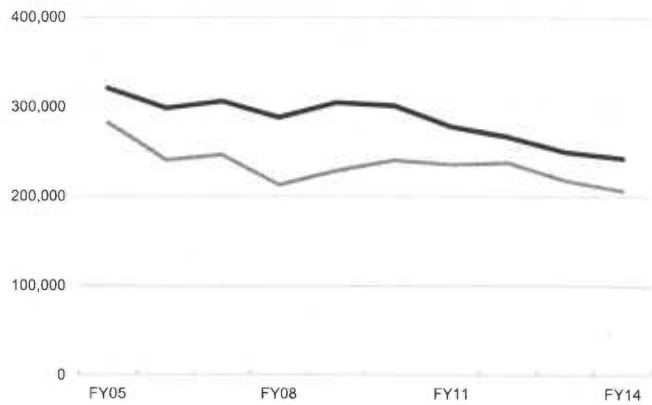


Figure 39: Juvenile Delinquency

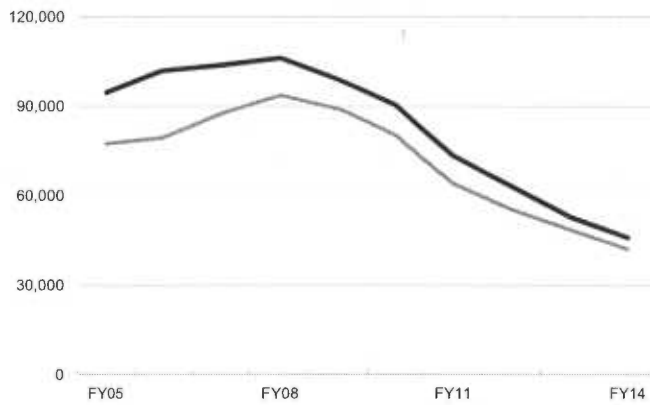
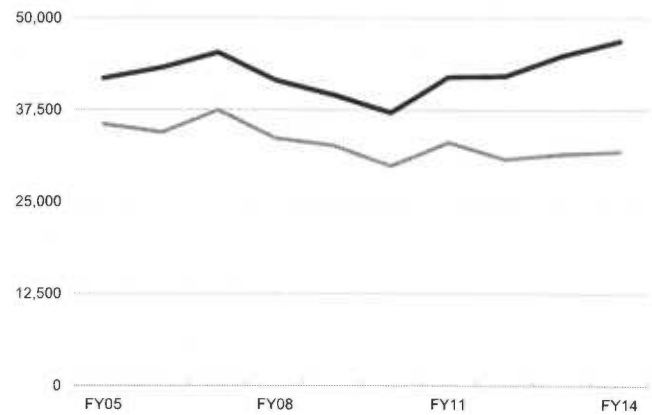


Figure 40: Juvenile Dependency



CalCourTools: Caseload Clearance Rates
Family Law, Juvenile Delinquency, Juvenile Dependency
 Fiscal Years 2004–05 through 2013–14

Superior Courts
Figures 41–44



Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 41: Family Law — Marital

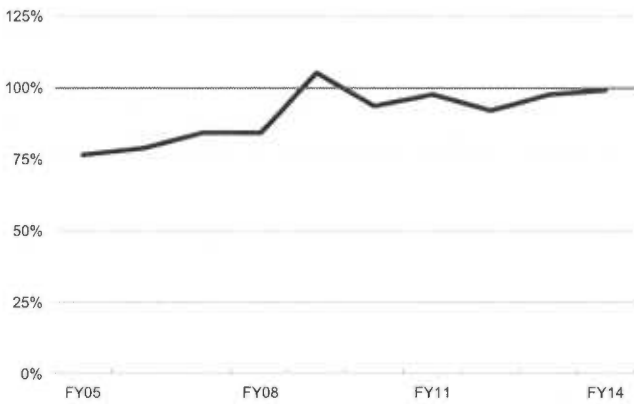


Figure 42: Family Law Petitions

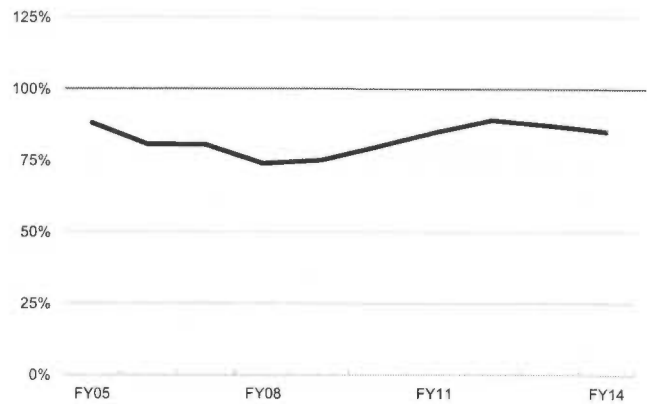


Figure 43: Juvenile Delinquency

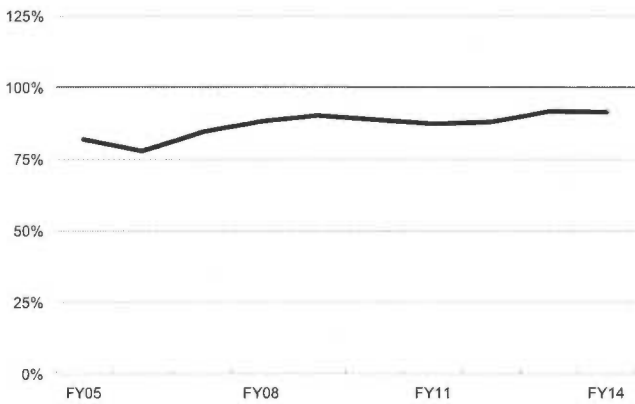
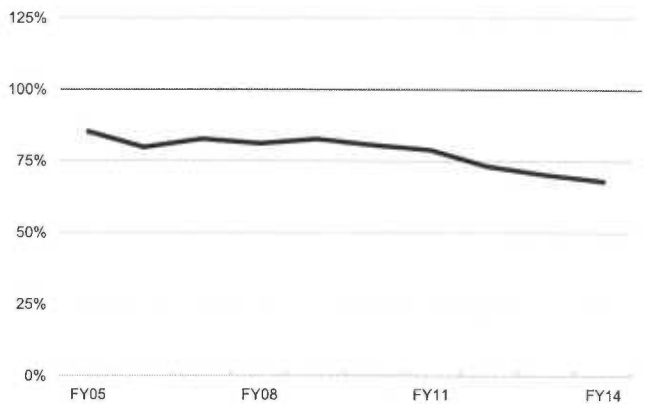


Figure 44: Juvenile Dependency





Filings 
 Dispositions 

Figure 45: Probate

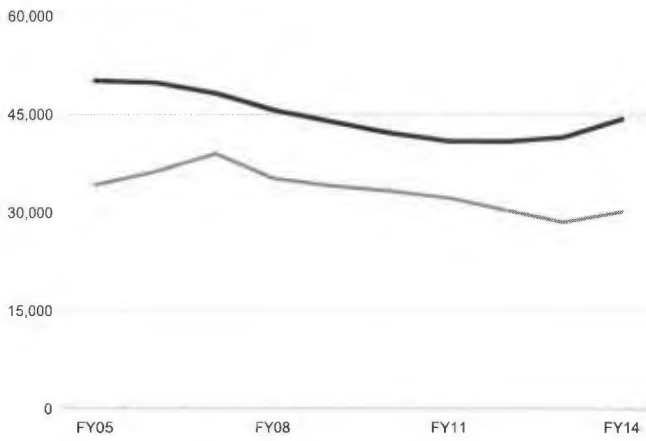


Figure 46: Mental Health

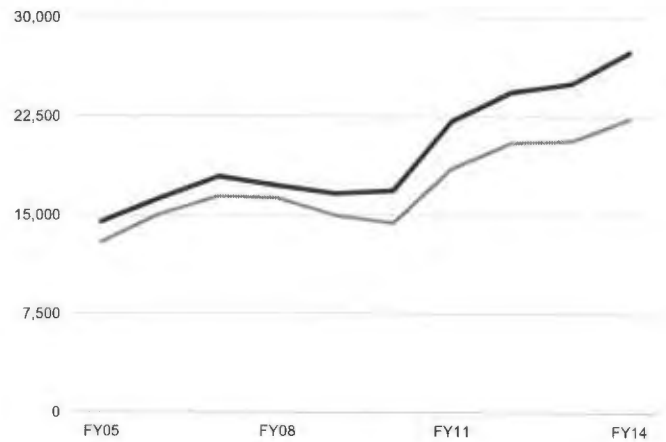


Figure 47: Appeals

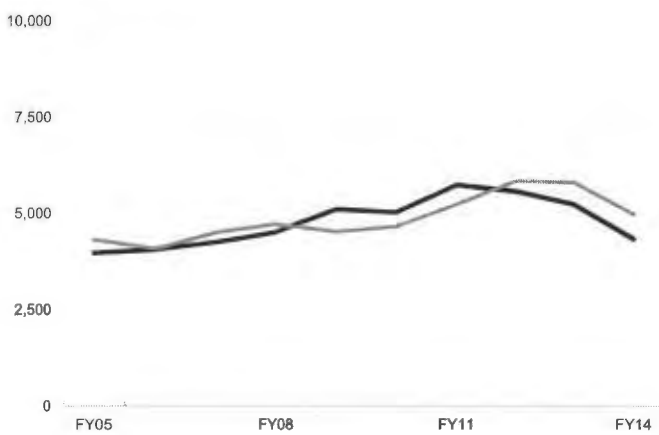
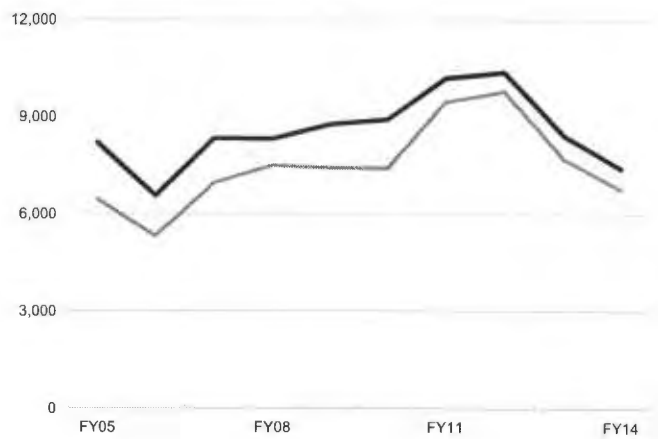
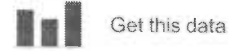


Figure 48: Criminal Habeas Corpus



CalCourTools: Caseload Clearance Rates
Probate, Mental Health, Appeals, Habeas Corpus
Fiscal Years 2004–05 through 2013–14

Superior Courts
Figures 49–52



Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 49: Probate

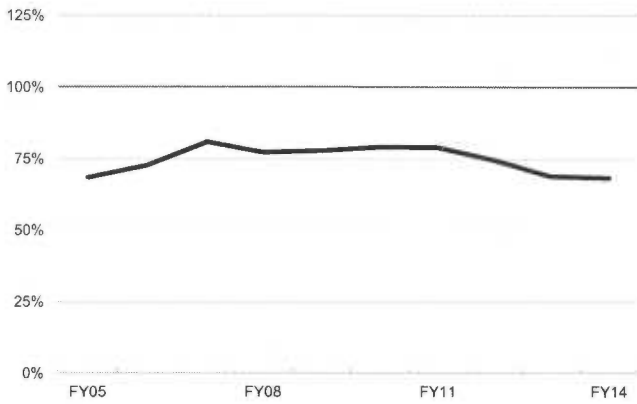


Figure 50: Mental Health

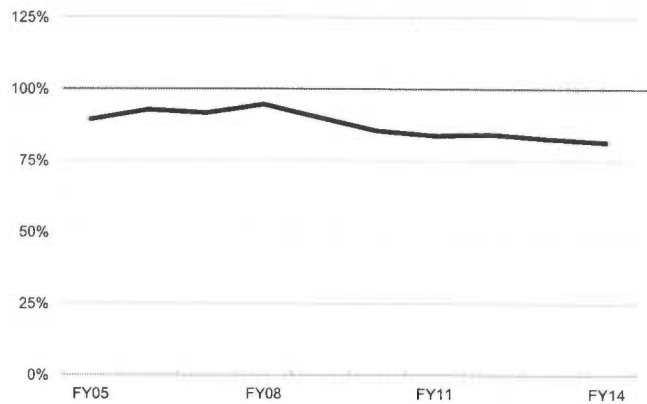


Figure 51: Appeals

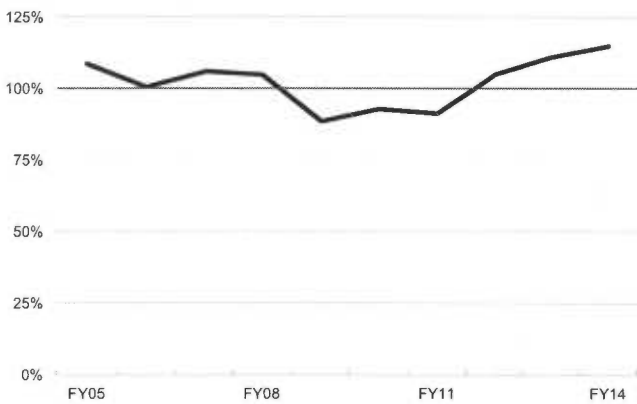
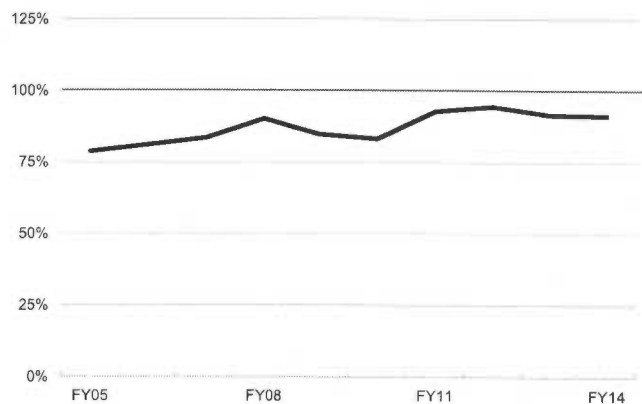


Figure 52: Criminal Habeas Corpus



Caseflow Management Data
Trials By Type of Proceeding
 Fiscal Years 2004–05 through 2013–14

Superior Courts
Figures 53–65

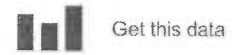
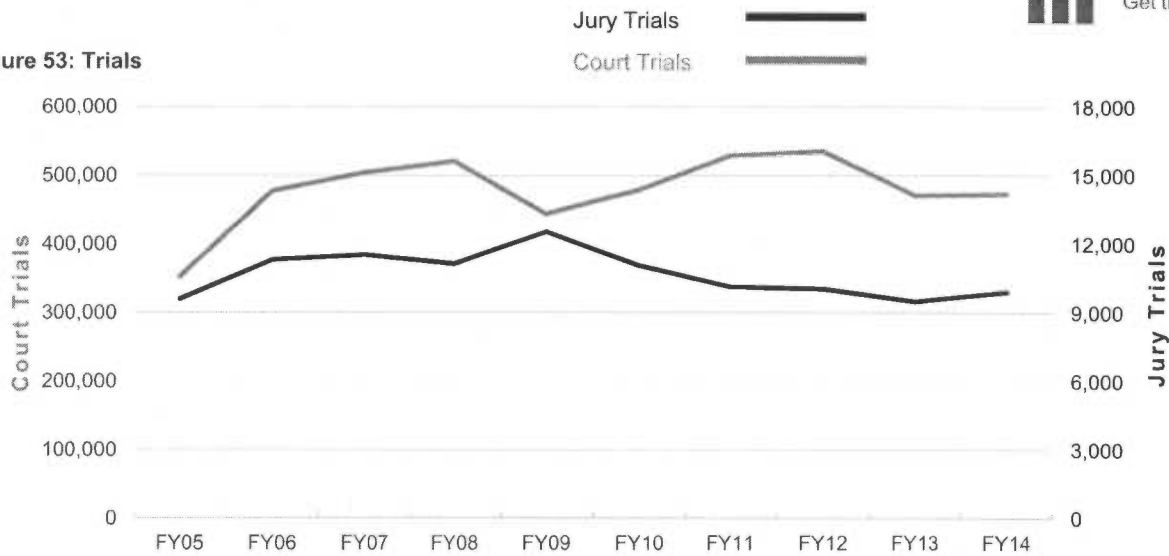


Figure 53: Trials



Jury Trials

Figure 54: Felony

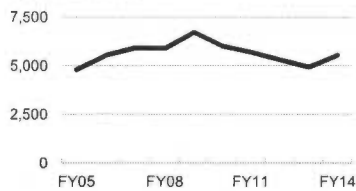


Figure 55: Misdemeanor

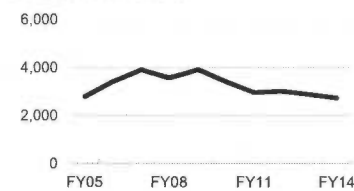


Figure 56: PI/PD/WD Civil Unlimited

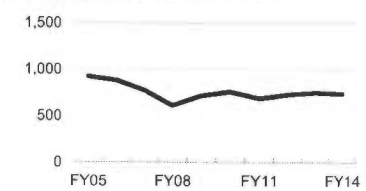


Figure 57: Other Civil Unlimited

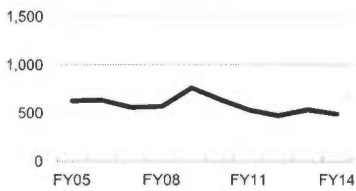


Figure 58: Civil Limited

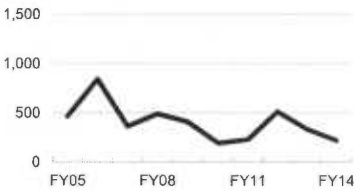
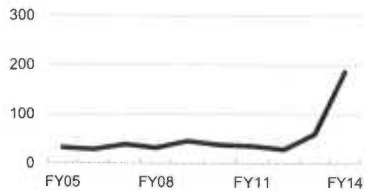


Figure 59: Probate and Mental Health



Court Trials

Figure 60: Felony

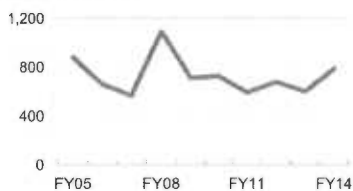


Figure 61: Misdemeanor and infractions

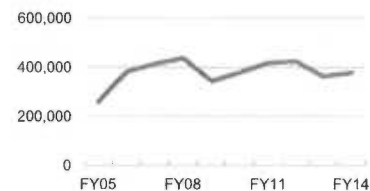


Figure 62: PI/PD/WD Civil Unlimited

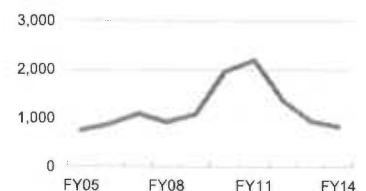


Figure 63: Other Civil Unlimited

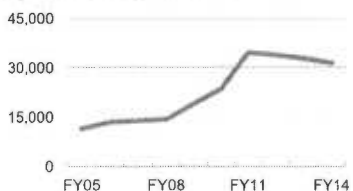


Figure 64: Civil Limited

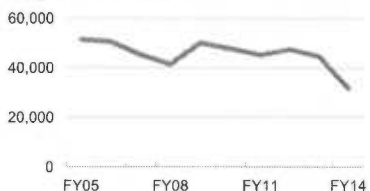
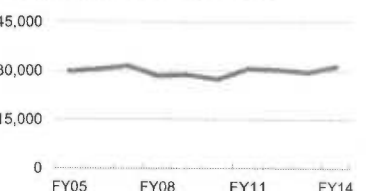
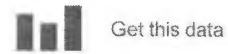


Figure 65: Probate and Mental Health





Definition of Terms

Assessed Judicial Need (AJN): Represents the estimated number of judicial officers needed to handle the workload in the trial courts based on the Judicial Needs Assessment Project. The Judicial Needs Assessment Project was approved by the Judicial Council in 2001 as the methodology for evaluating judicial workload and the need for new judgeships. In 2004, the Judicial Council approved a minor change in the assessment methodology that uses a 3-year average filings data instead of using a single year. The AJN numbers are updated on a 2-year cycle in even-numbered years, and the value for FY 2013-14 represents the recent 2014 update that was presented to the Judicial Council at the December 2014 meeting.

Judicial Position Equivalents (JPE): Reflects authorized judicial positions adjusted for vacancies, assistance rendered by the court, and assistance received by the court from assigned judges, temporary judges, commissioners, and referees.

Authorized Judicial Positions (AJP): Number of authorized judgeships, commissioners, and referees.

Authorized Judgeships: Number of judgeships authorized in statute. The 50 new judgeships authorized but not funded by Assembly Bill 159, effective January 2008, are included in the statewide total.

Judicial Assistance Received by Trial Courts: Includes only assistance rendered by judges through assignments. Does not include assistance rendered by commissioners, referees, and temporary judges (these are included in JPE).

Figure 66: Total Judicial Position Equivalents (JPE) and Assessed Judicial Need (AJN)

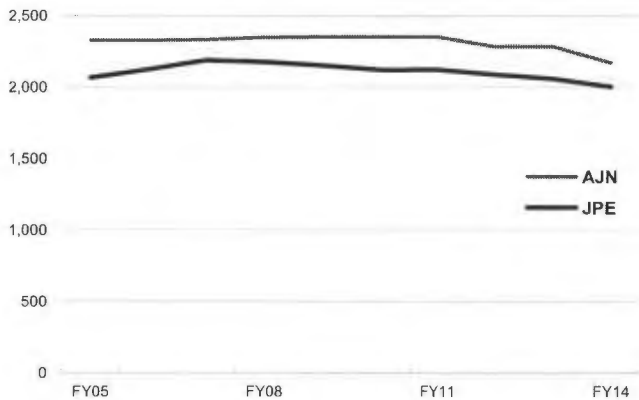


Figure 67: Total Authorized Judicial Positions (AJP) and Assessed Judicial Need (AJN)

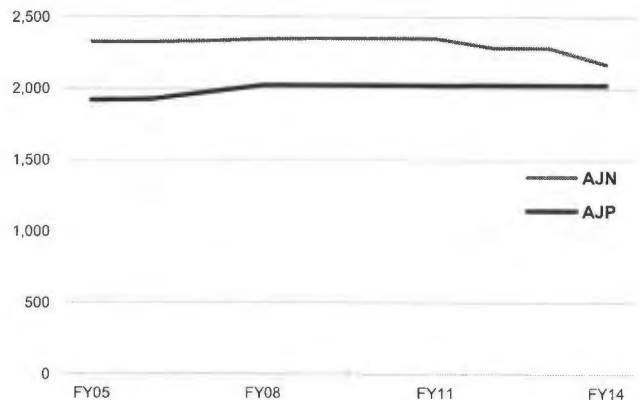


Figure 68: Authorized Judgeships

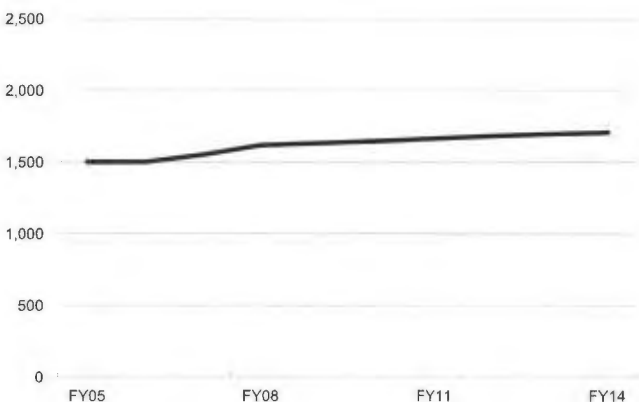
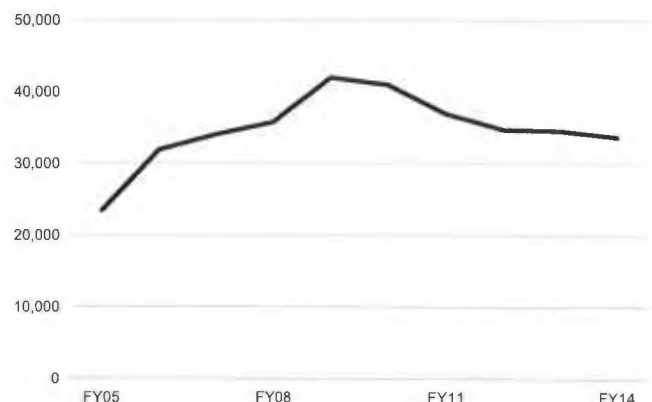


Figure 69: Judicial Assistance Received by Trial Courts (days received)



Trial Court Workload and Resources
Subordinate Judicial Officer Conversions
Fiscal Years 2007–08 through 2013–14

Superior Courts
Table 1

Background

California rule of court 10.700 provides for the use of subordinate judicial officers (SJOs) to perform subordinate judicial duties. A presiding judge may also assign a SJO to act as a temporary judge where lawful if the presiding judge determines that it is necessary for the effective administration of justice because of a shortage of judges.

During the 1980s and 1990s, the shortage of judicial positions across the state led many trial courts to create SJO positions to manage their caseloads. The stagnation in the number of new judgeships combined with the growth in the number of SJO positions created an imbalance in many courts, with SJOs spending much of their time working as temporary judges.

To restore the appropriate balance between judges and SJOs in the trial courts, in 2007 the Legislature passed AB 159 which authorized the conversion of 162 SJO positions to judgeships in 25 courts where the judicial workload assessment determined that the number of SJOs exceeded the workload appropriate to SJOs.

Table 1: Subordinate Judicial Officer Conversions

	Total Eligible for Conversion	2007–08	2008–09	2009–10	2010–11	2011–12	2012–13	2013-14	Positions Remaining for Conversion
Alameda	6	0	0	1	2	3	0	0	0
Contra Costa	6	3	0	1	0	0	0	0	2
El Dorado	2	0	1	0	1	0	0	0	0
Fresno	3	0	1	0	1	0	0	1	0
Imperial	1	0	0	0	1	0	0	0	0
Kern	2	0	1	0	0	0	0	0	1
Los Angeles	78	4	5	7	7	8	6	7	34
Marin	2	0	0	0	0	1	1	0	0
Merced	2	0	1	0	0	1	0	0	0
Napa	1	0	0	0	0	0	0	0	1
Orange	14	1	2	2	2	3	2	2	0
Placer	1	0	0	0	0	0	0	0	1
Riverside	6	1	1	0	0	1	3	0	0
Sacramento	5	1	2	0	0	2	0	0	0
San Diego	7	2	0	0	0	0	1	1	3
San Francisco	9	1	0	1	0	0	0	0	7
San Luis Obispo	2	1	0	0	0	0	0	0	1
San Mateo	2	0	0	0	0	0	0	0	2
Santa Barbara	2	0	0	2	0	0	0	0	0
Santa Cruz	1	0	0	0	0	1	0	0	0
Solano	3	1	2	0	0	0	0	0	0
Sonoma	2	0	0	1	1	0	0	0	0
Stanislaus	1	0	0	0	1	0	0	0	0
Tulare	2	0	0	1	0	0	0	0	1
Yolo	2	1	0	0	0	0	0	0	1
Total	162	16	16	16	16	20	13	11	54

JBSIS Courts as of Fiscal Year 2013–14

The following table shows the courts that are submitting data via JBSIS v2.3 (Judicial Branch Statistical Information System) as of the end of fiscal year 2013–14. For updated information, court staff with access to the password-protected Serranus website may log in directly to JBSIS at <http://jbsis.courts.ca.gov>.

Superior Court	Appellate Court 04a	Appellate Division 04b	Limited Civil 05a	Unlimited Civil 05b	Family Law 06a	Felony 07c	Juvenile Delinquency 08a	Juvenile Dependency 09a	Mental Health 10a	Misdemeanor/ Infraction 11a	Probate 12a	Small Claims 13a
Alameda			X	X	X		X	X				X
Alpine	X	X	X	X	X	X	X	X	X	X	X	X
Calaveras			X	X	X	X	X	X	X	X	X	X
Colusa			X	X	X		X	X	X		X	X
Contra Costa			X	X	X	X				X	X	X
El Dorado	X	X	X	X	X	X			X	X	X	X
Humboldt	X	X	X	X	X	X	X	X	X	X	X	X
Imperial	X	X	X	X	X	X	X	X	X	X	X	X
Inyo			X	X	X	X	X	X		X	X	X
Kern						X				X		
Lake	X	X	X	X	X	X	X	X	X	X	X	X
Lassen	X	X	X	X	X	X	X	X	X	X	X	X
Madera	X	X	X	X	X	X	X	X	X	X	X	X
Mariposa	X	X	X	X	X	X	X	X	X	X	X	X
Merced	X	X	X	X	X	X	X	X	X	X	X	X
Modoc	X	X	X	X	X	X	X	X	X	X	X	X
Monterey	X	X	X	X	X	X	X	X	X	X	X	X
Napa	X	X	X	X	X	X	X	X	X	X	X	X
Orange			X			X						X
Plumas	X	X	X	X	X	X	X	X	X	X	X	X
Riverside		X	X	X	X	X			X	X	X	X
Sacramento						X						X
San Benito	X	X	X	X	X	X	X	X	X	X	X	X
San Bernardino	X	X	X	X	X	X	X	X	X	X	X	X
San Joaquin			X	X	X			X			X	X
San Luis Obispo	X	X	X	X	X	X	X	X	X	X	X	X
San Mateo						X				X		
Santa Barbara		X	X	X	X	X	X	X	X	X	X	X
Santa Clara		X	X	X	X	X	X	X	X	X	X	X
Santa Cruz	X	X	X	X	X				X		X	X
Shasta			X	X	X	X				X	X	X
Siskiyou	X	X	X	X	X	X	X	X	X	X	X	X
Solano				X	X			X			X	
Sonoma	X	X	X	X	X	X	X	X	X	X	X	X
Stanislaus	X	X	X	X	X	X	X	X	X	X	X	X
Sutter	X	X	X	X	X	X	X	X	X	X	X	X
Tehama	X	X	X	X	X	X	X	X	X	X	X	X
Trinity	X	X	X	X	X	X	X	X	X	X	X	X
Tulare	X	X	X	X	X	X	X	X	X	X	X	X
Tuolumne	X	X	X	X	X	X	X	X	X	X	X	X
Ventura			X	X	X	X	X	X	X	X	X	X
Yolo			X	X	X	X	X	X	X	X	X	X
Yuba		X	X	X	X	X	X	X	X	X	X	X

Appendixes



Appendix A Courts With Incomplete Data

JBSIS report type 4b	Appellate Division Appeals
JBSIS report type 5a	Limited Civil
JBSIS report type 5b	Unlimited Civil
JBSIS report type 6a	Family Law
JBSIS report type 7a/7b/7c	Felony
JBSIS report type 8a	Juvenile Delinquency
JBSIS report type 9a	Juvenile Dependency
JBSIS report type 10a	Mental Health
JBSIS report type 11a	Misdemeanors and Infractions
JBSIS report type 12a	Probate
JBSIS report type 13a	Small Claims

Court	Report	Incomplete Data, Fiscal Year 2013–2014
Contra Costa	JBSIS report types 6a, 8a, 9a	Reports submitted but incomplete or no disposition data reported.
Fresno	JBSIS report type 9a	Reports submitted but incomplete disposition data reported.
Nevada	JBSIS report types 7a, 7b, 11a	Reports submitted but incomplete disposition data reported.
Orange	JBSIS report types 6a, 10a, 11a, 12a	Reports submitted but incomplete or no disposition data reported.
Placer	JBSIS report types 7a, 7b, 10a, 11a	Reports submitted but incomplete disposition data reported.
Sierra	JBSIS report types 4b, 5a, 5b, 6a, 7a, 7b, 8a, 9a, 10a, 11a, 12a, 13a	Reports submitted but incomplete or no disposition data reported.

