

STATE OF THE COURT 2023
ORANGE COUNTY SUPERIOR COURT

HON. CHERI T. PHAM
June 2023



Agenda



**OVERVIEW OF THE
SUPERIOR COURT
“WHO ARE WE?”**



**WHAT DOES IT COST
TO RUN THE COURT?**



**WHAT IS THE WORK OF
THE COURT?**



LOCAL CHALLENGES



Q&A

**120 JUDGES
(7 Vacancies Presently)**

**17 COMMISSIONERS
(Subordinate Judicial
Officers)**



**Orange County Superior Court
November 9, 2021**

In order of seniority from left to right:

Row 1: Ronald L. Bauer, Ret., Corey S. Cramin, Joy W. Markman, Ret., Derek W. Hunt, Gregory H. Lewis, Brett G. London, Charles Margines, Ret., Michael S. McCartin, Gregg L. Prickett, Carlton P. Biggs, Ret., John L. Flynn III, Matthew S. Anderson, Gerald G. Johnston, Derek G. Johnson, Marc M. Kelly. **Row 2:** Gary S. Paer, Patrick H. Donahue, Richard M. King, John D. Conley, Ret., Sheila B. Fell, Ret., Kirk H. Nakamura, James J. Di Cesare, Claudia J. Silbar, Robert J. Moss, John S. Adams, Lance P. Jensen, Kimberly K. Menninger, Glenda Sanders, Karen L. Robinson, Gary M. Pohlson. **Row 3:** Salvador Sarmiento, Ret., Mark S. Millard, Ret., Linda S. Marks, David A. Hoffer, Douglas J. Hatchimonji, John C. Gastelum, Randall J. Sherman, Steven D. Bromberg, Erick L. Larsh, James E. Rogan, Sheila James L. Waltz, Jacki C. Brown, Donald F. Gaffney, Nick S. Thompson, Jonathan Fish. **Row 4:** Gregory W. Jones, Ret., Debra D. Carrillo, Ret., Michael J. Cassidy, Maria D. Hernandez, David L. Belz, Craig Griffin, Cheryl L. Leininger, Walter P. Schwarm, Deborah C. Serv, Beatriz M. Gordon, Dennis J. Keough, Peter Wilson, Glenn R. Saller, Daphne Sykes, Theodore R. Howard. **Row 5:** Cheri Pham, Richard Y. Lee, Jos T. Perez, Michael A. Leversen, William D. Claster, Nico A. Dourbetas, Andre Manssourian, Scott A. Steiner, Julian Bailey, Lewis W. Clapp, Nathan R. Scott, James L. Crandall, Terri K. Flynn-Peister, Elizabeth G. Macias. **Row 6:** Sherri L. Honer, Joanne Moloike, Robert A. Knox, Thomas A. Glazier, Martha K. Gooding, Fred W. Slaughter, Nancy E. Zeltzer, Thomas A. Delaney, Craig E. Arthur, Gassia Apkarian, Jeffrey Ferguson, Kevin J. Haskins Jeannie M. Joseph. **Row 7:** John R. Zilny, Melissa R. McCormick, Julie A. Palafox, Kathleen E. Roberts, Mary K. Varipapa, Frank Ospino, Layne H. Melzer, Richard E. Pacheco, Michael Murray, Megan L. Wagner, Larry Yellin, Michael J. Strickroth, Bradley S. Erdosi. **Row 8:** Carol L. Henson, Katherine E. Lewis, Andre De La Cruz, Scott B. Cooper, David J. Hesselstine, Jeremy D. Dolnick, Kimberly A. Knill, Cynthia M. Herrera, Thomas S. McConville, Sheila O. Recio, Nathan Nhan V. Michael E. Perez, H. Shaina Colover. **Row 9:** Maurice Sanchez, Thomas J. Lo, Robert Gerard, Lee L. Gabriel, Anthony J. Ferrentino, Carmen R. Luege, Isabel Apkarian, Eric J. Wersching, Vibhav Mittal, Scott M. Van Camp. Commissioners: Barry S. Michaelson, Ret., Max B. De Liema, Glenn Mondo, Edward W. Hall, Paula Coleman, Paul Minerich, Nancy J. Kasch, Joseph Dane, William G. Watson, Susan M. Lee, Jennifer Contini, Aaron W. Heisler, Sheri R. Sandeck, Michele E. Bell, Robert F. Kohler.

Not pictured: Judges: Roger B. Robbins, Ret., Stephanie George, Kim R. Hubbard, Lon F. Hurwitz, Gary L. Moorhead, Ret., Antony C. Ufland, Sandy N. Leal. Commissioners: Renee Wilson, Ret., Creighton Laz.

Due to the Covid-19 pandemic, the 2020 judicial portrait was postponed until 2021.

Photo by Laurel Hungerford Photography

The Court

120 Judges (7 vacancies presently) and 17 Commissioners (SJO)

Organized into 10 panels of Law

1,500 Employees

CJC, Lamoreaux, WJC (Tamura), NJC, HJC, Civil Complex, CMJC, Collaborative Courts (CCB1)

3rd largest Court in California

6th largest Court in the United States

Budget of \$245.3M

Technological Leader



Maria D. Hernandez
Presiding Judge



Cheri T. Pham
Assistant Presiding Judge



Hon. Craig Arthur
Presiding Judge
Juvenile Court



Hon. Julie Palafox
Supervising Judge
Family Law Panel



Hon. Cynthia Herrera
Supervising Judge
Central Panel

10 Panels

- Juvenile Panel
- Family Panel
- Criminal-Central Panel
- Criminal-Felony Panel
- Collaborative Courts
- Civil /Complex Panel



