



014648

JUDICIAL COUNCIL OF CALIFORNIA

1971 ANNUAL REPORT TO THE GOVERNOR
AND THE LEGISLATURE

ANNUAL REPORT OF THE ADMINISTRATIVE
OFFICE OF THE CALIFORNIA COURTS

JANUARY 4, 1971

JUDICIAL COUNCIL- Report,
OF CALIFORNIA- 1971

I

1971 JUDICIAL COUNCIL REPORT
to the
GOVERNOR AND THE LEGISLATURE

II

ANNUAL REPORT OF THE ADMINISTRATIVE
OFFICE OF THE CALIFORNIA COURTS



JANUARY 4, 1971

TABLE OF CONTENTS

	Page
Constitutional and Statutory Provisions for the Judicial Council	4
The Judicial Council of the State of California	5
Judicial Council Committees	6
Letter of Transmittal	7
Introduction	8

PART I. JUDICIAL COUNCIL REPORT

Chapter 1. Procedure for Transfer of Criminal Cases	11
Chapter 2. Sealing of Criminal Transcripts Before Trial	18
Chapter 3. A Study of Postconviction Procedures In California	22

PART II. ADMINISTRATIVE OFFICE REPORT

Chapter 1. General	73
Chapter 2. Judicial Statistics	88
Appendix Tables	146

CONSTITUTIONAL AND STATUTORY PROVISIONS FOR THE JUDICIAL COUNCIL

The Judicial Council was originally provided for in Section 1a of Article VI of the State Constitution adopted November 2, 1926. This section was amended November 8, 1960. On November 8, 1966, a revised Article VI was adopted and the provisions of former Section 1a were amended and renumbered as Section 6, to read:

Sec. 6. The Judicial Council consists of the Chief Justice as chairman and one other judge of the Supreme Court, 3 judges of courts of appeal, 5 judges of superior courts, 3 judges of municipal courts, and 2 judges of justice courts, each appointed by the chairman for a 2-year term; 4 members of the State Bar appointed by its governing body for 2-year terms; and one member of each house of the Legislature appointed as provided by the house.

Council membership terminates if a member ceases to hold the position that qualified him for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or its chairman, other than adopting rules of court administration, practice and procedure.

To improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute.

The chairman shall seek to expedite judicial business and to equalize the work of judges; he may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

Judges shall report to the chairman as he directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

Other constitutional provisions dealing with the Judicial Council or its Chairman are found in Article VI, Sections 15 and 18(e), and in Article XXIV, Section 4. There are also a number of statutory provisions referring to the Judicial Council.* Rules of practice and procedure adopted by the Judicial Council are published commercially and by the State Printer as the California Rules of Court.

* Statutory provisions are found in: Civil Code §§ 3259, 4001, 4363; Code Civ. Proc., §§ 75, 77, 1173, 1177, 170, 170(5)(6), 170.6, 170.8, 201a, 204b, 204d, 394, 575, 583, 801, 911, 1034, 1039, 1178; Evid. Code § 451; Gov. Code §§ 18004, 19141, 68070-72, 68110, 68150, 68500-12, 68540-48, 68551-52, 68701, 68841, 69508, 69752, 69796, 71042, 71180.4, 71601, 71601.3, 71610, 72274, 75002, 75003, 75028, 75060.6; Pen. Code §§ 853.9, 1029, 1050, 1053, 1235, 1239, 1241, 1246, 1247k, 1432.1, 1468, 1471, 1506, 1507; Prob. Code §§ 303, 1232; Pub. Util. Code § 25051; Veh. Code §§ 40513, 40600; Welf. & Inst. Code §§ 569, 570.

THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA¹

HON. DONALD R. WRIGHT
Chief Justice of California
Chairman of the Judicial Council
State Building, San Francisco

HON. RAYMOND L. SULLIVAN
Associate Justice, Supreme Court
State Building, San Francisco

HON. GORDON L. FILES
Presiding Justice, Court of Appeal
Second Appellate District, Division Four
State Building, Los Angeles

HON. FRED R. PIERCE
Presiding Justice, Court of Appeal
Third Appellate District
Library & Courts Building, Sacramento

HON. JOSEPH A. RATTIGAN
Associate Justice, Court of Appeal
First Appellate District, Division Four
State Building, San Francisco

HON. LEONARD M. GINSBURG
Judge of the Superior Court
Tulare County, Visalia

HON. GEORGE A. LAZAR
Judge of the Superior Court
San Diego County, San Diego

HON. WILLIAM H. LEVIT
Judge of the Superior Court
Los Angeles County, Los Angeles

HON. JEAN MORONY
Judge of the Superior Court
Butte County, Oroville

HON. HOMER B. THOMPSON
Judge of the Superior Court
Santa Clara County, San Jose

HON. ERICH AUERBACH
Judge of the Municipal Court
Los Angeles Municipal
Court District, Los Angeles

HON. MARTIN N. PULICH²
Judge of the Municipal Court
San Francisco Municipal
Court District, San Francisco

HON. JAMES W. COOK
Judge of the Municipal Court
North Orange County Municipal
Court District, Anaheim

HON. ROBERT J. DUGGAN
Judge of the Justice Court
El Cerrito-Kensington Justice
Court District, El Cerrito

HON. RICHARD C. ELDRED
Judge of the Justice Court
Pacific Grove Justice Court District,
Pacific Grove

HON. DONALD L. GRUNSKY³
Senator, 17th District
Watsonville

HON. JAMES A. HAYES⁴
Assemblyman, 39th District
Long Beach

MR. CLARENCE S. HUNT⁵
Attorney at Law
Long Beach

MR. MARCUS MATTSON⁶
Attorney at Law
Los Angeles

MR. GALEN MCKNIGHT⁶
Attorney at Law
Fresno

MR. HARVEY C. MILLER⁶
Attorney at Law
San Jose

MR. RALPH N. KLEPS
Secretary of the Judicial Council
San Francisco

¹ Except as otherwise indicated, appointed by the Chief Justice on February 1, 1969, for a two-year term expiring January 31, 1971.

² Appointed by the Chief Justice on May 4, 1970, for a term expiring January 31, 1971, vice Hon. Donald B. Constine, whose membership terminated December 29, 1969 on his elevation to the Superior Court, San Francisco County.

³ Appointed by the Senate Rules Committee on January 12, 1970, pursuant to Section 6 of Article VI of the Constitution and Senate Rule 13 of the 1970 Regular Session of the Legislature.

⁴ Appointed by the Speaker of the Assembly on January 7, 1970, pursuant to Section 6 of Article VI of the Constitution and subdivision (n) of Assembly Rule 26 of the 1970 Regular Session of the Legislature.

⁵ Appointed by the Board of Governors of the State Bar for a two-year term expiring December 31, 1971.

⁶ Appointed by the Board of Governors of the State Bar for a two-year term expiring December 31, 1970.

JUDICIAL COUNCIL COMMITTEES

Executive Committee

Hon. Donald R. Wright, Chairman
 Hon. Raymond L. Sullivan,
 Vice Chairman
 Hon. Gordon L. Files
 Hon. Joseph A. Rattigan
 Hon. Homer B. Thompson
 Mr. Clarence S. Hunt
 Hon. Donald R. Fretz **

Appellate Court Committee

Hon. Fred R. Pierce, Chairman
 Hon. Gordon L. Files
 Hon. Joseph A. Rattigan
 Hon. Leonard M. Ginsburg
 Hon. George A. Lazar
 Hon. Donald L. Grunsky
 Mr. Galen McKnight
 Hon. Murray Draper **
 Mr. Bernard E. Witkin **

Superior Court Committee

Hon. Homer B. Thompson, Chairman
 Hon. Leonard M. Ginsburg
 Hon. William H. Levit
 Hon. Jean Morony
 Hon. Robert J. Duggan
 Hon. James A. Hayes
 Mr. Marcus Mattson
 Mr. Galen McKnight
 Mr. Harvey C. Miller
 Mr. Leonard A. Shelton **

Court Management Committee

Hon. George A. Lazar, Chairman
 Hon. William H. Levit
 Hon. Erich Auerbach
 Hon. Martin N. Pulich
 Hon. James W. Cook
 Hon. Richard C. Eldred
 Hon. Donald L. Grunsky
 Mr. Clarence S. Hunt
 Mr. Marcus Mattson

Municipal and Justice Court Committee

Hon. Erich Auerbach, Chairman
 Hon. Jean Morony
 Hon. Martin N. Pulich
 Hon. James W. Cook
 Hon. Robert J. Duggan
 Hon. Richard C. Eldred
 Hon. James A. Hayes
 Mr. Harvey C. Miller

Special Committee on Juvenile Courts and Family Law

Hon. Homer B. Thompson, Chairman
 Hon. Leonard M. Ginsburg
 Hon. Louis H. Burke **
 Hon. Ross A. Carkeet **
 Hon. William P. Hogoboom **

Special Committee on Fair Trial and Free Press

Hon. Gordon L. Files, Chairman
 Hon. Leonard M. Ginsburg
 Mr. Galen McKnight

Special Committee on Judicial Selection

Hon. Gordon L. Files, Chairman
 Hon. George A. Lazar
 Hon. Homer B. Thompson
 Mr. Clarence S. Hunt

Advisory Committee for Lower Court Study

Mr. Ralph N. Kleps, Chairman *
 Hon. Erich Auerbach
 Hon. Robert J. Duggan
 Mr. Jack M. Merelman *
 Mr. Charles P. Smith *

Advisory Committee on Operating Procedures of the Court of Appeal Clerks' Offices

Hon. Gerald Brown, Chairman *
 Hon. Winslow Christian *
 Hon. Macklin Fleming *
 Mr. Lawrence R. Elkington *
 Mr. Clay Robbins, Jr. *
 Mr. William E. Farthing *
 Mr. Thomas L. Tanner *

Advisory Committee for Courts of Appeal Workshop (1970)

Hon. Gordon L. Files, Chairman
 Hon. Gerald Brown *
 Hon. Murray Draper *
 Hon. Lester William Roth *

Advisory Committee for Superior Court Sentencing Institute (1970)

Hon. George M. Dell, Chairman *
 Hon. Richard E. Arnason *
 Hon. John G. Hauck *
 Hon. Roger S. Ruffin *

Advisory Committee for Institute for Juvenile Court Judges and Referees (1970)

Hon. Ross A. Carkeet, Chairman *
 Hon. Jerome H. Berenson *
 Hon. Leonard M. Ginsburg
 Hon. John J. Purchio *

Advisory Committee for Municipal and Justice Courts Institute (1970)

Hon. James W. Cook, Chairman
 Hon. Dan B. Eymann *
 Hon. James F. Nelson *
 Hon. Royce R. Lewellen *
 Hon. William M. Savage *

LETTER OF TRANSMITTAL

TO HIS EXCELLENCY, RONALD REAGAN,
 Governor of the State of California,
 and Members of the Legislature

The 1971 Judicial Council Report is presented herewith, pursuant to
 the provisions of Section 6 of Article VI of the Constitution.

January 4, 1971

HON. DONALD R. WRIGHT,
 Chairman

HON. RAYMOND L. SULLIVAN
 HON. GORDON L. FILES
 HON. FRED R. PIERCE
 HON. JOSEPH A. RATTIGAN
 HON. LEONARD M. GINSBURG
 HON. GEORGE A. LAZAR
 HON. WILLIAM H. LEVIT
 HON. JEAN MORONY
 HON. HOMER B. THOMPSON
 HON. ERICH AUERBACH

RALPH N. KLEPS, *Secretary*

HON. MARTIN N. PULICH
 HON. JAMES W. COOK
 HON. ROBERT J. DUGGAN
 HON. RICHARD C. ELDRED
 SENATOR DONALD L. GRUNSKY
 ASSEMBLYMAN
 JAMES A. HAYES
 MR. CLARENCE S. HUNT
 MR. MARCUS MATTSON
 MR. GALEN MCKNIGHT
 MR. HARVEY C. MILLER

* Not members of the Judicial Council.

** Advisory Members, not members of the Judicial Council.

1971 REPORT OF THE JUDICIAL COUNCIL OF CALIFORNIA

INTRODUCTION

The Judicial Council in the discharge of its constitutional duty is required to survey the condition of business in the several courts and to report and make appropriate recommendations to the Governor and the Legislature at the commencement of each general session. (Cal. Const., Art. VI, Sec. 6.) This 1971 Judicial Council Report contains the Council's report and its recommendations to the 1971 General Session of the Legislature for amendment of certain laws relating to practice and procedure.

Continuing the practice commenced in the Nineteenth Biennial Report, the Annual Report of the Administrative Office of the Courts, which is the staff agency serving the Council, is also included. The annual report contains summaries of the continuing activities of the Judicial Council and its staff. It also includes detailed statistical data on the volume of business in all the courts for the fiscal year ending June 30, 1970.

PART ONE

JUDICIAL COUNCIL REPORT

CHAPTER 1

PROCEDURE FOR TRANSFER OF CRIMINAL CASES

Under the Penal Code when a criminal case is pending in a superior court and the court finds that the defendant cannot obtain a fair and impartial trial in the county, upon application of the defendant the case must be transferred to "the proper court of some convenient county free from a like objection."¹ A similar provision authorizes the transfer of a case from a justice court to another judicial district² These statutes implement constitutional principles which have been held to require a transfer from a trial court when there is a "reasonable likelihood" that a fair and impartial trial cannot be held therein.³ Although there is no statutory provision of this kind relating to the municipal courts, the constitutional requirement undoubtedly applies.

The number of criminal cases being transferred to obtain a fair trial and avoid the effects of prejudicial pretrial publicity has greatly increased in recent years, undoubtedly as a result of the court decisions of the last few years.⁴ This increase has underscored the inadequacies of the existing statutory procedures governing the transfer of criminal cases.

Perhaps the most significant problem is the failure of the California statutes to provide an orderly system for determining where to transfer a case. Present law does not require prior consultation with a court before transferring a case to it, nor is there any requirement that an attempt be made to find a court that is not only free from prejudice but also whose calendar is relatively uncongested. Although in most cases as a matter of courtesy the transferring court has notified the receiving court before ordering the transfer, there have been instances where transfers were made to heavily congested courts without prior notice when there were other courts that could have more easily accepted the burden. In such instances the Chairman of the Judicial Council may thereafter receive urgent requests to provide judicial assistance to the receiving court to prevent its calendar from being completely disrupted.⁵

¹ Pen Code §§ 1033, 1035.

² Pen. Code § 1431.

³ *Fain v. Superior Court* (1970) 2 Cal. 3d 46; *Maine v. Superior Court* (1968) 68 Cal. 2d 375. See *Sheppard v. Maxwell* (1966) 384 U.S. 333.

The Standards relating to Fair Trial and Free Press adopted in 1968 by the American Bar Association recommend that a change of venue or continuance be granted whenever it is determined that because of the dissemination of potentially prejudicial material, there is a reasonable likelihood that a fair trial cannot be had. (Standard No. 3.2).

⁴ See cases cited n.3. See also *People v. Tidwell* (1970) 3 Cal. 3d 62; *Smith v. Superior Court* (1969) 276 Cal. App. 2d 145.

⁵ As a temporary measure the Judicial Council at its May 1970 meeting approved the publication in the *A.C.C. Newsletter* of a recommended procedure to provide prior notification pending enactment or adoption of transfer procedures. Following is the procedure recommended in the *Newsletter* article:

"The Judicial Council recommends that before transferring a case a court should contact the presiding or sole judge of the court to which it intends to order a transfer and advise him of the impending transfer. If the judge so contacted advises that there are special reasons why the transfer should not be made, the transferring court should notify the Chairman of the Judicial Council. This will give the Chairman an opportunity to suggest that the case be transferred to another court if that be advisable or to provide some assistance to the receiving court during the period in which the transferred case is tried.

"These procedures do not limit the discretion of the transferring court to determine where to send the case. The Judicial Council suggests, however, that they be followed as a matter of courtesy to other courts and as an aid to the efficient administration of justice."

Present statutes governing transfers of criminal cases are also inadequate in that they do not cover municipal court transfers. Apparently such transfers have been made under the constitutional mandate, but the failure of the law to set forth any procedures has left a troublesome void.

The existing provisions of law also appear to be deficient and unfair insofar as the costs of trying a transferred case are concerned. When a criminal case is transferred from a municipal or justice court in one county to a court in another county the law makes no provision for payment of costs by the county in which the case originated. As previously stated there is no legislation at all with regard to transfers from a municipal court, and Section 1431 of the Penal Code governing transfers from a justice court is silent with regard to costs.

Section 1039 of the Penal Code provides that when a case is transferred by a superior court "the costs accruing upon such removal and trial are a charge against the county in which the indictment or information was found." The trial "costs" reimbursable under this provision, however, have been interpreted to include only such charges as costs and fees of jurors and witnesses, reporters' fees and expenses of the transcript and fees of assigned counsel. Salaries of the judge, court officials and attaches and the public defender are not reimbursable.⁶ Moreover, if a judge is assigned to aid the court to which a case is transferred the cost of the assigned judge must be paid by the county in which the trial is held and not the county in which the case originated. Thus, a substantial financial burden may be placed on a county to which such transfers are made.⁷

The limited reimbursement provision of Section 1039 may be contrasted with the broad provisions of Section 4700 of the Penal Code which provides for the reimbursement of all costs incurred by a county when an inmate of a state penal institution is tried for a crime committed in the institution or for an escape. These costs include a pro rata share of the salaries of the judge and court attaches, costs of legal representation and costs of maintaining and transporting the defendant.

Proposed Transfer Procedures

It is proposed that these defects in existing transfer procedures be remedied by the enactment of legislation and the adoption of court rules as follows:

- (1) The Penal Code would be amended to provide for the transfer of a criminal case pending in any trial court when there is a reasonable likelihood that a fair and impartial trial cannot be held in that court.⁸
- (2) Either party would be permitted to apply for a transfer. While existing provisions of the Penal Code permit such application by the defendant only, there may be occasions when pretrial pub-

⁶ 46 Ops. Cal. Atty. Gen. 40 (1965).

⁷ It may be noted that Code Civ. Proc. § 397 authorizing the transfer of civil cases when a fair and impartial trial cannot be had in the court in which the case is pending contains no provision for reimbursement of costs. It is probable, however, that such transfers are rare, and, of course, certain of the costs in a civil case are paid by the parties.

⁸ See note 3, *supra*. The "reasonable likelihood" standard was adopted by the California Supreme Court in *People v. Maine* (1968) 68 Cal. 2d 375, and made applicable to all cases tried after the *Maine* decision became final.

licity or other causes prevent the state from obtaining a fair trial.⁹ The Standards adopted by the American Bar Association provide that a change of venue may be granted on motion of either the prosecution or the defense "except as federal or state constitutional provisions otherwise require." The quoted limitation was included in the Standard because the constitutions of some states contain a provision granting a right to trial by a jury of the county or vicinage where the offense occurred.¹⁰ In the states with such a constitutional provision the courts have divided as to whether a change of venue may be permitted without the defendant's consent.¹¹ The California Constitution contains no such provision expressly requiring trial in the county or the vicinage and despite an early California case to the contrary there appears to be no substantial question as to the validity of the proposed statute permitting a transfer on the request of the prosecution.¹²

- (3) The legislation would provide further that the Judicial Council shall adopt rules prescribing the procedure for transferring cases. This would permit a desirable flexibility of procedure and follow the trend toward use of Judicial Council rules to implement a statutory framework, as for example in the new Family Law.¹³
- (4) The proposed legislation would also add language similar to that of Section 4700 of the Penal Code to provide for reimbursement of all costs of the county to which a criminal case is transferred. Claim for such costs would be made on a form approved by the Judicial Council.¹⁴ In addition, Section 4700 of the Penal

⁹ See American Bar Association, *Project on Minimum Standards for Criminal Justice, Standards Relating to Fair Trial and Free Press* (1966) 124.

¹⁰ *Id.* at 119, 124.

¹¹ Ann. State's Right to Change of Venue in Criminal Case, 161 A.L.R. 949, (1946) supplementing Ann. 80 A.L.R. 355 (1932); Note, 60 Colum. L.Rev. 349, 354, n. 29 (1960); A.B.A., *supra* n. 10 at 124; *Commonwealth v. Reilly* (1936) 324 Pa. 558.

¹² In *People v. Powell* (1891) 87 Cal. 348, the Court held that a statute authorizing a change of venue on application of the district attorney on the grounds that no jury could be obtained for the trial of the defendant in the county where the action was pending was unconstitutional. It was the Court's view that Art. I, § 7 of the State Constitution providing that the right to trial shall be secured to all and remain inviolate included the right to a trial by jury chosen from the county or vicinage of the offense. Although never expressly overruled by the Supreme Court, the *Powell* case has been impliedly repudiated by various cases permitting the trial of defendants in counties other than where the offense occurred in accordance with legislation granting jurisdiction in such cases. (See *People v. Richardson* (1934) 138 Cal. App. 404, 406, citing *People v. Prather* (1901) 134 Cal. 386 and *Bradford v. Glenn* (1922) 188 Cal. 350; see also *People v. York* (1962) 207 Cal. App. 2d 880). The *Richardson* and *York* cases upheld the provision of the Penal Code (§ 4701, formerly § 787) granting jurisdiction to any county in the state to try a defendant charged with escaping from a state prison. In 1951 a provision very similar to that held unconstitutional in *People v. Powell* and deleted by the Legislature in 1905 was added to the Penal Code as Section 1033.5. Moreover, there is considerable authority that under the common law the prosecution had a right equal to that of the defendant to move for a change of venue in order to obtain an impartial trial (see n. 12, *supra*).

It also appears that the framers of the U.S. Constitution did not assume that the right to jury trial included the right to a jury of the vicinage. A provision granting a right to be tried by a jury of the vicinage was rejected in favor of the present provision of the Sixth Amendment granting the defendant the right to a trial by an impartial jury "of the state and district where the crime shall have been committed" (see *Williams v. Florida* (1970) 399 U.S. 78, 93-97).

¹³ Civ. Code § 4001.

¹⁴ It is proposed that the form contain provisions governing its preparation (by the court clerk), certification (by the judge) and submission to the auditor for forwarding to the county in which the case originated. Incorporation of these provisions in the form makes it unnecessary to include in the proposed legislation all the statutory detail now found in Pen. Code § 1039.1 (as amended 1970 Stats., Ch. 193).

Code and Section 15202 of the Government Code relating to reimbursement of costs by the state¹⁵ would be amended to authorize reimbursement to the county which has been charged with the costs when a case is transferred.¹⁶

- (5) In accordance with the proposed legislation, rules would be adopted by the Judicial Council governing such transfers. The proposed rules would follow substantially the provisions of Sections 1034-1038 of the Penal Code but would provide further that when a trial court determines that a criminal action must be transferred the court shall advise the Administrative Director of the Courts of the pending transfer. Upon being so advised the Director would suggest a court or courts which would not be unduly burdened by the trial of the case.

By reason of the collection and compilation of court statistics, the Administrative Director of the Courts is in a position to determine which courts would be able to assume the burden of a transferred case. His responsibility in the matter, however, would be strictly limited to suggesting a court which is not overly congested. He would act pursuant to authority delegated to him by the Judicial Council in order to expedite judicial business and equalize the workload of the judges, and his suggestion of a court would not represent a determination on his part concerning the holding of a fair and impartial trial. Occasionally it is possible that the transferring court will have reason to believe that the case should not be transferred to the court named by the Director, *e.g.*, if it appears that similar prejudicial publicity has occurred there. For this reason under the proposed rule the trial court would retain full discretion to determine where to transfer the case and would not be limited to the court suggested by the Director.

It is proposed that the Administrative Director of the Courts rather than the Chairman of the Judicial Council be given authority regarding transfers since the Chairman is also Chief Justice and may at a future time be required to hear an appeal or other proceeding in the case and rule on issues relating to the transfer.

Recommendation

The following legislation and amendments to the California Rules of Court would implement the recommendations:

Legislation

An act to amend Section 15202 of the Government Code and to amend Sections 1431 and 4700 of, to add Chapter 6 (commencing with Section 1033) to Title 6 of Part II of, and to repeal Chapter 6 (commencing with Section 1033) of Title 6 of Part II of, the Penal Code, relating to change of venue in criminal cases.

The people of the State of California do enact as follows:

SECTION 1. Section 15202 of the Government Code is amended to read:

¹⁵ Section 15202 provides for reimbursement to a county for the costs of a homicide trial when the costs are in excess of ten cents on the local tax rate.
¹⁶ In addition, Section 1033.5 of the Penal Code authorizing the transfer of a superior court case because of the exhaustion of all jury panels would be renumbered as Section 1034 and extended to cover cases in the municipal and justice courts.

15202. A county in which is conducted a trial or trials of a person for the offense of homicide *or which is responsible for the cost thereof* may apply to the Director of Finance for reimbursement of the costs incurred by the county in excess of the amount of money derived by the county from a tax of ten cents (\$.10) on each one hundred dollars (\$100) on the property assessed for purposes of taxation within the county.

No reimbursement shall be made pursuant to this section if the county, in the opinion of the Director of Finance, has sufficient funds in its treasury, not allocated or committed for other purposes, which could be used to pay such costs.

SEC. 2. Chapter 6 (commencing with Section 1033) of Title 6 of Part II of the Penal Code is repealed.

SEC. 3. Chapter 6 (commencing with Section 1033) is added to Title 6 of Part II of the Penal Code, to read:

CHAPTER 6. CHANGE OF VENUE

1033. A criminal action pending in a trial court shall be transferred on application of a party when there is a reasonable likelihood that a fair and impartial trial cannot be had in the court in which the case is pending. The Judicial Council shall adopt rules governing such transfers.

1034. When a criminal action is pending in a trial court, the court may of its own motion, or on petition of any of the parties to the proceeding, order a change of venue to an adjoining judicial district in the same county or to an adjoining county, as the case may be, whenever it appears as a result of the exhaustion of all the jury panels called that it will be impossible to secure a jury to try the cause in the original judicial district or county.

1035. If the defendant is in custody and the case is transferred to a court in another county, the defendant shall be forthwith transferred by the sheriff of the county where he is imprisoned to the custody of the sheriff of the county to which the case is transferred.

1036. When a criminal action is transferred to another county pursuant to this chapter all costs incurred by the county receiving the case, which are not payable by the Department of Corrections pursuant to Section 4700 of this code, for the transfer, preparation and trial of the case, the guarding, keeping and transportation of the prisoner, any appeal or other proceeding relating to the case and the execution of the sentence shall be a charge against the county in which the case originated.

1037. Claim for such costs shall be made on a form approved by the Judicial Council and shall be forwarded to the treasurer and auditor of the county in which the case originated. The treasurer shall pay the amount of such costs out of the general fund of his county.

SEC. 4. Section 1431 of the Penal Code is amended to read:

1431. If the action or proceeding is in a justice court, a change of the place of trial may be had upon the filing of an affidavit at least seven days prior to the date set for trial of the action or proceeding, except in felony cases:

1. When it appears from the affidavit of the defendant that he has reason to believe, and does believe, that he cannot have a fair and

impartial trial before the judge about to try the case, by reason of the prejudice or bias of such judge, the cause must be transferred to another judge of the same or an adjoining judicial district.

~~2. When it appears from affidavits that defendant cannot have a fair and impartial trial, by reason of the prejudice of the citizens of the judicial district, the cause must be transferred to a judge of a judicial district where the same prejudice does not exist.~~

3. 2. When it appears from affidavits of the prosecution that such change will be for the convenience of the people and of the defendant and when the defendant and his attorney, if any, consent in writing, to such change, the cause must be transferred to a judge of another judicial district in the same county.

A copy of the affidavit must be served upon the other party to the action or proceeding at least six days prior to the date set for the trial of the action or proceeding.

Sec. 5. Section 4700 of the Penal Code is amended to read:

4700. Whenever a trial is had of any person under any of the provisions of Section 4530 of this code, whenever a hearing is had on the return of a writ of habeas corpus prosecuted by or on behalf of any prisoner in the state prison, whenever a prisoner in the state prison is tried for any crime committed therein, or whenever a prisoner transferred to a county correctional facility pursuant to Section 2910 or to a community correctional center pursuant to Section 6253 is prosecuted for a crime committed in such institution or for escape, and whenever a trial or hearing is had on the question of the insanity of any such prisoner, the county clerk of ~~the a county where such trial or hearing is had~~ incurring any costs in connection with such matter must make out a statement of all the costs incurred by the county for the investigation, and the preparation of the trial, and actual trial of such case, or of the hearing on the return of such writ, and all guarding and keeping of such prisoner, while away from the prison, the transportation of the prisoner to and from the prison (when such transportation was performed by the county), the costs of appeal, and of the execution of the sentence of such prisoner, properly certified to by a judge of the superior court of such county; ~~which~~. The statement must be sent to the Department of Corrections for its approval; and after such approval; said department must cause the amount of such costs to be paid out of the money appropriated for the support of the Department of Corrections; to the county treasurer of the county ~~where such trial or hearing was had~~ incurring such costs.

Recommended Amendments to California Rules of Court

Rules 840 to 844, inclusive, would be added to the California Rules of Court as follows:

Rule 840. Transfer of criminal cases

Rules 840 to 844, inclusive, shall govern the transfer of criminal cases pursuant to Section 1033 of the Penal Code.

Rule 841. Application and hearing

Application for the transfer of a criminal case shall be by affidavit filed with the court setting forth the facts upon which the application for transfer is made. A copy shall be served upon the adverse party

at least one day prior to the hearing on the application. At the hearing counteraffidavits may be filed. At the request of the defendant the application shall be heard and determined in his absence when it appears that popular prejudice is so great as to endanger his personal safety.

Rule 842. Selection of court

When the court in which the action is pending determines that there is a reasonable likelihood that a fair and impartial trial cannot be had therein, it shall advise the Administrative Director of the Courts of the pending transfer. Upon being advised the Director shall, in order to expedite judicial business and equalize the work of the judges, suggest a court or courts that would not be unduly burdened by the trial of the case.

Rule 843. Order of transfer

The order of transfer shall be entered upon the minutes or the docket and the clerk shall immediately make out and transmit to the court to which the action is transferred a certified copy of the order of transfer record, pleadings and proceedings in the action including the undertakings for the appearance of the defendant and of the witnesses.

Rule 844. Proceedings in court receiving case

The court to which the action is transferred shall proceed as if the action had been commenced in such court. If it is necessary to have any of the original pleadings or other papers before such court, the court from which the action is transferred shall at any time upon application of the district attorney or the defendant, order such papers or pleadings to be transmitted by the clerk, a certified copy thereof being retained.

CHAPTER 2

SEALING OF CRIMINAL TRANSCRIPTS BEFORE TRIAL

In *Craemer v. Superior Court* (1968) 265 Cal.App.2d 216 the Court of Appeal held that a trial court may issue an order temporarily restricting public inspection of grand jury transcripts. In that case the trial court had, in effect, ordered a grand jury transcript to be permanently sealed from public inspection. The trial judge had also stated that he planned to seal all future transcripts to eliminate pretrial publicity by the press in criminal cases.

In a mandamus proceeding the petitioners (a reporter and the editor of a local newspaper) contended that although the Penal Code required the transcript to be withheld from the public before the defendants were taken into custody, thereafter the transcript must be open to public inspection.¹

The appellate court found that under California statutes grand jury transcripts were public records, and noted further that in the absence of a "contrary statute or countervailing public policy, the right to inspect public records must be freely allowed."² Since there is no statutory provision restricting public inspection of grand jury transcripts after a defendant is apprehended any such restriction must therefore be justified on the ground that it is required by a countervailing public policy.

The court held that since grand jury proceedings often contain criminal records, alleged confessions and other matters which may be prejudicial to the defendant, the court's duty to protect a defendant from prejudicial pretrial publicity is a countervailing public policy which justifies reasonable restrictions on the public inspection of grand jury transcripts. Any such restriction, however, must not permanently deny the right of public inspection of the grand jury records. The appellate court stated:

In our opinion a proper order can require that grand jury transcripts not be disclosed to any person (other than those specifically mentioned in Penal Code section 938.1) until a specified reasonable period of time after a copy thereof has been delivered to the defendant; provided that if the defendant, during such time, shall move the court that such transcript, or any portion thereof, not be available for public inspection pending trial, such time shall be extended subject to the court's ruling on such motion. With regard to multiple or unapprehended defendants, we recognize that problems will occasionally occur. These situations must be met as public policy and the justice of each case require.

¹ Pen. Code § 938.1 provides in relevant part that after an indictment has been found the "county clerk shall not exhibit the transcript to any person other than the district attorney nor divulge any of its contents until after the defendant is in custody."

² *Craemer v. Superior Court* (1968) 265 Cal. App. 2d 216, 222. Subsequent to the decision in the *Craemer* case the Legislature revised the law relating to public records (Stats. 1968, Ch. 1473). The new law provides that nothing in it shall "be deemed in any manner to affect the status of judicial records as it existed immediately prior to the effective date" of the law (Gov. Code § 6260). The right to inspect public records is now provided by Gov. Code § 6253. Prior to the enactment of the 1968 legislation this right was codified in Code Civ. Proc. § 1892 and Gov. Code § 1227.

It is suggested that the order we deem proper is too broad in the sense that it applies to all grand jury transcripts, and that each case should, on defendant's motion, be individually considered by the judge, who, if good cause exists, could then make an appropriate order. This argument ignores the realities of our practice. Often transcripts are prepared and made available to the public before the defendant is arraigned or has any knowledge of the transcript's content. The right of a defendant to a fair trial should not be left to the chance that he will have had an opportunity to secure a court order suppressing public inspection of a grand jury transcript.³

Under the authority of *Craemer* superior courts may adopt the procedures that case suggests for the temporary sealing of grand jury transcripts. The failure of a court to adopt such procedures, however, may result in prejudice to a defendant and require postponement or transfer of a trial or possibly appellate reversal of a conviction.

In order to determine whether the superior courts have revised their practices as a result of the *Craemer* case and to obtain the views of the judges as to the need for legislation relating to the sealing of transcripts, a questionnaire concerning this matter was sent to each superior court. Forty-four courts responded.

In answer to the question of whether legislation was needed to govern the sealing of grand jury transcripts the replies were almost equally divided. A number of courts were of the view that since the authority to seal the transcript had been upheld in *Craemer* there was no need for legislation. Moreover, it was felt by some judges that the instances where sealing is required are rare. Also in one or two counties the local press apparently cooperates to prevent any publicity concerning the transcript.

Some of the rural courts reported no need for legislation insofar as their courts were concerned because they have few, if any, indictments. One such court reported, for example, that there had been no indictments in the county for the past 20 years.

On the other hand, judges who supported the enactment of legislation cited the desirability of uniform guidelines and procedures among the counties. It was also suggested that legislation would better protect a defendant's rights and may reduce the time spent by the court on pretrial motions.

The replies of the courts with regard to their practices indicate that few courts have changed their policies since the *Craemer* case. Only 11 of the responding courts had sealed the grand jury transcript in at least one case.⁴ Of these 11 only three followed the practice of temporarily sealing the transcript in every case and only two others had sealed the record in more than two cases.

Although it could be argued that the very limited number of transcripts sealed indicates that there is little need for such sealing or any legislation providing for such sealing, it is more likely that the lack of activity of this nature indicates that few courts have taken the necessary precautions to avoid prejudicial publicity. Even assuming

³ At 227.

⁴ Another county reported that there has been a voluntary practice on the part of the press not to attempt to examine any grand jury transcript until the trial.

that there is no need to seal the records in most cases, unless some system is established to provide for sealing the transcript in the exceptional case, a transcript may be inadvertently opened to the public before the defendant is aware of its contents or has an opportunity to request that the record be sealed. In order to insure privacy in the exceptional case it is recommended that all grand jury transcripts be sealed briefly to give the defendant an opportunity to examine the transcript and make whatever motion may be appropriate.

It is recommended therefore that legislation be enacted which would prohibit public inspection of a grand jury transcript until 10 days after its delivery to the defendant or his attorney. The court would be authorized to extend this period on motion of a party or on its own motion pending its determination as to whether all or part of the transcript should be sealed. If the court determined that there was a reasonable likelihood that release of any part of the transcript would prejudice a defendant's right to a fair and impartial trial, that part of the transcript would be sealed until the defendant's trial had been completed.

This legislation would provide a uniform procedure throughout the state and avoid the possibility of a trial court making an order that was too broad (as in the *Craemer* case) or, on the other hand, failing to protect the defendant's right to a fair trial.⁵

California is one of the few states that has rejected the traditional secrecy of grand jury transcripts. In most American jurisdictions the transcripts are not open to the public and the defendant is afforded very limited or no access at all to the transcript. Even with the proposed amendment California will remain one of the most liberal jurisdictions insofar as the right of the public to inspect such transcripts is concerned.⁶

Following is the proposed legislation.⁷

An act to amend Section 938.1 of the Penal Code, relating to grand jury transcripts.

The people of the State of California do enact as follows:

SECTION 1. Section 938.1 of the Penal Code is amended to read:

938.1 (a) If an indictment has been found or accusation presented against a defendant, such stenographic reporter shall certify and ~~file~~ *with* deliver to the county clerk an original transcription of his shorthand notes and a copy thereof and as many additional copies as there are defendants, other than fictitious defendants, regardless of the

⁵ Two of the replies to the questionnaire suggested that any rule for sealing grand jury transcripts should also be applied to transcripts of preliminary examinations. It does not appear, however, that this is necessary. In most cases, the preliminary examination is open to the public and sealing of the transcript would be futile. In those cases in which the public is excluded on defendant's demand pursuant to Pen. Code § 868 it is assumed that before the transcript is prepared the defendant's attorney could request that it not be made available to the public.

⁶ See American Bar Association, *Project on Minimum Standards for Criminal Justice, Standards Relating to Discovery and Procedure Before Trial* (Tentative Draft, May 1969) at 64-66; Calkins, *Grand Jury Secrecy* (1965) 63 Mich.L.Rev. 455; Sherry, *Grand Jury Minutes: The Unreasonable Rule of Secrecy* (1962) 48 Va.L.Rev. 668.

⁷ The bill also provides that the original of the transcript rather than a copy shall be retained by the court clerk for use by the judges. This will conform to the 1970 amendment to Pen. Code § 869 relative to transcripts of preliminary examinations (Stats. 1970, Ch. 1461).

number of charges or fictitious defendants included in the same investigation. The reporter shall complete such certification and ~~file~~ *delivery* within 10 days after the indictment has been found or the accusation presented unless the court for good cause makes an order extending the time. The time shall not be extended more than 20 days. The county clerk shall ~~deliver file~~ the original of the transcript ~~so filed with him~~, *deliver a copy of the transcript* to the district attorney immediately upon his receipt thereof; ~~shall retain one copy for use only by judges in proceedings relating to the indictment or accusation, and shall deliver a copy of such transcript upon to each such defendant or his attorney.~~ If the copy of the testimony is not served as provided in this section the court shall on motion of the defendant continue the trial to such time as may be necessary to secure to the defendant receipt of a copy of such testimony 10 days before such trial. ~~The county clerk shall not exhibit the transcript to any person other than the district attorney nor divulge any of its contents until after the defendant is in custody.~~ If several criminal charges are investigated against a defendant on one investigation and thereafter separate indictments are returned or accusations presented upon said several charges, the delivery to such defendant or his attorney of one copy of the transcript of such investigation shall be a compliance with this section as to all of such indictments or accusations.

(b) *The transcript shall not be open to the public nor its contents divulged until 10 days after its delivery to the defendant or his attorney. Thereafter the transcript shall be open to the public unless the court orders otherwise on its own motion or on motion of a party pending a determination as to whether all or part of the transcript should be sealed. If the court determines that there is a reasonable likelihood that making all or any part of the transcript public may prejudice a defendant's right to a fair and impartial trial, that part of the transcript shall be sealed until the defendant's trial has been completed.*

CHAPTER 3

POSTCONVICTION REMEDIES

Applications for relief by persons confined in state prisons and in county jails, as well as in other public institutions of confinement, have burgeoned in recent years. The resulting problems for state and federal courts, in the light of new requirements imposed by the United States Supreme Court, have attracted nationwide attention.

In 1966 the Constitution Revision Commission proposed a simplification of California's judicial article which was accepted by the Legislature and adopted by the people.¹ This constitutional change, plus conforming statutory changes in 1967 and 1969,² have set the stage for the Judicial Council to take an in-depth look at the possibility of devising major improvements in our postconviction procedures.

After preliminary investigation by its committees and staff, the Council employed a research consultant to undertake a comprehensive background study of the problem.³ That study is published in this *Report* for the benefit of legislators, administrators, judges, lawyers and others who may be concerned with the subject. The consultant's study is, of course, only the first step in a long-range effort to solve a problem that has resisted the best efforts of many people throughout the country for a long time. The Council plans to continue its work through a special committee on the subject, and it will welcome the assistance and contributions of others in that work. It has not considered or approved any of its consultant's recommendations as yet and will welcome observations and comments from informed persons concerning those proposals, as well as other proposals for dealing with the problem. Comments and suggestions should be sent to:

Postconviction Remedy Study
Administrative Office of the California Courts
4200 State Building
San Francisco, California 94102

¹ Proposed Revision of the California Constitution (1966); 1967 Judicial Council Report, p. 65.

The California Constitution confers original jurisdiction to issue writs of habeas corpus on every judge in every court from the superior court level to the Supreme Court level. (Cal. Const., Art. VI, Sec. 10.) If a postconviction procedure statute, as in Illinois, were to place jurisdiction primarily in the general trial court with an appeal to the higher courts, California's Constitution requires a written decision to be prepared on every appeal. (Cal. Const., Art. VI, Sec. 14.)

² Cal. Stats. 1967, Ch. 17; Cal. Stats. 1969, Ch. 38. See 1970 Judicial Council Report, p. 63.

³ See consultant's study, *infra*.

A STUDY OF POSTCONVICTION PROCEDURES IN CALIFORNIA *

* This study was prepared by Mr. Jack Leavitt, a member of the California bar, at the request of the Judicial Council to assist it in its study of the problems in the field of postconviction remedies. The opinions and recommendations contained in this study are entirely those of the author.

Mr. Leavitt (B.A., 1951, Brooklyn College; LL.B., 1957 and M.A., 1958, University of Illinois; LL.M., 1963, University of California at Berkeley) is also a member of the bar in Illinois. An experienced trial and appellate lawyer, he has written for *The Hastings Law Journal*, *The California Law Review*, *The Stanford Law Review*, *Crime and Delinquency*, *The Trial Lawyer's Guide* and other legal publications. He has also lectured at the John F. Kennedy School of Law and the San Francisco Law School.

TABLE OF CONTENTS

	Page
THE NATURE OF THE PROBLEM	26
HOW OFTEN IS JUDICIAL RELIEF GRANTED	31
DUE PROCESS AND RECORDMAKING	33
Due Process In Fact and In Appearance	33
Termination or Shifting of Grievances	35
The Need to Make a Record	37
FEDERAL-STATE RELATIONSHIPS	37
Federal Powers and State Remedies	37
Waiver and Forfeiture in State Court	38
Adequacy of State Factfinding	39
Federal Evidentiary Hearings	40
State Court Options	40
CATEGORIZING PRISONERS' CLAIMS	41
THE PROCESSING OF INDIVIDUAL COMPLAINTS	43
Where the Record is Conclusive	43
Where the Claim is "Demurrable"	44
Flaws in Facts or Theories	44
Legal Advice and Assistance	45
Simplification of Forms	46
Where the Prisoner Contradicts Himself	48
Missing Records and Multiplicity of Remedies	48
Restructuring of Remedies	49
Computerization	49
Geographic Coordination	50
Title of Petition	52
Where Issues Have Not Previously Been Raised or Are Not of Record	52
THE PROPER ALLOCATION OF COURT RESOURCES	53
Which Courts Now May Receive Petitions?	53
Which Courts Need More Work?	54
Habeas Corpus Jurisdiction	54
Geographic Limitations	54
Nongeographic Considerations	55
Transportation of Prisoners	56
Transfers for Resentencing	56
Knowledge of Sentencing Court	56
Comity Between Equal Courts	57

TABLE OF CONTENTS—Continued

	Page
How to Select a Hearing Court	57
Propriety of the Court of Appeal	58
American Bar Association Standards	59
Factual vs. Legal Questions	60
Appellate Nature of Complaints	61
Assistance for the Courts of Appeal	61
Other Advantages	62
Lessening of Duplication	62
Uniformity of Decisions	62
Access to All Records	62
Uniform Procedures for Felons and Misdemeanants	62
Ease of Transferring Cases	62
Supervisory Control Over Superior Courts	63
More Bearable Delays	63
BROADENED APPELLATE PROCEDURES	63
CONCLUSION	64

THE NATURE OF THE PROBLEM

To regain their freedom, more and more state prisoners have been making postconviction collateral attacks on the supposedly final judgments against them. Where only 89 state prisoners sought federal aid in 1940, over 12,000 filed petitions for relief in federal district courts in 1969, leading the Chief Justice of the United States to urge the states to develop adequate postconviction procedures for their own prisoners.¹

Statistics for California show that in fiscal 1961-62, state prisoners filed 1,167 original proceedings for collateral criminal relief in all state courts; by fiscal 1968-69, in addition to 2,733 filings for direct criminal appeals, the statewide total of postconviction petitions from our approximately 27,000 prisoners had increased to 6,214.² (As a parallel in 1968, federal district courts in California took final action on 1,015 habeas corpus petitions from California prisoners.)³

The impact of these postconviction petitions has led the California Judicial Council to seek ways of improving the present methods by which our courts deal with habeas corpus and similar procedures for collateral relief. The Council's present interest has focused on attempts by state prisoners—i.e., convicted felons—to obtain their freedom or to modify the terms of their confinement, independent of any direct appeals they may have filed. While the rights of certain county prisoners (i.e., those who have been convicted and sentenced for misdemeanors) are peripherally involved, no attempt has been made to deal at the present time with writs sought by defendants awaiting trial (who allege, for example, that the jailer has denied them a clean shirt for a court appearance), or by persons institutionalized under the provisions of civil mental health statutes, or by individuals alleging unlawful private confinement (as is sometimes found in child custody matters).

¹Burger, *Remarks on the State of the Federal Judiciary* before the American Bar Association, August 10, 1970, 56 A.B.A.J. 929, 931 (1970). See also Burger, *Remarks on State Criminal Cases in Federal Courts* before the National Association of Attorneys General, February 6, 1970 (privately reproduced); *Case v. Nebraska* (1965) 381 U.S. 336, concurring opinions of Clark, J. and Brennan, J. For a discussion of this problem from the viewpoint of a federal Court of Appeals, see *Peters v. Rutledge* (5th Cir. 1968) 397 F.2d 731.

The literature on habeas corpus and postconviction problems is extensive. For a comprehensive, not-quite-persuasive and badly timed analysis of the problem, see Bator, *Finality in Criminal Law and Federal Habeas Corpus for State Prisoners*, 76 Harv.L.Rev. 441 (1963). For an excellent historical review, with reasoned evaluation, see *Developments in the Law—Federal Habeas Corpus*, 83 Harv.L.Rev. 1038-1280. A good short summary is found in Meador, *Accommodating State Criminal Procedures and Federal Post-Conviction Review*, 50 A.B.A.J. 928-931 (1964).

²For the fiscal year 1961-62 statistics, see the *Annual Report of the Administrative Office of the California Courts*, published Feb. 3, 1964, which gives those figures in comparison with those of 1962-63, pp. 67, 68, 84.

For the fiscal year 1968-69 statistics, see the *Annual Report of the Administrative Office of the California Courts*, published Jan. 5, 1970, pp. 77, 80, 148. Except for filings in superior court, the precise number of petitions for habeas corpus or similar postconviction relief is not distinguished from other original criminal proceedings. Virtually all of the tabulated filings, however, appear to be habeas corpus. See p. 81.

³See *State Post-Conviction Remedies and a Uniform Rule of Federal Habeas Corpus*, (Tentative Draft No. 2, May 1970), p. 30. This work, scheduled to be published in the *William and Mary L.Rev.* (fall 1970), gives comparative statistics for all federal courts and summarizes what the states are doing to provide postconviction remedies. For a concise view of the many existing approaches to postconviction procedures, this work is a fine summary, though it provides minimal insight into whether an apparently well-intentioned system really works in its detailed functioning.

As an independent consultant retained to make appropriate recommendations to the Council, I have sought answers through conferences with judges and administrative personnel in California and several other states, through research and through personal experience.⁴ What I quickly learned—in what seems like a naive revelation—is that the answers I received bore a direct relationship to the questions I asked. Whenever I shifted my perspective, I obtained different results, depending in large part on which of the following issues were raised:

1. How can we prevent prisoners from filing worthless applications?
2. How can we assure each prisoner a full and fair hearing for his grievances?
3. How can we lighten the present postconviction workload of our state courts?
4. How can we lighten the present postconviction workload of the federal courts?
5. How can we process a prisoner's grievances in such a way that, even if his claims are rejected, the record will show his constitutional rights were protected?
6. How can we establish day-to-day administrative procedures for postconviction claims while allowing our courts to continue having wide scope to grant extraordinary relief in extraordinary circumstances?

The question on which I ultimately settled as a guide was, of course, a compromise: How can we administratively manage a large volume of invalid postconviction claims to permit their prompt disposition on routine grounds, made of record, while we remain able to marshal all necessary judicial resources in deciding the arguably valid claims?

For reasons which form the body of this report, I have concluded that the problem, like a lingering illness, is incurable—but is manageable. Hesitantly optimistic, I view the solution in this way: The superior court, as a trial court having initial contact with a defendant, must take prophylactic measures to prevent the rise of grievances outside the written record. The Court of Appeal, with increased manpower, should bear the brunt of processing and evaluating the prisoners' petitions, partially through use of broadened appellate procedures. The Supreme Court should function as it customarily does in other litigation, granting a hearing only to those cases it considers worthy of decision by the state's highest court.

In trying to establish any workable system of postconviction remedies, we should recognize how difficult it is to create procedures which must satisfy conflicting—and often irreconcilable—legal values. Until

⁴Much of my research embodies interviews with state and federal judges (ranging from a California justice court judge to a retired Associate Justice of the United States Supreme Court), court administrators, public and private attorneys and court clerks. Within California I discussed these matters in Los Angeles, San Francisco, Sacramento, Oakland, Richmond, San Rafael, Fairfield and El Cerrito. Outside California I conferred with judges or court administrators in New York, New Jersey and Illinois. (As might have been expected, my out-of-state discussions did not provide a readymade solution for California's problems. What I obtained, however, were sufficiently different shadings of opinion on mutually encountered difficulties to help me clarify the procedures I have ultimately recommended.)

Without the warm and vigorous cooperation I received from all these sources, this report could not have been written. While my thanks, perhaps, may take the form of recommendations with which they disagree, I have tried to record the many divergent views so that postconviction problems are clearly delineated. When a workable solution is devised, the credit will be widely shared.

we have acknowledged an all-pervasive tension in the law, we cannot accept any answer as satisfactory, simply because the answer is likely to heighten the tensions in the areas where it has assumed away its premises.

We should remind ourselves at the outset that our system of criminal procedure thrusts a factfinding process into a framework of constitutional inhibitions. As a result, we routinely experience friction in deciding whether to grant relief to an accused criminal whose guilt seems clear but whose conviction was tainted by irregularities. Throughout our history, we have insisted it is far better to free ten guilty men (or 100, or 1,000, depending on the mathematician) rather than convict one innocent man. At the same time, we have clamored against the loopholes and technicalities which courts use to restore freedom to our most despised criminals. Try as we may, we have not yet reconciled our fear of crime and our desire for justice.

In the postconviction area, this conflict between guilt-in-fact and innocence-by-law takes on special significance. The persons seeking court relief are nearly always men in confinement and are the most likely individuals to have committed the crimes which led to their imprisonment. While they now press for a judicial penstroke to set them free, in the past they had either pleaded guilty to the charges against them or were convicted after a contested trial and, if they appealed, had the judgments of guilt affirmed by the higher courts. Judging by ordinary procedures, society has found them deserving of punishment.

Yet postconviction claims persist and multiply, causing substantive and administrative problems throughout the nation. What gives the petitioning prisoners their right to attention is the unique status of the help they seek. They insist—often crudely, illiterately and arrogantly—that the state government has unlawfully imprisoned them and that the price of their confinement is the destruction of constitutional guarantees dating back to the Magna Charta. "Free me," the prisoners invoke the name of the Great Writ most closely associated with personal liberty, "because habeas corpus prohibits my illegal detention."⁵

Once we accept the postconviction concept as a proper judicial function, even though it is *not* part of constitutional due process,⁶ we should examine the changing boundaries in this field. Until fairly recently, the thumbnail description of habeas corpus relief held that:

... Its only office is to determine whether the particular judgment, order or process, the validity of which is attacked, is within the jurisdiction of the court or officer making or issuing it. The writ does not lie to correct errors and irregularities committed in the exercise of jurisdiction, but cognizance is taken only of such defects as render absolutely void the proceedings under which the petitioner is imprisoned.⁷

⁵ *Sanders v. United States* (1963) 373 U.S. 1; *Fay v. Noia* (1963) 372 U.S. 391; *Townsend v. Sain* (1963) 372 U.S. 293.

⁶ See *North Carolina v. Pearce* (1969) 395 U.S. 711; *In re Shipp* (1965) 62 Cal.2d 547. See *Kaufman v. United States* (1969) 394 U.S. 217 for the statement that Congress has determined that full protection of prisoners' constitutional rights requires the availability of a mechanism for collateral attack.

⁷ IV Bancroft, *Code Practice and Remedies* 4294 (1928). See also Comment, *Criminal Law: The Use of Habeas Corpus for Collateral Attacks on Criminal Judgments*, 36 Cal.L.Rev. 420 (1948). And see Collings, *Habeas Corpus for Convicts—Constitutional Right or Legislative Grace?* 40 Cal.L.Rev. 335 (1952).

This simplistic view is no longer tenable. By paralleled but uneven processes, both the United States Supreme Court and the California Supreme Court have utilized the Great Writ as the ultimate corrective for constitutional errors occurring almost anywhere in our criminal procedures.⁸ The issue of jurisdiction has been displaced by that of fairness, since the writ:

... is not now and never has been a static, narrow, formalistic remedy; its scope has grown to achieve its grand purpose—the protection of individuals against erosion of their right to be free from wrongful restraints upon their liberty.⁹

In an attempt to preserve the wide-ranging scope of the writ while still regulating its frequency, the California Supreme Court has said many times that habeas corpus cannot serve as a substitute for appeal. Under this concept, the writ will not lie where the claimed errors could have been but were not raised on appeal—unless special circumstances excuse the failure to use appellate procedures.¹⁰

While couched in the negative, this position is bound to encourage litigants to use habeas in addition to or instead of an appeal (except where the appeal is equally attractive and available). If all other avenues were closed to a litigant, no one determined to protect his rights could be certain, in advance, that his case lacked the requisite special circumstances to impress the court. Only after the petition were filed could the validity of the collateral approach be determined. Rather than prevent cases from reaching the calendar, this rubric provides a justification for the courts, after examining the facts, to summarily dispose of many matters without a full opinion.

In a single recent volume of the California Reports, for example, habeas corpus was utilized to litigate the following issues before the Supreme Court: use of an invalid prior conviction in determining penalty¹¹ and guilt;¹² resolution of a jurisdictional dispute between the state's narcotics addicts' rehabilitation program and that of Synanon, a private organization;¹³ disqualification of jurors because of their attitude towards the death penalty;¹⁴ validity of a condition of probation requiring the defendant to repay the county for court-appointed counsel's fees;¹⁵ introduction of a codefendant's confession as

⁸ See, e.g., *Harris v. Nelson* (1969) 394 U.S. 286; *Davis v. North Carolina* (1966) 384 U.S. 737; *Sheppard v. Maxwell* (1966) 384 U.S. 333; *Pate v. Robinson* (1966) 383 U.S. 375; *Jackson v. Denno* (1964) 378 U.S. 368; *Irvin v. Dowd* (1961) 366 U.S. 717; *In re Jackson* (1964) 61 Cal.2d 500; *In re Winchester* (1960) 53 Cal.2d 528. See also *In re Kay* (1970) 1 Cal. 3d 930.