APPENDIX B

Supreme Court Glossary

The definitions in this glossary are intended only to provide context and a general understanding of the information in this publication. They are not to be relied on as legal authority or cited as authoritative.

attorney disciplinary proceedings Proceedings concerning possible suspension, disbarment, and public or private reproof of attorneys for alleged violations of law or rules of professional conduct. Other State Bar filings include requests for approval of rule proposals, motions for the admission of attorneys, reports of criminal convictions and other administrative matters relating to the admission and discipline of attorneys. Most matters are resolved by the entry of an order in the Supreme Court adopting the recommendation of the State Bar Court. Requests for approval of a rule may be resolved by an order adopting or denying the request, or a retransfer of the matter to the State Bar, all undertaken by the Court acting at its weekly conference. If the Supreme Court grants review of an attorney disciplinary proceeding, the matter will be handling in the same manner as any case in which review has been granted. The California Rules of Court govern petitions for review of disciplinary matters by the respondent attorney and the State Bar's Office of Chief Trial Counsel. In addition, the Supreme Court may, on its own motion, grant review or return a matter to the State Bar Court for reconsideration.

automatic appeal A criminal appeal by operation of law, directly from a superior court to the Supreme Court, upon imposition of a judgment of death.

civil Pertaining to an appeal or original proceeding in a case that is neither a criminal nor a juvenile delinquency case.

criminal Pertaining to an appeal or original proceeding in a case charging the violation of criminal law.

depublished opinion A Court of Appeal opinion that the Court of Appeal has certified for publication but that the Supreme Court, acting under its constitutional power over opinion publication, directs the Reporter of Decisions not to publish in the *Official Reports*, and that may be cited or relied upon only in limited circumstances (see Cal. Rules of Court, rule 8.1115(b)).

original proceedings Petitions for writs within the Supreme Court's original jurisdiction. The most common types are mandamus and prohibition, which may relate to either civil or criminal matters, and habeas corpus.

petition for review A request for Supreme Court review of a Court of Appeal decision.

petition for review denied An order by the Supreme Court declining review of a Court of Appeal decision.

petition for review granted An order by the Supreme Court granting review of a Court of Appeal decision.

petition for review granted and held An order by the Supreme Court granting review of a Court of Appeal decision that will be held for final action until a lead case addressing a related issue has been decided by the Supreme Court.

petition for review granted and transferred An order by the Supreme Court granting review of a Court of Appeal summary denial in an original proceeding and transferring review of the case to a Court of Appeal for further proceedings.

request for publication or depublishation A case in which the sole relief requested is for the Supreme Court to order that a Court of Appeal decision be either published or depublished.

written opinion The written decision, with reasons stated, that describes and explains the outcome of a Supreme Court case.

APPENDIX C

Courts of Appeal Glossary

The definitions in this glossary are intended only to provide context and a general understanding of the information in this publication. They are not to be relied on as legal authority or cited as authoritative.

appeal A proceeding for direct review of a judgment of an appealable order of a trial court. Excludes collateral review by means of an original proceeding. (See “civil appeal” and “criminal appeal.”)

civil appeal An appeal in a case that is neither a criminal nor a juvenile delinquency case.

civil original proceeding Any original proceeding in which the underlying case is not related to a violation of criminal law.

Court of Appeal The California court that hears (1) appeals in all noncapital cases in which a superior court has original jurisdiction and (2) appeals under other special circumstances, as prescribed by law.

criminal appeal An appeal from the judgment or order in a case charging a violation of criminal law.

criminal original proceeding Any original proceeding in which the underlying case is related to a violation of criminal law.

disposition Termination of an appeal or original proceeding. Court of Appeal dispositions are either by written opinion or without opinion (with or without a record filed).

fully briefed appeal A pending appeal in which all briefs have been filed.

median time In a listing where time values are placed in order from shortest to longest, the value with half of the cases above it and half below it.

90th percentile time In a listing where time values are placed in order from shortest to longest, the value with 10 percent of the cases above it and 90 percent below it.

notice filed The filing of a notice of appeal in the superior court, initiating the appellate process.

original proceedings Cases begun in an appellate court, commonly called writ proceedings. The most common are writs of mandamus and prohibition, usually seeking an order addressed to a lower court, and writs of habeas corpus, usually addressed to a person holding another in official custody. (See “civil original proceeding” and “criminal original proceeding.”)

pending appeal An appeal awaiting decision.

record filed The filing of the trial court clerk’s transcript (copies of documents filed in the case) and the reporter’s transcript (the typed version of oral proceedings).

APPENDIX D

Superior Courts Glossary

The definitions in this glossary are intended only to provide context and a general understanding of the information in this publication. They are not to be relied on as legal authority or cited as authoritative.

appeal A proceeding for direct review of a civil or criminal judgment from a limited-jurisdiction case, including small claims matters.

assessed judge need (AJN): Represents the estimated number of judicial officers needed to handle the workload in the trial courts based on the Judicial Needs Assessment Project.

caseload clearance rate Clearance rates show the number of outgoing cases as a percentage of the number of incoming cases. They measure whether the court is disposing of cases in a timely fashion or whether a backlog of cases is growing.

commissioner A subordinate judicial officer, employed by the court, who performs judicial or quasi-judicial duties assigned to him or her. A commissioner may be authorized to decide only limited pretrial issues of fact and law or to conduct complete trials. Commissioners frequently act as temporary judges.

disposition Termination of a proceeding. Civil dispositions *before trial* include transfers to another trial court, dismissals, summary judgments, and other judgments. Criminal dispositions *before trial* include transfers to another trial court, sentences after pleas of guilty or no contest, and dismissals. Civil dispositions *after trial* include entry of judgment after jury trial and court trial. Criminal dispositions *after trial* include acquittals, grants of probation, and sentences after conviction.

family law (marital) Proceedings in which a petition has been filed for dissolution or voiding of a marriage or for legal separation.

family law petitions Family law cases other than marital cases, such as domestic violence petitions and petitions filed by the Department of Child Support Services (DCSS) for reimbursement of child support.

felony A criminal case alleging an offense punishable by imprisonment in a state prison or by death.

filings in civil matters Civil cases for which complaints or petitions have been filed.

filings in criminal matters The number of defendants against whom criminal charges have been filed.

filings in juvenile matters The number of minors who are the subjects of petitions.

judgeship A judicial position conferring power to exercise the full legal authority of the court in which the judge sits (by selection or assignment). The term "Judgeships," as used in this report, represents the number of positions authorized by law, whether filled or vacant.

judicial position equivalents An estimate of the number of judicial officers who were present and available to conduct court business. The number includes authorized judgeships (adjusted to reflect judicial vacancies and assistance given to other courts) and assistance received from assigned judges, full-time and part-time commissioners and referees, and temporary judges serving by stipulation of the parties.

judicial positions The number of judgeships authorized by law, plus positions of referees and commissioners.

juvenile delinquency proceedings Petitions filed under Welfare and Institutions Code section 602, alleging violation of a criminal statute, and petitions filed under Welfare and Institutions Code section 601, alleging that a minor is beyond the control of parents or guardians but has not

violated any law. An *original petition* begins a delinquency proceeding. A *subsequent petition* adds allegations against a minor child who is already subject to the court's jurisdiction.

juvenile dependency proceedings Petitions filed under Welfare and Institutions Code section 300, seeking to make a minor child a ward of the court because of abuse or neglect. An *original petition* begins a dependency proceeding. A *subsequent petition* adds allegations regarding a minor child who is already subject to the court's jurisdiction.

limited civil All civil matters with a value of \$25,000 or less, except small claims matters.

mental health proceedings Includes most types of mental health cases, including but not limited to postcertification treatment (W&I 5300), LPS Conservatorship (W&I 5350), narcotics addict (W&I 3050/3051), commitments (PC 2966), mental competency (PC 1368), sexually violent predator (W&I 6600), juvenile (W&I 1800), mentally retarded and dangerous (W&I 6500), and W&I Code, § 4500.

motor vehicle personal injury, death, and property damage Actions for damages in excess of \$25,000 for physical injury to persons and property and actions for wrongful death related to motor vehicle accidents.

nontraffic infractions Nontraffic violations of state statutes or local ordinances specified as infractions.

nontraffic misdemeanors Misdemeanors including intoxication complaints and violations of the Penal Code, local city and county ordinances, and the Fish and Game Code.

other civil complaints and petitions Cases not covered in any other civil case category, including complaints for declaratory relief only, mechanics' liens, and petitions for partnership and corporate governance. If the requested relief is for money, it must be in excess of \$25,000 to be filed as a general-jurisdiction case.

other mental health proceedings Includes other mental health cases not included in the mental health category as well as noncriminal habeas corpus.

personal injury, death, and property damage All actions for damages in excess of \$25,000 for physical injury to persons and property and all actions for wrongful death.

probate and guardianship All probate proceedings, will contests, guardianship and conservatorship proceedings (including conservatorship proceedings under the Lanterman-Petris-Short Act), and petitions to compromise minors' claims (when not part of a pending action or proceeding).

reduced to misdemeanor Cases in which a charge originally filed as a felony is disposed of as a misdemeanor.

referee A subordinate judicial officer employed by a county to handle matters assigned by the court, such as traffic law violations.

small claims All matters filed in small claims court (value of \$10,000 or less).

time to disposition The amount of time it takes a court to dispose of cases within established time frames.

traffic infractions Traffic-related violations of state statutes or city or county ordinances specified as infractions, excluding parking violations.

traffic misdemeanors Violations of Vehicle Code § 20002 (hit and run, property damage), 23104 (reckless driving, causing injury), and 23152 (driving under the influence of alcohol or drugs) and all other traffic misdemeanors.

unlimited civil All civil matters with a value of more than \$25,000.

APPENDIX E — Courts of Appeal Data Tables

Summary of Filings

Fiscal Years 2004–05 through 2013–14

Courts of Appeal

Data for Figures 6–7



Get this graphic

Fiscal year	Authorized justices (A)	Contested matters		Records of appeal		Original proceedings	
		Total (B)	Per authorized justice (C)	Total (D)	Per authorized justice (E)	Total (F)	Per authorized justice (G)
FY14	105	20,198	192	13,182	126	7,016	67
FY13	105	20,391	194	13,020	124	7,371	70
FY12	105	21,894	209	13,498	129	8,396	80
FY11	105	23,021	219	13,950	133	9,071	86
FY10	105	22,515	214	13,738	131	8,777	84
FY09	105	22,030	210	13,617	130	8,413	80
FY08	105	23,675	225	13,970	133	9,705	92
FY07	105	22,532	215	13,125	125	9,407	90
FY06	105	22,150	211	13,539	129	8,611	82
FY05	105	21,901	209	13,227	126	8,674	83

Column Key:

- (B) $D + F$. "Total contested matters" means all appeals and original proceedings; it excludes motions to dismiss on clerk's certificate, rehearings, and miscellaneous orders, which do not significantly add to the court's workload.
- (C) B / A .
- (E) D / A .
- (G) F / A .

Record of Appeal Filings

Fiscal Years 2004–05 through 2013–14

Courts of Appeal

Data for Figures 8–14

All Districts

	Total	Civil	Criminal	Juvenile
FY14	13,182	4,374	6,082	2,726
FY13	13,020	4,609	5,775	2,636
FY12	13,498	4,601	6,145	2,752
FY11	13,950	4,747	6,522	2,681
FY10	13,738	4,539	6,549	2,650
FY09	13,617	4,422	6,458	2,737
FY08	13,970	4,623	6,531	2,816
FY07	13,125	4,262	6,224	2,639
FY06	13,539	4,501	6,351	2,687
FY05	13,227	4,566	6,162	2,499



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District 1

	Total	Civil	Criminal	Juvenile
FY14	1,876	826	662	388
FY13	1,823	823	653	347
FY12	1,848	843	674	331
FY11	1,971	886	759	326
FY10	1,943	864	756	323
FY09	1,861	812	704	345
FY08	2,010	820	851	339
FY07	2,054	846	818	390
FY06	1,973	798	814	361
FY05	2,014	868	806	340

District 2

	Total	Civil	Criminal	Juvenile
FY14	4,236	1,597	1,592	1,047
FY13	4,191	1,742	1,570	879
FY12	4,399	1,700	1,704	995
FY11	4,687	1,852	1,913	922
FY10	4,415	1,723	1,808	884
FY09	4,442	1,672	1,881	889
FY08	4,761	1,931	1,884	946
FY07	3,906	1,513	1,732	661
FY06	4,275	1,692	1,826	757
FY05	3,931	1,647	1,690	594

District 3

	Total	Civil	Criminal	Juvenile
FY14	1,579	322	1,006	251
FY13	1,566	308	992	266
FY12	1,666	323	1,028	315
FY11	1,709	324	1,019	366
FY10	1,750	317	1,028	405
FY09	1,715	305	957	453
FY08	1,704	294	1,058	352
FY07	1,629	290	985	354
FY06	1,753	357	1,002	394
FY05	1,782	406	987	389

District 4

	Total	Civil	Criminal	Juvenile
FY14	3,509	1,219	1,605	685
FY13	3,439	1,274	1,437	728
FY12	3,588	1,282	1,551	755
FY11	3,675	1,232	1,784	659
FY10	3,515	1,173	1,744	598
FY09	3,585	1,211	1,701	673
FY08	3,482	1,104	1,598	780
FY07	3,513	1,157	1,541	815
FY06	3,472	1,206	1,571	695
FY05	3,335	1,153	1,482	700

District 5

	Total	Civil	Criminal	Juvenile
FY14	1,125	174	719	232
FY13	1,201	208	680	313
FY12	1,182	208	693	281
FY11	1,148	221	597	330
FY10	1,335	246	760	329
FY09	1,249	207	762	280
FY08	1,252	221	713	318
FY07	1,270	210	723	337
FY06	1,256	214	671	371
FY05	1,344	247	744	353

District 6

	Total	Civil	Criminal	Juvenile
FY14	857	236	498	123
FY13	800	254	443	103
FY12	815	245	495	75
FY11	760	232	450	78
FY10	780	216	453	111
FY09	765	215	453	97
FY08	761	253	427	81
FY07	753	246	425	82
FY06	810	234	467	109
FY05	821	245	453	123

Original Proceeding Filings

Fiscal Years 2004–05 through 2013–14

Courts of Appeal

Data for Figures 15–21

All Districts

	Total	Civil	Criminal	Juvenile
FY14	7,016	1,851	4,742	423
FY13	7,371	1,916	5,005	450
FY12	8,396	1,982	5,945	469
FY11	9,071	2,122	6,533	416
FY10	8,777	2,017	6,305	455
FY09	8,413	2,139	5,788	486
FY08	9,705	2,444	6,701	560
FY07	9,407	2,488	6,195	724
FY06	8,611	2,633	5,197	781
FY05	8,674	2,517	5,339	818



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District 1

	Total	Civil	Criminal	Juvenile
FY14	1,022	309	629	84
FY13	1,111	330	704	77
FY12	1,236	307	860	69
FY11	1,298	320	904	74
FY10	1,313	320	931	62
FY09	1,239	381	787	71
FY08	1,426	430	928	68
FY07	1,379	448	843	88
FY06	1,314	456	757	101
FY05	1,361	417	830	114

District 2

	Total	Civil	Criminal	Juvenile
FY14	2,516	744	1,624	148
FY13	2,534	745	1,640	149
FY12	2,813	795	1,863	155
FY11	3,174	896	2,140	138
FY10	3,101	816	2,100	185
FY09	2,948	842	1,958	148
FY08	3,619	984	2,426	209
FY07	3,183	978	1,962	243
FY06	3,087	1,151	1,731	205
FY05	3,012	1,028	1,781	203

District 3

	Total	Civil	Criminal	Juvenile
FY14	793	134	598	61
FY13	788	143	601	44
FY12	896	162	691	43
FY11	1,067	177	829	61
FY10	979	160	756	63
FY09	894	160	660	74
FY08	1,056	192	792	72
FY07	1,052	234	752	66
FY06	855	207	577	71
FY05	869	218	581	70

District 4

	Total	Civil	Criminal	Juvenile
FY14	1,571	457	1,048	66
FY13	1,663	476	1,089	98
FY12	2,012	510	1,393	109
FY11	2,076	490	1,518	68
FY10	1,954	483	1,406	65
FY09	1,946	530	1,317	99
FY08	2,103	577	1,408	118
FY07	2,243	596	1,452	195
FY06	1,990	598	1,141	251
FY05	2,019	645	1,119	255

District 5

	Total	Civil	Criminal	Juvenile
FY14	769	102	614	53
FY13	878	104	712	62
FY12	1,022	116	824	82
FY11	991	136	792	63
FY10	966	144	752	70
FY09	923	122	729	72
FY08	985	139	772	74
FY07	1,021	102	809	110
FY06	939	100	697	142
FY05	978	92	735	151

District 6

	Total	Civil	Criminal	Juvenile
FY14	345	105	229	11
FY13	397	118	259	20
FY12	417	92	314	11
FY11	465	103	350	12
FY10	464	94	360	10
FY09	463	104	337	22
FY08	516	122	375	19
FY07	529	130	377	22
FY06	426	121	294	11
FY05	435	117	293	25

Appeals Terminated by Written Opinion
Fiscal Years 2011–12 through 2013–14

Courts of Appeal
Data for Figures 22–27



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Fiscal year	Total cases		Affirmance						Reversed		Dismissed	
	Number (A)	Percent (B)	Total		Full		With modification		Number (I)	Percent (J)	Number (K)	Percent (L)
			Number (C)	Percent (D)	Number (E)	Percent (F)	Number (G)	Percent (H)				
Total appeals												
FY14	9,293	100%	8,163	88%	6,534	70%	1,629	18%	880	9%	250	3%
FY13	9,155	100%	7,999	87%	6,351	69%	1,648	18%	870	10%	286	3%
FY12	9,840	100%	8,591	87%	6,851	70%	1,740	18%	954	10%	295	3%
Criminal appeals by defendants												
FY14	4,483	100%	4,201	94%	3,092	69%	1,109	25%	188	4%	94	2%
FY13	4,593	100%	4,337	94%	3,166	69%	1,171	25%	181	4%	75	2%
FY12	4,860	100%	4,583	94%	3,366	69%	1,217	25%	212	4%	65	1%
Criminal appeals by prosecution												
FY14	172	100%	141	82%	131	76%	10	6%	31	18%	0	0%
FY13	110	100%	67	61%	58	53%	9	8%	42	38%	1	1%
FY12	124	100%	51	41%	33	27%	18	15%	71	57%	2	2%
Civil appeals												
FY14	2,988	100%	2,381	80%	2,068	69%	313	10%	520	17%	87	3%
FY13	2,811	100%	2,217	79%	1,931	69%	286	10%	501	18%	93	3%
FY12	3,112	100%	2,469	79%	2,176	70%	293	9%	552	18%	91	3%
Juvenile appeals (criminal violation)^a												
FY14	530	100%	478	90%	352	66%	126	24%	47	9%	5	1%
FY13	517	100%	459	89%	320	62%	139	27%	51	10%	7	1%
FY12	512	100%	470	92%	317	62%	153	30%	38	7%	4	1%
Other juvenile appeals^b												
FY14	1,120	100%	962	86%	891	80%	71	6%	94	8%	64	6%
FY13	1,124	100%	919	82%	876	78%	43	4%	95	8%	110	10%
FY12	1,232	100%	1018	83%	959	78%	59	5%	81	7%	133	11%

Column Key:

- (A) C + I + K. Total does not match that in column E of Table 1 because of missing data. Percentages are calculated based on totals shown in column A.
- (B) D + J + L. Components may not add to total because of rounding.

Notes:

- ^a Juvenile appeals filed under Welf. & Inst. Code, § 602, alleging violation of a criminal statute.
- ^b Juvenile appeals filed under Welf. & Inst. Code, § 300 or § 601. These cases do not involve violations of criminal statutes.

Percentage of Majority Opinions Published
Fiscal Year 2013-14

Courts of Appeal
Data for Figures 28–32



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District	Total	Civil Appeals	Criminal Appeals	Juvenile Appeals	Original Proceedings
Statewide	8%	16%	4%	4%	22%
First	10%	17%	5%	7%	16%
Second	8%	14%	3%	3%	38%
Third	9%	25%	3%	8%	55%
Fourth	7%	13%	4%	4%	16%
Fifth	5%	18%	2%	1%	12%
Sixth	9%	20%	6%	2%	10%

APPENDIX F — Superior Court Statewide Data Tables

Caseloads and Authorized Judicial Positions

Fiscal Years 2004–05 through 2013–14

Superior Courts Data for Figures 1–2



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Fiscal year	Judicial positions (A)	Filings		Dispositions	
		Total (B)	Per judicial position (C)	Total (E)	Per judicial position (F)
FY14	2,024	7,488,900	3,700	6,722,593	3,321
FY13	2,024	7,729,258	3,819	6,619,424	3,270
FY12	2,024	8,556,775	4,228	7,575,366	3,743
FY11	2,022	9,440,768	4,668	8,552,948	4,229
FY10	2,022	10,077,302	4,984	8,783,029	4,344
FY09	2,022	10,256,675	5,072	8,768,510	4,336
FY08	2,022	9,592,542	4,744	7,989,156	3,951
FY07	1,972	9,469,383	4,802	7,891,932	4,002
FY06	1,922	9,161,184	4,767	7,776,028	4,046
FY05	1,917	8,917,094	4,652	7,505,235	3,915

Column Key:

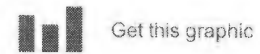
- (A) Judicial positions include authorized commissioners and referees in addition to the number of judges authorized for the court. The 50 new judgeships authorized but not funded by Assembly Bill 159, effective January 2008, are included in column A.
- (C) B / A .
- (F) E / A .

Note:

Dispositions are underreported due to incomplete data from some courts. See Appendix A for more details.

Civil Filings, Dispositions, and Caseload Clearance Rate
Fiscal Years 2004–05 through 2013–14

Superior Courts
Data for Figures 3–16



Fiscal Year	Total Civil (A)	Unlimited Civil					Limited Civil (G)	Small Claims (H)
		Total Unlimited Civil (B)	Motor Vehicle PI/PD/WD (C)	Other PI/PD/WD (D)	Other Civil Complaints & Petitions (E)	Small Claims Appeals (F)		
Filings								
FY14	835,215	193,190	31,847	22,077	133,962	5,304	486,597	155,428
FY13	923,589	199,557	30,159	23,114	139,733	6,551	555,969	168,063
FY12	999,202	212,025	29,468	22,545	152,968	7,044	602,565	184,612
FY11	1,098,548	218,932	27,812	21,649	161,825	7,646	686,000	193,616
FY10	1,150,026	217,731	28,964	20,928	159,396	8,443	720,308	211,987
FY09	1,227,779	211,555	28,945	21,142	152,262	9,206	783,883	232,341
FY08	1,096,959	182,815	28,431	20,684	124,696	9,004	686,903	227,241
FY07	954,260	169,759	29,830	20,875	110,371	8,683	560,102	224,399
FY06	912,923	173,079	31,390	21,338	111,270	9,081	503,326	236,518
FY05	901,479	166,385	28,661	20,113	107,971	9,640	478,996	256,098
Dispositions								
FY14	840,433	173,420	25,385	17,532	126,258	4,245	507,728	159,285
FY13	938,330	190,029	27,364	19,589	138,193	4,883	569,331	178,970
FY12	1,028,474	206,201	27,685	21,216	152,116	5,184	638,558	183,715
FY11	1,171,737	216,138	28,060	19,884	162,388	5,806	753,405	202,194
FY10	1,112,136	193,865	27,294	18,821	140,933	6,817	703,350	214,921
FY09	1,113,499	176,219	26,123	18,583	124,894	6,619	711,169	226,111
FY08	904,687	153,299	26,402	20,572	100,131	6,194	533,106	218,282
FY07	871,428	142,476	26,514	18,252	91,225	6,485	510,833	218,119
FY06	866,559	145,553	27,995	18,049	92,579	6,930	474,293	246,713
FY05	870,090	146,237	28,922	19,429	90,214	7,672	470,673	253,180
Caseload Clearance Rate								
FY14	101%	90%	80%	79%	94%	80%	104%	102%
FY13	102%	95%	91%	85%	99%	75%	102%	106%
FY12	103%	97%	94%	94%	99%	74%	106%	100%
FY11	107%	99%	101%	92%	100%	76%	110%	104%
FY10	97%	89%	94%	90%	88%	81%	98%	101%
FY09	91%	83%	90%	88%	82%	72%	91%	97%
FY08	82%	84%	93%	99%	80%	69%	78%	96%
FY07	91%	84%	89%	87%	83%	75%	91%	97%
FY06	95%	84%	89%	85%	83%	76%	94%	104%
FY05	97%	88%	101%	97%	84%	80%	98%	99%

Column Key:

- (A) Sum of C through H.
- (B) Sum of C through F.
- (E) Civil complaints and petitions not specified in columns C and D. Prior to the 2004 Court Statistics Report, this case type included miscellaneous family law petitions, which are now reported in the Family and Juvenile section.

Civil Case Processing Time
Fiscal Years 2004–05 through 2013–14

Superior Courts
Data for Figures 17–20



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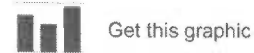
Fiscal year	General civil unlimited disposed of in less than _ months			Limited civil disposed of in less than _ months			Unlawful detainers disposed of in less than _ days		Small claims disposed of in less than _ days	
	12 (A)	18 (B)	24 (C)	12 (D)	18 (E)	24 (F)	30 (G)	45 (H)	70 (I)	90 (J)
FY14	66%	77%	84%	86%	93%	95%	49%	68%	60%	71%
FY13	68%	81%	87%	86%	93%	96%	54%	72%	59%	70%
FY12	68%	83%	90%	87%	95%	97%	53%	71%	64%	75%
FY11	70%	85%	92%	86%	95%	98%	54%	72%	62%	74%
FY10	72%	87%	93%	88%	97%	99%	56%	75%	61%	73%
FY09	70%	86%	92%	91%	98%	99%	48%	67%	61%	74%
FY08	70%	86%	93%	94%	97%	98%	55%	75%	59%	75%
FY07	67%	84%	92%	93%	97%	98%	58%	76%	64%	78%
FY06	68%	85%	91%	87%	93%	96%	58%	76%	65%	76%
FY05	64%	83%	91%	83%	91%	94%	60%	78%	71%	81%

Column Key:

(G), (H) Includes only limited jurisdiction civil unlawful detainers.

Caseflow Management Data
Stage of Case at Disposition – Civil
 Fiscal Year 2013–14

Superior Courts
 Data for Figure 21



Unlimited Civil

	Total Filings	Total Dispositions	Before Trial		After Trial		
			Dismissal for Delay in Prosecution	Other Before Trial	By Jury	By Court	Trial de Novo
STATEWIDE	193,190	173,420	9,896	126,022	1,226	32,187	4,089
Dispositions Before Trial		135,918					
Dispositions After Trial		37,502			3%	86%	11%

Limited Civil

	Total Filings	Total Dispositions	Before Trial		After Trial	
			Dismissal for Delay in Prosecution	Other Before Trial	By Jury	By Court
STATEWIDE	486,597	507,728	9,766	466,150	219	31,593
Dispositions Before Trial		475,916				
Dispositions After Trial		31,812			1%	99%

Small Claims

	Total Filings	Total Dispositions	Before Trial		After Trial
			Dismissal for Delay in Prosecution	Other Before Trial	
STATEWIDE	155,428	159,285	18,580	48,580	92,125
Dispositions Before Trial		67,160			
Dispositions After Trial		92,125			

Notes: Other Before Trial includes other dismissals and transfers, summary judgments and all other judgments before trial.

Criminal Filings, Dispositions, and Caseload Clearance Rate
Fiscal Years 2004–05 through 2013–14

Superior Courts
Data for Figures 22–31



Get this graphic

Fiscal year	Total Criminal (A)	Felonies (B)	Nontraffic		Traffic	
			Misdemeanors (C)	Infractions (D)	Misdemeanors (E)	Infractions (F)
Filings						
FY14	6,096,084	272,610	400,323	285,103	515,245	4,622,803
FY13	6,237,651	261,268	390,182	275,924	535,987	4,774,290
FY12	6,954,158	243,962	424,098	356,544	649,914	5,279,640
FY11	7,715,551	241,222	504,646	341,549	763,068	5,865,066
FY10	8,271,019	248,448	490,131	351,703	833,719	6,347,018
FY09	8,358,300	261,768	529,399	352,893	866,702	6,347,538
FY08	7,832,780	272,764	616,597	366,440	836,491	5,740,488
FY07	7,826,885	289,263	639,750	348,237	811,507	5,738,128
FY06	7,570,454	279,095	629,415	314,194	780,102	5,567,648
FY05	7,327,180	274,577	567,463	291,185	758,298	5,435,657

Dispositions						
FY14	5,400,132	254,410	336,494	195,904	404,296	4,209,028
FY13	5,183,780	240,797	322,405	222,308	417,107	3,981,163
FY12	6,017,929	226,272	371,562	313,170	500,651	4,606,274
FY11	6,832,311	228,587	398,068	304,600	541,625	5,359,431
FY10	7,116,253	238,751	429,715	321,855	591,713	5,534,219
FY09	7,082,731	235,399	444,480	291,589	612,022	5,499,241
FY08	6,553,253	210,035	511,238	368,005	555,829	4,908,146
FY07	6,452,279	216,701	531,267	343,268	555,960	4,805,083
FY06	6,370,261	219,478	545,980	289,052	565,930	4,749,821
FY05	6,063,700	200,110	479,108	288,721	570,002	4,525,759

Caseload Clearance Rate						
FY14	89%	93%	84%	69%	78%	91%
FY13	83%	92%	83%	81%	78%	83%
FY12	87%	93%	88%	88%	77%	87%
FY11	89%	95%	79%	89%	71%	91%
FY10	86%	96%	88%	92%	71%	87%
FY09	85%	90%	84%	83%	71%	87%
FY08	84%	77%	83%	100%	66%	86%
FY07	82%	75%	83%	99%	69%	84%
FY06	84%	79%	87%	92%	73%	85%
FY05	83%	73%	84%	99%	75%	83%

Column Key:

- (A) Sum of B through F.
- (B) Since 2001, a felony is counted as one filing and one disposition for each defendant throughout all stages of criminal proceedings. This change eliminated the double counting of defendants who were held to answer, certified on guilty pleas, or waived preliminary hearings, and it reduced the numbers of filings and dispositions reported.