Hon. Jonathan Fish
Supervising Judge
Felony Panel

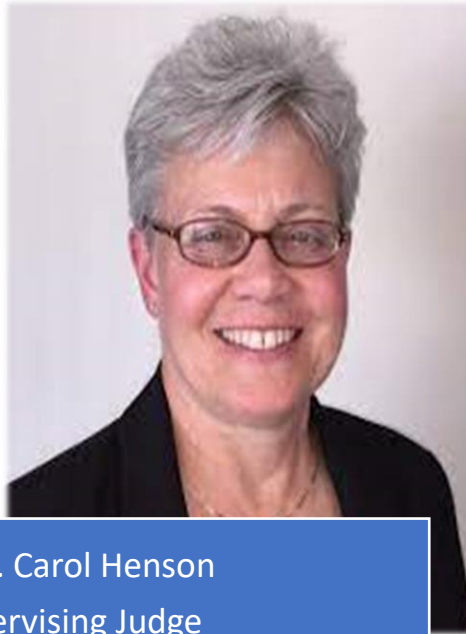


Hon. Scott Cooper
Supervising Judge
Collaborative Courts

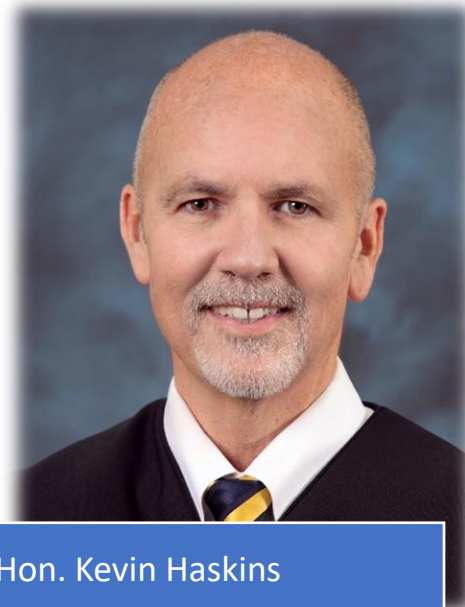


Hon. Layne H. Melzer
Supervising Judge
Civil/Complex Panel

- Probate Panel
- West Panel
- North Panel
- Harbor Panel



Hon. Carol Henson
Supervising Judge
Probate Panel



Hon. Kevin Haskins
Supervising Judge
Tamura (West Panel)



Hon. James Rogan
Supervising Judge
North Panel



Hon. Megan Wagner
Supervising Judge
Harbor Panel

Budget Challenges

State Funding Formula

- Funded at 91% of Need
- Employee Salaries
- Competitive Salary Adjustments / Step Increases
- CPI Adjustment

THE COURT, THEN AND NOW

The State's FY 2022-23 budget provides a record level of funding for the judicial branch of government. SCOC will receive statewide funding equivalent to 91.0% of its funding need. This timeline shows significant events that have shaped the Court's current and future financial condition.

The Court's fund balance restriction per GC 77203 and SB 95

FY 2012-13
Trial Court Statewide
Funding Percentage
Pre-WAFM = **55.4%**



Prior to June 30, 2014

Trial courts could carry over **all** unexpended funds from the prior fiscal year

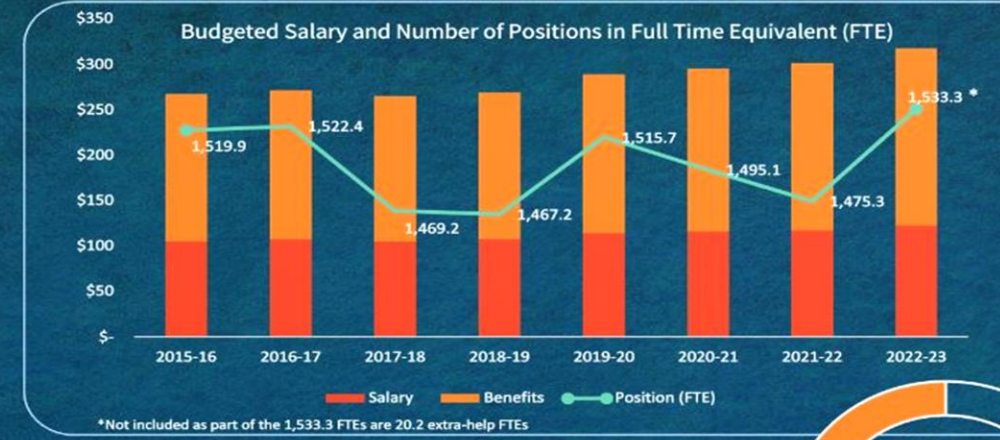
June 30, 2014 – June 30, 2019

Trial courts could carry over unexpended funds in an amount not to exceed **1%** of the court's operating budget

June 30, 2019 – present

Trial courts could carry over unexpended funds in an amount not to exceed **3%** of the court's operating budget


Did you know? For the Court, a reserve cap of 3% is less than one bi-weekly payroll.



"This year's budget is the largest amount of sustained, ongoing funding in judicial branch history." - Chief Justice Tani G. Cantil-Sakauye.



FY 2022-23
Trial Court Statewide
Funding Percentage = **92.2%**



WORKLOAD-BASED ALLOCATION METHOD (WAFM) IMPLEMENTED



WORKLOAD FORMULA REPLACES WAFM
Self-Help Services funding is increased.

Text-to-Pay Service Implemented



The Court's new Five-Year Strategic Plan is unveiled.

BASE FUNDING REDUCTION OF \$12.6 MILLION

FUNDING RESTORATION AND FY 2021-22 NEW FUNDING

AB 199 REDUCTION OF CIVA
Pursuant to Assembly Bill (AB) 199, the civil assessment (CIVA) fee of \$300 for failure to appear in Court is reduced to \$100. Also, the fees collected are deposited in the State General Fund rather than the Trial Court Trust Fund.

TRIAL COURTS EQUALLY FUNDED
Ongoing funding for:
- Operational cost increases
- Fiscal equity among trial courts
- Offset of AB 177 revenue loss
- Backfill of redirected CIVA revenues
- New judgeships


AB 177 REPEAL OF CRIMINAL FEES
Pursuant to Assembly Bill (AB) 177, the courts no longer have authority to collect specified criminal fees.