⁹ *Jones v. Cunningham* (1963) 371 U.S. 236, 243; *Peyton v. Rowe* (1968) 391 U.S. 54, 66. See Dicey, *The Law of the Constitution* 235 (1885) for a 19th century view of the scope of the writ: "The authority to enforce obedience to the writ is nothing less than the power to release from imprisonment any person who in the opinion of the Court is unlawfully deprived of his liberty, and hence in effect to put an end to or to prevent any punishment which the Crown or its servants may attempt to inflict in opposition to the rules of law as interpreted by the judges. The judges therefore are in truth, though not in name, invested with the means of hampering or supervising the whole administrative action of the government, and of at once putting a veto upon any proceeding not authorized by the letter of the law."

¹⁰ *In re Black* (1967) 66 Cal.2d 881; *In re Shipp* (1965) 62 Cal.2d 547; *In re Dixon* (1953) 41 Cal.2d 756.

¹¹ *In re Huddleston* (1969) 71 Cal. 2d 1031.

¹² *In re Dabney* (1969) 71 Cal.2d 1.

¹³ *In re Marks* (1969) 71 Cal.2d 31; *In re Walker* (1969) 71 Cal.2d 54.

¹⁴ *In re Seiterle* (1969) 71 Cal.2d 698; *In re Hillery* (1969) 71 Cal.2d 857; *In re EW* (1969) 71 Cal.2d 214; *In re Arguello* (1969) 71 Cal.2d 13; *In re Hill* (1969) 71 Cal.2d 997.

¹⁵ *In re Allen* (1969) 71 Cal.2d 388.

it affected the defendant's right of confrontation;¹⁶ reinstatement of dismissed misdemeanor complaints after an unsatisfactory plea bargain was set aside;¹⁷ revocation of parole;¹⁸ validity of a prior conviction;¹⁹ propriety of an in-court identification after a police lineup;²⁰ constitutionality of restrictions against handbill distribution around a private shopping area;²¹ and the propriety of a trial court's holding an attorney in contempt.²² Surely if Volume 71 of the California Reports teaches anything to a litigant, the lesson is: When in doubt, apply for an extraordinary writ.

Only by creating subject matter barriers (like those prohibiting collateral attacks in state court, based on unconstitutional searches and seizures)²³ will the courts be able to lighten their calendars by discouraging prospective litigants from seeking help (assuming the litigants reject the "Why not take a chance anyway?" approach). To afford significant relief, this renunciation in advance would require the courts to choose popular objects of controversy as beyond their scope. (Rarely urged subjects are virtually self-eradicating.) Yet no matter how carefully drawn the exclusionary list may be, the courts would have to adopt a blinders philosophy of either optimistic certainty ("In area X, the judicial system is free of errors.") or of indifference ("Although some injustice may occur, we are not prepared to correct it."). Neither philosophy allows rational deliberation about the merits of each case, which is the hallmark of the judicial function in our society.

For matters other than prisoner relief, the courts have available effective sanctions with which to control frivolous litigation. In the prisoner field, however, economic sanctions are fruitless because most prisoners are indigent, while sanctions like dismissal of an action for defects on the face of the petition present no greater penalty than the prisoner would endure if he failed to present his grievances. A possible means of setting controls on the substance of prisoners' petitions (and, in consequence, on the quantity of those documents which reach the courts) is for the Attorney General to follow up all blatantly false petitions with prosecutions for perjury. To the extent that systematic prosecutions are carried on, the courts' burdens will be directly increased by the number of such cases, while the exemplary effect may well be negligible. (How much of an additional sentence would be necessary to deter a prisoner serving an indeterminate term from seeking his immediate freedom through an over-embellished petition?) Perjury prosecutions might limit the writ-writing activities of individual prisoners (though their being convicted anew would open fresh channels for their postconviction skirmishing), but the likelihood of dramatic examples cutting the flow of applications from other prisoners seems small. Had punishment been a sufficient example to them in the past, they would not have committed the crimes whose consequences they are now resisting.

¹⁶ *In re Hill* (1969) 71 Cal.2d 997; *In re Sears* (1969) 71 Cal.2d 379.

¹⁷ *In re Dapper* (1969) 71 Cal.2d 184.

¹⁸ *In re Bennett* (1969) 71 Cal.2d 117.

¹⁹ *People v. Coleman* (1969) 71 Cal.2d 1159.

²⁰ *In re Hill* (1969) 71 Cal.2d 997.

²¹ *In re Lane* (1969) 71 Cal.2d 872.

²² *In re Hallman* (1969) 71 Cal.2d 1179.

²³ See *In re Sterling* (1965) 63 Cal.2d 486. But see *Pineda v. Craven* (9th Cir. 1970) 424 F.2d 369.

HOW OFTEN IS JUDICIAL RELIEF GRANTED

By showing a willingness to correct unconstitutional criminal procedures, we are inviting claims of error from prisoners whose reasonable self-justification is that they are being unfairly punished. Assuming that we believe currently prevailing constitutional law will endure for an indefinite period (because of inertia, our respect for precedent, or the fact that scrupulous concern for individual rights reflects our highest ideals), we must measure the net total of judicial relief that answers this torrent of grievances.

On the federal level, Justice Tom Clark has said that if history is any guide 98 percent of prisoner petitions will be frivolous so that, because of sheer numbers, these applications can be given only cursory attention.²⁴ (At a time when the United States Supreme Court's overall calendar had some 2,000 cases annually, another justice estimated that if every case on an average list were actually considered at conference, it would receive only 33 seconds of discussion from each justice.)²⁵ Using Justice Clark's figures, at least one commentator has asked whether the seemingly unlawfully jailed 2 percent of petitioners should languish in prison because judges were too busy for them.²⁶

Based on his experiences in the Western District of Missouri, a federal judge has found reason to dispute the widely held view that postconviction applications rarely have merit:

I have yet to find a judge, state or federal, who is not surprised to learn that almost half of all postconviction motions properly processed by evidentiary hearings in one metropolitan state trial court during less than a year's time resulted in the granting of some form of relief to the petitioner. I have found that judges, both state or federal, who have actually conducted a number of postconviction evidentiary hearings are not as surprised as judges who have not had that experience. The assumption that only rarely will a case of merit be uncovered would seem to be placed in doubt by the first sampling reported by one Missouri trial court which is conscientiously making application of the principles of the trilogy.²⁷

Of the approximately 6,200 postconviction petitions filed in California courts in fiscal 1968-69, roughly 5,300 were disposed of—i.e., denied—without either a formal hearing or a written opinion.²⁸ While statewide statistics are unavailable to show how many of the remaining 900 petitions (673 in superior courts) were ultimately denied or granted, interviews with various judges indicated that few applications

²⁴ *Fay v. Noia* (1963) 372 U.S. 391, 445, dissenting opinion. In *Thomas v. Teets* (9th Cir. 1953) 205 F.2d 236, where the court granted relief, it gave assurances that habeas corpus proceedings were not emptying state penitentiaries.

²⁵ *Prettyman, Death and the Supreme Court* 248-49 (Avon ed., 1961).

²⁶ *Leonard, Federal Habeas Corpus for State Prisoners*, 1 Law In Transition Quarterly 1, 17 (1964).

²⁷ *Oliver, Postconviction Applications Viewed By A Federal Judge—Revisited*, speech given at the Ninth Circuit Judicial Conference, San Francisco, California, July 18, 1963, 45 F.R.D. 199, 217.

²⁸ For an extensive discussion of *Applications for Writs of Habeas Corpus and Post Conviction Review of Sentences in the United States Courts* by several federal judges, see 33 F.R.D. 363-505. See also Carter, *Pre-Trial Suggestions for Section 2255 Cases*, 32 F.R.D. 391.

²⁹ See Note 2.

produced the desired relief.²⁹ As one prisoner pointed out, "more men still escape from prison than gain freedom through writs of habeas corpus."³⁰

Even though we cannot overconfidently insist that the low measure of prisoner success proves their claims lack merit (since the judicial system under fire is also the one deciding whether its procedures are faulty), we can legitimately assert our respect for the integrity of California's administration of justice. Our substantive and procedural rules, while subject to abuse, provide full scope for the repair of constitutional infirmities. This being so, our objective in the postconviction field must remain qualitative, not quantitative. If, for example, the number of prisoners arguably deserving collateral relief would rise from Justice Clark's suggested 2 percent to a new level of 10 percent, the increase would attest to the *failure* of our judicial institutions. We could not have a viable system of justice if we routinely denied constitutional rights to, say, 10 percent of our convicted defendants.

The danger of our success, however, is that it can insulate us from a willingness to accept the possibility of error. Our arguably fault-ridden "2 percent" so seldom materializes in the here-and-now that we often view the rejection of 98 percent of claims as a waste of time. According to one federal district judge, writing in 1947, the Great Writ:

... is not a plaything of penitentiary inmates to accomplish temporary vacation visits to the federal courts, nor is it a convenient instrumentality for vexing courts with repetitious and unmeritorious pleas. . . . The last few years have seen the right to its use become a penitentiary "racket."³¹

To illustrate his point, the district judge noted that in a ten-year period, 63 Alcatraz inmates filed 251 petitions, with a further breakdown revealing that 26 prisoners accounted for 167 petitions and that a single prisoner registered 16 successive petitions about his confinement. "Most of the recent Supreme Court pronouncements," observed the judge, "arise out of these petitions."³² Yet if the judge's observations concerning successive applications are correct, we might be more troubled by those cases in which the courts had denied pleas for justice many times before continued attempts by hard-headed prisoners prompted the United States Supreme Court to articulate new constitutional guidelines. We should also wonder about the fact that sometimes, it appears, the prisoner whose case inspires black letter constitutional

²⁹ To get a working idea of the time superior court judges actually spend on individual petitions for relief, I prepared a short questionnaire that went out to a small sample of counties, requesting data for June and July 1970. The results indicated a wide variation, from a low of 7 minutes off-bench time per petition to a high of 12 hours. On-bench time ranged from 0 to 60 minutes. Apparently each petition makes its own demands.

³⁰ Larsen, *A Prisoner Looks At Writ-Writing*, 56 Cal.L.Rev. 343 (1968).

³¹ Goodman, *Use and Abuse of the Writ of Habeas Corpus*, address given at the 1947 Annual Conference of the 9th Circuit, 7 F.R.D. 313, 314, 316.

³² *Id.* at 315.

doctrine cannot himself benefit from the principles as applied to his own case.³³

DUE PROCESS AND RECORDMAKING

Due Process In Fact and In Appearance

Unlike the great classics of English literature, which we universally praise but never read, these petitions must be examined before they can be deemed valid or invalid. We cannot escape this obvious chore. Even though the judges' common reaction may be, "There's nothing there," what the prisoners say poorly may nevertheless contain a basis for relief. The reading of these allegations should be insightful rather than hostile because:

... the imaginative handling of a prisoner's first motion would in general do much to anticipate and avoid the problem of a hearing on a second or successive motion. The judge is not required to limit his decision on the first motion to the grounds narrowly alleged, or to deny the motion out of hand because the allegations are vague, conclusional or inartistically expressed. He is free to adopt any appropriate means for inquiry into the legality of the prisoner's detention in order to ascertain all possible grounds upon which the prisoner might claim to be entitled to relief. Certainly such an inquiry should be made if the judge grants a hearing on the first motion and allows the prisoner to be present. The disposition of all grounds for relief ascertained in this way may then be spread on the files and records of the case.³⁴

The prisoners' complaints will be aimed at the process of conviction or the terms of imprisonment, or both, and may include unintelligible rambling, broad statements of law culled from a storm of precedents, reargument of matters previously decided at trial or on appeal, requests for help in preparing petitions for relief (including demands for transcripts of earlier proceedings), complaints about the trial attorney's skills and services, invitations to long-term correspondence and the like. From this miscellany, the court will have to make an initial determination of what the prisoner is trying to do and whether he has any chance of success.

At this point—the moment after a claim is categorized—arises the problem of what to do with it for the record. The options are to grant or deny it summarily; to call for opposition from the Attorney General or other interested public official; to order a hearing for argument of legal issues; or to order a hearing (or a reference) for the development of evidentiary facts on which a legal decision will turn. To many

³³ So, for example, it was said in Perkins, *Cases and Materials on Criminal Law and Procedure* 742 (1952) that *Mooney v. Holohan* 294 U.S. 103 "will stand out in history as a landmark in the law of habeas corpus because it suggested that any conviction in a case in which any agency of the government had deprived the convict of his constitutional right to due process of law, is in legal effect utterly void." Mooney, who had alleged in his United States Supreme Court victory that the prosecution knowingly used perjured testimony against him, never established these claims in court. He was freed by a governor's pardon. See Williams, *Due Process* 91-111 (1960).

³⁴ *Sanders v. United States* (1963) 373 U.S. 1, 22-23. See also Lay, *Post-Conviction Remedies and the Over-Burdened Judiciary: Solutions Ahead*, 3 Creighton L.Rev. 5 (1969); Lay, *Problems of Federal Habeas Corpus Involving State Prisoners*, 45 F.R.D. 45.

judges, however, the real difficulty here festers in the subsidiary question:

How much judicial time and effort must be spent in rejecting a valueless petition?

Whatever answer ultimately satisfies us, we must make sure it takes into account the rendering of due process of law; the termination, as opposed to the shifting, of grievances; and the sensitivities of relationships between state and federal courts.

Because the due process question underlies all others, it deserves immediate attention. Without belaboring the subtleties or compiling a list of substantive rights, we can understand due process in these matters as an orderly proceeding before a fair and impartial tribunal in which the petitioner has an opportunity to present and enforce his constitutional rights. On a scale of values, we are faced with the principle that:

... There is no higher duty of a court, under our constitutional system, than the careful processing and adjudication of petitions for writs of habeas corpus, for it is in such proceedings that a person in custody charges that error, neglect or evil purpose have resulted in his unlawful confinement and that he is deprived of his freedom contrary to law.³⁵

The urgency of this language, however, is modified by the fact that a court may summarily dispose of a frivolous application without briefs or arguments.³⁶ As a result, due process may be served even when the mechanics of decision remain in the privacy of a judge's chambers. The petitioner's request for help may properly be turned away with nothing more than a postcard saying, "Petition Denied."

Yet when a denial occurs without an express rationale to support it, only the court which made the ruling can be sure of the internal steps that led to its decision. Depending on our respective prejudices, an outsider—whether he be the prisoner, a judge in a higher tribunal, or a member of the public at large—must use wishful speculation to fill in the gap between the petition's filing and its actual disposition, even though we customarily suppose, in the absence of evidence to the contrary, that official duties have been properly performed. Probably the court, as a responsible tribunal, carefully scrutinized the record, researched the applicable law, and came to the irresistible conclusion that the claim had no merit. But how are we to know?³⁷

³⁵ *Harris v. Nelson* (1969) 394 U.S. 286, 292. For a different view on the significance of habeas corpus, see Mr. Justice Darling, *Schmittian Juris and Meditations in the Tea Room* 124 (London, 1914, 6th ed.): "I would not be understood to mean that the people have been unwise in fighting for their charters, liberties, and settlements; yet the benefits they have most hardly obtained are, perhaps, not so valuable as is commonly supposed, and are never thoroughly enjoyed by any except the turbulent and litigious. The dissent of a dissenter makes, after all, but a small part of his life; a Quaker were little the worse for having to take an oath now and then; nor does a peaceful citizen often need habeas corpus. Many of those incidents of our Constitution which some represent as its foundations are in fact no more than luxuries of complaint, enjoyed by reason of the general content which prevails."

³⁶ *Hernandez v. Schneekloth* (9th Cir. 1970) 425 F.2d 89; but cf. *Thomas v. Teets* (9th Cir. 1953) 205 F.2d 236. See also *Carafas v. LaVallee* (1968) 391 U.S. 234, which states that after a certificate of probable cause has been granted, a court of appeals may still summarily dispose of frivolous appeals when the court demonstrates the basis for its action. Cf. *Harris v. Nelson* (1969) 394 U.S. 286.

³⁷ See Larsen, *A Prisoner Looks At Writ-Writing*, 56 Cal. L.Rev. 343, 353 (1968) for a description of the "chaos" in the prisoners' legal world when a federal judge consistently denied petitions that were prepared according to a formula he had suggested in a published opinion.

To the extent that we can never know anything—especially, cynics insist, after we have received elaborate explanations—our ignorance in the postconviction field is a routine frailty. Conceivably we should endure it with passive faith in the correctness of the judicial decision against the prisoner. Unfortunately for this solution—which might be the best short answer to the postconviction problem—the rights at stake are too significant to fade away by guesswork. For the prisoners themselves, as evidenced by the number of successive petitions they file, and for many courts which receive the repeated requests for help, justice done in silence is a deficient procedure. The presumption of regularity often becomes subordinate to the suspicion that, for a prisoner, due process in fact should include the *appearance* of having done due process.

Should we, then, force a court system already overburdened with worthless petitions to further immerse itself in the postconviction process (to the detriment of other fields of judicial effort) by spawning a literature of denial? Must the courts endlessly work variations on the theme, "No merit"?

If we believe that the appearance of due process is a luxury, provided due process in fact was done, we may well also believe that a busy court need not, in effect, apologize for a correct decision. We would maintain our faith in our judicial process without constant demands for published proof of its virtue. In such an instance we would prefer getting on with the real job—deciding cases fairly—and leaving embittered speculations for disappointed prisoners and other brooders. On the other hand, we might argue that the only distinction between an arbitrary decision and a judicious one is the rationale behind the judgment. Take away the reasoning and we have nothing left but the exercise of power—and unresponsive power is the keystone of arbitrary action.

Termination or Shifting of Grievances

Since law in action rarely matches justice in repose, we might step away from the never-to-be resolved conflict between ideals and actuality by asking whether, on a different level, summary dismissals of prisoners' petitions yield practical results. We realize that a minimal time for decision-writing benefits the deciding courts. But what of higher courts? Does a summary decision in one place, like a superior court, terminate the postconviction litigation or just shift the battleground elsewhere, as the California Supreme Court or the United States District Court?

Under the California Constitution and California practice, a petitioner may initially file his postconviction application with the superior court, the Court of Appeal or the Supreme Court.³⁸ The statutes which underlie habeas corpus procedure assume that the next step after filing will be either the grant or denial of the writ itself, followed (if the writ is granted) by a return from the person having custody, a traverse, a hearing and, finally, a remand or discharge of the prisoner. Because issuance of the writ requires actual production of the prisoner in court, however, our courts have shifted to a procedural

³⁸ See Pen. Code §§ 1475, 1508; Witkin, *Cal. Crim. Proc.* 764-65 (1963). See the discussion at Notes 105-111 *infra*.

Further references to B. E. Witkin's text will be to Witkin, *Crim. Proc.* The 1969 Supplement is in print and should also be referred to when the work is cited for the main text.

framework in which orders to show cause why the writ should not be granted have been substituted for the actual granting.³⁹ In effect the results are the same, but some statutory controls against abuse of the writ process are based on court compliance with now obsolete procedures.

If a petition is summarily denied, the petitioner is apparently free to continue filing his application with any appropriate court. (*Res judicata* does not bar reapplications for relief.)⁴⁰ The successive courts, in their turn, may continue to summarily reject the new petitions on the ground that no change in the facts or the law substantially affecting the petitioner's rights has been disclosed since the first petition was denied.⁴¹

If a petitioner obtained a grant of the writ, followed by a hearing in which he was remanded to prison, his subsequent activities are more restricted. He may not thereafter be discharged from custody by a court with the same general jurisdiction as the denying court, unless he shows a ground that did not exist in fact at the time the writ was issued. If he wishes to urge a point of law that had not been raised in his original petition or at the hearing, he must do so before a higher court.⁴²

While a prisoner may not appeal a superior court's denial of his petition, he may reach the Court of Appeal by a direct petition under its constitutional jurisdiction. He may reach the Supreme Court either by a new petition under our highest court's constitutional jurisdiction or, if a Court of Appeal has heard and determined the matter, by applying for a hearing.⁴³

(Choosing the suitable court for filing a petition often creates strategic difficulties for the prisoner. As a general policy, a reviewing court will not issue the writ unless the relief had previously been requested in a lower court or unusual circumstances are shown.⁴⁴ Yet after a higher court has affirmed a conviction on the merits, some lower court judges are hesitant to grant relief on a collateral point that would have the effect of reversing the judgment.)

Statistics will be helpful to show the flow of postconviction petitions. Of the approximately 6,200 applications filed in California courts in 1968-69, 3,814 were filed in superior court, 1,051 in the Court of Appeal and 1,349 in the Supreme Court.⁴⁵ While we cannot readily determine that the petitions rejected on a lower level are identical to those which later appeared in the higher courts, many judges have said that, "Sometimes all they change is the caption on the first page and file again a day after denial." The general view is that, once a prisoner files a petition, he will not be routed by a single judicial defeat but will work through available channels as long as he has the least hope of success.

³⁹ Witkin, *Crim. Proc.* 785 (stating that the writ does issue in superior court); 1 *California Criminal Law Practice* (Continuing Education of the Bar) 395 (1964).
⁴⁰ *Smith v. Yeager* (1968) 393 U.S. 122; *Sanders v. United States* (1963) 373 U.S. 1, 8; *Pay v. Notz* (1963) 372 U.S. 391.

For the application of *res judicata* principles in habeas corpus cases affecting child custody, see *In re Croze* (1956) 145 Cal.App.2d 492; *In re Browning* (1950) 99 Cal.App.2d 337; *In re Martin* (1947) 79 Cal.2d 584.

⁴¹ *In re de la Roa* (1946) 28 Cal.2d 264; *In re Miller* (1941) 17 Cal.2d 734.

⁴² See Pen. Code § 1475.

⁴³ See Pen. Code §§ 1475, 1506; Witkin, *Crim. Proc.* 764-65; *In re Elias* (1962) 209 Cal.App.2d 262.

⁴⁴ *In re Hillery* (1962) 202 Cal.App.2d 293; *In re Elias* (1962) 209 Cal.App.2d 262; Witkin, *Crim. Proc.* 767-68.

⁴⁵ See Note 2.

A court, therefore, which summarily rejects a petition without stating the basis for its decision may expect that another court will soon have to cover the same ground in dealing with the prisoner's renewed contentions. The new inquiry will necessarily be a repetitious effort, since nothing involved in the earlier decision will be known except the result. The original research and reasoning will be lost to everyone but the first court itself.

We must, consequently, ask ourselves to evaluate the postconviction workloads borne by our different courts. Is it more advisable to require the superior courts to publicly state their reasons for denying 3,020 petitions in 1968-69, or to have the Courts of Appeal reinvestigate as virginal applications the 1,051 petitions that reached them during the same period, or to ask the Supreme Court to start from scratch in processing its 1,349 applications for relief?

The Need to Make a Record

The promptings of judicial economy, as I see it, require that which-ever court first takes action on a petition should memorialize its investigatory processes if there is a reasonable basis for believing the same facts or issues will be presented to another court for another appraisal.

Although the first court may complain that it will have to do paperwork for every petition, when possibly only one-third of that number will be filed again, we cannot predict which petitions will be so activated. The work saved at a higher level will justify a somewhat greater expenditure in the lower courts. What is more, when a court gives a prisoner a reason for its decision, there is a fair chance that the prisoner will accept the reason as valid and will not pursue his collateral remedies beyond the point of rational explanation. For those cases, the early statement of reasons may represent the ever-popular stitch in time. A later court would be free of many unmeritorious petitions, while the losing petitioners, though disappointed, would be reconciled to the weakness of their position.⁴⁶

FEDERAL-STATE RELATIONSHIPS

Federal Powers and State Remedies

Into this area of decision rendering and decision explaining fall the sensitive and intricate relationships between federal and state courts which have made the solution of postconviction problems a national issue of constitutional proportions. Beginning with the first Judiciary Act in the United States, in 1789, federal courts have had the specific power to issue writs of habeas corpus to inquire into the cause of a commitment.⁴⁷ Though the power itself must originate in

⁴⁶ See Larsen, *A Prisoner Looks at Writ-Writing*, 56 Cal.L.Rev. 343, which states that by summary denials, courts seem to say that those in prison are presumptuous to think they are entitled to constitutional protections.

In a full-day visit with the court administrator and a number of judges in New Jersey, the most consistent advice I received was to give a statement of reasons whenever a petition was denied. The New Jersey courts write brief or skeleton opinions, rather than the full opinions we use in California, but the widespread feeling was that a statement of why the petition was denied would help convince many prisoners their pleas were actually heard. Successive applications would then be eliminated. To the men with whom I discussed postconviction problems, the difficulties were no more serious than in any other field of law.

⁴⁷ *Kaufman v. United States* (1969) 394 U.S. 217; *Carbo v. United States* (1961) 364 U.S. 611; *In re Neagle* (1889) 135 U.S. 1.

written enactments, the meaning of habeas corpus may be taken from common law principles. In 1867, the writ was legislatively extended to benefit state prisoners and its scope was expanded to authorize relief when any person was restrained of his liberty in violation of the Constitution, laws or treaties of the United States.⁴⁸ Allegations of unconstitutionality are still the key to state prisoner applications.

When petitioned for help, a federal district court ordinarily works to preserve state court prerogatives. The initial determination is whether or not the prisoner has exhausted his state remedies. If not, federal courts will generally refuse to proceed further and will leave the prisoner to seek state relief.⁴⁹

Waiver and Forfeiture in State Court

In checking on available state remedies, the federal court limits its inquiry to those remedies available at the time the prisoner sought help from the federal court and not to remedies that might have been available in the past.⁵⁰ Yet in many cases the state has provided a means for testing the prisoners' claims and would have determined the matter on the merits if they had made timely requests. Is it proper, then, for a federal court to intrude into local affairs when the person most directly affected by his confinement had failed to use routine mechanisms to obtain freedom? In response, the United States Supreme Court has said:

... A defendant by committing a procedural default may be debarred from challenging his conviction in the state courts even on federal constitutional grounds. But a forfeiture of remedies does not legitimize the unconstitutional conduct by which his conviction was procured.⁵¹

Forfeiture as a catchword is not enough. To see whether the earlier availability of state remedies should foreclose a prisoner from seeking federal relief, the federal court must decide whether he surrendered his rights by a constitutionally valid waiver or by a deliberate bypassing of orderly state court procedures.⁵² While valid waiver or deliberate bypassing ordinarily bars federal intervention, the federal court has no way of knowing from a silent record if this is what the state contends. When the California courts dismiss a case without

⁴⁸ *Ibid.* In *In re Neagle*, *supra*, the Court said: "The enactments now found in the Revised Statutes of the United States on the subject of the writ of habeas corpus are the result of a long course of legislation forced upon Congress by the attempt of the States of the Union to exercise the power of imprisonment over officers and other persons asserting rights under the Federal government or foreign governments, which the States denied."

⁴⁹ See 28 U.S.C. § 2254(b); Revised Rules of the U.S. Supreme Court, Rule 31(5), effective July 31, 1970; *Buffalo Chief v. South Dakota* (8th Cir. 1970) 425 F.2d 271; *Allen v. Perini* (6th Cir. 1970) 424 F.2d 134; *U.S. ex rel Sanders v. Maroney* (3d Cir. 1968) 397 F.2d 267; *Martinez v. Craven* (9th Cir. 1968) 397 F.2d 256.

But when a petitioner has raised his constitutional issues on appeal and has lost, he need not resort to the state's postconviction procedures. See *Roberts v. LaVallee* (1967) 389 U.S. 40; *Wood v. Crouse* (10th Cir. 1968) 389 F.2d 747; *Application of Stecker* (D.C.D.N.J. 1966) 271 F.Supp. 406. If state law has changed between the petitioner's appeal and his present application for relief, there is disagreement on whether he must reapply for relief in the state court. Compare *U.S. ex rel Holmes v. Mancusi* (2nd Cir. 1970) 423 F.2d 1137 with *Ackley v. California* (9th Cir. 1968) 397 F.2d 271.

⁵⁰ *Fay v. Noia* (1963) 372 U.S. 391. See also *Jones v. Hale* (D.C.S.D.Ala. 1967) 278 F.Supp. 166.

⁵¹ *Fay v. Noia* (1963) 372 U.S. 391, 9 L.Ed. 2d 837, 862.

⁵² *Henry v. Mississippi* (1965) 379 U.S. 443; *Fay v. Noia* (1963) 372 U.S. 391.

stated reasons, the federal courts have no adequate guidance from the tribunals whose judgments are being assailed.⁵³

Under long-standing principles of federalism, if a state court judgment rests on independent, adequate state grounds, a federal court will decline to review the judgment even though federal questions have been included in the decision. But here we must distinguish between state substantive and procedural grounds. Where the state ground is substantive, the judgment will stand even if a federal court would have reached a different result as to the federal ground. In such instances, the federal court abstains from exercising jurisdiction to avoid giving advisory opinions.⁵⁴

With respect to state procedural grounds, this justification does not apply. When a procedural default under state law bars a constitutional challenge to the conviction, the state is preventing implementation of a federal right. Accordingly, the issue of when and how a failure to comply with state procedural rules precludes a federal court from even considering the matter, is itself a federal question. Unless compliance with the state's procedural rule serves a legitimate state interest, a prisoner's procedural defaults do not prevent vindication of his federal rights.⁵⁵

Before a federal court can know whether a California decision stemmed from substantive or from procedural compulsion, the public record must provide this information. The record must be a factual chronicle, since the federal court cannot resolve bypass or waiver issues simply by examining the facts recited and conclusions reached in a state appellate decision about the prisoner's claims.⁵⁶ Absent a proper record, the federal court should not assume the state court's judgment was insulated from review. Considering that the federal district courts in California took final action on 1,015 habeas corpus petitions in 1968-69, the lack of detailed information from the state courts has caused substantial difficulties in the pinning down of relatively simple facts and concepts.

Adequacy of State Factfinding

Along parallel lines, a federal district court (which must dispose of a petition "as law and justice require")⁵⁷ may presume that state procedures were correct in determining a factual issue on the merits. But this state-oriented presumption may be invoked only when a series of "ifs" are satisfied:

1. If the factfinding procedure was adequate to afford a full and fair hearing;
2. If the material facts were adequately developed;
3. If the state had jurisdiction over the subject matter and the petitioner;
4. If the petitioner, as an indigent, had state-appointed counsel at the state hearing;
5. If the petitioner received a full, fair and adequate hearing;

⁵³ See *Hutchinson v. Craven* (9th Cir. 1969) 415 F.2d 278; *Thomas v. Teets* (9th Cir. 1953) 205 F.2d 236.

⁵⁴ *Henry v. Mississippi* (1965) 379 U.S. 443.

⁵⁵ *Ibid.*

⁵⁶ *Pineda v. Craven* (9th Cir. 1970) 424 F.2d 369. See also *Seiz v. California* (9th Cir. 1970) 423 F.2d 702.

⁵⁷ 28 U.S.C. § 2243.

6. If the petitioner was not denied due process of law; and
7. If the factual determination was made on the merits and is fairly supported by the record.⁵⁸

Federal Evidentiary Hearings

From the procedural viewpoint of the federal courts, a district court must conduct an evidentiary hearing on a petitioner's claims if the material facts were not adequately developed at a state court hearing.⁵⁹ From the more sensitive viewpoint of at least one state court, these standards have different implications:

... It is obvious that the creation of the state right does not for close later use of the entire federal system and federal intervention. More probably the state remedy will merely procure our state district courts as masters and referees for the compilation of evidence for the federal district courts. Since denial of the writ in state court is not appealable, unsuccessful applicants will simply file new but identical applications in the federal district courts. This will enable federal district courts to exercise stronger and more direct supervision of our state system. . . . If the "superior authority of federal law" is to be asserted by one-man federal district courts, our state judicial system should not voluntarily be surrendered to the federal system for our judges to become mere referees, masters and law clerks in that procedure.⁶⁰

State Court Options

We must decide for ourselves whether the federal procedure is a threat to our state sovereignty, a useless burden on our court calendars or a welcome safeguard for our citizenry. The attitude brought to this work may be more important than the individual details of its administration.

In a summing up of present trends, we can recognize that, except for a knowing waiver or deliberate bypass of state remedies, whenever a prisoner makes an allegation of material fact which is outside the record and which, if true, would have constitutional consequences affecting his imprisonment, he is entitled to a federal evidentiary hearing to establish the truth of the allegations. Confronted with this federal rule, should the California courts also make themselves available to every deft pleader in state prison? We are not bound to do so:

... The United States Supreme Court has never reversed a state court's judgment denying post-conviction remedies and either directed the state court to take jurisdiction or released a prisoner

⁵⁸ 28 U.S.C. § 2254(d). See also *Townsend v. Sain* (1963) 372 U.S. 293.

⁵⁹ See *Harris v. Nelson* (1969) 394 U.S. 286; *Kaufman v. United States* (1969) 394 U.S. 217; *Townsend v. Sain* (1963) 372 U.S. 293; *Hollingshead v. Wainwright* (5th Cir. 1970) 423 F.2d 1059. As the Court said in *Harris v. Nelson*, *supra* at 300: "We do not assume that courts in the exercise of their discretion will pursue or authorize pursuit of all allegations presented to them. We are aware that confinement sometimes induces fantasy that has its base in the paranoia of prison rather than in fact. But where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is confined illegally and is, therefore, entitled to relief, it is the duty of the court to provide the necessary facilities and procedures for an adequate inquiry. Obviously, in exercising this power, the court may utilize familiar procedures, as appropriate, whether these are found in the civil or criminal rules or elsewhere in the 'usages and principles of law.'" ⁶⁰ *State ex rel Barksdale v. Dees* (1968) 252 La. 434, 211 So.2d 318.

on the ground that the state court was compelled to accept jurisdiction.⁶¹

One legitimate way of resolving the federal-state problem is to remain placid and relabel the controversy as a purely federal problem. "Let the fellows across the street do what they want," state court judges have implied about their opposite numbers on the federal bench. "They will anyway."⁶²

By remaining only minimally active in the postconviction arena, the state courts can passively resist federal constitutional trends which they disapprove. Entirely within their responsibilities, the state courts can use as a potent weapon the logjam bound to occur on the federal dockets. The results of this inaction may range widely, from the possibility of pressure by the lower federal judiciary on the United States Supreme Court for a downgrading of its postconviction standards, to the more extreme possibility that federal courts will routinely release aggrieved state prisoners whenever they file petitions in proper form.

However attractive this quietclaim defiance may be, the California courts, I believe, must accept the realities of the federal system. Ultimately the federal courts, as the final arbiters of the United States Constitution, have greater power in this field than the state courts whose actions they review. As soon as this relationship is acknowledged, the state courts should adapt their functions to fit efficiently within the federal scheme, treating the duality of jurisdictions as an interlocking process for adjudicating organic law. Since an aggrieved petitioner has been arrested, tried and convicted by California courts, we should make sure the same courts provide him with access to his full range of federal constitutional rights. We can, of course, do less but would such a position really be an admirable part of our jurisprudence? I think not.

CATEGORIZING PRISONERS' CLAIMS

Having worked through these necessarily broad areas in trying to learn what postconviction policies are advisable for California courts, I would now like to summarize my general position before detailing the steps I believe we should take to implement the program on a routine basis.

Postconviction procedures, in my view, are an aweinspiring nuisance. They are largely unproductive of anything but paperwork and exasperation—yet they epitomize our libertarian spirit in a way that no formal eloquence or marbled architecture can equal. In processing these pleas for help, we are admitting that the sovereign state may be wrong and that its citizens deserve a chance to regain freedoms which were lost through judicial procedures. In an admittedly imperfect fashion, we are trying to keep a secular eye out for fallen sparrows.

From allegory to birdwatching, however, is a painful leap. Even though we accept the principles underlying postconviction relief, we

⁶¹ *In re Shipp* (1965) 62 Cal.2d 547, 554, fn. 2. Cf. *Smith v. Bennett* (1961) 365 U.S. 708, in which the Court did not consider an argument that the state must offer some type of postconviction remedy.

⁶² Even when the federal court accepts the state court's factual findings, the federal court should apply its own constitutional standards. Compare *Imbler v. Craven* (D.C.C.D. Cal. 1969) 298 F.Supp. 795, aff'd sub nom *Imbler v. California* (9th Cir. 1970) 424 F.2d 631 with *In re Imbler* (1963) 60 Cal.2d 554. See also *In re Imbler* (1964) 61 Cal.2d 556; *Imbler v. Oliver* (9th Cir. 1968) 397 F.2d 277. According to *Henderson v. Dutton* (5th Cir. 1968) 397 F.2d 375, 378, the goal of the federal court is to make an "independent assessment of the record."

have yet to find the manpower to carry out the job. With every level of our court system fighting against a heavy workload, we have no automatically available repository for postconviction litigation. All we can do is hope that by drawing distinct procedural lines we will be highlighting the meritorious cases, reducing the unnecessary waste and efficiently sorting out the unavoidable rubbish. When we reflect that there is no time limit for the presentation of habeas corpus claims⁶³ and no ordinary application of *res judicata*,⁶⁴ we should appreciate even more the benefits of uniform practices.

A convenient step in expediting postconviction procedures is to note that prisoners' allegations can be categorized in fairly standard ways. Virtually all claims will fall within the following framework:

1. The record shows conclusively that the allegations are true.
2. The record shows conclusively that the allegations are false.
3. The allegations are unintelligible, fatally vague, conclusionary or uncertain.
4. The allegations, even if taken as true, fail to state facts which entitle the petitioner to judicial relief.
5. The allegations are fatally inconsistent with previous statements of fact the petitioner has made and no sufficient explanation for this inconsistency has been given.
6. The allegations were, or should have been raised as factual matters at trial and, as a consequence of the verdict and judgment against him, the facts were conclusively resolved against the petitioner, expressly or by necessary implication.
7. The legal arguments now being presented were previously raised at trial, on appeal or on a prior application for collateral relief and were rejected there, and no change in the facts or the law has occurred since then.
8. The legal arguments now being presented could have been, but were not, raised at trial or on appeal, and no sufficient explanation has been given to excuse the petitioner for this default.
9. The allegations now being presented deal with matters which ordinarily should have been raised at a much earlier time, and no sufficient explanation has been given to excuse the petitioner for this delay.⁶⁵
10. The allegations, if taken as true, would entitle the petitioner to relief, but the facts are outside the record.
11. The legal arguments now being presented, either because of a retroactive change in the law or for other reasons, are *prima facie* persuasive in favor of a grant of relief.

These categories, which identify both valid and invalid habeas corpus grievances, provide guidelines with which a court may pursue

⁶³ *In re Huddleston* (1969) 71 Cal.2d 1031. See also *Hawkins v. Bennett* (8th Cir. 1970) 423 F.2d 948, where the time interval between the alleged violation and the grant of a remedy was 44 years. In Alameda County, California, a 42-year period was recently reached. See "1921 Conviction Vacated," *Oakland Tribune*, March 28, 1970, p. 2, col. 4.

⁶⁴ *Illinois v. Allen* (1970) 397 U.S. 337, 25 L.Ed.2d 353, separate opinion of Douglas, J., stating that a lapse of time is not necessarily a barrier to a challenge of constitutionality but that in an appropriate case a petition should be dismissed for staleness.

⁶⁵ See Note 40.

⁶⁶ See *In re Jones* (1968) 265 Cal.App.2d 376. See also *In re Swain* (1949) 34 Cal.2d 300.

arguably valid petitions and may use helpful labels to dismiss valueless ones.

Unless a court is acting arbitrarily, it should have a reason for summarily denying relief. Because that reason is predictable, a suitable checklist can be made to save the court from having to reformulate its concepts every time a new petition is filed. The court routinely will be able to categorize the petition under established headings with a minimum of effort and will thus help a reviewing court later pinpoint the same defects in the petition. For more complex cases, since the checklist will be a guide rather than a restraint, the first court would have complete flexibility to expand on its opinions. I therefore suggest that a rule of court along the following lines be adopted to facilitate this procedure:

Rule ____ Grounds for summary denial of postconviction relief

An application for postconviction relief may be denied without a hearing if the court finds in writing that:

- (1) The allegations, even if taken as true, fail to state facts which entitle the petitioner to relief; or
- (2) The allegations were or should have been raised at trial, on appeal or on a prior application for postconviction relief and as a consequence were conclusively resolved against the petitioner, expressly or by necessary implication; or
- (3) The allegations are shown conclusively to be false by the record; or
- (4) The allegations are unintelligible or fatally uncertain; or
- (5) The allegations are fatally inconsistent with previous statements of fact made to a court and no sufficient explanation for the inconsistency has been stated; or
- (6) The legal issues presented were or should have been raised at trial, on appeal or on a prior application for postconviction relief and as a consequence were conclusively resolved against the petitioner, expressly or by necessary implication, under circumstances where no change in the applicable facts or law has since occurred; or
- (7) Other good cause for denying the application has been shown to be present.

THE PROCESSING OF INDIVIDUAL COMPLAINTS

Since no checklist can substitute for the harsh analysis of a particular set of facts, we must examine the categories themselves to see what action would be most appropriate in each instance.

Where the Record Is Conclusive

For those matters in which the record shows conclusively that the petitioner's allegations are true or false, the court has its easiest job.⁶⁶

⁶⁶ See, e.g., *In re Bushman* (1970) 1 Cal.3d 767; *In re Bennett* (1969) 71 Cal.2d 117; *In re Hayes* (1969) 70 Cal.2d 604, 69 Cal.Rptr. 310; *In re Boyce* (1959) 51 Cal.2d 699. Although habeas corpus should be a speedy remedy, note that in *In re Boyce*, *supra*, where the Attorney General had recommended the writ issue, the improper sentencing occurred on November 27, 1957 and the decision granting relief was not rendered until March 10, 1959.

Note the admonition of the U.S. Supreme Court in *Conway v. California Adult Authority* (1969) 396 U.S. 1030, 24 L.Ed.2d 295, saying that the Court felt imposed upon because the state Attorney General failed to produce timely data from the prisoner's uncontested records, showing he was not entitled to the relief he sought. (As an Assistant Attorney General explained to me, "Conway's filed about 50 separate actions. We haven't got the staff to keep up with him.")

In deciding the exact date a prisoner's sentence expires, for example, the court has little more to do than check the relevant data in the uncontroverted files.⁶⁷ By utilizing California Rule of Court No. 60 and by informally requesting the Attorney General to expedite transmittal of the record, the court can ordinarily obtain all the information it needs for a summary ruling. The problem points directly to its own solution.

Where the Claim Is "Demurrable"

Flaws in Facts or Theories

More difficult to deal with are those categories in which the petitioner's claims would, by analogy to a civil case, be demurrable, either for stylistic or substantive reasons. The stylistic difficulties arise from a lack of precision. The prisoner does not come to the point in a way that can trigger court action. For reasons sometimes unconsciously carved into the petition (such as illiteracy or mental disturbance) or other times consciously but mistakenly heralded in capital letters (such as a panoply of constitutional issues at the expense of mundane narrative), the court realizes that the relevant details have yet to emerge. By contrast, the substantive difficulties arise because the details selected by the petitioner, though serious to him, do not justify court intervention. What the court might wonder in such a case is whether the petitioner would have a legitimate claim on the basis of other facts, unknown to the court and unappreciated by the petitioner.⁶⁸ At this stage of the proceedings, however, curiosity is not an essential judicial trait.

In summarily denying relief, the court may well rely on precedent that:

... We are entitled to and we do require of a convicted defendant that he allege with particularity the facts upon which he would have a final judgment overturned and that he fully disclose his reasons for delaying the presentation of those facts. This procedural requirement does not place upon an indigent prisoner who seeks to raise questions of the denial of fundamental rights in propria persona any burden of complying with technicalities; it simply demands of him a measure of frankness in disclosing his factual situation.⁶⁹

To uphold this argument, a court must assume that the facts relevant to a particular controversy have such marked characteristics that an illiterate or uneducated prisoner can isolate them at will from the universal, historical continuum. For that assumption to be valid, we would have to reject a good deal of contrary legal lore about the interdependence of fact and theory. In the words of one legal commentator:

⁶⁷ See *In re Bennett* (1969) 71 Cal.2d 117; *In re Clark* (1959) 51 Cal.2d 838.

⁶⁸ See *In re Williams* (1969) 1 Cal.3d 168, where the petitioner had filed two petitions on inadequate grounds before he—and the Court—realized he had pleaded guilty to a crime he did not commit.

⁶⁹ *In re Swain* (1949) 34 Cal.2d 300, 304.

... The difference between theory and fact is one of degree of localization. What we call fact is theory tied closely to particular events; what we call theory is description of fact with less emphasis on the particular places and times of its happening. ... The terms "fact" and "theory" both refer to meaning, and since meaning can never be completely localized, nor yet completely divorced from application, the distinction between them is one of degree. ... The client can seldom state all of the relevant facts of his problem without prompting and questioning by the lawyer. The lawyer's fuller stock of legal ideas makes certain facts, which seem to have no significance to the layman, crucial to him; and the lawyer sees immediately that other facts, which the layman will dwell on in detail, are immaterial. ... No fact is significant without theory; no theory is relevant without facts.⁷⁰

If we require prisoners, with or without the aid of jailhouse lawyers,⁷¹ to prepare their own legal documents in this most sophisticated area of criminal constitutional law, we should expect that some petitions will be inadequately drafted despite their potential validity. Otherwise, we are acknowledging, *sub silentio*, the superfluity of legal training.

Legal Advice and Assistance

Rather than dismiss an inadequately drawn petition out of hand, a conscientious judge might be tempted to explain where the deficiencies lie.⁷² In a court situation, at least, a trial judge is within the bounds of propriety when he gives helpful suggestions to a defendant groping for the proper means of expression.⁷³ But doing so routinely, in writing and at long distance would be an anomalous practice in our accusatorial system of justice. Even assuming that our courts had the time to provide adequate counseling, judges are most properly suited to the role of arbiters and not of advisors.⁷⁴ To keep a sense of fairness and perspective, they must remain somewhat aloof from the controversies they are asked to resolve.

The best ways we have to give prisoners insight into the need for relevant facts is to provide them with legal counsel or to develop simplified forms which affirmatively suggest the type of information our courts seek. Either method, though advantageous in many respects, has serious drawbacks.

The threshold problem in making lawyers available to prisoners is the actual availability of lawyers, especially since the Constitution does

⁷⁰ Morris, *How Lawyers Think* 31-32, 35-36 (1937; Swallow ed. 1962). See also Holmes, *The Path of the Law, from Collected Legal Papers* 168 (1920); "The reason why a lawyer does not mention that his client wore a white hat when he made a contract, while Mrs. Quickly would be sure to dwell upon it along with the parcel gilt goblet and the sea-coal fire, is that he foresees that the public force will act in the same way whatever his client had upon his head."

⁷¹ See *Johnson v. Avery* (1969) 393 U.S. 483; *Gilmore v. Lynch* (D.C.N.D.Cal. 1970) F.Supp. _____; *In re Harrell* (1970) 2 Cal.3d 675.

⁷² See *Merrill v. State* (Alaska Supreme Ct. 1969) 457 P.2d 231, which states that if the superior court decides no material issue of fact exists and that the petitioner is not entitled to postconviction relief, it may indicate to the parties its intention to dismiss the application and its reasons for so doing. The petitioner is then given an opportunity to reply to the proposed dismissal.

⁷³ *People v. Marsden* (1970) 2 Cal.3d 118.

⁷⁴ See *People v. Williams* (1969) 269 Cal.App.2d 379. See also *Rhodes v. Craven* (9th Cir. 1970) 425 F.2d 265, dissenting opinion.

not require appointment of counsel for collateral attacks on a state conviction.⁷⁵

Though some states provide legal counsel through a statewide public defender's organization, California still has no such office.⁷⁶ Our public defenders are responsible to their respective counties and boards of supervisors and not to the state government. Our only source of lawyers for the predictable future will be volunteers in private practice. To expect our approximately 30,000 attorneys to absorb an additional 6,000 indigent cases a year is an unrealistic projection. We should still be able to depend on volunteers for those cases which have arguable merit, but cannot realistically hope for a corps of professional writ writers.⁷⁷

Simplification of Forms

By modifying California's currently approved form for habeas corpus petitions, we might also give prisoners legal guidance in a more general way, without the immediate need for attorney consultations. As presently written, the Judicial Council form⁷⁸ requests the petitioner to "State concisely the grounds on which you base your allegation that the imprisonment or detention is illegal" and to "State concisely and in the same order the facts which support each of the grounds set out" Nowhere does the form suggest what grounds and what facts will impress the court. Presumably, if a prisoner is bothered enough to feel his constitutional rights are being violated, he should know what is bothering him. Yet this presumption adopts the arguable proposition that relevant facts and theories are self-evident and, further, that prisoners will understand the printed form well enough to fill it out correctly.

In a recent survey, however, drawn from a national cross section that was asked to complete five basic application forms, pollsters found at least 13 percent of the adult population in the United States

⁷⁵ See *Johnson v. Avery* (1969) 393 U.S. 483; *Hawkins v. Bennett* (8th Cir. 1970) 423 F.2d 948; *Anderson v. Heine* (9th Cir. 1958) 253 F.2d 479, which states that except under most unusual circumstances an attorney ought not to be appointed by a federal court to try finding something wrong with a state judgment. See *People v. Gonzalez* (1970) 7 Cal.App.3d 163.

As a matter of policy, California will appoint postconviction counsel for indigents under sentence of death. See *In re Hill* (1969) 71 Cal.2d 997; Pen. Code § 1239.

⁷⁶ A Judicial Council proposal to establish a State Public Defender's Office to handle appellate matters for indigent criminal defendants failed of enactment in 1970. See Judicial Council, 1970 Report, p. 15 and Assembly Bill No. 497 (1970).

⁷⁷ See Comment, *Right To Counsel in Criminal Post-Conviction Review Proceedings*, 51 Cal.L.Rev. 970 (1963). See also *Developments in the Law—Federal Habeas Corpus*, 83 Harv.L.Rev. 1038, 1202 (1970); "In view of the advantages to the petitioner and the court of providing every habeas applicant with legal assistance, the Supreme Court should use its supervisory power over the lower federal courts to formulate a uniform rule requiring the appointment of counsel at an early state of every habeas proceeding. No other single change would do so much to raise the standard of procedural fairness to a level commensurate with the purpose of the collateral remedy." See also Larsen, *A Prisoner Looks At Writ-Writing*, 56 Cal.L.Rev. 343 (1968).

Both Illinois (Ch. 38—Crim. Law & Proc.—Art. 122-4; Ill.Supp.Ct. Rule No. 615) and New Jersey (Court Rule 3:22-6) do provide free counsel to indigents in postconviction matters. In discussions with the court administrator in these states, I learned that the system appears to be working well. New Jersey has a regularly established statewide public defender, while Illinois only recently established such an office with the aid of federal funds under the Omnibus Crime Control and Safe Streets Act.

In discussions with court administrators from New York, I learned that they find the programs acceptable—not as satisfactory as lawyers would be, but an improvement over undiluted prisoner self-help.

⁷⁸ Adopted effective Jan. 1, 1966. See Cal. Rules of Court, Rules 56.5 and 201(f).

afflicted with serious literacy problems that impair daily life.⁷⁹ That population percentage, said to be a conservative figure, "lacks the reading ability necessary for survival." Their plight was shown by the fact that 34 percent of the sample was unable to complete applications for Medicaid; 7 percent for a personal bank loan; 8 percent for a driver's license; 7 percent for a social security number; and 3 percent for welfare benefits. Since the most frequent literacy problems occurred among persons classified as poor, rural, southern, black, foreign-born or over 50, we can reasonably expect prisoners to have a roughly comparable failure rate. If nothing else, poverty will earn them a place in this scale.

Standardized forms, of course, are a necessary part of institutional administration. To keep prison practices uniform throughout the state, there should be some basic document used by all prisoners who wish to obtain similar relief. My suggestion is that we reduce the "Facts" section of the standard petition to more precise persons, places and circumstances so that the petitioner will be given almost a skeleton outline for the narrative we demand from him. Under the "Facts" heading, for example, I would structure the printed questions this way (omitting, with only a small sense of loss, our precious legalism, "alleged"):

- A. When were your rights violated?
 1. Before your arrest? Yes: No:
 2. During your arrest? Yes: No:
 3. After your arrest but before trial? Yes: No:
 4. During your trial? Yes: No:
 5. During your imprisonment? Yes: No:
- B. Who violated your rights?
 1. The police? Yes: No:
 2. The district attorney? Yes: No:
 3. The trial judge? Yes: No:
 4. Your own attorney? Yes: No:
 5. The prison authorities? Yes: No:
 6. Someone else? Yes: No: Who?
- C. You have just said that certain persons violated your rights. What is the name and address of each person who did this to you?
- D. What did each person do to violate your rights?
- E. When did each person violate your rights?
- F. When each person was violating your rights, what did you say or do to him?
- G. When did you realize for the first time that your rights were violated?
- H. How did you learn that your rights were violated?
- I. When you first learned that your rights were violated, what steps did you take to get help?
- J. After you learned your rights were violated, what was the date of the first step you took to get help?

⁷⁹ *The U.S. Adults Who Can't Read*, San Francisco Chronicle, p. 2, col. 1, Sept. 12, 1970; *18.5 Million Can't Read Forms*, Oakland Tribune, P. 1, col. 2, Sept. 12, 1970.

- K. If anybody says you took too long in trying to get help, how can you explain the delay?
- L. Who else besides you knows the facts that shows your rights were violated? Give the full name and address of each person.
- M. As far as you know, what can each person you have just listed tell a court about the violation of your rights?
- N. Have you ever discussed these matters with the persons who violated your rights? Yes: No:
If so, where and when?
What did each of you say?

Simplified as these questions are, they fail to educate the prisoner on the necessary constitutional concepts into which his facts must fit. We might be tempted to catalogue the likely grounds for relief—e.g., “Did the district attorney make a promise to you that he later broke?”⁸⁰—but we could then reasonably expect that many prisoners will seize upon all our suggestions as appealingly relevant. Instead of helping to plot fictitious violations of constitutional rights, therefore, we must balance the difficulties an untutored prisoner might face against the possibility that other prisoners will use administrative fairness as a means of disrupting the judicial system.

A court, therefore, may summarily reject a petition in which the allegations are unintelligible, fatally vague, conclusionary or uncertain, or in which the allegations, even if taken as true, fail to state facts which entitle the petitioner to judicial relief.

Where the Prisoner Contradicts Himself

Missing Records and Multiplicity of Remedies

When an application for relief merits dismissal because the petitioner's current allegations fatally contradict his previous statements of fact, and no sufficient explanation has been given for the inconsistency, the court's difficulty lies in the absence from the record of all relevant statements.⁸¹

This lack of coordination and information retrieval stems from the fact that in California, with its 58 separate counties and its many penal institutions, a defendant has a wide range of potential remedies. Our stated position is that:

... Preservation of a defendant's constitutional rights lies not in multiple state remedies that will ordinarily produce the same result but in one effective state remedy plus an awareness on the part of all state officials that ultimate federal review is available. We expedite the availability of that federal remedy by the compilation of a full and adequate record and by insisting that one remedy is ordinarily enough.⁸²

Nevertheless, the idealization of one remedy is contradicted by our actual practice, except for rare issues like objections to unlawful search and seizure. Following the pronouncement of a felony judgment

⁸⁰ See Witkin, *Crim. Proc.* 242-44.

⁸¹ For an example of contradictory statements, see *People v. Moore* (1970) 5 Cal. App.3d 612. For an example of a confused record, see *People v. Wheeler* (1970) 5 Cal.App.3d 534.

⁸² In re *Sterling* (1965) 63 Cal.2d 486, 489.

against him, a defendant may appeal directly to the Court of Appeal or, for good cause shown after time to appeal has expired, may ask that court for leave to file a late appeal; he may petition for a writ of *coram nobis* to vacate the judgment or set aside his guilty plea due to factual errors unknown to him or to the court; he may petition for a writ of mandamus to compel the trial court to set aside its judgment or order; he may petition for a writ of habeas corpus to free him from illegal restraint. As he chooses his remedy, he acquires a set of mandatory procedures:

1. An appeal or a motion for leave to file a late notice of appeal must be made in the appellate court having direct jurisdiction over the trial court where the judgment was rendered.⁸³
2. A petition for *coram nobis* must be filed in the trial court where the conviction occurred, but if the judgment was affirmed on appeal, it must be filed in the appellate court which affirmed the judgment.⁸⁴
3. A petition for mandamus must be filed in the appellate court having direct jurisdiction over the trial court where the judgment was rendered.⁸⁵
4. A petition for habeas corpus must (apparently) be filed with the court having geographic jurisdiction over the place where the prisoner is confined, but if the prisoner has alleged facts which, if true, would entitle him to resentencing, that court must transfer the case to the court which rendered the judgment under attack.⁸⁶ (The number of courts having primary jurisdiction over these petitions during the term of the prisoner's confinement will vary with the geographic location of each penal institution in which he was confined.)