Criminal Case Processing Time
Fiscal Years 2004–05 through 2013–14

Superior Courts
Data for Figures 32–34



Get this graphic

Fiscal year	Felonies disposed of in less than 12 months (A)	Felonies resulting in bindovers or certified pleas in less than _ days			Misdemeanors disposed of in less than _ days		
		30	45	90	30	90	120
		(B)	(C)	(D)	(E)	(F)	(G)
FY14	88%	50%	60%	76%	61%	78%	83%
FY13	89%	49%	59%	75%	63%	79%	84%
FY12	88%	48%	58%	75%	64%	80%	85%
FY11	87%	46%	56%	72%	63%	79%	83%
FY10	87%	46%	57%	73%	62%	78%	83%
FY09	86%	47%	57%	72%	64%	80%	85%
FY08	89%	54%	63%	78%	70%	85%	88%
FY07	91%	57%	66%	80%	71%	86%	90%
FY06	92%	58%	68%	81%	72%	86%	90%
FY05	92%	58%	68%	82%	70%	86%	90%

Column Key:

- (A) This column consists only of cases where defendants were held to answer or were certified on guilty pleas. Processing time is based on time from first appearance in limited jurisdiction court to final disposition.
- (B)–(D) Based on the time from filing of the initial complaint to certified plea, bindover, or dismissal at or before preliminary hearing.

Caseflow Management Data
Stage of Case at Disposition — Felony
 Fiscal Year 2013–14

Superior Courts
 Data for Figure 35



Get this graphic

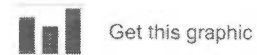
	Manner of Disposition			
	Total Dispositions	Felony convictions	Misdemeanor convictions	Acquittals, dismissals, and transfers
STATEWIDE	253,062	178,476	32,632	41,954

Stage of Disposition				
Before Trial	246,734	173,272	32,366	41,096
After Court Trial	785	699	23	63
After Jury Trial	5,543	4,505	243	795
Before Trial	97%	70%	13%	17%
After Court Trial	< 1%	89%	3%	8%
After Jury Trial	2%	81%	4%	14%

Note: Does not include disposition of felony petitions, which are reported only by JBSIS courts and are only classified as a disposition before hearing or after hearing.

Caseflow Management Data
Stage of Case at Disposition — Misdemeanors and Infractions
 Fiscal Year 2013–14

Superior Courts
 Data for Figure 36



Nontraffic Misdemeanors

	Total Filings	Total Dispositions	Before Trial			After Trial	
			Bail Forfeitures	Guilty Pleas	Other	By Court	By Jury
STATEWIDE	400,323	336,494	3,092	209,808	120,562	1,421	1,616
		Dispositions Before Trial	333,462	1%	63%	36%	
		Dispositions After Trial	3,037			47%	53%

Traffic Misdemeanors

	Total Filings	Total Dispositions	Before Trial			After Trial	
			Bail Forfeitures	Guilty Pleas	Other	By Court	By Jury
STATEWIDE	515,245	404,296	13,183	312,072	74,726	3,210	1,108
		Dispositions Before Trial	399,981	3%	78%	19%	
		Dispositions After Trial	4,318			74%	26%

Nontraffic Infractions

	Total Filings	Total Dispositions	Before Trial			After Trial	
			Bail Forfeitures	Guilty Pleas	Other	By Court	
STATEWIDE	285,103	195,904	64,341	55,168	57,967	18,428	
		Dispositions Before Trial	177,476	36%	31%	33%	
		Dispositions After Trial	18,428				

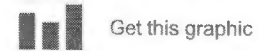
Traffic Infractions

	Total Filings	Total Dispositions	Before Trial			After Trial	
			Bail Forfeitures	Guilty Pleas	Other	By Court	
STATEWIDE	4,622,803	4,209,028	1,739,285	678,778	1,437,118	353,847	
		Dispositions Before Trial	3,855,181	45%	18%	37%	
		Dispositions After Trial	353,847				

Notes: Other Before Trial includes transfers, dismissals and dismissal after diversion.

Family and Juvenile Filings, Dispositions, and Caseload Clearance Rate
Fiscal Years 2004–05 through 2013–14

Superior Courts
Data for Figures 37–44



Fiscal year	Family Law			Delinquency			Dependency		
	Total	Marital	Petitions	Total	Original	Subsequent	Total	Original	Subsequent
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
Filings									
FY14	381,486	138,968	242,518	45,824	30,699	15,125	46,889	40,442	6,447
FY13	390,229	140,251	249,978	52,732	34,803	17,929	44,882	39,069	5,813
FY12	417,198	150,602	266,596	62,937	41,530	21,407	42,060	35,999	6,061
FY11	432,453	154,549	277,904	73,249	47,982	25,267	41,943	36,311	5,632
FY10	455,834	154,534	301,300	90,331	62,800	27,531	37,084	31,063	6,021
FY09	458,138	153,205	304,933	98,568	67,921	30,647	39,538	33,170	6,368
FY08	439,420	151,505	287,915	106,114	73,972	32,142	41,513	35,372	6,141
FY07	460,437	154,649	305,788	103,723	71,123	32,600	45,291	38,658	6,633
FY06	455,901	157,719	298,182	101,876	70,643	31,233	43,248	37,384	5,864
FY05	475,322	154,906	320,416	94,499	65,417	29,082	41,768	36,024	5,744
Dispositions									
FY14	344,042	137,693	206,349	41,932	28,137	13,795	31,827	30,160	1,667
FY13	354,824	136,811	218,013	48,356	30,541	17,815	31,440	30,028	1,412
FY12	376,400	138,739	237,661	55,338	35,594	19,744	30,714	28,892	1,822
FY11	386,451	150,932	235,519	63,933	40,299	23,634	33,028	30,900	2,128
FY10	384,848	144,628	240,220	80,156	54,142	26,014	29,849	27,866	1,983
FY09	389,785	161,129	228,656	88,845	60,029	28,816	32,655	30,318	2,337
FY08	340,238	127,654	212,584	93,578	64,153	29,425	33,611	31,825	1,786
FY07	376,279	130,170	246,109	87,604	58,871	28,733	37,420	35,599	1,821
FY06	364,680	124,239	240,441	79,336	53,170	26,166	34,422	32,635	1,787
FY05	400,542	118,467	282,075	77,378	53,310	24,068	35,526	33,602	1,924
Caseload clearance rate									
FY14	90%	99%	85%	92%	92%	91%	68%	75%	26%
FY13	91%	98%	87%	92%	88%	99%	70%	77%	24%
FY12	90%	92%	89%	88%	86%	92%	73%	80%	30%
FY11	89%	98%	85%	87%	84%	94%	79%	85%	38%
FY10	84%	94%	80%	89%	86%	94%	80%	90%	33%
FY09	85%	105%	75%	90%	88%	94%	83%	91%	37%
FY08	77%	84%	74%	88%	87%	92%	81%	90%	29%
FY07	82%	84%	80%	84%	83%	88%	83%	92%	27%
FY06	80%	79%	81%	78%	75%	84%	80%	87%	30%
FY05	84%	76%	88%	82%	81%	83%	85%	93%	33%

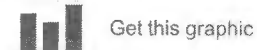
Column Key:

(B) Includes dissolution, legal separation, and nullity.

(C) Includes Department of Child Support Services (DCSS), domestic violence prevention, and other miscellaneous family law petitions.

**Probate, Mental Health, Appeals, Habeas Corpus
Filings, Dispositions, and Caseload Clearance Rate**
Fiscal Years 2004–05 through 2013–14

Superior Courts
Data for Figures 45–52



Fiscal year	Probate (A)	Mental Health			Appeals			Habeas Corpus Criminal (H)
		Total (B)	Mental Health (C)	Other (D)	Total (E)	Civil (F)	Criminal (G)	
Filings								
FY14	44,298	27,377	21,081	6,296	4,317	1,193	3,124	7,410
FY13	41,527	25,013	19,135	5,878	5,224	1,656	3,568	8,411
FY12	40,921	24,364	18,638	5,726	5,559	1,759	3,800	10,376
FY11	40,988	22,121	17,177	4,944	5,731	1,888	3,843	10,184
FY10	42,214	16,866	12,623	4,243	5,013	1,296	3,717	8,915
FY09	43,879	16,620	12,859	3,761	5,096	1,398	3,698	8,757
FY08	45,713	17,230	13,364	3,866	4,500	1,225	3,275	8,313
FY07	48,277	17,941	14,115	3,826	4,245	1,246	2,999	8,324
FY06	49,898	16,274	13,763	2,511	4,052	1,322	2,730	6,558
FY05	50,182	14,501	13,101	1,400	3,966	1,311	2,655	8,197
Dispositions								
FY14	30,183	22,320	17,206	5,114	4,960	1,532	3,428	6,764
FY13	28,556	20,648	15,968	4,680	5,795	1,904	3,891	7,695
FY12	30,369	20,518	15,788	4,730	5,834	1,802	4,032	9,790
FY11	32,292	18,530	14,653	3,877	5,224	1,571	3,653	9,442
FY10	33,330	14,405	11,174	3,231	4,649	1,306	3,343	7,403
FY09	34,116	14,957	11,847	3,110	4,510	1,499	3,011	7,412
FY08	35,276	16,305	13,345	2,960	4,713	1,529	3,184	7,495
FY07	39,029	16,436	13,548	2,888	4,504	1,711	2,793	6,953
FY06	36,295	15,084	13,544	1,540	4,076	1,394	2,682	5,315
FY05	34,292	12,953	12,643	310	4,308	1,655	2,653	6,446
Caseload clearance								
FY14	68%	82%	82%	81%	115%	128%	110%	91%
FY13	69%	83%	83%	80%	111%	115%	109%	91%
FY12	74%	84%	85%	83%	105%	102%	106%	94%
FY11	79%	84%	85%	78%	91%	83%	95%	93%
FY10	79%	85%	89%	76%	93%	101%	90%	83%
FY09	78%	90%	92%	83%	89%	107%	81%	85%
FY08	77%	95%	100%	77%	105%	125%	97%	90%
FY07	81%	92%	96%	75%	106%	137%	93%	84%
FY06	73%	93%	98%	61%	101%	105%	98%	81%
FY05	68%	89%	97%	22%	109%	126%	100%	79%

Column Key:

- (C) Includes most types of mental health cases including but not limited to Postcertification Treatment (W&I 5300), LPS Conservatorship (W&I 5350), Narcotics Addict (W&I 3050/3051), Commitments (PC 2966), Mental Competency (PC 1368), Sexually Violent Predator (W&I 6600), Juvenile (W&I 1800), Mentally Retarded and Dangerous (W&I 6500), and Welf. & Inst. Code, § 4500.
- (D) Includes other mental health cases not included in (C) for JBSIS courts, and noncriminal habeas corpus reported by non-JBSIS courts.

**Caseflow Management Data
Trials By Type of Proceeding**
Fiscal Years 2004–05 through 2013–14

Superior Courts
Data for Figures 53–65



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Jury Trials

	Total (A)	Felony (B)	Misdemeanors (C)	PI/PD/WD Civil Unlimited (D)	Other Civil Unlimited (E)	Civil Limited (F)	Probate and Mental Health (G)
FY14	9,900	5,545	2,724	738	488	219	186
FY13	9,477	4,923	2,882	747	533	333	59
FY12	10,039	5,296	3,002	730	473	510	28
FY11	10,129	5,691	2,958	684	533	228	35
FY10	11,053	6,022	3,404	758	642	190	37
FY09	12,532	6,705	3,904	714	758	406	45
FY08	11,138	5,882	3,563	608	566	488	31
FY07	11,521	5,906	3,891	772	557	357	38
FY06	11,308	5,531	3,397	881	633	838	28
FY05	9,587	4,776	2,771	921	626	462	31

Court Trials

	Total (A)	Felony (B)	Misdemeanor and Infractions (C)	PI/PD/WD Civil Unlimited (D)	Other Civil Unlimited (E)	Civil Limited (F)	Probate and Mental Health (G)
FY14	472,763	785	376,906	831	31,356	31,593	31,292
FY13	470,648	600	362,371	938	32,773	44,490	29,476
FY12	535,256	677	421,903	1,354	33,757	47,340	30,225
FY11	528,656	592	415,601	2,185	34,570	45,089	30,619
FY10	479,329	725	378,169	1,954	23,445	47,643	27,393
FY09	443,442	711	343,731	1,078	19,147	50,036	28,739
FY08	520,779	1,088	434,677	913	14,283	41,374	28,444
FY07	503,909	567	411,878	1,092	13,812	45,125	31,435
FY06	476,945	656	381,089	873	13,365	50,487	30,475
FY05	352,049	877	257,910	745	11,426	51,359	29,732

Trial Court Workload and Resources
Judicial Positions and Use of Judicial Assistance
 Fiscal Years 2004–05 through 2013–14

Superior Courts
 Data for Figures 66–68



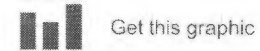
Fiscal year	Judicial positions						Judicial position equivalents (F)	Assessed Judicial Need (AJN) (G)
	Total (A)	Judges (B)	Subordinate judicial officers					
			Total (C)	Commissioners (D)	Referees (E)			
FY14	2,024	1,706	318	291	27	2,002	2,171	
FY13	2,024	1,695	329	302	27	2,058	2,286	
FY12	2,024	1,682	342	315	27	2,088	2,286	
FY11	2,022	1,662	360	333	27	2,121	2,352	
FY10	2,022	1,646	376	349	27	2,118	2,352	
FY09	2,022	1,630	392	365	27	2,150	2,352	
FY08	2,022	1,614	408	381	27	2,175	2,348	
FY07	1,972	1,548	424	397	27	2,187	2,332	
FY06	1,922	1,498	424	397	27	2,123	2,326	
FY05	1,917	1,498	420	387	33	2,064	2,326	

Column Key:

- (A) $B + C$.
- (B) The 50 new judgeships authorized but not funded by Assembly Bill 159, effective January 2008, are included in column B.
- (C) $D + E$. Total may not match exactly due to rounding caused by part-time commissioner and referee positions.
- (F) Reflects authorized judicial positions adjusted for vacancies, assistance rendered by the court to other courts, and assistance received by the court from assigned judges, temporary judges, commissioners, and referees. With the 50 new judgeships authorized by Assembly Bill 159 positions unfilled, pending funding approval by the Legislature, they are considered vacant and are excluded in column (F) in the same way as other judicial vacancies.
- (G) Represents the estimated number of judicial officers needed to handle the workload in the trial courts based on the Judicial Needs Assessment Project. The Judicial Needs Assessment Project was approved by the Judicial Council in 2001 as the methodology for evaluating judicial workload and the need for new judgeships. In 2004, the Judicial Council approved a minor change in the assessment methodology that uses a 3-year average filings data instead of using a single year. The AJN numbers are updated on a 2-year cycle in even-numbered years, and the values for FY 2013–14 represent the recent 2014 update that was presented to the Judicial Council at the December 2014 meeting.

Assistance Received and Rendered by Type of Court
Fiscal Years 2004–05 through 2013–14

Superior Courts
Data for Figure 69



Fiscal year	Days rendered by judge source			
	Total (A)	Retired judges (B)	Court of Appeal justices (C)	Trial court judges (D)
Days received by all courts				
FY14	33,715	32,428	0	1,287
FY13	34,580	33,794	0	786
FY12	34,714	34,002	0	712
FY11	36,883	36,203	0	680
FY10	40,977	39,987	1	989
FY09	41,948	40,100	13	1,835
FY08	35,729	35,554	17	158
FY07	34,045	33,691	0	354
FY06	31,896	31,364	0	532
FY05	23,393	23,320	0	73
Days received by Courts of Appeal				
FY14	1,426	142	0	1,284
FY13	673	166	0	507
FY12	607	75	0	532
FY11	630	112	0	518
FY10	1,350	500	1	849
FY09	1,058	105	0	953
FY08	545	528	17	0
FY07	413	73	0	340
FY06	465	0	0	465
FY05	44	0	0	44
Days received by trial courts				
FY14	32,289	32,286	0	3
FY13	33,907	33,628	0	279
FY12	34,107	33,927	0	180
FY11	36,253	36,091	0	162
FY10	39,627	39,487	0	140
FY09	40,890	39,995	13	882
FY08	35,184	35,026	0	158
FY07	33,632	33,618	0	14
FY06	31,431	31,364	0	67
FY05	23,349	23,320	0	29

Column Key:

(A) Components may not add to total due to rounding. Includes only assistance rendered by judges through assignments. Does not include assistance rendered by commissioners, referees, and temporary judges.

APPENDIX G — County Tables

Caseloads and Judicial Positions, by County
Fiscal Year 2013–14

Superior Courts
Table 1

County	Authorized Judicial positions as of 06/30/14 (A)	Judicial position equivalents 2013–14 (B)	Filings			Dispositions		
			Total (C)	Per judicial position (D)	Rank (E)	Total (F)	Per judicial position equivalent (G)	Rank (H)
STATEWIDE	2,024.0	2,001.8	7,488,900	3,700		(i) 6,722,593	3,358	
Alameda	85.0	84.1	320,554	3,771	16	293,860	3,493	15
Alpine	2.3	2.3	1,531	666	57	1,377	599	52
Amador	2.3	2.9	7,806	3,394	30	5,672	1,966	46
Butte	13.0	14.1	38,208	2,939	45	36,066	2,551	41
Calaveras	2.3	2.6	6,442	2,801	46	6,172	2,339	44
Colusa	2.3	2.4	9,017	3,920	15	6,230	2,644	38
Contra Costa	46.0	47.6	147,606	3,209	38	(i) 141,329	(i) 2,967	
Del Norte	2.8	3.3	7,513	2,683	50	12,547	3,807	11
El Dorado	9.0	10.7	27,775	3,086	40	29,142	2,721	32
Fresno	49.0	50.2	171,025	3,490	27	(i) 134,559	(i) 2,680	
Glenn	2.3	2.4	11,089	4,821	5	10,626	4,404	7
Humboldt	8.0	8.7	29,317	3,665	20	27,915	3,198	24
Imperial	11.4	11.6	71,989	6,326	1	71,335	6,129	1
Inyo	2.3	2.4	10,787	4,690	10	10,788	4,441	5
Kern	43.0	41.7	211,920	4,928	3	185,074	4,441	6
Kings	8.5	9.7	34,473	4,056	13	32,345	3,341	18
Lake	4.8	5.8	11,919	2,483	51	11,063	1,907	47
Lassen	2.3	3.0	7,669	3,334	34	7,928	2,645	37
Los Angeles	585.3	570.8	2,183,611	3,731	17	2,198,660	3,852	10
Madera	9.3	9.9	27,795	2,989	42	26,737	2,712	33
Marin	14.5	14.4	48,648	3,355	32	47,201	3,281	19
Mariposa	2.3	2.5	3,366	1,463	54	2,987	1,214	50
Mendocino	8.4	8.5	22,935	2,730	48	23,915	2,799	31
Merced	12.0	12.4	56,380	4,698	9	51,724	4,165	9
Modoc	2.3	2.3	2,342	1,018	56	2,255	965	51
Mono	2.3	2.4	6,184	2,689	49	6,577	2,690	36
Monterey	21.2	21.4	67,790	3,198	39	67,726	3,170	25
Napa	8.0	8.5	26,069	3,259	36	25,548	2,989	28
Nevada	7.6	8.1	25,156	3,310	35	(i) 5,637	(i) 694	
Orange	144.0	146.2	511,134	3,550	24	(i) 96,781	(i) 662	
Placer	14.5	16.1	50,851	3,507	26	(i) 15,711	(i) 973	
Plumas	2.3	2.6	3,656	1,590	53	3,280	1,264	49
Riverside	76.0	84.3	423,340	5,570	2	447,293	5,303	3
Sacramento	72.5	76.1	325,138	4,485	11	249,219	3,275	20
San Benito	2.3	2.4	7,702	3,349	33	7,453	3,125	26
San Bernardino	86.0	89.3	411,101	4,780	8	386,604	4,330	8
San Diego	154.0	151.0	558,351	3,626	22	515,871	3,417	16
San Francisco	65.0	66.7	233,399	3,591	23	164,693	2,471	43
San Joaquin	33.5	34.8	121,834	3,637	21	118,261	3,402	17
San Luis Obispo	15.0	15.5	51,705	3,447	28	50,377	3,255	21
San Mateo	33.0	32.7	160,115	4,852	4	163,960	5,018	4
Santa Barbara	24.0	24.3	96,925	4,039	14	89,219	3,676	14
Santa Clara	89.0	88.6	245,244	2,756	47	239,058	2,697	34
Santa Cruz	13.5	13.8	57,235	4,240	12	51,562	3,727	12
Shasta	12.0	13.2	42,140	3,512	25	37,374	2,831	30

Caseloads and Judicial Positions, by County
Fiscal Year 2013–14

Superior Courts
Table 1

County	Authorized Judicial positions as of 06/30/14 (A)	Judicial position equivalents 2013–14 (B)	Filings			Dispositions		
			Total (C)	Per judicial position (D)	Rank (E)	Total (F)	Per judicial position equivalent (G)	Rank (H)
STATEWIDE	2,024.0	2,001.8	7,488,900	3,700		(i) 6,722,593	3,358	
Sierra	2.3	2.3	623	271	58	(i) 8	(i) 3	
Siskiyou	5.0	5.4	17,130	3,426	29	16,743	3,115	27
Solano	23.0	25.0	68,418	2,975	43	67,526	2,696	35
Sonoma	23.0	25.2	77,355	3,363	31	93,155	3,701	13
Stanislaus	24.0	24.5	77,911	3,246	37	69,919	2,857	29
Sutter	5.3	5.8	19,430	3,666	19	18,538	3,212	22
Tehama	4.3	4.6	20,870	4,820	6	11,883	2,567	40
Trinity	2.3	1.9	2,896	1,259	55	2,901	1,559	48
Tulare	23.0	25.4	85,284	3,708	18	81,327	3,201	23
Tuolumne	4.8	5.0	10,300	2,168	52	10,409	2,073	45
Ventura	33.0	33.9	158,987	4,818	7	182,436	5,385	2
Yolo	12.4	12.9	36,673	2,958	44	33,898	2,635	39
Yuba	5.3	5.7	16,237	3,046	41	14,139	2,501	42

Column Key:

- (A) Judicial positions include court commissioners and referees in addition to the number of judges authorized for the court. The 50 new judgeships authorized but not funded by Assembly Bill 159, effective January 2008, are included in the statewide total but not shown in individual courts like in previous versions of the Court Statistics Report.
- (B) Reflects authorized judicial positions adjusted for vacancies, assistance rendered by the court to other courts, and assistance received by the court from assigned judges, temporary judges, commissioners, and referees.
- (D) C / A
- (G) F / B

Notes:

- (i) Reports were either incomplete or not submitted for a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category. Ranks not computed for courts with missing or incomplete data.

Court Trials, by County and Type of Proceeding
Fiscal Year 2013–14

Superior Courts
Table 2

COUNTY	Total (A)	Felony (B)	Misdemeanor and Infractions (C)	PI/PD/WD Unlimited Civil (D)	Other Unlimited Civil (E)	Limited Civil (F)	Probate and Mental Health (G)
STATEWIDE	472,763	785	376,906	831	31,356	31,593	31,292
Alameda	12,663	1	8,710	15	2,779	514	644
Alpine	82	0	82	0	0	0	0
Amador	474	15	384	2	33	21	19
Butte	1,922	199	585	21	147	338	632
Calaveras	800	0	612	4	111	55	18
Colusa	142	2	128	0	1	4	7
Contra Costa	30,541	2	28,905	3	450	954	227
Del Norte	1,277	2	1,179	0	17	63	16
El Dorado	1,627	4	1,228	4	164	182	45
Fresno	2,720	6	1,162	12	98	1,242	200
Glenn	463	4	383	1	7	28	40
Humboldt	1,860	6	857	4	313	234	446
Imperial	9,039	1	8,644	5	203	163	23
Inyo	1,814	0	1,705	2	46	61	0
Kern	7,570	3	5,666	2	14	652	1,233
Kings	791	6	776	0	3	0	6
Lake	2,541	4	2,169	2	75	114	177
Lassen	191	0	178	0	5	3	5
Los Angeles	89,788	56	58,304	83	8,942	8,113	14,290
Madera	2,515	6	2,144	1	154	129	81
Marin	3,380	0	2,921	4	248	52	155
Mariposa	169	0	147	1	3	15	3
Mendocino	1,728	8	1,555	3	93	56	13
Merced	2,768	3	2,039	2	187	365	172
Modoc	260	0	205	0	25	18	12
Mono	348	2	316	0	12	17	1
Monterey	2,526	12	1,823	10	370	132	179
Napa	3,953	5	3,580	3	160	97	108
Nevada	(i) 291	(i)	(i) 92	0	123	63	13
Orange	(i) 4,561	2	(i)	34	2,204	2,321	(i)
Placer	312	1	39	2	104	164	2
Plumas	140	1	97	1	15	8	18
Riverside	55,001	10	49,359	59	2,406	2,767	400
Sacramento	18,151	0	11,395	308	2,450	2,572	1,426
San Benito	261	0	159	1	38	33	30
San Bernardino	29,137	7	25,828	20	173	2,367	742
San Diego	55,362	22	47,409	77	4,316	1,952	1,586
San Francisco	30,170	0	27,181	14	53	25	2,897
San Joaquin	5,297	0	2,950	14	744	1,304	285
San Luis Obispo	2,683	288	1,536	8	238	269	344
San Mateo	15,002	17	14,387	1	38	165	394
Santa Barbara	2,911	19	2,512	2	66	146	166
Santa Clara	31,106	7	26,862	2	1,306	1,009	1,920
Santa Cruz	2,035	9	1,592	1	247	121	65
Shasta	1,588	1	1,160	2	184	203	38

Court Trials, by County and Type of Proceeding
Fiscal Year 2013–14

Superior Courts
Table 2

COUNTY	Total (A)	Felony (B)	Misdemeanor and Infractions (C)	PI/PD/WD Unlimited Civil (D)	Other Unlimited Civil (E)	Limited Civil (F)	Probate and Mental Health (G)
STATEWIDE	472,763	785	376,906	831	31,356	31,593	31,292
Sierra	(i)	(i)	(i)	(i)	(i)	(i)	(i)
Siskiyou	1,000	0	913	0	27	59	1
Solano	3,311	6	2,773	2	6	432	92
Sonoma	1,860	9	876	7	409	175	384
Stanislaus	2,704	0	2,549	0	4	142	9
Sutter	1,631	4	1,184	4	234	148	57
Tehama	478	0	386	0	18	73	1
Trinity	92	0	49	1	24	17	1
Tulare	13,758	1	12,552	5	163	446	591
Tuolumne	1,525	0	1,341	1	62	65	56
Ventura	6,004	3	3,318	81	890	739	973
Yolo	1,788	4	1,603	0	64	68	49
Yuba	652	27	417	0	90	118	0

Column Key:

(B) Includes trials for defendants whose felony charges were reduced to misdemeanors before the start of trial.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Jury Trials, by County and Type of Proceeding
Fiscal Year 2013–14

Superior Courts
Table 3

COUNTY	Total (A)	Felony (B)	Misdemeanor (C)	PI/PD/WD Unlimited Civil (D)	Other Unlimited Civil (E)	Limited Civil (F)	Probate and Mental Health (G)
STATEWIDE	9,900	5,545	2,724	738	488	219	186
Alameda	179	61	67	31	14	6	0
Alpine	0	0	0	0	0	0	0
Amador	6	3	2	0	1	0	0
Butte	76	41	15	4	2	14	0
Calaveras	6	3	3	0	0	0	0
Colusa	4	3	1	0	0	0	0
Contra Costa	332	123	192	10	6	1	0
Del Norte	10	8	2	0	0	0	0
El Dorado	54	28	19	5	1	0	1
Fresno	207	126	47	13	13	2	6
Glenn	26	22	4	0	0	0	0
Humboldt	48	18	27	3	0	0	0
Imperial	40	17	18	4	0	1	0
Inyo	11	7	4	0	0	0	0
Kern	264	170	89	3	2	0	0
Kings	25	13	12	0	0	0	0
Lake	33	17	13	3	0	0	0
Lassen	10	8	2	0	0	0	0
Los Angeles	3,048	2,006	571	276	122	73	0
Madera	45	31	13	1	0	0	0
Marin	47	11	32	2	1	1	0
Mariposa	7	2	4	1	0	0	0
Mendocino	33	15	17	0	1	0	0
Merced	189	37	18	3	1	0	130
Modoc	5	2	0	0	0	0	3
Mono	8	4	2	1	1	0	0
Monterey	89	38	45	4	2	0	0
Napa	36	10	23	1	2	0	0
Nevada	(i) 19	(i) 4	(i) 13	0	0	1	1
Orange	(i) 517	374	(i)	84	46	13	(i)
Placer	73	31	26	16	0	0	0
Plumas	12	4	8	0	0	0	0
Riverside	612	465	97	26	20	4	0
Sacramento	322	268	29	15	8	2	0
San Benito	7	1	2	3	1	0	0
San Bernardino	562	252	223	34	22	15	16
San Diego	709	245	285	51	98	30	0
San Francisco	357	152	110	43	31	21	0
San Joaquin	110	59	20	11	10	10	0
San Luis Obispo	68	14	28	7	15	4	0
San Mateo	74	52	22	0	0	0	0
Santa Barbara	54	20	21	7	4	1	1
Santa Clara	266	127	92	28	14	1	4
Santa Cruz	72	38	26	2	5	1	0
Shasta	126	88	32	4	2	0	0

Jury Trials, by County and Type of Proceeding
Fiscal Year 2013–14

Superior Courts
Table 3

COUNTY	Total (A)	Felony (B)	Misdemeanor (C)	PI/DP/WD Unlimited Civil (D)	Other Unlimited Civil (E)	Limited Civil (F)	Probate and Mental Health (G)
STATEWIDE	9,900	5,545	2,724	738	488	219	186
Sierra	(i) 1	(i)	(i) 1	(i)	(i)	(i)	(i)
Siskiyou	22	8	10	1	2	0	1
Solano	166	76	75	6	3	0	6
Sonoma	100	38	52	3	6	1	0
Stanislaus	151	84	53	5	7	2	0
Sutter	33	25	0	3	1	0	4
Tehama	7	4	2	0	1	0	0
Trinity	9	7	2	0	0	0	0
Tulare	122	63	44	0	1	1	13
Tuolumne	51	31	20	0	0	0	0
Ventura	275	102	120	21	19	13	0
Yolo	150	80	64	2	3	1	0
Yuba	15	9	5	1	0	0	0

Column Key:

(B) Includes trials for defendants whose felony charges were reduced to misdemeanors before the start of trial.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Total Civil Filings, by County and Case Type
Fiscal Year 2013–14

Superior Courts
Table 4a

COUNTY	Total Civil (A)	Unlimited Civil					Small Claims Appeals (F)	Limited Civil (G)	Small Claims (H)
		Total Unlimited Civil (B)	Motor Vehicle PI/PD/WD (C)	Other PI/PD/WD (D)	Other Civil Complaints & Petitions (E)				
STATEWIDE	835,215	193,190	31,847	22,077	133,962	5,304	486,597	155,428	
Alameda	25,615	8,558	1,270	867	6,191	230	12,123	4,934	
Alpine	89	37	0	0	37	0	27	25	
Amador	567	207	22	18	159	8	269	91	
Butte	3,733	584	131	100	336	17	2,557	592	
Calaveras	692	250	22	22	205	1	336	106	
Colusa	213	57	6	4	47	0	135	21	
Contra Costa	18,031	4,365	698	352	3,174	141	10,748	2,918	
Del Norte	503	225	8	5	206	6	223	55	
El Dorado	2,953	852	131	81	613	27	1,537	564	
Fresno	18,137	3,823	825	392	2,543	63	11,809	2,505	
Glenn	438	47	18	6	23	0	337	54	
Humboldt	2,199	715	37	51	617	10	1,080	404	
Imperial	2,900	555	66	42	437	10	1,822	523	
Inyo	254	105	9	8	85	3	118	31	
Kern	14,675	1,722	516	331	842	33	10,396	2,557	
Kings	2,158	271	73	47	150	1	1,570	317	
Lake	1,432	423	27	23	367	6	743	266	
Lassen	527	128	8	12	106	2	257	142	
Los Angeles	263,395	64,714	11,571	8,486	42,618	2,039	144,177	54,504	
Madera	2,918	510	76	50	384	0	2,150	258	
Marin	3,817	1,448	206	144	1,035	63	1,535	834	
Mariposa	245	34	1	2	31	0	179	32	
Mendocino	1,687	664	43	37	573	11	798	225	
Merced	4,264	741	141	66	522	12	2,638	885	
Modoc	137	50	1	0	49	0	65	22	
Mono	187	69	1	8	46	14	59	59	
Monterey	5,648	1,427	193	126	1,072	36	3,409	812	
Napa	2,126	695	75	50	548	22	1,025	406	
Nevada	1,566	478	61	29	363	25	757	331	
Orange	63,709	16,568	2,657	2,062	11,359	490	33,184	13,957	
Placer	5,843	1,909	334	200	1,332	43	2,906	1,028	
Plumas	293	78	4	10	64	0	145	70	
Riverside	50,665	9,760	1,254	914	7,530	62	30,581	10,324	
Sacramento	79,227	8,556	1,736	923	5,735	162	65,951	4,720	
San Benito	1,278	159	29	11	118	1	571	548	
San Bernardino	54,355	9,204	1,384	998	6,555	267	31,776	13,375	
San Diego	62,082	17,043	2,512	1,784	12,072	675	32,042	12,997	
San Francisco	16,849	6,575	898	839	4,679	159	7,356	2,918	
San Joaquin	13,102	2,771	478	291	1,973	29	8,747	1,584	
San Luis Obispo	3,679	1,068	141	129	774	24	1,851	760	
San Mateo	9,869	2,098	492	163	1,363	80	5,899	1,872	
Santa Barbara	6,418	1,783	294	199	1,236	54	3,307	1,328	
Santa Clara	24,576	7,023	1,071	680	5,120	152	12,931	4,622	
Santa Cruz	3,562	989	100	91	774	24	1,772	801	
Shasta	3,414	856	111	59	661	25	2,070	488	

Total Civil Filings, by County and Case Type
Fiscal Year 2013–14

Superior Courts
Table 4a

COUNTY	Total Civil (A)	Unlimited Civil					Small Claims Appeals (F)	Limited Civil (G)	Small Claims (H)
		Total Unlimited Civil (B)	Motor Vehicle PI/PD/WD (C)	Other PI/PD/WD (D)	Other Civil Complaints & Petitions (E)				
STATEWIDE	835,215	193,190	31,847	22,077	133,962	5,304	486,597	155,428	
Sierra	27	10	0	0	10	0	14	3	
Siskiyou	791	200	16	19	160	5	486	105	
Solano	8,887	1,854	322	180	1,280	72	5,776	1,257	
Sonoma	6,199	2,192	338	262	1,555	37	2,675	1,332	
Stanislaus	9,131	1,717	326	169	1,208	14	6,300	1,114	
Sutter	1,790	516	94	37	374	11	1,015	259	
Tehama	1,348	268	13	15	237	3	685	395	
Trinity	186	89	4	3	82	0	73	24	
Tulare	7,878	1,403	225	141	1,010	27	5,447	1,028	
Tuolumne	850	249	33	22	190	4	407	194	
Ventura	14,208	3,495	599	431	2,372	93	7,400	3,313	
Yolo	2,582	680	103	61	507	9	1,495	407	
Yuba	1,311	323	43	25	253	2	856	132	

Column Key:

(B) Civil Unlimited includes columns (C)–(F.)