MAJOR CHANGES TO COURT PROGRAMS
The Language Access Plan is adopted, and Dependency Court-Appointed Council (CAC) funding switches to a workload-based model.

WAFM ENDS
The Court is at 7.07% of total State funding



Safe Access to Justice - The Court Sets Up Triage Booths to Serve Public's Needs



WAFM resulted in \$13 million permanent reduction and reallocation of the Court's base funding

As of FY 18-19, the Court is no longer a donor court



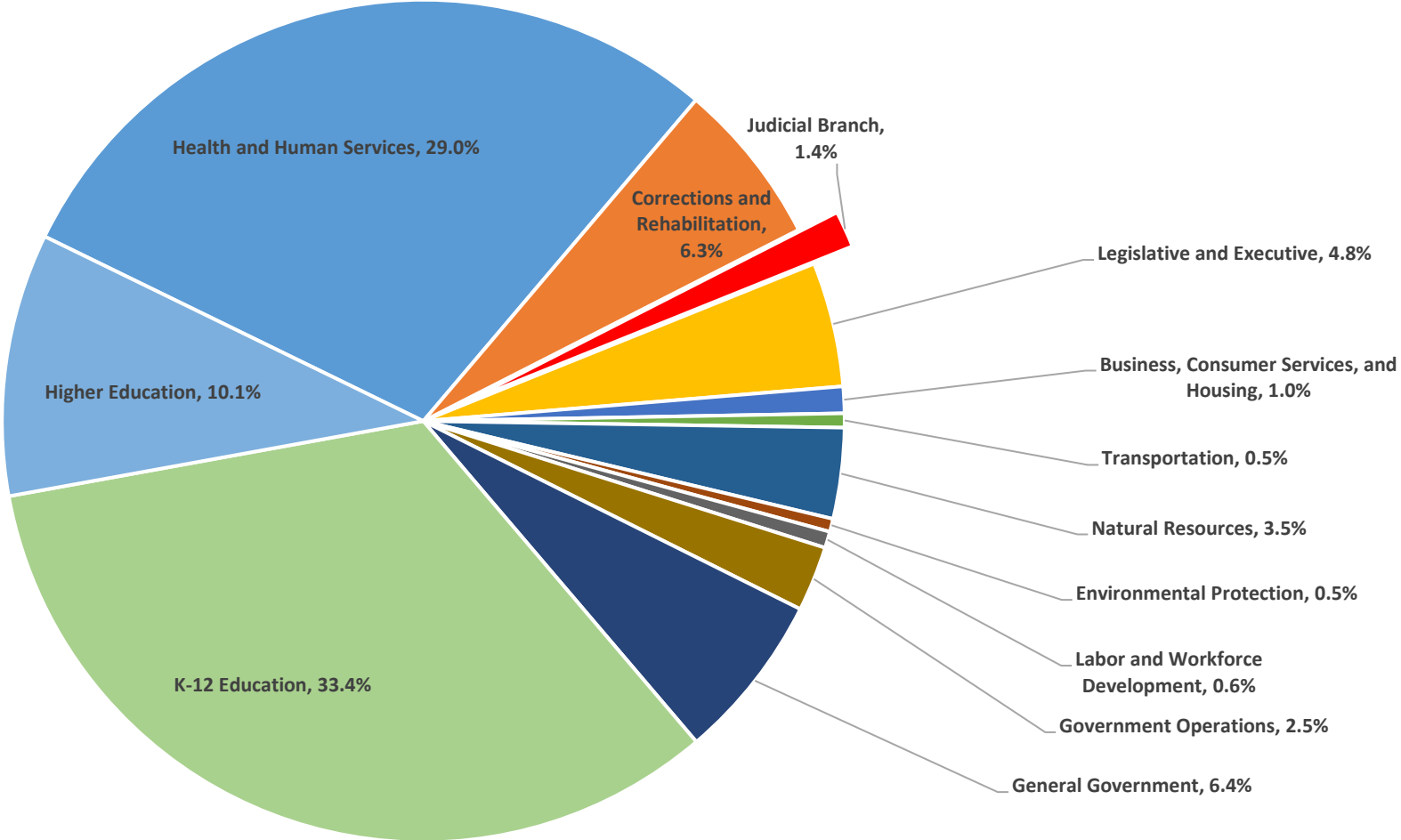
Court closures, COVID-19 pandemic, and worldwide recession

Court becomes a severely underfunded court

The Governor's budget includes \$100 million ongoing General Fund increase to promote fiscal equity among the trial courts.