These variations in where to file a petition for relief sometimes coincide with variations in the facts alleged from one petition to the next. Tracking down these inconsistencies when they occur would be a matchless way of letting the petitioner himself state the facts that will deny him relief. What is troublesome is the actual gathering of the relevant data.

True enough, the Judicial Council's postconviction form anticipates this difficulty by requiring the petitioner to describe all his previous applications about the same detention or restraint. Unfortunately, the accuracy of our uncoordinated filing system depends on the prisoners' memories and good will or on the case-by-case exertions of the Attorney General's office. We have no centralized data bank for this information. (Information of this nature is also relevant in a determination of whether the petitioner's application is identical to one that had already been denied, when no material changes in law or fact have taken place.)

Restructuring of Remedies

Computerization. To improve our knowledge of our own recorded materials, we might develop a statewide data bank that contained a

⁸³ See Cal. Const., Art. VI, § 11; Pen. Code §§ 1235-46; *People v. Acosta* (1969) 71 Cal.2d 683; *People v. Castillo* (1969) 71 Cal.2d 692; Witkin, *Crim. Proc.* 627-40.

Note that the Supreme Court has appellate jurisdiction when a death sentence has been pronounced. Cal. Const., Art. VI, § 11.

⁸⁴ Pen. Code § 1265; Witkin, *Crim. Proc.* 616-19, 761.

⁸⁵ See Witkin, *Crim. Proc.* 758-61.

⁸⁶ See *In re Haro* (1969) 71 Cal.2d 1021. See discussion at Note 104.

full history of the legal procedures each prisoner has engaged in. Doing so means that we will have to computerize information in a centralized location or by means of interlocking, complementary tielines. We would then have prompt access to all records about each prisoner, from the time of his arrest, through his trial and appeal, and including all his postconviction requests.⁸⁷

The inauguration of a statewide data bank for the single purpose of detecting inconsistencies (or unactionable similarities) in the postconviction petitions, however, would probably involve an expense disproportionate to the expected results. We need not set bear traps for field mice. If the computer processing can be related to other useful purposes, such as the work of the California Supreme Court, the Attorney General or the Department of Corrections, the budgetary outlay may well be advisable. Pending the availability of such a source of information, we are best advised, I believe, for the courts to ask the Attorney General's office to dredge up the inconsistencies in a prisoner's successive claims or, when appropriate, to grant an evidentiary hearing where the facts should emerge in a satisfactory way.

From an entirely different perspective, we should consider whether a restructuring of postconviction relief procedures would give us a presently lacking coordination and economy of effort. I believe it will.

Geographic Coordination. Of the four customary ways for a convicted defendant to challenge the judgment against him, three—i.e., appeal, *coram nobis* and mandamus—require that matters be processed in the courts that have geographic jurisdiction over the place of conviction. Only habeas corpus has required filing in the county where the person is confined, though there is no longer a constitutional or statutory command for this practice. Even then, the case must be transferred to the place of conviction when the possibility of resentencing exists.⁸⁸

A suspicion, no doubt, should arise that we would improve administrative coordination by arranging that all postconviction petitions from the same prisoner, relating to the same offense, should originally be filed in the same court. With that suspicion I am in full accord.

Since petitions for habeas corpus are the only documents customarily filed in the place of confinement, we should note how that procedure arose. Early in its history, habeas corpus was used as a means of forcing a jailer, who arguably had no right to confine a prisoner, to bring the prisoner into a court of competent jurisdiction. There the court would determine the jurisdiction of the court or officer who had called for the confinement. While the ultimate contention pitted the prisoner against the sentencing court or official, the more immediate struggle was between the prisoner who wished to appear in court and the jailer who often tried to prevent him from asserting these rights.⁸⁹ Until fairly recently, for example, prison officials used their supposed censor-

⁸⁷ The Judicial Conference of the State of New York, 270 Broadway, New York City, N.Y. has begun to operate a data bank to provide federal and state judges with prompt information about a petitioner's previous applications for postconviction relief. The important fact to note is that the system is an *index* and not a central file. When a judge receives an application for relief, he is expected to keep the index current by sending in a completed form which shows the action he took in dealing with it. Identification of prisoners is primarily based on their inmate identification number.

⁸⁸ *In re Haro* (1969) 71 Cal.2d 1021.

⁸⁹ Taswell-Langmead, *English Constitutional History* 648 (4th ed. 1890).

ship powers to bottle up the petitions with which prisoners hoped to regain their freedom,⁹⁰ and we still have complaints that prison routine unconstitutionally deprives prisoners of their rightful access to the courts.⁹¹ By making the jailer himself a party to a habeas corpus proceeding, the prisoner was sure a court could enforce its decision through contempt decrees and fines—and jurisdiction over the jailer depended on where *he* was to be found.

Classically, the jailer would be the person in administrative charge of the penal institution in which the prisoner was confined.⁹² In my opinion, we no longer need such a restricted view to obtain habeas corpus jurisdiction over the person with actual custody of the prisoner.

By statute, California provides that, "The term of imprisonment fixed by the judgment in a criminal action commences to run only upon the actual delivery of the defendant into the custody of the Director of Corrections . . ." ⁹³ As the chief administrative officer of the Department of Corrections (appointed by the Governor) and as a member of the Governor's Council,⁹⁴ the Director has statewide power and responsibilities. Naming him as the prime respondent in all postconviction litigation will not only achieve a uniform practice throughout the state, but will do so without creating any fictional custodians. Through his department, the Director of Corrections is the person having custody of the petitioner. (In those cases where the Director of Corrections does not have custody, such as matters dealing with incompetents, with child custody or with a prisoner who should have been—but was not—delivered to the Director of Corrections, the proper party can readily be named without warping the overall picture.)

Considering that another statewide officer, the Attorney General, ordinarily serves as legal counsel for the responding party,⁹⁵ we see that geographic considerations associated with the place of confinement have only fortuitous significance in our choosing the best location for a postconviction matter to be processed.

For the sake of uniformity and coordination, I therefore propose that habeas corpus petitions no longer be filed in the place of confinement. Instead, they should be filed in the court which was in a position to modify or set aside the original judgment, provided jurisdictional standards can be met.⁹⁶ That court would then decide the postconviction argument on its merits, but if the issues were best resolved in another court, would transfer the matter to the more appropriate jurisdiction. By channeling habeas corpus in this way we will also minimize or eliminate the differences in form we now encounter for our various ways of seeking similar relief.

⁹⁰ See Schaefer, *Federalism and Criminal Procedure*, 70 Harv.L.Rev. 1 (1956). See also *In re Robinson* (1952) 112 Cal.App.2d 626.

⁹¹ *Johnson v. Avery* (1969) 393 U.S. 483; *Gilmore v. Lynch* (D.C.N.D.Cal. 1970) F.Supp. _____; *In re Harrell* (1970) 2 Cal.3d 675.

⁹² See *Olson v. California Adult Authority* (9th Cir. 1970) 423 F.2d 1326, a civil rights suit which also failed as an application for habeas corpus because the prisoner did not name the proper party having custody over him. Cf. *Jones v. Cunningham* (1963) 371 U.S. 236.

⁹³ Pen. Code § 2906.

⁹⁴ Pen. Code §§ 5051-56.

⁹⁵ Designated persons in custody must serve their petitions on a district attorney or city attorney. See Pen. Code § 1475. In practice, the Attorney General represents the responding party on the general principle, "The district attorney puts them in prison; we keep them there."

⁹⁶ See discussion at pages 104-127, *infra*.

Title of Petition. Whether we retain different labels for our different postconviction procedures or group them all under the generic title Application for Postconviction Relief, we can establish harmony between the coexisting remedies. Perhaps the most convenient step at present is to retain the existing titles until their use atrophies through the gradual awareness of our new procedural format. In purposely paying little current attention to labels, we will avoid charges that we are suspending habeas corpus rights or destroying *coram nobis* remedies. Soon enough, the distinctions will blur into the most desirable procedure.

Where Issues Have Not Previously Been Raised or Are Not of Record

As we examine the several categories into which postconviction applications are divided, we come to our most nettlesome set of problems. Here we have those instances where relief might be denied because of the petitioner's failure to raise certain factual or legal issues at an earlier time.⁹⁷ Since matters not raised are usually not in the record, these cases are akin to ones where the petitioner has alleged facts outside the record which, if true, would entitle him to relief.⁹⁸ Within this mixture of problems, we find prisoners complaining of wrongfully induced guilty pleas,⁹⁹ ignorance of correct procedures during the trial or in preparation for an appeal,¹⁰⁰ misconduct by the district attorney,¹⁰¹ and derelictions of duty or incompetence by the defense attorney.¹⁰² A common thread running through these cases is that the prisoner is condemning a judge or an attorney for conduct that led to the prisoner's conviction. For postconviction purposes, we must find expeditious ways to make an adequate record of those events and conflicts that ordinarily would not surface before the court. The earlier we do so, the more likely we are to have a contemporaneous, undistorted record of what has gone on in the past.

From such a point of view we can see that a fundamental step in resolving California's postconviction problems is for the superior courts to take appropriate prophylactic measures. I believe that this burden must be placed at the trial level because, as shown in an unpublished report by a federal judge, the most frequently assigned grounds for postconviction relief are:

1. Ineffective counsel.
2. Plea of guilty unlawfully induced.
3. Use of a coerced confession.
4. Use of evidence obtained through an unconstitutional search and seizure.

⁹⁷ See *In re Jones* (1968) 265 Cal.App.2d 376. See also *In re Swain* (1949) 34 Cal.2d 300.

⁹⁸ See Note 59.

⁹⁹ *McMann v. Richardson* (1970) 397 U.S. 759, 90 S.Ct. 1441, 25 L.Ed.2d 763; *Boykin v. Alabama* (1969) 395 U.S. 238; *In re Tahl* (1969) 1 Cal.3d 122; *Hutchinson v. Craven* (9th Cir. 1969) 415 F.2d 278; *Humphries v. Green* (6th Cir. 1968) 397 F.2d 67; *Anthony v. Fitzharris* (9th Cir. 1968) 389 F.2d 657.

¹⁰⁰ *In re Lopez* (1970) 2 Cal.3d 141; *People v. Marsden* (1970) 2 Cal.3d 118; *People v. Sanchez* (1969) 1 Cal.3d 496; *People v. Acosta* (1969) 71 Cal.2d 683; *People v. Castillo* (1969) 71 Cal.2d 692.

¹⁰¹ *U.S. ex rel Sanders v. Maroney* (3d Cir. 1968) 397 F.2d 267.

¹⁰² See *Garrison v. Patterson* (1968) 391 U.S. 464, significant only because the defense attorney was said to have given inadequate representation because he was preoccupied with other matters, i.e., the commission of a series of felonies; *Brown v. Craven* (9th Cir. 1969) 415 F.2d 278; *In re Williams* (1969) 1 Cal.3d 168.

5. Use of evidence obtained through an unlawful arrest.
6. Infringement of the privilege against self-incrimination.
7. Unconstitutional suppression of evidence.
8. Use of perjured testimony.
9. Denial of the right to appeal.
10. Double jeopardy.
11. Unconstitutional selection and impanelment of the jury.

These procedural and substantive snares can best be neutralized early in the criminal process. As a member of the United States Court of Appeals has advised other federal judges:

The best solution of post-conviction problems is the adherence to established legal principles in charging, arraignment, trying, and sentencing defendants in criminal cases. If this is done, collateral attacks on sentences should be subsequently reduced, and their disposition made less burdensome.¹⁰³

Because the adequacy of a postconviction record is only one factor—and not necessarily the most significant one—in establishing judicial standards, no detailed trial court procedures will be enumerated here. While the temptation exists to make everything else subordinate to the issue at hand, we must remember that many phases of the judicial process should be designed to expedite and terminate litigation, rather than perpetuate collateral attacks.

THE PROPER ALLOCATION OF COURT RESOURCES

No matter how diligent and competent our superior courts are in carrying out their responsibilities, we can be sure that prisoners will still seek collateral relief. How are we to process those postconviction grievances?

Which Courts Now May Receive Petitions?

To briefly summarize existing California procedures, a defendant may file his initial petition for habeas corpus in the Supreme Court, the Court of Appeal for the district where he is imprisoned, or the superior court for the county where he is imprisoned, though the geographic limitations no longer have constitutional or statutory sanction. As a matter of general policy, the higher courts will usually refuse to entertain a petition that had not previously been presented to the superior court. In effect, therefore, the ordinary petitioner following the traditional approach must file his first application in the superior court with geographic jurisdiction over his place of confinement. That court, though the proper recipient of his complaints, must transfer the case to the superior court which rendered the judgment of conviction whenever the petitioner has alleged facts which, if true, would entitle him to resentencing. The court to which the case was transferred would then treat the petition on its merits.¹⁰⁴

¹⁰³ Breitenstein, *Post-Conviction Problems*, apparently unpublished seminar address on June 5, 1968 in Denver, Colorado, p. 42 of the mimeographed version.

¹⁰⁴ See discussion at pages 35-36 and 48-50, *supra*.

Assuming the proposals I have made in this report were to be adopted, would our existing procedures efficiently carry them out? I think not. In my view, the postconviction process should be changed to assure flexibility in the use of judicial manpower, avoidance of unproductive duplication, uniformity of decisions based on similar facts and circumstances, and discretion over the time, place and manner of conducting evidentiary hearings.

Which Courts Need More Work?

At this juncture we must underscore a major precept: Nowhere in the California judicial system is there a work vacuum ready to be filled with additional legal or administrative burdens. Every court is busy! Choosing the tribunal best equipped to take charge of postconviction problems necessarily brings to mind the eloquence of an early American traveler who was tarred, feathered and run out of town on a rail: "If 'tweren't for the honor, I'd just as lief walk."

Habeas Corpus Jurisdiction

By the terms of the California Constitution, as amended in 1966, "The Supreme Court, courts of appeal, superior courts, and their judges have original jurisdiction in habeas corpus proceedings."¹⁰⁵ Unlike the repealed constitutional provisions, which contained specific geographical limitations on the habeas corpus powers of Court of Appeal justices (but *not* on the Courts of Appeal *per se*) and the superior courts, the Constitution no longer makes this restriction. The many adjudicated cases which pinpointed the place of a prisoner's confinement as the only place to file a petition, in reliance on those now obsolete provisions, are therefore no longer binding.

Geographic Limitations

By statute, only a minor geographical limitation has been placed on the courts. No such restriction is applied to the Supreme Court, which is given the express power to make a writ of habeas corpus returnable before the issuing judge or his court, before any Court of Appeal or appellate judge, or before any superior court or superior court judge.¹⁰⁶ No such restriction is applied to the superior court, as respects its own powers. The superior court or a judge may make a writ of habeas corpus returnable before the issuing judge or his court. No statutory mandate sets geographic limitations here (though one superior court has not been granted specific authority to make its writ returnable before another superior court).¹⁰⁷ No such restriction is applied to the Court of Appeal, as respects its own powers. The Court of Appeal or an appellate judge may make the writ returnable before the issuing judge or his court. No statutory mandate sets geographic limitations for that purpose (though one Court of Appeal has not been granted specific authority to make its writ returnable before another Court of Appeal).¹⁰⁸

The only announced geographic restriction in the statute is the provision that a writ of habeas corpus issued by a Court of Appeal or an

¹⁰⁵ Cal. Const., Art. VI, § 10.

¹⁰⁶ Pen. Code § 1508(a).

¹⁰⁷ Pen. Code § 1508(c). See *In re Haro* (1969) 71 Cal.2d 1021, 1025 n.1.

¹⁰⁸ Pen. Code § 1508(b).

appellate judge may also be made returnable "before any superior court or judge thereof located in that appellate district."¹⁰⁹ By specifying courts and judges located in the particular appellate district, the statute impliedly prohibits the Court of Appeal from making the writ returnable in the superior courts of another district. Otherwise, the powers of the Court of Appeal are unaffected.

To the best of my knowledge, therefore, we no longer have authoritative precedent in California requiring geographic factors to determine initial habeas corpus jurisdiction. All we have is a narrow limitation on where the Court of Appeal can make its writ returnable.

Nongeographic Considerations

When we inquire about the existence of an independent rationale, other than constitutional or statutory precedent, to champion geographic considerations, we note that the bulk of decided cases announce the law without explaining its purpose.¹¹⁰ The most informative discussion of why a court's jurisdiction should be limited to those persons in actual custody within the county or district where the court is located, declares in connection with a child custody dispute:

... It is a matter of common knowledge that such has been the practice since the Constitution of 1849 was adopted. Furthermore, it is the only sound interpretation to be given the section. It is inconceivable that the electors would knowingly confer upon every judge of the fifty-eight counties the power to transport a citizen to a distant part of the state to show under what authority he is held in custody in another section. It is also inconceivable that this same power would have been conferred to summon a sheriff, or other peace officer, to a distant county to show by what authority he holds a prisoner in custody in his own county. We are satisfied, simply on the grounds of reason, that the jurisdiction in habeas corpus is limited to those persons in actual custody in the county where the superior court is sitting, though, of course, the process of the court in the exercise of this jurisdiction is statewide.¹¹¹

Concern for the citizen being transported to a distant county is, perhaps, advisable in habeas corpus matters affecting child custody, though it seems overly solicitous as applied to a prisoner. Concern for the jailer seems misapplied if his own transportation is the issue, since the real custodian is the Director of Corrections, a statewide officer, who is ordinarily represented by the Attorney General, another statewide officer.¹¹²

¹⁰⁹ Pen. Code § 1508(b).

¹¹⁰ See *People v. Tenorio* (1970) 3 Cal.3d 89, 95 fn. 2; *In re Haro* (1969) 71 Cal.2d 1021; *In re Huddleston* (1969) 71 Cal.2d 1031; *In re Caffey* (1968) 68 Cal.2d 762; *Matter of Hughes* (1911) 159 Cal. 360; *People v. Gonzalez* (1970) 7 Cal.App.3d 163; *People v. Clinton* (1966) 243 Cal.App.2d 284; *People v. Williams* (1965) 238 Cal.App.2d 585; *In re Hilery* (1962) 202 Cal.App.2d 293; *People v. Dowling* (1960) 185 Cal.App.2d 274; *People v. Del Campo* (1959) 174 Cal.App.2d 217; *People v. Beghtel* (1958) 164 Cal.App.2d 294; *People v. Lempia* (1956) 144 Cal.App.2d 893; *People v. Schunke* (1951) 102 Cal.App.2d 875; *People v. Martinelli* (1953) 118 Cal.App.2d 94; *People v. Dunlop* (1951) 102 Cal.App.2d 314; *People v. Coffman* (1951) 105 Cal.App.2d 164; *Zeigler v. Superior Court* (1933) 134 Cal.App. 88; *In re Branham* (1931) 116 Cal.App. 69; *In re Brune* (1931) 113 Cal.App. 254.

¹¹¹ *Bartlett v. Superior Court* (1930) 108 Cal.App. 756, 757-58.

¹¹² See discussion at pages 50-51, *supra*.

Transportation of Prisoners

What is a valid concern, from the viewpoint of the People's security, is whether prisoners should routinely be transported long distances across the state in habeas corpus proceedings. Let us place this apprehensiveness in the perspective of our current procedures.

When a prisoner makes allegations of material facts outside the record which, if true, would entitle him to constitutional protection, he should be given a hearing on his claims.¹¹³ By analogy to constitutional standards that have been established for federal prisoners, he has no automatic right to personally attend or testify at the hearing. His application for habeas corpus relief may be entertained and determined without the need for his presence. But this exclusionary rule has its due process limits. When a prisoner's testimony would be material in support of a substantial claim, he may not be prevented from testifying in his own behalf.¹¹⁴

Transfers for Resentencing

A California prisoner with a constitutional grievance who has competent information about his claim thus has a right to appear in an appropriate court for a hearing on the merits of his petition. Under current California practice, if his allegations would entitle him to resentencing, no discretion exists as to the location of the appropriate court. The case (and therefore the prisoner) must be transferred to the court in which he was originally convicted and sentenced.¹¹⁵ Regardless of the needs of the parties, the convenience of witnesses or the ends of justice, which ordinarily are persuasive grounds for establishing venue, the petition cannot remain in the court where it was filed unless the court, by coincidence, had also been the place of conviction.

Knowledge of Sentencing Court

The stated rationale for this rule is that the sentencing court normally is the tribunal most familiar with the facts of the case, including the basis of sentencing and the prior convictions that may have affected the sentence.¹¹⁶ However compelling the rationale may first appear, it is based on arguable assumptions.

The first assumption is that the court which imposed the sentence knows more about the case than any other court. Perhaps it does. But if this is to be true, the knowledge in question must come from sources outside the record. Otherwise any court processing the basic documents would have all relevant data. To assume that the sentencing court will have this unrecorded knowledge is really to make the further assumption that it will not be the court as an institution but, rather, a particular judge who has the necessary knowledge. If, then, the same court (say, Department 100) receives the transferred case, we have no indication that the same judge will be presiding. Should we try to

¹¹³ See Note 59.

¹¹⁴ *Sanders v. United States* (1963) 373 U.S. 1.

¹¹⁵ *In re Haro* (1969) 71 Cal.2d 1021; *In re Huddleston* (1969) 71 Cal.2d 1031; *In re Caffey* (1968) 68 Cal.2d 762; see also *People v. Tenorio* (1970) 3 Cal.3d 89, 95 n. 2.

¹¹⁶ *In re Haro* (1969) 71 Cal.2d 1021.

follow the judge himself, on the more speculative assumption that he will indefinitely retain personal knowledge of the case, we would be disrupting calendars in an uncontrollable number of judicial departments. Service on the criminal bench would harness a judge with never-ending obligations. The potential benefit seems too doubtful to make these transfers mandatory.

Even if we could conveniently bring a case before a highly informed judge, we must make the still further assumption that he is not personally involved in the prisoner's complaint. If he is, he may be necessary as a witness but not as the person presiding over the merit of the claim. Linking one hope to another, we may qualify the judge so far, but must then keep speculating that he will now do what he failed to do in the past. Our most compelling reason for requiring his services is that he left an incomplete record. We have no present assurances that we will spell out in all necessary detail the factors that will now lead him to his new decision. Unfortunately, when a matter is obvious to an interested person, he often takes its characteristics so much for granted that he never makes things obvious to anyone else. A newly made, inadequate record, of course, will have the likely drawback of triggering yet another set of postconviction complaints.

Comity Between Equal Courts

Possibly the unstated rationale for the mandatory transfer rule is the question of whether it is seemly for one superior court to undo the work of another superior court. As a matter of comity, judges of equal rank respect each other's official actions. To avoid the friction that might arise if, say, judges in Solano County routinely overthrew the carefully wrought determinations of San Francisco judges, we have arranged that no such mishap can occur. San Francisco judges—all judges—will be given the chance to correct their own sentencing decisions.

Valid as this principle is in creating harmony between equals, it has no relevance to a situation in which the reviewing judge has a higher rank than the original judge. The basic principle of judicial review is that a lower court may be overruled by—and must defer to—a higher court. To satisfy principles of comity, we need only establish a reviewing court of sufficiently high rank in postconviction matters.

If, then, we return to the issue of prisoner security in transportation across the state, we should be able to distinguish that question from others that are now linked to it. We should *not* transport prisoners as a routine matter just because we are searching for a judge with special knowledge about the case, nor should we do so when we have a higher court available to review the disputed decision.

How to Select a Hearing Court

In my opinion, the only way we can determine where a postconviction hearing should be held is on a case-by-case evaluation, rather than by general rules naming the place of confinement or the place of conviction. Casting aside geography or prior knowledge as the exclusive

criterion for choosing a hearing site, we should develop means of bringing out the following considerations:

1. Which court, if any, has sound policy reasons for holding a hearing?
2. Which court provides the most unbiased forum in which to conduct the proceedings?
3. Which court is most convenient to all parties, their witnesses and their attorneys?
4. Which court provides the necessary security to preserve the integrity of the proceedings and the safety of the participants?
5. Which court or other trier of fact, assuming all else is equal, can best conduct the hearing in light of its active calendar?

When the policies or integrity of a court have come under fire in a postconviction attack, that court may be the most appropriate tribunal to reevaluate its earlier position. Error come home to roost is often its own greatest corrective. Yet the importance of the result may act to cloud the court's impartial judgment because of our natural reaction to protest that we have decided important matters correctly. Only by a reasoned choice of forum can we minimize the stresses inherent in this type of problem. (As an example of court policy that comes under constitutional attack, I suggest jury selection procedures in this context. Resolution of that problem affects the court and the community to such an extent that a more detached forum may be necessary.)

When we consider what people are likely to have relevant knowledge about the validity of a conviction, we realize that a significant percentage of those involved will be judges, district attorneys, public defenders and private defense attorneys. By the very nature of their activities, the faults with which they are charged will be faults about which no record has been made—and thus will be the very reason the hearing was ordered. We cannot put their convenience on a more prominent plane than the petitioner's constitutional safeguards, but we should be able to make reasonable venue accommodations for all concerned.

While prisoner militancy must not be used as an excuse to deny a prisoner his rights, we should have options available to make sure that a dangerous prisoner—though we may soon allow him to be walking the streets—will have to state his case in a sufficiently secure courtroom. No automatic rule for transferring cases can provide this protection.

Assuming that all other factors are equal and that no rights will be infringed, we should also have flexibility in choosing a trial court, a referee or another trier of fact who can give a difficult case the time it deserves. The question is one of proper calendaring. We cannot enjoy its benefits if we decree that a particular jurisdiction is universally binding on all postconviction matters.

Propriety of the Court of Appeal

Problem by problem in this report, I have been marshalling my data—sometimes expressly, sometimes by implication—to identify the court which I believe should be the initial repository for postconviction peti-

tions. That court, in my opinion, is the Court of Appeal in the district where the petitioner was convicted.¹¹⁷ I urge adoption of a rule of court along the following lines to accomplish this purpose.

Rule ____ Where postconviction relief should be sought

(a) An application for postconviction relief¹¹⁸ shall be filed with the Clerk of the Court of Appeal for the appellate district in which the petitioner was sentenced or ordered to be confined.

(b) If an application for postconviction relief is filed in a court other than that specified in subdivision (a), the clerk shall forward it to the appropriate court for filing.

(c) Prior to acting upon an application for postconviction relief a Court of Appeal may refer the application to an appropriate superior court for a hearing and recommendation.

American Bar Association Standards

To overcome an immediate doubt about the appropriateness of an appellate court for this purpose, we should note that the American Bar Association Standards Relating to Post-Conviction Remedies comments:

In some jurisdictions, applications for habeas corpus must, or can, be submitted to an appellate court in the first instance. . . . Although appellate tribunals are inappropriate forums to conduct factual inquiries, there is considerable merit in their serving as the original screen to separate those applications worthy of further consideration from those lacking in merit on the face. In actual practice, such a system can work only if the judges have adequate assistance, either from their law clerks or from the office of the clerk of the court. Appellate courts are more likely to have such assistance than trial courts. Once the preliminary determination to proceed has been made, the case can be transferred to an appropriate trial court, or perhaps to special commissioners or masters, for whatever hearings or inquiry [are] necessary.¹¹⁹

¹¹⁷ The Revised Uniform Post-Conviction Procedure Act (1966), as promulgated by the National Conference of Commissioners on Uniform State Laws, provides that the court of conviction (i.e., the trial court) is the proper filing place for post-conviction applications. Many states have adopted the Uniform Act or a similar procedure. See, e.g., *Merrill v. State* (Alaska Supreme Ct. 1969) 457 P.2d 231 for a decision discussing the Uniform Act. See also *State Post-Conviction Remedies and A Uniform Rule of Federal Habeas Corpus* (Tentative Draft No. 2, May, 1970), scheduled to be published in the Fall, 1970 William and Mary Law Review; the article summarizes various types of postconviction procedures adopted by different states.

For California, however, the Uniform Act would cause unacceptable (and unnecessary) difficulties. In states where the court of conviction is designated as the starting point for a postconviction process, that court must make written findings of fact and conclusions of law. The decision can then be appealed to a higher court for review. Since California Constitution Article VI, sec. 14, provides that higher court decisions determining causes "shall be in writing with the reasons stated," the appeal of each postconviction decision would require a written opinion. In my view, California's Courts of Appeal could not successfully handle the annual addition of 1,000 or more opinions, as would be expected of them under such a system. Unless we favor constitutional revisions with ramifications far beyond the postconviction issue, we cannot adopt the Uniform Act.

¹¹⁸ A definitional rule will be required to identify what is to be included, e.g., habeas corpus, coram nobis, or other extraordinary relief.

¹¹⁹ American Bar Association Standards Relating to Post-Conviction Remedies 29 (1968). See also *Lestwich v. Coiner* (4th Cir. 1970) 424 F.2d 157.

Factual vs. Legal Questions

We may readily concede that a superior court located near the prisoner is often best able to render timely and effective relief, especially when the taking of evidence is required. This consideration has been a basis for appellate courts refusing to hear a matter unless an application has first been made to the local superior court or a good reason has been shown for that failure.¹²⁰

If nothing but factual questions were to be decided, the Court of Appeal would be ill equipped for the job. But, recognizing weaknesses wherever they may be found, the superior court as an institution has questionable suitability for the ultimate disposition of constitutional imbroglios. Each trial judge may be as well versed in the law and as perceptive as his appellate colleagues, but the rigors of the fact-finding process and the time pressures on superior courts lessen the probability of far-ranging analysis and decisions at the trial level.

Of the approximately 6,200 postconviction petitions filed in fiscal year 1968-69, some 5,300 were summarily decided on purely legal grounds.¹²¹ Probably the bulk of these legal dismissals were for patent defects in the petitions, presumably clear to any court which received the request for help. Yet the rough spot in California's postconviction procedures has been caused by our willingness to let patent defects fall without comment.

On the appellate level, legal matters could be categorized and disposed of on the most appropriate basis: routine dismissals with stated reasons (however brief)¹²² for the routine rejections; well-considered dismissals or grants of relief for the sophisticated entanglements. As material factual issues arise, they could promptly be referred for hearing to a suitable trial court (chosen on the basis of all relevant considerations)¹²³ or to a specially appointed referee. Whether the superior court should act only as a referee making recommendations to the Court of Appeal or should actually determine the case on its merits is, I suspect, a question that should be decided after we have had some experience with the system. My inclination is to have all final determinations made by the Court of Appeal, but I realize that the need for prompt disposition of certain cases may justify superior court determinations. At this stage, we should not try to overconfine a remedy that is wisely meant to be extraordinary.

Like a master calendar judge, the Court of Appeal could efficiently control the disposition of evidentiary matters and discovery controversies¹²⁴ whose inflow cannot be predicted. It could also exercise informed discretion on the related disputes about when an indigent prisoner is entitled to a transcript of prior proceedings.¹²⁵

¹²⁰ *In re Elias* (1962) 209 Cal.App.2d 262.

¹²¹ See Note 2.

¹²² See discussion at pages 42-53 *supra*.

¹²³ See discussion at pages 57-58, *supra*.

¹²⁴ For guidelines on discovery matters, see 28 U.S.C. § 2246; *Harris v. Nelson* (1969) 394 U.S. 286.

¹²⁵ The prisoner's right to transcripts of past courtroom activity is in a clouded area. See *Wade v. Wilson* (1970) 396 U.S. 282, 24 L.Ed.2d 470; *Roberts v. LaVallee* (1967) 389 U.S. 40; *Long v. District Court of Iowa* (1966) 385 U.S. 192; *Richards v. Townsend* (two cases) (D.C.N.D.Cal. 1969) 303 F.Supp. 793, 300 F.Supp. 529; *Herrick v. Municipal Court* (1970) 8 Cal.App.3d 967; *People v. Gonzalez* (1970) 7 Cal.App.3d 163.

Appellate Nature of Complaints

Those petitioners who complain about violations of their rights in the process of conviction are saying, in one form or another, that the trial judge failed to carry out his duties. Through deliberate purpose or in ignorance of the pressures operating on the defendant, the judge allegedly acted in a constitutionally improper manner. Complaints of this kind, it seems to me, are ripe for appellate notice. They attempt to raise the fundamental question of whether the trial was fair. Nothing in the subject matter of the complaints (assuming the facts are stipulated) makes a trial court the best judge of its own conduct.

Those petitioners who complain about violations of their rights in confinement are saying, in effect, that their status as prisoners still entitles them to due process of law and to equal or nearly equal protection of the laws.¹²⁶ Because the rights allegedly infringed are generally cut back by prison rules and regulations, these petitioners have set themselves at odds with the prison administrators who carry out the policies of the Department of Corrections. Asking that disputes of this nature, which can have statewide consequences, should be screened on the appellate level seems to be an efficient means of channeling the disputes to their proper slots. Assuming the facts are stipulated, the Court of Appeal may exercise jurisdiction to decide the case on its merits or, when the facts are controverted or different considerations appear, may transfer the litigation to the best available superior court for a referee's recommendation or for an actual decision. By adopting this procedure, we give the Court of Appeal venue for initial evaluation of petitions, but do not oust the superior court from its constitutional jurisdiction to issue writs of habeas corpus. At some point, perhaps, a conflict may arise if a prisoner initially seeks and actually obtains relief in superior court despite the Rule of Court granting preferential place of filing to the Court of Appeal. But in that event, unlikely though it is, the People have simple access to the Court of Appeal under statutory procedures and can routinely block the prisoner's discharge from custody until an appellate decision has been rendered.

Assistance for the Courts of Appeal

The targeting of the Court of Appeal does not mean that it should bear the full shock of the additional caseload with its present judicial, research, clerical or administrative personnel. Since the burdens contemplated in the recommended procedure will be continuing, more judges and staff attorneys will be essential.

By using his constitutional powers as Chairman of the Judicial Council, the Chief Justice of California can meet temporary overloads in the system by providing for the assignment of judges to other courts.¹²⁷ Whenever necessary, the Chief Justice can designate—and has designated—superior court or retired judges to serve, in reality, as the writ-processing judges for the Court of Appeal. This system, which has been long operative in Los Angeles, allows expansion or re-

¹²⁶ See *In re Harrell* (1970) 2 Cal.3d 675. See also *Gilmore v. Lynch* (1970) (D.C. N.D.Cal.) _____ F.Supp. _____.

To enforce their rights, prisoners are also using Civil Rights suits under 42 U.S.C. 1983. See, e.g., *DeWitt v. Pail* (9th Cir. 1966) 366 F.2d 682.

¹²⁷ Cal.Const., Art. VI, § 6.

trenchment of the available personnel to meet variances in caseloads. Since our crises tend to merge into chronic continuity, however, our only solution is to maintain an appellate bench at the full strength needed to meet the courts' inevitable burdens. I know of no way to make the burdens themselves vanish.

Other Advantages

Among the other long-range advantages to be gained by using the Court of Appeal for the initial processing of postconviction complaints are these:

Lessening of Duplication. By eliminating one level of postconviction processing (i.e., the superior court), we avoid the duplication that results when a disappointed petitioner in the lower court now refiles his same application in a higher tribunal. By stating the reasons for a decision, we eliminate the need for the Supreme Court to undertake a complete review of the record of all cases presented to it, and allow the state's highest court to exercise discretion in choosing the matters it wishes to hear. The petition for hearing after a Court of Appeal decision can then be handled in conventional ways.

We also aid the federal courts in their determination as to the adequacy of the state court proceeding. (If we say that duplication of effort could best be avoided by refusing to allow a petitioner to file more than one application, we have simply revived the question of where he is to file it to obtain constitutionally adequate review. That place, I submit, should still be the Court of Appeal.)

Uniformity of Decisions. Because fewer tribunals will be deciding the cases, the results should be more uniform throughout the state. Even though there will be a turnover of individual judges, we will obtain beneficial continuity from the remaining judges and from the professional staff, each of whom should be familiar with the established guidelines and be able to transmit them to newly appointed personnel.

Access to All Records. Choosing the Court of Appeal in the district of conviction, we assure administrative access to the trial record, the record on appeal, and the record of all other applications for postconviction relief (except applications filed before our procedures have been reorganized). With all these documents at hand, we can soon discover if the petitioner has made inconsistent factual allegations in successive applications or whether his present requests have already been denied, without any intervening change in the facts or the law.

Uniform Procedures for Felons and Misdemeanants. Petitions for postconviction relief from persons who were convicted of offenses in municipal court can be processed in the same manner as petitions from persons convicted in superior court, thus establishing an integrated system of postconviction remedies for misdemeanants and felons.

Ease of Transferring Cases. Even though the Court of Appeal is statutorily prevented from making a writ of habeas corpus returnable in the superior court of another district, the geographic hurdle can be overcome by the use of orders to show cause, rather than actual issuance of the writ. This seems to be a satisfactory way to adjust procedures

without having to amend the relevant statutes. If objections should arise, we can request the Supreme Court, in its administrative capacity, to effect the proposed transfers under its express authority. Eventually, after the procedures have been tested, we can attempt to have the statutes amended in accordance with our proven needs. (As a realistic political consideration, we should minimize statutory changes and rely on Rule of Court modifications instead. As long as we operate within statutory bounds, our court system should be able to make adjustments in legal remedies and procedures to perfect its own functions.)

Supervisory Control Over Superior Courts. To the degree that the superior court observes all necessary precautions to avoid postconviction snares, the work of the Court of Appeal will be lightened. To the extent that the superior court falls short in this respect, the Court of Appeal, in a supervisory role, can enforce compliance with the necessary procedures. By example, persuasion and direct instructions, the Court of Appeal can regulate the standards to be observed at the trial level. This uniform observance of proper guidelines will provide the greatest benefit in the administration of postconviction procedures.

More Bearable Delays. The careful processing of postconviction matters in the Court of Appeal may cause a delay in the disposition of all appellate matters. For that hard fact there can be no easy palliative. But if we must choose between one evil or another, I believe we are wiser in tolerating a delay at the appellate level, after the case has once been tried and the permanent record has been drawn, rather than at the trial level, where a day in court is the goal.

If the superior court is ordered to take all the strains of the postconviction burden, too many litigants will have to wait too long for an impartial decision on their claims. They deserve a first hearing as quickly as possible; they are entitled to an appeal in the ordinary course of the administration of justice. Waiting for an appeal may be painful, but the chance to prove one court was wrong may be more of a luxury than the chance to prove a case in the first instance. (The postconviction matters call for a second and sometimes a third or fourth review of a case that has once been decided. We allow this recycling because of the constitutional issues to be resolved.)

BROADENED APPELLATE PROCEDURES

As an experiment in aid of its postconviction jurisdiction, the Judicial Council should consider using broadened appellate procedures to bring all potential errors to the court's attention in a single proceeding. At the present time, our courts declare that matters not part of the official record cannot be considered on appeal.¹²⁸ Even though the appellate court has been made aware of the alleged facts that would justify post conviction relief, the most effective step it can now take is to bifurcate a series of issues and discuss "appeal" matters separately from "habeas corpus" matters within a single opinion.¹²⁹

¹²⁸ *People v. Floyd* (1970) 1 Cal.3d 694; *People v. Merriam* (1967) 66 Cal.2d 390; *Adams v. California* (1897) 116 Cal. 495; *People v. Mosqueda* (1970) 5 Cal.App. 3d 540.

¹²⁹ See *People v. Price* (1969) 1 Cal.App.3d 982.

I suggest that a defendant on direct appeal be allowed (though not yet required) to request the consideration of matters not in the record.

We can encourage this change in appellate practice on the reasonable assumption that a prisoner with an arguably valid grievance will find some way of calling it to a court's attention. Sooner or later the complaint will surface. Instead of demanding a piecemeal presentation of appeal issues and postconviction issues, we are best advised to develop an all-inclusive technique. We should be able to resolve all constitutional disputes at the earliest possible time, with the least judicial waste and the least unjustifiable punishment.

An early benefit in blending postconviction questions into a direct appeal is that, unlike a petitioner, an appellant nearly always has an attorney to represent him. Through personal conferences or through the mails, the attorney can probe for actionable violations of the defendant's rights. Once he discovers an arguably meritorious issue outside the record, the attorney can develop a prima facie case showing the defendant's argument in its best light. Based on that data, the attorney can then petition the court for an evidentiary hearing or for the inclusion into the record of now-excluded matter. From this most favorable display of the defendant's position, the court can decide whether the factual allegations, if true, would merit relief. If so, the court can order an evidentiary hearing before a trial court or a referee to resolve the facts. If not, the court can summarily deny the request for additional evidence and articulate its denial as part of its definitive opinion on the direct appeal.

Because matters outside the formal record could be presented to the court relatively soon after the events themselves had occurred, we would avoid the problems caused by belated requests for postconviction relief. Ideally, this procedure will compel no more hearings than would be compelled by the postconviction petitions that are now being filed for habeas corpus relief. All that would change is the date on which the testimony is taken or the documents are incorporated into the record. The earlier we obtain evidence on allegations that have prima facie constitutional urgency, the earlier we can arrive at the truth and the merits of the claim.

If we allow this request for relief to be optional with the defendant, we will undoubtedly have variations in appellate practice from case to case. For the short run those variations should be welcome. Only after this procedure has been given a comparative performance test will we know whether to make its use mandatory—and thereby to impose a deliberate, knowing waiver on a defendant who refuses to take advantage of it—or else to abandon it as an unproductive intrusion into the court's time.

CONCLUSION

Summed up, what I recommend is that all applications for postconviction relief be directed to a single court—the Court of Appeal for the district where the conviction occurred. With the help of increased manpower as the need is manifested, with the authority that its appellate position guarantees, and with the centralized expertise that will be developed, the Court of Appeal should be the most suitable tribunal for this inescapable labor.

Postconviction problems will remain with us for predictable future. We must indefinitely expect to endure crime, punishment and the possibility of error. In our concessions to the fallibilities of an otherwise exemplary judicial system, we are serving its virtues by acknowledging its faults. What we consider a waste of time in the processing of postconviction applications is really a tribute to the effectiveness of our everyday courtroom procedures. What we discover worthy in postconviction claims is a reemphasis of our traditional belief that unjustified harm to one of us is destructive to all of us. The irritating chores that fill a judge's day as he leafs through page after page of worthless complaints are the bricks that give shape to our ideals. In his hands lies the measure of our society. If someone is to be faulted for a cavalier attitude toward justice, let it be the prisoner and not the judge.

PART TWO
ADMINISTRATIVE OFFICE REPORT

ANNUAL REPORT OF THE ADMINISTRATIVE
OFFICE OF THE CALIFORNIA COURTS

JUDICIAL STATISTICS

for the

FISCAL YEAR 1969-70

January 4, 1971

ADMINISTRATIVE OFFICE STAFF

SAN FRANCISCO

4200 State Building, 94102

RALPH N. KLEPS, Director

RICHARD A. FRANK, Deputy Director

Legal

MARY T. HENNESSY, Attorney
WINIFRED L. HEPPERLE, Attorney
PAUL M. LI, Attorney
DONALD ROSENBERG, Attorney
EUGENE SCHNEIDER, Attorney
JON D. SMOCK, Attorney

Statistical

BERN M. JACOBSON, Court Management Analyst
WILLIAM H. NANRY, Court Management Analyst
THOMAS H. SASAKI, Associate Statistician

Management

I. J. SHAIN, Research Director
SHERRY LUCY, Personnel and Budget Officer
MIRIAM H. DENNEY, Office Supervisor

ALYCE T. HOGAN, Administrative Assistant to Chairman of Judicial Council

LOS ANGELES

Room 1001, 217 West First Street, 90012

EUGENE J. DIDAK, Traffic Court Coordinator

LILIAN G. MONTGOMERY, Administrative Assistant to Chairman of Judicial Council

SACRAMENTO

109 Library and Courts Building, 95814

WARREN P. MARSDEN, Project Director, Lower Courts Study

JOHN BALLUFF, Attorney

LIBERA D. ROLLA, Secretary

ADMINISTRATIVE OFFICE REPORT

TABLE OF CONTENTS

	Page
Chapter 1. General	
A. Director's Report	73
B. Summary of 1970 Legislative Action on Council Recommendations and Other Selected Legislative Measures...	76
C. Changes in the California Rules of Court During 1970.....	79
D. Judicial Redistricting	83
E. Justice Court Qualifying Examinations.....	84
F. Judicial Council Legal Forms.....	84
G. Recommendations Concerning Branch Court Sessions of Superior Courts	86
Chapter 2. Judicial Statistics	
A. Supreme Court	
1. Summary of Filings and Business Transacted.....	88
2. Appeals	88
3. Original Proceedings	89
4. Petitions for Hearing.....	89
B. Courts of Appeal	
1. Summary of Activity 1969-70.....	91
2. Weighted Caseloads	93
3. Backlog	95
4. Delay	97
5. Publication of Opinions.....	98
C. Superior Courts	
1. Filings	101
2. Dispositions	106
3. Juries Sworn	110
4. Condition of Civil Calendars—Metropolitan Courts.....	112
5. Condition of Criminal Calendars—Metropolitan Courts...	118
6. Weighted Caseload	124
D. Municipal Courts	
1. Filings	127
2. Dispositions	131
3. Juries Sworn	133

E. Justice Courts	Page
1. Filings -----	135
2. Dispositions -----	137
F. Judicial Assignments and Assistance	
1. Summary—Number of Assignments and Days of Assigned Assistance -----	138
2. Assistance Provided Particular Courts by Assigned Judges -----	139
3. Assistance by Commissioners, Referees and Temporary Judges -----	140
4. Judicial Equivalence of Commissioners and Referees-----	142
Appendix Tables	
Supreme Court, Tables 1-2-----	146
Supreme Court and Courts of Appeal, Tables 3-4-----	147-148
Courts of Appeal, Tables 5-10-----	149-151
Superior Courts, Tables 11-28-----	152-171
Municipal Courts, Tables 29-41-----	172-212
Justice Courts, Table 42-----	213-222

CHAPTER 1

GENERAL

A. DIRECTOR'S REPORT

The Judicial Council's legislative recommendations, reports and proposals described in the preceding sections of this report represent only a small fraction of the work undertaken by the Council and its staff. A number of other significant activities were carried on by the Council and its committees and staff, some of which are summarized in this section.

Institutes and Workshops

In 1970, five successful institutes and workshops for judges were organized by the Judicial Council. These programs were:

Institutes

1. Sentencing Institute for Superior Court Judges, Monterey, March 20-21, 1970
2. Institute for Juvenile Court Judges and Referees, Newport Beach, June 5-6, 1970
3. Institute for Municipal and Justice Court Judges, San Diego, October 30-31, 1970

Workshops

1. Workshop for Court of Appeal Justices, Newport Beach, June 19-20, 1970
2. Workshop for Presiding Judges of the Metropolitan Superior Courts, San Francisco, October 2, 1970

The Sentencing Institute for Superior Court Judges was the sixth annual program for judges assigned to hear criminal matters. Attended by 93 judges from throughout the state, the response to the institute program was uniformly enthusiastic. Featured in the program were both small and large group discussions of important aspects of a criminal court judge's responsibility including discussions of recent appellate decisions, sentencing standards and criteria, current state correctional rehabilitative and parole programs and policies, and roundtable discussions of common problems facing criminal court judges. The program also featured an exceptionally informative keynote speech by Supreme Court Justice Louis H. Burke on the topic, "The Courts and The Problem of Crime." Copies of the published Proceedings will be distributed to California judges and libraries.

The 1970 Institute for Juvenile Court Judges and Referees was also the sixth in a series of such programs, dating back to 1962. According to the judges and referees in attendance, the 1970 Institute was the most successful of those held to date. The program included informative panel discussions on the youthful drug offender, a topic of urgent importance, as well as discussions of recent appellate decisions affecting juvenile court procedure, appropriate dispositional standards and criteria and small group and panel discussions of problem areas in juve-

nile court procedure. Eighty-four judges and referees attended this program. The Proceedings are also to be published and distributed to those in attendance and to judges and referees newly assigned to hear juvenile court cases.

This year's Institute for Municipal and Justice Court Judges proved to be another successful program, bringing together 91 judges from throughout the state. The program included discussions of sentencing standards and criteria, problems resulting from mass arrests, mass trials and unruly defendants, analyses of significant legislation enacted in the 1970 legislative session, and small group discussions of problem areas in municipal and justice court procedures. Published proceedings will be distributed to all municipal and justice court judges early in 1971.

The 1970 Workshop for Court of Appeal Justices was mainly devoted to discussions of ways of resolving problems created by the ever increasing workload. Building upon the consensus of appropriate ways of coping with the rise in appeals and original proceedings arrived at in the preceding year's program, the 1970 Workshop featured discussions of the organization and use of staff in screening appeals and in other areas, appropriate structure of the appellate courts, and the role of appellate justices in screening appeals and in preparation of memorandum opinions. The workshop produced a resolution urging that funds be provided for additional staff attorneys for purposes of screening appeals and encouraging divisions which have not done so, to initiate screening procedures to select those appeals which are appropriate for summary dispositions. The workshop was attended by 38 of the state's 48 Court of Appeal justices.

Finally, presiding judges of the largest metropolitan superior courts, along with presiding judges of superior courts in counties in which there is a major correctional institution, met with Chief Justice Donald R. Wright in San Francisco, October 2, 1970 to discuss courtroom security and ways of improving judicial administration. The workshop, in part, grew out of the tragic events which had taken place in Marin County and the threats to personal security of judges in other parts of the state, and proved to be an invaluable forum. Appropriate suggestions to improve courtroom security were made and follow-up action is being initiated by the Administrative Office of the Courts. Nineteen presiding judges were in attendance.

Uniform Legal Forms

Six new legal forms for statewide use under California's new Jurisdiction and Service of Process Act were developed and approved by the Judicial Council in 1970. In addition, a new form of Writ of Execution was developed under a new state law governing executions and attachments. This work was undertaken with the cooperation and assistance of the Continuing Education of the Bar.

Uniform Superior Court Rules

Staff assistance was furnished by the Administrative Office of the Courts to aid the 23 superior courts comprising the Third Appellate District in developing a set of uniform local rules. The uniform rules are largely patterned on those developed at an earlier date for the

superior courts of the Fifth Appellate District, which were also completed with the help of staff assistance provided by the Administrative Office of the Courts.

Study of California Lower Courts

Substantial progress was made in the past year on the study of the organization of California's municipal and justice courts which is being financed by a federal grant to the Judicial Council under the Highway Safety Act of 1966. The study, which is being conducted by the nationally known consulting firm of Booz, Allen & Hamilton, is under the general supervision of a full-time project director on the staff of the Administrative Office of the Courts. Policy guidance is being furnished by an advisory committee appointed by the Chief Justice. The fact gathering phase of the study commenced in the latter part of June 1970 and will be completed early in 1971. By the end of October 1970, 40 of the 58 counties had been visited, with the remaining counties scheduled for visits prior to the termination of the study. A final report and recommendations is scheduled to be submitted to the Judicial Council in 1971.

Judgeship Reports

During the 1970 legislative session, the Council was again called upon by the Legislature and the Governor's Office to prepare reports on the number of judgeships needed for courts seeking legislative approval for additional judges. There were a total of 24 reports prepared during the 1970 legislative session of which 14 involved municipal courts and 10 concerned superior courts.¹

A separate weighted statistical yardstick was employed for the municipal and superior courts and the reports also contained projections of future workload, based upon recent filing trends. The yardsticks were derived from studies of the amount of judicial time necessary to dispose of different types of filings, as verified by reports from representative superior and municipal courts throughout the state.

Study of Appellate Court Recordkeeping

A study of recordkeeping and operating procedures in the clerks' offices of the Courts of Appeal, undertaken at the request of the Department of Finance, was completed during 1970. The study was done by the nationally known management consulting firm of Ernst & Ernst under contract with the Judicial Council. Its recommendations were reviewed by a special advisory committee appointed by the Chief Justice under the Chairmanship of Presiding Justice Gerald Brown, Court of Appeal, Fourth Appellate District, Division One, San Diego.

¹ The courts for which judgeship reports were prepared in the 1970 session included the following:

<i>Superior Courts</i>		San Francisco	San Bernardino
Alameda	Merced	San Mateo	
Butte	Orange	Solano	
Los Angeles	Riverside		
<i>Municipal Courts</i>		San Jose-Milpitas	Pasadena
Berkeley-Albany		Southern San Mateo	El Cajon
Oakland-Piedmont		West Orange County	Los Angeles
Mount Diablo		Whittier	
Northern County (San Diego)		San Francisco	
Northern San Mateo			
Central San Mateo			

The Judicial Council acted on the Committee's recommendations at its November 1970 meeting and approved the principle of a central authority responsible for coordinating the Court of Appeal Clerks' Offices. The authority will consist of the Chief Justice and the Administrative Presiding Justices of each of the five appellate districts.

Justice Court Manual

Federal funds were procured this year to finance the updating of the Justice Court Manual resulting from new 1969 and 1970 legislation and recent appellate decisions. Work began on this project during the latter part of the year.

B. SUMMARY OF 1970 LEGISLATIVE ACTION ON COUNCIL RECOMMENDATIONS AND OTHER SELECTED LEGISLATIVE MEASURES

The Judicial Council recommended four measures for enactment by the Legislature at its 1970 Regular Session. Two of these measures—one dealing with the creation of an office of State Public Defender to handle indigent criminal appeals, and the other dealing with providing subordinate judicial personnel to assist municipal courts in handling traffic matters—were reported in the *1970 Judicial Council Report*. The other two measures were added to the Judicial Council's legislative program following the printing of its annual report. Of these four measures, three received favorable action by the Legislature and the Governor; the State Public Defender proposal failed of enactment.

In addition to its sponsorship of these measures, the Judicial Council was concerned with a number of other legislative measures significantly affecting the judiciary and the administration of justice. This report, therefore, summarizes a selected number of other measures that were enacted in addition to reporting legislative action on measures sponsored by the Judicial Council.

In the material that follows, the Judicial Council measures are summarized chronologically in the order of their introduction. Thereafter, a selected number of Senate and Assembly measures of particular interest to the judiciary are summarized in similar fashion.

Senator Donald L. Grunsky and Assemblyman James A. Hayes were the legislative members of the Judicial Council at the time these measures were introduced, and they were responsible for handling most of the measures sponsored by the Judicial Council.

JUDICIAL COUNCIL MEASURES

Traffic Referees

Assembly Bill No. 270 was introduced by Assemblyman Fenton to effectuate the Judicial Council's recommendation to provide subordinate judicial personnel to assist municipal courts in handling traffic matters.² This measure adds Section 72400 et seq. to the Government Code to provide for the appointment, qualifications, salary and re-

² See 1970 Judicial Council Report 39-43.

sponsibilities of traffic referees. Added Section 72400 authorizes municipal courts having three or more judges to appoint a traffic referee who must either be a member of the State Bar or have served as a judge of a justice court for five out of the eight years immediately preceding his appointment. Added Section 72404 provides that a traffic referee shall receive a salary equal to one-half the salary of a municipal court judge. Added Sections 72401, 72402 and 72403 specify in detail the authority of the traffic referee, generally authorizing him to fix bail, grant continuances, conduct arraignments, take pleas and set cases for trial, and, in addition, for infractions and those misdemeanors falling within the provisions of subdivision (b) of Vehicle Code Section 42001, to impose a fine on a guilty or no-contest plea not in excess of the applicable bail schedule. It also makes conforming adjustments in a number of other Government Code sections and permits a commissioner having the qualifications prescribed for a traffic referee to exercise the authority conferred upon a traffic referee.

The measure was amended once to restrict the appointment authority to those municipal courts having three or more judges rather than any municipal court as had been originally proposed and was enacted in its amended form.³

State Public Defender

Assembly Bill No. 497 was introduced by Assemblyman Hayes and would have effectuated the Judicial Council's proposal for the establishment of a State Public Defender's office to handle indigent criminal appeals.⁴ The measure would have added Section 68555 et seq. to the Government Code to authorize the Judicial Council to appoint a State Public Defender who would have been required to possess the qualifications of a Court of Appeal judge. His salary would have been set at \$35,000 per year. The measure authorized the State Public Defender to appoint deputies and organize the office to represent indigents in criminal appeals in our Courts of Appeal or Supreme Court, appeals to the U. S. Supreme Court, in writ cases where there is a constitutional right to counsel and in every proceeding where the indigent is under sentence of death. The measure also contemplated changes in the California Rules of Court to speed up the appellate process in criminal cases.