(E) Prior to the 2004 Court Statistics Report, this case type included miscellaneous family law petitions that are now reported in Table 11a.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Total Civil Dispositions, by County and Case Type
Fiscal Year 2013-14

Superior Courts
Table 4b

COUNTY	Total Civil (A)	Unlimited Civil					Small Claims Appeals (F)	Limited Civil (G)	Small Claims (H)
		Total Unlimited Civil (B)	Motor Vehicle PI/PD/WD (C)	Other PI/PD/WD (D)	Other Civil Complaints & Petitions (E)				
STATEWIDE	840,433	173,420	25,385	17,532	126,258	4,245	507,728	159,285	
Alameda	27,798	8,362	1,211	865	6,267	19	14,005	5,431	
Alpine	42	18	3	0	15	0	16	8	
Amador	436	141	15	17	108	1	220	75	
Butte	3,717	563	137	84	333	9	2,538	616	
Calaveras	748	238	12	21	202	3	388	122	
Colusa	158	28	9	1	18	0	112	18	
Contra Costa	21,740	3,936	698	379	2,766	93	14,599	3,205	
Del Norte	2,331	924	11	13	895	5	1,226	181	
El Dorado	3,129	849	110	78	629	32	1,606	674	
Fresno	9,793	947	113	112	672	50	8,159	687	
Glenn	360	27	6	3	18	0	283	50	
Humboldt	2,584	681	43	52	579	7	1,505	398	
Imperial	2,979	616	74	53	480	9	1,850	513	
Inyo	199	81	2	7	69	3	86	32	
Kern	14,723	1,530	438	295	774	23	10,699	2,494	
Kings	1,972	201	54	49	98	0	1,543	228	
Lake	1,270	286	29	25	230	2	742	242	
Lassen	524	140	7	14	116	3	260	124	
Los Angeles	256,671	56,978	7,456	5,492	42,175	1,855	143,354	56,339	
Madera	3,783	525	82	60	383	0	3,018	240	
Marin	4,151	1,518	190	128	1,143	57	1,707	926	
Mariposa	209	34	1	2	31	0	151	24	
Mendocino	1,846	637	35	40	556	6	955	254	
Merced	4,211	666	129	61	476	0	2,679	866	
Modoc	148	56	1	2	53	0	68	24	
Mono	345	151	3	18	119	11	123	71	
Monterey	5,837	1,327	176	105	1,002	44	3,696	814	
Napa	2,197	728	70	55	582	21	1,075	394	
Nevada	1,499	407	52	35	299	21	741	351	
Orange	65,939	16,550	2,502	1,976	11,652	420	35,110	14,279	
Placer	5,530	1,715	327	185	1,167	36	2,871	944	
Plumas	290	81	3	11	67	0	132	77	
Riverside	56,117	10,210	1,199	874	8,134	3	34,408	11,499	
Sacramento	78,702	7,031	1,513	642	4,543	333	64,393	7,278	
San Benito	1,215	163	19	8	135	1	598	454	
San Bernardino	56,304	7,140	1,344	925	4,627	244	35,508	13,656	
San Diego	62,312	14,190	1,707	1,215	10,905	363	35,975	12,147	
San Francisco	15,410	5,838	892	799	4,035	112	7,100	2,472	
San Joaquin	15,548	2,522	482	253	1,766	21	11,694	1,332	
San Luis Obispo	3,671	909	110	112	662	25	1,939	823	
San Mateo	10,092	2,333	586	189	1,528	30	6,048	1,711	
Santa Barbara	5,740	1,526	220	153	1,106	47	2,906	1,308	
Santa Clara	23,195	6,092	962	560	4,533	37	12,594	4,509	
Santa Cruz	3,878	1,061	106	116	804	35	1,944	873	
Shasta	3,686	945	97	86	742	20	2,227	514	

Total Civil Dispositions, by County and Case Type
Fiscal Year 2013–14

Superior Courts
Table 4b

COUNTY	Total Civil (A)	Unlimited Civil					Small Claims Appeals (F)	Limited Civil (G)	Small Claims (H)
		Total Unlimited Civil (B)	Motor Vehicle PI/PD/WD (C)	Other PI/PD/WD (D)	Other Civil Complaints & Petitions (E)				
STATEWIDE	840,433	173,420	25,385	17,532	126,258	4,245	507,728	159,285	
Sierra	(i)	(i)	(i)	(i)	(i)	(i)	(i)	(i)	
Siskiyou	735	143	17	9	115	2	480	112	
Solano	9,056	1,825	320	190	1,244	71	5,903	1,328	
Sonoma	7,800	2,172	363	204	1,580	25	4,292	1,336	
Stanislaus	10,624	2,067	358	203	1,493	13	7,104	1,453	
Sutter	1,786	530	105	35	377	13	1,046	210	
Tehama	1,742	130	12	11	107	0	782	830	
Trinity	175	79	2	3	74	0	67	29	
Tulare	6,509	870	197	124	541	8	4,712	927	
Tuolumne	892	291	25	39	224	3	408	193	
Ventura	14,480	3,587	613	478	2,397	99	7,757	3,136	
Yolo	2,313	527	106	51	362	8	1,471	315	
Yuba	1,292	298	31	15	250	2	855	139	

Column Key:

(B) Civil Unlimited includes columns (C)–(F.)

(E) Prior to the *2004 Court Statistics Report*, this case type included miscellaneous family law petitions that are now reported in Table 11b.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Total Civil—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 5a

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial		Trial de Novo (G)
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)	
STATEWIDE	835,215	840,433	38,242	640,752	1,445	155,905	4,089
Alameda	25,615	27,798	0	21,343	51	6,385	19
Alpine	89	42	0	36	0	6	0
Amador	567	436	21	286	1	127	1
Butte	3,733	3,717	0	2,730	20	958	9
Calaveras	692	748	17	450	0	279	2
Colusa	213	158	0	146	0	12	0
Contra Costa	18,031	21,740	474	17,751	17	3,406	92
Del Norte	503	2,331	114	1,997	0	215	5
El Dorado	2,953	3,129	31	2,302	6	762	28
Fresno	18,137	9,793	1	8,086	28	1,628	50
Glenn	438	360	0	284	0	76	0
Humboldt	2,199	2,584	497	1,200	3	878	6
Imperial	2,900	2,979	53	2,167	5	746	8
Inyo	254	199	0	58	0	141	0
Kern	14,675	14,723	1,391	11,405	5	1,899	23
Kings	2,158	1,972	0	1,759	0	213	0
Lake	1,432	1,270	103	852	3	310	2
Lassen	527	524	0	447	0	75	2
Los Angeles	263,395	256,671	8,958	198,306	471	47,081	1,855
Madera	2,918	3,783	530	2,822	1	430	0
Marin	3,817	4,151	49	3,161	4	880	57
Mariposa	245	209	0	172	1	36	0
Mendocino	1,687	1,846	111	1,379	1	349	6
Merced	4,264	4,211	307	2,948	4	952	0
Modoc	137	148	5	85	0	58	0
Mono	187	345	15	241	2	76	11
Monterey	5,648	5,837	196	4,607	6	994	34
Napa	2,126	2,197	47	1,620	3	509	18
Nevada	1,566	1,499	164	937	1	376	21
Orange	63,709	65,939	5,219	46,768	143	13,439	370
Placer	5,843	5,530	34	4,589	16	855	36
Plumas	293	290	13	208	0	69	0
Riverside	50,665	56,117	4,729	37,737	50	13,599	2
Sacramento	79,227	78,702	3,289	67,369	25	7,686	333
San Benito	1,278	1,215	15	968	4	228	0
San Bernardino	54,355	56,304	4,546	39,954	71	11,526	207
San Diego	62,082	62,312	3,547	45,548	179	12,675	363
San Francisco	16,849	15,410	152	12,889	95	2,162	112
San Joaquin	13,102	15,548	513	11,941	31	3,042	21
San Luis Obispo	3,679	3,671	50	2,540	26	1,031	24
San Mateo	9,869	10,092	2	8,690	0	1,370	30
Santa Barbara	6,418	5,740	8	4,619	12	1,054	47
Santa Clara	24,576	23,195	202	18,105	43	4,817	28
Santa Cruz	3,562	3,878	82	2,844	8	915	29
Shasta	3,414	3,686	7	2,942	6	711	20

Total Civil—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 5a

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial		Trial de Novo (G)
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)	
STATEWIDE	835,215	840,433	38,242	640,752	1,445	155,905	4,089
Sierra	27	(i)	(i)	(i)	(i)	(i)	(i)
Siskiyou	791	735	2	574	3	156	0
Solano	8,887	9,056	2	7,777	9	1,197	71
Sonoma	6,199	7,800	336	6,229	10	1,208	17
Stanislaus	9,131	10,624	1,455	8,034	14	1,108	13
Sutter	1,790	1,786	21	1,167	4	581	13
Tehama	1,348	1,742	445	1,014	1	282	0
Trinity	186	175	6	106	0	63	0
Tulare	7,878	6,509	21	5,095	2	1,383	8
Tuolumne	850	892	63	571	0	255	3
Ventura	14,208	14,480	382	10,045	53	3,909	91
Yolo	2,582	2,313	15	1,894	6	398	0
Yuba	1,311	1,292	2	958	1	329	2

Column Key:

(C)–(G) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(D) Includes transfers, dismissals, and judgments.

(G) Data apply only to small claims appeals.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Unlimited Civil—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 5b

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial		Trial de Novo (G)
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)	
STATEWIDE	193,190	173,420	9,896	126,022	1,226	32,187	4,089
Alameda	8,558	8,362	0	5,504	45	2,794	19
Alpine	37	18	0	18	0	0	0
Amador	207	141	8	96	1	35	1
Butte	584	563	0	380	6	168	9
Calaveras	250	238	2	119	0	115	2
Colusa	57	28	0	27	0	1	0
Contra Costa	4,365	3,936	179	3,196	16	453	92
Del Norte	225	924	60	842	0	17	5
El Dorado	852	849	0	647	6	168	28
Fresno	3,823	947	1	760	26	110	50
Glenn	47	27	0	19	0	8	0
Humboldt	715	681	96	259	3	317	6
Imperial	555	616	20	376	4	208	8
Inyo	105	81	0	33	0	48	0
Kern	1,722	1,530	4	1,482	5	16	23
Kings	271	201	0	198	0	3	0
Lake	423	286	42	162	3	77	2
Lassen	128	140	0	133	0	5	2
Los Angeles	64,714	56,978	4,326	41,374	398	9,025	1,855
Madera	510	525	5	364	1	155	0
Marin	1,448	1,518	26	1,180	3	252	57
Mariposa	34	34	0	29	1	4	0
Mendocino	664	637	64	470	1	96	6
Merced	741	666	77	396	4	189	0
Modoc	50	56	3	28	0	25	0
Mono	69	151	3	123	2	12	11
Monterey	1,427	1,327	11	896	6	380	34
Napa	695	728	24	520	3	163	18
Nevada	478	407	42	221	0	123	21
Orange	16,568	16,550	635	13,177	130	2,238	370
Placer	1,909	1,715	12	1,545	16	106	36
Plumas	78	81	10	55	0	16	0
Riverside	9,760	10,210	1,186	6,511	46	2,465	2
Sacramento	8,556	7,031	70	3,847	23	2,758	333
San Benito	159	163	15	105	4	39	0
San Bernardino	9,204	7,140	569	6,115	56	193	207
San Diego	17,043	14,190	864	8,421	149	4,393	363
San Francisco	6,575	5,838	86	5,499	74	67	112
San Joaquin	2,771	2,522	178	1,544	21	758	21
San Luis Obispo	1,068	909	25	592	22	246	24
San Mateo	2,098	2,333	0	2,264	0	39	30
Santa Barbara	1,783	1,526	2	1,398	11	68	47
Santa Clara	7,023	6,092	93	4,621	42	1,308	28
Santa Cruz	989	1,061	0	777	7	248	29
Shasta	856	945	6	727	6	186	20

Unlimited Civil—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 5b

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial		Trial de Novo (G)
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)	
STATEWIDE	193,190	173,420	9,896	126,022	1,226	32,187	4,089
Sierra	10	(i)	(i)	(i)	(i)	(i)	(i)
Siskiyou	200	143	1	112	3	27	0
Solano	1,854	1,825	2	1,735	9	8	71
Sonoma	2,192	2,172	85	1,645	9	416	17
Stanislaus	1,717	2,067	908	1,130	12	4	13
Sutter	516	530	14	261	4	238	13
Tehama	268	130	0	111	1	18	0
Trinity	89	79	2	52	0	25	0
Tulare	1,403	870	5	688	1	168	8
Tuolumne	249	291	58	167	0	63	3
Ventura	3,495	3,587	61	2,424	40	971	91
Yolo	680	527	14	444	5	64	0
Yuba	323	298	2	203	1	90	2

Column Key:

(C)–(G) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(D) Includes transfers, dismissals, and judgments.

(G) Data apply only to small claims appeals.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

**Unlimited Civil: Motor Vehicle Personal Injury, Property Damage,
and Wrongful Death—Method of Disposition, by County**

Superior Courts

Table 5c

Fiscal Year 2013–14

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	31,847	25,385	277	24,319	393	396
Alameda	1,270	1,211	0	1,190	14	7
Alpine	0	3	0	3	0	0
Amador	22	15	0	14	0	1
Butte	131	137	0	123	4	10
Calaveras	22	12	0	11	0	1
Colusa	6	9	0	9	0	0
Contra Costa	698	698	4	687	6	1
Del Norte	8	11	1	10	0	0
El Dorado	131	110	0	105	3	2
Fresno	825	113	0	105	4	4
Glenn	18	6	0	5	0	1
Humboldt	37	43	0	41	0	2
Imperial	66	74	0	68	3	3
Inyo	9	2	0	2	0	0
Kern	516	438	1	436	1	0
Kings	73	54	0	54	0	0
Lake	27	29	1	26	2	0
Lassen	8	7	0	7	0	0
Los Angeles	11,571	7,456	51	7,227	142	36
Madera	76	82	0	82	0	0
Marin	206	190	0	187	1	2
Mariposa	1	1	0	1	0	0
Mendocino	43	35	1	32	0	2
Merced	141	129	7	120	1	1
Modoc	1	1	0	1	0	0
Mono	1	3	0	2	1	0
Monterey	193	176	0	168	2	6
Napa	75	70	0	69	1	0
Nevada	61	52	4	48	0	0
Orange	2,657	2,502	16	2,434	47	5
Placer	334	327	0	318	9	0
Plumas	4	3	0	3	0	0
Riverside	1,254	1,199	20	1,146	14	19
Sacramento	1,736	1,513	14	1,283	11	205
San Benito	29	19	0	16	2	1
San Bernardino	1,384	1,344	22	1,296	21	5
San Diego	2,512	1,707	14	1,647	27	19
San Francisco	898	892	13	854	20	5
San Joaquin	478	482	14	455	8	5
San Luis Obispo	141	110	0	103	3	4
San Mateo	492	586	0	585	0	1
Santa Barbara	294	220	0	217	1	2
Santa Clara	1,071	962	0	943	19	0
Santa Cruz	100	106	0	104	1	1
Shasta	111	97	0	95	2	0

**Unlimited Civil: Motor Vehicle Personal Injury, Property Damage,
and Wrongful Death—Method of Disposition, by County**
Fiscal Year 2013–14

Superior Courts
Table 5c

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	31,847	25,385	277	24,319	393	396
Sierra	0	0	0	0	0	0
Siskiyou	16	17	0	17	0	0
Solano	322	320	0	317	3	0
Sonoma	338	363	12	346	2	3
Stanislaus	326	358	73	281	4	0
Sutter	94	105	1	100	1	3
Tehama	13	12	0	12	0	0
Trinity	4	2	0	2	0	0
Tulare	225	197	1	196	0	0
Tuolumne	33	25	0	25	0	0
Ventura	599	613	7	555	12	39
Yolo	103	106	0	106	0	0
Yuba	43	31	0	30	1	0

Column Key:

- (C)–(F) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.
- (D) Includes transfers, dismissals, and judgments.

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

**Unlimited Civil: Other Personal Injury, Property Damage,
and Wrongful Death—Method of Disposition, by County**
Fiscal Year 2013–14

Superior Courts
Table 5d

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	22,077	17,532	315	16,437	345	435
Alameda	867	865	0	840	17	8
Alpine	0	0	0	0	0	0
Amador	18	17	0	16	0	1
Butte	100	84	0	73	0	11
Calaveras	22	21	0	18	0	3
Colusa	4	1	0	1	0	0
Contra Costa	352	379	3	370	4	2
Del Norte	5	13	2	11	0	0
El Dorado	81	78	0	74	2	2
Fresno	392	112	1	94	9	8
Glenn	6	3	0	3	0	0
Humboldt	51	52	3	44	3	2
Imperial	42	53	2	48	1	2
Inyo	8	7	0	5	0	2
Kern	331	295	1	290	2	2
Kings	47	49	0	49	0	0
Lake	23	25	2	20	1	2
Lassen	12	14	0	14	0	0
Los Angeles	8,486	5,492	50	5,261	134	47
Madera	50	60	0	58	1	1
Marin	144	128	11	114	1	2
Mariposa	2	2	0	0	1	1
Mendocino	37	40	0	39	0	1
Merced	66	61	1	57	2	1
Modoc	0	2	0	2	0	0
Mono	8	18	0	18	0	0
Monterey	126	105	2	97	2	4
Napa	50	55	0	52	0	3
Nevada	29	35	3	32	0	0
Orange	2,062	1,976	17	1,893	37	29
Placer	200	185	0	176	7	2
Plumas	10	11	0	10	0	1
Riverside	914	874	29	793	12	40
Sacramento	923	642	24	511	4	103
San Benito	11	8	1	6	1	0
San Bernardino	998	925	41	856	13	15
San Diego	1,784	1,215	21	1,112	24	58
San Francisco	839	799	12	755	23	9
San Joaquin	291	253	11	230	3	9
San Luis Obispo	129	112	2	102	4	4
San Mateo	163	189	0	189	0	0
Santa Barbara	199	153	0	147	6	0
Santa Clara	680	560	0	549	9	2
Santa Cruz	91	116	0	115	1	0
Shasta	59	86	0	82	2	2

**Unlimited Civil: Other Personal Injury, Property Damage,
and Wrongful Death—Method of Disposition, by County**
Fiscal Year 2013–14

Superior Courts
Table 5d

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	22,077	17,532	315	16,437	345	435
Sierra	0	0	0	0	0	0
Siskiyou	19	9	0	8	1	0
Solano	180	190	0	185	3	2
Sonoma	262	204	9	190	1	4
Stanislaus	169	203	58	144	1	0
Sutter	37	35	7	25	2	1
Tehama	15	11	0	11	0	0
Trinity	3	3	0	2	0	1
Tulare	141	124	0	119	0	5
Tuolumne	22	39	0	38	0	1
Ventura	431	478	1	426	9	42
Yolo	61	51	1	48	2	0
Yuba	25	15	0	15	0	0

Column Key:

- (C)–(F) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.
- (D) Includes transfers, dismissals, and judgments.

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

**Unlimited Civil: Other Civil Complaints and Petitions—
Method of Disposition, by County**
Fiscal Year 2013–14

Superior Courts
Table 5e

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	133,962	126,258	9,304	85,110	488	31,356
Alameda	6,191	6,267	0	3,474	14	2,779
Alpine	37	15	0	15	0	0
Amador	159	108	8	66	1	33
Butte	336	333	0	184	2	147
Calaveras	205	202	2	89	0	111
Colusa	47	18	0	17	0	1
Contra Costa	3,174	2,766	172	2,138	6	450
Del Norte	206	895	57	821	0	17
El Dorado	613	629	0	464	1	164
Fresno	2,543	672	0	561	13	98
Glenn	23	18	0	11	0	7
Humboldt	617	579	93	173	0	313
Imperial	437	480	18	259	0	203
Inyo	85	69	0	23	0	46
Kern	842	774	2	756	2	14
Kings	150	98	0	95	0	3
Lake	367	230	39	116	0	75
Lassen	106	116	0	111	0	5
Los Angeles	42,618	42,175	4,225	28,886	122	8,942
Madera	384	383	5	224	0	154
Marin	1,035	1,143	15	879	1	248
Mariposa	31	31	0	28	0	3
Mendocino	573	556	63	399	1	93
Merced	522	476	69	219	1	187
Modoc	49	53	3	25	0	25
Mono	46	119	3	103	1	12
Monterey	1,072	1,002	9	621	2	370
Napa	548	582	24	396	2	160
Nevada	363	299	35	141	0	123
Orange	11,359	11,652	602	8,800	46	2,204
Placer	1,332	1,167	12	1,051	0	104
Plumas	64	67	10	42	0	15
Riverside	7,530	8,134	1,137	4,571	20	2,406
Sacramento	5,735	4,543	32	2,053	8	2,450
San Benito	118	135	14	82	1	38
San Bernardino	6,555	4,627	506	3,926	22	173
San Diego	12,072	10,905	829	5,662	98	4,316
San Francisco	4,679	4,035	61	3,890	31	53
San Joaquin	1,973	1,766	153	859	10	744
San Luis Obispo	774	662	23	386	15	238
San Mateo	1,363	1,528	0	1,490	0	38
Santa Barbara	1,236	1,106	2	1,034	4	66
Santa Clara	5,120	4,533	93	3,120	14	1,306
Santa Cruz	774	804	0	552	5	247
Shasta	661	742	6	550	2	184

**Unlimited Civil: Other Civil Complaints and Petitions—
Method of Disposition, by County**
Fiscal Year 2013–14

Superior Courts
Table 5e

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	133,962	126,258	9,304	85,110	488	31,356
Sierra	10	(i)	(i)	(i)	(i)	(i)
Siskiyou	160	115	1	85	2	27
Solano	1,280	1,244	2	1,233	3	6
Sonoma	1,555	1,580	64	1,101	6	409
Stanislaus	1,208	1,493	777	705	7	4
Sutter	374	377	6	136	1	234
Tehama	237	107	0	88	1	18
Trinity	82	74	2	48	0	24
Tulare	1,010	541	4	373	1	163
Tuolumne	190	224	58	104	0	62
Ventura	2,372	2,397	53	1,435	19	890
Yolo	507	362	13	282	3	64
Yuba	253	250	2	158	0	90

Column Key:

(C)–(F) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(D) Includes transfers, dismissals, and judgments.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Small Claims Appeals—Stage of Case at Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 5f

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Trial de Novo (D)
STATEWIDE	5,304	4,245	156	4,089
Alameda	230	19	0	19
Alpine	0	0	0	0
Amador	8	1	0	1
Butte	17	9	0	9
Calaveras	1	3	1	2
Colusa	0	0	0	0
Contra Costa	141	93	1	92
Del Norte	6	5	0	5
El Dorado	27	32	4	28
Fresno	63	50	0	50
Glenn	0	0	0	0
Humboldt	10	7	1	6
Imperial	10	9	1	8
Inyo	3	3	3	0
Kern	33	23	0	23
Kings	1	0	0	0
Lake	6	2	0	2
Lassen	2	3	1	2
Los Angeles	2,039	1,855	0	1,855
Madera	0	0	0	0
Marin	63	57	0	57
Mariposa	0	0	0	0
Mendocino	11	6	0	6
Merced	12	0	0	0
Modoc	0	0	0	0
Mono	14	11	0	11
Monterey	36	44	10	34
Napa	22	21	3	18
Nevada	25	21	0	21
Orange	490	420	50	370
Placer	43	36	0	36
Plumas	0	0	0	0
Riverside	62	3	1	2
Sacramento	162	333	0	333
San Benito	1	1	1	0
San Bernardino	267	244	37	207
San Diego	675	363	0	363
San Francisco	159	112	0	112
San Joaquin	29	21	0	21
San Luis Obispo	24	25	1	24
San Mateo	80	30	0	30
Santa Barbara	54	47	0	47
Santa Clara	152	37	9	28
Santa Cruz	24	35	6	29
Shasta	25	20	0	20

Small Claims Appeals—Stage of Case at Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 5f

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Trial de Novo (D)
STATEWIDE	5,304	4,245	156	4,089
Sierra	0	0	0	0
Siskiyou	5	2	2	0
Solano	72	71	0	71
Sonoma	37	25	8	17
Stanislaus	14	13	0	13
Sutter	11	13	0	13
Tehama	3	0	0	0
Trinity	0	0	0	0
Tulare	27	8	0	8
Tuolumne	4	3	0	3
Ventura	93	99	8	91
Yolo	9	8	8	0
Yuba	2	2	0	2

Column Key:

(C)–(D) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(C) Data are available only for courts reporting data via the Judicial Branch Statistical Information System (JBSIS).