STATEWIDE GENERAL FUND BUDGET

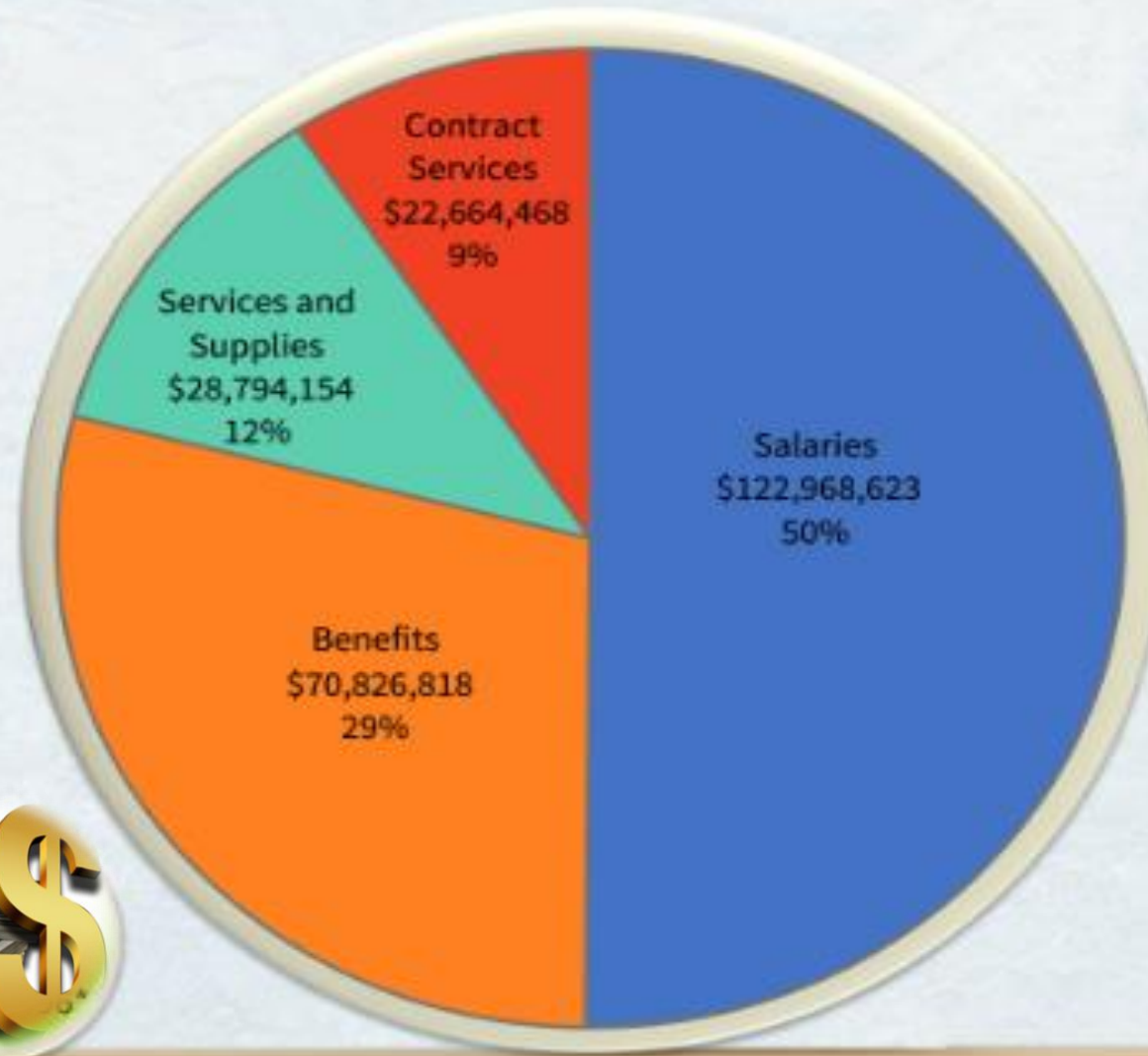
JUDICIAL BRANCH IS 1.4% OF OVERALL



- Health and Human Services
- Legislative and Executive
- Natural Resources
- Government Operations
- Higher Education
- Corrections and Rehabilitation
- Business, Consumer Services, and Housing
- Environmental Protection
- General Government
- Judicial Branch
- Transportation
- Labor and Workforce Development
- K-12 Education

Total General Fund Expenditures:
\$234.4 Billion

FY 2022-23 COURT EXPENDITURES



Salaries:



Staff and judicial salaries, extra help, payouts, and overtime

Benefits:



Retirement contributions, judicial benefits, health insurance, and Medicare taxes

Other Services and Supplies:



Office supplies, equipment, maintenance, printing, postage, juror fees, equipment leases, furniture, janitorial supplies, travel, and mileage

Contract Services:



Technology projects, facilities maintenance, custodial, interpreter, and alternate defense services



Prioritization in Case Processing: Case Types*



What is the work of the Court?

Filing Trend

Litigation Type	FY2020-21	FY2021-22	FY2022-23 (as of 2/16/23)
Appellate Division	201	247	138
Civil	51,295	51,688	35,012
Criminal	293,432	273,453	166,612
Family Law	18,002	19,877	12,371
Juvenile	5,455	6,189	4,113
Mental Health	1,507	1,404	924
Probate	5,315	5,825	3,295
TOTAL	375,207	358,683	222,465

Local Challenges

COVID 19

Vacancies

Legislative Mandates

Court Security

Central Jail Court (CJ1)

Remote Access & Court Reporter Shortage

Infrastructure Projects

Legislative Mandates

CRIMINAL

AB1076 – Criminal Records: Automatic Relief

AB1869- Criminal Fees

SB483 & SB775 – Sentencing: Resentencing to Remove Sentencing Enhancements & Felony Murder: Resentencing

AB3070-Peremptory Challenges (2022 & 2026)

CIVIL

MH Diversion, CST, & Racial Justice Act

AB3088,AB91,AB81) –UD urgency legislation work flow

SB1200- enforcement of Judgements interest and renewal

SB71- Jurisdiction Small Claims & Civil in session (jurisdictional amounts 25K & 100K)

PROBATE

SB1338 (CARE Act)

AB1663- Protective Proceedings, Conservatorship notice

Legislative Mandates (Cont.)

PROBATE

AB1194- Conservatorship annual investigations and reporting

Fire, Life & Safety

FAMILY

Domestic Violence/Firearm Relinquishment

DV E-Filing- Court to accept E-filing July 1, 2023

Gender/Name changes-out of state/county venue

Hague Hearing- expansion and findings

JUVENILE

DOJ-Juvenile Justice Realignment

ICWA- system changes for notifications and finding

Petit Jury

**51%-62% appearance
throughout Covid**

- **Call in panels**
 - **Social Distancing**
 - **Tracing precautions**
 - **Juror Check-in App**
 - **One trial / one-day service**
 - **Liberal postponement policy**
- 1400 JTs; NO dismissals!**



Grand Jury

GJAOC's help critical

2020-2021 (COVID):

- 77 applicants

2021-2022

- 130 applicants

2022-2023:

- 141 applicants



MAKE A DIFFERENCE!
Orange County Grand Jury

The banner features four small images: a white helicopter, a group of people standing outdoors, two people in high-visibility yellow jackets, and a group of people in formal attire. At the bottom, there are two circular logos: the Orange County Seal on the left and the Orange County Courthouse Seal on the right. The website address www.ocgrandjury.org is centered at the bottom in white text.