The measure received widespread support from the State Bar, the Los Angeles County Bar, the Attorney General, the California Association of Public Defenders and numerous other interested persons. The Assembly Committee on Criminal Procedure conducted an intensive study of the subject that resulted in a highly favorable committee report. The measure passed the Assembly following favorable recommendations by its policy and fiscal committees. The measure also was favorably reported by the Senate's policy and fiscal committees, following a single amendment to provide explicitly for funding of the new office, but it was defeated on the floor of the Senate following an expression of opposition from the Governor's office.

³ Cal. Stats. 1970, Ch. 85.

⁴ See 1970 Judicial Council Report 15-23.

Penalty Assessments

Assembly Bill No. 1589 was introduced by Assemblyman Hayes to effectuate the Judicial Council's recommendations for clarifying the Penal Code and Vehicle Code provisions relating to the imposition and collection of penalty assessments. As introduced, this measure amended Penal Code Section 13521 and Vehicle Code Section 42050 to clarify the language describing those offenses for which a penalty assessment is imposed. To achieve uniformity in the collection of special assessments, Vehicle Code Section 42006 also was amended to authorize the collection of the special night court penalty assessment under the same circumstances. The measure also was amended twice to accomplish two unrelated purposes. The measure was enacted in this amended form.⁵

Salary Approval Authority

Assembly Bill No. 1591 was introduced by Assemblyman Hayes to amend Government Code Section 18004 to transfer from the Director of Finance to the Chairman of the Judicial Council the authority to approve the salaries of state judicial personnel exempt from civil service under Article XXIV of the Constitution.⁶ The measure was amended once to repeal Government Code Section 68500.1 requiring the Clerk of the Supreme Court to serve as Secretary to the Judicial Council. As thus amended, the measure was enacted.⁷

OTHER MEASURES**Oral Search Warrants**

Senate Bill No. 306 was introduced by Senator Grunsky to amend Penal Code Sections 1526, 1528 and 1534 to provide a procedure for issuing duplicate original search warrants upon remote oral statements. In its amended form the measure authorizes a magistrate to accept in lieu of a written affidavit an oral statement under oath in justification of the issuance of a search warrant, which statement is required to be recorded and transcribed; the certified transcription is thereafter treated as an affidavit and is required to be filed with the court. It also permits the magistrate orally to authorize a peace officer to insert the magistrate's name on a duplicate original warrant which is thereafter treated as an original search warrant for all practical purposes. The measure also specifies procedural detail with respect to the filing of the duplicate original warrant and other matters relating to this new statutory procedure. The measure was enacted in this amended form.⁸

Felony Plea Bargaining

Senate Bill No. 621 was introduced by Senator Sherman to add Section 1192.5 to the Penal Code to specify the procedure to be followed in felony plea bargaining, requiring the court to inform the defendant of his right to withdraw his guilty or no-contest plea under specified

⁵ Cal.Stats. 1970, Ch. 1009.

⁶ For an earlier history, see 1968 Judicial Council Report 55.

⁷ Cal.Stats. 1970, Ch. 551.

⁸ Cal.Stats. 1970, Ch. 809.

circumstances, and repealing Section 1192.3 in conformity therewith. In an amended form, this measure was enacted.⁹

Appellate Remands

Senate Bill No. 859 was introduced by Senator Cologne to amend Penal Code Section 1260 specifically to authorize an appellate court to remand a cause to a trial court for such further proceedings as may be just under the circumstances, using language in accord generally with the federal procedure pursuant to Section 2106 of Title 28, United States Code. The measure was enacted without amendment.¹⁰

Search Warrant Service

Assembly Bill No. 139 was introduced by Assemblyman Murphy to amend Penal Code Section 1533 to permit search warrants to be served only between the hours of 7 a.m. and 10 p.m. unless the warrant contains a direction authorizing its service at any time of the day or night upon a showing of good cause therefor. In an amended form, the measure was enacted.¹¹

Arraignments

Assembly Bill No. 2148 was introduced by Assemblyman Fenton to add Sections 72190.1 and 72706.1 to the Government Code to authorize commissioners in municipal courts to conduct arraignment proceedings if so directed by the presiding or sole judge of the municipal court. In an amended form, the measure was enacted.¹²

Contempts of Court

Assembly Bill No. 1596 was introduced by Assemblyman Hayes to add Section 1211.5 to the Code of Civil Procedure to specify the procedure to be followed in prosecutions for contempts of court presented pursuant to affidavits or statements of fact. In an amended form, the measure was enacted.¹³

Court Commissioners' Law Practice

Assembly Bill No. 1073 was introduced by Assemblyman Hayes to amend Government Code Sections 70142, 72190 and 72706 to prohibit court commissioners in superior and municipal courts from engaging in the private practice of law. In an amended form, the measure was enacted.¹⁴

C. CHANGES IN THE CALIFORNIA RULES OF COURT DURING 1970

During 1970 the Judicial Council substantially revised a number of appellate rules to implement recommendations made at a 1969 Court of Appeal Workshop for meeting the caseload crisis in those courts.¹⁵

⁹ Cal.Stats. 1970, Ch. 1123.

¹⁰ Cal.Stats. 1970, Ch. 850.

¹¹ Cal.Stats. 1970, Ch. 47.

¹² Cal.Stats. 1970, Ch. 759.

¹³ Cal.Stats. 1970, Ch. 1264.

¹⁴ Cal.Stats. 1970, Ch. 686.

¹⁵ See 1970 Judicial Council Report 24-38.

The Judicial Council by rule also designated the Administrative Director of the California Courts to serve as Secretary to the Judicial Council and confirmed certain existing functions of the Administrative Office of the Courts. In addition, several changes were made in other appellate and trial court rules, as well as in the Judicial Council's recommended Standards of Judicial Administration, principally to expedite judicial proceedings.

Following is a summary of all the changes, most of which were effective either July 1, 1970 or January 1, 1971, as indicated below.

1. APPELLATE RULES AND STANDARDS

Additional Time for Filing a Cross Appeal

Rules 3 (superior court appeals) and 123 (municipal and justice court appeals) were amended effective January 1, 1971, to provide for an additional time in which any party may file a cross appeal in a civil case. The amendments will eliminate the need for a party to bring a so-called "protective appeal" when he wishes to preserve his right to object to the trial court's judgment if that judgment is attacked by another party on appeal. The amended rules in effect provide that when a timely notice of appeal has been filed by a party, any other party may bring a cross appeal within 20 days (10 days in municipal or justice court appeals) after the trial court clerk mails notice of the filing of the first appeal, or within the normal time otherwise prescribed for initiating an appeal, whichever period last expires.

Examination of Record on Petition for Hearing in Supreme Court

Rule 29(b), governing the instances in which the Supreme Court will examine the record on appeal for error on a petition for hearing, was amended effective July 1, 1970 to facilitate the disposition by memorandum opinion of Court of Appeal cases presenting no substantial legal issues. The amended rule provides that on petition for hearing after decision by a Court of Appeal, the Supreme Court will not examine the record for error unless the petition shows that substantial issues of law or fact were incorrectly stated or were not considered in the opinion by the Court of Appeal and that such issues were raised in the briefs and in a petition for rehearing in the Court of Appeal.

Use of Memorandum Opinions

New Section 6 was added to the Judicial Council's recommended Standards of Judicial Administration effective July 1, 1970 to specify the instances in which a Court of Appeal might appropriately dispose of a case by memorandum or other abbreviated form of opinion. Under this section such cases could include: (a) an appeal that is determined by a controlling statute which is not challenged for unconstitutionality and does not present any substantial question of interpretation or application, (b) an appeal that is determined by a controlling decision which does not require a reexamination or restatement of its principles or rules, and (c) an appeal raising factual issues that are determined by the substantial evidence rule.

Contents of Record on Appeal in Criminal Cases

Rule 33(b) was amended effective July 1, 1970 to authorize a criminal appellant to request that proceedings under Section 1538.5 of the Penal Code for return of property or for suppression of evidence be included in the reporter's transcript on appeal. The amendment eliminates the need for appellate courts to make formal orders augmenting the record to include Section 1538.5 proceedings, as well as eliminating the resultant delays.

Administrative Justices in Courts of Appeal

Rules 75 and 76 were added effective July 1, 1970 to provide for the designation of an Administrative Presiding Justice in multi-division Courts of Appeal. At the June 20-21, 1969 Courts of Appeal Workshop one of the participants' recommendations was that an administrative justice be designated in each Court of Appeal. The recommendation further provided that the presiding justice of one-division Courts of Appeal should perform this function and that in multi-division districts an administrative justice should be selected by the Chairman of the Judicial Council. Rule 75 effectuates that recommendation. Rule 76 specifies the duties of the Administrative Presiding Justice.

Payment of Fee on Civil Appeal from Municipal or Justice Court

Rule 130 was amended effective July 1, 1970 to conform the procedure for payment of filing fees on appeals from the lower trial courts with that on appeals from the superior court. The amended rule in effect provides that the filing fee will be payable to the superior court when the record on appeal is received from the municipal or justice court.

2. TRIAL COURT RULES AND STANDARDS

Notice of Hearing of Demurrer

Rules 202, 203 (superior courts), 502 and 503 (municipal courts) were amended effective January 1, 1971 generally to make the present noticed motion practice applicable to demurrers, and to require demurrers and motions to strike to be heard at the same time.

Setting Misdemeanor and Traffic Citation Cases for Arraignment and Trial

Rule 830 was added effective January 1, 1971 to allow municipal and justice court judges to authorize their clerks to set misdemeanor and traffic citation cases for arraignment and trial. For this purpose the Judicial Council has approved a standard legal form, Notice of Arraignment and Trial Date, for optional use by the courts. Use of this procedure and the form will avoid inconvenience to the public and save the judges' time by allowing defendants to make a single court appearance for arraignment and trial when they wish to plead not guilty, in place of the two or more appearances otherwise required.

Uniform Traffic Bail Schedule

Rule 850(b) setting forth the Judicial Council's Uniform Traffic Bail Schedule was amended effective January 1, 1971 to show the offenses for which a penalty assessment must be added to the fine. The amendment was made after the 1970 Legislature, at the Judicial Council's request, had amended Vehicle Code Section 42050 to clarify the application of penalty assessments.

Administrative Director of the California Courts

New Division V and Rules 990, 991 and 992 were added to Title Three, Miscellaneous Rules, effective November 23, 1970, to designate the Administrative Director of the California Courts to serve as Secretary to the Judicial Council. The new rules also confirm the existing functions of the Administrative Office of the Courts.

Joinder of Third Parties in Family Law Proceedings

Chapter 2.5, containing Rules 1250 through 1255 was added to Title Four, Special Rules for Trial Courts, Division I, Family Law Rules, effective November 23, 1970, to provide for the joinder of third parties in family law proceedings. The new rules provide that such joinder may be proposed upon noticed motion by the petitioner, the respondent, a person who has or claims custody of the minor children of the marriage, or a person served with a temporary restraining order affecting property in his possession or the custody of minor children of the marriage.

Form of Summons (Marriage)

Rule 1283 governing the form of summons that must be used in family law proceedings was amended effective July 1, 1970 to conform the proof of service provisions to California's new Jurisdiction and Service of Process Act.¹⁶

Duties of Presiding Judge

Subdivision (p) was added to Section 2 of the Judicial Council's recommended Standards of Judicial Administration effective July 1, 1970 to provide that the presiding judge or his appointee should, when appropriate, meet with members of the bench, bar or news media to "promote understanding of the principles of fair trial and free press." This subdivision was adopted by the Judicial Council as a result of approval of a "Joint Declaration Regarding News Coverage of Criminal Proceedings in California" by the Conference of California Judges, the State Bar and the California Freedom of Information Committee representing the news media.

Use of BAJI and CALJIC Pattern Jury Instructions

Section 5 of the Judicial Council's recommended Standards of Judicial Administration, at the request of the State Bar's Board of Governors, was amended to provide that in considering proposed jury instructions, a trial judge should give equal consideration to those submitted by the parties as well as to the pattern jury instructions contained in the latest edition of California Jury Instructions—Civil (BAJI) or California Jury Instructions—Criminal (CALJIC).

¹⁶ See F, Judicial Council Legal Forms, *infra*.

D. JUDICIAL REDISTRICTING

There were 319 judicial districts in California at the end of both fiscal years 1968-69 and 1969-70. This was the first time in nine years that the total did not decline. The only districting change in 1969-70 occurred in Butte County where the Chico Justice Court District became a municipal court district on July 1, 1969.¹⁷ Reflecting this change, the number of districts served by municipal courts increased by 1 to 75 in 1969-70 while the number served by justice courts decreased by 1 to 244.

Table A gives the total number of judicial districts as of June 30 for each year since the lower court reorganization¹⁸ and the number served by justice courts and municipal courts.

TABLE A—CALIFORNIA JUDICIAL DISTRICTS
As of June 30, 1953 Through 1969

Year	Total judicial districts	Number of justice courts	Number of municipal courts
1953	400	349	51
1954	400	348	52
1955	395	342	53
1956	395	341	54
1957	393	335	58
1958	390	329	61
1959	374	312	62
1960	374	307	67
1961	371	304	69
1962	370	298	72
1963	365	293	72
1964	361	288	73
1965	349	276	73
1966	339	268	71
1967	336	263	73
1968	326	253	73
1969	319	245	74
1970	319	244	75

Since the reorganization of the lower courts the number of judicial districts in California has been reduced by 20 percent from a total of 400 in June 1953 to 319 in June 1970. Over the same period the number of justice court districts decreased by 30 percent from 349 to 244 while the number of municipal court districts increased by almost 50 percent from 51 to 75. These trends largely reflect two factors: (1) redistricting by local boards of supervisors resulting in the consolidation of separate justice court districts to form either municipal court or larger justice court districts and (2) the creation of municipal courts as district populations increase to the 40,000 constitutional limit for justice courts.

The Judicial Council completed districting surveys of Placer and Napa Counties in 1969-70 at the request of their boards of supervisors. The Council's report to the Placer County Board of Supervisors recommended that the justice court districts of Auburn, Foresthill, Lincoln, Loomis and Roseville be consolidated into a single municipal court district sitting at Auburn with sessions at Roseville and that the Colfax Justice Court District be consolidated into the proposed munic-

¹⁷ By an ordinance dated July 28, 1970 the Board of Supervisors of Butte County consolidated the Durham Justice Court District into the Chico Municipal Court District effective January 1, 1971.

¹⁸ See Fourteenth Biennial Report (1953) 12-28.

ipal court district when workload justifies a second judgeship in the municipal court. It was further recommended that the Tahoe Justice Court District remain unchanged.

The Council's report to the Napa County Board of Supervisors recommended that the Napa Justice Court District with an estimated population of 65,000 be immediately declared a municipal court district as required by the California constitution¹⁰ and that the justice court districts of Calistoga and St. Helena be consolidated into a single justice court district. The report further recommended a single county-wide municipal court district at such time that the workload of such a court would require two judges.

E. JUSTICE COURT QUALIFYING EXAMINATIONS

The regular qualifying examination required by Judicial Council regulations to be given every six years to qualify layman candidates for election to the office of judge of the justice court was held on January 24, 1970 at 13 examination centers.²⁰ Of the 137 persons who took the examination, 62, or 45 percent, passed and 75, or 55 percent, failed. Residents of 30 counties qualified. The qualifying examination has been made more comprehensive since the last regular examination was given in 1964 when 61 percent of the applicants passed and 39 percent failed.²¹

Special qualifying examinations were given in five counties during fiscal year 1969-70 and the first half of fiscal year 1970-71.²² A total of 67 persons took these examinations of whom 41, or 61 percent, passed and 26, or 39 percent, failed. Twenty-nine counties were represented by the successful examinees.

No oral examinations were given during the above period. Oral examinations are required whenever there are more than three qualified candidates (both laymen and attorneys) for appointment to a vacancy in the office of judge of the justice court.²³

F. JUDICIAL COUNCIL LEGAL FORMS

Six new legal forms designed for statewide use in making service of process were approved by the Judicial Council effective July 1, 1970. In addition, the Judicial Council revised four previously approved forms to incorporate changes principally required by statutes enacted by the 1970 Legislature, and it also approved a new form of Writ of Execution for use under a new state law governing executions and attachments.²⁴

¹⁰ Cal. Const. Art. VI, § 5 "... there shall be a municipal court in each district of more than 40,000 residents."

²⁰ Gov. Code § 71601; *Regulations Pertaining to Qualifying Examination for the Office of Judge of the Justice Court*, Judicial Council Fourteenth Biennial Report (1963) 67-71.

²¹ See Judicial Council Twentieth Biennial Report (1965) 96.

²² Special Examinations were given in Mendocino, San Bernardino, Siskiyou, Sutter and Tuolumne Counties.

²³ Gov. Code §§ 71180.4, 71601.3, and see Judicial Council Twentieth Biennial Report (1965) 97, footnote 5.

²⁴ Cal. Stats. 1970, Ch. 1523, effective November 23, 1970.

In 1969 the Legislature had enacted a new Jurisdiction and Service of Process Act, authorizing several new methods of serving a summons, operative July 1, 1970.²⁵ The new act was enacted as a result of recommendations jointly made by the Judicial Council and the State Bar, and it required the courts and attorneys to use new forms of summons beginning on that date.²⁶ The new forms, which were prepared in consultation with the State Bar staff and the California Legal Forms Committee, a statewide committee with representation from most of the statewide organizations interested in such forms, are: (1) Summons, (2) Instructions on Preparing Proof of Service, (3) Notice and Acknowledgment of Service, (4) Summons (Unlawful Detainer), (5) Summons (Joint Debtor) and (6) Summons (Marriage).

In addition to the new forms of summons, four legal forms previously approved by the Judicial Council effective November 10, 1969 were revised to incorporate various 1970 statutory changes: (1) Request to Enter Default, Declaration under CCP 585.5, Declaration of Mailing, Memorandum of Costs and Declaration of Non-Military Status, (2) Declaration for Undertaking of Attachment Against Resident Defendant(s), (3) Writ of Attachment and (4) Request for Dismissal.²⁷ The revised form of Request to Enter Default, etc., has been approved for statewide use effective January 1, 1971 because the principal legislation affecting it was effective as of that date.²⁸ The other three forms, as well as a new form of Writ of Execution, were approved effective November 23, 1970, the date when other 1970 legislative changes became effective. Under Rule 982 of the California Rules of Court all courts are required to use the revised forms commencing on January 1, 1971.²⁹

The four revised forms include the following substantive changes:

(1) *Request to Enter Default, Declaration Under CCP 585.5, Declaration of Mailing, Memorandum of Costs and Declaration of Non-Military Status*: New form of *Declaration Under CCP 585.5* has been added to facilitate compliance with the new law requiring every application for default under CCP 585(1) to include, or be accompanied by, an affidavit stating facts showing that the action is or is not subject to the venue provisions of CC 1812.10 (Unruh Act) or CC 2984.4 (Rees-Levering Act). (Stats. 1970, Ch. 725.) The form of *Declaration of Mailing* has been revised to state that a copy of the application for default was mailed, rather than was mailed by the plaintiff or his attorney, to each defendant's attorney of record, or if none, to such defendant at his last known address. (Stats. 1970, Ch. 105.)

(2) *Declaration and Undertaking for Attachment Against Resident Defendant(s)*: The declaration regarding whether the action is based on a debt incurred for necessities has been deleted, and the declaration regarding the defendant's bankruptcy has been amended, in conformity with amended CCP 538. In addition, a new form showing that the action was commenced in the proper

²⁵ Cal. Stats. 1969, Chs. 1610 and 1611.

²⁶ See 1969 Judicial Council Report 27-96.

²⁷ See 1970 Judicial Council Report 71-72.

²⁸ See Cal. Stats. 1970, Ch. 725.

²⁹ See 1970 Judicial Council Report 71-72; 1969 Judicial Council Report 116-118.

trial court has been added to facilitate compliance with the requirements of CC 1812 and 1812.10 (Unruh Act). (Stats. 1970, Ch. 1523.) The form of *Declaration and Undertaking by Sureties* has been revised to cover undertakings under, as well as over, \$2,000. (See CCP 1041 and 1057.)

(3) *Writ of Attachment*: This form is changed to call attention to amended CCP 538, which provides that no attachment may be issued when the amount claimed, exclusive of any interest and attorney's fees, is less than \$200. (Stats. 1970, Chs. 1319 and 1523.)

(4) *Request for Dismissal*: Appropriate provisions have been added for noting: (1) the type of action involved for purposes of later reporting the dismissal to the Judicial Council, and (2) if the dismissal was entered by the clerk as to less than all the defendants requested by the plaintiff, the names of the defendants against whom the dismissal was entered and the date of such entry.

Drafts of the new forms were prepared for the Judicial Council's consideration by the staff of the California Continuing Education of the Bar, which has agreed to develop a comprehensive system of court forms suitable for Judicial Council adoption for statewide use. Before these forms were submitted for Council approval, each form was studied and approved by the California Legal Forms Committee in consultation with the State Bar staff. This system of statewide review of each proposed form before Judicial Council approval has resulted in the design of forms that will accommodate the needs of both the courts and attorneys.

In the future, it is anticipated that the Continuing Education of the Bar will publish and maintain all Judicial Council approved forms in a loose-leaf CEB manual which will also contain annotations dealing with the source of each form, the statutes or rules that govern it, instructions on the use of each form and references to relevant discussions in CEB practice books and other reference works. The looseleaf format will then permit the courts and attorneys to reproduce each form by use of office copying machines for filing in any court of this state.

G. RECOMMENDATIONS REGARDING BRANCH COURT SESSIONS OF SUPERIOR COURTS

Subsection (c) of Government Code Section 69252 requires that, "The board of supervisors of counties seeking to establish or terminate branch court sessions [of superior courts] shall request the recommendations and advice of the Judicial Council before taking action."

Reports and recommendations regarding superior court branch court sessions were made at the request of the boards of supervisors of Alameda, Orange and Riverside Counties. In the case of Alameda the Council recommended the establishment of multi-department, full-service branch operations in the City of Hayward as facilities at that location became available and as such operations were required by growth in court business. The report to the Orange County Board of

Supervisors recommended that branch sessions conducted in the City of Fullerton be terminated, and the report to the Riverside County Board of Supervisors recommended against establishing branch sessions in the City of Palm Springs. The recommendations against branch sessions in those cities were based on the fact that such sessions would be expensive, inefficient and disruptive of overall court operations and that the needs of local residents would be adequately and conveniently served without such sessions.

CHAPTER 2

JUDICIAL STATISTICS

A. SUPREME COURT

1. SUMMARY OF FILINGS AND BUSINESS TRANSACTED

Total filings in the Supreme Court during 1969-70 in reaching the 3,400 level were only slightly above the previous year's 3,322 filings. Noteworthy in this year's filing figures are a 10 percent increase in petitions for hearing and more than an 8 percent decrease in criminal original proceedings.

The growth in petitions for hearing in the Supreme Court may be expected to continue as a reflection of the growing workload of the Courts of Appeal.

The 1969-70 Supreme Court filings included 1,319 original proceedings, 2,064 petitions for hearing and 17 criminal appeals. During the same period the court disposed of 2,064 petitions for hearing, 1,212 original proceedings, 114 appeals, 67 miscellaneous motions, 95 petitions for rehearing, 46 executive clemency applications and issued 1,174 orders, for a total of 4,772 transactions.

**TABLE I—CALIFORNIA SUPREME COURT
SUMMARY OF FILINGS**
Fiscal Years 1959-60 Through 1969-70

Type of filing	1959-60	1960-61	1961-62	1962-63	1963-64	1964-65	1965-66	1966-67	1967-68	1968-69	1969-70
Total filings.....	1,313	1,403	1,438	1,562	1,872	2,569	2,522	2,718	2,959	3,322	3,400
Appeals.....											
Civil.....	269	280	303	292	241	261	222	189	19	0	0
Criminal.....	16	18	15	20	16	17	31	22	30	15	17
Original proceedings.....											
Civil.....	78	55	104	87	111	109	74	91	83	84	84
Criminal.....	142	193	204	239	530	1,056	983	1,026	1,057	1,349	1,235
Motions to dismiss on clerk's certificate.....	25	20	9	17	29	15	7	9	1	0	0
Petitions for hearing of cases previously decided by the Courts of Appeal.....	783	837	803	907	945	1,111	1,205	1,379	1,769	1,874	2,064

The court disposed of 205 matters by written opinion in 1969-70. This figure was almost identical to the number in 1968-69, and compares to an annual average for the past 10 years of approximately 175 dispositions by written opinion.

2. APPEALS

Only death penalty appeals are filed directly in the Supreme Court.¹ Consequently, appeals disposed of by written opinion, other than death

¹ Filings of civil appeals in the Supreme Court have been eliminated as a result of a constitutional amendment adopted November 8, 1966. Cal. Const., Art. VI, §11 states: "The Supreme Court has appellate jurisdiction when judgment of death has been pronounced. With that exception courts of appeal have appellate jurisdiction when superior courts have original jurisdiction and in other causes prescribed by statute."

penalty cases, are those in which the Supreme Court granted a petition for hearing after decision by a Court of Appeal. In 1969-70 there were 114 appeals disposed of by written opinion, of which 65 were civil and 49 criminal appeals.

3. ORIGINAL PROCEEDINGS

Criminal original proceedings (chiefly writs of habeas corpus) filed in the Supreme Court dropped from a record high of 1,349 in 1968-69 to 1,235 in 1969-70. It is of interest to note that the approximately 1,000 filings of these matters in the Courts of Appeal also represented a decrease from a year earlier.

During 1969-70 the court disposed of 91 original proceedings (50 civil and 41 criminal) by written opinion, the highest number since the 97 such dispositions in 1935. One hundred and ten civil and 1,011 criminal original proceedings were disposed of without opinion.

**TABLE II—CALIFORNIA SUPREME COURT
BUSINESS TRANSACTED**
Fiscal Years 1959-60 Through 1969-70

Business transacted	1959-60	1960-61	1961-62	1962-63	1963-64	1964-65	1965-66	1966-67	1967-68	1968-69	1969-70
Total business transacted.....	1,914	1,979	2,091	2,233	2,563	3,607	4,016	4,135	4,298	4,124	4,772
Appeals.....											
By written opinion.....	125	171	126	122	100	117	118	140	116	140	114
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.).....	3	3	4	0	1	2	6	8	8	2	0
Original proceedings (including habeas corpus).....											
By written opinion.....	42	38	45	47	27	41	62	58	56	66	91
Without opinion.....	165	187	265	220	434	1,128	1,120	1,028	1,048	1,180	1,121
Motions (miscellaneous).....											
Denied or granted.....	0	1	0	0	0	12	20	35	33	20	67
Hearings.....											
Granted.....	138	149	122	121	103	148	127	157	188	158	191
Denied.....	645	688	681	786	842	963	1,078	1,222	1,601	1,716	1,873
Rehearings.....											
Granted.....	1	1	4	1	3	3	5	1	1	5	0
Denied.....	75	60	73	46	72	84	87	106	66	93	95
Orders.....											
Transfers and retransfers.....	467	469	546	550	591	740	908	749	452	157	177
Miscellaneous.....	237	196	211	330	367	423	474	608	717	551	997
Executive clemency applications.....	16	18	14	10	23	6	11	23	30	36	46

* Excluding granted motions to dismiss reported under appeals.

^b Not reported elsewhere.

^c Cal. Const., Art V, § 8.

4. PETITIONS FOR HEARING

The 2,064 petitions for hearing on matters previously decided by the Courts of Appeal were 190 above the previous year. The greatest gain was in the category of civil original proceedings with 635 petitions for hearing filed for a gain of 178, or 39 percent. This increase corresponds to a 35 percent increase in civil original proceedings filed in the Courts of Appeal. It should be pointed out that some matters classified as civil original proceedings may involve writs of mandamus

**TABLE III—CALIFORNIA SUPREME COURT
PETITIONS FOR HEARING GRANTED AND DENIED
BY TYPE OF PROCEEDING**

Fiscal Years 1968-69 and 1969-70

Type of proceeding	1969-70			1968-69		
	Filed	Granted	Denied	Filed	Granted	Denied
Total.....	2,084	191	1,873	1,874	158	1,716
Civil appeals.....	564	67	497	R533	56	R477
Criminal appeals.....	641	34	607	R685	47	R618
Civil original proceedings.....	635	56	579	457	41	416
Criminal original proceedings.....	72	7	65	71	4	67
Miscellaneous motions and applications.....	152	27	125	R148	10	R138

^R Revised. Petitions for hearing on motions to dismiss appeals which were previously classified under miscellaneous motions are now included with appeals.

or prohibition which stem from criminal cases. (See section on Courts of Appeal filings of original proceedings.) While only slightly over 9 percent of the petitions for hearing were granted the 191 granted exceeded the previous year by 21 percent. In 34 instances the cases were transferred back to the Courts of Appeal.

The approximate proportion of petitions granted in the various categories were: civil appeals, 12 percent; criminal appeals, 5 percent; civil original proceedings, 9 percent; criminal original proceedings, 10 percent; and miscellaneous motions and applications, 18 percent. In the latter grouping 19 of the 27 petitions granted were on motions to recall the remittitur.

**TABLE IV—CALIFORNIA SUPREME COURT
PETITIONS FOR HEARING IN SUPREME COURT—NUMBER
FILED, GRANTED AND PERCENT GRANTED**

Fiscal Years 1959-60 Through 1969-70

	1959-60	1960-61	1961-62	1962-63	1963-64	1964-65	1965-66	1966-67	1967-68	1968-69	1969-70
Filed.....	783	837	803	907	945	1,111	1,205	1,379	1,769	1,874	2,084
Granted.....	138	149	122	121	103	148	127	157	168	158	191
Percent granted.....	17.6	17.8	15.2	13.3	10.9	13.3	10.5	11.4	9.5	8.4	9.3

B. COURTS OF APPEAL

1. SUMMARY OF ACTIVITY 1969-70

The over 8,000 filings in the Courts of Appeal in 1969-70 represented an increase of approximately 17 percent above the level of the previous year on both a weighted and an unweighted basis. The greatest increases were in criminal appeals (21%) and civil original proceedings (35%).

The courts disposed of nearly 8,000 appeals and original proceedings, a gain of 13 percent in dispositions but slightly less than the number of filings for the year.

The total number of appeals pending on June 30, 1970 was almost 4,000 or 8 percent more than on June 30, 1969. Included in the pending appeals were approximately 1,400 which were argued, calendared or ready for calendar and 2,600 appeals in various stages of preparation but short of readiness for calendar.

In 1969-70 the Courts of Appeal wrote 3,384 majority opinions, 236 more than the prior year. Included in these opinions were 225 "by the court" opinions, a large increase from the 57 in 1968-69. Judges assigned to the Courts of Appeal wrote 345 majority opinions. In addition to the majority opinions there was a total of 46 dissenting and 25 concurring opinions.

The 41 judges of the Courts of Appeal who served throughout the 1969-70 fiscal year wrote an average of 65 opinions per judge. This figure does not include "by the court" opinions but does include concurring and dissenting opinions. The number of written opinions amounts to an average of 70 per judge, when "by the court" opinions are included.

The Courts of Appeal certified 61 percent of their opinions for non-publication. This figure comprised one-half of the civil appeal opinions, three-quarters of the criminal appeal opinions and one-third of the opinions in original proceedings. The proportions of opinions that were not published were higher than in any prior year.

**TABLE V—CALIFORNIA COURTS OF APPEAL
SUMMARY OF FILINGS (INCLUDING TRANSFERS
FROM SUPREME COURT)**

Fiscal Years 1959-60 Through 1969-70

Type of filing	1959-60	1960-61	1961-62	1962-63	1963-64	1964-65	1965-66	1966-67	1967-68	1968-69	1969-70
Total filings.....	2,851	2,874	3,250	3,577	3,872	4,572	5,013	5,538	6,411	6,874	8,039
Appeals.....											
Civil.....	1,327	1,261	1,364	1,362	1,389	1,392	1,462	1,478	1,664	1,751	1,981
Criminal.....	708	670	777	1,004	1,108	1,330	1,634	1,948	2,037	2,120	2,562
Original proceedings.....											
Civil.....	529	587	687	736	733	907	977	975	1,347	1,608	2,172
Criminal.....	147	197	229	262	447	722	713	861	1,073	1,051	1,006
Motions to dismiss on clerk's certificate.....											
Civil.....	142	156	193	208	195	221	225	273	288	337	317
Criminal.....	0	3	0	7	0	0	2	3	2	7	1

The Courts of Appeal have had 48 authorized judges since November 10, 1969. The incoming workload during the year ending June 30, 1970 indicated a need for 59 judges. The 1970 *Judicial Council Report* (page 84) estimated that there would be a need for 58 judges in 1970-71, but a conservative new estimate now shows a probable need for 65 judges in 1970-71 and 71 judges in 1971-72.

Appeals

Filings of appeals in the Courts of Appeal during 1969-70 had the highest growth rate of any year in the past decade. The 4,543 appeals filed were 17 percent above the number in 1968-69, a figure far exceeding the growth rate of superior court filings and dispositions.

The nearly 2,000 civil appeals filed represented a 13 percent increase which is also the highest of the decade. Criminal appeals jumped 21 percent to over 2,550 and, while there were larger percentage gains in 1962-63 and 1965-66, the 442 additional filings is a record volume increase.

The Courts of Appeal by increasing their dispositions of appeals 10 percent to 4,834 in 1969-70 were almost able to keep pace with the 4,861 filings of appeals and motions to dismiss on clerk's certification.² The disposition by written opinion of 1,500 civil and 1,721 criminal appeals was 263 more than in the previous year and coincidentally was the same volume increase as in 1968-69.

Original Proceedings

Civil original proceedings (writs of mandamus, prohibition and administrative review) increased a dramatic 35 percent in 1969-70.³ The 2,172 filings for the year is more than double the number of such filings in 1966-67 and four times greater than in 1959-60. The total of civil original proceedings filed in 1969-70 consisted of 280 petitions for writs of review,⁴ 963 petitions under Sections 999a and 1538.5 of the Penal Code⁵ and 929 other writs of mandamus and prohibition. The figures for a year earlier were 313 writs of review, 597 petitions under Sections 999a and 1538.5 of the Penal Code, and 698 other writs.

The slightly over 1,000 criminal original proceedings (habeas corpus) filed in 1969-70 were below the prior year. Filings of these proceedings, after climbing 25 percent to 1,073 in 1967-68 appear to have leveled off.

The over 3,100 original proceedings disposed of were 19 percent higher than a year earlier, but the 221 (189 civil and 32 criminal) disposed of by written opinion were slightly lower than the previous year's record high of 245. Dispositions by written opinion amounted to 7 percent of the total dispositions of original proceedings in 1969-70, and compares to a 10-year annual average of 8 percent.

² Motions to dismiss on clerk's certification are not counted as appeals filed; however, most of these motions are granted and are included as appeals disposed of without opinion.

³ Included in civil original proceedings is a large number of petitions for writs of prohibition and mandamus which arise in criminal cases. However, the review proceedings provided are classified as civil proceedings.

⁴ Chiefly review of dispositions of the Workmen's Compensation Appeals Board.

⁵ Section 1538.5 of the Penal Code became effective in November 1968 and provides for appellate review of orders on motions for return of property or suppression of evidence obtained in unreasonable search. The People, as well as defendants, may seek such review.

Transfer of Municipal and Justice Court Appeals

During 1969-70 a record number of 50 (11 civil and 39 criminal) appeals from municipal and justice courts were certified to the Courts of Appeal after decision in a superior court. However, none of the appeals were ordered transferred to the Courts of Appeal during the period.

The following are cumulative figures from January 2, 1962, when the certification procedure was adopted, through June 30, 1970:⁶

Transfers on Certification	Total	Civil	Criminal
Granted -----	66	21	45
Denied -----	157	48	109
Transfers on court's own motion -----	6	2	4

2. WEIGHTED CASELOADS⁷

The weighted caseloads for the Courts of Appeal during 1969-70 increased 16.7 percent which is comparable to the 16.9 percent gain in filings. The comparative changes for each of the districts are as follows:

Appellate District	Weighted Caseload	Unweighted Caseload
State total -----	16.7	16.9
District I -----	12.2	20.6
District II -----	24.6	20.0
District III -----	4.7	-0.9
District IV -----	13.9	16.6
District V -----	10.4	10.1

It can be seen from Table VII that in three of the districts the average workload per judge in terms of weighted units is 28 to 33 percent above the standard.

Based upon the total weighted incoming workload during 1969-70 there was a need for 59 judges. The workload for the previous year showed a need for 50 judges. The addition of three authorized judges, during 1969-70 resulted in the present total of 48 authorized judges. The gap between needed judges and authorized judges was partially narrowed by the temporary assignment of the equivalent of six judges. The increased use of timesaving "by the court" opinions in some of the appellate divisions also helped in meeting the demands of the incoming workload.

⁶ California Rules of Court, Rules 61-69.

⁷ The Judicial Council utilizes a weighted caseload system which affords a more precise measure of the workload of the Courts of Appeal than is provided by measuring total filings and transfers. The system gives recognition to the fact that the various types of cases filed in the Courts of Appeal require varying amounts of judicial effort. Civil appeals on the average require the greatest amount of court time and the system accordingly gives a civil appeal more weight than a criminal appeal and much more weight than an original proceeding. Included in the system is a standard weighted caseload of 1,200 units for an appellate judge.

The weighting system assigns to each civil appeal filed 20 units, each criminal appeal 10 units, each civil original proceeding 2 units and each criminal original proceeding 1 unit.

TABLE VI—CALIFORNIA COURTS OF APPEAL
BUSINESS TRANSACTED

Fiscal Years 1959-60 Through 1969-70

Business transacted	1959-60	1960-61	1961-62	1962-63	1963-64	1964-65	1965-66	1966-67	1967-68	1968-69	1969-70
Total business transacted.....	4,109	4,318	4,952	5,734	6,398	7,763	9,664	10,293	13,403	12,808	14,500
Appeals											
By written opinion.....	1,357	1,400	1,442	1,511	1,551	1,751	2,087	2,323	2,695	2,958	3,221
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.).....	622	600	745	793	804	792	1,021	935	1,190	1,428	1,613
Original proceedings (including habeas corpus)											
By written opinion.....	83	92	94	84	104	84	103	121	161	245	221
Without opinion.....	612	679	830	891	1,060	1,537	1,559	1,641	2,118	2,379	2,897
Motions (miscellaneous)*											
Denied or granted.....	239	278	306	253	200	171	201	223	301	324	317
Rehearings											
Granted.....	25	20	20	48	68	60	42	53	61	42	65
Denied.....	400	418	422	419	440	418	526	651	740	785	720
Orders (miscellaneous)*											
.....	771	833	1,095	1,735	2,161	2,950	4,125	4,346	6,134	4,647	5,446

* Excluding granted motions to dismiss reported under appeals.

* Not reported elsewhere.

TABLE VII—CALIFORNIA COURTS OF APPEAL
FILINGS AND WEIGHTED UNITS

Fiscal Years 1968-69 and 1969-70

Type of filings	District I (4 Divisions)		District II (5 Divisions)		District III (1 Division)		District IV (2 Divisions)		District V (1 Division)	
	1969-70 (12 Judges)	1968-69 (12 Judges)	1969-70 (20 Judges)	1968-69 (20 Judges)	1969-70 (4 Judges)	1968-69 (4 Judges)	1969-70 (9 Judges)	1968-69 (9 Judges)	1969-70 (3 Judges)	1968-69 (3 Judges)
Total filings.....	2,239	1,856	3,564	2,969	750	757	1,138	976	348	316
Appeals										
Civil.....	624	609	748	574	206	198	313	282	90	60
Criminal.....	512	367	1,341	1,137	164	155	412	358	133	103
Original proceedings										
Civil.....	597	459	1,083	798	128	107	303	188	63	58
Criminal.....	370	309	283	298	232	282	72	109	49	63
Motions to dismiss on clerk's certificate....	136	112	109	162	22	17	38	39	13	14
Average per judge....	187	155	178	148	188	189	126	103	116	105
Weighted units.....	19,164	17,077	30,819	24,744	6,244	5,966	11,058	9,705	3,305	2,995
Average per judge....	1,597	1,423	1,541	1,237	1,561	1,492	1,229	1,018	1,102	998

CONTINUED

1 OF 3

The 1969-70 weighted filings in the five appellate districts indicated a need for the following number of judges:

**Judges Needed Based Upon 1969-70 Weighted Caseload
(Standard Caseload—1,200 units)**

State total	58.8 judges
District I	16.0 judges
District II	25.7 judges
District III	5.2 judges
District IV	9.2 judges
District V	2.8 judges

Estimates based upon a trend figure of less than 10 percent (the 1969-70 figure was 17 percent) indicate that in 1970-71 there will be a need for 65 judges and in 1971-72, for 71 judges or 23 more than are now authorized.

3. BACKLOG

Appeals Pending^a

On June 30, 1970 there were nearly 4,000 appeals pending. This was 8 percent more than on the same date one year earlier. The average number of appeals pending per judge increased between the two dates from 82 (45 authorized judges) to 83 (48 authorized judges) in spite of the addition of three judges.

**TABLE VIII—CALIFORNIA COURTS OF APPEAL
APPEALS PENDING**

June 30, 1969 and June 30, 1970

Courts of Appeal	June 30, 1970			June 30, 1969		
	Total pending	Civil	Criminal	Total pending	Civil	Criminal
State total	3,977	2,111	1,866	3,675	1,980	1,695
District I—Total	1,212	787	425	1,020	737	283
Division 1	321	219	102	268	194	74
Division 2	303	195	108	285	199	86
Division 3	317	220	97	253	188	67
Division 4	271	153	118	234	158	76
District II—Total	1,530	857	673	1,622	662	960
Division 1*	174	23	151	158	30	128
Division 2*	193	15	178	213	21	192
Division 3*	176	15	161	246	21	225
Division 4*	199	26	173	221	57	164
Division 5*	262	52	210	310	59	251
Unassigned ^b	526	526	--	474	474	--
District III*	338	234	104	309	219	90
District IV—Total	676	330	346	534	275	259
Division 1*	293	153	140	284	152	132
Division 2*	383	177	206	250	123	127
District V	221	103	118	190	87	103

* Divisions with four authorized judges.

^b Since August 1, 1967 newly filed civil appeals have not been immediately assigned to a division. Assignments are made from a "master ready list" by a periodic equal distribution of a portion of the oldest cases.

* Division with five authorized judges.

^a Appeals pending consist of all appeals that have been filed and not as yet decided.

Among the pending appeals were some 2,600 appeals (1,139 civil and 1,462 criminal) not ready to be heard.⁹ This was an increase of 22 per cent in one year in the number of such appeals pending and a portent that the workload pressure on the courts will continue to grow.

Appeals Argued, Calendared, or Ready for Calendar

As of June 30, 1970 the 1,376 ready appeals which had not been decided were 164 less than the number on June 30, 1969. The reduction is attributable entirely to the Second Appellate District (Los Angeles), since all other districts experienced increases. In the Second District which had a drop of 288 ready pending appeals there were 158 "by the court" opinions and 194 opinions by assigned judges during 1969-70.

Considering the large number of unready appeals pending and the filings reported for early 1970-71, at the time this report is written, the backlog may be expected to increase during 1970-71. It is estimated that the full time of 48 authorized judges would be required for six months to dispose of the pending appeals which had been argued or calendared, or were ready for calendar on June 30, 1970.

**TABLE IX—CALIFORNIA COURTS OF APPEAL
APPEALS ARGUED, CALENDARED OR READY FOR CALENDAR
June 30, 1969 and June 30, 1970**

Courts of Appeal	June 30, 1970			June 30, 1969		
	Total	Civil	Criminal	Total	Civil	Criminal
State total.....	1,376	972	404	1,540	989	551
District I—Total.....	462	367	95	403	339	64
Division 1.....	125	92	33	122	101	21
Division 2.....	119	95	24	112	97	15
Division 3.....	135	123	12	83	68	15
Division 4.....	83	57	26	86	73	13
District II—Total.....	372	224	148	660	314	346
Division 1 ^a	42	23	19	49	29	20
Division 2 ^a	35	14	21	98	20	78
Division 3 ^a	35	15	20	96	19	77
Division 4 ^a	65	24	41	94	53	41
Division 5 ^a	99	52	47	188	58	130
Unassigned ^b	96	96	--	135	135	--
District III ^a	180	142	38	167	131	36
District IV—Total.....	263	178	85	215	163	52
Division 1 ^a	108	78	30	132	99	33
Division 2 ^a	155	100	55	83	64	19
District V.....	99	61	38	95	42	53

^a Divisions with four authorized judges.

^b Since August 1, 1967 newly filed civil appeals have not been immediately assigned to a division. Assignments are made from a "master ready list" by a periodic equal distribution of a portion of the oldest cases.

^c Division with five authorized judges.

^d These appeals were in various stages of preparation, from those recently filed to those completed except for closing brief.

4. DELAY

While an examination of the number of matters pending in the Courts of Appeal is important to any analysis of the courts' workload and needs, even more significant to users of the courts is the overall time it takes to receive a decision on an appeal. Criminal appeals receive priority in calendaring and therefore the delay factor is shorter than for civil appeals. Table X indicates for each appellate division the median time interval in months between the filing of the notice of appeal and the filing of the opinion in a case, and from the time an appeal was ready for calendaring to the filing of the opinion. The time intervals shown are for the last quarter of the fiscal year ending June 30, 1970.

**TABLE X—CALIFORNIA COURTS OF APPEAL DELAY IN APPEALS
MEDIAN TIME IN MONTHS
Quarter Ending June 30, 1970**

Courts of Appeal	Notice of appeal to filing of opinion		Ready for calendar to filing of opinion	
	Civil	Criminal	Civil	Criminal
District I				
Division 1.....	22	16	10	4
Division 2.....	22	17	10	3
Division 3.....	23	12	12	2
Division 4.....	18	17	7	4
District II				
Division 1 ^a	15	14	3	1
Division 2 ^a	17	16	5	2
Division 3 ^a	14	13	4	2
Division 4 ^a	17	17	5	2
Division 5 ^a	22	16	10	5
District III ^a	22	9	14	3
District IV				
Division 1 ^a	18	12	9	3
Division 2 ^b	22	13	12	5
District V.....	22	16	10	6

^a Divisions with four authorized judges.

^b Division with five authorized judges.

Civil Delay

The overall average time from the notice of appeal to the filing of the opinion in civil appeals varies from 14 to 23 months in the 13 divisions of the Courts of Appeal. In five divisions the overall time was less than 18 months and in eight divisions it was between 18 months and two years. Comparing these times with the last quarter of the previous year, three divisions reported no change, eight divisions less time and two divisions reported more time.

The interval between the time an appeal is ready for calendar and the filing of the opinion represents delay that is more directly attributable to congestion in the court. In seven of the 13 appellate divisions this interval for civil appeals ranged from 9 to 12 months, in five divisions, from 3 to 7 months and in only one division was it over 12 months.

Criminal Delay

In three appellate divisions the average overall time for criminal appeals was one year or less. In the remaining 10 divisions the overall time was between 13 and 17 months. Many of the divisions are relatively current in handling criminal appeals that are ready for calendar. The average time from closing brief to filing of the opinion was three months or less in eight divisions and four to six months in five divisions.

5. PUBLICATION OF OPINIONS

Under legislation enacted in 1963, publication of appellate court opinions is limited to those which the Supreme Court deems it expedient to publish.¹⁰ Pursuant to this statutory provision the Supreme Court adopted Rule 976 of the California Rules of Court, effective January 1, 1964, which requires publication of all Supreme Court opinions, but provides that opinions of a Court of Appeal or of an appellate department of the superior court are to be published if they involve a new and important issue of law, a change in an established principle of law, or a matter of general public interest. Under the provisions of the rule, a Court of Appeal opinion is published unless a majority of the court rendering the opinion certifies that it does not meet the standard for publication.

During 1969-70 the Courts of Appeal judges wrote 3,384 majority opinions with 2,054 or 61 percent certified for nonpublication. This is the highest percentage ever so certified. In previous years it varied from 50 to 55 percent. Eleven of the 13 divisions this year had at least 50 percent of their opinions certified for nonpublication.

The courts certified 50 percent of all the opinions in civil appeals for nonpublication. For criminal appeals the figure was 74 percent and original proceedings 33 percent. Comparative figures for 1968-69 were 43, 68 and 32 percent, respectively. The proportion of unpublished opinions varied from division to division as is shown in Table XI.

¹⁰ Cal.Stats. 1963, Ch. 1353; Gov. Code § 68895.

**TABLE XI—CALIFORNIA COURTS OF APPEAL
PERCENTAGE OF MAJORITY OPINIONS UNPUBLISHED**

Fiscal Year 1969-70

Courts of Appeal	Total	Civil appeals	Criminal appeals	Original proceedings
State total.....	61	50	74	33
District I.....	57	49	74	44
Division 1.....	33	29	43	25
Division 2.....	60	50	87	36
Division 3.....	69	62	82	33
Division 4.....	64	57	82	61
District II.....	64	50	76	25
Division 1.....	57	42	72	—
Division 2.....	69	54	81	0
Division 3.....	86	74	95	42
Division 4.....	52	41	66	5
Division 5.....	50	38	57	50
District III.....	60	47	82	33
District IV.....	60	58	68	24
Division 1.....	53	53	59	6
Division 2.....	70	66	79	38
District V.....	45	32	51	71

C. SUPERIOR COURTS

Filings and dispositions in the superior courts again rose to new record highs continuing a long-term trend in which these gross measures of court input and output have established new records in each successive year. The 1969-70 gain in filings amounted to 3 percent while dispositions rose by 1 percent. After eliminating dismissals of inactive cases for lack of prosecution¹¹ the gain in dispositions totaled only 1,554. This amounted to an increase of only four-tenths of 1 percent, compared to the 3 percent gain in filings. Thus, the gap between filings and dispositions increased to 92,418 as the matters disposed of fell about 18 percent short of the number of new cases filed.

TABLE XII—CALIFORNIA SUPERIOR COURTS
FILINGS AND DISPOSITIONS (EXCLUDING CIVIL CASES
DISMISSED FOR LACK OF PROSECUTION)

Fiscal Years 1959-60 Through 1969-70

Fiscal year	Filings	Dispositions (excluding dismissals for lack of prosecution)	Net difference between dispositions and filings	Dispositions as percent of filings
1959-60.....	329,539	278,434	-51,105	84.5
1960-61.....	352,259	299,293	-52,966	85.0
1961-62.....	355,809	297,902	-57,907	83.7
1962-63.....	373,190	309,875	-63,315	83.0
1963-64.....	398,649	322,338	-76,311	81.3
1964-65.....	416,338	338,601	-77,737	81.3
1965-66.....	435,895	351,880	-84,015	80.7
1966-67.....	446,500	364,280	-82,220	81.6
1967-68.....	467,560	386,431	-81,129	82.6
1968-69.....	R493,631	R414,460	R-79,171	R84.0
1969-70.....	508,432	416,014	-92,418	81.8

R Revised.

That filings have exceeded dispositions each year, and generally by an increasing margin in recent years, is not itself a cause for concern since filings represent potential rather than actual workload. Many cases are abandoned without being dismissed, remaining inactive on court records but never becoming part of real workload or backlog. Moreover, there is a normal time lag between the filing of a case and its readiness for disposition and consequently the backlog tends to increase in times of rapidly increasing filings. Thus, despite an increasing spread between filings and dispositions, courts may be current in the sense that they are disposing of all cases ready for termination. An additional factor in 1969-70 was that filings for "dissolution of marriage" under the new Family Law Act increased markedly while dispositions necessarily lagged somewhat behind.

Despite these factors which help to explain the widening gap between filings and dispositions, the inability of the superior courts to increase dispositions by more than a fraction of the increased input of filings portends future problems of congestion and delay. Superior court filings per judge were greater than ever before and this business represented

¹¹ Under Cal. Code Civ. Proc. §§ 581a and 583 courts may dismiss old cases for lack of prosecution. From time to time individual courts purge their records by making such "housekeeping" dismissals. In 1969-70 these totaled 8,563 as against 4,982 in 1968-69. In the discussion that follows disposition figures exclude dismissals for lack of prosecution.

greater judicial workload than in earlier years. These developments clearly suggest that there is a general overall need for more judicial manpower in the superior courts.

1. FILINGS

Filings in 1969-70

A record 508,432 superior court cases were filed in 1969-70, up by 14,801 from the previous high in 1968-69. The 1969-70 gain in filings amounted to 3 percent compared to a 5.6 increase in 1968-69 and an average gain of 4.6 percent in the years since 1959-60.

The number of filings per judge¹² is often used as a rough index of judicial workload,¹³ and the per judge average of 1,222 recorded in 1969-70 was the highest on record. Based on this record average, the gain in filings equaled the workload of 12 judges while the actual number of authorized judgeships increased by only 8. Stated differently, there was a 2 percent increase in judgeships while incoming business increased by 3 percent.

TABLE XIII—CALIFORNIA SUPERIOR COURTS
TOTAL FILINGS

Fiscal Years 1959-60 Through 1969-70

Fiscal year	Filings	Increase in filings from preceding year	
		Amount	Percent
1959-60.....	329,539		
1960-61.....	352,259	22,720	6.9
1961-62.....	355,809	3,550	1.0
1962-63.....	373,190	17,381	4.9
1963-64.....	398,649	25,459	6.3
1964-65.....	416,338	19,689	5.0
1965-66.....	435,895	19,557	4.7
1966-67.....	446,500	10,605	2.4
1967-68.....	467,560	21,060	4.7
1968-69.....	R493,631	R26,071	R5.6
1969-70.....	508,432	14,801	3.0

R Revised.

Even more significant than the recent gains in total filings is the rapid shift that has occurred in the types of matters brought before the superior courts. Increases in filings have generally been greatest in the categories of proceedings which generate the greatest judicial workload. Thus, in 1969-70 the combined filings in the high workload categories of criminal, juvenile and personal injury cases accounted for 40 percent of total filings, in contrast to 34 percent only three years earlier. Small changes in the amount of incoming criminal, juvenile and personal injury business have a disproportionate effect on court operations because of the priority given criminal and juvenile matters, because each group generates a high proportion of contests and because criminal and personal injury matters account for nearly 90 percent of all jury trials. The net result of the change in the types of filings is that today the same number of filings represents a significantly greater judicial workload than in earlier years.

¹² "Per judge" analyses are based on the number of authorized judges as of the last day of the fiscal year. They are not adjusted for the services of commissioners or referees nor for absences or unfilled vacancies. Neither are adjustments made for judicial assistance given or received.

¹³ See Weighted Caseload, *infra*.

**TABLE XIV—CALIFORNIA SUPERIOR COURTS
FILINGS BY TYPE OF PROCEEDING**

Fiscal Year 1969-70

Type of proceeding	Filings 1969-70	Change in filings from:			
		1968-69		1959-60	
		Amount	Percent	Amount	Percent
Total filings.....	508,432	14,801	3.0	17,893	54.3
Probate and guardianship.....	61,822	3,510	6.0	10,857	21.3
Family Law ^a	131,571	10,831	9.0	48,950	55.5
Original civil litigation.....	150,838	5,206	3.6	54,484	56.7
Personal injury, death and property damage..	54,429	5,875	12.1	59,464	55.7
Motor vehicle ^b	40,087	5,081	14.5	--	--
Other ^c	14,362	794	5.9	--	--
Eminent domain ^c	8,122	-1,281	-15.6	--	--
Other civil.....	88,087	612	0.7	--	--
Complaints ^b	41,198	1,158	2.9	--	--
Petitions ^b	46,889	-540	-1.2	--	--
Insanity and other infirmities.....	9,189	-11,261	-55.1	-14,250	-60.8
Juvenile.....	74,666	1,054	1.4	33,177	80.0
Delinquency ^b	60,781	606	1.1	--	--
Dependency ^b	13,885	388	2.9	--	--
Criminal.....	72,048	3,889	5.7	41,502	135.9
Appeals from lower courts.....	4,084	952	30.4	2,600	175.2
Habeas corpus.....	4,434	820	18.3	3,573	416.0

^a Formerly "Divorce, separate maintenance and annulment."

^b Reported as a separate category starting in 1967-68.

^c Eminent domain filings (parcels) are shown separately starting in 1965-66. In prior years they were included as part of "Other civil."