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Limited Civil—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 5g

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	486,597	507,728	9,766	466,150	219	31,593
Alameda	12,123	14,005	0	13,485	6	514
Alpine	27	16	0	16	0	0
Amador	269	220	11	188	0	21
Butte	2,557	2,538	0	2,186	14	338
Calaveras	336	388	15	318	0	55
Colusa	135	112	0	108	0	4
Contra Costa	10,748	14,599	75	13,569	1	954
Del Norte	223	1,226	23	1,140	0	63
El Dorado	1,537	1,606	0	1,424	0	182
Fresno	11,809	8,159	0	6,915	2	1,242
Glenn	337	283	0	255	0	28
Humboldt	1,080	1,505	395	876	0	234
Imperial	1,822	1,850	15	1,671	1	163
Inyo	118	86	0	25	0	61
Kern	10,396	10,699	686	9,361	0	652
Kings	1,570	1,543	0	1,543	0	0
Lake	743	742	21	607	0	114
Lassen	257	260	0	257	0	3
Los Angeles	144,177	143,354	2,555	132,613	73	8,113
Madera	2,150	3,018	497	2,392	0	129
Marin	1,535	1,707	15	1,639	1	52
Mariposa	179	151	0	136	0	15
Mendocino	798	955	32	867	0	56
Merced	2,638	2,679	47	2,267	0	365
Modoc	65	68	1	49	0	18
Mono	59	123	6	100	0	17
Monterey	3,409	3,696	23	3,541	0	132
Napa	1,025	1,075	14	964	0	97
Nevada	757	741	33	644	1	63
Orange	33,184	35,110	1,086	31,690	13	2,321
Placer	2,906	2,871	2	2,705	0	164
Plumas	145	132	3	121	0	8
Riverside	30,581	34,408	1,415	30,222	4	2,767
Sacramento	65,951	64,393	6	61,813	2	2,572
San Benito	571	598	0	565	0	33
San Bernardino	31,776	35,508	1,370	31,756	15	2,367
San Diego	32,042	35,975	222	33,771	30	1,952
San Francisco	7,356	7,100	66	6,988	21	25
San Joaquin	8,747	11,694	269	10,111	10	1,304
San Luis Obispo	1,851	1,939	24	1,642	4	269
San Mateo	5,899	6,048	2	5,881	0	165
Santa Barbara	3,307	2,906	0	2,759	1	146
Santa Clara	12,931	12,594	0	11,584	1	1,009
Santa Cruz	1,772	1,944	12	1,810	1	121
Shasta	2,070	2,227	0	2,024	0	203

Limited Civil—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 5g

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	486,597	507,728	9,766	466,150	219	31,593
Sierra	14	(i)	(i)	(i)	(i)	(i)
Siskiyou	486	480	0	421	0	59
Solano	5,776	5,903	0	5,471	0	432
Sonoma	2,675	4,292	63	4,053	1	175
Stanislaus	6,300	7,104	547	6,413	2	142
Sutter	1,015	1,046	7	891	0	148
Tehama	685	782	183	526	0	73
Trinity	73	67	0	50	0	17
Tulare	5,447	4,712	6	4,259	1	446
Tuolumne	407	408	0	343	0	65
Ventura	7,400	7,757	18	6,987	13	739
Yolo	1,495	1,471	1	1,401	1	68
Yuba	856	855	0	737	0	118

Column Key:

(C)–(F) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(D) Includes before- and after-hearing dismissals, transfers, and judgments.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Small Claims—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 5h

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial (E)
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	
STATEWIDE	155,428	159,285	18,580	48,580	92,125
Alameda	4,934	5,431	0	2,354	3,077
Alpine	25	8	0	2	6
Amador	91	75	2	2	71
Butte	592	616	0	164	452
Calaveras	106	122	0	13	109
Colusa	21	18	0	11	7
Contra Costa	2,918	3,205	220	986	1,999
Del Norte	55	181	31	15	135
El Dorado	564	674	31	231	412
Fresno	2,505	687	0	411	276
Glenn	54	50	0	10	40
Humboldt	404	398	6	65	327
Imperial	523	513	18	120	375
Inyo	31	32	0	0	32
Kern	2,557	2,494	701	562	1,231
Kings	317	228	0	18	210
Lake	266	242	40	83	119
Lassen	142	124	0	57	67
Los Angeles	54,504	56,339	2,077	24,319	29,943
Madera	258	240	28	66	146
Marin	834	926	8	342	576
Mariposa	32	24	0	7	17
Mendocino	225	254	15	42	197
Merced	885	866	183	285	398
Modoc	22	24	1	8	15
Mono	59	71	6	18	47
Monterey	812	814	162	170	482
Napa	406	394	9	136	249
Nevada	331	351	89	72	190
Orange	13,957	14,279	3,498	1,901	8,880
Placer	1,028	944	20	339	585
Plumas	70	77	0	32	45
Riverside	10,324	11,499	2,128	1,004	8,367
Sacramento	4,720	7,278	3,213	1,709	2,356
San Benito	548	454	0	298	156
San Bernardino	13,375	13,656	2,607	2,083	8,966
San Diego	12,997	12,147	2,461	3,356	6,330
San Francisco	2,918	2,472	0	402	2,070
San Joaquin	1,584	1,332	66	286	980
San Luis Obispo	760	823	1	306	516
San Mateo	1,872	1,711	0	545	1,166
Santa Barbara	1,328	1,308	6	462	840
Santa Clara	4,622	4,509	109	1,900	2,500
Santa Cruz	801	873	70	257	546
Shasta	488	514	1	191	322

Small Claims—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 5h

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial (E)
			Dismissal for Lack of Prosecution (C)	Other Before Trial (D)	
STATEWIDE	155,428	159,285	18,580	48,580	92,125
Sierra	3	(i)	(i)	(i)	(i)
Siskiyou	105	112	1	41	70
Solano	1,257	1,328	0	571	757
Sonoma	1,332	1,336	188	531	617
Stanislaus	1,114	1,453	0	491	962
Sutter	259	210	0	15	195
Tehama	395	830	262	377	191
Trinity	24	29	4	4	21
Tulare	1,028	927	10	148	769
Tuolumne	194	193	5	61	127
Ventura	3,313	3,136	303	634	2,199
Yolo	407	315	0	49	266
Yuba	132	139	0	18	121

Column Key:

(C)–(E) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(D) Includes before- and after-hearing dismissals, transfers, and judgments.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Civil Case Processing Time, by County
Fiscal Year 2013–14

Superior Courts
Table 6a

COUNTY	General Unlimited Civil Disposed of in Less Than _ Months			Limited Civil Disposed of in Less Than _ Months			Unlawful Detainers Disposed of in Less Than _ Days		Small Claims Disposed of in Less Than _ Days	
	12 (A)	18 (B)	24 (C)	12 (D)	18 (E)	24 (F)	30 (G)	45 (H)	70 (I)	90 (J)
STATEWIDE	66%	77%	84%	86%	93%	95%	49%	68%	60%	71%
Alameda	70%	83%	90%	68%	94%	97%	41%	56%	31%	45%
Alpine	—	—	—	—	—	—	—	—	—	—
Amador	—	—	—	—	—	—	—	—	—	—
Butte	58%	76%	89%	89%	96%	98%	59%	73%	59%	72%
Calaveras	77%	82%	87%	88%	92%	95%	38%	59%	53%	66%
Colusa	82%	89%	95%	97%	99%	99%	58%	76%	70%	95%
Contra Costa	70%	84%	92%	75%	93%	99%	48%	66%	45%	54%
Del Norte	—	—	—	—	—	—	—	—	—	—
El Dorado	72%	83%	88%	80%	91%	94%	51%	74%	25%	37%
Fresno	—	—	—	—	—	—	—	—	—	—
Glenn	78%	93%	96%	95%	99%	100%	60%	75%	78%	82%
Humboldt	73%	81%	86%	85%	92%	94%	30%	44%	71%	78%
Imperial	64%	72%	76%	85%	91%	93%	48%	64%	68%	74%
Inyo	86%	91%	94%	88%	92%	95%	60%	70%	69%	81%
Kern	79%	91%	95%	—	—	—	—	—	—	—
Kings	61%	80%	89%	81%	85%	88%	51%	68%	21%	29%
Lake	78%	87%	93%	87%	94%	97%	42%	61%	67%	76%
Lassen	82%	89%	93%	85%	94%	98%	55%	66%	80%	90%
Los Angeles	61%	81%	91%	90%	96%	99%	41%	67%	50%	73%
Madera	74%	85%	92%	80%	87%	89%	27%	41%	76%	83%
Marin	69%	82%	90%	83%	94%	97%	35%	47%	66%	77%
Mariposa	52%	70%	82%	63%	73%	74%	37%	58%	63%	71%
Mendocino	—	—	—	—	—	—	—	—	—	—
Merced	66%	78%	85%	80%	87%	91%	56%	78%	62%	75%
Modoc	89%	94%	98%	81%	100%	100%	43%	57%	83%	83%
Mono	50%	66%	77%	58%	83%	91%	30%	47%	23%	42%
Monterey	72%	83%	89%	73%	95%	98%	63%	81%	81%	86%
Napa	78%	88%	94%	87%	94%	96%	47%	63%	66%	82%
Nevada	81%	91%	97%	95%	97%	99%	44%	64%	65%	75%
Orange	69%	86%	94%	79%	93%	98%	56%	75%	55%	71%
Placer	—	—	—	—	—	—	—	—	—	—
Plumas	76%	84%	88%	93%	100%	100%	67%	84%	61%	74%
Riverside	72%	85%	91%	85%	93%	95%	57%	78%	72%	85%
Sacramento	59%	74%	86%	96%	97%	98%	100%	100%	41%	46%
San Benito	68%	75%	78%	86%	91%	93%	62%	80%	91%	96%
San Bernardino	63%	80%	90%	93%	99%	100%	57%	79%	61%	77%
San Diego	80%	92%	96%	70%	91%	96%	43%	65%	38%	50%
San Francisco	48%	71%	84%	83%	93%	95%	37%	63%	68%	76%
San Joaquin	67%	78%	85%	81%	89%	92%	36%	50%	9%	13%
San Luis Obispo	57%	76%	86%	83%	95%	97%	50%	67%	58%	66%
San Mateo	57%	78%	89%	52%	81%	89%	55%	72%	30%	58%
Santa Barbara	78%	90%	95%	86%	95%	97%	58%	73%	73%	83%
Santa Clara	67%	81%	89%	83%	92%	95%	65%	80%	55%	64%
Santa Cruz	72%	86%	92%	82%	97%	99%	51%	66%	48%	68%
Shasta	62%	74%	81%	94%	99%	100%	62%	78%	63%	73%

Civil Case Processing Time, by County
Fiscal Year 2013–14

Superior Courts
Table 6a

COUNTY	General Unlimited Civil Disposed of in Less Than _ Months			Limited Civil Disposed of in Less Than _ Months			Unlawful Detainers Disposed of in Less Than _ Days		Small Claims Disposed of in Less Than _ Days	
	12 (A)	18 (B)	24 (C)	12 (D)	18 (E)	24 (F)	30 (G)	45 (H)	70 (I)	90 (J)
STATEWIDE	66%	77%	84%	86%	93%	95%	49%	68%	60%	71%
Sierra	—	—	—	—	—	—	—	—	—	—
Siskiyou	73%	86%	91%	91%	97%	98%	55%	77%	46%	56%
Solano	—	—	—	86%	96%	98%	54%	74%	56%	67%
Sonoma	76%	89%	94%	86%	97%	99%	66%	81%	65%	74%
Stanislaus	56%	68%	74%	81%	93%	95%	11%	28%	33%	43%
Sutter	68%	78%	86%	86%	91%	94%	70%	88%	78%	85%
Tehama	74%	89%	94%	64%	70%	73%	40%	54%	39%	48%
Trinity	70%	83%	87%	77%	87%	87%	39%	58%	69%	79%
Tulare	83%	93%	96%	84%	92%	95%	69%	88%	63%	81%
Tuolumne	56%	68%	75%	94%	99%	100%	59%	80%	60%	70%
Ventura	72%	86%	93%	86%	95%	97%	54%	74%	68%	77%
Yolo	69%	83%	89%	83%	96%	99%	59%	74%	63%	75%
Yuba	81%	87%	89%	88%	97%	98%	72%	91%	76%	86%

Column Key:

(G)–(H) Includes limited unlawful detainers only.

Note:

— The court did not submit a report in this category.

Total Criminal Filings, by County and Case Type
Fiscal Year 2013–14

Superior Courts
Table 7a

COUNTY	Total Criminal (A)	Felonies (B)	Nontraffic		Traffic	
			Misdemeanors (C)	Infractions (D)	Misdemeanors (E)	Infractions (F)
STATEWIDE	6,096,084	272,610	400,323	285,103	515,245	4,622,803
Alameda	277,412	7,931	11,885	10,238	10,600	236,758
Alpine	1,420	3	21	28	54	1,314
Amador	6,528	525	331	40	623	5,009
Butte	29,436	2,361	2,937	2,473	1,629	20,036
Calaveras	4,920	379	510	197	447	3,387
Colusa	8,455	341	295	20	340	7,459
Contra Costa	115,882	4,706	5,660	4,265	4,791	96,460
Del Norte	5,945	367	435	142	246	4,755
El Dorado	22,004	1,126	1,420	615	1,510	17,333
Fresno	136,797	11,531	11,058	2,169	26,088	85,951
Glenn	9,991	232	73	162	243	9,281
Humboldt	24,457	1,987	2,458	2,497	1,548	15,967
Imperial	64,675	2,106	2,621	668	2,701	56,579
Inyo	10,134	214	415	0	275	9,230
Kern	180,883	10,120	18,928	1,652	14,021	136,162
Kings	29,296	2,343	1,827	99	1,324	23,703
Lake	9,007	1,095	1,265	356	667	5,624
Lassen	6,371	326	321	36	257	5,431
Los Angeles	1,775,280	55,666	117,057	40,843	201,319	1,360,395
Madera	21,343	1,887	1,208	298	3,486	14,464
Marin	41,981	979	1,699	1,596	1,542	36,165
Mariposa	2,846	176	414	0	247	2,009
Mendocino	19,337	1,059	2,151	887	2,199	13,041
Merced	47,323	2,639	2,702	686	2,776	38,520
Modoc	1,943	172	234	22	137	1,378
Mono	5,874	175	624	437	605	4,033
Monterey	56,520	3,250	5,192	1,412	6,556	40,110
Napa	21,664	1,401	1,363	557	1,967	16,376
Nevada	22,320	666	1,445	1,108	1,728	17,373
Orange	412,053	18,314	28,632	13,543	30,316	321,248
Placer	39,694	2,893	2,265	314	2,704	31,518
Plumas	2,987	151	304	167	288	2,077
Riverside	333,913	18,195	18,238	4,564	23,493	269,423
Sacramento	218,905	10,820	10,082	29,044	27,525	141,434
San Benito	5,766	452	532	48	774	3,960
San Bernardino	317,045	20,329	30,491	9,416	39,325	217,484
San Diego	457,858	18,327	24,132	38,693	19,843	356,863
San Francisco	204,772	4,039	2,619	59,023	1,536	137,555
San Joaquin	97,139	7,281	6,435	4,800	21,245	57,378
San Luis Obispo	44,141	2,393	6,811	1,855	4,629	28,453
San Mateo	141,634	3,582	7,876	4,869	4,248	121,059
Santa Barbara	85,353	3,560	6,459	10,160	4,107	61,067
Santa Clara	204,710	9,487	15,428	12,483	11,678	155,634
Santa Cruz	50,508	2,421	3,070	9,855	2,685	32,477
Shasta	34,700	3,637	2,732	2,001	1,790	24,540

Total Criminal Filings, by County and Case Type
Fiscal Year 2013–14

Superior Courts
Table 7a

COUNTY	Total Criminal (A)	Nontraffic			Traffic	
		Felonies (B)	Misdemeanors (C)	Infractions (D)	Misdemeanors (E)	Infractions (F)
STATEWIDE	6,096,084	272,610	400,323	285,103	515,245	4,622,803
Sierra	537	30	51	9	20	427
Siskiyou	15,339	551	455	301	462	13,570
Solano	52,237	3,593	3,508	1,108	2,317	41,711
Sonoma	64,989	2,987	6,956	2,298	5,126	47,622
Stanislaus	59,716	7,372	3,608	914	6,692	41,130
Sutter	15,767	1,243	1,390	599	578	11,957
Tehama	18,005	1,152	1,196	273	1,729	13,655
Trinity	2,282	289	119	46	212	1,616
Tulare	69,953	5,378	7,005	1,185	4,044	52,341
Tuolumne	8,230	791	937	256	768	5,478
Ventura	133,337	4,472	8,034	3,045	4,009	113,777
Yolo	31,245	2,156	2,734	197	2,726	23,432
Yuba	13,225	952	1,675	534	450	9,614

Column Key:

(B) Since 2001, a felony is counted as one filing and one disposition for each defendant throughout all stages of criminal proceedings. This change eliminated double-counting of defendants who were held to answer, certified on guilty pleas, or waived preliminary hearings, and it reduced the numbers of filings and dispositions reported.

(B) This column also includes miscellaneous felony petitions reported only by JBSIS courts.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Total Criminal Dispositions, by County and Case Type
Fiscal Year 2013–14

Superior Courts
Table 7b

COUNTY	Total Criminal (A)	Nontraffic			Traffic	
		Felonies (B)	Misdemeanors (C)	Infractions (D)	Misdemeanors (E)	Infractions (F)
STATEWIDE	5,400,132	254,410	336,494	195,904	404,296	4,209,028
Alameda	250,584	7,854	11,680	5,273	8,611	217,166
Alpine	1,323	3	19	28	35	1,238
Amador	4,762	302	220	30	399	3,811
Butte	27,925	2,359	2,913	1,678	1,629	19,346
Calaveras	4,727	325	407	159	487	3,349
Colusa	5,797	162	348	40	480	4,767
Contra Costa	114,675	4,135	4,607	3,314	4,840	97,779
Del Norte	8,354	637	952	146	1,031	5,588
El Dorado	23,597	1,121	1,330	1,588	1,544	18,014
Fresno	109,294	10,745	8,050	1,611	13,195	75,693
Glenn	9,617	204	98	133	172	9,010
Humboldt	22,580	2,027	2,114	1,109	1,626	15,704
Imperial	63,058	2,054	2,576	622	2,578	55,228
Inyo	10,298	182	384	0	281	9,451
Kern	154,718	10,011	16,181	1,228	11,469	115,829
Kings	29,374	801	1,779	315	1,338	25,141
Lake	8,635	1,112	1,296	342	606	5,279
Lassen	6,748	347	312	34	461	5,594
Los Angeles	1,805,189	55,264	99,175	37,547	191,182	1,422,021
Madera	19,516	1,762	1,118	201	3,129	13,306
Marin	40,138	810	1,344	1,105	1,498	35,381
Mariposa	2,579	139	369	0	241	1,830
Mendocino	20,170	844	2,577	633	1,903	14,213
Merced	44,106	2,442	2,022	655	2,345	36,642
Modoc	1,921	151	230	26	126	1,388
Mono	6,016	149	332	404	603	4,528
Monterey	56,966	3,294	5,245	1,200	6,462	40,765
Napa	21,267	1,299	1,176	303	1,939	16,550
Nevada	(i) 3,216	(i) 152	(i) 282	(i) 95	(i) 339	(i) 2,348
Orange	(i) 16,707	16,707	(i)	(i)	(i)	(i)
Placer	(i) 6,026	(i) 1,025	2,582	334	2,079	(i) 6
Plumas	2,615	157	278	112	229	1,839
Riverside	352,370	17,606	17,212	7,633	18,240	291,679
Sacramento	147,841	11,107	9,589	5,479	6,043	115,623
San Benito	5,645	417	542	81	709	3,896
San Bernardino	294,101	18,089	31,797	22,899	28,296	193,020
San Diego	419,807	15,298	23,422	26,640	18,870	335,577
San Francisco	139,367	5,626	1,100	18,343	797	113,501
San Joaquin	91,977	5,545	6,113	3,218	15,808	61,293
San Luis Obispo	43,282	2,466	6,329	1,006	4,438	29,043
San Mateo	147,907	3,028	6,408	18,555	4,088	115,828
Santa Barbara	79,376	2,660	5,944	8,696	3,734	58,342
Santa Clara	201,217	9,449	14,717	6,637	10,541	159,873
Santa Cruz	44,309	3,052	3,045	5,503	2,646	30,063
Shasta	30,421	3,350	2,412	1,383	1,522	21,754

Total Criminal Dispositions, by County and Case Type
Fiscal Year 2013–14

Superior Courts
Table 7b

COUNTY	Total Criminal (A)	Nontraffic			Traffic	
		Felonies (B)	Misdemeanors (C)	Infractions (D)	Misdemeanors (E)	Infractions (F)
STATEWIDE	5,400,132	254,410	336,494	195,904	404,296	4,209,028
Sierra	(i) 6	(i) 2	(i) 3	(i) 1	(i)	(i)
Siskiyou	14,848	420	378	157	390	13,503
Solano	53,376	3,656	3,120	418	2,136	44,046
Sonoma	78,469	3,217	6,932	3,161	5,869	59,290
Stanislaus	53,161	6,715	2,829	862	4,055	38,700
Sutter	14,841	1,234	1,443	382	724	11,058
Tehama	9,087	628	205	44	274	7,936
Trinity	2,347	322	141	48	186	1,650
Tulare	68,922	4,358	6,056	1,119	3,683	53,706
Tuolumne	8,346	745	863	299	738	5,701
Ventura	156,380	4,225	10,680	2,540	5,082	133,853
Yolo	28,956	1,803	1,998	161	2,155	22,839
Yuba	11,275	816	1,220	374	415	8,450

Column Key:

(B) Since 2001, a felony is counted as one filing and one disposition for each defendant throughout all stages of criminal proceedings. This change eliminated double-counting of defendants who were held to answer, certified on guilty pleas, or waived preliminary hearings, and it reduced the numbers of filings and dispositions reported.

(B) This column also includes miscellaneous felony petitions reported only by JBSIS courts.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Felonies—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 8a

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial	
			Pleas of Guilty (C)	Other — Before Preliminary Hearing (D)	Other — After Preliminary Hearing (E)	By Court (F)	By Jury (G)
STATEWIDE	272,610	254,410	205,638	30,050	12,392	785	5,545
Alameda	7,931	7,854	5,138	1,929	725	1	61
Alpine	3	3	0	3	0	0	0
Amador	525	302	250	17	17	15	3
Butte	2,361	2,359	1,648	293	178	199	41
Calaveras	379	325	258	30	34	0	3
Colusa	341	162	86	50	21	2	3
Contra Costa	4,706	4,135	3,229	610	171	2	123
Del Norte	367	637	445	91	91	2	8
El Dorado	1,126	1,121	974	66	49	4	28
Fresno	11,531	10,745	8,695	1,589	329	6	126
Glenn	232	204	128	16	34	4	22
Humboldt	1,987	2,027	1,303	446	254	6	18
Imperial	2,106	2,054	1,365	348	323	1	17
Inyo	214	182	141	11	23	0	7
Kern	10,120	10,011	8,008	1,167	663	3	170
Kings	2,343	801	414	226	142	6	13
Lake	1,095	1,112	812	224	55	4	17
Lassen	326	347	243	5	91	0	8
Los Angeles	55,666	55,264	46,326	5,059	1,817	56	2,006
Madera	1,887	1,762	1,369	286	70	6	31
Marin	979	810	670	102	27	0	11
Mariposa	176	139	109	21	7	0	2
Mendocino	1,059	844	523	188	110	8	15
Merced	2,639	2,442	1,923	353	126	3	37
Modoc	172	151	95	41	13	0	2
Mono	175	149	99	24	20	2	4
Monterey	3,250	3,294	2,544	605	95	12	38
Napa	1,401	1,299	1,022	217	45	5	10
Nevada	666	(i) 152	(i) 125	(i) 21	(i) 2	(i)	(i) 4
Orange	18,314	16,707	13,600	2,207	524	2	374
Placer	2,893	(i) 1,025	(i) 513	(i) 430	(i) 50	(i) 1	(i) 31
Plumas	151	157	129	15	8	1	4
Riverside	18,195	17,606	16,159	602	370	10	465
Sacramento	10,820	11,107	9,007	1,430	402	0	268
San Benito	452	417	318	92	6	0	1
San Bernardino	20,329	18,089	15,472	1,709	649	7	252
San Diego	18,327	15,298	13,341	1,044	646	22	245
San Francisco	4,039	5,626	4,625	291	558	0	152
San Joaquin	7,281	5,545	4,022	1,341	123	0	59
San Luis Obispo	2,393	2,466	1,800	321	43	288	14
San Mateo	3,582	3,028	2,182	533	244	17	52
Santa Barbara	3,560	2,660	2,122	435	64	19	20
Santa Clara	9,487	9,449	8,306	920	89	7	127
Santa Cruz	2,421	3,052	2,441	472	92	9	38
Shasta	3,637	3,350	2,476	405	380	1	88

Felonies—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 8a

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial	
			Pleas of Guilty (C)	Other — Before Preliminary Hearing (D)	Other — After Preliminary Hearing (E)	By Court (F)	By Jury (G)
STATEWIDE	272,610	254,410	205,638	30,050	12,392	785	5,545
Sierra	30	(i) 2	(i)	(i) 2	(i)	(i)	(i)
Siskiyou	551	420	345	51	16	0	8
Solano	3,593	3,656	2,284	814	476	6	76
Sonoma	2,987	3,217	2,285	394	491	9	38
Stanislaus	7,372	6,715	4,850	1,122	659	0	84
Sutter	1,243	1,234	1,016	107	82	4	25
Tehama	1,152	628	433	134	57	0	4
Trinity	289	322	222	73	20	0	7
Tulare	5,378	4,358	3,702	441	151	1	63
Tuolumne	791	745	563	106	45	0	31
Ventura	4,472	4,225	3,582	127	411	3	102
Yolo	2,156	1,803	1,346	263	110	4	80
Yuba	952	816	555	131	94	27	9

Column Key:

- (B) Since 2001, a felony is counted as one filing and one disposition for each defendant throughout all stages of criminal proceedings. This change eliminated double-counting of defendants who were held to answer, certified on guilty pleas, or waived preliminary hearings, and it reduced the numbers of filings and dispositions reported.
- (B) This column also includes miscellaneous felony petitions reported only by JBSIS courts disposed before trial in columns (D) and (E.)
- (C)–(G) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.
- (C) Pleas of guilty before the start of trial. Includes felonies reduced to misdemeanors that subsequently went to trial.
- (D)–(E) Includes dismissals and transfers.
- (F) Includes trials for defendants whose felony charges were reduced to misdemeanors before the start of trial.

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Felonies—Dispositions, by Outcome and County
Fiscal Year 2013–14

Superior Courts
Table 8b

COUNTY	Total Filings (A)	Total Dispositions (B)	Felony Convictions (C)	Misdemeanor Convictions (D)	Acquittals and Dismissals (E)	Transfers (F)	Felony Petitions (G)
STATEWIDE	272,610	254,410	178,476	32,632	39,697	2,257	1,346
Alameda	7,931	7,854	3,448	1,746	2,660	0	--
Alpine	3	3	0	0	3	0	0
Amador	525	302	262	0	29	11	--
Butte	2,361	2,359	1,654	217	486	2	--
Calaveras	379	325	250	8	62	0	5
Colusa	341	162	87	0	75	0	--
Contra Costa	4,706	4,135	2,602	735	676	70	52
Del Norte	367	637	248	206	182	1	--
El Dorado	1,126	1,121	778	223	109	11	0
Fresno	11,531	10,745	7,105	1,699	1,876	65	--
Glenn	232	204	136	0	53	15	--
Humboldt	1,987	2,027	729	591	668	0	39
Imperial	2,106	2,054	1,045	331	593	4	81
Inyo	214	182	140	6	36	0	0
Kern	10,120	10,011	6,346	1,806	1,766	70	23
Kings	2,343	801	277	150	374	0	--
Lake	1,095	1,112	572	256	278	4	2
Lassen	326	347	243	8	79	2	15
Los Angeles	55,666	55,264	45,317	2,760	6,253	934	--
Madera	1,887	1,762	1,022	378	341	8	13
Marin	979	810	407	271	132	0	--
Mariposa	176	139	103	6	22	6	0
Mendocino	1,059	844	530	16	236	62	--
Merced	2,639	2,442	1,505	452	446	21	18
Modoc	172	151	49	47	53	2	0
Mono	175	149	61	44	44	0	--
Monterey	3,250	3,294	1,929	659	704	2	0
Napa	1,401	1,299	684	351	260	0	4
Nevada	666	(i) 152	(i) 74	(i) 54	(i) 24	(i)	--
Orange	18,314	16,707	8,455	5,476	2,414	116	246
Placer	2,893	(i) 1,025	(i) 266	(i) 274	(i) 485	(i)	--
Plumas	151	157	94	40	23	0	0
Riverside	18,195	17,606	14,432	2,169	783	128	94
Sacramento	10,820	11,107	7,752	1,485	1,870	0	0
San Benito	452	417	184	135	94	0	4
San Bernardino	20,329	18,089	15,689	0	2,329	47	24
San Diego	18,327	15,298	12,253	1,339	1,706	0	--
San Francisco	4,039	5,626	2,671	2,086	869	0	--
San Joaquin	7,281	5,545	4,029	39	1,423	54	--
San Luis Obispo	2,393	2,466	1,870	227	334	35	0
San Mateo	3,582	3,028	2,211	30	787	0	0
Santa Barbara	3,560	2,660	2,158	0	408	30	64
Santa Clara	9,487	9,449	6,949	1,479	847	62	112
Santa Cruz	2,421	3,052	2,261	226	546	19	--
Shasta	3,637	3,350	2,078	468	740	23	41

Felonies—Dispositions, by Outcome and County
Fiscal Year 2013–14

Superior Courts
Table 8b

COUNTY	Total Filings (A)	Total Dispositions (B)	Felony Convictions (C)	Misdemeanor Convictions (D)	Acquittals and Dismissals (E)	Transfers (F)	Felony Petitions (G)
STATEWIDE	272,610	254,410	178,476	32,632	39,697	2,257	1,346
Sierra	30	(i) 2	(i)	(i)	(i) 2	(i)	--
Siskiyou	551	420	301	50	46	5	18
Solano	3,593	3,656	1,699	643	1,201	113	—
Sonoma	2,987	3,217	1,914	410	440	28	425
Stanislaus	7,372	6,715	4,528	394	1,686	107	0
Sutter	1,243	1,234	766	271	155	35	7
Tehama	1,152	628	430	7	187	0	4
Trinity	289	322	131	97	84	10	0
Tulare	5,378	4,358	3,314	444	576	18	6
Tuolumne	791	745	493	95	133	16	8
Ventura	4,472	4,225	2,066	1,607	458	67	27
Yolo	2,156	1,803	1,362	51	361	15	14
Yuba	952	816	517	70	190	39	0

Column Key:

- (C)–(G) The purpose of this table is to provide a general summary of broad categories of dispositions in criminal proceedings and is not an exhaustive list of all possible dispositions in individual criminal cases. The table categorizes dismissals and acquittals together. The table does not specify the types or reasons for dismissal or acquittal, nor does it include other outcomes such as diversion programs, deferred entries of judgment, or dismissals resulting from pursuit of supervision revocations in lieu of formal convictions.
- (C)–(G) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.
- (D) Defendants convicted of one or more misdemeanors but not convicted of a felony.
- (G) Disposition of felony petitions are reported only by JBSIS courts and are only classified as a disposition before hearing or after hearing.