Local Challenge: Court Security

- 2000 merger of Marshal's Dept w/OCSD: Court security shifted to Sheriff
- State Tax Revenues (Govt. Code § 30027.7) - \$56 m
- Cost of Labor
- *Superior Court of Alameda County v. County of Alameda*— Sheriff to provide a minimum level of court security services



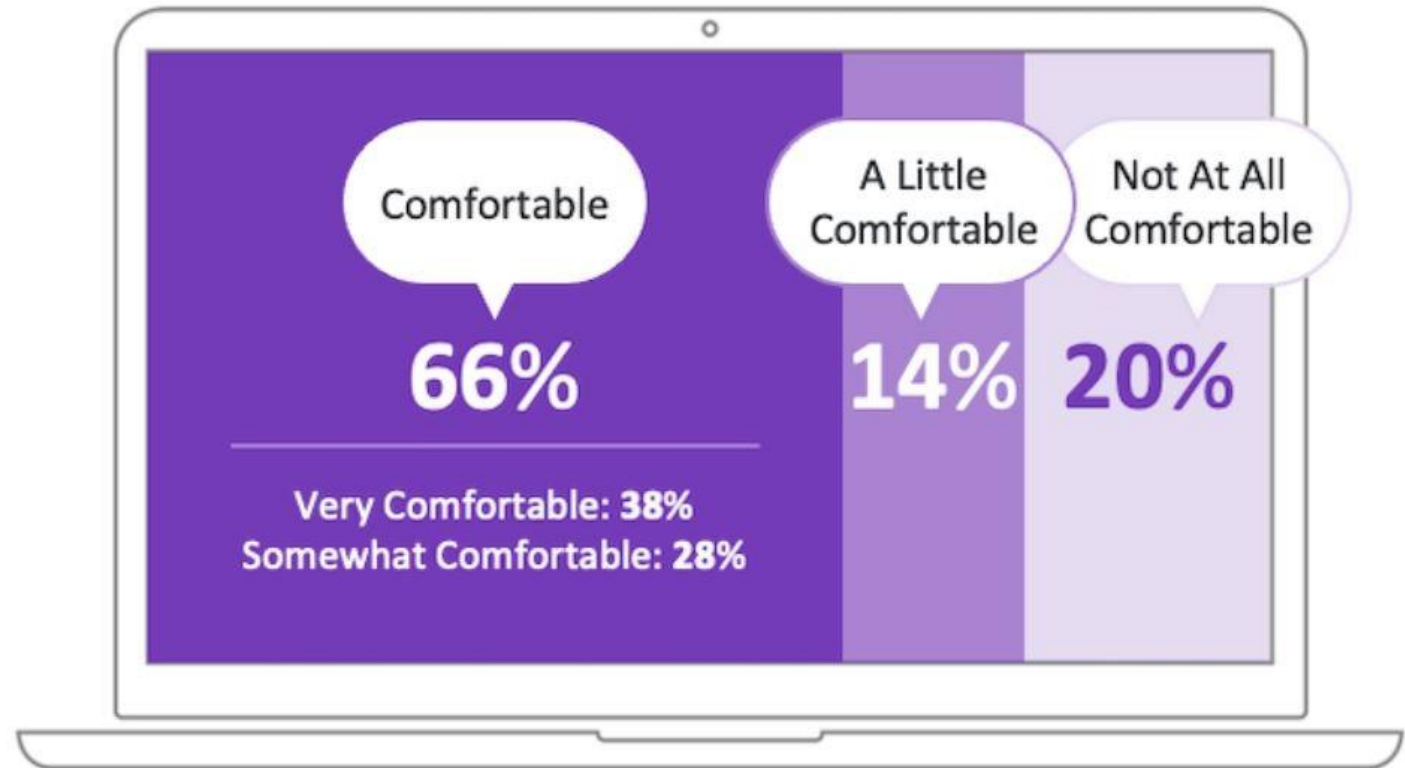
Local Challenge: Custody Operations



- Arraignment Court for all I/C Defendants
- Quarantines Due to COVID
- IPAD Appearances & New Tablet Program

Local Challenge: Remote Access

Q: “How comfortable do you feel using video conferencing services for meetings or appointments typically held in person?”



Remote Hearings:

- Penal Code § 977 (exp. Dec. 31, 2023)
- Code of Civ Pro § 367.75 (exp. June 30, 2023)

New bills:

- SB 21 (civil): extend until Jan. 1, 2026
- SB 22 (civil & criminal): extend until Jan. 1, 2028
- SB 99 (criminal): extend until Jan. 1, 2028





Benefits of Remote Access

- Traffic Arraignments—All Online
- Small Claims-80% Dismissed, Settled, Continued or Defaulted (Virtual Courtroom Pilot Program)



Court Innovations Grants

[Home](#)

[Notebook](#)

[Documents](#)

Recent

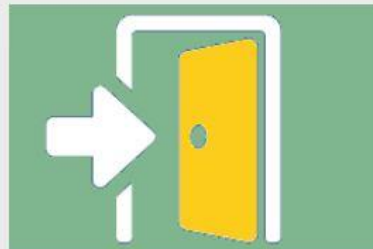
[Site Contents](#)