While incoming criminal and juvenile filings again increased to new record highs, the rate of growth was down substantially from the dramatic increases reported in the immediately preceding years. A record 72,048 criminal defendants were filed on in 1969-70 in the superior courts, 3,889 more than in 1968-69. The proportionate increase, which amounted to 5.7 percent, was down sharply from gains of 23.8 percent in 1968-69, 18.9 percent in 1967-68, 7.8 percent in 1966-67 and 13.1 percent in 1965-66. Most of the gain was reported by superior courts other than Los Angeles. Criminal filings in the Los Angeles court increased by about 3 percent in contrast to almost 10 percent for the balance of the state.

Under the amended provisions of Section 17 of the Penal Code which became effective in November 1969, the judicial workload of superior courts was somewhat reduced in 1970 by the disposition in municipal and justice courts of a number of criminal cases which previously would have been prosecuted through superior courts. Section 17 as amended provides that district attorneys may prosecute as misdemeanors those criminal offenses that are punishable as either felonies or misdemeanors, or alternatively that the magistrate with the consent of the defendant and prosecutor may dispose of these cases as misdemeanors at the time of the preliminary hearing. The Bureau of Criminal Statistics¹⁴ of the Department of Justice estimates that in the first half of 1970 approximately 2,600 cases in which there were felony complaints were disposed of in municipal or justice courts

¹⁴ The California Bureau of Criminal Statistics is the source of all figures relative to felony-misdemeanors. The estimates are preliminary and should be treated as approximations.

under the provisions of the amended section. Under the prior law superior courts would have had to dispose of these estimated 2,600 additional "felony" cases in the first half of 1970. Considering the nature of the offenses it is unlikely that any significant number of the defendants would have received more than a misdemeanor sentence even though they were prosecuted in the superior courts.

There appears to be wide variation among the counties in the extent to which cases filed as felonies are disposed of at the municipal or justice court level. Thus, the utilization of this provision of Section 17 in the first half of 1970 is estimated to have reduced felony filings in the following superior courts by the percent indicated:

Superior Court	Estimated percent reduction in felony filings in superior court January-June 1970
Alameda	-24%
Contra Costa	-13%
Sacramento	-12%
San Diego	-23%
San Francisco	-15%
San Joaquin	-31%
Santa Clara	-16%
Los Angeles	-5%

These variations seem to result primarily from the differing policies of local prosecutors.

The number of juvenile proceedings filed in superior courts (exclusive of traffic violations) continued to increase, rising to a record 74,666. This figure was up by a modest 1,054 or 1.4 percent over the previous year, compared to gains in the preceding four years of 11.7 percent, 13.6 percent, 4.0 percent and 7.1 percent, respectively. Many major metropolitan courts reported fewer juvenile filings, in contrast to gains in Los Angeles (+1,578 or 8%), Santa Clara (+658 or 20%), Contra Costa (+181 or 7%) and San Bernardino (+143 or 4%).

In 1969-70 there was a very significant jump in the number of personal injury, death and property damage filings, especially those involving motor vehicles. A new record high of 54,429 personal injury actions were filed, up by 5,875 or 12.1 percent from 1968-69 and representing by far the largest annual increase of personal injury filings on record. The 1969-70 increase in incoming personal injury business contrasts with virtual stability over the preceding four years when between 47,000 to 49,000 cases were filed annually. Cases involving motor vehicles accounted for over 85 percent of the gain in personal injury filings. The change in trend of incoming personal injury cases is expected to have considerable impact on court operations since these actions account for about 75 percent of civil jury trials and over 80 percent of the backlog of civil cases awaiting jury trial. Assuming that the judicial time required to dispose of personal injury cases remains constant and that no change occurs in their manner of disposition, the full time of about 125 judges¹⁵ would be required for one year to dispose of the 54,429 new personal injury actions filed in 1969-70.

¹⁵ Based on a bench time day of 4 1/4 hours.

Filings of domestic relations proceedings jumped by 10,831 or 9 percent to an all-time record of 131,571.¹⁶ The largest part of this increase followed the January 1970 effective date of the Family Law Act.

Although filings in insanity and other infirmities had been declining moderately over the preceding five years they dropped by a dramatic 11,261 or 55.1 percent to a total of only 9,169 in 1969-70. The sharp decline largely reflects the effect of the Lanterman-Petris-Short Act that became effective July 1, 1969. The Act in part provides procedures for the voluntary treatment and care of most infirm persons in lieu of court intervention and judicial commitment. It also provides for conservatorship in lieu of commitment proceedings for infirm persons needing long-term care or treatment.

Filings of appeals from lower courts and habeas corpus continued to increase as in the past several years. Filings of appeals increased by 30.4 percent (+952) in 1969-70 to a new record of 4,084 and habeas corpus filings increased by 16.3 percent (+620) to a high of 4,434.

In addition to the decrease in insanity filings there were also decreases in eminent domain and in "other civil petitions."¹⁷

Filings Since 1959-60

The growth of business in California superior courts has been rapid and sustained as shown by the long-term increase in filings. Total filings increased by 178,893 or 54 percent during the 10 years since 1959-60, a rate of growth substantially greater than the 29 percent increase in population or the 39 percent increase in authorized judges. The largest numerical increase during the 10 years was recorded in original civil litigation where filings rose by 54,484 or 56.7 percent with about one-third of the gain reflecting increased personal injury litigation and the balance increased "other civil"¹⁸ filings. The next largest gain occurred in family law proceedings where filings rose by 46,950 or 55.5 percent, followed by gains of 41,502 and 33,177 in criminal and juvenile filings, respectively. During the decade criminal filings more than doubled (+135.9%) and juvenile filings rose by 80 percent. The largest percentage gains occurred in habeas corpus where filings rose by 415 percent (+3,573) and in appeals where filings were up by 175 percent (+2,600). The only decrease was recorded in insanity and other infirmities where filings dropped by 14,250 or 60.8 percent from 1959-60.

As previously noted, the highest workload categories account for a greater portion of today's filings than in earlier years so that the long-term increase in total filings is only a partial and imperfect index of the increased judicial workload. Original civil litigation, juvenile and criminal filings, the highest workload categories, made up 51 percent of total filings in 1959-60 as against 59 percent in 1969-70.

¹⁶ Effective January 1970 these matters were filed under the new Family Law Act. Previously such actions were classified as divorce, separate maintenance and annulment. The new Act provides for dissolution of marriage based on a showing of irreconcilable differences, as contrasted with the former provision for divorce based upon a showing of fault.

¹⁷ "Other civil petitions" includes such matters as adoption, reciprocal support, change of name, etc.

¹⁸ "Other civil" filings includes such matters as quiet title, contract, injunction, etc., as well as such special proceedings as adoption, reciprocal support, etc., but excludes family law proceedings (called "divorce, separate maintenance and annulment" prior to 1969-70), probate and personal injury. This category was called "civil actions not elsewhere classified" prior to 1967-68, and prior to 1966-66 eminent domain was included as part of "civil actions not elsewhere classified."

Much of the long-term increase in superior court filings reflects the increase in California population. However, population growth alone does not completely account for the increase in filings as can be seen if filings are related to a constant population base (filings per 100,000 population). Thus, in 1969-70 a total of 2,541 matters were filed in superior courts for each 100,000 population, 20 percent greater than the 2,116 filings per 100,000 population in 1959-60.

Judgeships and Filings Per Judge¹⁹

As of June 30, 1970 the superior courts were authorized a total of 416 judgeships, 8 more than one year earlier. This represented an increase of 2 percent in judgeships compared to a 3 percent increase in filings. Reflecting the lower proportionate increase in judgeships, filings per judge rose to 1,222 from 1,210 in 1968-69. The current average of 1,222 filings per judge is the highest on record and compares to the previous record of 1,213 established in 1966-67 and an average of 1,159 for the 10 years beginning with 1959-60. The average number of filings per judge has been tending higher in recent years as can be seen from Table XV. In addition, as noted, the workload content of filings has increased. Thus, on the average, superior court judges were charged not only with disposing of a record amount of incoming filings, but filings which represented considerably greater judicial workload than in earlier years.

TABLE XV—CALIFORNIA SUPERIOR COURTS
NUMBER OF JUDGESHIPS AND FILINGS PER JUDGE
Fiscal Years 1959-60 Through 1969-70

Fiscal year	Number of authorized judgeships ^a	Total filings per judgeship
1959-60	300	1,098
1960-61	302	1,166
1961-62	332	1,072
1962-63	335	1,114
1963-64	346	1,146
1964-65	353	1,179
1965-66	361	1,207
1966-67	368	1,213
1967-68	394	1,187
1968-69	408	1,210
1969-70	416	1,222

^a Based on authorized judgeships at end of fiscal year. See note 12 *supra*, with respect to "per judge" comparisons.

^b Revised.

There is a marked variation among courts in their average filings per judge. Thus, while filings averaged 1,222 per judge on a statewide basis, the figures for individual courts ranged from highs of 1,799 and 1,506 in the 11-judge San Bernardino and the 4-judge Monterey courts, respectively, to lows of 28 and 45 in the 1-judge courts of Alpine and Sierra, respectively. In order to expedite business and equalize workload the Chief Justice as Chairman of the Judicial Council assigns judges from low workload courts to assist in heavy workload courts. For instance, in 1969-70 the judges of the Alpine and Sierra courts were assigned to assist other courts for a total of 161 and 107 days, respectively.

¹⁹ See n. 12 *supra*, regarding "per judge" comparisons.

2. DISPOSITIONS

Dispositions in 1969-70

A record 424,577 cases were terminated by California superior courts, marking the eighth successive year in which total dispositions rose to new highs. The gain of 5,135 or 1.2 percent was nominal, however, compared to the gains of 7.4 percent in 1968-69, 5.7 percent in 1967-68, 1.9 in 1966-67 and 3.2 in 1965-66. After eliminating "housekeeping dismissals" for lack of prosecution,²⁰ dispositions increased by only 1,554 or four-tenths of 1 percent and fell substantially short of the 14,801 or 3 percent increase in filings.

TABLE XVI—CALIFORNIA SUPERIOR COURTS
DISPOSITIONS PER AUTHORIZED JUDGE^a
Fiscal Years 1961-62 Through 1969-70

	1961-62	1962-63	1963-64	1964-65	1965-66	1966-67	1967-68	1968-69	1969-70
Number of authorized judges ^b	332	335	346	353	361	368	394	408	416
Total dispositions per judge.....	928	967	969	995	1,004	1,004	991	1,028	1,021
Dispositions per judge exclusive of civil cases dismissed for lack of prosecution.....	897	924	932	959	975	990	981	1,016	1,000

^a Based on authorized judges. See note 16 *supra*, with respect to per judge comparisons.

^b At end of fiscal year.

Judgeships increased proportionately more than dispositions, with the result that the average number of dispositions per judge declined. The 416 authorized judges disposed of an average of 1,021 cases or 7 less than the record average of 1,028 cases disposed of by the 408 judges in 1968-69. If active cases only are considered (eliminating dismissals for lack of prosecution), then the average of 1,000 such dispositions per judge was down by 16 from the all-time high established in 1968-69. As can be seen from Table XVI superior court judges have on the average increased their output considerably over the years. The 1969-70 average was the second highest since 1961-62, was up 12 percent from 1961-62 and was more than 4 percent greater than the average output for the seven years prior to 1968-69. The high level output of recent years also was comprised of cases requiring more judicial time than in the earlier years.

Increases or decreases in dispositions tend to follow the trend in filings, especially over the longer term and generally also from year to year. With certain exceptions this experience again held true of dispositions. Thus, substantial increases in dispositions of family law proceedings and criminal matters followed similar gains in filings, while dispositions of insanity proceedings dropped dramatically as did filings. However, dispositions of other civil matters were down somewhat while filings increased, and dispositions of personal injury cases increased only nominally in contrast to a 12 percent increase in filings.

²⁰ See n. 11, *supra*, regarding dismissals for lack of prosecution. In the following discussion dispositions exclude dismissals for lack of prosecution.

TABLE XVII—CALIFORNIA SUPERIOR COURTS
DISPOSITIONS BY TYPE OF PROCEEDING
Fiscal Year 1969-70

Type of proceeding	Dispositions 1969-70	Change in dispositions from:			
		1968-69		1969-60	
		Amount	Percent	Amount	Percent
Total dispositions.....	424,577	5,135	1.2	134,443	46.3
Probate and guardianship.....	54,035	4,256	8.5	12,080	28.8
Family Law ^a	103,944	7,497	7.8	33,881	48.4
Original civil litigation.....	115,476	-583	-0.5	31,563	37.6
Personal injury, death and property damage.....	39,286	496	1.3	6,728	20.7
Motor vehicle ^b	26,816	66	0.2	--	--
Other ^b	12,470	430	3.6	--	--
Eminent domain ^c	6,905	401	6.2	--	--
Other civil.....	69,285	-1,480	-2.1	--	--
Complaints ^b	28,918	-276	-0.9	--	--
Petitions ^b	40,367	-1,204	-2.9	--	--
Insanity and other infirmities.....	7,500	-12,758	-63.0	-15,385	-67.2
Juvenile.....	72,634	865	1.2	31,046	74.7
Delinquency ^b	59,582	763	1.3	--	--
Dependency ^b	13,052	112	0.9	--	--
Criminal.....	63,554	5,044	8.0	35,844	129.4
Appeals from lower courts.....	3,340	413	14.1	1,890	130.3
Habeas corpus.....	4,094	401	10.9	3,524	618.2

^a Formerly "Divorce, separate maintenance and annulment."

^b Reported as a separate category starting in 1967-68.

^c Eminent domain dispositions (parcels) are shown separately starting in 1965-66. In prior years they were included as part of "Other civil."

Since trial precedence is given to most other types of cases coming before the superior courts, changes in the disposition of personal injury cases provide a sensitive index of the courts' ability to dispose of ready cases. Dispositions of personal injury cases totaled 37,175 statewide in 1969-70, up by only 175 cases or one-half of 1 percent from 1968-69, in contrast to a filing gain of 5,875 cases or 12 percent. The number of personal injury cases disposed of statewide has remained virtually unchanged at somewhat over 37,000 annually since 1966-67, in contrast to the years 1962-63 through 1966-67 when dispositions increased dramatically and posted new highs in each successive year.

The inclusion of the Los Angeles court in the statewide totals tends to obscure the more favorable trends in other courts. Thus, personal injury output in the Los Angeles court dropped by about 450 cases or nearly 3 percent in 1969-70, in contrast to a gain of about 600 cases or nearly 3 percent for the other superior courts. Similarly, personal injury dispositions in Los Angeles have declined each year since the record high posted in 1966-67, and the 1969-70 total of 15,449 was down by 1,772 or 10 percent from that year. In contrast, in 1969-70 the output of personal injury cases in the other superior courts reached a record of 21,726 cases, up by nearly 10 percent from 1966-67.

The trends noted above should be further explained. Commencing in early 1963, in courts exclusive of Los Angeles, personal injury dispositions began to increase fairly rapidly after a period of relative stability. The trend of rapidly increasing dispositions continued through 1965-66, and during this period dispositions rose by an average of more than 1,600 annually in these courts, posting new records each successive

**TABLE XVIII—CALIFORNIA SUPERIOR COURTS
PERSONAL INJURY DISPOSITIONS EXCLUSIVE OF DISMISSALS
FOR LACK OF PROSECUTION**

1959-60 Through 1969-70

Fiscal year	Dispositions less dismissals for lack of prosecution		
	Total	State less Los Angeles	Los Angeles
1959-60.....	28,003	12,823	15,180
1960-61.....	28,010	14,748	13,262
1961-62.....	26,674	13,224	13,450
1962-63.....	28,008	14,460	13,548
1963-64.....	30,631	16,885	13,746
1964-65.....	34,254	19,438	14,816
1965-66.....	36,386	19,856	16,530
1966-67.....	37,084	19,863	17,221
1967-68.....	37,695	21,424	16,271
1968-69.....	37,000	21,109	15,891
1969-70.....	37,175	21,726	15,449

year. This trend developed during a period when many of these courts were reporting notable success in increasing productivity and reducing civil backlog and delay by the use of certificates of readiness as a device for managing civil calendars.²¹ This device was abandoned by many courts in the last half of 1967 and while dispositions again rose by about 1,600 in these courts to a record of 21,424 in 1967-68, they have remained relatively constant at that level in both 1968-69 and 1969-70. The Los Angeles court introduced readiness procedures in stages and adopted them later than other courts. During the three full fiscal years that they were operative in Los Angeles (1964-65 through 1966-67) dispositions rose by 25 percent to a record high of 17,221 but since then have declined in each of the three succeeding years so that by 1969-70 personal injury dispositions had declined by 1,772 or 10 percent.

Dispositions Since 1959-60

Total dispositions in 1969-70 were up by 134,443 or 46.3 percent from 1959-60. Although this fell short of the 178,893 or 54.3 percent gain in filings, a substantial part of the difference represents abandoned and inactive cases. The largest numerical gains in dispositions, amounting to over 30,000 in each case, occurred in criminal, juvenile, family law and original civil litigation. The largest percentage increases were recorded in habeas corpus (+618%), appeals from lower courts (+130%), criminal (+129%) and juvenile (+75%). As with filings, the only decline was recorded in insanity proceedings where dispositions were down by 15,385 or 67.2 percent.

Manner of Disposition

The overwhelming majority of superior court cases are disposed of without a contested trial. Thus, 29.2 percent of all matters terminated in 1969-70 were disposed of prior to trial, another 62.4 percent followed an uncontested trial or hearing, with only the remaining 8.4

²¹ See Judicial Council Reports (1966) 28-37; (1967) 202-213.

**TABLE XIX—CALIFORNIA SUPERIOR COURTS
CONTESTED DISPOSITIONS***

Fiscal Years 1967-68 Through 1969-70

Fiscal year	Total		Personal injury		Criminal		Juvenile	
	Number ^a	Percent of total dispositions ^b	Number	Percent of total dispositions ^b	Number ^a	Percent of total dispositions ^b	Number	Percent of total dispositions ^b
1967-68.....	32,477	8.4	3,741	9.9	8,813	14.0	6,270	10.0
1968-69.....	32,253	7.8	3,214	8.7	7,481	12.8	6,326	8.8
1969-70.....	35,011	8.4	3,090	8.3	8,961	14.1	5,885	8.1

* Exclusive of submissions on the record of the preliminary hearing.

^b Exclusive of dismissals for lack of prosecution.

percent requiring a contested trial.²² Although there has been an increase in the number of contests since comparable figures became available in 1967-68 there has been little change in the proportion of contests to total dispositions.

Criminal cases disposed of by submission on the record of the preliminary hearing are counted as "uncontested trials," a treatment that is necessary if figures for the Los Angeles court are to be included in the totals or used in intercourt comparisons. Such cases are not the equivalent of contested trials in the usual sense. Virtually all such submissions occur in the Los Angeles court (92% in 1969-70) and since they account for about a third of that court's total criminal dispositions this classification is necessary to permit meaningful comparisons.²³ For instance, exclusive of these submissions, both Los Angeles and the balance of the superior courts report that 14.1 percent of criminal dispositions were contested in 1969-70. On the other hand, if these submissions were included in contested dispositions we would incorrectly conclude that 46 percent of Los Angeles' criminal dispositions were contested as against only 17 percent for the balance of the state.

The 35,011 contested dispositions in 1969-70 were up by more than 2,500, or approximately 8 percent higher than in each of the two preceding years. The overall gain reflects an increase in contested criminal trials which more than offset declines in contested personal injury cases and contested juvenile hearings. The number and proportion of personal injury contested trials continued to decline as in recent years. There were 3,090 contested personal injury trials last year which represented 8.3 percent of personal injury dispositions. This total compares with 3,214 contests in 1968-69 and 3,741 in 1967-68 when contests represented 8.7 and 9.9 percent of dispositions, respectively, and contrasts with a 1964-65 record high of 4,256 contests, equal to 12.4 percent of personal injury dispositions in that year.

²² Before-trial dispositions include transfers and dismissals (before start of trial), judgments by the clerk, summary judgments and pleas of guilty in criminal matters. Uncontested trials are those in which evidence was not introduced by both sides. This category includes default judgments by a judge, stipulated judgments, compromise of minors' claims, and most hearings terminating probate, adoption and other special proceedings, and juvenile and competency matters unless the allegations are denied and evidence is introduced. To be counted as a contested disposition evidence must be introduced by both sides at a trial.

²³ Comparisons exclude dismissals for lack of prosecution.
²⁴ Data regarding submissions on the record of the preliminary hearing became available in 1967-68. In 1969-70 submissions totaled 11,422 in the state and 10,554 in Los Angeles, and in 1968-69 they totaled 10,674 for the state and 10,136 for Los Angeles.

**TABLE XX—CALIFORNIA SUPERIOR COURTS
CONTESTED TRIALS* COMPARED WITH TOTAL DISPOSITIONS**
Fiscal Years 1967-68 Through 1969-70

	1967-68	1968-69	1969-70
Number of contested trials ^a	32,477	32,253	35,011
Percent change.....	---	-0.7	+8.6
Dispositions ^b	386,431	R414,460	416,014
Percent change.....	---	R+7.3	+0.4

^a Exclusive of submissions on the record of the preliminary hearing.

^b Exclusive of dismissals for lack of prosecution.

^R Revised.

**TABLE XXI—CALIFORNIA SUPERIOR COURTS
MANNER OF DISPOSITION BY TYPE OF PROCEEDING**
Fiscal Year 1969-70

Type of proceeding	Percent of total dispositions ^a			
	Total ^b	Before trial	After trial	
			Uncontested	Contested
Total, all proceedings.....	100	29.2	62.4	8.4
Probate and guardianship.....	100	1.4	96.9	1.7
Family Law ^c	100	4.8	89.0	6.2
Personal injury, death and property damage.....	100	83.3	8.4	8.3
Motor vehicle.....	100	86.3	6.6	7.1
Other.....	100	78.7	12.3	11.0
Eminent domain.....	100	57.7	31.2	11.0
Other civil.....	100	38.6	54.1	7.4
Complaints.....	100	59.4	24.6	15.9
Petitions.....	100	24.5	74.0	1.6
Insanity and other infirmities.....	100	5.1	88.8	6.1
Juvenile.....	100	11.0	80.9	8.1
Delinquency.....	100	11.3	80.9	7.7
Dependency.....	100	9.3	80.9	6.8
Criminal.....	100	67.9	418.0	414.1
Appeals from lower courts.....	100	13.8	--	86.2
Habeas corpus.....	100	77.4	--	22.6

^a Exclusive of dismissals for lack of prosecution.

^b Percentages may not equal total because of rounding.

^c Formerly "Divorce, separate maintenance and annulment."

^d Submissions on the record of the preliminary hearing are counted as after trial uncontested dispositions.

Table XXI shows the wide differences in the manner of disposition of various categories of proceedings. For instance, while only some 8 percent of all dispositions were contested, the rate varied from highs of 15.9 and 14.1 in "other civil complaints" and "criminal cases," respectively, to less than 2 percent in probate proceedings.

3. JURIES SWORN²⁴

For the first time in five years the superior courts swore more juries than a year earlier. The total of 7,703 juries sworn was up by 316 from 1968-69 and compares to a record of 7,933 juries sworn in 1964-65. The 1969-70 total was an increase of 4 percent, or 19 times the four-tenths of one percent gain in total dispositions (excluding dismissals

²⁴ Juries sworn is not the equivalent of cases disposed of by verdict since a single jury might try consolidated cases or settlements might occur following the swearing of a jury.

**TABLE XXII—CALIFORNIA SUPERIOR COURTS
JURIES SWORN**
Fiscal Years 1959-60 Through 1969-70

	1959-60	1960-61	1961-62	1962-63	1963-64	1964-65	1965-66	1966-67	1967-68	1968-69	1969-70
Juries sworn.....	6,551	6,792	6,609	6,895	7,247	7,933	7,876	7,676	7,492	R7,387	7,703
Amount change....	--	+241	-63	+196	+352	+686	-57	-200	-184	R-105	+316
Percent change....	--	-3.7	-1.4	+2.9	+5.1	+9.7	-0.7	-2.5	-2.4	-1.4	+4.3

^R Revised.

for lack of prosecution). The gain was due primarily to an increase of 555 in the number of juries sworn for criminal cases, which more than offset a drop of 293 in juries sworn for personal injury cases. While most major metropolitan superior courts reported an increase in the number of criminal juries, the drop in personal injury juries largely reflected declines in the Los Angeles, San Francisco and Santa Clara courts. There has been a downtrend in both the number and proportion of juries required for personal injury cases for several years, but the decline has been offset in part by an increase in the number of juries required for criminal cases.

Although only about 2 out of each 100 superior court dispositions require the swearing of a jury the rate varies substantially among the various categories of proceedings. For example, in 1969-70 about 1 in each 15 dispositions of criminal and personal injury cases involved the swearing of a jury, while at the other extreme almost 5,300 family law proceedings were disposed of for each jury sworn. Among other categories, one jury was sworn for about each 25 eminent domain cases (parcels) terminated, each 56 other civil complaints disposed of and each 1,078 terminations of probate and guardianship proceedings.

**TABLE XXIII—CALIFORNIA SUPERIOR COURTS
JURIES SWORN BY TYPE OF PROCEEDING**
Fiscal Year 1965-66 Through 1969-70

Type of proceeding	1965-66		1966-67		1967-68		1968-69		1969-70	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
Total juries sworn ..	7,876	*100.0	7,676	*100.0	7,492	*100.0	R7,387	*100.0	7,703	*100.0
Personal injury, death and property damage.....	3,607	45.8	3,141	40.9	3,135	41.8	R2,835	38.4	2,542	33.0
Criminal.....	3,374	42.8	3,512	45.8	3,517	46.9	3,680	49.8	4,235	55.0
Eminent domain.....	374	4.7	335	4.4	308	4.1	297	4.0	271	3.5
Other civil.....	346	4.4	349	4.5	336	4.5	377	5.1	483	6.3
Insanity.....	162	1.9	304	4.0	157	2.1	164	2.2	103	1.3
Probate and guardianship.....	18	0.2	22	0.3	24	0.3	19	0.3	50	0.6
Family Law ^b	5	0.1	13	0.2	17	0.2	15	0.2	19	0.2

^a Percentages may not equal total because of rounding.

^b Formerly "Divorce, separate maintenance and annulment."

^R Revised.

As noted, the number and proportion of juries sworn for personal injury cases has decreased over the years while the number sworn for criminal cases has increased. Thus, the 2,542 personal injury juries sworn in 1969-70 was the lowest number since these actions were separately reported and 1,100 less than in 1963-64. Personal injury juries sworn amounted to only 7 percent of dispositions. In contrast, in 1963-64 the 3,693 juries sworn for personal injury cases amounted to 12 percent of dispositions. Prior to 1965-66, one jury was required for about every eight personal injury cases disposed of. This proportion dropped fairly constantly in the years following and by 1969-70 about 15 personal injury cases were disposed of for each jury sworn. Had the old relationship of one jury to each eight personal injury dispositions prevailed, 2,105 additional juries would have been required for personal injury cases, requiring the full time of about 50 additional judges for such trials alone.

In contrast to personal injury cases, substantially greater numbers of juries are required for criminal proceedings than in prior years. In 1969-70 a record 4,235 criminal juries were sworn, up by 1,614 from 1963-64. Despite the gain in numbers the proportion of juries required for criminal proceedings has varied only slightly, going from 8 percent of dispositions in 1963-64 to 7 percent in 1969-70.

4. CONDITION OF CIVIL CALENDARS—METROPOLITAN COURTS

As of June 30, 1970 there were 18 superior courts with five or more authorized judges: Alameda, Contra Costa, Fresno, Kern, Los Angeles, Marin, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Stanislaus and Ventura. The discussion of calendar conditions focuses on these courts since together they account for some 95 percent of civil backlog and about 85 percent of civil jury trials in California superior courts. In addition, problems of congestion and delay generally are most severe in the larger metropolitan courts. Although the courts are discussed as a group it should be noted that calendar conditions are peculiar to individual courts and that each may differ from others and from descriptive generalizations.

The Judicial Council uses the following indices to describe the condition of civil calendars: (1) the backlog of civil cases awaiting trial and (2) the elapsed time to the start of jury trial measured from (a) the filing of the complaint and (b) the filing of the at-issue memorandum. These indices are closely related and generally an increase or decrease in backlog forecasts a like change in the extent of delay to trial. Thus, when new pretrial rules became effective in September 1967 allowing cases to be placed on the active lists of many courts much earlier in the proceedings than theretofore, a rapid and substantial increase occurred in the backlog of cases statistically counted as "awaiting trial." Moreover, because cases were now placed on active lists earlier, the measurement of trial delay from at-issue memorandum also began to increase. Even though the *statistical* indices of backlog and delay increased dramatically as a result of the rule change it is unlikely that increases of the same magnitude occurred in the *actual* backlog of cases ready and awaiting trial or in the *actual* delay in the trial of trial-ready cases.

Backlog

Table XXIV shows the number of civil cases "awaiting trial" (cases on the civil active list) in the named courts as of June 30, for the years 1962 through 1970. Excluding Los Angeles, the total of 32,932 civil cases awaiting trial in these courts as of June 1970 was the highest on record, more than two and one-quarter times the total in 1965 when many courts were reporting notable success in reducing backlog by use of certificate of readiness techniques for managing trial calendars²⁵ and more than 80 percent greater than in 1962 prior to the adoption of those techniques. In the period since the rules were changed to restrict the use of certificates of readiness, civil backlog in these courts has increased by slightly more than 75 percent. Civil active lists have continued to increase each year since 1967, by 25 percent between June 1967 and 1968, and by 9 percent from June 1968 to 1969. Again between June 1969 and 1970 the list of civil cases awaiting trial in these courts increased by 7,268 cases or 28 percent. Most of the increase in total backlog both year-to-year and over the longer term consists of civil cases awaiting jury trial. Thus, between June 1969 and 1970 the increase in cases awaiting jury trial amounted to 4,230 or about 58 percent of the increase in total civil backlog.

TABLE XXIV—CALIFORNIA SUPERIOR COURTS WITH FIVE OR MORE JUDGES*—NUMBER OF CIVIL CASES AWAITING TRIAL AS OF JUNE 30, 1962 THROUGH 1970

Court	Number of civil cases awaiting trial								
	1962	1963	1964	1965	1966	1967	1968	1969	1970
Alameda.....	1,307	1,414	1,160	1,117	1,349	1,853	2,801	3,389	3,788
Contra Costa.....	683	813	755	876	1,041	995	1,120	1,097	1,451
Fresno.....	421	293	553	561	470	571	538	468	789
Kern.....	577	361	397	405	391	502	471	431	574
Los Angeles.....	23,796	23,600	20,091	10,109	9,026	9,030	23,200	30,747	41,019
Marin.....	305	376	397	475	540	538	599	706	872
Orange.....	1,462	1,552	1,261	954	1,155	1,467	1,584	1,870	2,994
Riverside.....	168	454	312	328	485	493	773	823	1,060
Sacramento.....	1,649	1,517	1,466	1,589	1,864	2,388	2,185	1,713	2,192
San Bernardino.....	1,022	1,018	1,135	958	1,003	942	1,036	1,073	1,472
San Diego.....	1,054	1,054	1,170	1,247	1,145	1,240	1,828	2,268	3,199
San Francisco.....	4,778	4,095	2,730	2,712	3,139	3,754	5,549	6,395	7,804
San Joaquin.....	355	269	276	359	378	471	537	700	945
San Mateo.....	1,133	1,452	810	955	1,075	1,227	1,542	1,327	1,602
Santa Barbara.....	325	327	260	273	353	375	412	448	617
Santa Clara.....	2,500	2,340	1,701	941	843	1,301	1,566	2,087	2,596
Stanislaus.....	57	74	88	114	145	211	332	275	355
Ventura.....	276	225	274	295	391	411	518	594	622
Total.....	41,868	41,234	34,826	24,268	24,793	27,769	46,651	56,411	73,951
Total excluding Los Angeles..	18,072	17,634	14,735	14,159	15,767	18,739	23,451	25,664	32,932

* As of June 30, 1970.

Since cases in which a jury is demanded lie at the heart of problems of civil congestion and delay in the superior courts it is revealing to note the nature of these cases. There were 20,327 civil cases awaiting jury trial in June 1970 in the courts under discussion, of which 16,022 or 79 percent were actions for personal injury, death and property damage. Personal injury cases involving motor vehicles accounted for

²⁵ See Judicial Council Reports (1966) 28-37; (1967) 202-213.

an estimated 11,408 cases on the jury active list or more than 55 percent of the total backlog of civil cases awaiting jury trial in these courts. A jury is demanded in 93 percent of all personal injury cases that join the active list while, in contrast, in other civil actions a jury is demanded in only 28 percent of the cases. Even though there is a demand for a jury in virtually all personal injury cases joining the active list, only 9.5 percent of such cases are actually tried by a jury.²⁶ The great bulk are settled and dismissed prior to trial. The small number of jury trials relative to jury demands indicates that in a great number of personal injury cases, and despite their jury demands, attorneys neither anticipate nor desire that the matters be tried by a jury. Substantial numbers of cases in which a jury is demanded settle shortly before the prospective trial date and after having remained on active lists for a considerable length of time. Thus, in 1969-70 about 6,000 personal injury cases "awaiting jury trial" in these courts were settled sometime after the trial setting conference and after having remained on the active list in many courts a year or more before reaching a trial setting conference. Settlements that occurred after the trial setting conference accounted for about 40 percent of all settlements in these courts. Only about one out of every five cases set for trial at a trial setting conference actually went to a jury trial.

Table XXV converts the total civil backlog figures shown in Table XXIV to a "per authorized judge" basis.²⁷ Increases in authorized judgeships in these courts in part offset the recent growth in civil backlog so that generally the number of cases awaiting trial per authorized judge increased proportionately less than total civil backlog. It should be noted that the per judge figures relate to the total number of authorized judges and do not reflect the number of judges who are actually available to dispose of civil proceedings.

Precautions must be taken in attempting to assess the true meaning of the recent rapid and sustained increase in statistical backlog. First, because the rule change allowed cases to join active lists much earlier in the proceeding, the current lists consist of a much larger proportion of nonready cases and therefore are not comparable to earlier lists that consisted of cases in which trial readiness had been certified. In comparing backlog figures it should be noted that so-called "active" lists contain substantial proportions of deadwood and nontrial ready cases and that the proportion probably increases as the backlog grows. Secondly, as indicated in the discussion of the backlog of personal injury cases, only a small proportion of "cases awaiting trial" will ever be disposed of by a contested trial. Thus, in 1969-70 only about 9.1 percent of personal injury cases "awaiting trial" were actually disposed of at a contested trial.²⁸ Despite these reservations the rapid and sustained increase in civil backlog in these courts must be viewed with concern, especially since the trend appears likely to continue at an accelerated rate and since the growth in backlog has occurred

²⁶ The number of juries sworn for personal injury cases in 1969-70 as a percent of at-issue memoranda filed in 1968-69. Figures for the Fresno and San Bernardino courts are excluded.

²⁷ See note 12 *supra*, regarding "per judge" comparisons.

²⁸ The number of contested trials of personal injury cases in 1969-70 as a percent of at-issue memoranda filed in 1968-69 in the courts being discussed.

TABLE XXV—CALIFORNIA SUPERIOR COURTS WITH FIVE OR MORE JUDGES^a—NUMBER OF CIVIL CASES AWAITING TRIAL PER AUTHORIZED JUDGE^b AS OF JUNE 30, 1962 THROUGH 1970

Court	Number of civil cases awaiting trial per authorized judge								
	1962	1963	1964	1965	1966	1967	1968	1969	1970
Alameda.....	73	79	84	56	67	93	143	154	165
Contra Costa.....	98	116	108	110	116	111	124	122	145
Fresno.....	70	49	79	80	87	82	87	59	89
Kern.....	115	72	79	81	78	100	94	72	86
Los Angeles.....	198	197	167	84	75	75	173	220	308
Marin.....	102	125	132	119	135	135	150	141	174
Orange.....	122	119	84	60	84	77	75	80	136
Riverside.....	24	65	45	47	60	62	77	82	108
Sacramento.....	165	152	122	132	155	184	156	114	146
San Bernardino.....	146	127	126	108	100	94	104	98	134
San Diego.....	55	55	62	66	57	59	87	103	129
San Francisco.....	217	188	124	123	143	156	231	266	325
San Joaquin.....	71	54	55	72	76	94	107	117	158
San Mateo.....	182	207	116	108	119	136	140	111	134
Santa Barbara.....	81	82	50	55	71	75	89	75	103
Santa Clara.....	179	167	100	55	50	77	82	110	124
Stanislaus.....	14	19	22	29	36	53	83	55	71
Ventura.....	92	56	69	74	78	69	86	85	89
Average cases awaiting trial per authorized judge:									
Total for the above courts....	153	149	122	83	83	91	141	165	211
Total excluding Los Angeles..	118	113	89	82	88	101	119	123	152

^a As of June 30, 1970.

^b Note that comparisons relate to the total number of judges authorized as of June 30 of each fiscal year and are not adjusted to reflect the number actually available to dispose of civil backlog. See note 18 *supra*, regarding "per judge" analysis.

despite record or nearly record output by the courts. The fact that backlog continues to increase in the face of record-high dispositions suggests that the judicial manpower in the superior courts is not sufficient to meet the requirements of incoming workloads. It further suggests that backlog will continue to increase unless the courts develop and use the most efficient procedures and also secure added judicial manpower where necessary.

The following analysis attempts to forecast the workload potential of the June 30, 1970 backlog and to relate it to the judicial manpower available for its disposition. Based on the experience in 1969-70 relative to the June 1969 backlog, somewhat more than one out of every six cases "awaiting trial" (15.9%) in these courts on June 30, 1970, will actually result in a contested trial²⁹ of which somewhat less than half (7.6%) will be tried by a jury. On this basis the June 1970 civil backlog can be expected to produce about 2,500 jury trials and about 2,730 contested court trials.³⁰ Approximately 64 percent of the authorized judgeships in these courts or about 145 judges will be available to hear *all* civil proceedings³¹ including the trial of cases. This equals an average of 17 jury trials and 19 court trials per available judge, or approximately 85 days of jury and 38 days of court trials³²

²⁹ Exclusive of probate, family law and contested special proceedings.

³⁰ *Ibid.*

³¹ This estimate is based on a 1970 study of the departmental assignment of judges in 13 superior courts with seven or more judges and includes the judgeships authorized by the 1970 Legislature.

³² See Weighted Caseload, *infra*.

for these judges. Given present conditions it appears unlikely that the available judges can dispose of such a heavy trial workload in 1970-71 and, in addition, hear all other civil nontrial proceedings. It would therefore appear that further substantial increases in backlog and delay can be expected. For comparison, in 1969-70 the judges in these courts, excluding those hearing criminal and juvenile matters, disposed of an average of 14 jury and 15 nonjury trials requiring approximately 100 trial days or 50 percent of the total time available to these judges. In contrast, the trial potential of the June 1970 backlog averages 123 trial days per judge, which is almost 25 percent greater than the actual per judge performance in 1969-70 and would equal over 60 percent of the total time available to these judges.

The Los Angeles Superior Court was omitted from the foregoing discussion because the substantially greater growth in that court's backlog tends to obscure the more favorable experience elsewhere. As of June 30, 1970 there were 41,019 civil cases awaiting trial in the Los Angeles court. This was a record backlog for the court, being more than four and one-half times that of June 1967 when the court was using a certificate of readiness system of calendar management and 72 percent greater than in 1962 prior to the court's adoption of such readiness procedures. As with the other courts, the backlog in Los Angeles has continued to increase each year since June 1967, and also as with other courts, there is no indication that the trend will slacken or reverse. Even after making allowances for differences in the relative trial readiness of cases on the active list, these facts point to the conclusion that despite a record output the Los Angeles court's judicial manpower has been inadequate to maintain active lists at earlier levels. The court has had no increase in its 134 authorized judgeships since November 1967, although the Judicial Council reported that the increasing workload would require an additional 11 judgeships in 1969-70 and an additional 10 judgeships in 1970-71 (for a total of 21 additional judgeships). Thus, the court operated with a deficit of 11 judges in 1969-70 and will continue to operate with a manpower shortage in 1970-71.³³

Delay

Statistical or numerical descriptions of delay have limitations. First, the indices used to measure delay are generally based on the time to trial from the date of filing of various documents (complaint, at-issue memorandum, certificate of readiness, etc.) so that defining the intervals based on these dates as "delay" implies that the cases are ready and awaiting trial when these documents are filed. In fact, relatively few cases are trial ready at that time. Hence, the interval referred to as "delay" includes not only the time that courts need to get a ready case before an available department but also the substantial amount of time after such documents are filed that attorneys regularly require to prepare cases for trial. It is doubly misleading to describe these intervals as "court delay" or "delay in the courts" with the implication that the period being measured results from internal conditions which are controllable by the courts.

³³ The 1970 Legislature authorized 15 additional judgeships for the Los Angeles Superior Court effective November 23, 1970. Cal. Stats. 1970, Ch. 1102.

TABLE XXVI—CALIFORNIA SUPERIOR COURTS WITH FIVE OR MORE JUDGES—MEDIAN INTERVAL TO TRIAL FROM COMPLAINT AND AT-ISSUE MEMO FOR CIVIL JURY CASES TRIED IN JUNE 1967, 1968, 1969 AND 1970

Court	Civil jury cases Median interval in months from:							
	Complaint to trial				At-issue memo to trial			
	June '67	June '68	June '69	June '70	^b June '67	June '68	June '69	June '70
Alameda.....	21	20	30	28	10	12	9.5	15
Contra Costa.....	23	22	19	19	20	17	12	12
Fresno.....	15	25	13	12	8.5	14	9	10.5
Kern.....	12	10	27.5	16	8	8	10.5	10
Los Angeles.....	25.5	24.5	31.5	34	8	9	18	24
Marin.....	^a 37.5	^a 44.5	^a 36	43	^a 23	^a 20.5	^a 20	20
Orange.....	16	18	22	23	10	11	12.5	11
Riverside.....	18	17	23	36	9	11	15	22
Sacramento.....	27	22	^a 21	28	12	16	6	9
San Bernardino.....	15	23	11	19	9	12	8	14
San Diego.....	^a 9	14	23	22	^a 5	7	9	16
San Francisco.....	29	31	41	34	19	20	22	28
San Joaquin.....	21	17	29	20	12	11	12	17
San Mateo.....	30	^a 24	29	25	18	^a 15	16	16
Santa Barbara.....	15	20	30	24	7	12.5	18	13
Santa Clara.....	11	18	13	18	4.5	6	8	8
Stanislaus.....	19	25	14	16	5	16	7	9
Ventura.....	17.5	28	27.5	25	11.5	12.5	11.5	13

^a As of June 30, 1970.

^b Prior to September 1967 medians were computed from the date memo-to-set was filed to trial date.

^c For month of May.

Table XXVI shows the median interval in months from the filing of a complaint and from the filing of an at-issue memorandum to the start of trial as of June for 1967 through 1970 for superior courts with five or more judges.

The interval from at-issue memorandum measures the elapsed time to trial from the point at which attorneys request a trial date. Even though the measurement is taken from the time when a trial date is requested it is nevertheless an inflated and inaccurate measure of the delay chargeable to conditions in the courts because many memoranda are filed in cases that are not ready for trial and in which the attorneys neither desire nor anticipate an early trial date. Since such cases are included the index cannot be considered as measuring delay stemming from court conditions. In June 1970 this interval was lower than in June 1967 in only three of the courts being discussed (Contra Costa, Sacramento and San Mateo) and was up substantially in most of the other courts. In 12 of the 18 courts the median time from memorandum to trial was a year or more in June 1970, double the 6 courts that reported delay of this magnitude in June 1967. In June 1970 three courts reported a delay of two or more years from memorandum to trial (Los Angeles, Marin and San Francisco), in contrast to June 1967 when none reported a delay of that length.

Table XXVI also shows "total delay" or the median time to trial from the filing of an action. In 13 of the 18 courts this measure was higher in June 1970 than three years earlier and in many courts the rise was fairly substantial. In four of the courts (Los Angeles, Marin, Riverside and San Francisco) total delay approached or exceeded three

years in June 1970 in contrast to the one court (Marin) that reported such delay three years earlier. In most of the balance of these courts total delay ran about two years in June 1970.

5. CONDITION OF CRIMINAL CALENDARS—METROPOLITAN COURTS

This Report is the first to attempt an assessment of the condition of criminal calendars in metropolitan superior courts. Earlier reports have concentrated on civil calendar conditions because criminal cases take precedence and therefore an analysis of civil cases would tend to describe maximum backlog and delay conditions. In view of the increasing impact of criminal proceedings on superior court operations, however, and of the pressing need for their speedy disposition, more attention needs to be given to criminal calendars. Moreover, a more meaningful analysis of criminal calendar operations is now possible because in June 1967 a revision of monthly statistical reports to the Judicial Council was inaugurated with this purpose in mind. In addition the Bureau of Criminal Statistics of the California Department of Justice has been very helpful in furnishing detailed statistics on criminal cases to the Judicial Council.

This discussion of criminal calendar conditions concentrates generally on the 16 superior courts with six or more authorized judges as of June 30, 1970. Together these courts account for 90 percent of criminal filings and for 93 percent of criminal cases calendared for trial. It is generally in these larger courts that problems of congestion and delay are most acute. It must be recognized, of course, that each court's calendar is peculiar to it and thus, each may differ from any descriptive generalization. The Los Angeles Superior Court is discussed separately because inclusion of its very large figures would obscure trends in other courts. In addition, its calendar is importantly influenced by specialized procedures peculiar to that court.

Cases Calendared for Trial

Except for good cause, criminal cases in California superior courts must be dismissed if the defendant is not brought to trial within 60 days from the filing of the information or the finding of the indictment, unless the defendant waives his right to trial within the prescribed time.³⁴ Although a substantial number of defendants demand trial and waive time, the requirement of a speedy trial nevertheless tends to limit the number of criminal cases awaiting trial and thus, in contrast to the civil backlog, to limit the time that cases will remain awaiting trial. Table XXVII shows criminal cases calendared for trial as of June 30, from 1965 through 1970 in the specified courts.³⁵

Excluding Los Angeles, cases calendared for trial in these courts totaled 3,105 in June 1970, up by about 329 cases (+12%) from the year before and up more than three times the 1,014 cases awaiting trial

³⁴ Cal. Pen. Code § 1382.

³⁵ The figures in Table XXVII are not precisely comparable from court to court and in several courts do not represent the total backlog of criminal cases awaiting trial because of calendaring differences. Most courts calendar cases for trial at the time of arraignment when a guilty plea is made. In others the case may not be calendared for trial until sometime later if a defendant waives his right to a speedy trial. In the latter courts the number of calendared cases understates the actual number of criminal cases awaiting trial.

**TABLE XXVII—CALIFORNIA SUPERIOR COURTS WITH SIX OR MORE JUDGES*
NUMBER OF CRIMINAL CASES CALENDARIED FOR TRIAL
AS OF JUNE 30, 1965 THROUGH 1970**

Courts	Criminal cases awaiting trial					
	1965	1966	1967	1968	1969	1970
Alameda.....	72	173	207	263	224	243
Contra Costa.....	66	58	96	58	92	102
Fresno.....	32	108	102	61	30	40
Kern.....	17	20	16	33	41	109
Los Angeles.....	2,399	2,593	2,938	3,879	5,498	3,103
Orange.....	93	159	161	233	203	208
Riverside.....	80	152	153	187	304	215
Sacramento.....	52	59	62	44	67	99
San Bernardino.....	61	206	190	175	305	378
San Diego.....	131	155	199	243	561	476
San Francisco.....	128	181	292	278	237	600
San Joaquin.....	53	16	57	120	95	82
San Mateo.....	48	63	91	148	163	226
Santa Barbara.....	29	31	53	75	85	91
Santa Clara.....	96	110	179	160	274	274
Ventura.....	56	43	48	34	59	62
Total.....	3,413	4,130	4,844	5,991	8,274	9,208
Total excluding Los Angeles....	1,014	1,537	1,900	2,112	2,776	3,105

* As of June 30, 1970.

in June 1965. The rate of increase in cases calendared for trial far exceeded the growth in criminal filings in these courts. Since June 1965, cases on criminal trial calendars rose by 206 percent in these courts, or more than double the 95 percent increase in filings. Since a jury is demanded in the great majority of criminal cases, these criminal calendars to a great extent also represent jury trial calendars.

As with civil cases in a backlog, many criminal cases are calendared for trial where a trial is neither desired nor anticipated by the defendant, and cases against many such defendants will ultimately be disposed of by means short of trial. Exclusive of Los Angeles, close to 70 percent of the criminal cases disposed of in superior courts are terminated by a plea of guilty.³⁶ Based on 1969 figures from the Bureau of Criminal Statistics, 50 percent of all dispositions by pleas of guilty in superior courts, exclusive of Los Angeles, represent changes of plea made after defendants had pled not guilty at arraignment and had demanded a (jury) trial. Thus, of the 20,779 felony cases disposed of on pleas of guilty in 1969-70 in these courts, about 10,400 resulted from a change of plea made some time after the original not guilty plea at arraignment. Although figures are not available, it is known that many such changes of plea, perhaps most, occur shortly before the scheduled trial date. Additionally, many such guilty pleas are made to a lesser offense than originally charged as a result of plea negotiations between the prosecutor and defendant, concurred in by the court. Late changes of plea necessarily delay the disposition of these cases, a delay amounting in many instances to the delay that would have occurred had the case gone to jury trial (see Table XXX).

³⁶ Including certifications on pleas of guilty from lower courts.

Though a trial is demanded in the first instance in a great number of criminal cases, relatively few are actually terminated by a trial.³⁷ Thus, the 3,552 trials in 1969-70 reported in courts other than Los Angeles amounted to only some 12 percent of all criminal dispositions. In contrast, some 15,600 defendants (about 50 percent of all defendants) demanded a trial in the first instance, indicating that only about one in four cases demanding a trial will actually be so terminated. Courts, prosecutors and defenders would be overwhelmed if a trial were held in each criminal case in which a demand is made. Thus, had there been trials for the 15,600 defendants in these courts who demanded them in 1969-70, the trial of such cases alone would have required the full time of about 226 judges for one year,³⁸ a figure which compares to the total of 282 then authorized judgeships in these courts.

Over 80 percent of the criminal cases tried in 1969-70 in superior courts exclusive of Los Angeles were tried by jury. Table XXVIII shows the ratio of juries sworn to criminal filings in the 16 superior courts with six or more judges.³⁹

Delay

Unless defendants consent, criminal cases must be dismissed if not brought to trial within 60 days after being filed in the superior court. Thus, where the time to disposition exceeds 60 days the excess is delay that defendants have sought or agreed to.⁴⁰ In practice many defend-

TABLE XXVIII—CALIFORNIA SUPERIOR COURTS WITH SIX OR MORE JUDGES*
CRIMINAL FILINGS AND NUMBER OF JURIES SWORN
Fiscal Year 1969-70

Court	Criminal		Percent of juries sworn to total filings
	Filings	Juries sworn	
Alameda.....	3,351	247	7.4
Contra Costa.....	1,127	94	8.3
Fresno.....	847	107	12.6
Kern.....	730	59	8.1
Los Angeles.....	38,619	1,350	3.7
Orange.....	2,190	191	8.7
Riverside.....	1,418	177	12.5
Sacramento.....	1,488	142	9.5
San Bernardino.....	3,025	215	7.1
San Diego.....	4,252	300	7.1
San Francisco.....	3,403	184	5.4
San Joaquin.....	912	58	6.4
San Mateo.....	1,317	97	7.4
Santa Barbara.....	759	81	10.7
Santa Clara.....	2,532	129	5.1
Ventura.....	527	43	8.2
Total excluding Los Angeles.....	27,878	2,214	7.0

* As of June 30, 1970.

³⁷ Unless otherwise indicated "trials" are exclusive of those on the transcript of the preliminary hearing.

³⁸ See Weighted Caseloads, *infra*.

³⁹ The ratio for Los Angeles is not comparable with that for other courts for reasons that will be discussed later.

⁴⁰ In the case of a trial, the time to disposition (verdict or judgment) will exceed the time to start of trial by the number of days required to try the case. If the sentence is considered as the point of disposition then this will exceed the time to start of trial by the number of trial days plus the number of days to sentencing.

ants plead not guilty at arraignment (50 percent in courts exclusive of Los Angeles), demand a jury trial and waive their right to a speedy trial. The court is then under no legal responsibility regarding the time of trial. If the defendant is out on bail it is especially in his interest to delay rather than speed the date of trial. Given the congested trial calendars under which many courts and district attorneys labor it is not surprising that the statutory 60-day limit between filing and trial is exceeded in many cases. Thus, there were 2,124 criminal juries sworn in the courts listed in Table XXIX exclusive of Los Angeles and of this number 1,072 or 50 percent were sworn within the 60-day statutory limit while 1,052 or 50 percent exceeded this limit. There are wide differences among courts in the proportion of jury trials that commence more than 60 days from filing, ranging from a low of 13.2 percent in Santa Clara⁴¹ to highs of 76.5 and 73.1 percent in Alameda and Los Angeles, respectively.

The actual delay to disposition in cases where juries are sworn more than 60 days from filing can be seen from Table XXX.⁴² Thus, in the first half of 1970, the median delay in such cases ranged from lows of 79 days in Sacramento and 85 days in Kern and Santa Clara to a high of 186 days in San Francisco. Table XXX also shows the maximum delay in columns headed "Delay." The times shown are the minimum

TABLE XXIX—CALIFORNIA SUPERIOR COURTS WITH SIX OR MORE JUDGES*
NUMBER OF CRIMINAL JURIES SWORN
Fiscal Year 1969-70

Court	Total criminal juries sworn	Juries sworn more than 60 days from indictment or information	
		Number	Percent of total
Alameda.....	247	189	76.5
Contra Costa.....	94	59	62.8
Fresno.....	107	64	60.0
Kern.....	59	9	15.3
Los Angeles.....	1,350	987	73.1
Orange.....	191	75	39.3
Riverside.....	177	95	53.7
Sacramento.....	142	35	24.6
San Bernardino.....	215	127	59.3
San Diego.....	300	155	51.7
San Francisco.....	184	85	46.2
San Joaquin.....	58	37	63.8
San Mateo.....	97	44	45.4
Santa Barbara.....	81	43	53.1
Santa Clara.....	129	17	13.2
Ventura.....	43	28	65.1
Total.....	3,474	2,039	58.7
Total excluding Los Angeles.....	2,124	1,052	49.5

* As of June 30, 1970.

^b Based on percent over 60 days in March, April, May and June 1970.

^c Based on percent over 60 days in August 1970.

^d Based on percent over 60 days in July and December 1969, January, March, April and June 1970.

⁴¹ The Santa Clara Superior Court has had notable success in reducing delay in the disposition of criminal cases. The methods used to achieve these results have been described in a letter from the judge managing the court's criminal calendar in 1970, copies of which are available on request from the Administrative Office of the Courts.

⁴² See note 40, *supra*.

