

First Supplement to Memorandum 94-9

Trial Court Unification: Transitional Provisions (Proposal of Chairs of Trial Court Presiding Judges and Court Administrators Advisory Committees)

Attached is a proposal of the chairs of the Judicial Council's Trial Court Presiding Judges and Court Administrators Advisory Committees relating to the SCA 3 transition approach. The proposal suggests that the transitional issues are better handled by California Rules of Court and Local Rules of Court than by statute. This proposal is for discussion at the February 10 Commission meeting.

Respectfully submitted,

Nathaniel Sterling
Executive Secretary

**Judicial Council of California**

ADMINISTRATIVE OFFICE OF THE COURTS

303 Second Street, South Tower • San Francisco, California 94107 • PHONE 415 396-9100 FAX 415 396-9349

February 9, 1994

Mr. Nathaniel Sterling
California Law Revision Commission
4000 Middlefield Road, Suite D2
Palo Alto, California 94303

Law Revision Commission

RECEIVED

FEB 10 1994

RE: SCA 3 Transition Approach

File: _____

Rev: _____

Dear Mr. Sterling:

The chairs of the Trial Court Presiding Judges and Court Administrators Advisory Committees have had an opportunity to review the Law Revision Commission's memorandum 94-9 (Trial Court Unification: Transitional Provisions).

While we agree that the issues discussed in the memorandum must be addressed, we believe that a majority of the detailed policy issues should be addressed in California Rules of Court and Local Rules of Court, as under current practice.

We enclose a proposed amended version of Government Code (GC) Section 70200. The issues addressed by GC sections 70201-70204 in the exhibit to the memorandum, in our opinion, are best addressed through rules of court.

We also attach a preliminary outline of the SCA 3 Transition approach which has been developed by the Trial Court Presiding Judges and Court Administrators Advisory Committees. We would like to discuss this approach with you at the February 10, 1994, meeting of the Law Revision Commission.

We look forward to meeting with you.

Very truly yours,

A handwritten signature in cursive script that reads "Roger Warren by te".

Hon. Roger K. Warren

RKW:KST:trc

Attachments

cc: Hon. Vernon Nakahara

Sheila Gonzales

William Vickroy

Greg Schmidt

Clark Kelso

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"PROPOSED SCA 3 IMPLEMENTATION STRATEGIES"

Proposed Government Code section 70200. Transitional rules of court

70200. The Judicial Council shall, before January 1, 1996, adopt rules of court not inconsistent with statute for:

- (a) The orderly conversion on July 1, 1996, of proceedings pending in municipal and justice courts to proceedings in superior courts, and for proceedings commenced in superior courts on and after July 1, 1996.
- (b) Selection of persons to coordinate implementation activities for the unification of municipal and justice courts with superior courts in each county, including:
 - (1) selection of a presiding judge for the unified superior court,
 - (2) selection of a court executive officer for the unified superior court, and
 - (3) appointment of court committees or working groups to assist the presiding judge and court executive officer in implementing trial court unification.
- (c) The authority of the presiding judge, in conjunction with the court executive officer and appropriate individuals or working groups of the unified superior court, to act on behalf of the court to implement trial court unification.
- (d) Preparation and submission of a written personnel plan to the judges of the unified superior court for adoption.
- (e) Preparation of any necessary local court rules that shall, on July 1, 1996 be the rules of the unified superior court.
- (f) Other necessary activities to facilitate the transition to a unified court system.

COMMENT: Section 70200 mandates that the Judicial Council adopt rules of court to coordinate and guide the trial courts in effectively implementing trial court unification.

Subsection (a) provides generally that the rules will ensure the orderly conversion of proceedings in the unified superior court as of 7/1/96.

Subsection (b) provides for the selection of the presiding judge, court executive officer, and appropriate committees or working groups to assist the presiding judge. The method of selection, and the specific duties and authorities for each will be set forth in the rules, as is currently the case in existing rules 204, 205, 207, 532.5, 532.6, and 573 of the California Rules of Court. This preserves the balance of power that currently exists between the legislature and the judiciary.

Subsection (c) is intended to encourage the presiding judge to work closely with the court executive officer and court committees or other working groups to implement unification decisions.

Subsection (d) provides that the courts will develop and adopt a personnel plan. The section parallels rule 205(11) and is intended to be consistent with the language being proposed for SB 985. Decisions on the appropriate personnel system and related labor relations matters can only be made after comprehensive study and with input from all affected entities.

Subsection (e) provides for local rule adoption prior to 7/1/96. As under the current practice, the Judicial Council will determine which procedural issues shall be addressed by local rule and which by state-wide rule.

Subsection (f) Examples of issues that may be addressed by rule of court include the development of informational programs for the public and the Bar about unification, and education and training programs for judicial officers and court staff to facilitate the effective transition to a unified court system.

DATE OF ACTION:

STATE/JUDICIAL COUNCIL ACTION:

LOCAL COURT ACTION:

November 1994	Voters to pass SCA 3, with July 1, 1996 implementation date.	
December 1994	Judicial Council to formalize SCA 3 Leadership Structure and implementation framework and disseminate information on overall implementation process, and establishes rules requiring trial courts to establish local transition teams by January 1996.	
	Judicial Council to initiate Public Information Program on Court Unification (ongoing).	
Jan. - March 1995	Subcommittees to develop proposals and recommendations for review by Steering Committee and local transition teams.	
Jan. 1, 1995		Trial courts to establish local transition teams which will be responsible for providing feedback to the subcommittees and for developing and implementing local SCA 3 plans.
April 1995	Steering Committee to circulate proposed plan and solicit comments from Local Transition Committees and other interested parties and organizations.	
June 1995	Implementation Committee to adopt subcommittee proposals.	
July 1995	Judicial Council to review and approve final statewide SCA 3 transition plan.	
Aug. 1995 - June 1996	Implementation Committee to disseminate resource materials, provide technical assistance to develop local implementation plans, and conduct orientation sessions and workshops for judges, court staff, and court liaison representatives.	
September 1995	Judicial Council to secure passage of clean-up legislation to implement SCA 3, effective January 1, 1996.	
July 1, 1996		Trial Courts to implement statewide SCA 3 Transition Plan and local implementation plans.
Post July 1996	Implementation Committee to continue to coordinate and guide the trial courts in the implementation of local	

SCA 3 IMPLEMENTATION COMMITTEE:

- Consists of members from Presiding Judge & Court Administrator Advisory Committees and the Appellate Committee.
- Recommends statewide SCA 3 implementation plan to Judicial Council.

SCA 3 STEERING COMMITTEE:

- Consists of selected appellate justices, judges and court administrators, and other appropriate representatives.
- Evaluates courts' progress and reviews subcommittee proposals.

STATEWIDE TRANSITION TEAMS:

- Consist of selected members from Judicial Council Standing and Ad Hoc Committees, members of the Bar, and other appropriate representatives.
- Develop proposals in the following areas:
 - 1) Administration/Personnel/Fiscal
 - 2) Education/Training
 - 3) Use of Judicial Resources/Calendar & Case Mgmt.
 - 4) Technology/Automation
 - 5) Facilities/Court Security
 - 6) Statutes/CRC/Local Rules
 - 7) Specialized Technical Assistance (liaison role during development and implementation of local plans)

LOCAL TRANSITION TEAMS:

- Consists of judges, court administrators, prosecutors, defense attorneys, sheriffs/marshalls, local bar members, and other appropriate representatives.
- Participate in planning and implementation of local SCA 3 transition plans.

* See attached SCA 3 transition structure

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PROPOSED SCA 3 TRANSITION STRUCTURE