Automated
Courtroom Check-in



Conservatorship
Accountability Portal



Court User Portal



Court Management
through Analytics



Self-Help Portal



23
Dashboard Combined

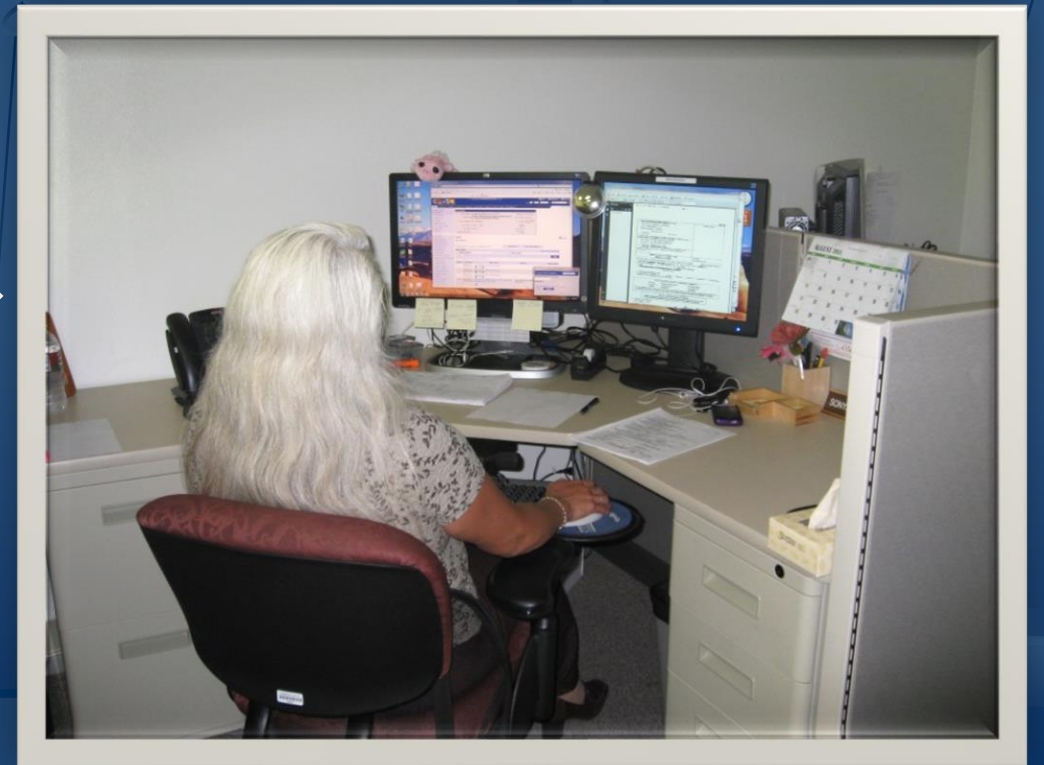
E-Filing

No Paper Documents

■ Before



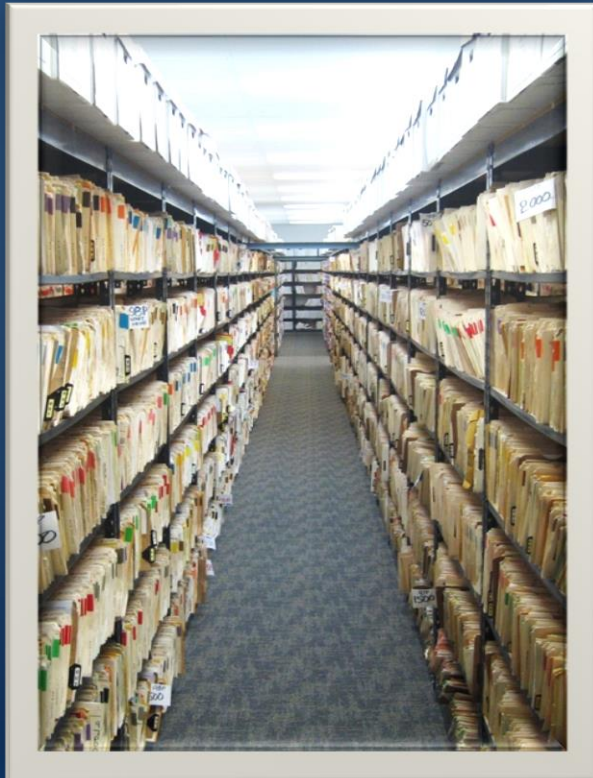
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Electronic Legal File (ELF)

No Paper Case Files Stored

■ Before



■ After



Digital Courtrooms

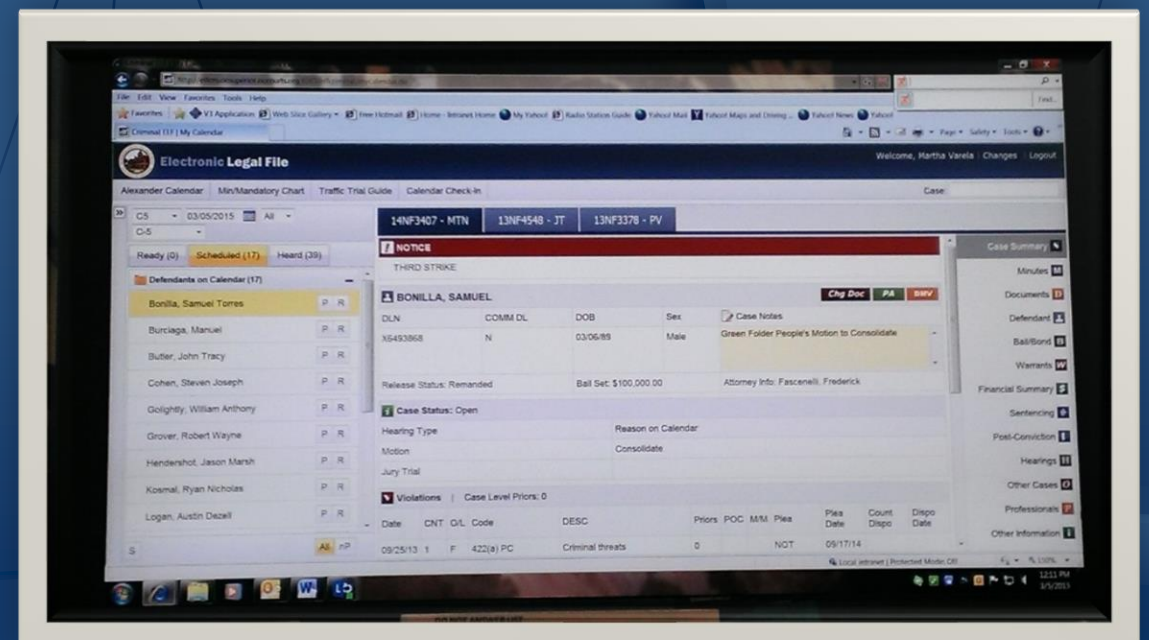
No Paper Files in Courtrooms for Hearings