TABLE XXX—CALIFORNIA SUPERIOR COURTS WITH SIX OR MORE AUTHORIZED JUDGES^a
Time Intervals in Days from Indictment or Information to Disposition^b
1968, 1969 and First Half of 1970

	Dis- missals	Pleas of guilty				Jury trials		Court trials		Transcript of preliminary	
		At arraignment ^a		Subsequent to arraignment							
		Me- dian time	Me- dian time	De- lay ^d	Me- dian time	De- lay ^d	Me- dian time	De- lay ^d	Me- dian time	De- lay ^d	Me- dian time
Alameda											
1968.....	56	28	65	97	236	97	265	127	294	88	193
1969.....	60	27	69	99	255	102	303	84	240	69	213
1st half 1970.....	59	22	59	79	223	129	310	67	289	64	209
Contra Costa											
1968.....	37	29	67	88	199	103	217	93	257	85	--
1969.....	57	36	90	81	165	117	216	108	255	--	--
1st half 1970.....	67	33	90	86	214	114	187	--	--	--	--
Fresno											
1968.....	94	21	88	92	204	80	183	85	--	--	--
1969.....	81	21	54	84	201	90	132	--	--	--	--
1st half 1970.....	63	25	46	86	189	120	195	--	--	--	--
Kern											
1968.....	32	21	42	74	164	88	180	27	--	56	--
1969.....	33	21	36	78	189	93	210	--	--	--	--
1st half 1970.....	--	27	44	82	145	85	123	--	--	--	--
Los Angeles											
1968.....	82	36	82	91	190	114	232	107	211	105	187
1969.....	57	33	72	93	189	123	261	108	234	90	192
1st half 1970.....	67	35	89	93	201	124	282	112	255	93	219
Orange											
1968.....	68	21	56	97	203	119	236	120	242	103	266
1969.....	60	1	45	81	174	114	237	102	216	172	--
1st half 1970.....	69	1	52	91	196	124	262	111	243	128	--
Riverside											
1968.....	54	27	62	95	215	102	241	79	266	105	256
1969.....	78	30	81	102	195	102	240	120	274	--	--
1st half 1970.....	87	37	122	105	240	107	252	108	218	--	--
Sacramento											
1968.....	65	27	41	75	125	79	138	71	105	60	--
1969.....	57	27	30	72	114	81	132	78	99	--	--
1st half 1970.....	59	28	46	72	112	79	135	--	--	--	--
San Bernardino											
1968.....	77	42	95	126	232	115	250	121	314	136	--
1969.....	165	42	79	144	264	135	258	117	225	--	--
1st half 1970.....	74	39	83	132	282	137	281	191	320	--	--
San Diego											
1968.....	59	21	35	81	165	92	200	95	182	84	--
1969.....	63	21	39	87	186	102	202	99	180	95	177
1st half 1970.....	55	27	48	83	189	99	202	87	216	79	155
San Francisco											
1968.....	54	39	112	107	255	139	275	73	209	132	349
1969.....	39	36	111	114	330	138	354	183	438	138	--
1st half 1970.....	88	50	145	119	294	186	377	--	--	--	--
San Joaquin											
1968.....	59	18	35	84	185	81	251	88	144	53	--
1969.....	69	21	48	100	240	87	216	--	--	--	--
1st half 1970.....	80	27	76	103	188	93	219	--	--	--	--
San Mateo											
1968.....	112	23	53	119	133	111	288	122	--	118	--
1969.....	66	24	93	96	204	130	213	--	--	--	--
1st half 1970.....	88	22	46	100	178	101	197	114	--	--	--
Santa Barbara											
1968.....	39	35	89	75	153	88	139	91	--	52	--
1969.....	55	33	108	90	192	87	195	--	--	--	--
1st half 1970.....	86	41	118	86	192	119	285	--	--	--	--
Santa Clara											
1968.....	59	21	52	84	161	85	164	129	221	98	--
1969.....	51	21	54	75	144	78	165	94	153	64	165
1st half 1970.....	45	28	64	68	125	85	183	86	228	--	--
Ventura											
1968.....	48	28	62	91	165	108	176	114	192	--	--
1969.....	--	24	27	93	159	120	216	121	--	--	--
1st half 1970.....	--	28	50	89	171	--	--	--	--	--	--

Source: Bureau of Criminal Statistics, California Department of Justice.

^a As of June 30, 1970.

^b In the case of a plea, judgment or verdict of guilty the time to disposition includes the period between such plea, judgment or verdict and the time to sentencing (approximately 21 days).

^c Includes defendants certified on plea of guilty from lower courts.

^d "Delay": the minimum days from filing to disposition for the lengthiest 10 percent of cases. Data not shown where less than 15 defendants.

number of days to disposition for the 10 percent of cases that experienced the most extreme delay.⁴³ Again such delay was at a maximum in San Francisco where the most delayed 10 percent of jury cases took a minimum of 377 days to disposition, more than three times the delay of 123 days encountered by such cases in Kern.

Los Angeles Superior Court

The Los Angeles Superior Court must be considered separately in any discussion of criminal proceedings since its criminal filings account for half the state's total and its inclusion with statewide figures would obscure the trends in other courts. More important, however, is the fact that felony filings in the Los Angeles court appear to include substantially more *relatively* minor offenses than is the case in other comparable courts.⁴⁴

In 1969-70, 36,619 criminal defendants were filed on in the Los Angeles Superior Court. This accounted for 51 percent of the statewide figure and for 20 percent of that court's total filings. In contrast, Los Angeles' population represented only 35 percent of the state's total while felony filings in comparable metropolitan courts⁴⁵ comprised only 12 percent of their total combined filings. Furthermore, in these courts 333 felony cases per 100,000 population were filed in 1969-70 as against a rate of 523 in Los Angeles.

The proportionately higher level of criminal filings in Los Angeles appears to result from the substantial number of relatively minor offenses prosecuted in the superior court, offenses which in other counties would be disposed of as misdemeanors in municipal or justice courts. Thus, in 1969 in Los Angeles 95 percent of defendants were held to answer in the superior court following felony preliminary hearings in municipal courts, in contrast to only 63 percent in other courts. Conversely, in other areas 37 percent of the defendants originally charged with felonies were disposed of as misdemeanants by the lower courts, while in Los Angeles the comparable figure was approximately 5 percent.⁴⁶

A superior court, of course, cannot control the matters presented to it as felonies and the fact that many matters of a relatively minor nature come before a superior court reflects the policy of the prosecuting officers. Part of the Los Angeles difference appears to reflect the fact that, while most counties vest authority for the prosecution of public crimes in a single agency, in Los Angeles the district attorney handles felony complaints and the several city prosecutors handle misdemeanors. Thus, the matters tend to be filed and prosecuted as felonies in the superior court if the complaints contain any elements of a felony. Consequently, many matters which would be disposed of in municipal courts in other areas, reach the Los Angeles Superior Court where they are often disposed of by a misdemeanor sentence. In 1969, for example, 60 percent of the defendants convicted in the Los Angeles Superior Court received misdemeanor sentences, double the 30 percent rate for the balance of the state.⁴⁷ Thus, the

⁴³ The ninetieth percentile range.

⁴⁴ Also see pages 102-103, *supra*.

⁴⁵ Superior courts of Alameda, Sacramento, San Diego and San Francisco.

⁴⁶ Source: Bureau of Criminal Statistics.

⁴⁷ *Id.*

available data tend to indicate that in Los Angeles relatively minor offenses are prosecuted through the superior court as felonies. It also appears that the ultimate result in sentencing is the same as though the matters had been terminated at the municipal court level *except* that: (1) the disposition of such cases has been substantially delayed (see Table XXIX); (2) critically limited superior court resources have been expended on their adjudication; and (3) by preempting superior court resources that could be devoted to other matters these cases contribute to overall congestion and delay in the court. For example, 35 percent of the Los Angeles court's judicial positions⁴⁸ were required to dispose of criminal defendants, in contrast to 23 percent in comparable metropolitan courts.⁴⁹

Traditionally, a large proportion of criminal cases in the Los Angeles Superior Court are disposed of on the record of the preliminary hearing. In 1969-70 such dispositions on the transcript, which are known locally as "slow pleas" (of guilty), accounted for 32 percent of all criminal dispositions in the Los Angeles Superior Court while in other courts such dispositions are insignificant. It is estimated that matters disposed of on records of the preliminary hearings required the full time of 15 superior court judges.⁵⁰

6. WEIGHTED CASELOAD

Judicial workload of individual superior courts is measured according to a weighted caseload system approved for use by the Judicial Council in 1968.⁵¹ The system is based on weighting a court's filings in each category of proceedings, generally according to the average time on the bench required for their disposition. The average times used in the system are developed from data furnished by the courts based on their own experience. In order to keep the system valid in the light of changing conditions, a sample number of courts is queried periodically regarding the current time requirements for various proceedings. Based on this information the weights are reviewed and revised as necessary to reflect current experience. When revisions are indicated they are made annually prior to legislative sessions. Table XXXI shows the details of the computations used in determining 1969-70 weighting factors for each category of filings and lists the resultant unrounded weights in the right-hand column. In Table XXXII the left-hand column summarizes the computations detailed in Table XXXI and shows the workload weights rounded to the nearest five minutes applicable to each category of filings in 1969-70; the right-hand column lists 1968-69 weights.

Referring to Table XXXII, the weights assume, for example, that each domestic relations filing, including both those terminated and those not disposed of, resulted in an average expenditure of 15 minutes of a judge's time on the bench in 1969-70 and 20 minutes in 1968-69. Similarly, each filing as to a dependent child consumed an average of 35 minutes of bench time (including chamber time for probation matters) in 1969-70 and 25 minutes in 1968-69.

⁴⁸ Percent assigned to criminal departments during the week of October 26, 1970 adjusted to exclude absences and to include judges sitting on assignment by the Chairman of the Judicial Council. "Judicial positions" includes authorized judges plus full-time commissioners and referees.

⁴⁹ Superior courts of Alameda, Sacramento, San Diego and San Francisco.

⁵⁰ See Weighted Caseload, *in/ra*.

⁵¹ See Judicial Council Reports (1969) 140-145; (1970) 103-106.

TABLE XXXI—CALIFORNIA SUPERIOR COURTS
AVERAGE BENCH TIME PER FILING BY TYPE OF PROCEEDING
AND WEIGHTS PER FILING

Fiscal Year 1969-70

Type of proceeding	Hearings		Weights (col. a x b)
	Average time (in minutes) (col. a)	Portion of filings (col. b)	
Probate and guardianship			
Uncontested dispositions.....	2.0	.827	1.654
Contested dispositions.....	178.7	.018	3.217
Supervisory orders.....	3.1	2.500	7.750
Total			12.621
Family Law*			
Uncontested dispositions.....	6.7	.679	4.549
Contested dispositions.....	142.4	.043	6.123
Orders to show cause.....	15.9	.300	4.770
Modifications of judgment.....	29.0	.050	1.450
Total			16.892
Personal injury, death and property damage			
Dispositions after jury sworn.....	1200.0	.089	82.800
Contested nonjury trials.....	450.0	.009	4.050
Uncontested nonjury trials.....	25.0	.061	1.525
Law and motion.....	30.0	.300	9.000
Settlement conferences.....	45.0	.100	4.500
Pretrial conferences.....	25.0	.043	1.075
Trial setting conferences.....	15.0	.496	7.440
Hearings after judgment.....	35.0	.080	2.800
Total			113.190
Eminent domain			
Contested trials (jury).....	1800.0	.086	105.600
Uncontested trials (nonjury).....	15.0	.083	1.245
Law and motion.....	10.0	.078	.780
Pretrial conferences.....	10.0	.076	.760
Settlement conferences (or combined pretrial settlement-2nd).....	45.0	.038	1.710
Total			110.075
Other civil (complaints)			
Contested jury trials.....	1200.0	.013	15.600
Contested nonjury trials.....	400.0	.096	38.400
Uncontested nonjury trials.....	15.0	.164	2.460
Law and motion.....	15.0	.330	4.950
Pretrial conferences.....	20.0	.034	.680
Trial setting conferences.....	10.0	.306	3.060
Hearings after judgment.....	35.0	.010	.350
Total			66.400
Other civil (petitions)			
Dispositions after hearing.....	14.0	.641	8.974
Total			8.974
Insanity and other infirmities			
Uncontested dispositions.....	9.6	.620	5.952
Contested dispositions (nonjury).....	61.8	.057	3.523
Jury trials.....	330.0	.055	1.650
Total			11.125
Juvenile (delinquency)			
Uncontested dispositions (original petitions).....	14.3	.793	11.340
Contested dispositions (original petitions).....	65.7	.070	4.599
Uncontested dispositions (subsequent petitions).....	14.8	.617	9.132
Contested dispositions (subsequent petitions).....	61.8	.063	3.263
Detention hearings.....	9.2	.905	8.326
Probation hearings (chamber time).....	9.5	1.484	14.098
Total			50.758

TABLE XXXI—CALIFORNIA SUPERIOR COURTS—Continued
AVERAGE BENCH TIME PER FILING BY TYPE OF PROCEEDING
AND WEIGHTS PER FILING
Fiscal Year 1969-70

Type of proceeding	Hearings		Weights (col. a x b)
	Average time (in minutes) (col. a)	Portion of filings (col. b)	
Juvenile (dependency)	10.3	.758	7.807
Uncontested dispositions (original petitions)	28.2	.086	2.253
Contested dispositions (original petitions)	6.8	.762	5.114
Detention hearings	9.6	.374	3.590
Probation hearings (chamber time)	6.0	3.207	16.035
Annual review			
		Total	34.799
Criminal	867.8	.081	70.292
Dispositions after jury sworn	110.5	.039	4.310
Court trials	21.4	.025	.535
Dispositions on record of preliminary hearing	8.3	.828	6.872
Arraignments for plea	27.2	.210	5.712
Hearings under Penal Code Sec. 995 and Sec. 1538.5	15.6	.313	4.883
Trial confirmation conferences	7.3	1.011	7.380
Other hearings before trial	30.3	.899	27.240
Probation hearings (including chamber time)			
		Total	127.224
Appeals from lower courts			
Dispositions after hearing	135.0	.309	41.715
On questions of law	180.0	.342	61.560
Trial de novo			
		Total	103.275
Habeas corpus			
Dispositions without hearing	22.4	.703	15.747
Dispositions after hearing	44.6	.222	9.901
		Total	25.648

* Formerly "Divorce, separate maintenance and annulment."

TABLE XXXII—CALIFORNIA SUPERIOR COURTS
WEIGHTING FACTORS BY CATEGORY OF PROCEEDINGS*
Fiscal Years 1968-69 and 1969-70

Category of proceedings	Weighting factors	
	1969-70	1968-69
Probate and guardianship	15	15
Family Law ^b	15	20
Personal injury, death and property damage	115	120
Eminent domain	110	130
Other civil		
Complaints	65	65
Petitions	10	10
Insanity and other infirmities	10	15
Juvenile	50	50
Delinquency	35	25
Dependency	125	60
Criminal	105	115
Appeals	25	5
Habeas corpus		

* The weighted caseloads for individual superior courts for 1968-69 and 1969-70 are given in Appendix Table 26 and the caseloads are related to the courts' judicial positions.

^b Formerly "Divorce, separate maintenance and annulment."

D. MUNICIPAL COURTS

1. FILINGS

1969-70 Filings Up 8 Percent

The 75 municipal courts located in 25 counties of the state reported approximately 5.1 million nonparking cases⁶² filed during 1969-70. This is the largest volume ever recorded in the municipal courts and reflects a gain of 8 percent or 366,400 cases over the volume reported.

TABLE XXXIII—CALIFORNIA MUNICIPAL COURTS
NONPARKING AND PARKING FILINGS
Fiscal Years 1959-60 Through 1969-70

Fiscal year	Number of municipal courts*	Number of authorized judgeships*		Nonparking filings		Parking filings	
		Number	Increase from preceding year	Number	Change from preceding year	Number	Change from preceding year
1959-60	67	208	--	3,236,827	--	3,358,191	--
1960-61	69	212	4	3,405,233	168,406	3,628,579	223,346
1961-62	72	236	24	3,553,693	148,460	3,604,037	75,468
1962-63	72	237	1	3,722,333	168,640	3,921,817	317,780
1963-64	73	255	18	4,061,020	338,687	4,240,587	318,770
1964-65	73	256	1	4,251,434	190,414	4,418,531	177,944
1965-66	71	271	15	4,487,407	218,083	4,535,653	117,122
1966-67	73	280	18	4,717,737	250,240	4,749,854	214,201
1967-68	73	305	18	4,742,581	24,844	5,087,658	337,804
1968-69	74	326	21	4,712,098	R-20,583	5,354,938	R287,280
1969-70	75	337	11	5,079,374	366,376	6,147,068	793,020

* At end of fiscal year.

R Revised.

TABLE XXXIV—CALIFORNIA MUNICIPAL COURTS
FILINGS BY TYPE OF NONPARKING PROCEEDING
Fiscal Year 1969-70

Type of proceeding	1969-70	Change to 1969-70 from:			
		1968-69*		1969-60	
		Amount	Percent change	Amount	Percent change
Total nonparking	5,079,374	366,376	7.8	1,842,547	56.9
Criminal	4,517,876	350,891	8.4	1,683,933	59.4
Traffic violations	3,942,806	305,826	8.4	1,528,777	63.3
Selected major ^b	191,165	8,689	4.8	--	--
Other ^b	3,761,441	297,127	8.0	76,927	20.1
Nontraffic misdemeanors	460,158	30,973	7.2	--	--
Intoxication ^b	210,133	9,665	4.8	--	--
Other ^b	250,025	21,308	9.3	--	--
Felony preliminaries	115,112	14,092	13.3	78,229	212.1
Civil	561,498	15,485	2.8	158,614	39.4
Small claims	288,048	8,000	3.1	96,475	50.0
All other civil	273,450	6,885	2.6	62,139	29.1
Tort	33,573	2,073	6.7	11,547	52.4
Other civil	241,877	4,212	1.8	50,592	26.4

* Changes were based on revised figures for 1968-69.

^b Not classified separately prior to 1966-67.

⁶² Throughout the municipal and justice court sections of this report "filings" and "cases" do not include parking violations unless otherwise indicated.

in 1968-69, when the first decline in 26 years had been recorded. The increase was the largest year to year gain of the past decade. Compared to the level of 10 years ago there were 57 percent more cases filed in the municipal courts.

Municipal court judgeships rose to 337 with the authorization of 11 additional judges during the year. This increase of 3 percent over the number authorized in 1968-69 was less than half the percentage rise in filings. With filings outrunning the increase in judicial manpower, the average number of cases filed per judge rose to 15,072. This figure was not only 600 more than the 14,457 cases filed per judge in 1968-69 but was also the first increase in six years. The filings per judge rate is only an approximate index of the municipal court workload, however, since it does not take into consideration the varying amounts of time required to dispose of the various categories of proceedings. A better picture of the workload is provided by weighted units, which are discussed in a subsequent section. Filings per judge during the preceding 10 years ranged from a low of 14,457 to a high of 16,607:

Fiscal Year	Filings per Judge
1950-51	15,582
1951-52	16,062
1952-53	16,058
1953-54	15,708
1954-55	15,926
1955-56	16,607
1956-57	16,485
1957-58	16,324
1958-59	15,549
1959-60	14,457
1960-61	15,072

^a Revised.

Felony Preliminaries Up 14 Percent

Increases were reported in all categories of proceedings with new peak levels reported in most of the criminal categories. Approximately 115,100 of the municipal court filings were felony preliminary proceedings. This was a new record number of felony cases in the municipal courts and was about 14,100 or 14 percent more than in 1968-69. The percentage gain in felony preliminaries was the highest for all proceedings and apparently reflected the continuing emphasis on prosecutions of drug violations.⁵³

About 460,200 of the cases filed in municipal court were nontraffic misdemeanors. This was a record high for such cases and constituted a rise of 7 percent or 31,000 cases over the preceding year. The amount of increase was almost twice the size of the previous high of the decade.

Of the nontraffic misdemeanor cases filed in the municipal courts approximately 250,000 cases or 54 percent involved charges other than intoxication. These more serious misdemeanor cases were up 9 percent from 1968-69. Intoxication contributed about 210,100 cases or 46 percent of the nontraffic misdemeanor filings. This figure was 5 percent higher than in 1968-69.

Traffic filings in municipal courts rose to about 3.9 million cases, establishing a new record for traffic cases in the municipal courts and representing a gain of 305,800 cases over the preceding year. This

⁵³ Data published by the Bureau of Criminal Statistics indicates that drug violations made up about 40 percent of the criminal cases filed in superior court (after preliminary hearings in the municipal or justice courts) in calendar year 1969 and accounted for 93 percent of the increase over 1968.

TABLE XXXV—CALIFORNIA MUNICIPAL COURTS
WEIGHTED UNITS BY TYPE OF NONPARKING PROCEEDING
Fiscal Years 1968-69 and 1969-70

Type of proceeding	Weighted units		Change from 1968-69	
	1969-70	1968-69	Amount	Percent
Total nonparking.....	21,790,361	20,291,840	1,498,521	7.4
Criminal.....	16,810,470	15,461,227	1,349,243	8.7
Traffic violations.....	8,717,661	8,181,022	536,639	6.6
Selected major.....	2,419,515	2,310,799	108,716	4.7
Other.....	6,298,146	5,870,223	427,923	7.3
Nontraffic misdemeanors.....	3,624,837	3,329,253	295,584	8.9
Intoxication.....	420,266	400,936	19,330	4.8
Other.....	3,204,571	2,928,317	276,254	9.4
Felony preliminaries.....	4,467,972	3,950,952	517,020	13.1
Civil.....	4,979,891	4,830,613	149,278	3.1
Small claims.....	1,310,821	1,273,168	37,653	3.0
All other civil.....	3,669,070	3,557,445	111,625	3.1

annual increment was the largest in the past 10 years and accounted for nearly 83 percent of the increase in municipal court filings during 1969-70. Interestingly, two courts, the Los Angeles Municipal Court and the Oakland-Piedmont Municipal Court, reported approximately three-quarters of the increase in traffic filings.⁵⁴

Selected major traffic violations⁵⁵ which have been reported separately since July 1, 1966, rose by 5 percent to 191,200 in 1969-70. Although making up only 5 percent of the traffic cases filed in municipal courts, these more serious traffic violations accounted for about one-third of the traffic jury cases tried. Approximately 3.8 million of the traffic matters filed involved routine traffic violations, 9 percent more than the level in 1968-69.

Filings of small claims cases increased 3 percent to 286,000, the first rise in four years. The volume, however, was still 16 percent below the record peak of 1965-66. Other civil filings followed a similar pattern, rising by 3 percent to the 275,500 level. The rise in other civil filings was also the first increase in four years.

Weighted Units Up 7 Percent

Municipal court filings in 1969-70 constituted approximately 21.8 million weighted units.⁵⁶ This was a gain of 7 percent over 1968-69 and only slightly less than the percentage increase in total filings.

⁵⁴ Data received from the courts indicated that the Los Angeles court contributed about 180,800 and Oakland-Piedmont contributed about 38,100 of the additional traffic cases filed in municipal courts. The Los Angeles court, however, is currently reexamining its figures.

⁵⁵ Violations of §§ 14601, 20002, 23102, 23103, 23104 and 23106 of the Vehicle Code. For a description of the weighted caseload system, see 1968 Judicial Council Report 103-106. The weights for the courts in general and for the Los Angeles court applicable to 1968-69 and 1969-70 filings are listed below:

Type of Proceeding	State Less Los Angeles	L. A. Municipal Court
Selected major traffic violations.....	14	9
Other traffic violations.....	1.8	1.2
Intoxication.....	2	2
Other nontraffic misdemeanors.....	13	12
Felony preliminaries.....	36	48
Small claims.....	4.5	5
Other civil.....	15	10

Weighted units, however, gave a vastly different picture of the caseload in municipal courts from that depicted by filings, particularly in the two important categories of felony preliminaries and traffic violations. Felony preliminaries, which made up only 2 percent of the unweighted cases filed in municipal courts, were responsible for over 20 percent of the weighted units filed during the year. Moreover, felony preliminary cases accounted for more than one-third of the overall rise in the weighted caseload. On the other hand, traffic matters which accounted for 78 percent of the unweighted filings comprised only 40 percent of the weighted units. Moreover, traffic cases, while comprising 83 percent of the increase in cases filed, provided only 37 percent of the increase in weighted units. The proportion of total filings and weighted units each category of proceedings provided in 1969-70 are listed below:

Type of proceeding	Percent of filings	Percent of weighted units
Total	100.0	100.0
Selected major traffic violations	3.8	11.1
Other traffic violations	73.9	28.9
Intoxication	4.1	1.9
Other nontraffic misdemeanors	4.9	14.7
Felony preliminaries	2.3	20.5
Small claims	5.6	6.0
Other civil	5.4	16.8

Under the weighting system's standard of 60,000 weighted units per year for a judge, the 21.8 million weighted units filed in the municipal courts represented a caseload for 363 judicial positions. The gain of 1.5 million weighted units over the preceding year reflected work for 25 additional judicial positions. There were 358 judicial positions authorized in the municipal courts in 1969-70, of which 337 were judges and 21 were court commissioners.

TABLE XXXVI—CALIFORNIA MUNICIPAL COURTS
DISPOSITIONS OF NONPARKING AND PARKING CASES
PER JUDGE-EQUIVALENT
Fiscal Years 1959-60 Through 1969-70

Fiscal year	Number of authorized judgeships	Number of judge-equivalents ^a	Nonparking dispositions		Illegal parking dispositions	
			Number	Per judge-equivalent ^a	Number	Per judge-equivalent ^a
1959-60	208	204	3,088,994	15,142	3,241,781	15,891
1960-61	212	212	3,218,306	15,181	3,371,895	15,905
1961-62	236	230	3,329,394	14,471	3,458,470	15,037
1962-63	237	240	3,458,278	14,409	3,650,362	15,210
1963-64	255	253	3,736,219	14,768	3,900,992	15,419
1964-65	256	266	3,932,563	14,784	4,108,797	15,439
1965-66	271	279	4,136,037	14,825	4,282,406	15,349
1966-67	289	297	4,331,199	14,549	4,359,956	14,680
1967-68	305	316	4,398,823	13,914	4,733,536	14,980
1968-69	326	341	4,350,268	12,757	4,930,304	14,455
1969-70	337	337	4,573,363	12,811	5,493,119	15,387

^a Judge-equivalents are the number of authorized judgeships adjusted to reflect vacancies, assistance to other courts by municipal courts and assistance received by municipal courts from assigned judges and temporary judges serving by stipulation of the parties.

^b Revised.

TABLE XXXVII—CALIFORNIA MUNICIPAL COURTS
DISPOSITIONS BY TYPE OF NONPARKING PROCEEDING
Fiscal Year 1969-70

Type of proceeding	1969-70	Change to 1969-70 from:			
		1968-69 ^a		1959-60	
		Amount	Percent change	Amount	Percent change
Total nonparking	4,573,363	223,095	5.1	1,484,369	48.1
Criminal	4,149,116	208,406	5.2	1,370,644	49.3
Traffic violations	3,612,793	158,316	4.6	1,241,624	52.4
Selected major ^b	180,499	10,835	10.3	---	---
Other ^b	3,432,294	141,481	4.3	---	---
Nontraffic misdemeanors	445,969	40,577	10.0	70,706	18.8
Intoxication ^b	193,685	9,611	5.2	---	---
Other ^b	252,274	30,866	14.0	---	---
Felony preliminaries	90,354	7,513	9.1	58,314	182.0
Civil	424,247	16,689	4.1	113,726	36.6
Small claims	213,460	11,892	5.9	88,599	47.4
All other civil	210,787	4,797	2.3	45,126	27.2
Tort	20,564	732	3.7	5,774	39.0
Other civil	190,223	4,065	2.2	39,352	26.1

^a Changes were based on revised figures for 1968-69.
^b Not classified separately prior to 1968-69.

2. DISPOSITIONS

1969-70 Dispositions Up 5 Percent

The 4.6 million cases disposed of in municipal courts were about 223,100 cases or 5 percent more than the number disposed of in 1968-69. In terms of judicial manpower, the cases were disposed of at an average rate of 12,811 cases per judge-equivalent.⁵⁷

Dispositions increased in all categories of proceedings. Since dispositions generally parallel the trend in filings, the larger gains usually occurred in those proceedings where filings also gained the most. There were a few exceptions. The percent increase in traffic and felony preliminary dispositions did not equal the increase in filings in these categories, but the percentage gain in misdemeanor cases disposed of outstripped the percentage rise in filings.

The municipal courts disposed of 90.0 cases per 100 cases filed in 1969-70. There were, of course, some variations among the categories of proceedings, ranging from a low of 74.6 cases disposed of per 100 filed in small claims matters to a high of 100.9 in nontraffic misdemeanors exclusive of intoxication. The number of cases disposed of per 100 cases filed for each type of proceeding is given below:

Type of proceeding	Dispositions per 100 filings
Selected major traffic	84.4
Other traffic	81.5
Intoxication	92.2
Other nontraffic misdemeanors	100.9
Felony preliminaries	78.5
Small claims	74.6
Other civil	76.5

⁵⁷ For the definition of judge-equivalent, see Table XXXVI, footnote a.

**TABLE XXXVIII—CALIFORNIA MUNICIPAL COURTS
TYPES OF DISPOSITIONS OF NONPARKING CASES
Fiscal Year 1969-70**

Type of disposition	1969-70	Change to 1968-69 from:			
		1968-69 ^a		1969-70	
		Amount	Percent change	Amount	Percent change
Total dispositions.....	4,673,363	223,095	5.1	1,484,369	48.1
Dispositions before trial.....	4,158,982	205,043	5.2	1,303,459	45.7
Bail forfeitures.....	2,402,238	51,920	2.2	520,400	27.7
Dismissals and transfers.....	698,613	89,589	17.6	345,684	136.7
Convicted or bound over after plea of guilty.....	1,052,514	66,418	6.7	413,366	64.7
Judgments by clerk.....	100,837	-2,743	-2.6	22,539	28.7
Summary judgments.....	2,660	-141	-5.0	1,530	135.4
Dispositions after trial.....	416,401	18,052	4.5	180,910	76.8
Uncontested matters.....	204,157	6,914	3.5	33,460	-- ^b
Contested matters.....	188,928	10,495	5.9	134,238	-- ^b
Juvenile orders.....	23,316	643	2.8	13,212	130.8

^a Changes were based on revised figures for 1968-69.

^b Percentage changes were not computed because of the change in definition of uncontested and contested criminal proceedings on July 1, 1968 which made earlier figures unsuitable for comparison. Prior to July 1, 1968 all criminal cases tried were considered as contested matters. Subsequently, only those criminal cases after both the prosecution and the defense introduced testimonial evidence (exclusive of cross-examination of witnesses called by the other side) were classified as contested matters; all other criminal trials were counted as uncontested matters.

Dispositions Before Trial Also Up 5 Percent

Municipal courts disposed of about 4.2 million cases without trial, or 5 percent more than in the preceding year. Bail forfeitures accounted for 2.4 million or 58 percent of these cases, 51,900 more than in 1968-69. All but 44,100 of these bail forfeitures occurred in traffic matters. Pleas of guilty accounted for about 1.1 million of these cases, which was 66,400 or 7 percent more than in the preceding year. Approximately 26,300 or 40 percent of the increase occurred in non-traffic misdemeanor cases (other than intoxication) and 18,500 or 28 percent in selected major traffic violations. Pleas of guilty and bail forfeitures accounted for 83 percent of the before trial dispositions in municipal courts. At 18 percent, dismissals and transfers registered the highest percentage gain among the categories of before trial dispositions.

Uncontested Trials Up 4 Percent

Approximately 204,200 or 49 percent of the after trial dispositions in municipal courts in 1969-70 were uncontested matters, consisting of 74,500 criminal cases and 129,700 civil cases. The total was 4 percent more than in 1968-69. Felony preliminary hearings accounted for 54,500 or 73 percent of the uncontested⁵⁸ criminal matters heard and 27 percent of all uncontested cases disposed of in municipal courts. Of the uncontested civil matters tried about 90,100 or 69 percent involved small claims cases.

⁵⁸ Since the reporting definitions used in collecting municipal court data require that criminal cases in which the defense does not introduce evidence be treated as uncontested, most felony preliminary hearings are counted as uncontested matters.

**TABLE XXXIX—CALIFORNIA MUNICIPAL COURTS
CONTESTED MATTERS HEARD (INCLUDING UNCONTESTED
CRIMINAL MATTERS) PER JUDGE-EQUIVALENT
Fiscal Years 1959-60 Through 1969-70**

Fiscal year	Number of judge-equivalents ^a	Contested matters heard ^b	
		Number	Per judge-equivalent ^a
1959-60.....	204	138,171	677
1960-61.....	212	162,773	721
1961-62.....	230	164,280	714
1962-63.....	240	171,192	716
1963-64.....	253	186,129	736
1964-65.....	266	205,901	774
1965-66.....	279	234,981	842
1966-67.....	297	241,175	812
1967-68.....	316	251,381	790
1968-69.....	341	249,321	731
1969-70.....	357	263,400	738

^a For definition of judge-equivalents, see Table XXXVI, footnote a.

^b For the purpose of establishing trend, contested figures for 1966-67 and subsequent years include uncontested criminal matters since all criminal trials, exclusive of juvenile cases, were considered as contested matters prior to the reporting change on July 1, 1968.

R Revised.

Contested Trials Up 6 Percent

Approximately 188,900 contested cases were disposed of after trial in municipal courts, 6 percent more than in 1968-69. Although comprising only 4 percent of the total cases disposed of in municipal courts, contested matters represent the most time-consuming cases in municipal courts and provide an important measure of workload.

Data on contested matters as currently defined has been collected for only four years. As a result, for comparison with earlier data current figures were adjusted to include those criminal trials now reported as uncontested matters. The result indicates a gain in contested dispositions of 6 percent and a record volume of 263,400 contested cases disposed of, almost twice the 138,200 contested cases disposed of 10 years earlier. In terms of judicial manpower, this represented an average of 738 contested cases disposed of per judge-equivalent compared to 677 such dispositions 10 years ago.

Dispositions of contested matters increased in almost all categories of proceedings. Approximately 175,400 or 67 percent of these contested dispositions were criminal matters, representing a gain of 8,500 or 5 percent from the preceding year.

3. JURIES SWORN

Jury Trials Up 3 Percent

The 11,800 jury trials, as represented by juries sworn, were only slightly less than the all time record in municipal courts and 3 percent more than in 1968-69. This represented an average of 33 jury cases per judge-equivalent compared with 34 in the preceding year.

About 11,300 or 95 percent of the juries sworn were impaneled to try criminal cases, 6,800 for the trial of traffic matters and 4,400 for the trial of nontraffic misdemeanor cases, the latter being an 18 percent increase over the number tried in 1968-69.

**TABLE XL—CALIFORNIA MUNICIPAL COURTS
CONTESTED MATTERS HEARD (INCLUDING UNCONTESTED
CRIMINAL MATTERS) BY TYPE OF PROCEEDING^a**

Fiscal Year 1969-70

Type of proceeding	1969-70	Change to 1969-70 from:			
		1968-69 ^b		1959-60	
		Amount	Percent change	Amount	Percent change
Total, all proceedings.....	270,287	16,616	6.5	-- ^c	--
Nonparking.....	263,400	14,079	5.6	125,241	90.6
Criminal.....	175,424	8,461	5.1	91,955	110.2
Traffic violations.....	98,025	2,953	5.1	62,397	114.8
Selected major ^d	9,519	-18	-1.9	--	--
Other ^d	88,506	2,971	3.5	--	--
Nontraffic misdemeanors.....	21,365	1,732	8.8	3,317	18.4
Intoxication ^d	2,527	271	12.0	--	--
Other ^d	18,838	1,461	8.4	--	--
Felony preliminaries.....	68,034	3,776	7.2	36,241	183.1
Civil.....	87,970	5,618	6.8	33,280	60.9
Small claims.....	75,751	5,880	8.4	33,123	77.7
All other civil.....	12,225	-262	-2.1	163	1.4
Tort.....	2,702	-292	-9.8	-1,171	-30.2
Other civil.....	9,523	30	0.3	1,334	16.3
Illegal parking.....	6,887	2,437	64.7	-- ^c	--

^a For the purpose of establishing trend, 1968-69 and 1969-70 figures include uncontested criminal matters since all criminal trials exclusive of juvenile cases were considered as contested matters prior to the reporting change on July 1, 1966.

^b Changes were based on revised figures for 1968-69.

^c Comparable contested parking matters were not available.

^d Not classified separately prior to 1966-67.

**TABLE XLI—CALIFORNIA MUNICIPAL COURTS
NUMBER OF JURIES SWORN PER JUDGE-EQUIVALENT**

Fiscal Years 1959-60 Through 1969-70

Fiscal year	Number of judge-equivalents ^a	Juries sworn ^b	
		Number	Per judge-equivalent ^a
1959-60.....	204	6,616	32
1960-61.....	212	6,792	32
1961-62.....	230	6,845	30
1962-63.....	240	7,542	31
1963-64.....	253	7,938	31
1964-65.....	266	9,399	35
1965-66.....	279	10,793	39
1966-67.....	297	11,537	39
1967-68.....	316	11,868	38
1968-69.....	341	11,543	34
1969-70.....	357	11,817	33

^a For definition of judge-equivalents, see Table XXXVI, footnote a.

^b Includes number of juries sworn in both nonparking and parking cases.

**TABLE XLII—CALIFORNIA MUNICIPAL COURTS
NUMBER OF JURIES SWORN BY TYPE OF PROCEEDING**

Fiscal Year 1969-70

Type of proceeding	1969-70	Change to 1969-70 from:			
		1968-69		1959-60	
		Amount	Percent change	Amount	Percent change
Total, all proceedings.....	11,817	274	2.4	5,201	78.6
Nonparking.....	11,808	289	2.6	5,222	79.3
Criminal.....	11,281	349	3.2	5,107	83.0
Traffic violations.....	8,820	-333	-4.7	3,146	85.6
Selected major ^a	2,442	-104	-4.1	--	--
Other ^a	4,378	-229	-5.0	--	--
Nontraffic misdemeanors.....	4,441	682	18.1	1,961	79.1
Intoxication ^a	289	50	20.9	--	--
Other ^a	4,152	632	18.0	--	--
Civil.....	547	-60	-9.9	115	26.6
Tort.....	418	-70	-14.3	102	32.3
Other civil.....	129	10	8.4	13	11.2
Illegal parking.....	9	-15	-62.5	-21	-70.0

^a Not classified separately prior to 1966-67.

In 1969-70 there were 6.6 juries sworn for every 100 cases tried in which juries were available (i.e., all cases except felony preliminary and small claims cases). Although the ratio of jury impanelment to total cases tried has remained relatively stable during the past 10 years, the 1969-70 rate was up considerably from the 6.1 percent rate experienced in 1959-60.

The ratio varied considerably, however, among the categories of proceedings. The rates in criminal cases fluctuated from 25.7 percent in selected major traffic filings to 4.9 percent in other traffic matters. In civil proceedings, only one jury was sworn for every 100 after-trial dispositions.

E. JUSTICE COURTS

1. FILINGS

1969-70 Filings Increase 3 Percent

Approximately 928,600 nonparking cases were filed in justice courts, representing an increase of 29,300 cases or 3 percent over 1968-69. Despite a decline in the number of justice courts in the past decade, filings in 1969-70 were nevertheless 137,100 or 17 percent greater than the 1959-60 level.

At the end of the 1969-70 fiscal year there were 244 justice courts located in 53 counties of the state. The number of justice courts was one less than in the preceding year and 63 less than 1959-60. Only Orange, San Mateo, San Francisco, Santa Cruz and Ventura counties do not have justice courts.

**TABLE XLIII—CALIFORNIA JUSTICE COURTS
NONPARKING AND PARKING FILINGS**

Fiscal Years 1959-60 Through 1969-70

Fiscal year	Number of justice courts*	Nonparking filings		Parking filings	
		Number	Percent change from preceding year	Number	Percent change from preceding year
1959-60	307	791,568	-12.6	507,562	1.8
1960-61	302	822,745	3.9	479,669	-5.5
1961-62	298	800,910	-2.7	452,998	-5.6
1962-63	293	838,229	4.6	459,003	1.3
1963-64	288	882,481	5.3	446,327	-2.8
1964-65	276	914,090	3.6	393,313	-11.9
1965-66	268	981,854	5.2	401,869	2.2
1966-67	263	902,478	-8.2	398,963	-0.7
1967-68	253	912,585	1.1	371,719	-6.8
1968-69	245	899,345	-1.4	353,383	-4.9
1969-70	244	928,630	3.3	300,350	-15.0

* At end of fiscal year.

**TABLE XLIV—CALIFORNIA JUSTICE COURTS
FILINGS BY TYPE OF NONPARKING PROCEEDING**

Fiscal Year 1969-70

Type of proceeding	1969-70	Change to 1969-70 from:			
		1968-69		1969-60	
		Amount	Percent	Amount	Percent
Total nonparking	928,630	29,285	3.3	137,062	17.3
Criminal	861,589	34,207	4.1	164,972	23.7
Traffic violations	769,691	31,882	4.3	184,960	31.6
Selected major*	32,457	1,207	3.9	--	--
Other*	737,234	30,675	4.3	--	--
Nontraffic misdemeanors	50,816	892	1.1	-23,738	-22.7
Intoxication*	26,323	-2,270	-7.9	--	--
Other*	54,493	3,162	6.2	--	--
Felony preliminaries	11,082	1,433	14.9	3,760	51.1
Civil	67,041	-4,922	-8.8	-27,910	-29.5
Small claims	50,901	-3,126	-9.2	-23,794	-32.0
All other civil	16,440	204	1.3	-4,116	-26.0
Tort	618	68	2.0	-278	-30.9
Other civil	15,822	138	0.9	-3,840	-19.5

* Not classified separately prior to 1968-69.

Felony Preliminaries Increase 15 Percent

Numerically, the largest increase over 1968-69 occurred in traffic filings. The 769,700 traffic cases reflected a gain of 31,900 cases or 4 percent over a year earlier. The largest percentage increase, however, occurred in felony preliminaries, where filings were 15 percent greater than a year ago. Although there were fewer intoxication and small claims filings compared to 1968-69, increases were recorded in all other categories.

Courts by Number of Filings

The number of cases filed in most justice courts is usually small since justice courts are generally located in the less populous areas of the

state. In 1969-70 filings ranged from a low of 10 to a high of 19,834 per judge, with an average caseload of just over 3,800 cases since almost three-fourths of the justice courts in the state had less than 5,000 filings. In comparison, municipal courts had an average caseload of 15,072 filings per judge. Four justice courts had caseloads of over 15,000 filings during the year: Maricopa-Taft with 19,834, Malibu with 18,897, San Geronio with 16,142 and Gilroy-Morgan Hill with 15,373. The caseload of justice courts in 1969-70 was distributed as follows:

Number of Nonparking Filings	Number of Courts	Percent of Courts
Less than 100	12	5
100-999	52	21
1,000-2,999	59	24
3,000-4,999	53	22
5,000-6,999	24	10
7,000-9,999	29	12
10,000-14,999	11	4
15,000 and over	4	2
Total	244	100

2. DISPOSITIONS

Over 833,800 cases were disposed of by justice courts in 1969-70, an increase of nearly 32,100 or 4 percent over the preceding year. About 766,800 or over nine-tenths of the dispositions occurred before trial, 502,600 by bail forfeitures and 171,700 by pleas of guilty. Of the 67,000 dispositions after trial, only one-third were contested matters. The number of jury trials remained virtually unchanged from a year earlier.

**TABLE XLV—CALIFORNIA JUSTICE COURTS
FILINGS AND DISPOSITIONS OF NONPARKING PROCEEDINGS**
Fiscal Year 1969-70

Type of disposition	1969-70	Change to 1969-70 from:			
		1968-69*		1969-60	
		Amount	Percent	Amount	Percent
Filings	928,630	29,285	3.3	137,062	17.3
Total dispositions	833,831	32,073	4.0	143,778	20.8
Dispositions before trial	766,807	33,140	4.5	156,450	25.6
Bail forfeitures	502,612	25,946	5.4	138,779	38.1
Dismissals and transfers	85	6,773	8.7	19,807	30.6
Convicted or bound over after plea of guilty	171	-197	-0.1	-3,202	-1.8
Judgments by clerk	7,805	618	8.5	1,066	15.7
Dispositions after trial	67,024	-1,067	-1.6	-12,872	-15.9
Uncontested matters	27,667	-3,256	-10.5	-5,868	-6
Contested matters	22,216	1,011	4.8	-14,657	-6
Juvenile orders	17,141	1,178	7.4	7,853	84.5
Juries sworn	1,946	-15	-0.4	827	47.5
Jury verdicts	1,834	-8	-0.4	--	--

* Changes were based on revised figures for 1968-69.

Percentage changes were not computed because of the change in definition of uncontested and contested criminal proceedings on July 1, 1966 which made earlier figures unsuitable for comparison. Prior to July 1, 1966 all criminal cases tried were considered as contested matters. Subsequently only those criminal cases after both the prosecution and the defense introduced testimonial evidence (exclusive of cross-examination of witnesses called by the other side) are classified as contested matters; all other criminal trials were counted as uncontested matters.

F. JUDICIAL ASSIGNMENTS AND ASSISTANCE

1. SUMMARY—NUMBER OF ASSIGNMENTS AND DAYS OF ASSIGNED ASSISTANCE

The California Constitution⁵⁰ directs the Chairman of the Judicial Council to expedite the business of the courts and to equalize judicial workloads and authorizes him to assign judges to assist in courts other than their own for this purpose. The Chairman made 3,785 such assignments in 1969-70, 15 fewer than the all-time high established in 1968-69. The 1969-70 total was the second highest on record and almost 90 percent greater than the 2,001 assignments issued in 1959-60.

During the 10 years since 1959-60 the number of assignments to justice courts has more than doubled while assignments to municipal courts and superior courts were about 75 percent greater in each case. As in years past, about half of all assignments were to justice courts and overwhelmingly such assignments were for justice court judges to assist in other justice courts. The number of assignments is not a measure of the amount of assistance provided since an assignment may be for less than day or may cover many days. Table XLVII lists the total days of assigned assistance provided from all sources to trial

TABLE XLVI—CALIFORNIA COURTS
ASSIGNMENT OF JUDGES

Fiscal Years 1959-60 Through 1969-70

Court receiving assistance	Number of assignments										
	1959-60	1960-61	1961-62	1962-63	1963-64	1964-65	1965-66	1966-67	1967-68	1968-69	1969-70
Total all courts.....	2,001	2,132	2,372	2,782	3,010	3,175	3,418	3,575	3,760	3,800	3,785
Supreme Court.....	13	7	7	7	3	8	8	9	12	13	18
Courts of Appeal.....	38	30	21	21	16	49	35	58	66	62	64
Superior courts.....	570	579	539	688	698	763	821	923	960	926	1,014
Municipal courts.....	431	432	566	610	689	741	785	731	733	852	755
Justice courts.....	949	1,084	1,239	1,466	1,604	1,624	1,769	1,854	1,939	1,947	1,944

TABLE XLVII—CALIFORNIA COURTS
TOTAL DAYS OF ASSISTANCE AND DAYS GIVEN BY RETIRED JUDGES
Fiscal Years 1960-61 Through 1969-70

Fiscal year	Total days of assistance	Days given by retired judges	Percentage of total given by retired judges
1960-61.....	7,467	1,987	26.3
1961-62.....	5,853	854	14.6
1962-63.....	6,577	1,112	16.9
1963-64.....	6,817	1,703	25.0
1964-65.....	8,058	3,268	40.5
1965-66.....	8,727	3,670	42.1
1966-67.....	9,471	4,163	44.0
1967-68.....	10,058	4,226	42.0
1968-69.....	*10,129	4,500.5	*44.4
1969-70.....	10,118.5	5,095.5	50.4

* Revised.

⁵⁰ Cal. Const. Art. VI, § 6.TABLE XLVIII—CALIFORNIA COURTS
DAYS OF ASSISTANCE GIVEN BY JUDGES THROUGH ASSIGNMENTS
Fiscal Years 1968-69 and 1969-70

Assistance given by:	Days of assistance given to:					
	Courts of Appeal		Superior courts		Municipal courts	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
Total, all judges.....	1,325.0	1,930.5	5,259.0	*4,969.0	3,534.5	3,229.5
Retired judges.....	755.0	797.0	3,023.0	2,534.5	1,317.5	1,169.0
Court of Appeal justices.....	—	—	4.0	9.0	—	—
Superior court judges.....	570.0	1,133.5	1,818.0	1,617.5	34.0	17.0
Municipal court judges.....	—	—	252.5	*571.5	390.5	621.5
Justice court judges.....	—	—	161.5	*236.5	1,792.5	1,622.0

* Revised.

courts and Courts of Appeal from 1960-61 through 1969-70 and shows the amount and proportion furnished by retired judges.

The judge-days of assigned assistance given to courts has increased almost continuously since the early 1960's as have the number and proportion of days provided by retired judges. Courts received a total of 10,118.5 days of assistance, virtually unchanged from the record total of a year earlier and more than a third again greater than the number of days provided in 1960-61. Retired judges have increasingly provided such assistance. For the first time in 1969-70 this source accounted for more than half of the total days of assistance. Retired judges provided courts with 5,095.5 days of assistance compared to 4,500.5 days a year earlier and more than two and a half times the 1,967 days provided in 1960-61. Assistance provided by retired judges in 1969-70 amounted to the equivalent of nearly 25 full-time judges.

2. ASSISTANCE PROVIDED PARTICULAR COURTS
BY ASSIGNED JUDGES

Courts of Appeal

Courts of Appeal received 1,325 days of assigned assistance, down by 31 percent from the 1,930.5 days received in 1968-69 and by 33 percent from the record high of 1,980 days received in 1967-68. An important factor contributing to the reduced assistance was the authorization of nine additional appellate court judgeships since November 1968, thus reducing the overall demand for assigned assistance. The days of assistance superior court judges gave to Courts of Appeal dropped by almost half from a total of 1,133.5 days in 1968-69 to 570 days in 1969-70, while the amount provided by retired judges declined relatively little. Retired judges provided nearly 60 percent of all assistance given Courts of Appeal in 1969-70 compared to about 40 percent a year earlier. Assistance provided the Courts of Appeal amounted to the equivalent of about six appellate justices.

Superior Courts

A new record of 5,259 days of assigned assistance were provided to superior courts, up by 290 days or 6 percent from the previous high in 1968-69. Superior courts received a net of 2,837 days of assistance after subtracting assistance superior court judges gave to Courts of Appeal (570 days) and municipal courts (34 days), and after eliminating the 1,818 days superior court judges assisted in superior courts other than their own. The net was up by 636 days from 1968-69 and was the highest on record. The increase in net assistance primarily reflects the fact that superior court judges were required to give substantially less assistance to Courts of Appeal than in earlier years. Net days of assistance received by superior courts amounted to the equivalent of about 13 full-time judges. The Los Angeles court alone received 1,522 net days of assistance in 1969-70, up by 42 percent from 1968-69 and more than half the total days received by all superior courts. Retired judges provided 1,564 days of assistance to the Los Angeles court and 1,459 days to other superior courts.

Municipal Courts

A record 3,534.5 days of assigned assistance was provided to municipal courts in 1969-70, up by 305 days or nearly 10 percent from a year earlier. Net assistance given municipal courts after subtracting assistance given other courts and that given by one municipal court to another totaled 2,891.5 days. This was also a record high, up by 755 days from 1968-69. Net assistance received by municipal courts amounted to the equivalent of about 13 full-time judges in 1969-70. Justice court judges provided 1,792.5 days and retired judges gave 1,317.5 days to municipal courts in 1969-70.

3. ASSISTANCE BY COMMISSIONERS, REFEREES AND TEMPORARY JUDGES

Superior Courts

Some superior courts receive substantial amounts of judicial assistance from commissioners, referees and temporary judges and such assistance must be considered when analyzing workload or productivity of individual courts. Assistance received from these sources has increased substantially over the years and the record 21,684 days of such assistance received by superior courts in 1969-70 was up by 917.5 days or 4 percent from the previous high established in 1968-69 and more than double the 10,276 days provided in 1960-61. The assistance provided by juvenile court referees has more than tripled (+224%) since 1960-61 while assistance received from temporary judges more than doubled (+119%). Virtually all of the assistance from temporary judges is provided by court commissioners acting in that capacity.

In 1969-70 commissioners and referees provided assistance to superior courts equivalent to 100 full-time judges.

**TABLE XLIX—CALIFORNIA SUPERIOR COURTS
DAYS OF ASSISTANCE GIVEN BY COMMISSIONERS,
REFEREES AND TEMPORARY JUDGES**

Fiscal Year 1969-70

Court	Total days	Commissioners*		Referees ^b	Lawyers as temporary judges
		As temporary judges	As commissioners		
State total.....	21,684.0	6,707.5	2,087.5	12,850.5	38.5
Alameda.....	496.0	--	--	496.0	--
Butte.....	110.0	--	--	110.0	--
Contra Costa.....	233.0	--	--	233.0	--
Fresno.....	250.0	--	--	250.0	--
Kern.....	710.0	--	242.0	468.0	--
Los Angeles.....	12,613.5	6,382.5	400.5	5,827.5	3.0
Madera.....	160.0	--	--	135.0	25.0
Marin.....	399.0	--	223.0	176.0	--
Monterey.....	230.0	--	--	230.0	--
Orange.....	1,064.5	--	--	1,064.5	--
Placer.....	86.5	--	--	86.5	--
Riverside.....	379.0	83.0	164.0	124.5	7.5
Sacramento.....	498.0	--	--	498.0	--
San Bernardino.....	712.0	228.0	--	484.0	--
San Diego.....	702.0	--	--	702.0	--
San Francisco.....	1,741.0	14.0	1,058.0	669.0	3.0
San Mateo.....	251.0	--	--	251.0	--
Santa Barbara.....	124.5	--	--	124.5	--
Santa Clara.....	232.0	--	--	232.0	--
Solano.....	140.5	--	--	140.5	--
Sonoma.....	310.0	--	--	310.0	--
Tulare.....	114.0	--	--	114.0	--
Ventura.....	124.0	--	--	124.0	--
Other courts.....	3.5	--	--	3.5	--

* Excludes jury commissioners.

^b Does not include municipal and justice court judges serving as juvenile court referees.

Table XLIX lists the days of assistance given by commissioners and referees for courts receiving such assistance. In almost all cases commissioners perform functions which would otherwise require the time of judges. In some courts commissioners hear matters on stipulation and sign orders as temporary judges while in other courts they do not sign orders but prepare them for the signature of a judge.

Municipal Courts

Fourteen municipal courts in Los Angeles County received assistance from commissioners in 1969-70 compared to 12 in 1968-69. A total of 4,837 days of assistance was provided these courts by commissioners, about 300 more days than they received from this source a year earlier. The assistance thus provided amounted to the equivalent of more than 20 full-time municipal court judges in Los Angeles County. The Los Angeles Municipal Court alone received 2,360 days of assistance from commissioners or almost half of the 1969-70 total. The great bulk of the total time of commissioners is spent acting in the capacity of temporary judges.

A number of municipal courts, primarily in Los Angeles and Orange Counties, also received assistance from referees or attorneys acting as temporary judges. Attorneys served as temporary judges 817 days and assistance from referees totaled 369.5 days in 1969-70.

TABLE L—CALIFORNIA MUNICIPAL COURTS
DAYS OF ASSISTANCE GIVEN BY COMMISSIONERS

Fiscal Year 1969-70

Court	Total days	Commissioners as temporary judges	Commissioners as commissioners *
Total.....	4,837.0	4,094.5	742.5
Antelope.....	172.0	172.0	--
Beverly Hills.....	222.0	222.0	--
Citrus.....	210.5	210.5	--
Compton.....	203.0	175.0	28.0
East Los Angeles.....	239.5	184.5	55.0
El Monte.....	229.0	229.0	--
Glendale.....	234.0	234.0	--
Inglewood.....	230.0	230.0	--
Long Beach.....	204.0	187.5	16.5
Los Angeles.....	2,380.0	1,808.0	552.0
Newhall.....	133.0	133.0	--
San Antonio.....	224.0	224.0	--
South Bay.....	22.0	--	22.0
South Gate.....	154.0	85.0	69.0

* Excludes jury commissioners.

4. JUDICIAL EQUIVALENCE OF COMMISSIONERS AND REFEREES

In a number of cases throughout this report statistics are analyzed on a "per judge" basis. Such treatment reflects only the number of authorized judges and does not reflect assistance given or received through judicial assignment or through the use of commissioners, referees and temporary judges. As shown, these sources provide the courts with substantial assistance and in individual courts significantly increase the judicial manpower actually available. A valid assessment of workload or productivity in such courts requires that "per judge" figures be adjusted to reflect the actual judge and quasi-judicial manpower available.