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Nontraffic Misdemeanors—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 9a

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial	
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)	By Jury (G)
STATEWIDE	400,323	336,494	3,092	209,808	120,562	1,421	1,616
Alameda	11,885	11,680	91	6,412	5,100	44	33
Alpine	21	19	15	4	0	0	0
Amador	331	220	0	163	57	0	0
Butte	2,937	2,913	2	1,741	1,142	18	10
Calaveras	510	407	6	242	156	1	2
Colusa	295	348	9	248	90	0	1
Contra Costa	5,660	4,607	1	2,605	1,873	4	124
Del Norte	435	952	6	700	223	22	1
El Dorado	1,420	1,330	2	916	397	3	12
Fresno	11,058	8,050	0	2,661	5,368	1	20
Glenn	73	98	0	66	22	7	3
Humboldt	2,458	2,114	0	858	1,230	7	19
Imperial	2,621	2,576	7	1,150	1,409	2	8
Inyo	415	384	10	270	96	5	3
Kern	18,928	16,181	2	10,268	5,848	4	59
Kings	1,827	1,779	0	1,146	609	14	10
Lake	1,265	1,296	0	663	619	3	11
Lassen	321	312	7	217	86	0	2
Los Angeles	117,057	99,175	2,247	69,661	26,562	340	365
Madera	1,208	1,118	1	739	372	2	4
Marin	1,699	1,344	5	660	629	44	6
Mariposa	414	369	30	243	91	4	1
Mendocino	2,151	2,577	3	1,904	652	8	10
Merced	2,702	2,022	14	1,021	978	1	8
Modoc	234	230	3	87	136	4	0
Mono	624	332	134	146	45	7	0
Monterey	5,192	5,245	9	3,392	1,803	14	27
Napa	1,363	1,176	0	764	396	0	16
Nevada	1,445	(i) 282	(i)	(i) 194	(i) 84	(i) 1	(i) 3
Orange	28,632	(i)	(i)	(i)	(i)	(i)	(i)
Placer	2,265	2,582	0	1,205	1,365	3	9
Plumas	304	278	1	207	68	1	1
Riverside	18,238	17,212	46	9,929	7,183	9	45
Sacramento	10,082	9,589	0	6,041	3,480	50	18
San Benito	532	542	0	332	208	1	1
San Bernardino	30,491	31,797	4	17,490	14,128	31	144
San Diego	24,132	23,422	70	15,561	7,580	39	172
San Francisco	2,619	1,100	2	584	389	73	52
San Joaquin	6,435	6,113	22	4,127	1,940	8	16
San Luis Obispo	6,811	6,329	151	3,614	2,167	387	15
San Mateo	7,876	6,408	0	4,477	1,872	41	18
Santa Barbara	6,459	5,944	2	3,460	2,454	13	15
Santa Clara	15,428	14,717	0	9,343	5,314	0	60
Santa Cruz	3,070	3,045	1	1,771	1,193	65	15
Shasta	2,732	2,412	0	1,068	1,328	1	15

Nontraffic Misdemeanors—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 9a

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial	
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)	By Jury (G)
STATEWIDE	400,323	336,494	3,092	209,808	120,562	1,421	1,616
Sierra	51	(i) 3	(i) 1	(i)	(i) 1	(i)	(i) 1
Siskiyou	455	378	3	235	136	1	3
Solano	3,508	3,120	3	1,032	2,019	15	51
Sonoma	6,956	6,932	1	4,178	2,716	2	35
Stanislaus	3,608	2,829	3	2,028	763	13	22
Sutter	1,390	1,443	9	855	575	4	0
Tehama	1,196	205	5	15	180	4	1
Trinity	119	141	0	69	69	3	0
Tulare	7,005	6,056	1	5,146	873	6	30
Tuolumne	937	863	2	619	174	53	15
Ventura	8,034	10,680	132	5,787	4,688	12	61
Yolo	2,734	1,998	28	826	1,094	12	38
Yuba	1,675	1,220	1	668	532	14	5

Column Key:

(C)–(G) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(E) Other Before Trial includes transfers, dismissal, and dismissals after diversion.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Nontraffic Infractions—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 9b

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)
STATEWIDE	285,103	195,904	64,341	55,168	57,967	18,428
Alameda	10,238	5,273	1,329	2,127	1,538	279
Alpine	28	28	24	0	2	2
Amador	40	30	13	6	5	6
Butte	2,473	1,678	391	580	617	90
Calaveras	197	159	66	50	33	10
Colusa	20	40	5	17	18	0
Contra Costa	4,265	3,314	1,150	610	1,280	274
Del Norte	142	146	95	20	20	11
El Dorado	615	1,588	1,459	0	90	39
Fresno	2,169	1,611	54	957	572	28
Glenn	162	133	36	36	50	11
Humboldt	2,497	1,109	383	133	546	47
Imperial	668	622	160	286	117	59
Inyo	0	0	0	0	0	0
Kern	1,652	1,228	218	566	419	25
Kings	99	315	0	160	21	134
Lake	356	342	182	92	33	35
Lassen	36	34	13	13	8	0
Los Angeles	40,843	37,547	9,362	14,184	13,211	790
Madera	298	201	97	28	70	6
Marin	1,596	1,105	743	76	97	189
Mariposa	0	0	0	0	0	0
Mendocino	887	633	221	176	204	32
Merced	686	655	42	429	153	31
Modoc	22	26	0	17	9	0
Mono	437	404	273	31	52	48
Monterey	1,412	1,200	511	279	379	31
Napa	557	303	163	31	79	30
Nevada	(i) 1,108	(i) 95	(i) 52	(i) 20	(i) 20	(i) 3
Orange	13,543	(i)	(i)	(i)	(i)	(i)
Placer	314	334	0	234	65	35
Plumas	167	112	42	41	20	9
Riverside	4,564	7,633	5,899	0	1,623	111
Sacramento	29,044	5,479	1,016	2,601	693	1,169
San Benito	48	81	0	51	24	6
San Bernardino	9,416	22,899	14,464	0	5,520	2,915
San Diego	38,693	26,640	6,511	8,685	9,335	2,109
San Francisco	59,023	18,343	4,901	1,561	3,673	8,208
San Joaquin	4,800	3,218	287	1,095	1,714	122
San Luis Obispo	1,855	1,006	162	483	238	123
San Mateo	4,869	18,555	4,577	9,958	3,809	211
Santa Barbara	10,160	8,696	1,342	2,208	5,049	97
Santa Clara	12,483	6,637	2,868	1,259	2,203	307
Santa Cruz	9,855	5,503	3,098	1,601	625	179
Shasta	2,001	1,383	185	431	687	80

Nontraffic Infractions—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 9b

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)
STATEWIDE	285,103	195,904	64,341	55,168	57,967	18,428
Sierra	9	(i) 1	(i)	(i)	(i) 1	(i)
Siskiyou	301	157	61	68	15	13
Solano	1,108	418	0	277	83	58
Sonoma	2,298	3,161	804	703	1,637	17
Stanislaus	914	862	82	358	384	38
Sutter	599	382	94	201	40	47
Tehama	273	44	17	0	15	12
Trinity	46	48	23	7	16	2
Tulare	1,185	1,119	29	769	194	127
Tuolumne	256	299	68	121	29	81
Ventura	3,045	2,540	732	1,205	518	85
Yolo	197	161	4	136	10	11
Yuba	534	374	33	191	104	46

Column Key:

(C)–(F) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(E) Other Before Trial includes transfers, dismissal, and dismissals after diversion.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Traffic Misdemeanors—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 9c

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial	
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)	By Jury (G)
STATEWIDE	515,245	404,296	13,183	312,072	74,726	3,210	1,108
Alameda	10,600	8,611	511	6,536	1,375	155	34
Alpine	54	35	11	15	4	5	0
Amador	623	399	0	271	126	0	2
Butte	1,629	1,629	2	1,319	295	8	5
Calaveras	447	487	3	344	138	1	1
Colusa	340	480	126	306	48	0	0
Contra Costa	4,791	4,840	4	3,348	1,410	10	68
Del Norte	246	1,031	0	903	100	27	1
El Dorado	1,510	1,544	59	1,206	267	5	7
Fresno	26,088	13,195	2,439	6,152	4,562	15	27
Glenn	243	172	0	140	30	1	1
Humboldt	1,548	1,626	1	1,143	471	3	8
Imperial	2,701	2,578	0	849	1,715	4	10
Inyo	275	281	5	250	22	3	1
Kern	14,021	11,469	14	9,506	1,915	4	30
Kings	1,324	1,338	2	1,190	140	4	2
Lake	667	606	1	478	119	6	2
Lassen	257	461	126	287	48	0	0
Los Angeles	201,319	191,182	4,775	157,846	26,253	2,102	206
Madera	3,486	3,129	1	2,764	353	2	9
Marin	1,542	1,498	3	1,287	112	70	26
Mariposa	247	241	39	178	19	2	3
Mendocino	2,199	1,903	19	1,517	355	5	7
Merced	2,776	2,345	318	1,280	724	13	10
Modoc	137	126	0	92	34	0	0
Mono	605	603	190	252	156	3	2
Monterey	6,556	6,462	37	5,580	795	32	18
Napa	1,967	1,939	0	1,653	278	1	7
Nevada	1,728	(i) 339	(i) 12	(i) 255	(i) 49	(i) 13	(i) 10
Orange	30,316	(i)	(i)	(i)	(i)	(i)	(i)
Placer	2,704	2,079	0	1,666	395	1	17
Plumas	288	229	16	167	38	1	7
Riverside	23,493	18,240	35	11,753	6,388	12	52
Sacramento	27,525	6,043	0	5,525	507	0	11
San Benito	774	709	2	616	88	2	1
San Bernardino	39,325	28,296	31	19,156	8,925	105	79
San Diego	19,843	18,870	502	15,154	3,083	18	113
San Francisco	1,536	797	0	700	36	3	58
San Joaquin	21,245	15,808	3,335	7,982	4,364	123	4
San Luis Obispo	4,629	4,438	262	3,460	450	256	13
San Mateo	4,248	4,088	0	3,648	430	6	4
Santa Barbara	4,107	3,734	0	3,333	389	6	6
Santa Clara	11,678	10,541	51	9,261	1,197	0	32
Santa Cruz	2,685	2,646	6	2,053	570	6	11
Shasta	1,790	1,522	0	1,228	276	1	17

Traffic Misdemeanors—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 9c

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial	
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)	By Jury (G)
STATEWIDE	515,245	404,296	13,183	312,072	74,726	3,210	1,108
Sierra	20	(i)	(i)	(i)	(i)	(i)	(i)
Siskiyou	462	390	0	345	37	1	7
Solano	2,317	2,136	9	1,693	400	10	24
Sonoma	5,126	5,869	0	4,631	1,212	9	17
Stanislaus	6,692	4,055	177	2,478	1,333	36	31
Sutter	578	724	12	482	217	13	0
Tehama	1,729	274	18	184	65	6	1
Trinity	212	186	0	146	37	1	2
Tulare	4,044	3,683	0	3,289	379	1	14
Tuolumne	768	738	1	601	61	70	5
Ventura	4,009	5,082	17	3,610	1,389	7	59
Yolo	2,726	2,155	9	1,621	480	19	26
Yuba	450	415	2	343	67	3	0

Column Key:

(C)–(G) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(E) Other Before Trial includes transfers, dismissal, and dismissals after diversion.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Traffic Infractions—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 9d

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)
STATEWIDE	4,622,803	4,209,028	1,739,285	678,778	1,437,118	353,847
Alameda	236,758	217,166	67,427	92,751	48,756	8,232
Alpine	1,314	1,238	1,134	25	4	75
Amador	5,009	3,811	1,133	255	2,045	378
Butte	20,036	19,346	7,892	1,045	9,940	469
Calaveras	3,387	3,349	934	129	1,686	600
Colusa	7,459	4,767	3,080	431	1,128	128
Contra Costa	96,460	97,779	43,185	13,731	12,246	28,617
Del Norte	4,755	5,588	2,332	746	1,391	1,119
El Dorado	17,333	18,014	10,770	825	5,238	1,181
Fresno	85,951	75,693	35,387	8,024	31,164	1,118
Glenn	9,281	9,010	4,228	1,384	3,034	364
Humboldt	15,967	15,704	11,403	404	3,097	800
Imperial	56,579	55,228	32,467	1,617	12,565	8,579
Inyo	9,230	9,451	7,503	72	179	1,697
Kern	136,162	115,829	64,512	26,830	18,854	5,633
Kings	23,703	25,141	19,991	2,936	1,590	624
Lake	5,624	5,279	2,331	238	585	2,125
Lassen	5,431	5,594	3,737	105	1,574	178
Los Angeles	1,360,395	1,422,021	460,102	296,568	610,279	55,072
Madera	14,464	13,306	8,364	76	2,732	2,134
Marin	36,165	35,381	19,225	508	13,030	2,618
Mariposa	2,009	1,830	1,613	47	29	141
Mendocino	13,041	14,213	9,237	1,072	2,394	1,510
Merced	38,520	36,642	22,436	5,529	6,683	1,994
Modoc	1,378	1,388	1,037	17	133	201
Mono	4,033	4,528	2,124	142	2,004	258
Monterey	40,110	40,765	32,026	838	6,155	1,746
Napa	16,376	16,550	10,717	178	2,106	3,549
Nevada	17,373	(i) 2,348	(i) 1,386	(i) 166	(i) 721	(i) 75
Orange	321,248	(i)	(i)	(i)	(i)	(i)
Placer	31,518	(i) 6	(i)	(i)	(i) 6	(i)
Plumas	2,077	1,839	1,367	60	326	86
Riverside	269,423	291,679	149,085	9,450	83,917	49,227
Sacramento	141,434	115,623	62,092	27,423	15,932	10,176
San Benito	3,960	3,896	2,349	297	1,100	150
San Bernardino	217,484	193,020	67,379	29,057	73,807	22,777
San Diego	356,863	335,577	111,231	48,473	130,630	45,243
San Francisco	137,555	113,501	36,291	12,280	46,033	18,897
San Joaquin	57,378	61,293	39,211	16,524	2,861	2,697
San Luis Obispo	28,453	29,043	12,512	2,752	13,009	770
San Mateo	121,059	115,828	41,105	6,602	53,992	14,129
Santa Barbara	61,067	58,342	20,804	6,761	28,381	2,396
Santa Clara	155,634	159,873	75,523	10,328	47,467	26,555
Santa Cruz	32,477	30,063	12,517	4,197	12,007	1,342
Shasta	24,540	21,754	10,201	6,200	4,275	1,078

Traffic Infractions—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 9d

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial
			Bail Forfeitures (C)	Guilty Pleas (D)	Other (E)	By Court (F)
STATEWIDE	4,622,803	4,209,028	1,739,285	678,778	1,437,118	353,847
Sierra	427	(i)	(i)	(i)	(i)	(i)
Siskiyou	13,570	13,503	10,374	1,088	1,143	898
Solano	41,711	44,046	27,410	6,948	6,998	2,690
Sonoma	47,622	59,290	29,868	5,571	23,003	848
Stanislaus	41,130	38,700	12,241	9,482	14,515	2,462
Sutter	11,957	11,058	3,498	2,173	4,267	1,120
Tehama	13,655	7,936	4,785	0	2,787	364
Trinity	1,616	1,650	1,164	47	396	43
Tulare	52,341	53,706	29,975	2,089	9,224	12,418
Tuolumne	5,478	5,701	2,979	384	1,201	1,137
Ventura	113,777	133,853	78,072	7,058	45,509	3,214
Yolo	23,432	22,839	7,131	3,781	10,366	1,561
Yuba	9,614	8,450	2,408	3,064	2,624	354

Column Key:

(C)–(F) The total of the manner of disposition categories may not add to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(E) Other Before Trial includes transfers, dismissal, and dismissals after diversion.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Criminal Case Processing Time, by County
Fiscal Year 2013–14

Superior Courts
Table 10a

COUNTY	Felonies Disposed of in Less Than 12 Months (A)	Felonies Disposed of in Less Than _ Days			Misdemeanors Disposed of in Less Than _ Days		
		30 (B)	45 (C)	90 (D)	30 (E)	90 (F)	120 (G)
STATEWIDE	88%	50%	60%	76%	61%	78%	83%
Alameda	84%	57%	62%	73%	52%	68%	72%
Alpine	—	—	—	—	—	—	—
Amador	—	—	—	—	—	—	—
Butte	88%	47%	61%	84%	34%	59%	66%
Calaveras	85%	53%	62%	82%	52%	75%	80%
Colusa	98%	42%	55%	82%	47%	80%	86%
Contra Costa	77%	40%	48%	66%	38%	65%	72%
Del Norte	—	—	—	—	—	—	—
El Dorado	69%	39%	45%	57%	40%	63%	70%
Fresno	—	—	—	—	—	—	—
Glenn	69%	19%	22%	33%	40%	62%	70%
Humboldt	97%	34%	55%	75%	42%	70%	75%
Imperial	97%	43%	71%	87%	42%	53%	56%
Inyo	60%	45%	51%	69%	25%	63%	71%
Kern	92%	51%	69%	86%	78%	88%	91%
Kings	85%	36%	50%	71%	41%	70%	77%
Lake	91%	26%	38%	72%	20%	51%	61%
Lassen	91%	52%	70%	85%	43%	66%	71%
Los Angeles	—	60%	68%	80%	70%	83%	87%
Madera	86%	14%	32%	55%	15%	67%	74%
Marin	76%	34%	41%	62%	40%	68%	75%
Mariposa	100%	55%	61%	75%	23%	66%	75%
Mendocino	—	—	—	—	—	—	—
Merced	88%	36%	45%	63%	31%	45%	47%
Modoc	92%	27%	36%	62%	35%	73%	83%
Mono	66%	32%	39%	56%	39%	58%	62%
Monterey	91%	22%	37%	68%	61%	77%	81%
Napa	84%	31%	55%	76%	40%	63%	69%
Nevada	93%	21%	28%	42%	—	—	—
Orange	—	—	—	—	—	—	—
Placer	—	—	—	—	—	—	—
Plumas	96%	25%	33%	56%	53%	77%	83%
Riverside	50%	64%	72%	83%	59%	70%	78%
Sacramento	97%	96%	97%	97%	—	—	—
San Benito	90%	24%	33%	65%	27%	65%	77%
San Bernardino	75%	30%	44%	64%	50%	66%	70%
San Diego	—	60%	71%	89%	62%	83%	88%
San Francisco	73%	30%	40%	63%	40%	70%	77%
San Joaquin	98%	50%	58%	74%	76%	85%	88%
San Luis Obispo	92%	59%	67%	81%	48%	73%	79%
San Mateo	92%	41%	48%	68%	31%	59%	71%
Santa Barbara	94%	35%	45%	63%	88%	93%	95%
Santa Clara	47%	19%	27%	47%	55%	76%	81%
Santa Cruz	—	48%	56%	71%	58%	76%	80%
Shasta	88%	50%	61%	79%	43%	70%	78%

Criminal Case Processing Time, by County
Fiscal Year 2013–14

Superior Courts
Table 10a

COUNTY	Felonies Disposed of in Less Than 12 Months (A)	Felonies Disposed of in Less Than _ Days			Misdemeanors Disposed of in Less Than _ Days		
		30 (B)	45 (C)	90 (D)	30 (E)	90 (F)	120 (G)
STATEWIDE	88%	50%	60%	76%	61%	78%	83%
Sierra	—	—	—	—	—	—	—
Siskiyou	84%	27%	45%	71%	21%	51%	61%
Solano	—	—	—	—	—	—	—
Sonoma	73%	28%	38%	63%	45%	74%	82%
Stanislaus	81%	48%	55%	69%	59%	77%	82%
Sutter	85%	41%	61%	80%	42%	70%	77%
Tehama	94%	52%	67%	85%	81%	94%	96%
Trinity	71%	13%	18%	38%	21%	44%	50%
Tulare	93%	40%	57%	77%	61%	79%	81%
Tuolumne	98%	51%	69%	89%	39%	75%	82%
Ventura	74%	34%	44%	65%	43%	76%	81%
Yolo	76%	34%	47%	71%	27%	62%	70%
Yuba	74%	33%	43%	65%	22%	55%	68%

Column Key:

(A) This column consists only of cases in which defendants were held to answer or were certified on guilty pleas. Processing time is based on time from first appearance in limited-jurisdiction court to final disposition in unlimited-jurisdiction court.

(B)–(D) Based on the time from filing of the initial complaint to certified plea, bindover, or dismissal at or before preliminary hearing.

Note:

— The court did not submit a report in this category.

Family and Juvenile Filings, by County and Case Type
Fiscal Year 2013–14

Superior Courts
Table 11a

COUNTY	Family Law			Delinquency			Dependency		
	Total (A)	Marital (B)	Petitions (C)	Total (D)	Original (E)	Subsequent (F)	Total (G)	Original (H)	Subsequent (I)
STATEWIDE	381,486	138,968	242,518	45,824	30,699	15,125	46,889	40,442	6,447
Alameda	12,580	4,737	7,843	1,262	978	284	733	720	13
Alpine	16	4	12	3	3	0	0	0	0
Amador	463	181	282	54	43	11	44	44	0
Butte	3,462	1,016	2,446	353	149	204	325	306	19
Calaveras	517	163	354	52	45	7	140	140	0
Colusa	192	89	103	75	32	43	33	24	9
Contra Costa	9,820	3,762	6,058	980	740	240	873	642	231
Del Norte	630	118	512	119	36	83	60	47	13
El Dorado	1,829	742	1,087	428	162	266	240	172	68
Fresno	10,882	3,377	7,505	2,351	1,445	906	1,123	995	128
Glenn	453	96	357	26	15	11	82	67	15
Humboldt	1,772	501	1,271	120	72	48	173	168	5
Imperial	3,474	698	2,776	216	210	6	248	248	0
Inyo	276	82	194	71	67	4	7	7	0
Kern	11,335	2,973	8,362	1,754	1,183	571	802	766	36
Kings	2,004	587	1,417	163	93	70	209	209	0
Lake	1,004	275	729	116	67	49	50	43	7
Lassen	505	153	352	50	35	15	55	54	1
Los Angeles	93,363	35,282	58,081	9,047	5,235	3,812	22,095	17,569	4,526
Madera	2,652	526	2,126	318	187	131	247	237	10
Marin	1,713	915	798	247	86	161	65	65	0
Mariposa	203	66	137	10	10	0	13	13	0
Mendocino	1,143	349	794	297	115	182	188	180	8
Merced	3,427	931	2,496	435	297	138	408	407	1
Modoc	184	52	132	25	21	4	16	14	2
Mono	72	32	40	34	34	0	2	2	0
Monterey	3,806	1,299	2,507	861	457	404	170	170	0
Napa	1,398	595	803	311	217	94	106	106	0
Nevada	896	371	525	117	117	0	53	53	0
Orange	24,529	11,229	13,300	3,397	2,332	1,065	1,296	1,290	6
Placer	3,474	1,561	1,913	484	409	75	586	539	47
Plumas	264	94	170	18	14	4	24	24	0
Riverside	28,187	8,830	19,357	3,113	1,556	1,557	3,562	3,530	32
Sacramento	19,429	5,875	13,554	1,546	1,088	458	1,474	1,466	8
San Benito	490	176	314	23	12	11	67	62	5
San Bernardino	29,694	7,991	21,703	3,102	2,539	563	2,781	2,677	104
San Diego	29,242	13,507	15,735	2,878	2,878	0	1,340	1,324	16
San Francisco	6,379	2,570	3,809	616	443	173	836	558	278
San Joaquin	7,850	2,236	5,614	792	513	279	758	676	82
San Luis Obispo	2,120	972	1,148	250	170	80	264	262	2
San Mateo	4,806	2,237	2,569	1,840	774	1,066	702	210	492
Santa Barbara	3,131	1,457	1,674	831	546	285	242	242	0
Santa Clara	11,131	5,571	5,560	1,152	800	352	574	571	3
Santa Cruz	2,092	895	1,197	440	348	92	230	198	32
Shasta	2,722	870	1,852	497	207	290	264	222	42

Family and Juvenile Filings, by County and Case Type
Fiscal Year 2013–14

Superior Courts
Table 11a

COUNTY	Family Law			Delinquency			Dependency		
	Total (A)	Marital (B)	Petitions (C)	Total (D)	Original (E)	Subsequent (F)	Total (G)	Original (H)	Subsequent (I)
STATEWIDE	381,486	138,968	242,518	45,824	30,699	15,125	46,889	40,442	6,447
Sierra	41	8	33	3	3	0	0	0	0
Siskiyou	724	167	557	71	71	0	78	78	0
Solano	5,410	1,650	3,760	483	393	90	249	247	2
Sonoma	3,894	1,863	2,031	501	412	89	221	212	9
Stanislaus	6,878	2,223	4,655	505	376	129	433	433	0
Sutter	1,365	425	940	172	143	29	69	69	0
Tehama	1,092	310	782	81	77	4	161	161	0
Trinity	294	80	214	26	15	11	65	65	0
Tulare	5,000	1,703	3,297	774	491	283	721	706	15
Tuolumne	736	263	473	65	51	14	187	88	99
Ventura	7,207	3,256	3,951	1,863	1,482	381	693	612	81
Yolo	1,990	590	1,400	317	316	1	240	240	0
Yuba	1,244	387	857	89	89	0	212	212	0

Column Key:

- (B) Includes dissolution, legal separation, and nullity.
- (C) Includes Department of Child Support Services (DCSS), domestic violence prevention, and other miscellaneous family law petitions.

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Family and Juvenile Dispositions, by County and Case Type
Fiscal Year 2013–14

Superior Courts
Table 11b

COUNTY	Family Law			Delinquency			Dependency		
	Total (A)	Marital (B)	Petitions (C)	Total (D)	Original (E)	Subsequent (F)	Total (G)	Original (H)	Subsequent (I)
STATEWIDE	344,042	137,693	206,349	41,932	28,137	13,795	31,827	30,160	1,667
Alameda	10,906	4,436	6,470	1,493	1,025	468	726	715	11
Alpine	10	4	6	0	0	0	0	0	0
Amador	330	167	163	40	26	14	16	16	0
Butte	3,049	915	2,134	293	165	128	281	260	21
Calaveras	433	135	298	37	31	6	129	128	1
Colusa	151	70	81	62	26	36	20	20	0
Contra Costa	(i) 3,440	(i) 433	(i) 3,007	(i)	(i)	(i)	(i)	(i)	(i)
Del Norte	1,432	129	1,303	147	54	93	71	66	5
El Dorado	1,735	787	948	308	89	219	200	180	20
Fresno	11,909	1,842	10,067	2,058	1,335	723	(i) 45	(i) 27	(i) 18
Glenn	444	104	340	74	16	58	73	64	9
Humboldt	1,931	809	1,122	114	68	46	146	141	5
Imperial	4,524	614	3,910	216	211	5	174	174	0
Inyo	242	91	151	24	19	5	0	0	0
Kern	10,864	2,296	8,568	1,841	1,257	584	752	730	22
Kings	375	0	375	87	46	41	16	16	0
Lake	695	278	417	117	73	44	57	53	4
Lassen	402	116	286	62	50	12	48	47	1
Los Angeles	102,087	49,687	52,400	6,645	3,657	2,988	10,217	9,544	673
Madera	2,557	485	2,072	337	206	131	278	265	13
Marin	1,696	1,066	630	264	102	162	75	75	0
Mariposa	137	102	35	18	18	0	17	17	0
Mendocino	1,234	360	874	231	76	155	167	160	7
Merced	1,959	717	1,242	470	321	149	421	421	0
Modoc	109	56	53	20	18	2	21	19	2
Mono	125	65	60	45	45	0	17	17	0
Monterey	2,981	1,027	1,954	1,033	620	413	178	174	4
Napa	1,305	577	728	320	227	93	75	72	3
Nevada	697	375	322	32	32	0	62	62	0
Orange	(i) 8,404	8,404	(i)	3,786	2,666	1,120	1,346	1,262	84
Placer	2,986	1,247	1,739	546	465	81	499	465	34
Plumas	283	111	172	15	10	5	11	11	0
Riverside	29,196	8,823	20,373	2,333	1,639	694	3,390	3,374	16
Sacramento	15,207	3,582	11,625	1,684	1,098	586	1,614	1,470	144
San Benito	435	152	283	32	18	14	72	67	5
San Bernardino	28,511	7,354	21,157	2,893	2,371	522	2,707	2,602	105
San Diego	25,030	12,456	12,574	2,480	2,480	0	1,569	1,560	9
San Francisco	5,159	2,208	2,951	512	214	298	622	622	0
San Joaquin	8,075	2,161	5,914	801	526	275	593	585	8
San Luis Obispo	1,803	935	868	723	290	433	189	189	0
San Mateo	3,350	1,954	1,396	1,566	779	787	371	259	112
Santa Barbara	2,380	1,120	1,260	765	500	265	205	205	0
Santa Clara	9,874	4,883	4,991	1,319	970	349	694	694	0
Santa Cruz	2,265	1,154	1,111	498	261	237	205	128	77
Shasta	2,134	839	1,295	353	108	245	194	189	5

Family and Juvenile Dispositions, by County and Case Type
Fiscal Year 2013–14

Superior Courts
Table 11b

COUNTY	Family Law			Delinquency			Dependency		
	Total (A)	Marital (B)	Petitions (C)	Total (D)	Original (E)	Subsequent (F)	Total (G)	Original (H)	Subsequent (I)
STATEWIDE	344,042	137,693	206,349	41,932	28,137	13,795	31,827	30,160	1,667
Sierra	(i) 2	(i)	(i) 2	(i)	(i)	(i)	(i)	(i)	(i)
Siskiyou	953	252	701	60	60	0	29	29	0
Solano	3,546	1,536	2,010	704	326	378	111	111	0
Sonoma	4,637	2,199	2,438	624	518	106	205	199	6
Stanislaus	5,069	1,939	3,130	357	253	104	284	284	0
Sutter	1,413	463	950	201	175	26	71	71	0
Tehama	790	284	506	37	35	2	107	107	0
Trinity	298	98	200	30	22	8	27	27	0
Tulare	3,676	1,716	1,960	868	575	293	588	574	14
Tuolumne	713	183	530	56	44	12	186	87	99
Ventura	6,877	2,787	4,090	1,972	1,598	374	1,332	1,202	130
Yolo	1,991	723	1,268	266	265	1	172	172	0
Yuba	1,226	387	839	63	58	5	152	152	0

Column Key:

- (B) Includes dissolution, legal separation, and nullity.
- (C) Includes Department of Child Support Services (DCSS), domestic violence prevention, and other miscellaneous family law petitions.