Paper Files

One day of files in felony master calendar



Electronic Legal File (ELF)

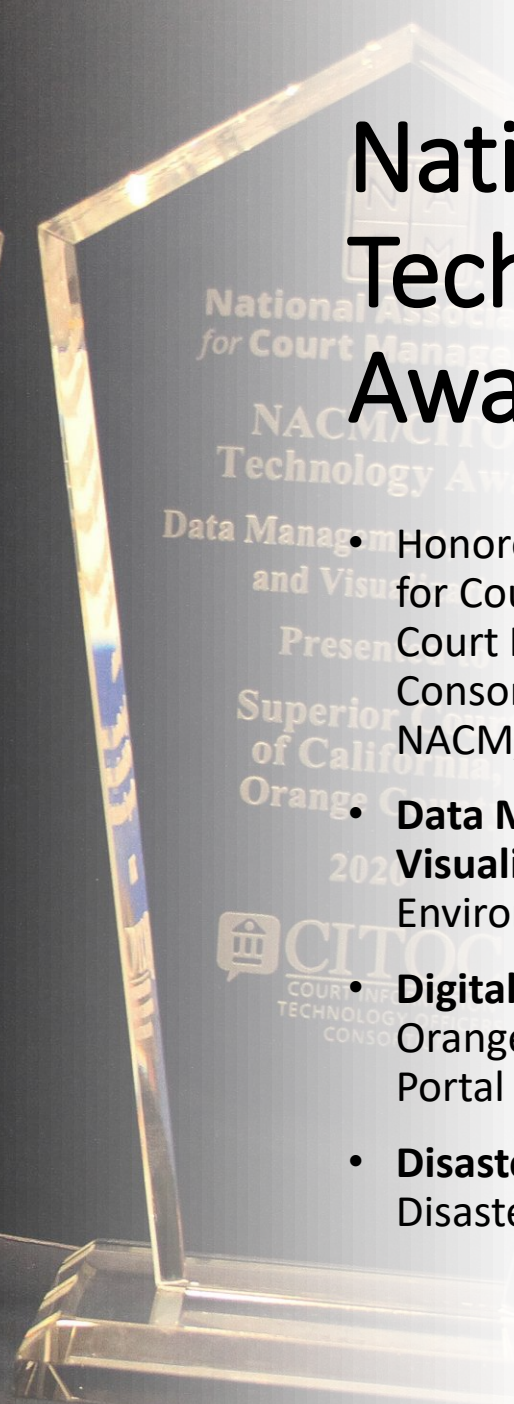
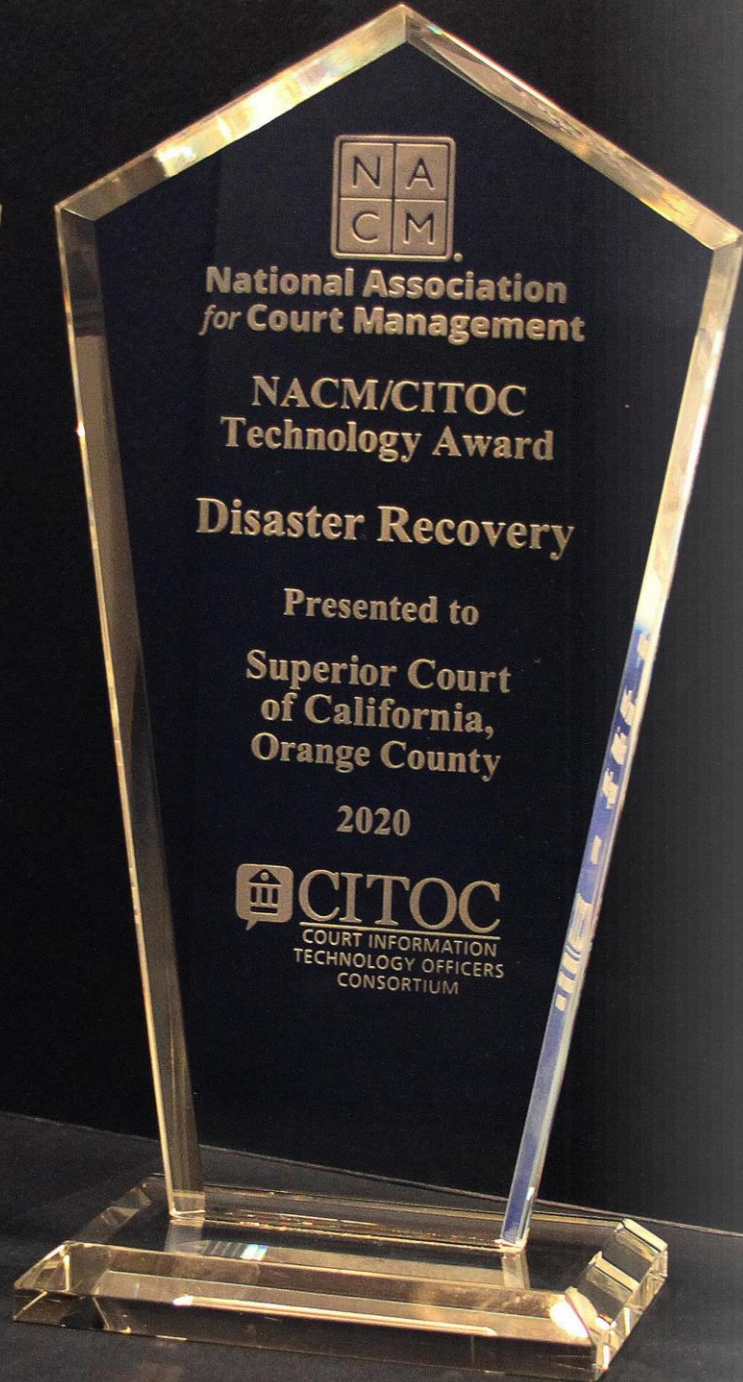