APPENDIX TABLES

APPENDIX TABLES

TABLE OF CONTENTS

Supreme Court	Page
Table 1, Summary of Filings.....	146
Table 2, Business Transacted.....	146
Supreme Court and Courts of Appeals	
Table 3, Filings and Transfers from Supreme Court.....	147
Table 4, Summary of Business Transacted.....	148
Courts of Appeal	
Table 5, Summary of Business Transacted.....	149
Table 6, First Appellate District, Business Transacted.....	149
Table 7, Second Appellate District, Business Transacted.....	150
Table 8, Third Appellate District, Business Transacted.....	150
Table 9, Fourth Appellate District, Business Transacted.....	151
Table 10, Fifth Appellate District, Business Transacted.....	151
Superior Courts	
Table 11, Summary of All Filings and Dispositions.....	152
Table 12, Probate and Guardianship Filings and Dispositions.....	154
Table 13, Family Law Filings and Dispositions.....	155
Table 14, Motor Vehicle Personal Injury, Death and Property Damage Filings and Dispositions.....	156
Table 15, Other Personal Injury, Death and Property Damage Filings and Dispositions.....	157
Table 16, Eminent Domain Filings and Dispositions.....	158
Table 17, Filings and Dispositions of Other Civil Complaints.....	159
Table 18, Filings and Dispositions of Other Civil Petitions.....	160
Table 19, Insanity and Other Infirmitities Filings and Dispositions.....	161
Table 20, Juvenile Delinquency Filings and Dispositions.....	162
Table 21, Juvenile Dependency Filings and Dispositions.....	163
Table 22, Criminal Filings and Dispositions.....	164
Table 23, Filings and Dispositions of Appeals From Lower Courts.....	165
Table 24, Habeas Corpus Filings and Dispositions.....	166
Table 25, Number of Juries Sworn.....	167
Table 26, Weighted Units Per Judicial Position.....	168
Table 27, Total Cases Awaiting Trial.....	170
Table 28, Days of Assistance Received and Rendered by Courts Through Assignments.....	171
Municipal Courts	
Table 29, Summary of Nonparking Filings and Dispositions.....	172
Table 30, Felony Preliminary Filings and Dispositions.....	176
Table 31, Filings and Dispositions of Selected Traffic Violations.....	180
Table 32, Filings and Dispositions of Other Nonparking Traffic Violations.....	183
Table 33, Intoxication Filings and Dispositions.....	186
Table 34, Filings and Dispositions of Other Nontraffic Misdemeanors.....	189
Table 35, Small Claims Filings and Dispositions.....	192
Table 36, Tort Filings and Dispositions.....	195
Table 37, Filings and Dispositions of Civil Actions Not Elsewhere Classified.....	198
Table 38, Illegal Parking Filings and Dispositions.....	201
Table 39, Number of Juries Selected and Sworn.....	204
Table 40, Weighted Units Per Judicial Position.....	208
Table 41, Days of Assistance Received and Rendered by Courts Through Assignments.....	211
Justice Courts	
Table 42, Summary of Nonparking and Illegal Parking Filings.....	213

**TABLE 1—CALIFORNIA SUPREME COURT
SUMMARY OF FILINGS
Fiscal Years 1968-69 and 1969-70**

Type of filing	1969-70	1968-69
Total filings.....	3,400	3,322
Appeals:		
Civil.....	0	0
Criminal.....	17	13
Original proceedings:		
Civil.....	84	84
Criminal.....	1,235	1,349
Motions to dismiss on clerk's certificate:		
Civil.....	0	0
Criminal.....	0	0
Petitions for hearing of cases previously decided by the Courts of Appeal.....	2,064	1,874

**TABLE 2—CALIFORNIA SUPREME COURT
BUSINESS TRANSACTED
Fiscal Years 1968-69 and 1969-70**

Business transacted	1969-70	1968-69
Total business transacted.....	4,772	4,124
Appeals:		
By written opinion:		
Civil.....	65	73
Criminal.....	49	67
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.):		
Civil.....	0	2
Criminal.....	0	0
Original proceedings (including habeas corpus):		
By written opinion.....	91	66
Without opinion.....	1,121	1,180
Motions (miscellaneous) denied or granted: ^a		
By written opinion.....	0	0
Without opinion.....	67	20
Hearings:		
Granted.....	101	158
Denied.....	1,873	1,716
Rehearings:		
Granted.....	0	5
Denied.....	95	93
Orders: ^b		
Transfers and retransfers.....	177	157
Miscellaneous.....	997	551
Executive clemency applications ^c	46	35

^a Excludes granted motions to dismiss reported under appeals.

^b Not reported elsewhere.

^c Cal. Const., Art. V, § 8.

**TABLE 3—CALIFORNIA COURTS OF APPEAL
FILINGS AND TRANSFERS FROM SUPREME COURT
Fiscal Years 1968-69 and 1969-70**

	Total—All Courts of Appeal		First District		Second District		Third District		Fourth District		Fifth District	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
Total filings and transfers from Supreme Court.....	8,039	6,874	2,239	1,556	3,564	2,969	750	757	1,138	976	348	316
Appeals:												
Civil.....	1,981	1,751	624	609	748	574	206	196	313	282	90	90
Criminal.....	2,562	2,120	512	367	1,341	1,137	164	155	412	358	133	103
Original proceedings:												
Civil.....	2,172	1,608	597	459	1,083	798	126	107	303	188	63	56
Criminal.....	1,006	1,051	370	309	283	298	232	282	72	109	49	53
Motions to dismiss on clerk's certificate.....	318	344	136	112	109	162	22	17	38	39	13	14

**TABLE 4—CALIFORNIA SUPREME COURT AND COURTS OF APPEAL
SUMMARY OF BUSINESS TRANSACTED
Fiscal Years 1968-69 and 1969-70**

	Totals		Appeals		Original proceedings		Motions ^a		Hearings		Rehearings		Orders ^b		Executive clemency applications ^c	
	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70
Supreme Court and Courts of Appeal	19,272	16,932	4,948	4,528	4,330	3,870	384	344	2,064	1,874	880	925	6,820	5,355	46	36
Total, Supreme Court and Courts of Appeal	4,772	4,124	114	142	1,212	1,246	67	20	2,064	1,874	95	98	1,174	708	46	36
Supreme Court	14,500	12,808	4,834	4,386	3,118	2,624	317	324	--	--	785	827	6,446	4,647	--	--
Courts of Appeal, total	3,599	3,253	1,102	1,087	964	764	112	109	--	--	223	216	1,198	1,077	--	--
First District	7,000	6,828	2,540	2,198	1,318	1,044	81	91	--	--	382	388	2,699	2,107	--	--
Second District	1,161	1,066	370	297	364	405	70	72	--	--	81	61	276	231	--	--
Third District	2,119	1,975	622	579	374	300	38	27	--	--	83	115	1,002	954	--	--
Fourth District	621	686	200	225	98	111	16	25	--	--	36	47	271	278	--	--
Fifth District																

^a Excludes granted motions to dismiss reported under appeals.

^b Not reported elsewhere.

^c Cal. Const., Art. V, § 8.

**TABLE 5—CALIFORNIA COURTS OF APPEAL
SUMMARY OF BUSINESS TRANSACTED
Fiscal Years 1968-69 and 1969-70**

Business transacted	1968-70	1968-69
Total business transacted.....	14,600	12,808
Appeals:		
By written opinion:		
Civil.....	1,500	1,374
Criminal.....	1,721	1,584
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.):		
Civil.....	783	730
Criminal.....	830	698
Original proceedings (including habeas corpus):		
By written opinion.....	221	245
Without opinion.....	2,897	2,379
Motions (miscellaneous) denied or granted: ^a		
By written opinion.....	0	4
Without opinion.....	317	320
Rehearings:		
Granted.....	65	42
Denied.....	720	785
Orders (miscellaneous) ^b	5,446	4,647

^a Excludes granted motions to dismiss reported under appeals.

^b Not reported elsewhere.

**TABLE 6—FIRST APPELLATE (SAN FRANCISCO) DISTRICT
(Four Divisions—12 Judges)
BUSINESS TRANSACTED
Fiscal Years 1968-69 and 1969-70**

Business transacted	1968-70	1968-69
Total business transacted.....	3,599	3,253
Appeals:		
By written opinion:		
Civil.....	487	421
Criminal.....	246	287
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.):		
Civil.....	255	240
Criminal.....	144	139
Original proceedings (including habeas corpus):		
By written opinion.....	73	61
Without opinion.....	801	703
Motions (miscellaneous) denied or granted: ^a		
By written opinion.....	0	1
Without opinion.....	112	108
Rehearings:		
Granted.....	28	13
Denied.....	195	203
Orders (miscellaneous) ^b	1,198	1,077

^a Excludes granted motions to dismiss reported under appeals.

^b Not reported elsewhere.

TABLE 7—SECOND APPELLATE (LOS ANGELES) DISTRICT
(Five Divisions—20 Judges)^a
BUSINESS TRANSACTED
Fiscal Years 1968-69 and 1969-70

Business transacted	1969-70	1968-69
Total business transacted.....	7,000	5,828
Appeals:		
By written opinion:		
Civil.....	660	578
Criminal.....	1,053	932
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.):		
Civil.....	381	329
Criminal.....	466	361
Original proceedings (including habeas corpus):		
By written opinion.....	69	82
Without opinion.....	1,249	962
Motions (miscellaneous) denied or granted: ^b		
By written opinion.....	0	3
Without opinion.....	81	89
Rehearings:		
Granted.....	17	26
Denied.....	245	362
Orders (miscellaneous) ^c	2,699	2,107

^a Effective November 13, 1968 five judges were added, one to each division, for a total of 20.

^b Excludes granted motions to dismiss reported under appeals.

^c Not reported elsewhere.

TABLE 8—THIRD APPELLATE (SACRAMENTO) DISTRICT
(One Division—4 Judges)^a
BUSINESS TRANSACTED
Fiscal Years 1968-69 and 1969-70

Business transacted	1969-70	1968-69
Total business transacted.....	1,161	1,066
Appeals:		
By written opinion:		
Civil.....	138	80
Criminal.....	113	99
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.):		
Civil.....	68	67
Criminal.....	51	51
Original proceedings (including habeas corpus):		
By written opinion.....	34	53
Without opinion.....	350	352
Motions (miscellaneous) denied or granted: ^b		
By written opinion.....	0	0
Without opinion.....	70	72
Rehearings:		
Granted.....	8	1
Denied.....	73	60
Orders (miscellaneous) ^c	276	231

^a Effective November 13, 1968 one judge was added for a total of four.

^b Excludes granted motions to dismiss reported under appeals.

^c Not reported elsewhere.

TABLE 9—FOURTH APPELLATE (SAN DIEGO AND SAN BERNARDINO) DISTRICT
(Two Divisions—9 Judges)^a
BUSINESS TRANSACTED
Fiscal Years 1968-69 and 1969-70

Business transacted	1969-70	1968-69
Total business transacted.....	2,119	1,975
Appeals:		
By written opinion:		
Civil.....	189	209
Criminal.....	223	196
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.):		
Civil.....	76	74
Criminal.....	134	100
Original proceedings (including habeas corpus):		
By written opinion.....	38	32
Without opinion.....	336	268
Motions (miscellaneous) denied or granted: ^b		
By written opinion.....	0	0
Without opinion.....	38	27
Rehearings:		
Granted.....	1	1
Denied.....	82	114
Orders (miscellaneous) ^c	1,002	954

^a Effective November 10, 1969 one judge was added to the First Division and two judges were added to the Second Division for a total of nine.

^b Excludes granted motions to dismiss reported under appeals.

^c Not reported elsewhere.

TABLE 10—FIFTH APPELLATE (FRESNO) DISTRICT
(One Division—3 Judges)^a
BUSINESS TRANSACTED
Fiscal Years 1968-69 and 1969-70

Business transacted	1969-70	1968-69
Total business transacted.....	621	686
Appeals:		
By written opinion:		
Civil.....	56	88
Criminal.....	66	70
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.):		
Civil.....	23	20
Criminal.....	35	47
Original proceedings (including habeas corpus):		
By written opinion.....	7	17
Without opinion.....	91	94
Motions (miscellaneous) denied or granted: ^b		
By written opinion.....	0	1
Without opinion.....	16	24
Rehearings:		
Granted.....	11	1
Denied.....	25	46
Orders (miscellaneous) ^c	271	278

^a Excludes granted motions to dismiss reported under appeals.

^b Not reported elsewhere.

**TABLE 11—CALIFORNIA SUPERIOR COURTS
SUMMARY OF ALL FILINGS AND DISPOSITIONS
Fiscal Years 1968-69 and 1969-70**

County	Number of judgeships ^a		Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
									Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total	416	408	508,432	^B 493,631	424,577	^B 419,442	129,866	^B 119,353	248,278	^B 257,157	46,433	^B 42,927
Alameda	^{b23}	^{c22}	26,224	25,878	22,706	23,135	6,636	6,100	13,785	14,859	2,285	2,176
Alpine	1	1	28	19	13	9	8	7	4	0	1	2
Amador	1	1	303	321	223	231	66	49	132	177	25	5
Butte	2	2	2,199	2,335	2,603	2,193	678	692	1,179	1,333	146	168
Calaveras	1	1	417	333	301	272	113	83	149	164	39	25
Colusa	1	1	376	333	214	245	45	38	156	194	13	13
Contra Costa	^{b10}	9	12,789	13,069	10,762	^B 10,777	3,051	^B 2,603	6,941	7,216	770	^B 958
Del Norte	1	1	458	459	397	466	162	184	200	254	35	48
El Dorado	2	2	1,377	1,319	1,080	1,077	435	503	522	450	123	124
Fresno	8	8	8,747	9,226	7,358	7,534	1,965	1,898	4,929	5,165	464	471
Glenn	1	1	302	461	314	^B 394	98	88	201	^B 265	15	31
Humboldt	3	3	2,369	2,082	2,057	1,790	548	515	1,290	1,036	219	239
Imperial	2	2	1,880	1,940	1,559	1,724	614	694	853	888	92	142
Inyo	1	1	449	412	378	334	150	91	212	210	16	33
Kern	6	^{c6}	7,773	7,425	6,758	6,246	2,097	1,447	4,160	4,242	501	557
Kings	1	1	1,322	1,270	1,111	1,113	306	447	771	628	34	38
Lake	1	1	608	597	454	478	139	158	270	251	45	69
Lassen	1	1	388	385	357	397	161	137	173	211	23	49
Los Angeles	134	134	187,043	180,921	155,338	155,716	46,359	44,236	84,452	89,299	24,487	22,179
Madera	1	1	836	903	707	839	238	268	381	449	88	122
Marin	5	^{c5}	4,937	4,482	4,058	3,868	1,352	1,227	2,394	2,380	312	261
Mariposa	1	1	128	164	144	157	28	55	92	74	24	28
Mendocino	2	2	1,594	1,667	1,456	1,364	501	468	794	734	161	162
Merced	2	2	2,332	2,360	2,067	2,171	777	745	1,103	1,254	187	172
Modoc	1	1	235	202	153	153	22	32	121	99	10	22
Monterey	4	4	126	137	83	104	49	36	21	35	13	33
Napa	2	2	6,022	5,597	4,773	4,826	1,549	1,507	2,848	2,913	376	346
Nevada	1	1	2,025	2,005	1,747	1,597	452	418	1,129	1,085	166	94
Orange	^{b23}	21	704	758	428	620	146	221	244	349	38	50
Placer	2	2	30,967	29,764	26,523	25,489	9,010	7,983	15,816	15,790	1,697	1,716
			1,921	1,945	1,683	1,733	498	493	1,090	1,127	95	113

Plumas	1	1	368	409	333	349	120	126	172	187	41	36
Riverside	10	10	11,532	11,880	10,083	10,649	2,853	2,875	6,239	6,528	991	1,248
Sacramento	15	^{c15}	17,230	16,845	15,176	14,633	4,652	4,522	9,176	8,554	1,348	1,257
San Benito	1	1	360	368	296	295	78	35	196	232	22	28
San Bernardino	11	^{d11}	19,793	^B 17,688	15,183	14,630	3,521	3,161	10,171	10,355	1,491	1,114
San Diego	^{b25}	^{c22}	32,280	32,549	27,888	26,690	7,746	5,813	17,928	19,129	2,214	1,748
San Francisco	24	24	25,553	24,575	18,929	19,991	6,327	6,699	10,998	11,657	1,604	1,635
San Joaquin	6	^{c6}	7,105	^B 7,251	6,885	^B 6,291	1,854	^B 1,884	3,654	^B 4,071	377	336
San Luis Obispo	3	^{c3}	2,987	3,114	2,499	2,872	941	1,120	1,372	1,537	186	215
San Mateo	12	^{c12}	13,330	12,733	13,095	10,385	4,869	^B 2,573	7,180	^B 6,806	1,046	^B 1,006
Santa Barbara	6	6	6,027	5,813	5,007	4,874	1,344	1,254	3,301	3,303	362	317
Santa Clara	^{b21}	19	26,684	24,593	20,783	18,438	7,168	5,696	11,930	11,519	1,685	1,223
Santa Cruz	3	^{c3}	3,058	2,651	2,473	2,387	674	603	1,668	1,671	131	113
Shasta	2	2	2,379	2,331	1,999	2,057	703	661	1,133	1,211	163	155
Sierra	1	1	45	52	18	22	4	1	11	18	3	3
Siskiyou	1	1	912	1,000	751	827	245	276	384	451	122	100
Solano	3	3	3,790	3,797	3,099	3,225	910	871	1,905	2,065	284	289
Sonoma	4	4	4,905	4,715	3,891	3,941	949	899	2,684	2,851	258	191
Stanislaus	5	^{c5}	5,413	5,320	4,218	4,626	1,376	1,456	2,439	2,785	403	385
Sutter	1	1	1,060	1,052	852	896	287	287	506	557	59	52
Tehama	1	1	711	703	528	491	147	121	289	263	92	81
Trinity	1	1	161	154	146	136	57	30	74	96	15	10
Tulare	3	3	3,962	^B 3,728	3,246	3,273	996	1,141	2,083	1,912	257	220
Tuolumne	1	1	760	782	623	616	204	202	303	308	116	106
Ventura	7	^{c7}	7,671	7,613	6,889	6,588	2,179	2,325	4,287	3,938	423	325
Yolo	2	2	2,309	2,083	1,835	1,808	476	422	1,213	1,187	146	199
Yuba	2	2	1,108	1,073	1,647	1,380	1,023	810	530	509	94	61

^a Number of authorized judgeships at the end of the fiscal year.

^b Statute provided for increase effective November 10, 1969.

^c Statute provided for increase effective November 13, 1968.

^d Statute provided for increase effective January 1, 1969.

^B Revised.

**TABLE 12—CALIFORNIA SUPERIOR COURTS
PROBATE AND GUARDIANSHIP FILINGS AND DISPOSITIONS**
Fiscal Years 1968-69 and 1969-70

County	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	61,822	58,312	54,035	54,779	924	491	52,198	54,828	913	460
Alameda.....	3,508	3,549	3,195	3,096	8	0	2,960	3,004	227	92
Alpine.....	1	6	0	0	0	0	0	0	0	0
Amador.....	77	88	61	68	4	0	57	68	0	0
Butte.....	443	425	408	403	1	0	400	394	7	9
Calaveras.....	46	59	48	67	1	0	47	67	0	0
Colusa.....	72	83	63	96	0	0	63	96	0	0
Contra Costa.....	1,556	1,469	1,172	1,037	28	9	1,136	1,019	8	9
Del Norte.....	56	64	60	103	3	5	57	98	0	0
El Dorado.....	152	109	113	76	0	0	113	76	0	0
Fresno.....	1,255	1,268	1,049	1,018	7	0	1,040	1,011	2	7
Glenn.....	70	76	67	76	0	0	67	76	0	0
Humboldt.....	441	398	404	328	1	1	400	324	3	3
Imperial.....	200	196	152	154	4	1	147	153	1	0
Inyo.....	78	74	71	56	0	0	71	56	0	0
Kern.....	908	760	832	602	18	5	798	551	16	16
Kings.....	245	150	183	134	6	0	176	132	1	2
Lake.....	101	112	89	100	1	0	87	92	1	8
Lassen.....	69	87	63	76	1	1	62	75	0	0
Los Angeles.....	20,529	19,950	18,840	17,738	597	292	18,057	17,291	186	153
Madera.....	128	131	123	128	4	7	119	119	0	2
Mariposa.....	582	684	564	580	0	1	564	576	0	3
Mendocino.....	28	26	46	34	0	0	45	34	0	0
Merced.....	197	208	237	226	6	3	227	221	4	2
Mono.....	419	324	383	301	5	1	377	297	1	3
Modoc.....	67	39	47	37	0	0	47	36	0	1
Mono.....	19	12	9	4	1	3	8	0	0	1
Monterey.....	839	713	575	490	7	8	565	478	3	4
Napa.....	338	311	329	262	9	7	313	255	7	0
Nevada.....	108	140	102	95	2	8	100	87	0	0
Orange.....	2,800	2,556	2,271	1,879	6	3	2,232	1,856	33	20
Placer.....	262	271	226	226	0	3	225	223	1	0
Plumas.....	57	53	56	61	0	0	56	61	0	0
Riverside.....	1,572	1,286	1,354	1,107	15	11	1,323	1,095	18	1
Sacramento.....	1,802	1,732	1,477	1,559	7	4	1,457	1,542	13	13
San Benito.....	78	66	66	56	0	1	66	55	0	0
San Bernardino.....	2,217	1,844	1,635	1,412	4	12	1,577	1,361	54	39
San Diego.....	3,928	3,928	3,534	2,882	119	1	3,329	2,873	86	8
San Francisco.....	4,204	4,109	3,471	3,516	23	9	3,439	3,503	9	4
San Joaquin.....	1,220	1,137	1,099	973	4	3	1,088	968	7	2
San Luis Obispo.....	395	360	321	366	0	14	320	352	1	0
San Mateo.....	1,832	1,722	1,715	1,365	2	24	1,711	1,340	2	1
Santa Barbara.....	880	928	769	728	10	28	758	696	1	3
Santa Clara.....	2,990	2,163	2,096	2,030	6	4	2,505	2,012	185	14
Santa Cruz.....	650	618	548	574	2	1	545	573	1	0
Shasta.....	291	274	212	251	1	0	211	251	0	0
Sierra.....	9	10	4	2	0	0	4	2	0	0
Siakiyou.....	151	149	140	146	0	0	139	146	1	0
Solano.....	332	338	290	320	0	1	282	318	8	1
Sonoma.....	843	792	750	744	0	0	742	740	8	4
Stanislaus.....	650	574	499	663	0	8	485	544	4	11
Sutter.....	160	107	102	142	1	1	94	141	7	0
Tehama.....	94	99	91	81	0	0	91	80	0	0
Trinity.....	24	24	15	27	0	0	18	26	0	1
Tulare.....	610	542	410	417	0	2	408	415	2	0
Tuolumne.....	94	87	84	89	1	0	81	89	2	0
Ventura.....	723	679	553	545	7	4	544	539	2	2
Yolo.....	284	250	235	273	2	0	231	262	2	21
Yuba.....	138	124	125	62	0	3	124	79	1	0

* Revised.

**TABLE 13—CALIFORNIA SUPERIOR COURTS
FAMILY LAW *
FILINGS AND DISPOSITIONS**
Fiscal Years 1968-69 and 1969-70

County	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	131,571	120,740	103,944	96,447	8,246	6,591	89,442	84,846	6,256	5,210
Alameda.....	7,574	6,922	5,582	5,287	229	323	5,103	4,760	260	204
Alpine.....	4	0	0	0	0	0	0	0	0	0
Amador.....	48	52	30	38	1	1	29	37	0	0
Butte.....	596	553	440	445	33	26	391	405	16	14
Calaveras.....	80	49	53	42	2	2	50	39	1	1
Colusa.....	62	66	45	38	1	0	42	37	2	1
Contra Costa.....	3,669	3,597	2,789	2,697	129	141	2,492	2,417	168	139
Del Norte.....	121	95	90	95	9	19	76	73	5	3
El Dorado.....	293	231	196	178	17	14	162	140	17	24
Fresno.....	2,163	1,927	1,564	1,368	122	99	1,405	1,239	37	30
Glenn.....	81	77	57	68	5	7	52	67	0	4
Humboldt.....	668	600	511	482	23	25	459	418	29	39
Imperial.....	377	322	272	252	18	31	246	217	6	4
Inyo.....	117	99	96	96	9	3	85	88	2	5
Kern.....	2,176	1,834	1,725	1,672	121	106	1,498	1,484	106	82
Kings.....	359	295	278	232	20	22	258	200	0	1
Lake.....	141	111	105	78	8	6	93	71	4	1
Lassen.....	72	76	60	58	3	5	54	50	3	3
Los Angeles.....	45,366	43,546	35,099	35,226	1,596	1,788	30,912	31,231	2,691	2,207
Madera.....	201	172	149	134	16	6	107	107	26	21
Mariposa.....	1,390	1,090	967	832	51	46	843	732	73	54
Mariposa.....	18	19	14	12	0	1	14	11	0	0
Mendocino.....	303	385	299	275	10	5	268	267	21	13
Merced.....	498	474	378	412	26	27	320	357	30	28
Modoc.....	33	41	29	38	0	1	28	36	1	1
Mono.....	20	18	6	8	2	1	4	2	0	5
Monterey.....	1,538	1,332	1,116	1,006	43	43	1,023	904	50	59
Napa.....	546	553	481	416	50	31	402	370	29	15
Nevada.....	172	168	58	120	6	8	61	104	1	8
Orange.....	10,054	9,076	8,334	8,061	1,691	1,571	6,770	6,076	373	414
Placer.....	454	408	380	341	22	23	345	309	13	9
Plumas.....	80	73	57	49	1	0	54	49	2	0
Riverside.....	2,764	2,384	2,137	1,917	80	96	1,921	1,747	136	74
Sacramento.....	4,709	4,128	3,803	3,472	197	194	3,304	3,055	212	223
San Benito.....	89	88	71	56	1	0	84	82	6	4
San Bernardino.....	4,378	3,914	3,194	3,009	149	146	2,846	2,688	199	175
San Diego.....	9,467	8,483	7,599	6,268	329	238	6,873	5,766	397	264
San Francisco.....	4,521	4,076	3,525	3,083	149	125	3,169	2,788	207	170
San Joaquin.....	1,996	1,837	1,550	1,408	64	69	1,448	1,306	38	33
San Luis Obispo.....	609	526	475	376	31	13	429	348	15	15
San Mateo.....	3,925	3,546	4,792	3,052	1,851	268	2,568	2,453	373	331
Santa Barbara.....	1,657	1,496	1,209	1,253	80	84	1,108	1,144	21	26
Santa Clara.....	7,509	6,488	5,276	4,763	189	192	4,884	4,356	403	215
Santa Cruz.....	774	666	616	533	30	44	554	464	32	25
Shasta.....	713	672	568	506	40	18	498	469	30	19
Sierra.....	9	14	6	6	0	0	5	5	1	1
Siakiyou.....	208	191	158	162	14	8	124	137	20	17
Solano.....	1,172	1,091	821	813	49	74	751	723	21	16
Sonoma.....	1,317	1,176	995	915	47	38	911	831	37	40
Stanislaus.....	1,371	1,331	1,042	1,053	80	71	909	919	53	63
Sutter.....	252	253	209	189	15	7	184	171	10	11
Tehama.....	192	167	110	90	7	4	100	85	3	1
Trinity.....	39	37	30	31	0	0	29	30	1	1
Tulare.....	1,118	899	916	812	128	171	759	628	29	13
Tuolumne.....	161	137	109	123	4	14	90	98	15	11
Ventura.....	2,322	2,082	1,944	1,657	110	121	1,739	1,488	95	48
Yolo.....	669	581	505	470	18	18	470	437	17	15
Yuba.....	296	220	226	344	320	197	179	142	27	5

* Formerly "Divorce, Separate Maintenance and Annulment." Change was necessitated by the Family Law Act which became law on January 1, 1970.

**TABLE 14—CALIFORNIA SUPERIOR COURTS
MOTOR VEHICLE PERSONAL INJURY, DEATH
AND PROPERTY DAMAGE*
FILINGS AND DISPOSITIONS
Fiscal Years 1968-69 and 1969-70**

County	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	40,067	34,986	26,816	26,760	23,319	22,763	1,687	2,084	1,810	1,903
Alameda.....	2,273	1,915	1,457	1,537	1,327	1,340	47	110	83	87
Alpine.....	0	1	0	1	0	0	0	0	0	1
Amador.....	7	8	10	3	9	1	1	2	0	0
Butte.....	114	79	73	111	49	89	12	11	12	11
Calaveras.....	20	14	16	8	12	6	2	0	2	2
Colusa.....	29	28	5	2	3	1	1	0	1	1
Contra Costa.....	799	740	601	615	518	518	33	32	50	65
Del Norte.....	23	21	25	25	17	20	5	5	3	5
El Dorado.....	86	80	81	80	69	74	3	1	9	0
Fresno.....	606	598	476	365	431	326	15	17	30	22
Glenn.....	15	10	8	7	8	4	0	0	2	3
Humboldt.....	120	92	72	96	55	80	0	0	17	16
Imperial.....	74	69	57	56	54	48	0	0	3	8
Inyo.....	11	18	16	8	15	7	0	0	1	1
Kern.....	404	387	295	252	268	154	9	28	19	70
Kings.....	43	39	42	45	38	39	3	4	1	2
Lake.....	22	17	6	13	6	10	0	0	0	2
Lassen.....	13	7	12	6	10	6	0	0	2	2
Los Angeles.....	18,176	15,765	10,648	11,401	9,623	10,221	435	568	590	582
Madera.....	72	60	65	50	46	43	0	0	9	7
Marin.....	245	204	177	175	150	133	1	27	26	16
Mariposa.....	6	3	6	5	4	4	1	0	1	1
Mendocino.....	68	80	67	28	47	24	0	0	10	4
Merced.....	182	186	120	128	107	117	4	2	9	9
Modoc.....	6	3	1	4	1	1	0	0	0	0
Mono.....	4	3	0	1	0	1	0	0	0	0
Monterey.....	276	273	249	198	214	174	11	5	24	19
Napa.....	115	133	89	82	71	68	5	5	13	11
Nevada.....	24	31	25	24	20	21	1	3	4	1
Orange.....	2,090	1,900	1,599	1,578	1,297	1,286	102	203	100	89
Placer.....	91	74	92	78	68	52	17	24	7	2
Plumas.....	12	16	10	7	5	4	0	0	5	3
Riverside.....	633	478	407	401	331	332	42	32	34	37
Sacramento.....	1,624	1,450	1,624	1,397	1,306	1,209	133	106	65	82
San Benito.....	27	22	15	7	10	6	0	0	5	1
San Bernardino.....	785	861	623	725	485	624	89	34	49	67
San Diego.....	1,344	1,197	1,133	956	913	750	143	107	77	99
San Francisco.....	3,401	2,733	2,211	2,102	1,824	1,612	213	300	174	191
San Joaquin.....	617	463	378	397	311	317	40	58	25	21
San Luis Obispo.....	102	95	73	108	50	80	8	18	15	12
San Mateo.....	1,009	908	964	643	888	576	9	6	67	61
Santa Barbara.....	268	234	186	205	183	189	10	8	13	8
Santa Clara.....	2,390	1,985	1,394	1,351	1,208	1,059	105	177	81	116
Santa Cruz.....	124	138	117	103	85	73	27	26	5	4
Shasta.....	82	100	95	93	63	65	10	9	22	19
Sierra.....	1	2	0	0	0	0	0	0	0	0
Siakiyou.....	51	65	48	40	37	25	3	5	8	10
Solano.....	211	193	145	167	116	120	17	29	12	18
Sonoma.....	276	256	189	177	125	147	47	13	17	17
Stanislaus.....	318	250	190	230	150	184	12	18	28	28
Sutter.....	72	52	40	49	31	37	2	4	7	8
Tehama.....	28	28	24	21	16	12	0	2	8	7
Trinity.....	2	4	5	2	4	1	0	0	1	1
Tulare.....	127	150	121	135	77	100	35	30	9	5
Tuolumne.....	34	26	15	16	12	15	1	1	2	0
Ventura.....	422	380	359	248	314	206	29	18	16	24
Yolo.....	146	120	90	95	77	78	4	4	9	13
Yuba.....	89	94	91	90	83	74	0	3	8	13

* Proceedings involving motor vehicles have been reported separately from other personal injury, death and property damage proceedings since July 1, 1967.

† Revised.

**TABLE 15—CALIFORNIA SUPERIOR COURTS
OTHER PERSONAL INJURY, DEATH AND PROPERTY DAMAGE*
FILINGS AND DISPOSITIONS
Fiscal Years 1968-69 and 1969-70**

County	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	14,362	13,568	12,470	12,040	9,753	8,959	1,437	1,770	1,280	1,311
Alameda.....	705	598	683	537	590	445	22	37	71	53
Alpine.....	0	0	0	0	0	0	0	0	0	0
Amador.....	6	7	3	8	2	4	1	3	0	1
Butte.....	67	69	56	81	45	66	2	6	9	9
Calaveras.....	9	11	9	8	7	7	0	0	4	1
Colusa.....	6	8	2	2	5	1	1	0	0	1
Contra Costa.....	325	348	290	310	205	233	24	18	61	59
Del Norte.....	10	20	5	15	4	10	0	0	1	5
El Dorado.....	70	45	47	43	38	35	1	3	8	5
Fresno.....	186	157	182	214	164	197	1	5	17	12
Glenn.....	8	21	5	12	3	10	0	0	2	9
Humboldt.....	56	31	34	25	25	15	0	0	2	9
Imperial.....	32	40	18	31	13	28	0	0	6	3
Inyo.....	3	5	9	9	8	9	1	0	0	0
Kern.....	150	190	110	162	93	67	4	23	13	72
Kings.....	15	33	17	35	14	34	0	1	3	0
Lake.....	25	16	7	20	4	15	2	2	1	3
Lassen.....	9	5	6	3	5	2	1	0	0	1
Los Angeles.....	5,493	5,346	5,480	5,271	4,092	3,821	1,005	1,076	383	374
Madera.....	26	28	13	17	10	9	1	1	2	5
Marin.....	131	101	87	81	69	69	0	3	14	9
Mariposa.....	3	11	13	5	10	4	1	0	0	0
Mendocino.....	31	23	21	23	18	16	0	0	5	7
Merced.....	62	47	27	32	24	24	0	0	3	8
Modoc.....	5	1	1	2	0	0	0	0	1	2
Mono.....	6	7	0	1	0	0	0	0	1	0
Monterey.....	131	109	107	103	83	68	7	4	17	11
Napa.....	64	59	37	33	24	28	2	0	11	7
Nevada.....	24	15	16	19	14	14	0	0	2	5
Orange.....	867	655	573	497	462	360	54	51	57	77
Placer.....	68	78	71	101	56	67	9	29	6	5
Plumas.....	7	11	15	6	11	0	2	1	2	5
Riverside.....	262	221	199	206	146	160	23	24	30	23
Sacramento.....	606	560	552	509	456	423	40	44	56	42
San Benito.....	5	5	4	2	4	2	0	0	0	0
San Bernardino.....	298	345	455	324	392	238	20	61	43	25
San Diego.....	498	480	327	357	275	300	16	21	36	36
San Francisco.....	1,799	1,674	1,282	1,300	999	993	96	131	167	176
San Joaquin.....	156	159	105	152	85	119	8	19	12	14
San Luis Obispo.....	41	45	39	46	31	40	2	2	6	4
San Mateo.....	381	384	352	242	295	185	3	6	54	52
Santa Barbara.....	156	112	90	63	66	54	11	2	13	7
Santa Clara.....	700	613	457	498	349	271	35	146	73	79
Santa Cruz.....	48	43	44	38	37	34	4	7	3	2
Shasta.....	115	108	85	64	75	43	5	7	5	14
Sierra.....	0	1	1	0	1	0	0	0	0	0
Siakiyou.....	32	32	23	17	27	0	0	0	6	5
Solano.....	51	83	47	47	31	35	8	6	8	6
Sonoma.....	120	109	93	62	77	47	1	3	15	12
Stanislaus.....	93	72	68	61	65	45	8	5	15	11
Sutter.....	27	74	40	44	31	31	3	3	6	10
Tehama.....	13	16	9	16	8	9	1	0	0	7
Trinity.....	5	2	4	3	2	2	0	2	1	0
Tulare.....	81	55	38	39	28	26	7	9	2	4
Tuolumne.....	18	17	9	7	8	6	0	0	1	1
Ventura.....	169	160	142	175	126	139	3	12	13	24
Yolo.....	51	62	42	29	37	25	1	2	4	2
Yuba.....	37	32	19	21	18	20	0	0	3	1

* Other personal injury, death and property damage proceedings have been reported separately from motor vehicle personal injury, death and property damage proceedings since July 1, 1967.

† Revised.

**TABLE 16—CALIFORNIA SUPERIOR COURTS
EMINENT DOMAIN FILINGS AND DISPOSITIONS
Fiscal Years 1968-69 and 1969-70**

County	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
							Uncontested matters		Contested matters	
	1968-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	8,122	R9,403	6,905	R6,504	4,009	R3,946	2,140	R1,837	756	721
Alameda.....	184	210	134	211	94	109	22	71	18	31
Alpine.....	0	0	0	0	0	0	0	0	0	0
Amador.....	6	4	4	2	0	1	1	1	3	0
Butte.....	3	22	14	33	12	26	1	3	1	4
Calaveras.....	9	0	0	0	0	0	0	0	0	0
Colusa.....	95	13	3	4	2	0	0	0	1	4
Contra Costa.....	99	204	110	197	94	142	3	21	13	34
Del Norte.....	20	4	6	0	4	0	2	0	0	0
El Dorado.....	32	44	6	20	5	20	0	0	0	0
Fresno.....	215	59	105	72	76	49	25	18	4	5
Glenn.....	6	3	2	1	0	1	1	0	0	0
Humboldt.....	20	80	9	7	7	2	1	4	1	1
Imperial.....	13	5	4	10	1	6	1	1	2	3
Inyo.....	3	6	6	0	5	0	1	0	0	0
Kern.....	379	604	385	117	316	72	41	42	28	3
Kings.....	3	9	6	0	1	0	2	0	3	0
Lake.....	6	6	6	0	5	0	0	0	0	0
Lassen.....	5	2	10	19	10	17	0	2	0	0
Los Angeles.....	3,071	3,603	4,038	3,325	1,856	1,727	1,723	1,233	459	365
Madera.....	5	10	4	4	2	3	1	0	1	1
Marin.....	49	53	45	47	36	28	4	15	5	4
Mariposa.....	14	37	11	42	0	22	0	4	11	18
Mendocino.....	1	12	6	2	4	2	0	0	1	0
Merced.....	35	9	8	12	5	4	0	3	3	5
Modoc.....	23	0	0	0	0	0	0	0	0	0
Mono.....	4	2	1	0	1	0	0	0	0	0
Monterey.....	97	41	25	80	23	56	1	12	1	12
Napa.....	33	37	19	11	18	11	0	0	3	0
Nevada.....	25	7	5	2	5	2	0	0	0	0
Orange.....	421	543	383	267	201	198	77	35	15	24
Placer.....	11	11	3	9	2	3	0	4	1	2
Plumas.....	0	22	12	9	12	6	0	1	0	0
Riverside.....	477	349	298	359	236	255	47	79	15	25
Sacramento.....	149	196	82	158	55	130	15	7	12	21
San Benito.....	4	R11	2	0	2	0	0	0	0	0
San Bernardino.....	362	395	80	207	48	150	7	35	25	19
San Diego.....	620	668	106	288	20	149	58	121	28	18
San Francisco.....	128	240	53	61	20	38	18	5	15	17
San Joaquin.....	68	R68	61	R36	47	R14	8	R13	6	5
San Luis Obispo.....	187	73	37	33	24	12	7	15	8	6
San Mateo.....	179	304	129	204	104	196	18	4	7	4
Santa Barbara.....	44	82	53	46	31	39	15	6	7	36
Santa Clara.....	371	711	361	237	321	177	14	24	26	36
Santa Cruz.....	86	54	20	54	20	44	0	8	0	2
Shasta.....	29	12	16	9	13	4	3	5	0	0
Sierra.....	0	0	0	0	0	0	0	0	0	0
Sierraville.....	27	51	32	45	20	37	2	0	9	8
Solano.....	70	86	18	18	10	8	4	7	2	3
Sonoma.....	104	74	22	18	17	11	5	3	0	4
Stanislaus.....	101	65	9	12	0	1	3	5	8	6
Sutter.....	9	10	26	33	23	33	0	0	0	0
Tehama.....	8	10	3	0	0	0	0	0	0	0
Trinity.....	0	0	5	0	3	1	0	0	3	0
Tulare.....	38	34	9	48	4	21	2	14	2	11
Tuolumne.....	27	90	11	11	7	11	0	0	4	0
Ventura.....	125	163	96	104	86	81	1	9	9	14
Yolo.....	37	32	13	21	11	21	0	0	2	0
Yuba.....	6	2	4	6	1	6	2	0	1	0

* Revised.

**TABLE 17—CALIFORNIA SUPERIOR COURTS
FILINGS AND DISPOSITIONS OF OTHER CIVIL COMPLAINTS*
Fiscal Years 1968-69 and 1969-70**

County	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	41,198	R40,040	28,918	R29,194	18,054	17,753	6,599	7,397	4,265	R4,044
Alameda.....	2,010	1,999	1,850	1,921	1,323	1,187	314	439	213	295
Alpine.....	16	5	7	4	6	4	0	0	1	0
Amador.....	72	88	54	67	19	16	21	51	14	0
Butte.....	156	357	165	331	121	260	29	41	15	30
Calaveras.....	83	80	47	50	15	23	20	14	12	13
Colusa.....	36	59	11	12	2	2	6	9	3	1
Contra Costa.....	752	668	413	689	223	458	97	131	93	100
Del Norte.....	64	88	55	66	35	33	13	15	7	18
El Dorado.....	359	397	281	304	151	182	67	63	63	59
Fresno.....	678	665	409	375	278	273	91	76	40	26
Glenn.....	40	61	26	34	19	20	6	8	1	6
Humboldt.....	152	151	137	163	60	74	38	57	39	32
Imperial.....	355	380	244	278	175	194	49	60	20	24
Inyo.....	61	68	29	36	16	16	6	15	7	7
Kern.....	640	484	392	331	229	104	98	152	65	75
Kings.....	162	195	107	191	68	134	38	56	1	1
Lake.....	125	177	106	145	47	79	40	32	19	34
Lassen.....	36	47	31	43	17	18	7	9	7	16
Los Angeles.....	14,425	12,999	9,949	9,923	6,105	5,753	2,219	2,876	1,325	1,294
Madera.....	131	144	91	119	65	82	15	37	11	20
Marin.....	393	389	275	266	182	193	40	33	53	40
Mariposa.....	11	16	2	21	0	10	2	7	0	4
Mendocino.....	291	324	202	204	118	111	39	55	45	38
Merced.....	424	499	423	452	265	263	111	144	47	45
Modoc.....	49	61	19	36	4	5	13	16	2	15
Mono.....	45	56	39	27	11	11	1	1	11	15
Monterey.....	332	300	194	199	113	126	39	37	42	36
Napa.....	235	259	99	149	58	105	25	34	16	10
Nevada.....	146	121	87	90	50	62	15	32	22	6
Orange.....	2,710	2,513	2,372	2,035	1,385	1,325	645	465	242	225
Placer.....	415	461	358	414	158	207	170	182	30	25
Plumas.....	43	56	40	35	20	13	9	14	11	8
Riverside.....	687	650	540	588	317	317	159	165	64	80
Sacramento.....	1,565	1,411	1,014	801	593	517	255	136	166	149
San Benito.....	45	R52	33	24	21	8	6	5	6	11
San Bernardino.....	845	1,551	570	730	329	547	149	130	92	53
San Diego.....	2,215	1,894	1,389	1,402	858	757	282	408	249	237
San Francisco.....	2,679	2,495	1,511	1,381	958	953	279	257	274	171
San Joaquin.....	462	443	277	274	173	176	64	62	40	36
San Luis Obispo.....	286	295	229	277	122	180	62	53	45	44
San Mateo.....	1,049	851	1,099	R702	781	454	158	99	160	R149
Santa Barbara.....	313	323	246	283	162	202	53	47	41	34
Santa Clara.....	2,405	2,094	1,311	1,039	610	618	404	342	237	179
Santa Cruz.....	230	194	131	121	90	63	24	33	17	25
Shasta.....	393	452	313	452	201	289	45	70	67	93
Sierra.....	8	9	1	2	0	0	0	1	0	1
Sierraville.....	200	188	143	134	88	87	20	27	35	20
Solano.....	154	160	111	95	74	49	14	35	23	11
Sonoma.....	405	292	203	226	85	117	65	64	53	45
Stanislaus.....	455	357	226	217	113	116	65	68	58	43
Sutter.....	174	182	113	136	87	104	11	16	16	13
Tehama.....	95	139	58	58	31	33	15	12	12	13
Trinity.....	47	41	18	25	7	11	1	7	1	1
Tulare.....	R15	176	112	167	67	115	11	27	14	22
Tuolumne.....	103	141	84	111	44	45	33	46	17	18
Ventura.....	398	482	365	338	273	242	31	58	55	38
Yolo.....	238	251	141	184	91	142	32	21	18	21
Yuba.....	192	204	533	442	490	399	20	29	23	14

* Other civil complaints have been reported separately from other civil petitions since July 1, 1967. Previously these two categories were reported together as "other civil actions."
* Revised.

TABLE 18—CALIFORNIA SUPERIOR COURTS
FILINGS AND DISPOSITIONS OF OTHER CIVIL PETITIONS*
Fiscal Years 1968-69 and 1969-70

County	Total filings		Total dispositions		Dispositions before hearing		Dispositions after hearing			
							Uncontested matters		Contested matters	
	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70
State total.....	46,889	47,435	40,367	41,571	10,407	17,599	29,336	33,009	624	963
Alameda.....	2,219	2,210	2,432	2,209	288	161	2,112	2,015	32	33
Alpine.....	1	0	0	0	0	0	0	0	0	0
Amador.....	22	19	0	0	0	0	0	0	0	0
Butte.....	261	212	338	185	219	33	119	149	0	3
Calaveras.....	19	18	12	15	0	1	11	13	1	1
Colusa.....	13	35	16	34	2	4	13	29	1	1
Contra Costa.....	1,264	1,225	1,486	1,057	799	334	677	701	10	22
Del Norte.....	62	56	47	48	23	26	23	21	1	1
El Dorado.....	114	136	98	126	34	57	63	68	1	1
Fresno.....	438	659	601	395	78	5	412	388	5	2
Glenn.....	35	45	27	49	1	0	26	49	0	0
Humboldt.....	283	212	344	206	167	125	175	79	2	2
Imperial.....	70	66	72	82	2	2	68	79	2	1
Inyo.....	29	41	22	21	1	0	21	20	0	1
Kern.....	860	447	747	523	250	224	479	235	18	4
Kings.....	101	155	92	146	30	60	62	77	0	0
Lake.....	42	32	17	26	1	0	16	23	0	3
Lassen.....	37	48	39	43	10	1	28	39	0	3
Los Angeles.....	15,787	16,889	11,812	10,050	1,793	2,033	9,854	13,511	165	506
Madera.....	58	46	63	53	28	10	35	40	2	3
Marin.....	573	455	536	464	106	100	429	351	1	2
Mariposa.....	18	19	18	15	15	4	70	66	3	5
Mendocino.....	104	95	88	75	41	4	102	109	0	2
Merced.....	119	117	143	115	4	1	12	1	1	0
Modoc.....	12	9	13	0	0	0	0	0	0	0
Mono.....	2	1	0	0	0	0	0	0	0	0
Monterey.....	692	793	535	719	103	242	430	469	2	8
Napa.....	167	148	167	171	32	42	135	128	0	1
Nevada.....	47	46	21	25	2	15	19	13	0	0
Orange.....	3,852	3,668	3,571	3,093	1,578	1,071	1,910	1,979	83	43
Placer.....	163	104	151	94	36	0	114	93	1	1
Plumas.....	22	30	11	29	0	0	11	29	0	0
Riverside.....	1,163	1,074	1,143	1,016	330	267	807	755	6	4
Sacramento.....	1,755	2,106	1,655	1,444	530	519	1,084	894	41	31
San Benito.....	32	35	31	35	0	0	30	33	1	2
San Bernardino.....	1,959	1,520	1,602	1,338	164	86	1,374	1,241	84	11
San Diego.....	3,103	3,183	3,164	2,454	1,245	45	1,857	2,245	62	164
San Francisco.....	1,156	1,228	998	1,023	25	715	991	991	18	7
San Joaquin.....	426	422	373	381	69	175	300	303	4	3
San Luis Obispo.....	224	189	184	140	48	25	136	117	2	7
San Mateo.....	1,246	1,230	903	899	145	152	757	708	1	9
Santa Barbara.....	708	661	592	540	184	139	401	398	7	3
Santa Clara.....	3,314	3,481	2,683	2,507	1,071	1,083	1,583	1,496	29	19
Santa Cruz.....	326	290	257	293	25	0	228	292	4	1
Shasta.....	266	224	201	172	53	17	141	147	7	8
Sierra.....	8	1	0	0	0	0	0	0	0	0
Sierraville.....	75	105	57	75	2	4	55	71	0	0
Slackville.....	448	425	356	338	72	72	282	266	12	7
Solano.....	735	727	624	715	144	84	468	624	7	4
Sonoma.....	507	637	483	564	90	154	396	406	1	1
Stanislaus.....	95	107	79	74	3	0	75	73	1	1
Butter.....	108	85	60	50	13	11	38	48	5	0
Tehama.....	14	12	238	219	4	9	234	209	0	3
Trinity.....	282	285	46	39	0	0	46	36	0	12
Tuolumne.....	51	32	1,029	765	385	267	626	486	18	15
Ventura.....	1,059	972	1,029	765	385	267	626	486	18	15
Yolo.....	232	207	215	188	7	2	207	171	1	2
Yuba.....	81	109	58	82	22	9	36	71	0	2

* Other civil petitions have been reported separately from other civil complaints since July 1, 1967. Previously these two categories were reported together as "other civil actions."
* Revised.

TABLE 19—CALIFORNIA SUPERIOR COURTS
INSANITY AND OTHER INFIRMITIES FILINGS AND DISPOSITIONS*
Fiscal Years 1968-69 and 1969-70

County	Total filings		Total dispositions		Dispositions before hearing		Dispositions after hearing			
							Uncontested matters		Contested matters	
	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70
State total.....	9,169	20,430	7,500	20,258	381	987	6,661	18,044	458	627
Alameda.....	100	1,077	100	1,080	10	38	87	1,039	3	3
Alpine.....	0	0	0	0	0	0	0	0	0	0
Amador.....	2	4	1	2	1	0	0	0	0	0
Butte.....	9	43	6	35	0	2	4	31	2	2
Calaveras.....	2	3	1	3	0	2	0	1	0	0
Colusa.....	0	3	0	2	0	0	0	0	0	2
Contra Costa.....	426	1,165	238	1,140	26	30	190	1,002	22	108
Del Norte.....	2	2	1	2	1	0	0	1	0	1
El Dorado.....	9	9	8	9	0	3	8	4	0	4
Fresno.....	156	417	149	405	15	15	134	386	1	0
Glenn.....	5	5	1	6	2	5	0	1	2	2
Humboldt.....	19	33	16	26	2	12	0	22	0	3
Imperial.....	56	179	54	165	0	13	54	140	0	2
Inyo.....	1	7	0	7	0	1	0	4	0	0
Kern.....	98	505	147	497	68	69	76	410	3	10
Kings.....	18	24	13	29	2	4	11	23	0	1
Lake.....	1	0	1	3	1	0	0	2	0	0
Lassen.....	1	2	1	2	1	0	0	0	0	0
Los Angeles.....	2,945	4,557	2,897	4,530	21	75	2,564	4,414	72	101
Madera.....	8	66	6	65	0	14	3	43	0	8
Marin.....	19	152	18	125	15	7	3	111	0	7
Mariposa.....	1	1	0	1	0	1	0	1	0	0
Mendocino.....	29	27	25	32	1	3	16	23	8	8
Merced.....	2	110	2	110	1	1	108	0	1	1
Modoc.....	0	5	0	5	0	0	0	0	0	0
Mono.....	0	0	0	0	0	0	0	0	0	0
Monterey.....	70	272	73	264	8	19	59	235	6	7
Napa.....	30	129	31	134	0	8	25	110	3	7
Nevada.....	0	29	0	31	0	13	0	17	0	1
Orange.....	528	1,241	396	1,070	20	48	353	999	23	25
Placer.....	10	97	15	87	0	0	15	85	0	2
Plumas.....	1	15	1	14	0	0	0	12	0	2
Riverside.....	238	850	226	867	5	26	216	795	5	46
Sacramento.....	261	479	246	525	8	28	153	493	85	6
San Benito.....	1	18	0	15	0	2	0	13	0	0
San Bernardino.....	1,662	1,816	607	1,610	98	48	383	1,558	128	6
San Diego.....	707	2,354	615	2,326	13	13	598	2,266	4	47
San Francisco.....	609	1,149	600	1,267	14	115	561	1,106	25	46
San Joaquin.....	84	554	66	580	2	9	59	539	5	2
San Luis Obispo.....	14	104	19	84	0	1	16	77	3	6
San Mateo.....	192	473	137	527	8	40	129	478	1	11
Santa Barbara.....	187	315	151	293	3	7	142	262	6	24
Santa Clara.....	139	853	185	795	4	140	178	613	3	33
Santa Cruz.....	63	71	59	72	0	10	59	62	0	0
Shasta.....	1	20	0	20	0	2	0	27	0	0
Sierra.....	2	31	2	32	0	2	2	30	0	0
Sierraville.....	48	191	62	171	1	42	47	114	4	15
Solano.....	18	202	18	205	0	23	18	185	0	0
Sonoma.....	73	314	68	300	1	60	250	7	43	0
Stanislaus.....	1	39	2	35	1	4	1	31	0	0
Butter.....	8	11	6	17	0	1	1	14	5	2
Tehama.....	0	8	0	9	0	1	0	8	0	0
Trinity.....	56	177	56	168	4	54	43	103	9	1
Tuolumne.....	2	19	1	22	0	1	16	0	0	0
Ventura.....	233	301	165	318	19	26	195	268	21	22
Yolo.....	29	48	16	51	2	4	12	44	2	3
Yuba.....	1	38	1	38	1	6	0	31	0	1

* Procedures for committing mentally ill persons to state hospitals were substantially changed by the Lanterman-Petris-Short Act which became law on July 1, 1969.

**TABLE 20—CALIFORNIA SUPERIOR COURTS
JUVENILE DELINQUENCY FILINGS AND DISPOSITIONS***
Fiscal Years 1968-69 and 1969-70

County	Total filings		Total dispositions		Dispositions before hearing		Dispositions after hearing			
							Uncontested matters		Contested matters	
	1968-70	1968-69	1968-70	1968-69	1968-70	1968-69	1968-70	1968-69	1968-70	1968-69
State total.....	60,781	60,115	59,582	58,829	6,756	5,527	48,222	48,129	4,604	5,173
Alameda.....	3,166	3,439	3,183	3,445	309	216	2,545	2,785	309	444
Alpine.....	4	3	4	3	0	3	4	0	0	0
Amador.....	3	24	25	19	14	14	11	5	0	0
Butte.....	261	248	246	346	41	46	184	273	21	27
Calaveras.....	28	32	27	35	9	12	16	23	2	0
Colusa.....	23	20	34	22	13	6	21	16	0	1
Contra Costa.....	2,162	2,063	2,103	1,839	68	42	1,921	1,601	118	198
Del Norte.....	28	46	27	52	6	15	14	35	7	2
El Dorado.....	121	94	113	98	11	19	98	75	4	4
Fresno.....	1,753	1,812	1,639	1,945	0	22	1,483	1,723	156	200
Glenn.....	42	67	51	67	18	12	29	45	4	10
Humboldt.....	224	207	224	197	30	52	170	94	24	51
Imperial.....	348	274	332	294	122	104	192	150	18	40
Inyo.....	38	24	34	28	9	5	25	23	0	0
Kern.....	1,062	1,204	1,031	1,123	80	62	907	963	44	98
Kings.....	221	198	237	160	31	46	201	100	5	14
Lake.....	67	40	33	24	15	9	17	12	1	0
Lassen.....	21	18	16	16	2	0	13	16	1	0
Los Angeles.....	17,780	16,579	17,537	15,915	1,814	1,072	14,140	13,537	1,593	1,308
Madera.....	128	117	127	151	22	35	93	91	12	25
Marin.....	569	495	604	488	35	17	442	461	27	10
Mariposa.....	16	14	12	7	2	6	8	0	2	2
Mendocino.....	140	162	165	175	34	48	121	94	10	33
Merced.....	212	236	227	285	49	80	154	171	24	28
Modoc.....	18	14	21	10	3	10	16	5	4	3
Mono.....	7	23	10	42	8	5	1	31	1	43
Monterey.....	702	724	844	707	145	79	649	555	47	18
Napa.....	227	187	230	167	46	19	161	130	23	9
Nevada.....	81	101	66	113	9	32	46	72	1	9
Orange.....	4,407	4,665	4,008	4,333	526	377	3,305	3,717	177	239
Placer.....	197	258	162	207	20	22	127	153	15	32
Plumas.....	80	98	76	98	43	73	25	18	7	9
Riverside.....	1,641	2,013	1,654	2,028	178	167	1,318	1,546	155	315
Sacramento.....	2,430	2,373	2,432	2,390	14	7	2,180	2,154	238	229
San Benito.....	29	33	27	30	1	2	25	27	1	1
San Bernardino.....	3,055	3,033	3,472	2,920	96	93	3,074	2,595	302	232
San Diego.....	4,606	4,990	4,548	4,906	318	418	3,888	4,183	342	305
San Francisco.....	2,567	2,697	2,308	2,662	57	85	1,958	2,075	263	502
San Joaquin.....	815	921	826	919	27	225	520	659	35	35
San Luis Obispo.....	404	549	406	565	54	61	347	500	5	4
San Mateo.....	1,853	1,740	1,714	1,588	12	0	1,566	1,425	116	161
Santa Barbara.....	808	819	826	730	32	32	725	660	69	44
Santa Clara.....	3,480	2,705	3,364	2,715	1,255	679	2,009	1,872	100	164
Santa Cruz.....	284	193	281	237	87	76	191	160	3	1
Shasta.....	183	179	200	195	19	10	179	179	2	6
Sierra.....	2	9	1	7	0	0	1	7	0	0
Siskiyou.....	48	38	40	39	11	11	23	27	6	1
Solano.....	478	457	467	501	5	6	404	413	58	82
Sonoma.....	520	438	430	365	125	87	283	273	22	5
Stanislaus.....	713	718	615	692	144	144	401	487	74	61
Sutter.....	118	115	111	102	14	10	94	92	3	0
Tehama.....	75	77	73	83	9	6	39	45	25	33
Trinity.....	12	9	13	17	3	12	10	5	0	0
Tulare.....	703	719	720	740	195	239	488	428	47	73
Tuolumne.....	83	65	79	65	9	3	47	30	23	32
Ventura.....	1,249	1,399	1,248	1,515	250	575	970	936	28	4
Yolo.....	221	224	242	238	29	8	184	211	29	19
Yuba.....	146	151	168	165	19	12	139	138	10	15

* Juvenile delinquency proceedings have been reported separately from juvenile dependency proceedings since July 1, 1967.