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Family Law (Marital)—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 11c

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial (E)
			Dismissal for Delay in Prosecution (C)	Other Before Trial (D)	
STATEWIDE	138,968	137,693	2,820	133,556	1,317
Alameda	4,737	4,436	12	4,348	76
Alpine	4	4	0	2	2
Amador	181	167	3	164	0
Butte	1,016	915	0	915	0
Calaveras	163	135	0	133	2
Colusa	89	70	0	68	2
Contra Costa	3,762	(i) 433	(i) 4	(i) 429	(i)
Del Norte	118	129	9	120	0
El Dorado	742	787	15	764	8
Fresno	3,377	1,842	195	1,647	0
Glenn	96	104	0	104	0
Humboldt	501	809	2	806	1
Imperial	698	614	45	527	42
Inyo	82	91	0	89	2
Kern	2,973	2,296	3	2,293	0
Kings	587	0	0	0	0
Lake	275	278	30	237	11
Lassen	153	116	0	116	0
Los Angeles	35,282	49,687	893	48,794	0
Madera	526	485	1	478	6
Marin	915	1,066	4	1,062	0
Mariposa	66	102	0	99	3
Mendocino	349	360	4	356	0
Merced	931	717	0	716	1
Modoc	52	56	2	54	0
Mono	32	65	7	58	0
Monterey	1,299	1,027	1	981	45
Napa	595	577	26	547	4
Nevada	371	375	13	362	0
Orange	11,229	8,404	0	8,404	0
Placer	1,561	1,247	16	1,231	0
Plumas	94	111	6	105	0
Riverside	8,830	8,823	407	8,402	14
Sacramento	5,875	3,582	0	3,582	0
San Benito	176	152	1	151	0
San Bernardino	7,991	7,354	409	6,901	44
San Diego	13,507	12,456	59	12,397	0
San Francisco	2,570	2,208	24	2,184	0
San Joaquin	2,236	2,161	0	1,889	272
San Luis Obispo	972	935	0	842	93
San Mateo	2,237	1,954	0	1,954	0
Santa Barbara	1,457	1,120	1	1,074	45
Santa Clara	5,571	4,883	5	4,855	23
Santa Cruz	895	1,154	55	1,028	71
Shasta	870	839	4	777	58

Family Law (Marital)—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 11c

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial (E)
			Dismissal for Delay in Prosecution (C)	Other Before Trial (D)	
STATEWIDE	138,968	137,693	2,820	133,556	1,317
Sierra	8	(i)	(i)	(i)	(i)
Siskiyou	167	252	0	226	26
Solano	1,650	1,536	0	1,420	116
Sonoma	1,863	2,199	358	1,841	0
Stanislaus	2,223	1,939	9	1,704	226
Sutter	425	463	46	344	73
Tehama	310	284	0	278	6
Trinity	80	98	10	88	0
Tulare	1,703	1,716	4	1,705	7
Tuolumne	263	183	5	168	10
Ventura	3,256	2,787	0	2,781	6
Yolo	590	723	132	571	20
Yuba	387	387	0	385	2

Column Key:

(C)–(E) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(D) Includes before- and after-hearing dismissals, transfers, and judgments.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Family Law Petitions—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 11d

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial (F)
			Dismissal for Delay in Prosecution (C)	Other Before Hearing (D)	After Hearing (E)	
STATEWIDE	242,518	206,349	17,006	121,473	66,893	977
Alameda	7,843	6,470	572	4,302	1,552	44
Alpine	12	6	0	6	0	0
Amador	282	163	0	155	8	0
Butte	2,446	2,134	0	696	1,438	0
Calaveras	354	298	5	207	47	39
Colusa	103	81	0	63	17	1
Contra Costa	6,058	(i) 3,007	(i) 404	(i) 281	(i) 2,322	(i)
Del Norte	512	1,303	266	1,011	26	0
El Dorado	1,087	948	8	358	530	52
Fresno	7,505	10,067	747	9,320	0	0
Glenn	357	340	2	206	132	0
Humboldt	1,271	1,122	130	634	355	3
Imperial	2,776	3,910	77	1,788	1,969	76
Inyo	194	151	0	118	33	0
Kern	8,362	8,568	1,536	5,335	1,697	0
Kings	1,417	375	11	338	26	0
Lake	729	417	63	271	72	11
Lassen	352	286	0	272	14	0
Los Angeles	58,081	52,400	6,492	21,659	24,249	0
Madera	2,126	2,072	345	664	1,038	25
Marin	798	630	6	471	153	0
Mariposa	137	35	0	17	18	0
Mendocino	794	874	56	757	61	0
Merced	2,496	1,242	0	998	243	1
Modoc	132	53	2	35	15	1
Mono	40	60	2	37	21	0
Monterey	2,507	1,954	1	1,278	672	3
Napa	803	728	43	451	223	11
Nevada	525	322	41	155	126	0
Orange	13,300	(i)	(i)	(i)	(i)	(i)
Placer	1,913	1,739	65	1,644	30	0
Plumas	170	172	18	130	23	1
Riverside	19,357	20,373	1,926	12,233	6,167	47
Sacramento	13,554	11,625	0	2,828	8,797	0
San Benito	314	283	28	165	90	0
San Bernardino	21,703	21,157	2,644	14,189	4,227	97
San Diego	15,735	12,574	646	11,847	81	0
San Francisco	3,809	2,951	0	2,819	132	0
San Joaquin	5,614	5,914	0	4,432	1,473	9
San Luis Obispo	1,148	868	21	519	320	8
San Mateo	2,569	1,396	0	1,347	49	0
Santa Barbara	1,674	1,260	3	936	314	7
Santa Clara	5,560	4,991	0	2,235	2,747	9
Santa Cruz	1,197	1,111	189	399	515	8
Shasta	1,852	1,295	2	957	334	2

Family Law Petitions—Method of Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 11d

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial			After Trial (F)
			Dismissal for Delay in Prosecution (C)	Other Before Hearing (D)	After Hearing (E)	
STATEWIDE	242,518	206,349	17,006	121,473	66,893	977
Sierra	33	(i) 2	(i)	(i) 2	(i)	(i)
Siskiyou	557	701	0	605	93	3
Solano	3,760	2,010	0	1,571	406	33
Sonoma	2,031	2,438	407	1,457	574	0
Stanislaus	4,655	3,130	23	2,017	983	107
Sutter	940	950	31	551	63	305
Tehama	782	506	2	408	94	2
Trinity	214	200	8	86	106	0
Tulare	3,297	1,960	0	1,334	626	0
Tuolumne	473	530	78	302	126	24
Ventura	3,951	4,090	1	3,305	741	43
Yolo	1,400	1,268	105	827	331	5
Yuba	857	839	0	445	394	0

Column Key:

(A) and (D) Includes juvenile dependency adoption cases reported on JBSIS.

(C)–(F) The total of the manner of disposition categories may not add to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(D) Includes transfers, dismissals, and judgments.

Notes:

Family law petitions include Department of Child Support Services (DCSS), domestic violence prevention, and other family law cases.

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Juvenile Delinquency—Stage of Case at Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 11e

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	45,824	41,932	7,194	34,738
Alameda	1,262	1,493	465	1,028
Alpine	3	0	0	0
Amador	54	40	7	33
Butte	353	293	3	290
Calaveras	52	37	6	31
Colusa	75	62	12	50
Contra Costa	980	(i)	(i)	(i)
Del Norte	119	147	7	140
El Dorado	428	308	0	308
Fresno	2,351	2,058	552	1,506
Glenn	26	74	1	73
Humboldt	120	114	11	103
Imperial	216	216	72	144
Inyo	71	24	5	19
Kern	1,754	1,841	548	1,293
Kings	163	87	21	66
Lake	116	117	15	102
Lassen	50	62	3	59
Los Angeles	9,047	6,645	670	5,975
Madera	318	337	8	329
Marin	247	264	7	257
Mariposa	10	18	13	5
Mendocino	297	231	217	14
Merced	435	470	21	449
Modoc	25	20	6	14
Mono	34	45	8	37
Monterey	861	1,033	41	992
Napa	311	320	9	311
Nevada	117	32	5	27
Orange	3,397	3,786	50	3,736
Placer	484	546	25	521
Plumas	18	15	2	13
Riverside	3,113	2,333	526	1,807
Sacramento	1,546	1,684	110	1,574
San Benito	23	32	1	31
San Bernardino	3,102	2,893	867	2,026
San Diego	2,878	2,480	533	1,947
San Francisco	616	512	63	449
San Joaquin	792	801	439	362
San Luis Obispo	250	723	66	657
San Mateo	1,840	1,566	224	1,342
Santa Barbara	831	765	32	733
Santa Clara	1,152	1,319	418	901
Santa Cruz	440	498	116	382
Shasta	497	353	69	284

Juvenile Delinquency—Stage of Case at Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 11e

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	45,824	41,932	7,194	34,738
Sierra	3	(i)	(i)	(i)
Siskiyou	71	60	13	47
Solano	483	704	145	559
Sonoma	501	624	147	477
Stanislaus	505	357	19	338
Sutter	172	201	59	142
Tehama	81	37	17	20
Trinity	26	30	6	24
Tulare	774	868	119	749
Tuolumne	65	56	2	54
Ventura	1,863	1,972	321	1,651
Yolo	317	266	44	222
Yuba	89	63	28	35

Column Key:

(C)–(D) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Juvenile Dependency—Stage of Case at Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 11f

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	46,889	31,827	1,614	30,213
Alameda	733	726	105	621
Alpine	0	0	0	0
Amador	44	16	0	16
Butte	325	281	2	279
Calaveras	140	129	11	118
Colusa	33	20	7	13
Contra Costa	873	(i)	(i)	(i)
Del Norte	60	71	0	71
El Dorado	240	200	11	189
Fresno	1,123	(i) 45	(i) 40	(i) 5
Glenn	82	73	0	73
Humboldt	173	146	4	142
Imperial	248	174	20	154
Inyo	7	0	0	0
Kern	802	752	36	716
Kings	209	16	12	4
Lake	50	57	2	55
Lassen	55	48	0	48
Los Angeles	22,095	10,217	608	9,609
Madera	247	278	7	271
Marin	65	75	1	74
Mariposa	13	17	0	17
Mendocino	188	167	91	76
Merced	408	421	2	419
Modoc	16	21	3	18
Mono	2	17	2	15
Monterey	170	178	3	175
Napa	106	75	3	72
Nevada	53	62	3	59
Orange	1,296	1,346	87	1,259
Placer	586	499	110	389
Plumas	24	11	5	6
Riverside	3,562	3,390	121	3,269
Sacramento	1,474	1,614	8	1,606
San Benito	67	72	0	72
San Bernardino	2,781	2,707	18	2,689
San Diego	1,340	1,569	58	1,511
San Francisco	836	622	47	575
San Joaquin	758	593	3	590
San Luis Obispo	264	189	7	182
San Mateo	702	371	21	350
Santa Barbara	242	205	7	198
Santa Clara	574	694	23	671
Santa Cruz	230	205	19	186
Shasta	264	194	1	193

Juvenile Dependency—Stage of Case at Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 11f

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	46,889	31,827	1,614	30,213
Sierra	0	(i)	(i)	(i)
Siskiyou	78	29	5	24
Solano	249	111	5	106
Sonoma	221	205	25	180
Stanislaus	433	284	27	257
Sutter	69	71	0	71
Tehama	161	107	3	104
Trinity	65	27	4	23
Tulare	721	588	11	577
Tuolumne	187	186	0	186
Ventura	693	1,332	0	1,332
Yolo	240	172	4	168
Yuba	212	152	22	130

Column Key:

(C)–(D) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

**Probate, Mental Health, Appeals, Habeas Corpus Filings,
by County and Case Type**

Superior Courts

Table 12a

Fiscal Year 2013–14

COUNTY	Probate (A)	Mental Health			Appeals			Habeas Corpus Criminal (H)
		Total (B)	Mental Health (C)	Other (D)	Total (E)	Civil (F)	Criminal (G)	
STATEWIDE	44,298	27,377	21,081	6,296	4,317	1,193	3,124	7,410
Alameda	1,781	855	855	0	150	34	116	166
Alpine	3	0	0	0	0	0	0	0
Amador	70	34	34	0	2	0	2	44
Butte	527	241	234	7	22	7	15	109
Calaveras	95	26	18	8	0	--	--	0
Colusa	28	16	16	0	3	3	0	2
Contra Costa	1,403	296	262	34	200	34	166	121
Del Norte	99	146	7	139	10	3	7	1
El Dorado	228	29	11	18	32	9	23	32
Fresno	964	332	223	109	50	5	45	389
Glenn	52	41	0	41	0	0	0	6
Humboldt	315	197	125	72	20	3	17	64
Imperial	256	79	79	0	54	10	44	87
Inyo	39	0	0	0	3	0	3	3
Kern	1,073	912	894	18	54	11	43	432
Kings	218	142	61	81	22	0	22	261
Lake	161	74	69	5	14	3	11	61
Lassen	59	18	17	1	9	2	7	75
Los Angeles	10,952	7,532	6,144	1,388	993	391	602	954
Madera	164	34	34	0	7	1	6	112
Marin	413	257	228	29	63	9	54	92
Mariposa	38	2	2	0	4	4	0	5
Mendocino	192	51	50	1	15	3	12	25
Merced	331	168	145	23	24	1	23	0
Modoc	28	2	2	0	0	0	0	7
Mono	12	1	1	0	1	1	0	1
Monterey	418	92	67	25	47	9	38	228
Napa	239	147	113	34	40	3	37	38
Nevada	160	12	12	0	14	2	12	18
Orange	3,316	2,016	1,378	638	295	102	193	523
Placer	427	217	217	0	30	12	18	96
Plumas	62	2	2	0	3	0	3	3
Riverside	2,601	406	363	43	284	72	212	609
Sacramento	1,723	2,071	315	1,756	75	10	65	688
San Benito	59	15	15	0	4	2	2	0
San Bernardino	2,206	960	344	616	465	137	328	493
San Diego	2,600	1,658	1,448	210	324	89	235	369
San Francisco	989	2,653	2,584	69	178	18	160	127
San Joaquin	793	1,154	1,154	0	104	26	78	142
San Luis Obispo	376	696	669	27	25	14	11	154
San Mateo	960	172	170	2	52	21	31	80
Santa Barbara	539	327	316	11	7	0	7	77
Santa Clara	1,970	828	710	118	179	49	130	124
Santa Cruz	288	64	13	51	40	39	1	11
Shasta	363	49	49	0	11	3	8	120

**Probate, Mental Health, Appeals, Habeas Corpus Filings,
by County and Case Type**

Superior Courts

Table 12a

Fiscal Year 2013–14

COUNTY	Probate (A)	Mental Health			Appeals			Habeas Corpus Criminal (H)
		Total (B)	Mental Health (C)	Other (D)	Total (E)	Civil (F)	Criminal (G)	
STATEWIDE	44,298	27,377	21,081	6,296	4,317	1,193	3,124	7,410
Sierra	11	2	0	2	2	1	1	0
Siskiyou	106	5	5	0	9	0	9	7
Solano	634	250	250	0	107	16	91	161
Sonoma	860	585	492	93	42	3	39	64
Stanislaus	772	375	326	49	41	12	29	60
Sutter	162	88	66	22	7	1	6	10
Tehama	141	13	13	0	2	1	1	27
Trinity	33	6	6	0	3	0	3	1
Tulare	533	293	229	64	56	2	54	76
Tuolumne	135	45	43	2	19	1	18	33
Ventura	1,001	603	180	423	75	13	62	0
Yolo	207	67	16	51	25	1	24	0
Yuba	113	21	5	16	0	0	0	22

Column Key:

(C) Includes most types of mental health cases, including but not limited to postcertification treatment (W&I 5300), LPS Conservatorship (W&I 5350), narcotics addict (W&I 3050/3051), commitments (PC 2966), mental competency (PC 1368), sexually violent predator (W&I 6600), juvenile (W&I 1800), mentally retarded and dangerous (W&I 6500), and W&I Code, § 4500.

(D) Includes other mental health cases not included in (C) for JBSIS courts, and noncriminal habeas corpus reported by non-JBSIS courts.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

**Probate, Mental Health, Appeals, Habeas Corpus Dispositions,
by County and Case Type**
Fiscal Year 2013–14

Superior Courts
Table 12b

COUNTY	Probate (A)	Mental Health			Appeals			Habeas Corpus Criminal (H)
		Total (B)	Mental Health (C)	Other (D)	Total (E)	Civil (F)	Criminal (G)	
STATEWIDE	30,183	22,320	17,206	5,114	4,960	1,532	3,428	6,764
Alameda	1,167	899	899	0	200	82	118	87
Alpine	2	0	0	0	0	0	0	0
Amador	18	19	19	0	6	4	2	45
Butte	424	248	245	3	20	3	17	109
Calaveras	83	15	8	7	0	--	--	0
Colusa	24	18	18	0	0	0	0	0
Contra Costa	987	251	251	0	168	0	168	68
Del Norte	55	146	8	138	11	1	10	0
El Dorado	70	46	33	13	16	5	11	41
Fresno	941	102	102	0	48	5	43	369
Glenn	41	17	2	15	0	0	0	0
Humboldt	280	215	116	99	7	5	2	58
Imperial	231	16	16	0	46	8	38	91
Inyo	19	0	0	0	6	1	5	0
Kern	949	690	672	18	92	43	49	445
Kings	110	109	13	96	13	0	13	289
Lake	152	64	63	1	18	2	16	55
Lassen	49	9	9	0	0	0	0	86
Los Angeles	8,320	7,457	6,185	1,272	1,120	431	689	954
Madera	143	14	14	0	14	3	11	95
Marin	423	253	230	23	118	3	115	83
Mariposa	24	3	3	0	0	0	0	0
Mendocino	200	32	31	1	12	3	9	23
Merced	281	271	270	1	5	0	5	0
Modoc	26	3	3	0	0	0	0	7
Mono	1	1	1	0	27	0	27	0
Monterey	364	75	65	10	49	6	43	243
Napa	213	125	95	30	15	2	13	31
Nevada	109	2	2	0	14	2	12	6
Orange	(i)	(i)	(i)	(i)	302	108	194	297
Placer	(i)	(i) 16	(i) 16	(i)	27	8	19	81
Plumas	59	2	2	0	1	0	1	4
Riverside	2,703	321	278	43	326	93	233	537
Sacramento	984	2,263	507	1,756	160	98	62	764
San Benito	53	0	0	0	1	1	0	0
San Bernardino	715	882	299	583	163	100	63	328
San Diego	1,694	1,679	1,506	173	902	261	641	398
San Francisco	599	2,659	2,590	69	288	57	231	77
San Joaquin	681	405	405	0	64	18	46	117
San Luis Obispo	313	236	211	25	15	10	5	145
San Mateo	460	103	102	1	57	32	25	54
Santa Barbara	427	201	198	3	54	7	47	71
Santa Clara	1,702	674	557	117	194	40	154	189
Santa Cruz	285	72	20	52	31	31	0	19
Shasta	414	40	40	0	12	0	12	120

**Probate, Mental Health, Appeals, Habeas Corpus Dispositions,
by County and Case Type**

Superior Courts

Table 12b

Fiscal Year 2013–14

COUNTY	Mental Health				Appeals			Habeas Corpus Criminal (H)
	Probate (A)	Total (B)	Mental Health (C)	Other (D)	Total (E)	Civil (F)	Criminal (G)	
STATEWIDE	30,183	22,320	17,206	5,114	4,960	1,532	3,428	6,764
Sierra	(i)	(i)	(i)	(i)	(i)	(i)	(i)	(i)
Siskiyou	97	4	4	0	10	2	8	7
Solano	394	103	103	0	79	24	55	157
Sonoma	784	534	461	73	44	2	42	58
Stanislaus	394	4	3	1	26	12	14	0
Sutter	148	64	40	24	6	0	6	8
Tehama	94	1	1	0	2	0	2	23
Trinity	23	0	0	0	1	0	1	0
Tulare	328	314	272	42	48	3	45	74
Tuolumne	135	41	41	0	9	2	7	31
Ventura	763	541	171	370	91	13	78	0
Yolo	131	47	6	41	22	1	21	0
Yuba	97	14	0	14	0	0	0	20

Column Key:

(C) Includes most types of mental health cases, including but not limited to postcertification treatment (W&I 5300), LPS Conservatorship (W&I 5350), narcotics addict (W&I 3050/3051), commitments (PC 2966), mental competency (PC 1368), sexually violent predator (W&I 6600), juvenile (W&I 1800), mentally retarded and dangerous (W&I 6500), and W&I Code, § 4500.

(D) Includes other mental health cases not included in (C) for JBSIS courts, and noncriminal habeas corpus reported by non-JBSIS courts.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

**Probate (Estates, Guardianships, and Conservatorships)—
Method of Disposition, by County**

Superior Courts

Table 12c

Fiscal Year 2013–14

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissals and Transfers (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	44,298	30,183	2,268	13,072	19	14,824
Alameda	1,781	1,167	100	1,054	0	13
Alpine	3	2	0	2	0	0
Amador	70	18	8	10	0	0
Butte	527	424	19	16	0	389
Calaveras	95	83	15	65	0	3
Colusa	28	24	0	24	0	0
Contra Costa	1,403	987	196	789	0	2
Del Norte	99	55	7	37	0	11
El Dorado	228	70	57	8	0	5
Fresno	964	941	75	719	6	141
Glenn	52	41	1	2	0	38
Humboldt	315	280	12	20	0	248
Imperial	256	231	15	205	0	11
Inyo	39	19	4	15	0	0
Kern	1,073	949	12	361	0	576
Kings	218	110	12	98	0	0
Lake	161	152	3	33	0	116
Lassen	59	49	12	37	0	0
Los Angeles	10,952	8,320	3	248	0	8,069
Madera	164	143	18	55	0	70
Marin	413	423	72	317	0	34
Mariposa	38	24	2	21	0	1
Mendocino	192	200	23	168	0	9
Merced	331	281	5	239	0	37
Modoc	28	26	1	13	0	12
Mono	12	1	1	0	0	0
Monterey	418	364	25	228	0	111
Napa	239	213	21	191	0	1
Nevada	160	109	7	88	1	13
Orange	3,316	(i)	(i)	(i)	(i)	(i)
Placer	427	(i)	(i)	(i)	(i)	(i)
Plumas	62	59	10	32	0	17
Riverside	2,601	2,703	374	1,993	0	336
Sacramento	1,723	984	0	164	0	820
San Benito	59	53	5	18	0	30
San Bernardino	2,206	715	481	195	4	35
San Diego	2,600	1,694	137	1,557	0	0
San Francisco	989	599	16	0	0	583
San Joaquin	793	681	73	561	0	47
San Luis Obispo	376	313	35	138	0	140
San Mateo	960	460	16	140	0	304
Santa Barbara	539	427	31	393	0	3
Santa Clara	1,970	1,702	1	72	0	1,629
Santa Cruz	288	285	18	259	0	8
Shasta	363	414	30	374	0	10

**Probate (Estates, Guardianships, and Conservatorships)—
Method of Disposition, by County
Fiscal Year 2013–14**

**Superior Courts
Table 12c**

COUNTY	Total Filings (A)	Total Dispositions (B)	Before Trial		After Trial	
			Dismissals and Transfers (C)	Other Before Trial (D)	By Jury (E)	By Court (F)
STATEWIDE	44,298	30,183	2,268	13,072	19	14,824
Sierra	11	(i)	(i)	(i)	(i)	(i)
Siskiyou	106	97	9	88	0	0
Solano	634	394	101	262	6	25
Sonoma	860	784	48	733	0	3
Stanislaus	772	394	24	365	0	5
Sutter	162	148	12	134	2	0
Tehama	141	94	9	84	0	1
Trinity	33	23	1	21	0	1
Tulare	533	328	13	24	0	291
Tuolumne	135	135	10	109	0	16
Ventura	1,001	763	61	95	0	607
Yolo	207	131	11	117	0	3
Yuba	113	97	16	81	0	0

Column Key:

(C)–(F) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(C) Includes other dismissals and transfers and cases dismissed for lack of prosecution.

(D) Includes summary judgments and all other judgments before trial.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Mental Health—Stage of Case at Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 12d

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	27,377	22,320	5,685	16,635
Alameda	855	899	268	631
Alpine	0	0	0	0
Amador	34	19	0	19
Butte	241	248	5	243
Calaveras	26	15	0	15
Colusa	16	18	11	7
Contra Costa	296	251	26	225
Del Norte	146	146	141	5
El Dorado	29	46	5	41
Fresno	332	102	43	59
Glenn	41	17	15	2
Humboldt	197	215	17	198
Imperial	79	16	4	12
Inyo	0	0	0	0
Kern	912	690	33	657
Kings	142	109	103	6
Lake	74	64	3	61
Lassen	18	9	4	5
Los Angeles	7,532	7,457	1,236	6,221
Madera	34	14	3	11
Marin	257	253	132	121
Mariposa	2	3	1	2
Mendocino	51	32	28	4
Merced	168	271	6	265
Modoc	2	3	0	3
Mono	1	1	0	1
Monterey	92	75	7	68
Napa	147	125	18	107
Nevada	12	2	2	0
Orange	2,016	(i)	(i)	(i)
Placer	217	(i) 16	(i) 14	(i) 2
Plumas	2	2	1	1
Riverside	406	321	257	64
Sacramento	2,071	2,263	1,657	606
San Benito	15	0	0	0
San Bernardino	960	882	163	719
San Diego	1,658	1,679	93	1,586
San Francisco	2,653	2,659	345	2,314
San Joaquin	1,154	405	167	238
San Luis Obispo	696	236	32	204
San Mateo	172	103	13	90
Santa Barbara	327	201	37	164
Santa Clara	828	674	379	295
Santa Cruz	64	72	15	57
Shasta	49	40	12	28

Mental Health—Stage of Case at Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 12d

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	27,377	22,320	5,685	16,635
Sierra	2	(i)	(i)	(i)
Siskiyou	5	4	2	2
Solano	250	103	36	67
Sonoma	585	534	153	381
Stanislaus	375	4	0	4
Sutter	88	64	5	59
Tehama	13	1	1	0
Trinity	6	0	0	0
Tulare	293	314	1	313
Tuolumne	45	41	1	40
Ventura	603	541	175	366
Yolo	67	47	1	46
Yuba	21	14	14	0

Column Key:

(C)–(D) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

(D) After Hearing includes jury trials.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Civil and Criminal Appeals—Stage of Case at Disposition, by County Superior Courts
Fiscal Year 2013–14 **Table 12e**

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	4,317	4,960	2,400	2,560
Alameda	150	200	95	105
Alpine	0	0	0	0
Amador	2	6	1	5
Butte	22	20	12	8
Calaveras	0	0	--	--
Colusa	3	0	0	0
Contra Costa	200	168	42	126
Del Norte	10	11	4	7
El Dorado	32	16	3	13
Fresno	50	48	1	47
Glenn	0	0	0	0
Humboldt	20	7	7	0
Imperial	54	46	39	7
Inyo	3	6	6	0
Kern	54	92	0	92
Kings	22	13	7	6
Lake	14	18	15	3
Lassen	9	0	0	0
Los Angeles	993	1,120	536	584
Madera	7	14	11	3
Marin	63	118	10	108
Mariposa	4	0	0	0
Mendocino	15	12	2	10
Merced	24	5	3	2
Modoc	0	0	0	0
Mono	1	27	0	27
Monterey	47	49	13	36
Napa	40	15	5	10
Nevada	14	14	4	10
Orange	295	302	148	154
Placer	30	27	0	27
Plumas	3	1	1	0
Riverside	284	326	169	157
Sacramento	75	160	77	83
San Benito	4	1	1	0
San Bernardino	465	163	68	95
San Diego	324	902	786	116
San Francisco	178	288	38	250
San Joaquin	104	64	35	29
San Luis Obispo	25	15	6	9
San Mateo	52	57	16	41
Santa Barbara	7	54	54	0
Santa Clara	179	194	50	144
Santa Cruz	40	31	5	26
Shasta	11	12	5	7

Civil and Criminal Appeals—Stage of Case at Disposition, by County Superior Courts
Fiscal Year 2013–14 **Table 12e**

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	4,317	4,960	2,400	2,560
Sierra	2	(i)	(i)	(i)
Siskiyou	9	10	6	4
Solano	107	79	32	47
Sonoma	42	44	11	33
Stanislaus	41	26	19	7
Sutter	7	6	5	1
Tehama	2	2	2	0
Trinity	3	1	1	0
Tulare	56	48	3	45
Tuolumne	19	9	3	6
Ventura	75	91	35	56
Yolo	25	22	8	14
Yuba	0	0	0	0

Column Key:

(C)–(D) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

Notes:

(i) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

Habeas Corpus Criminal —Stage of Case at Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 12f

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	7,410	6,764	6,060	704
Alameda	166	87	87	0
Alpine	0	0	0	0
Amador	44	45	44	1
Butte	109	109	103	6
Calaveras	0	0	0	0
Colusa	2	0	0	0
Contra Costa	121	68	66	2
Del Norte	1	0	0	0
El Dorado	32	41	33	8
Fresno	389	369	369	0
Glenn	6	0	0	0
Humboldt	64	58	57	1
Imperial	87	91	1	90
Inyo	3	0	0	0
Kern	432	445	444	1
Kings	261	289	289	0
Lake	61	55	43	12
Lassen	75	86	86	0
Los Angeles	954	954	931	23
Madera	112	95	94	1
Marin	92	83	82	1
Mariposa	5	0	0	0
Mendocino	25	23	21	2
Merced	0	0	0	0
Modoc	7	7	7	0
Mono	1	0	0	0
Monterey	228	243	243	0
Napa	38	31	31	0
Nevada	18	6	6	0
Orange	523	297	0	297
Placer	96	81	69	12
Plumas	3	4	4	0
Riverside	609	537	523	14
Sacramento	688	764	710	54
San Benito	0	0	0	0
San Bernardino	493	328	327	1
San Diego	369	398	395	3
San Francisco	127	77	76	1
San Joaquin	142	117	115	2
San Luis Obispo	154	145	138	7
San Mateo	80	54	51	3
Santa Barbara	77	71	63	8
Santa Clara	124	189	125	64
Santa Cruz	11	19	15	4
Shasta	120	120	88	32

Habeas Corpus Criminal —Stage of Case at Disposition, by County
Fiscal Year 2013–14

Superior Courts
Table 12f

COUNTY	Total Filings (A)	Total Dispositions (B)	Stage of Case at Disposition	
			Before Hearing (C)	After Hearing (D)
STATEWIDE	7,410	6,764	6,060	704
Sierra	0	(i)	(i)	(i)
Siskiyou	7	7	7	0
Solano	161	157	117	40
Sonoma	64	58	48	10
Stanislaus	60	0	0	0
Sutter	10	8	6	2
Tehama	27	23	23	0
Trinity	1	0	0	0
Tulare	76	74	72	2
Tuolumne	33	31	31	0
Ventura	0	0	0	0
Yolo	0	0	0	0
Yuba	22	20	20	0

Column Key:

(C)–(D) The total of the manner of disposition categories may not add up to (B) because not all courts were able to submit complete data for all manner of disposition data elements.

Notes:

- (i) Incomplete data; reports were submitted for less than a full year.
- 0 or — The court reported that no cases occurred or the court did not submit a report in this category.

**Authorized Judicial Positions and Judicial Position
Equivalents, by County**
Fiscal Year 2013–14

Superior Courts
Table 13a

COUNTY	Judicial Positions as of June 30, 2014					
	Total (A)	Judges (B)	Subordinate Judicial Officers			Judicial Position Equivalents (F)
			Total (C)	Commissioners (D)	Referees (E)	
STATEWIDE	2,024.0	1,706	318.0	290.8	27.3	2,001.8
Unfunded Judgeships		50				
Alameda	85.0	75	10.0	10.0		84.1
Alpine	2.3	2	0.3	0.3		2.3
Amador	2.3	2	0.3	0.3		2.9
Butte	13.0	11	2.0	2.0		14.1
Calaveras	2.3	2	0.3	0.3		2.6
Colusa	2.3	2	0.3	0.3		2.4
Contra Costa	46.0	38	8.0	8.0		47.6
Del Norte	2.8	2	0.8	0.8		3.3
El Dorado	9.0	8	1.0	1.0		10.7
Fresno	49.0	43	6.0	6.0		50.2
Glenn	2.3	2	0.3	0.3		2.4
Humboldt	8.0	7	1.0	1.0		8.7
Imperial	11.4	10	1.4	0.4	1.0	11.6
Inyo	2.3	2	0.3	0.3		2.4
Kern	43.0	36	7.0	6.0	1.0	41.7
Kings	8.5	7	1.5	1.5		9.7
Lake	4.8	4	0.8	0.8		5.8
Lassen	2.3	2	0.3	0.3		3.0
Los Angeles	585.3	475	110.3	96.0	14.3	570.8
Madera	9.3	9	0.3	0.3		9.9
Marin	14.5	12	2.5	2.0	0.5	14.4
Mariposa	2.3	2	0.3	0.3		2.5
Mendocino	8.4	8	0.4	0.4		8.5
Merced	12.0	10	2.0	2.0		12.4
Modoc	2.3	2	0.3	0.3		2.3
Mono	2.3	2	0.3	0.3		2.4
Monterey	21.2	19	2.2	2.2		21.4
Napa	8.0	6	2.0	2.0		8.5
Nevada	7.6	6	1.6	1.6		8.1
Orange	144.0	124	20.0	20.0		146.2
Placer	14.5	10	4.5	4.0	0.5	16.1
Plumas	2.3	2	0.3	0.3		2.6
Riverside	76.0	62	14.0	14.0		84.3
Sacramento	72.5	62	10.5	4.0	6.5	76.1
San Benito	2.3	2	0.3	0.3		2.4
San Bernardino	86.0	71	15.0	15.0		89.3
San Diego	154.0	132	22.0	22.0		151.0
San Francisco	65.0	52	13.0	13.0		66.7
San Joaquin	33.5	29	4.5	4.0	0.5	34.8
San Luis Obispo	15.0	12	3.0	3.0		15.5
San Mateo	33.0	26	7.0	7.0		32.7
Santa Barbara	24.0	21	3.0	3.0		24.3
Santa Clara	89.0	79	10.0	10.0		88.6
Santa Cruz	13.5	11	2.5	1.5	1.0	13.8
Shasta	12.0	10	2.0	2.0		13.2

**Authorized Judicial Positions and Judicial Position
Equivalents, by County**
Fiscal Year 2013–14

Superior Courts
Table 13a

COUNTY	Judicial Positions as of June 30, 2014					
	Total (A)	Judges (B)	Subordinate Judicial Officers			Judicial Position Equivalents (F)
			Total (C)	Commissioners (D)	Referees (E)	
STATEWIDE	2,024.0	1,706	318.0	290.8	27.3	2,001.8
Unfunded judgeships		50				
Sierra	2.3	2	0.3	0.3		2.3
Siskiyou	5.0	4	1.0	1.0		5.4
Solano	23.0	20	3.0	3.0		25.0
Sonoma	23.0	20	3.0	3.0		25.2
Stanislaus	24.0	21	3.0	3.0		24.5
Sutter	5.3	5	0.3	0.3		5.8
Tehama	4.3	4	0.3	0.3		4.6
Trinity	2.3	2	0.3	0.3		1.9
Tulare	23.0	19	4.0	3.0	1.0	25.4
Tuolumne	4.8	4	0.8	0.8		5.0
Ventura	33.0	29	4.0	4.0		33.9
Yolo	12.4	10	2.4	1.4	1.0	12.9
Yuba	5.3	5	0.3	0.3		5.7

Column Key:

- (B) The 50 new judgeships authorized by Assembly Bill 159, effective January 2008, are included in the statewide total in (B.) These judgeships are still unfunded and are not shown in individual courts like in previous versions of the Court Statistics Report.
- (C) Sum of (D) + (E.) Total may not match exactly because of rounding caused by fractional commissioner and referee positions.
- (F) Reflects authorized judicial positions adjusted for vacancies, assistance rendered by the court, and assistance received by the court from assigned judges, temporary judges, commissioners, and referees.