Traffic & Criminal Court User Portal (CUP)

- **“One Stop” public portal on Court’s website for all infraction/criminal case types:**
 - Infraction payment plans and making monthly payments
 - Viewing case information, due dates, hearings, etc.
 - Phone/text reminders regarding due dates and hearing dates
 - Submitting electronic correspondence to the court
 - Submitting proof of correction to the court

Electronic Evidence Portal

- **Implemented 2021 in 5 case types/courtrooms:**
 - Family Law
 - Civil
 - Probate
 - Small Claims
 - Unlawful Detainers
- State funding (AB 716): 128/150 courtrooms = hybrid

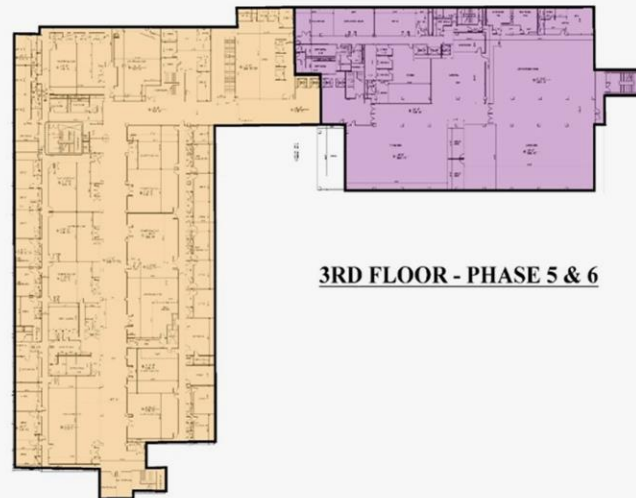
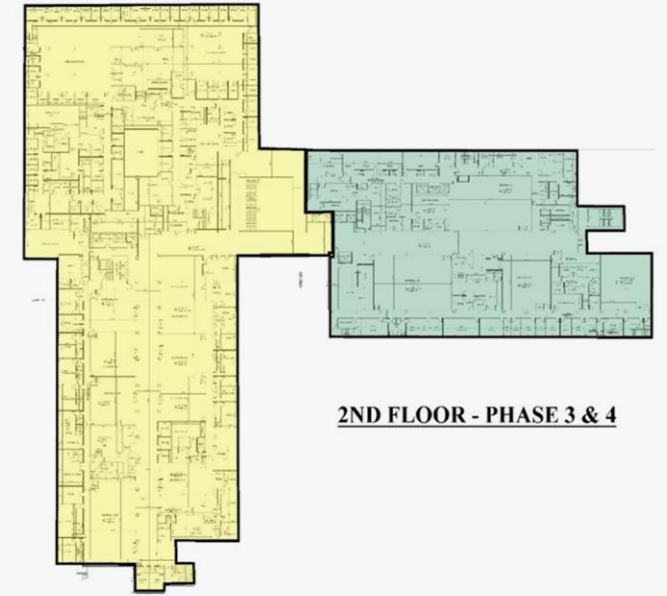
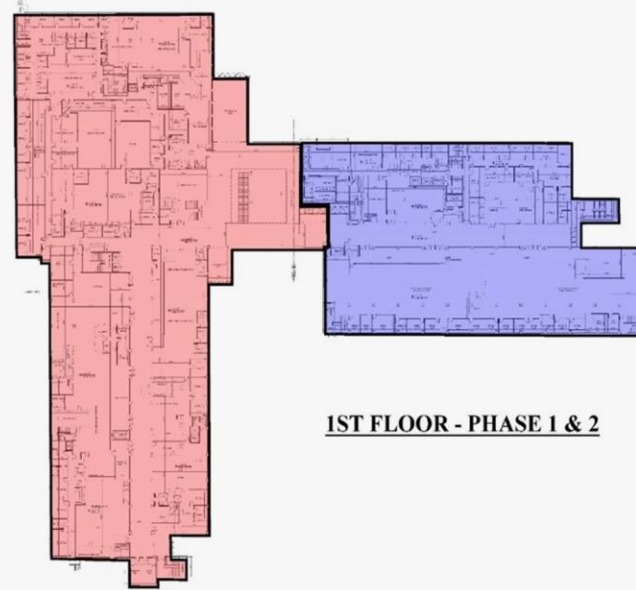


National Technology Awards

- Honored by the National Association for Court Management (NACM) and Court Information Technology Officers Consortium (CITOC) with three 2020 NACM/CITOC Awards.
- **Data Management, Analytics, and Visualization:** Court Analytics Virtual Environment (CAVE).
- **Digital Courts - Courts to Citizens:** Orange County Superior Court User Portal (CUP).
- **Disaster Recovery:** Cloud Based Disaster Recovery.

Infrastructure Projects

CJC Fire & Life Safety project set to begin in May 2023



PHASING LEGEND & RELOCATION AREA

-  = PHASE 1 -> 18,800 SF
-  = PHASE 2 -> 38,800 SF
-  = PHASE 3 -> 18,700 SF
-  = PHASE 4 -> 46,500 SF
-  = PHASE 5 -> 23,500 SF
-  = PHASE 6 -> 15,300 SF



NATIONAL UNIVERSITY PROPERTY/CMJC



CARE Court



- **Community Assistance, Recovery, and Empowerment (CARE) Act – SB 1338 (2022):**
 - Provides upstream intervention for the most severely impaired in CA, to prevent psychiatric hospitalizations, incarceration, & conservatorships.
 - Families, clinicians, first responders and others can refer – no pending case required.
 - First cohorts to implement CARE Court: OC, Glenn, Riverside, San Diego, Stanislaus, Tuolumne and San Francisco, L.A.
 - Implementation deadline: October 1, 2023

Collaborative Court (CCB1)

New legislations:

- **AB 1810, SB 215, AB 991,
SB 184, SB 1223**
- **Mental health diversion
for misd. & felonies,
incompetent to stand trial**





Questions and Answers