Judicial Position Equivalents, by County
Fiscal Year 2013–14

Superior Courts
Table 13b

COUNTY	Permanent Resources as of June 30, 2014			Days in Fiscal Year 2013–14			Judicial Position Equivalents (G)
	Judges (A)	Commissioners (B)	Referees (C)	Vacancies (D)	Assistance Received (E)	Assistance Rendered (F)	
STATEWIDE	1,706	290.8	27.3	31,307	27,622	1,842	2,001.8
Unfunded judgeships	50			50			
Alameda	75	10.0		976	982	224	84.1
Alpine	2	0.3			0		2.3
Amador	2	0.3			145		2.9
Butte	11	2.0			282		14.1
Calaveras	2	0.3		124	208		2.6
Colusa	2	0.3			14		2.4
Contra Costa	38	8.0		409	966	150	47.6
Del Norte	2	0.8			123		3.3
El Dorado	8	1.0		21	445		10.7
Fresno	43	6.0		164	542	79	50.2
Glenn	2	0.3			28		2.4
Humboldt	7	1.0			181		8.7
Imperial	10	0.4	1.0		64		11.6
Inyo	2	0.3			32		2.4
Kern	36	6.0	1.0	632	304		41.7
Kings	7	1.5			293		9.7
Lake	4	0.8			248		5.8
Lassen	2	0.3			173		3.0
Los Angeles	475	96.0	14.3	5,847	3,616	1,346	570.8
Madera	9	0.3			177	38	9.9
Marin	12	2.0	0.5	215	187		14.4
Mariposa	2	0.3			40		2.5
Mendocino	8	0.4			36		8.5
Merced	10	2.0		197	301		12.4
Modoc	2	0.3			9		2.3
Mono	2	0.3			36		2.4
Monterey	19	2.2		254	295		21.4
Napa	6	2.0			136		8.5
Nevada	6	1.6			130		8.1
Orange	124	20.0		2,124	2,662		146.2
Placer	10	4.0	0.5		409		16.1
Plumas	2	0.3			73		2.6
Riverside	62	14.0		1,034	3,104		84.3
Sacramento	62	4.0	6.5	756	1,647		76.1
San Benito	2	0.3			21		2.4
San Bernardino	71	15.0		586	1,400		89.3
San Diego	132	22.0		1,387	634		151.0
San Francisco	52	13.0		615	1,026		66.7
San Joaquin	29	4.0	0.5	248	562		34.8
San Luis Obispo	12	3.0			118		15.5
San Mateo	26	7.0		229	149		32.7
Santa Barbara	21	3.0		290	357		24.3
Santa Clara	79	10.0		1,321	1,232		88.6
Santa Cruz	11	1.5	1.0		83		13.8
Shasta	10	2.0		125	423		13.2

Judicial Position Equivalents, by County
Fiscal Year 2013–14

Superior Courts
Table 13b

COUNTY	Permanent Resources as of June 30, 2014			Days in Fiscal Year 2013–14			Judicial Position Equivalents (G)
	Judges (A)	Commissioners (B)	Referees (C)	Vacancies (D)	Assistance Received (E)	Assistance Rendered (F)	
STATEWIDE	1,706	290.8	27.3	31,307	27,622	1,842	2,001.8
Unfunded judgeships	50			50			
Sierra	2	0.3			6		2.3
Siskiyou	4	1.0			93		5.4
Solano	20	3.0		124	632		25.0
Sonoma	20	3.0		123	661		25.2
Stanislaus	21	3.0		144	262		24.5
Sutter	5	0.3			117		5.8
Tehama	4	0.3			74		4.6
Trinity	2	0.3		246	137		1.9
Tulare	19	3.0	1.0	337	933		25.4
Tuolumne	4	0.8		118	185		5.0
Ventura	29	4.0		211	434	5	33.9
Yolo	10	1.4	1.0		115		12.9
Yuba	5	0.3			80		5.7

Column Key:

- (A) The 50 new judgeships authorized but not funded by Assembly Bill 159, effective January 2008, are included in the statewide total but not shown in individual courts like in previous versions of the Court Statistics Report.
- (D) Number of working days during the fiscal year that were not utilized because of an unfilled judge position.
- (E) Assistance received from assigned judges, temporary commissioners and referees, and attorneys acting as temporary
- (F) Assistance rendered to other trial courts or appellate courts.
- (G) $(A) + (B) + (C) + [(-D + E - F) / 248]$. There were 248 available working days in Fiscal Year 2013–14. The 50 new judgeships authorized by Assembly Bill 159, effective January 2008, are included in (A.) With the positions unfilled pending funding approval by the Legislature, they are considered vacant and counted in column (D.)

CALIFORNIA COURTS

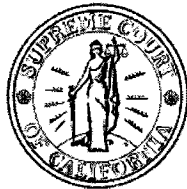
THE JUDICIAL BRANCH OF CALIFORNIA

[close this page](#)**Supreme Court Issues Annual Report on
Workload Statistics for 2014–2015**

FOR RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@judicialbranch.ca.gov), 415-865-7740[PDF Version](#)

October 8, 2015

Supreme Court Issues Annual Report on Workload Statistics for 2014–2015*Opinions decrease, but filings increase*

SAN FRANCISCO—The Supreme Court of California today released its annual workload statistics for September 1, 2014, through August 31, 2015, the official court year for statistical purposes. Overall, the number of opinions issued by the court decreased from 83 last court year to 72 in 2014–2015. Although dispositions also decreased from 7,751 to 7,473, total filings with the court increased from 7,836 to 8,024.

The statistics detail an increase in civil writ petitions, original petitions for noncapital habeas corpus relief, and State Bar of California matters. There was a modest decrease in petitions for review along with a slight decrease in actions by order on petitions for writs of habeas corpus relating to death penalty judgments. Requests for publication and depublication of Court of Appeal opinions both increased this court year.

Following the retirement of Associate Justice Joyce L. Kennard in April 2014, the court continued to assign justices from the Courts of Appeal to sit as justices pro tempore for the oral argument sessions held from September 2014 through December 2014. This practice is typically followed when a justice is not available to serve, and continues until a replacement has been appointed, confirmed, and joins the court. Justice Marvin R. Baxter's subsequent retirement, effective January 2015, was followed by the arrival of two new associate justices in January 2015. The lack of a full complement of permanent justices and the corresponding staff changes during such transitions can have an impact on the court's ability to produce and file opinions.

OPINIONS FILED*Including Death Penalty Appeals and Related Habeas Corpus Petitions*

In the 2014–2015 court year, the Supreme Court held oral argument after full briefing and filed opinions in 71 cases, of which 26 involved civil matters, 31 involved noncapital criminal matters, and 14 resolved automatic appeals arising from judgments of death.

In one additional extraordinary matter, the court, without holding oral argument or full briefing, filed an opinion in a State Bar matter, abrogating its own decision from 125 years earlier that denied bar admission to the first Chinese native to practice law in America. In *In re Hong Yen Chang* (2015) 60 Cal.4th 1169, the court granted posthumous bar admission to Mr. Chang, acknowledging that his discriminatory exclusion was a grievous wrong and affirming his rightful place among the ranks of persons deemed qualified to serve.

Overall, the number of opinions filed by the court was 11 fewer than the prior court year. Opinions in death penalty appeals were 11 fewer, opinions in civil cases decreased by 7, but opinions in noncapital criminal cases increased by 6 over the previous court year.

In addition to the opinions filed during the 2014–2015 court year, the court acted by order upon 22 petitions for writ of habeas corpus relating to death penalty judgments, one fewer than the prior court year. When a petition for writ of habeas corpus is denied without the issuance of an order to show cause, the court does not issue an opinion and instead disposes of the matter by order. Nevertheless, even when no opinion results, the preparation of internal memoranda and the related disposition of death-penalty-related habeas corpus petitions draws heavily upon the court's resources. The petitions and records in such cases frequently are lengthy and complex, and are analyzed in internal memoranda that often exceed 75 to 100 pages in length.

OVERALL FILINGS AND DISPOSITIONS

Total filings increased from 7,836 in the prior court year to 8,024 in the most recent court year. Filings of petitions for review decreased from 4,138 to 4,073, civil petitions for review decreased from 1,158 to 1,146, and criminal petitions for review decreased from 2,987 to 2,927. Total filings in original proceedings rose

from 2,727 to 2,802 with the balance of total filings consisting of State Bar-related matters and death penalty matters.

State Bar filings increased by 147 from 936 last year to 1,083 in the most recent court year. The largest increase was in attorney resignations, which increased by 77 from 469 to 546. The number of filings in matters arising out of disciplinary actions also increased by 44 from 391 to 435, and matters filed in the Supreme Court by individuals after their complaints to the State Bar had been rejected without action increased by 27 from 69 to 96.

Original habeas corpus petitions in noncapital matters decreased from 2,279 to 2,259. However, there was a slight increase in the number of petitions for review in these matters, which increased from 262 last year to 303 this year.

Dispositions Decrease

In the 2014-2015 court year, the court disposed of 7,473 petitions for review, petitions in original proceedings, and actions arising out of State Bar Court disciplinary proceedings. That amounts to 278 fewer matters than were disposed of in the prior court year.

Disposition of petitions for review decreased by 255, from 4,074 to 3,819, and dispositions in original proceedings decreased by 119, from 2,712 in the prior court year to 2,831 in the most recent court year.

The court must decide whether or not to grant a petition for review within 60 days, with a possible extension of an additional 30 days, or it loses jurisdiction and the matter is deemed denied. As has been the case for many years, the court did not lose jurisdiction in any matter governed by these time constraints.

The number of dispositions in noncapital-case original criminal habeas corpus petitions decreased by 9 percent, from 2,289 in the prior court year to 2,084 during the most recent court year.

An increase occurred in attorney discipline dispositions, which rose from 909 in the prior court year to 1,024 in the most recent court year. Although most State Bar matters do not require substantial internal conference memoranda, the number and variety of matters in which such memoranda were prepared have increased significantly over the past few years.

Publication and Depublication Orders

Beginning in the 2001–2002 court year, the Court Statistics Report, published by the Judicial Council of California, has included information concerning depublication and publication orders issued by the Supreme Court. In 2014–2015, one opinion of the Appellate Division of the Superior Court and 14 Court of Appeal opinions were ordered depublished by the Supreme Court. Measured from the 2002–2003 court year, the number of Court of Appeal opinions ordered depublished has ranged from 31 last court year to a record low of 10 in 2007–2008. In contrast, depublication orders regularly exceeded 100 per year in the late 1980s and early 1990s.

The Supreme Court ordered publication of two Court of Appeal opinions, one fewer than the previous court year. The number of opinions ordered published depends in large part upon the number of requests to publish received by the Supreme Court. The court rarely orders publication of a Court of Appeal opinion without such a request; it is more likely to depublish without a specific request to do so.

OTHER INFORMATION

For several years, as part of its outreach and education efforts, the court has annually heard oral argument at a location other than its courtrooms in San Francisco, Los Angeles, and Sacramento, and engaged the participation of local high school students, local media, and the public for these occasions. In October 2014, the court piloted an in-house special student outreach session, inviting students from a local high school, a community college, and a university to participate in a televised special oral argument session in its San Francisco courtroom.

This special session was the last special session at which Justice Marvin R. Baxter sat before his retirement. After Justice Baxter announced that he would not stand for retention to a new twelve-year term, Governor Edmund G. Brown, Jr., nominated Mariano-Florentino Cuéllar to stand for retention in his stead. Following confirmation by the Commission on Judicial Appointments and retention by the voters in the general election in November, Justice Cuéllar was sworn into office on January 5, 2015. On November 24, 2015, Governor Brown appointed Leondra R. Kruger to fill the vacancy created by the earlier retirement of Justice Joyce L. Kennard. Following confirmation by the Commission on Judicial Appointments, Justice Kruger was also sworn into office on January 5, 2015.

BACKGROUND INFORMATION

Beginning in 1996, the California Supreme Court has issued statistics utilizing a reporting period of September 1 through August 31. The court designated this period as the official court year for statistical purposes after determining that this period best corresponds with the flow of the court's opinion production and best facilitates consistency in monitoring the pace of the court's work. Fiscal year figures are also separately developed and used for budgeting and other purposes.

The court releases these statistics following the usual interval in July and August during which the court does not regularly calendar oral argument. These figures are not the same as those released as part of the statistics report for the entire branch, which are based on the fiscal year. During the months in which no oral argument is held, the court continues to issue opinions in matters argued at the court's oral argument sessions in April, May and June, and to hold its regular weekly conferences at which it decides which cases to grant for review. The court resumed oral argument on September 2, 2015.

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CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION**DIVISION OF ADULT OPERATIONS**

Printed Date: 01/06/201

Death Row Tracking System**Condemned Inmate Summary List**

The following is a statistical summary of inmates sentenced to death in California

Ethnicity

<u>Ethnic/Race</u>	<u>Total Count</u>	<u>Percent</u>	<u>Total Males</u>	<u>Percent</u>	<u>Total Females</u>	<u>Percent</u>
White	251	33.56	240	32.09	11	1.47
Black	273	36.50	271	36.23	2	0.27
Hispanic	182	24.33	176	23.53	6	0.80
Other	42	5.61	40	5.35	2	0.27

Age Range

<u>Age</u>	<u>Total Count</u>	<u>Percent</u>	<u>Total Males</u>	<u>Percent</u>	<u>Total Females</u>	<u>Percent</u>
10 - 19	0	0	0	0	0	0
20 - 29	8	1.07	8	1.07	0	0
30 - 39	83	11.1	79	10.56	4	0.53
40 - 49	234	31.28	230	30.75	4	0.53
50 - 59	235	31.42	227	30.35	8	1.07
60 - 69	144	19.25	142	18.98	2	0.27
70 - 79	40	5.35	37	4.95	3	0.4
80 - 89	4	0.53	4	0.53	0	0
90 - 99	0	0	0	0	0	0
100 - 109	0	0	0	0	0	0

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION**DIVISION OF ADULT OPERATIONS**

Printed Date: 01/06/201

Death Row Tracking System**Condemned Inmate Summary List**

The following is a statistical summary of inmates sentenced to death in California

Year Received

<u>Year</u>	<u>Total Count</u>	<u>Percent</u>	<u>Year</u>	<u>Total Count</u>	<u>Percent</u>
1978	1	0.13	1997	34	4.55
1979	6	0.80	1998	31	4.14
1980	6	0.80	1999	38	5.08
1981	8	1.07	2000	30	4.01
1982	17	2.27	2001	19	2.54
1983	11	1.47	2002	15	2.01
1984	15	2.01	2003	19	2.54
1985	11	1.47	2004	9	1.20
1986	13	1.74	2005	20	2.67
1987	12	1.60	2006	16	2.14
1988	24	3.21	2007	16	2.14
1989	24	3.21	2008	21	2.81
1990	20	2.67	2009	29	3.88
1991	19	2.54	2010	28	3.74
1992	34	4.55	2011	10	1.34
1993	30	4.01	2012	13	1.74
1994	22	2.94	2013	24	3.21
1995	34	4.55	2014	12	1.60
1996	35	4.68	2015	14	1.87

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

DIVISION OF ADULT OPERATIONS

Printed Date: 01/06/201

Death Row Tracking System

Condemned Inmate Summary List

The following is a statistical summary of inmates sentenced to death in California

Sentencing County

<u>County</u>	<u>Total Count</u>	<u>Percent</u>	<u>County</u>	<u>Total Count</u>	<u>Percent</u>
Alameda	43	5.70	Alpine	0	0.00
Amador	1	0.13	Butte	3	0.40
Calaveras	0	0.00	Colusa	2	0.26
Contra Costa	18	2.38	Del Norte	0	0.00
El Dorado	5	0.66	Fresno	15	1.99
Glenn	0	0.00	Humboldt	2	0.26
Imperial	3	0.40	Inyo	0	0.00
Kern	27	3.58	Kings	7	0.93
Lake	1	0.13	Lassen	0	0.00
Los Angeles	234	30.99	Madera	4	0.53
Marin	2	0.26	Mariposa	0	0.00
Mendocino	0	0.00	Merced	1	0.13
Modoc	0	0.00	Mono	0	0.00
Monterey	5	0.66	Napa	2	0.26
Nevada	0	0.00	Orange	66	8.74
Placer	2	0.26	Plumas	0	0.00
Riverside	89	11.79	Sacramento	31	4.11
San Benito	0	0.00	San Bernardino	40	5.30
San Diego	39	5.17	San Francisco	1	0.13
San Joaquin	7	0.93	San Luis Obispo	2	0.26
San Mateo	13	1.72	Santa Barbara	9	1.19
Santa Clara	27	3.58	Santa Cruz	0	0.00
Shasta	7	0.93	Sierra	0	0.00
Siskiyou	0	0.00	Solano	2	0.26
Sonoma	3	0.40	Stanislaus	8	1.06
Sutter	0	0.00	Tehama	0	0.00
Trinity	0	0.00	Tulare	14	1.85
Tuolumne	1	0.13	Ventura	17	2.25
Yolo	2	0.26	Yuba	0	0.00

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

DIVISION OF ADULT OPERATIONS

Printed Date: 01/06/201

Death Row Tracking System

Condemned Inmate Summary List

The following is a statistical summary of inmates sentenced to death in California

Sentencing County

<u>County</u>	<u>Total Count</u>	<u>Percent</u>	<u>County</u>	<u>Total Count</u>	<u>Percent</u>
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The following is a statistical summary of inmates sentenced to death in California.

Total Inmates on Condemned Inmate List:	748
Total Death Sentences:	755
Total Sentences Affirmed by the California State Supreme Court:	278
Total Sentences Reversed Awaiting Retrial:	10

Black's Law Dictionary (10th ed. 2014), venue

VENUE

Bryan A. Garner, Editor in Chief

Preface | Guide | Legal Abbreviations

venue (ven-yoo) [Law French “coming”] (16c) *Procedure*. **1.** The proper or a possible place for a lawsuit to proceed, usu. because the place has some connection either with the events that gave rise to the lawsuit or with the plaintiff or defendant. **2.** The territory, such as a country or other political subdivision, over which a trial court has jurisdiction. — Also termed (in senses 1 & 2) *proper venue*. Cf. JURISDICTION.

- **improper venue** (1851) A place or court where jurisdiction is not authorized under a statute or by agreement of the parties.

3. Loosely, the place where a conference or meeting is being held. **4.** In a pleading, the statement establishing the place for trial. **5.** In an affidavit, the designation of the place where it was made.

“Venue must be carefully distinguished from jurisdiction. Jurisdiction deals with the power of a court to hear and dispose of a given case; in the federal system, it involves questions of a constitutional dimension concerning the basic division of judicial power among the states and between state and federal courts. Venue is of a distinctly lower level of importance; it is simply a statutory device designed to facilitate and balance the objectives of optimum convenience for parties and witnesses and efficient allocation of judicial resources.” Jack H. Friedenthal et al., *Civil Procedure* § 2.1, at 10 (2d ed. 1993).

“The distinction must be clearly understood between jurisdiction, which is the power to adjudicate, and venue, which relates to the place where judicial authority may be exercised and is intended for the convenience of the litigants. It is possible for jurisdiction to exist though venue in a particular district is improper, and it is possible for a suit to be brought in the appropriate venue though it must be dismissed for lack of jurisdiction. The most important difference between venue and jurisdiction is that a party may consent to be sued in a district that otherwise would be an improper venue, and it waives its objection to venue if it fails to assert it promptly. This is in striking contrast to subject-matter jurisdiction, which cannot be conferred by the parties, if it has not been granted by Congress, whether by consent, waiver, or estoppel.” Charles Alan Wright, *The Law of Federal Courts* § 42, at 257 (5th ed. 1994).

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venue.

V

BALLENTINE'S LAW DICTIONARY

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venue.

ven'u

1. The county or district wherein a cause is to be tried. 56 Am J1st Ven § 2. The county or district in which an indictment is returned. 27 Am J1st Indict § 12. In the original meaning, the county district, or neighborhood from which the jury was to come.

2. Not to be confused with "jurisdiction," since jurisdiction may not be conferred by consent or waiver, whereas the **venue** of an action as fixed by statute may be changed by the consent of the parties and an objection that the plaintiff brought his suit in the wrong county may be waived by failure to make a timely objection, thereby permitting the court to proceed and render a valid judgment.

Authority

1. *Eck v State Tax Com.* 204 Md 245, 103 A2d 850, 48 ALR2d 415.

2. *Hardenburgh v Hardenburgh*, 115 Mont 469, 146 P2d 151.

BALLENTINE'S LAW DICTIONARY

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PROP DEATH PENALTY. PROCEDURES. INITIATIVE STATUTE.

66

ARGUMENT IN FAVOR OF PROPOSITION 66

California's elected law enforcement leaders, police officers, frontline prosecutors, and the families of murder victims ask you to REFORM the California death penalty system by voting YES ON PROPOSITION 66!

We agree California's current death penalty system is broken. The most heinous criminals sit on death row for 30 years, with endless appeals delaying justice and costing taxpayers hundreds of millions.

It does not need to be this way.

The solution is to MEND, NOT END, California's death penalty.

The solution is YES on PROPOSITION 66.

Proposition 66 was written to speed up the death penalty appeals system while ensuring that no innocent person is ever executed.

Proposition 66 means the worst of the worst killers receive the strongest sentence.

Prop. 66 brings closure to the families of victims.

Proposition 66 protects public safety—these brutal killers have no chance of ever being in society again.

Prop. 66 saves taxpayers money, because heinous criminals will no longer be sitting on death row at taxpayer expense for 30+ years.

Proposition 66 was written by frontline death penalty prosecutors who know the system inside and out. They know how the system is broken, and they know how to fix it. It may sound complicated, but the reforms are actually quite simple.

HERE'S WHAT PROPOSITION 66 DOES:

1. All state appeals should be limited to 5 years.
2. Every murderer sentenced to death will have their special appeals lawyer assigned immediately. Currently, it can be five years or more before they are even assigned a lawyer.
3. The pool of available lawyers to handle these appeals will be expanded.
4. The trial courts who handled the death penalty trials and know them best will deal with the initial appeals.
5. The State Supreme Court will be empowered to oversee the system and ensure appeals are expedited while protecting the rights of the accused.
6. The State Corrections Department (Prisons) will reform death row housing; taking away special privileges from these brutal killers and saving millions.

ARGUMENT AGAINST PROPOSITION 66

Prop. 66 WASTES TENS OF MILLIONS OF TAXPAYER DOLLARS.

Evidence shows MORE THAN 150 INNOCENT PEOPLE HAVE BEEN SENTENCED TO DEATH, and some have been executed because of poorly written laws like this one.

Prop. 66 is so confusing and poorly written that we don't know all of its consequences. We do know this: it will add more layers of government bureaucracy causing more delays, cost taxpayers money, and increase California's risk of executing an innocent person.

Experts agree: Prop. 66 is DEEPLY FLAWED.

**** PROP. 66 COULD INCREASE TAXPAYER COSTS BY MILLIONS.**

According to nonpartisan analysis, Prop. 66 could cost "tens of millions of dollars annually" with "unknown" costs beyond that. Read the LAO's report posted at www.NoOnCAProp66.org/cost.
(<http://nooncaprop66.org/cost/>)

Experts say Prop. 66 will:

- INCREASE PRISON SPENDING while schools, social services, and other priorities suffer.
- INCREASE TAXPAYER-FUNDED legal defense for death row inmates, requiring the state to hire as many as 400 new taxpayer-funded attorneys
- LEAD TO CONSTRUCTION of new TAXPAYER-FUNDED DEATH ROW facilities. This initiative authorizes the state to house death row inmates in new prisons, anywhere in California.
- Lead to EXPENSIVE LITIGATION by lawyers who will challenge a series of poorly written provisions.

"Prop. 66 is so flawed that it's impossible to know for sure all the hidden costs it will inflict on California taxpayers." — *John Van de Kamp, former Attorney General of California.*

**** PROP. 66 WOULD INCREASE CALIFORNIA'S RISK OF EXECUTING AN INNOCENT PERSON.**

Instead of making sure everyone gets a fair trial with all the evidence presented, this measure REMOVES IMPORTANT LEGAL SAFEGUARDS and could easily lead to fatal mistakes.

This measure is modeled after laws from states like Texas, where authorities have executed innocent people.

Together, these reforms will save California taxpayers over \$30,000,000 annually, according to former California Finance Director Mike Genest, while making our death penalty system work again.

WE NEED A FUNCTIONING DEATH PENALTY SYSTEM IN CALIFORNIA

Death sentences are issued rarely and judiciously, and only against the very worst murderers.

To be eligible for the death penalty in California, you have to be guilty of first-degree murder with "special circumstances."

These special circumstances include, in part:

- Murderers who raped/tortured their victims.
- Child killers.
- Multiple murderers/serial killers.
- Murders committed by terrorists; as part of a hate-crime; or killing a police officer.

There are nearly 2,000 murders in California annually. Only about 15 death penalty sentences are imposed.

But when these horrible crimes occur, and a jury unanimously finds a criminal guilty and separately, unanimously recommends death, the appeals should be heard within five years, and the killer executed.

Help us protect California, provide closure to victims, and save taxpayers millions.

Visit www.NoProp62YesProp66.com (<http://www.NoProp62YesProp66.com>) for more information.

Then join law enforcement and families of victims and vote YES ON PROPOSITION 66!

JACKIE LACEY, District Attorney of Los Angeles County

KERMIT ALEXANDER, Family Member of Multiple Homicide Victims

SHAWN WELCH, President

Contra Costa County Deputy Sheriffs Association

REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 66

Prop. 66 is a poorly-written and COSTLY EXPERIMENT that would INCREASE CALIFORNIA'S RISK OF EXECUTING AN INNOCENT PERSON, add new layers of government bureaucracy and create even more legal delays in death penalty cases.

**Read the measure for yourself: According to the state's nonpartisan Legislative Analyst's Office, this measure could cost taxpayers TENS of MILLIONS of DOLLARS.

Prop. 66 is not real reform. Here's what EXPERTS SAY Prop. 66 WOULD ACTUALLY DO:

- INCREASE the chance that California executes an innocent person
- INCREASE TAXPAYER FUNDED legal defense for death row inmates

People like Cameron Willingham and Carlos De Luna, both executed in Texas.

Experts now say they were innocent.

Prop. 66 will:

- LIMIT the ability to present new evidence of innocence in court.
- LEAVE people who can't afford a good attorney vulnerable to mistakes.
- CLOG local courts by moving death penalty cases there, adding new layers of bureaucracy and placing high profile cases in the hands of inexperienced judges and attorneys. This would lead to costly mistakes.

"If someone's executed and later found innocent, we can't go back."—*Judge LaDoris Cordell, Santa Clara (retired)*.

** A CONFUSING AND POORLY WRITTEN INITIATIVE THAT WILL ONLY CAUSE MORE DELAY.

Prop. 66 is a misguided experiment that asks taxpayers to increase the costs of our justice and prison systems by MILLIONS to enact poorly-written reforms that would put California at risk.

SF Weekly stated, "Combing through the initiative's 16 pages is like looking through the first draft of an undergraduate paper. The wording is vague, unfocused and feels tossed off."

Instead of adding new layers of government bureaucracy and increasing costs, we deserve real reform of our justice system. Prop. 66 is not the answer.

"Instead of reckless, costly changes to our prison system, we need smart investments that are proven to reduce crime and serve victims."—*Dionne Wilson, widow of police officer killed in the line of duty*.

JEANNE WOODFORD, Warden

California's Death Row prison, 1999–2004

FRANCISCO CARRILLO JR., Innocent man wrongfully convicted in Los Angeles County

HON. ANTONIO R. VILLARAIGOSA, Mayor
City of Los Angeles, 2005–2013

REBUTTAL TO ARGUMENT AGAINST PROPOSITION 66

Proposition 66 was carefully written by California's leading criminal prosecutors, the Criminal Justice Legal Foundation and other top legal experts—people who know from experience what's needed to MEND, NOT END our state's broken death penalty system.

The anti-death penalty extremists opposing Proposition 66 know it fixes the system, and will say anything to defeat it. Don't be fooled.

Proposition 66 reforms the death penalty so the system is fair to both defendants and the families of victims. Defendants now wait five years just to be assigned a lawyer, delaying justice, hurting their

Case No.: S238309

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

Ron Briggs and John Van de Kamp,

Petitioners,

v.

**Jerry Brown, in his official capacity as the Governor of California; Xavier Becerra,
in his official capacity as the Attorney General of California; California's Judicial
Council; and Does I through XX**

Respondents.

PROOF OF SERVICE BY FEDERAL EXPRESS

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Attorneys for Petitioners Ron Briggs and John Van de Kamp

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CLERK SUPREME COURT

I am more than eighteen years old and not a party to this action. My business address is Orrick, Herrington & Sutcliffe LLP, The Orrick Building, 405 Howard Street, San Francisco, California 94105-2669. On March 20, 2017, I served a true copy of the attached document entitled:

**PETITIONER'S MOTION FOR JUDICIAL NOTICE IN SUPPORT
OF FURTHER REPLY IN SUPPORT OF PETITION FOR
EXTRAORDINARY RELIEF**

by placing true and correct copies thereof in sealed packages designated by Federal Express for that purpose, with such packages addressed for delivery as follows:

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Office of the Attorney General
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Judicial Council of California
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Jerry Brown
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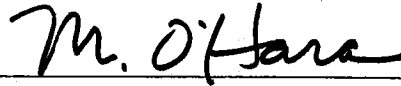
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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 20, 2017, at San Francisco, California.

A handwritten signature in black ink that reads "M. O'Hara". The signature is written in a cursive style with a large, looped initial "M".

Michael J. O'Hara,