**TABLE 21—CALIFORNIA SUPERIOR COURTS
JUVENILE DEPENDENCY FILINGS AND DISPOSITIONS***
Fiscal Years 1968-69 and 1969-70

County	Total filings		Total dispositions		Dispositions before hearing		Dispositions after hearing			
							Uncontested matters		Contested matters	
	1968-70	1968-69	1968-70	1968-69	1968-70	1968-69	1968-70	1968-69	1968-70	1968-69
State total.....	13,885	13,497	13,052	12,940	1,215	974	10,556	10,813	1,231	1,153
Alameda.....	721	756	718	783	60	71	573	599	85	113
Alpine.....	0	0	0	0	0	0	0	0	0	0
Amador.....	6	2	13	2	6	2	0	0	0	0
Butte.....	71	116	70	42	18	13	37	20	15	9
Calaveras.....	7	20	3	9	0	1	3	7	0	1
Colusa.....	6	6	9	8	0	1	9	0	0	0
Contra Costa.....	461	379	417	337	14	10	368	274	35	53
Del Norte.....	10	13	13	8	1	3	10	6	2	0
El Dorado.....	8	24	9	26	0	2	9	20	0	4
Fresno.....	304	514	334	330	0	3	317	302	17	26
Glenn.....	38	55	23	37	2	3	19	29	2	5
Humboldt.....	57	55	49	57	0	0	34	37	15	20
Imperial.....	137	86	137	142	36	41	96	79	5	22
Inyo.....	6	6	2	4	0	0	2	4	0	0
Kern.....	343	329	342	329	21	34	250	255	71	40
Kings.....	36	47	26	40	5	13	20	25	1	2
Lake.....	10	13	21	21	6	2	15	18	0	3
Lassen.....	10	12	12	19	4	1	8	18	0	0
Los Angeles.....	4,364	3,993	4,182	3,837	380	150	3,343	3,532	459	185
Madera.....	16	44	10	37	3	8	7	12	0	17
Marin.....	101	79	83	77	0	1	68	71	15	6
Mariposa.....	4	3	5	2	0	0	3	1	0	0
Mendocino.....	59	69	72	55	9	31	53	18	10	1
Merced.....	67	103	52	78	18	12	34	63	0	1
Modoc.....	5	5	5	3	0	0	5	2	0	1
Mono.....	5	7	0	0	0	0	7	0	0	0
Monterey.....	110	112	78	192	5	4	64	181	9	7
Napa.....	82	53	95	50	24	1	58	44	14	6
Nevada.....	4	13	28	23	0	2	11	21	0	0
Orange.....	597	580	495	475	53	32	368	389	47	54
Placer.....	84	45	71	40	3	1	68	25	0	14
Plumas.....	31	8	29	7	5	1	14	4	10	0
Riverside.....	507	482	504	476	48	35	383	290	73	151
Sacramento.....	499	507	511	498	4	3	465	423	42	72
San Benito.....	13	10	6	17	1	0	5	17	0	0
San Bernardino.....	908	733	712	736	26	27	652	649	34	60
San Diego.....	1,103	1,163	1,054	1,311	89	86	884	1,139	31	88
San Francisco.....	715	511	609	540	10	13	550	500	49	33
San Joaquin.....	235	195	224	204	86	45	119	143	19	16
San Luis Obispo.....	79	78	52	73	0	10	45	57	7	6
San Mateo.....	223	263	253	253	0	0	242	230	11	23
Santa Barbara.....	119	100	111	85	7	5	78	80	26	3
Santa Clara.....	449	566	416	566	48	33	353	481	15	52
Santa Cruz.....	69	80	63	78	25	14	36	53	2	11
Shasta.....	46	62	48	58	7	11	41	47	0	0
Sierra.....	0	0	1	3	0	0	1	3	0	0
Siskiyou.....	15	26	23	11	2	2	16	8	5	1
Solano.....	105	155	105	185	3	0	96	154	6	31
Sonoma.....	184	207	195	169	40	49	144	115	11	5
Stanislaus.....	192	149	157	139	31	36	100	93	26	10
Sutter.....	57	32	49	23	10	0	39	23	0	0
Tehama.....	19	9	12	6	0	0	4	3	8	3
Trinity.....	8	4	9	1	0	0	2	1	0	0
Tulare.....	149	174	134	125	25	63	96	49	13	13
Tuolumne.....	9	14	10	15	0	3	4	10	6	2
Ventura.....	285	206	286	203	60	76	210	124	7	3
Yolo.....	86	52	93	53	4	2	72	45	17	6
Yuba.....	40	15	48	37	9	18	30	16	9	3

* Juvenile dependency proceedings have been reported separately from juvenile delinquency proceedings since July 1, 1967.

**TABLE 22—CALIFORNIA SUPERIOR COURTS
CRIMINAL FILINGS AND DISPOSITIONS**
Fiscal Years 1968-69 and 1969-70

County	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial	
							Contested matters*	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	72,048	68,159	63,554	58,510	43,171	40,355	20,383	18,155
Alameda.....	3,351	2,875	3,002	2,681	2,306	2,119	788	582
Alpine.....	2	2	2	1	2	0	0	1
Amador.....	23	22	15	12	9	8	6	4
Butte.....	202	191	182	172	137	128	45	44
Calaveras.....	108	42	76	34	67	29	9	5
Colusa.....	32	13	25	21	24	4	1	1
Contra Costa.....	1,127	1,025	1,004	720	870	627	134	93
Del Norte.....	71	64	66	65	58	50	8	15
El Dorado.....	120	126	120	103	106	94	14	9
Fresno.....	847	1,002	880	905	744	783	136	122
Glenn.....	48	50	44	37	42	36	2	1
Humboldt.....	284	208	232	177	133	55	44	44
Imperial.....	205	314	205	255	185	224	21	31
Inyo.....	81	56	72	59	70	48	2	11
Kern.....	730	581	655	559	579	498	76	61
Kings.....	112	120	108	95	90	86	16	9
Lake.....	68	63	64	43	45	37	19	6
Lassen.....	36	37	38	50	30	28	8	22
Los Angeles.....	36,619	35,793	32,979	30,556	17,700	16,709	15,189	13,847
Madera.....	57	78	62	79	42	71	20	8
Marin.....	414	342	325	308	265	261	60	47
Mariposa.....	9	16	18	13	12	9	6	4
Mendocino.....	298	281	274	251	239	217	35	34
Merced.....	294	249	296	243	230	205	66	38
Modoc.....	16	19	17	15	16	15	1	0
Mono.....	12	11	11	21	10	12	1	9
Monterey.....	954	764	803	712	668	600	135	112
Napa.....	144	144	129	114	114	98	15	16
Nevada.....	58	73	38	75	34	55	4	20
Orange.....	2,190	2,059	1,818	1,983	1,483	1,634	335	349
Placer.....	155	131	144	129	128	111	18	18
Plumas.....	34	24	26	34	23	28	3	6
Riverside.....	1,418	1,829	1,466	1,436	1,122	1,126	344	310
Sacramento.....	1,488	1,431	1,452	1,445	1,172	1,172	258	273
San Benito.....	36	26	40	21	38	14	2	335
San Bernardino.....	3,025	1,864	2,007	1,397	1,637	1,082	370	350
San Diego.....	4,252	3,995	4,083	3,357	3,479	3,007	604	568
San Francisco.....	3,403	3,225	2,145	2,716	1,922	2,550	223	163
San Joaquin.....	912	935	734	901	626	748	108	137
San Luis Obispo.....	167	181	173	180	150	152	23	146
San Mateo.....	1,317	1,162	924	809	779	672	145	193
Santa Barbara.....	759	666	663	585	564	459	99	50
Santa Clara.....	2,532	2,176	2,336	1,693	1,977	1,500	350	28
Santa Cruz.....	368	285	317	265	267	237	13	17
Shasta.....	244	204	248	211	228	194	13	1
Sierra.....	8	6	4	2	2	1	25	32
Siskiyou.....	94	104	78	93	53	61	88	57
Solano.....	425	356	427	328	339	271	57	38
Sonoma.....	347	415	343	324	286	286	106	79
Stanislaus.....	833	829	784	759	678	680	5	6
Sutter.....	91	77	75	65	70	44	24	9
Tehama.....	73	55	83	53	59	6	5	5
Trinity.....	10	13	20	11	15	357	110	62
Tulare.....	584	484	467	397	357	39	30	19
Tuolumne.....	109	73	97	58	67	545	59	76
Ventura.....	527	680	522	621	463	112	35	72
Yolo.....	252	233	183	184	148	66	7	7
Yuba.....	73	80	66	73	59	66	7	7

* Included in the state total for 1969-70 were 11,422 cases tried on the transcript of the preliminary hearing of which 10,554 were reported by the Los Angeles court. The 1968-69 total included 10,674 cases tried on the transcript of the preliminary hearing of which 10,136 were reported by the Los Angeles court.

**TABLE 23—CALIFORNIA SUPERIOR COURTS
FILINGS AND DISPOSITIONS OF APPEALS FROM LOWER COURTS**
Fiscal Years 1968-69 and 1969-70

County	Total filings		Total dispositions		Dispositions before hearing		Dispositions after hearing			
							Questions of law		Trials de novo	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	4,084	R3,132	3,340	R2,927	461	R393	1,394	R1,359	1,485	1,175
Alameda.....	270	202	157	222	10	8	70	120	77	94
Alpine.....	0	0	0	0	0	0	0	0	0	0
Amador.....	0	0	0	0	0	0	0	0	0	0
Butte.....	9	12	2	4	2	1	0	1	0	2
Calaveras.....	6	5	7	1	0	0	4	1	3	0
Colusa.....	2	1	1	0	0	0	1	0	0	0
Contra Costa.....	78	115	69	R62	13	R7	35	R31	21	24
Del Norte.....	0	5	1	4	0	1	1	2	0	1
El Dorado.....	8	7	7	8	2	2	1	2	4	4
Fresno.....	33	23	18	17	2	2	8	3	8	12
Glenn.....	0	1	1	0	0	0	0	0	1	0
Humboldt.....	34	26	21	24	0	6	19	9	2	9
Imperial.....	10	8	7	1	3	0	1	1	3	0
Inyo.....	1	3	1	3	0	0	1	1	0	2
Kern.....	62	29	28	22	2	1	10	7	16	14
Kings.....	4	3	2	5	1	0	1	3	0	2
Lake.....	0	1	0	2	0	0	0	2	0	0
Lassen.....	1	2	0	1	0	0	0	0	0	1
Los Angeles.....	1,806	1,287	1,555	1,332	161	149	689	675	705	508
Madera.....	5	1	3	2	1	0	1	1	1	1
Marin.....	38	52	44	50	16	6	17	31	11	13
Mariposa.....	0	0	0	0	0	0	0	0	0	0
Mendocino.....	6	3	2	1	0	0	1	1	1	0
Merced.....	13	2	5	0	2	0	0	0	3	0
Modoc.....	0	0	0	0	0	0	0	0	0	0
Mono.....	2	1	0	0	0	0	0	0	0	0
Monterey.....	50	30	39	25	8	3	12	6	19	16
Napa.....	5	4	5	3	0	0	1	1	4	2
Nevada.....	1	1	1	0	0	0	0	0	1	0
Orange.....	338	207	235	158	37	18	87	68	111	72
Placer.....	2	2	4	4	0	1	4	2	0	1
Plumas.....	1	2	1	2	0	1	0	0	1	1
Riverside.....	81	65	70	67	1	4	22	23	47	40
Sacramento.....	112	92	104	84	11	9	36	32	57	43
San Benito.....	1	1	1	1	0	1	1	1	0	0
San Bernardino.....	87	44	79	76	5	4	30	27	44	45
San Diego.....	152	135	139	111	12	9	96	83	31	19
San Francisco.....	228	219	185	216	65	89	63	77	57	56
San Joaquin.....	29	22	26	12	8	3	6	4	12	5
San Luis Obispo.....	20	12	10	13	2	0	38	27	64	9
San Mateo.....	112	89	102	53	0	4	38	27	64	23
Santa Barbara.....	67	42	43	17	12	2	24	4	7	11
Santa Clara.....	221	152	186	145	38	24	40	40	94	81
Santa Cruz.....	18	12	13	14	4	2	6	5	3	5
Shasta.....	16	12	15	12	3	3	5	4	7	5
Sierra.....	0	0	0	0	0	0	0	0	0	0
Siskiyou.....	6	5	5	4	0	1	0	2	5	1
Solano.....	11	17	9	13	4	7	2	4	3	8
Sonoma.....	22	19	15	9	1	3	6	0	8	6
Stanislaus.....	23	19	23	20	4	3	14	15	5	11
Sutter.....	2	4	4	4	0	1	1	2	0	1
Tehama.....	0	5	0	5	0	1	0	3	0	1
Trinity.....	0	0	0	0	0	0	0	0	0	0
Tulare.....	15	R23	12	11	2	2	3	4	7	5
Tuolumne.....	8	6	12	4	1	0	4	4	7	0
Ventura.....	58	69	63	61	26	11	15	29	22	21
Yolo.....	8	9	3	7	0	2	0	1	3	4
Yuba.....	4	4	5	0	2	0	3	0	0	0

R Revised.

**TABLE 24—CALIFORNIA SUPERIOR COURTS
HABEAS CORPUS FILINGS AND DISPOSITIONS**
Fiscal Years 1968-69 and 1969-70

County	Total filings		Total dispositions		Dispositions without hearing		Dispositions after hearing	
							Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	4,434	3,814	4,094	3,693	3,170	3,020	924	673
Alameda.....	143	126	143	126	82	83	61	43
Alpine.....	0	0	0	0	0	0	0	0
Amador.....	1	5	1	2	0	2	1	0
Butte.....	7	8	3	5	0	2	3	3
Calaveras.....	2	0	2	0	2	0	0	0
Colusa.....	0	0	0	0	0	0	0	0
Contra Costa.....	73	71	70	77	66	52	4	25
Del Norte.....	1	3	1	3	1	2	1	1
El Dorado.....	5	7	4	6	2	1	2	5
Fresno.....	53	125	52	125	48	124	4	1
Glenn.....	4	0	2	0	1	0	1	0
Humboldt.....	11	6	4	2	1	2	3	2
Imperial.....	3	1	4	1	17	2	3	3
Inyo.....	20	5	20	57	52	52	16	5
Kern.....	63	71	68	57	0	0	2	1
Kings.....	3	2	2	3	0	0	0	3
Lake.....	0	3	0	59	68	58	2	1
Lassen.....	78	63	70	554	531	448	91	108
Los Angeles.....	677	614	622	554	531	448	91	108
Madera.....	3	0	0	0	0	0	1	0
Marin.....	433	385	433	385	423	365	10	20
Mariposa.....	0	0	0	0	0	0	0	0
Mendocino.....	7	13	9	17	2	4	7	13
Merced.....	5	4	5	5	4	1	1	4
Modoc.....	0	1	0	1	0	1	0	0
Mono.....	0	0	0	0	0	0	0	0
Monterey.....	138	134	135	131	126	125	9	6
Napa.....	39	8	35	5	8	4	27	1
Nevada.....	5	0	5	0	2	0	3	0
Orange.....	103	91	25	70	81	53	14	17
Placer.....	3	2	8	3	5	3	1	0
Plumas.....	0	0	0	0	0	0	0	0
Riverside.....	89	199	85	201	44	89	41	112
Sacramento.....	330	350	324	351	277	309	47	42
San Benito.....	0	1	0	1	0	0	0	1
San Bernardino.....	271	114	147	146	88	128	59	20
San Diego.....	265	82	197	72	76	40	121	32
San Francisco.....	153	118	151	117	91	92	60	25
San Joaquin.....	185	95	168	84	108	81	60	3
San Luis Obispo.....	489	607	481	602	431	528	50	74
San Mateo.....	12	11	11	20	4	3	7	17
Santa Barbara.....	61	36	68	37	40	33	28	4
Santa Clara.....	134	6	118	11	92	7	26	4
Santa Cruz.....	8	7	7	2	2	5	5	2
Shasta.....	0	5	0	5	0	5	0	0
Sierra.....	0	0	0	0	0	0	0	3
Siskiyou.....	3	15	2	14	0	11	2	37
Solano.....	278	265	263	223	206	186	47	37
Sonoma.....	14	8	14	9	2	7	12	2
Stanislaus.....	26	5	24	7	24	7	0	0
Sutter.....	2	0	2	0	1	0	1	2
Tehama.....	7	2	3	2	1	0	0	0
Trinity.....	0	0	0	0	0	0	0	0
Tulare.....	4	10	14	7	4	1	10	10
Tuolumne.....	61	75	68	76	51	66	5	8
Ventura.....	101	40	117	40	54	32	63	7
Yolo.....	56	14	57	15	50	0	2	0
Yuba.....	5	0	3	0	1	0	0	0

**TABLE 25—CALIFORNIA SUPERIOR COURTS
NUMBER OF JURIES SWORN***
Fiscal Years 1968-69 and 1969-70

County	Total		Personal injury, death and property damage		Criminal		All other proceedings	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	7,703	7,387	2,542	2,835	4,235	3,680	928	872
Alameda.....	446	394	155	149	247	197	44	48
Alpine.....	0	0	0	0	0	0	0	0
Amador.....	3	2	0	1	3	1	2	0
Butte.....	63	47	22	20	29	22	12	5
Calaveras.....	10	5	5	3	5	2	0	0
Colusa.....	5	8	0	2	3	2	0	4
Contra Costa.....	209	186	93	108	94	45	22	33
Del Norte.....	12	9	3	2	8	3	1	4
El Dorado.....	28	19	15	7	10	9	3	4
Fresno.....	168	144	52	34	107	99	3	11
Glenn.....	2	4	2	4	0	0	0	0
Humboldt.....	77	69	15	18	57	45	5	6
Imperial.....	18	36	5	9	11	23	2	4
Inyo.....	3	10	1	2	2	6	0	3
Kern.....	111	98	29	28	59	54	23	16
Kings.....	17	12	3	2	13	10	1	2
Lake.....	3	11	0	5	3	4	0	0
Lassen.....	7	7	1	4	5	3	1	0
Los Angeles.....	2,322	2,356	660	812	1,360	1,226	312	318
Madera.....	29	17	11	11	18	5	0	0
Marin.....	96	67	34	22	48	36	14	9
Mariposa.....	7	9	2	2	3	4	2	3
Mendocino.....	52	33	18	10	31	21	3	2
Merced.....	51	39	11	17	36	19	4	3
Modoc.....	2	2	1	2	1	0	0	0
Mono.....	1	1	0	0	1	0	0	0
Monterey.....	130	128	30	29	87	83	13	16
Napa.....	37	32	20	17	14	14	3	1
Nevada.....	16	16	5	5	2	11	1	0
Orange.....	387	374	145	140	191	185	51	40
Placer.....	38	36	11	11	14	18	13	7
Plumas.....	4	11	3	5	0	5	1	1
Riverside.....	267	237	72	61	177	158	18	18
Sacramento.....	298	323	121	145	142	147	35	31
San Benito.....	7	8	5	1	0	5	2	2
San Bernardino.....	320	261	68	66	215	170	37	25
San Diego.....	461	388	117	149	300	197	44	42
San Francisco.....	533	509	267	332	184	123	62	54
San Joaquin.....	99	95	35	39	58	46	6	10
San Luis Obispo.....	42	42	18	21	14	17	10	4
San Mateo.....	230	206	109	93	97	87	24	21
Santa Barbara.....	116	115	24	21	31	84	11	10
Santa Clara.....	315	365	128	185	129	128	58	52
Santa Cruz.....	29	37	11	8	15	21	3	8
Shasta.....	36	45	23	31	12	12	1	2
Sierra.....	0	0	0	0	0	0	0	0
Siskiyou.....	32	41	12	14	11	23	9	4
Solano.....	80	76	13	21	64	49	3	6
Sonoma.....	66	56	38	25	23	23	7	8
Stanislaus.....	129	106	35	35	69	69	9	2
Sutter.....	13	17	9	10	2	10	5	0
Tehama.....	23	23	6	12	7	7	1	0
Trinity.....	4	5	2	1	2	4	0	0
Tulare.....	93	55	9	7	78	41	6	7
Tuolumne.....	17	18	2	2	14	15	1	1
Ventura.....	94	112	26	39	43	52	25	21
Yolo.....	39	44	12	12	22	31	5	1
Yuba.....	12	21	8	11	4	9	0	1

* "Juries sworn" are not the equivalent of cases disposed of by verdict since a single jury may try consolidated cases or a settlement may occur following the swearing of the jury.
R Revised.

**TABLE 26—CALIFORNIA SUPERIOR COURTS
WEIGHTED UNITS PER JUDICIAL POSITION**

Fiscal Years 1968-69 and 1969-70

County	1969-70				1968-69			
	Judicial positions*		Weighted units ^b	Weighted units per judicial position	Judicial positions*		Weighted units ^b	Weighted units per judicial position
	Total	Judges			Total	Judges		
Alameda.....	25	23	1,317,115	52,085	24	22	1,162,185	48,424
Alpine.....	1	1	1,575	1,575	1	1	890	890
Amador.....	1	1	13,710	13,710	1	1	13,775	13,775
Butte.....	43	2	91,475	30,492	2	2	97,935	48,968
Calaveras.....	1	1	27,545	27,545	1	1	16,745	16,745
Colusa.....	1	1	24,525	24,525	1	1	15,000	15,000
Contra Costa.....	11	10	559,220	50,838	10	9	542,655	54,266
Del Norte.....	1	1	24,000	24,000	1	1	22,155	22,155
El Dorado.....	2	2	74,995	37,498	2	2	72,955	36,478
Fresno.....	9	8	431,865	47,985	9	8	408,800	45,422
Glenn.....	1	1	18,100	18,100	1	1	20,120	20,120
Humboldt.....	3	3	104,515	34,838	3	3	86,500	28,833
Imperial.....	2	2	95,555	47,778	2	2	96,190	48,095
Inyo.....	1	1	21,970	21,970	1	1	18,325	18,325
Kern.....	49	6	360,760	40,084	48	6	368,750	45,469
Kings.....	1	1	54,585	54,585	1	1	54,775	54,775
Lake.....	1	1	30,450	30,450	1	1	28,680	28,680
Lassen.....	1	1	15,870	15,870	1	1	12,845	12,845
Los Angeles.....	189	134	10,083,495	53,352	184	134	9,197,350	49,986
Madera.....	1	1	40,595	40,595	1	1	42,880	42,880
Marin.....	6	5	208,225	34,704	6	5	173,080	28,847
Mariposa.....	1	1	6,235	6,235	1	1	10,705	10,705
Mendocino.....	2	2	87,260	43,630	2	2	82,530	41,265
Merced.....	2	2	125,620	62,810	2	2	115,780	57,890
Modoc.....	1	1	11,710	11,710	1	1	9,035	9,035
Mono.....	1	1	7,355	7,355	1	1	7,980	7,980
Monterey.....	4	4	294,075	73,519	4	4	231,895	57,974
Napa.....	2	2	88,440	44,220	2	2	86,960	43,480
Nevada.....	1	1	34,415	34,415	1	1	33,045	33,045
Orange.....	27	22	1,352,185	50,081	26	21	1,273,010	48,962
Placer.....	2	2	91,460	45,725	2	2	90,485	45,243
Plumas.....	1	1	16,705	16,705	1	1	20,025	20,025
Riverside.....	11	10	566,875	51,534	11	10	547,740	49,795
Sacramento.....	17	15	825,865	48,580	16	15	771,225	48,202
San Benito.....	1	1	16,390	16,390	1	1	145,780	145,780
San Bernardino.....	14	11	932,425	66,602	14	11	876,115	84,508
San Diego.....	28	25	1,422,240	50,794	25	22	1,302,245	52,060
San Francisco.....	29.5	24	1,540,755	52,229	29.5	24	1,361,045	56,137
San Joaquin.....	6	6	338,890	56,482	6	6	316,880	52,780
San Luis Obispo.....	3	3	127,910	42,637	3	3	114,940	38,313
San Mateo.....	13	12	625,800	48,123	13	12	574,965	44,228
Santa Barbara.....	16	6	268,950	44,825	7	6	236,730	33,819
Santa Clara.....	22	21	1,277,770	55,082	20	19	1,151,860	57,593
Santa Cruz.....	3	3	134,645	44,882	3	3	108,620	35,540
Shasta.....	2	2	112,060	56,030	2	2	106,150	53,075
Sierra.....	1	1	2,085	2,085	1	1	2,375	2,375
Siskiyou.....	1	1	47,060	47,060	1	1	50,620	50,620
Solano.....	3	3	185,055	55,018	3	3	148,150	49,383
Sonoma.....	5	4	201,710	40,342	5	4	184,760	38,950
Stanislaus.....	5	5	273,995	54,799	5	5	233,050	46,610
Sutter.....	1	1	50,355	50,355	1	1	50,510	50,510
Tehama.....	1	1	30,250	30,250	1	1	31,065	31,065
Trinity.....	1	1	7,075	7,075	1	1	6,445	6,445
Tulare.....	3	3	186,215	62,072	3	3	158,630	52,877
Tuolumne.....	1	1	40,455	40,455	1	1	41,910	41,910
Ventura.....	48	7	313,095	39,137	7	7	327,815	46,831
Yolo.....	2	2	106,900	53,450	2	2	95,050	47,525
Yuba.....	2	2	53,330	26,665	2	2	52,145	26,073

See footnotes on following page.

* In order to permit meaningful comparisons of workload, full-time court commissioners and referees employed by courts were included with the authorized number of judges. This treatment assumes that these court officers were available to handle matters which would have otherwise required the full-time effort of an equivalent number of judges.

^b The Judicial Council's approved system assigns the following weights to superior court filings:

	1969-70	1968-69
Probate.....	15	15
Family Law (formerly Divorce, etc.).....	15	20
Eminent domain.....	110	130
Personal injury, etc.....	115	120
Other civil complaints.....	65	65
Other civil petitions.....	10	10
Insanity, etc.....	10	10
Juvenile delinquency.....	50	50
Juvenile dependency.....	35	25
Criminal.....	125	60
Appeals.....	105	115
Habeas corpus.....	25	5

The values assigned to filings are based on estimates of the average judicial bench time involved per filing. These weights are designed to permit a more accurate evaluation of the workload potential in court filings but they do not purport to reflect the quality of judicial performance in any way. (The above criminal weights do not apply to the Los Angeles and San Diego Superior Courts. For criminal filings in Los Angeles a weight of 80 was used in 1968-69 and 100 in 1969-70. The weights applied to criminal filings in San Diego were 75 in 1968-69 and 110 in 1969-70.) The standard of 50,000 weighted units is the approximate amount of judicial bench time available in minutes per judge per year. The methodology in arriving at the weights is described in the judicial statistics section of this report.

* For explanation, see footnote applicable to the court on Table 11.

^a A full-time juvenile court referee was added during the year.

^a A full-time court commissioner was added during the year.

^a Four full-time juvenile court referees and one full-time court commissioner were added during the year.

^a Five full-time juvenile court referees were added during the year.

^a Three full-time juvenile court referees were added during the year.

^a Full-time juvenile court referee became a part-time referee.

^a Revised.

TABLE 27—CALIFORNIA SUPERIOR COURTS

TOTAL CASES AWAITING TRIAL

As of June 30, 1969 and June 30, 1970

County	Number of judicial positions ^a		Cases awaiting trial at end of month ^b						Total cases per judicial position ^a	
			Total		Civil		Criminal			
	6/30/70	6/30/69	6/30/70	6/30/69	6/30/70	6/30/69	6/30/70	6/30/69	6/30/70	6/30/69
State total.....	503.5	R487.5	88,130	69,261	78,214	60,384	9,916	8,877	175	R142
Alameda.....	25	24	4,031	3,613	3,788	3,389	243	224	161	161
Alpine.....	1	1	0	1	0	1	0	0	0	1
Amador.....	1	1	16	11	16	11	0	0	16	11
Butte.....	3	2	377	367	365	362	12	5	126	184
Calaveras.....	1	1	35	20	32	17	3	3	35	20
Colusa.....	1	1	10	14	7	14	3	0	10	14
Contra Costa.....	11	10	1,553	1,189	1,451	1,097	102	92	141	119
Del Norte.....	1	1	26	24	24	23	2	1	26	24
El Dorado.....	2	2	167	173	160	164	7	9	84	87
Fresno.....	9	9	829	534	789	468	40	66	92	59
Glenn.....	1	1	12	12	11	12	1	0	12	12
Humboldt.....	3	3	255	180	220	137	35	43	85	60
Imperial.....	2	2	296	465	276	440	20	25	148	233
Inyo.....	1	1	18	25	9	17	9	8	18	25
Kern.....	9	8	683	472	574	431	109	41	76	59
Kings.....	1	1	63	55	58	55	5	0	63	55
Lake.....	1	1	111	126	109	124	2	2	111	126
Lassen.....	1	1	8	8	8	7	0	1	8	8
Los Angeles.....	189	184	47,122	36,245	41,019	30,747	6,103	5,498	249	197
Madera.....	1	1	50	59	48	52	2	7	50	59
Marin.....	6	6	947	791	872	706	75	85	158	132
Mariposa.....	1	1	4	12	4	8	0	4	4	12
Mendocino.....	2	2	136	182	129	169	7	13	68	91
Merced.....	2	2	242	169	207	148	35	21	121	85
Modoc.....	1	1	22	5	21	5	1	0	22	5
Mono.....	1	1	12	13	12	12	0	1	12	13
Monterey.....	4	4	199	254	123	206	76	48	50	64
Napa.....	2	2	254	232	244	223	10	9	127	116
Nevada.....	1	1	78	52	74	52	4	0	78	52
Orange.....	27	26	3,202	2,073	2,994	1,870	208	203	119	80
Placer.....	2	2	197	153	182	146	15	7	99	77
Plumas.....	1	1	41	36	35	36	6	0	41	36
Riverside.....	11	11	1,275	1,127	1,080	823	215	304	116	102
Sacramento.....	17	16	2,291	1,780	2,192	1,713	99	67	135	111
San Benito.....	1	1	11	19	10	19	1	0	11	19
San Bernardino.....	14	14	1,850	1,378	1,472	1,073	378	305	132	98
San Diego.....	28	25	3,675	2,829	3,199	2,268	476	561	131	113
San Francisco.....	29.5	R29.5	8,304	6,632	7,804	6,395	500	237	281	R225
San Joaquin.....	6	6	1,027	795	945	700	82	95	171	133
San Luis Obispo.....	3	3	155	220	147	210	8	10	52	73
San Mateo.....	13	13	1,828	1,490	1,602	1,327	226	163	141	115
Santa Barbara.....	6	7	708	533	617	448	91	85	118	76
Santa Clara.....	22	20	2,870	2,361	2,596	2,087	274	274	130	118
Santa Cruz.....	3	3	133	68	100	52	33	16	44	23
Shasta.....	2	2	206	222	192	213	14	9	103	111
Sierra.....	1	1	0	1	0	1	0	0	0	1
Siakiyou.....	1	1	90	89	87	84	3	5	90	89
Solano.....	3	3	323	264	301	226	22	38	108	88
Sonoma.....	5	5	415	352	390	324	25	28	83	70
Stanislaus.....	5	5	458	402	355	275	103	127	92	80
Sutter.....	1	1	154	131	153	125	1	6	154	131
Tehama.....	1	1	32	23	28	22	4	1	32	23
Trinity.....	1	1	12	11	12	8	0	3	12	11
Tulare.....	3	3	349	193	233	138	116	55	116	64
Tuolumne.....	1	1	74	53	63	41	11	12	74	53
Ventura.....	8	7	684	653	622	594	62	59	86	93
Yolo.....	2	2	135	INA	102	INA	33	INA	88	INA
Yuba.....	2	2	75	70	71	69	4	1	38	35

^a For a description of "judicial positions" see footnote a, Table 26. For a list of judgeships see Table 11.^b Cases awaiting trial include criminal and civil cases set for future trial and civil cases in which at-issue memoranda have been filed but no trial dates assigned.^c As of July 31, 1970. Information for June 30, 1970 was not available.

INA—Information not available.

R Revised.

TABLE 28—CALIFORNIA SUPERIOR COURTS
DAYS OF ASSISTANCE RECEIVED AND RENDERED BY COURTS
THROUGH ASSIGNMENTS^a

Fiscal Years 1968-69 and 1969-70

County	1969-70			1968-69		
	Days received	Days rendered	Net days received (or rendered) ^a	Days received	Days rendered	Net days received (or rendered) ^a
State total.....	5,259.0	2,422.0	2,837.0	R4,969.0	2,768.0	R2,201.0
Alameda.....	32	0	32	74	3	71
Alpine.....	0	161	-161	1	131	-130
Amador.....	14	67.5	-53.5	2.5	78	-75.5
Butte.....	38	0	38	R57	3	R54
Calaveras.....	18	86.5	-68.5	36	98	-60
Colusa.....	27	58	-29	29	72.5	-43.5
Contra Costa.....	70	1.5	68.5	45	13	32
Del Norte.....	10	57.5	-47.5	8	58	-50
El Dorado.....	21.5	14.0	7.5	5	3	2
Fresno.....	33	19	14	32.5	29	3.5
Glenn.....	21.5	28	-6.5	18.5	80	-61.5
Humboldt.....	28	20	8	76	14	62
Imperial.....	10	2.5	7.5	2	0	2
Inyo.....	9	80	-71	38	17	21
Kern.....	44	43	1	46	15.5	30.5
Kings.....	37.5	18	19.5	17	9.5	7.5
Lake.....	17	5	12	52	2	50
Lassen.....	11	31	-20	32	28	4
Los Angeles.....	1,865	343	1,522	1,714	641	1,073
Madera.....	93	50	43	58	16	42
Marin.....	6	2	4	37	0	37
Mariposa.....	34	67.5	-33.5	12	56.5	-44.5
Mendocino.....	25	28	-3	49	37	12
Merced.....	32.5	23	9.5	14	3	11
Modoc.....	12	45.5	-33.5	9	62	-53
Mono.....	56	174	-118	40	148	-108
Monterey.....	65.5	6	60.5	87	6.5	80.5
Napa.....	26	20.5	5.5	13	26.5	-13.5
Nevada.....	89	4	85	21.5	11	10.5
Orange.....	204	104	100	60	45	15
Placer.....	36	4.5	31.5	77	3	74
Plumas.....	29	48	-19	49	54	-5
Riverside.....	287	5	282	198	23	175
Sacramento.....	96	1	95	52	0	52
San Benito.....	3	99	-96	6.5	R104	R-97.5
San Bernardino.....	157	45	112	88	114.5	-26.5
San Diego.....	92	80	12	180	241	-81
San Francisco.....	482	0	482	300	0	300
San Joaquin.....	77	1	76	113	0	113
San Luis Obispo.....	36.5	46	-9.5	73.5	R23	R50.5
San Mateo.....	114	1	113	46	31	15
Santa Barbara.....	200	6.5	193.5	141	10	131
Santa Clara.....	115	1.5	113.5	209	24	185
Santa Cruz.....	0	34	-34	52.5	1.5	51
Shasta.....	25.5	45.5	-20	30	39	-9
Sierra.....	30	107	-77	14	86	-72
Siakiyou.....	128	27	101	128	15.5	113.5
Solano.....	62	1.5	50.5	R96	17.5	R78.5
Sonoma.....	58	22	36	54	20	34
Stanislaus.....	23	23	0	12	8	4
Sutter.....	47	16.5	31.5	32.5	12.5	20
Tehama.....	45	6.5	38.5	68	4	64
Trinity.....	1.5	77.5	-76	4.5	68	-63.5
Tulare.....	49	72	-23	26.5	77.5	-51
Tuolumne.....	23	22.5	0.5	37	27.5	9.5
Ventura.....	56	10	46	166	9.5	156.5
Yolo.....	33	4	29	16.5	0	16.5
Yuba.....	14	58.5	-44.5	31.5	51	-19.5

^a Minus sign (-) indicates the court rendered more days of assistance than it received during the year through assignments by the Chairman of the Judicial Council under Section 6 of Article VI of the State Constitution. Each day worked in excess of three hours was reported as a full day with three hours or less as a half day.

R Revised.

TABLE 29—CALIFORNIA MUNICIPAL COURTS
SUMMARY OF NONPARKING FILINGS AND DISPOSITIONS
Fiscal Years 1968-69 and 1969-70

County and judicial district	Number of judgeships ^a		Total filings		Total dispositions		Dispositions before trial		Dispositions after trial ^b					
									Uncontested matters		Contested matters		Juvenile orders ^c	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	337	326	5,079,374	4,712,998	4,573,363	4,350,268	4,156,962	3,951,919	204,157	197,243	188,928	178,433	23,316	22,673
Alameda:														
Alameda.....	1	1	13,788	14,690	13,253	14,087	12,497	13,355	378	378	378	354	0	0
Berkeley-Albany.....	3	3	36,586	31,767	32,523	27,881	29,065	25,437	1,597	1,212	1,261	1,232	0	0
Fremont-Newark-Union City.....	2	2	29,999	27,035	28,656	22,697	26,107	20,376	781	836	1,708	1,485	0	0
Oakland-Piedmont.....	11	11	193,477	150,404	199,324	149,364	184,591	136,595	6,220	5,730	8,513	7,039	0	0
San Leandro-Hayward.....	5	4	71,870	69,893	65,138	66,772	59,155	60,700	2,199	2,923	3,784	3,149	0	0
Butte:														
Chico.....	1	--	10,832	--	10,380	--	8,169	--	888	--	514	--	809	--
Contra Costa:														
Mt. Diablo.....	2	2	32,483	29,847	30,410	28,305	24,384	22,624	1,269	1,318	1,455	1,375	3,302	2,988
Richmond.....	3	3	21,786	18,740	20,294	16,964	16,568	13,443	1,396	1,322	1,224	1,257	1,106	942
River.....	1	1	12,116	3,845	11,276	3,457	8,932	2,727	1,056	361	492	125	796	244
San Pablo.....	1	1	13,073	13,096	12,593	12,107	10,338	10,016	446	437	989	958	820	696
Walnut Creek-Danville.....	2	2	31,480	30,545	30,049	29,961	24,862	24,914	847	900	1,612	1,695	2,728	2,452
Fresno:														
Fresno.....	6	6	91,607	91,619	86,279	86,894	80,920	81,055	2,675	2,536	2,002	1,694	682	1,609
Humboldt:														
Eureka.....	1	1	9,304	9,096	9,633	8,340	8,462	7,276	862	746	309	318	0	0
Kern:														
Bakersfield.....	16	15	61,673	65,249	61,147	64,292	56,427	59,252	3,063	2,217	1,657	2,823	0	0
Los Angeles:														
Alhambra.....	3	3	32,729	35,477	31,902	38,668	28,777	35,523	1,504	1,647	1,621	1,498	0	0
Antelope.....	1	1	22,657	22,910	21,595	22,314	20,349	20,850	691	727	555	737	0	0
Beverly Hills.....	3	3	42,320	41,916	35,212	37,087	31,486	33,644	1,592	1,558	2,134	1,885	0	0
Burbank.....	2	2	29,737	30,866	28,499	29,443	26,781	27,809	824	804	894	830	0	0

JUDICIAL COUNCIL OF CALIFORNIA

ANNUAL REPORT OF THE ADMINISTRATIVE OFFICE

TABLE 29—CALIFORNIA MUNICIPAL COURTS—Continued
SUMMARY OF NONPARKING FILINGS AND DISPOSITIONS
Fiscal Years 1968-69 and 1969-70

County and judicial district	Number of judgeships ^a		Total filings		Total dispositions		Dispositions before trial		Dispositions after trial ^b					
									Uncontested matters		Contested matters		Juvenile orders ^c	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
San Francisco: San Francisco	17	17	184,610	178,871	166,555	169,639	143,106	146,302	14,091	14,248	9,358	9,089	0	0
San Joaquin: Lodi	1	1	10,535	9,950	10,165	9,483	8,630	7,922	636	579	334	285	565	697
Stockton	4	4	50,924	44,626	46,031	44,155	39,806	38,080	2,177	2,158	1,572	1,568	2,476	2,349
San Mateo: Central	3	3	43,013	38,114	40,264	35,220	35,487	31,065	2,819	2,602	1,958	1,553	0	0
Northern	3	3	44,786	39,657	45,674	41,645	42,330	38,852	2,164	1,660	1,180	1,133	0	0
Southern	3	3	39,217	36,600	37,191	34,772	34,581	31,450	1,193	1,784	1,417	1,638	0	0
Santa Barbara: Santa Barbara-Goleta	3	3	37,255	33,938	33,068	31,129	30,359	28,814	1,514	1,250	1,195	1,065	0	0
Santa Maria	2	2	15,270	11,914	13,616	10,854	12,364	9,923	665	530	587	398	0	0
Santa Clara: Los Gatos-Campbell-Saratoga	1	1	18,708	18,986	17,242	17,801	15,261	15,781	481	456	1,500	1,564	0	0
Palo Alto-Mountain View	4	4	50,969	45,822	45,165	42,237	41,943	39,141	971	839	2,251	2,257	0	0
San Jose-Milpitas	10	10	140,135	139,874	135,170	131,656	124,182	121,018	3,999	3,874	6,989	6,764	0	0
Santa Clara ^d	2	2	21,026	22,594	20,446	23,310	18,764	21,596	833	803	849	911	0	0
Sunnyvale-Cupertino ^e	2	2	23,231	17,242	20,703	15,638	18,748	14,065	496	399	1,459	1,174	0	0
Santa Cruz: Santa Cruz County	2	2	30,776	29,704	28,186	26,759	24,339	23,426	1,051	838	1,279	1,233	1,517	1,262
Solano: Fairfield-Suisun	1	1	19,845	20,058	18,487	20,946	17,487	19,671	302	315	329	439	369	521
Vallejo	2	2	15,086	14,135	14,949	13,523	12,265	11,356	767	594	891	716	1,026	857

Sonoma: Central	2	2	28,463	26,791	25,328	23,853	22,600	21,134	1,338	1,383	1,030	1,049	360	287
Southern Sonoma County	1	1	43,231	45,651	43,254	44,803	42,188	43,286	415	415	4551	4687	4350	4472
Staggsdale: Modesto	3	3	26,191	27,174	25,531	23,626	21,300	19,614	1,099	1,165	1,296	1,197	1,836	1,650
Tulare: Visalia	1	1	16,401	15,876	16,762	14,124	15,584	13,278	678	414	500	432	0	0
Ventura: Ventura County	7	7	99,914	83,783	87,484	75,828	80,444	68,893	3,975	4,046	3,065	2,889	0	0

^a Number of authorized judgeships at the end of the fiscal year.

^b Since July 1, 1966, only those criminal cases disposed of after both the prosecution and the defense introduced testimonial evidence during the trial (exclusive of cross-examination by witnesses called by the other side) are classified as contested matters. Criminal cases in which only the prosecution introduced evidence are considered uncontested. Prior to July 1, 1966, all criminal cases disposed of during or after trial were classified as contested matters.

^c Made by judges acting as traffic hearing officers pursuant to Section 563 of the Welfare and Institutions Code.

^d Statute provided for increase effective November 13, 1968.

^e Statute provided for increase effective November 10, 1969.

^f Established July 1, 1969.

^g Port Chicago Justice Court District consolidated with Mt. Diablo Municipal Court District on January 1, 1969.

^h Established March 10, 1969.

ⁱ Statute provided for increase effective July 1, 1969.

^j Statute provided for increase effective March 1, 1969.

^k Statute provided for increase of three judgeships effective July 1, 1968 and an additional three effective November 13, 1968.

^l Statute provided for increase effective January 1, 1970.

^m Statute provided for increase effective May 1, 1970.

ⁿ Name of Santa Clara-Cupertino Municipal Court District was changed to Santa Clara Municipal Court District on November 29, 1968.

^o Name of Sunnyvale Municipal Court District was changed to Sunnyvale-Cupertino Municipal Court District on November 29, 1968.

^p Name of Central Sonoma County Municipal Court District was changed to Central Municipal Court District on November 13, 1968.

^q Figures are incomplete as no reports were received on activities of the Sonoma branch for the period of July 1968 through May 1969, and on activities of the court as a whole for the period of January through June 1970.

^r Revised.

**TABLE 30—CALIFORNIA MUNICIPAL COURTS
FELONY PRELIMINARY FILINGS AND DISPOSITIONS**
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before hearing		Dispositions after hearing*			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	115,112	101,020	90,354	82,841	34,320	30,583	54,524	50,807	1,510	1,451
Alameda:										
Alameda.....	288	270	131	183	70	139	59	44	2	0
Berkeley-Albany.....	1,722	1,441	834	803	394	385	438	409	2	9
Fremont-Newark-Union City.....	510	538	250	316	95	145	155	169	0	2
Oakland-Piedmont.....	4,399	2,902	2,462	2,016	1,096	817	1,366	1,199	0	0
San Leandro-Hayward.....	1,730	1,555	874	1,029	478	540	367	407	29	82
Butte:										
Chico.....	156	—	107	—	43	—	52	—	12	—
Contra Costa:										
Mt. Diablo.....	477	459	346	326	182	178	117	131	47	17
Richmond.....	579	534	434	410	155	163	277	247	2	0
River.....	242	113	229	87	99	46	115	39	15	2
San Pablo.....	185	214	163	158	68	70	91	88	4	0
Walnut Creek-Danville.....	212	214	151	178	40	85	107	89	4	4
Fresno:										
Fresno.....	1,872	1,822	1,457	1,298	988	835	455	446	14	17
Humboldt:										
Eureka.....	475	348	415	318	179	124	214	186	22	8
Kern:										
Bakersfield.....	1,512	1,283	1,220	1,181	936	887	266	222	18	72
Los Angeles:										
Alhambra.....	554	488	492	401	86	76	401	369	5	16
Antelope.....	207	162	158	140	37	64	119	73	2	3
Beverly Hills.....	1,536	1,464	1,307	1,308	292	305	947	986	68	17
Burbank.....	369	300	327	295	67	73	232	216	28	6
Citrus.....	1,640	1,650	1,588	1,415	468	482	1,098	929	22	4
Compton.....	2,025	1,908	1,861	1,913	478	433	1,341	1,476	42	4
Culver.....	170	202	141	182	16	23	119	155	6	4
Downey.....	1,186	771	1,097	663	200	182	896	481	1	0
East Los Angeles.....	1,499	1,518	1,337	1,261	237	158	1,089	1,100	11	3
El Monte.....	1,438	1,131	1,366	1,017	139	127	1,214	865	13	25
Glendale.....	641	561	584	541	140	132	430	385	14	21
Inglewood.....	1,410	1,335	1,252	1,221	305	244	936	905	41	73
Long Beach.....	2,184	2,066	1,999	1,870	286	199	1,696	1,607	17	64
Los Angeles.....	26,995	26,186	22,496	22,109	4,103	3,065	18,253	18,903	140	141
Los Cerritos.....	601	402	496	394	34	23	450	358	12	13
Newhall.....	141	97	140	92	75	92	62	0	3	0
Pasadena.....	1,338	1,129	1,331	1,062	284	179	1,037	883	0	0
Pomona.....	837	804	678	619	195	132	461	476	22	11
San Antonio.....	1,284	975	1,099	832	149	121	945	705	5	6
Santa Anita.....	384	438	371	411	103	70	268	322	0	19
Santa Monica.....	595	633	564	591	116	145	431	442	17	4
South Bay.....	2,050	2,057	1,947	1,910	373	415	1,499	1,457	75	38
South Gate.....	789	498	763	408	181	66	581	338	1	4
Whittier.....	977	688	890	645	146	108	744	537	0	0
Marin:										
Central.....	735	710	488	571	246	331	240	222	2	12
Monterey:										
Monterey-Carmel.....	649	520	583	502	381	321	201	179	1	2
Salinas.....	613	454	484	452	215	258	259	178	10	16
Orange:										
Central Orange County.....	1,903	1,611	1,046	887	757	625	276	348	13	14
North Orange County.....	2,236	1,570	1,599	721	1,235	490	330	203	34	28
Orange County Harbor.....	1,541	969	664	429	530	339	96	67	35	23
South Orange County.....	738	565	363	309	238	228	120	77	7	4
West Orange County.....	1,848	1,575	1,062	1,187	677	898	339	252	45	37
Riverside:										
Corona.....	407	306	287	269	125	68	143	184	19	17
Desert.....	583	608	402	465	155	237	225	212	22	16
Riverside.....	1,822	1,776	1,333	1,348	700	634	828	711	5	3
Sacramento:										
Sacramento.....	3,668	3,214	2,586	2,341	1,781	1,725	805	606	0	10
San Bernardino:										
San Bernardino County.....	2,841	2,406	2,605	2,279	1,524	1,353	1,046	893	35	33

TABLE 30—CALIFORNIA MUNICIPAL COURTS—Continued
FELONY PRELIMINARY FILINGS AND DISPOSITIONS
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before hearing		Dispositions after hearing*			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
San Diego:										
El Cajon.....	1,081	738	727	561	363	285	330	259	34	17
North County.....	1,448	1,045	1,039	734	511	244	491	474	37	16
San Diego.....	6,021	4,633	4,480	3,597	2,370	1,960	2,007	1,539	103	98
San Francisco:										
San Francisco.....	7,136	6,612	6,814	6,655	3,230	3,137	2,579	2,470	5	48
San Joaquin:										
Lodi.....	190	174	152	142	86	103	64	35	2	4
Stockton.....	1,469	1,360	1,184	1,603	814	1,253	369	359	1	0
San Mateo:										
Central.....	846	661	533	520	227	256	296	263	10	1
Northern.....	890	705	731	588	436	354	276	184	19	50
Southern.....	1,084	977	678	692	390	345	252	309	36	38
Santa Barbara:										
Santa Barbara-Goleta.....	913	738	767	604	374	300	323	255	70	49
Santa Maria.....	315	207	193	186	112	148	53	21	28	17
Santa Clara:										
Los Gatos-Campbell-Saratoga.....	284	186	205	145	64	61	141	84	0	0
Palo Alto-Mountain View.....	767	513	480	371	196	183	276	179	8	9
San Jose-Milpitas.....	2,611	2,112	1,913	1,678	1,021	829	806	773	86	76
Santa Clara ^b	345	239	303	225	173	115	124	102	6	8
Sunnyvale-Cupertino ^b	429	318	258	227	124	90	121	130	13	7
Santa Cruz:										
Santa Cruz County.....	624	487	519	443	233	275	264	162	22	9
Solano:										
Fairfield-Suisun.....	274	311	161	184	90	105	65	78	6	1
Vallejo.....	559	403	404	331	188	220	173	94	43	17

JUDICIAL COUNCIL OF CALIFORNIA

Sonoma:										
Central ^b	570	620	348	391	155	189	193	163	0	32
Southern Sonoma County.....	624	648	613	634	69	629	60	60	64	65
Stanislaus:										
Mokelumne.....	1,072	835	799	701	248	209	535	471	16	21
Tulare:										
Visalia.....	261	218	272	211	99	211	170	0	3	0
Ventura:										
Ventura County.....	1,308	1,440	1,502	1,592	912	947	580	633	10	12

* Since July 1, 1966, only those felony cases disposed of after both the prosecution and the defense introduced testimonial evidence during the hearing (exclusive of cross-examination by witnesses called by the other side) are classified as contested matters. Felony cases in which only the prosecution introduced evidence are considered uncontested. Prior to July 1, 1966, all felony cases disposed of during or after hearing were classified as contested matters.

^b For explanation, see footnote applicable to the item or court on Table 29.

^c Revised.

ANNUAL REPORT OF THE ADMINISTRATIVE OFFICE

**TABLE 31—CALIFORNIA MUNICIPAL COURTS
FILINGS AND DISPOSITIONS OF SELECTED TRAFFIC VIOLATIONS***
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial ^b				Juvenile orders ^b	
							Uncontested matters		Contested matters			
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	191,165	182,466	180,499	163,664	170,900	154,099	2,489	2,036	7,030	7,501	80	28
Alameda:												
Alameda.....	332	292	241	203	228	195	6	4	7	4	0	0
Berkeley-Albany.....	601	914	760	755	712	685	29	23	19	47	0	0
Fremont-Newark-Union City.....	1,178	1,052	932	714	843	571	2	3	87	140	0	0
Oakland-Piedmont.....	6,174	5,329	4,351	4,023	3,730	3,394	85	90	536	539	0	0
San Leandro-Hayward.....	2,812	2,703	2,038	2,316	1,764	2,003	66	126	208	187	0	0
Butte:												
Chico ^b	177	--	188	--	173	--	1	--	14	--	0	--
Contra Costa:												
Mt. Diablo ^b	1,021	925	870	782	797	713	20	18	51	49	2	2
Richmond.....	899	1,030	738	895	648	751	5	35	77	109	8	0
River ^b	579	160	578	188	550	173	1	2	16	7	11	6
San Pablo.....	682	642	466	472	385	364	0	1	81	106	0	1
Walnut Creek-Danville.....	987	863	802	792	722	691	8	16	65	85	7	0
Fresno:												
Fresno.....	2,791	2,168	3,664	3,117	3,610	3,033	3	10	39	64	12	10
Humboldt:												
Eureka.....	678	753	913	605	903	592	0	2	10	11	0	0
Kern:												
Bakersfield.....	2,321	2,304	1,889	2,206	1,838	1,910	0	4	51	292	0	0
Los Angeles:												
Alhambra.....	1,607	1,820	1,592	1,761	1,532	1,646	4	43	56	72	0	0
Antelope.....	847	781	837	762	814	724	9	4	14	34	0	0
Beverly Hills.....	961	592	778	557	764	467	1	9	13	81	0	0
Burbank.....	913	906	802	758	769	728	10	9	23	21	0	0
Citrus.....	3,541	3,532	3,696	3,054	3,598	2,937	12	10	86	107	0	0
Compton.....	2,489	3,414	2,373	3,214	2,060	3,195	253	2	60	17	0	0
Culver.....	436	469	374	387	354	362	4	7	16	18	0	0
Downey.....	2,317	2,322	1,935	2,009	1,852	1,899	2	38	81	72	0	0
East Los Angeles.....	4,794	4,521	4,347	4,282	4,280	4,207	4	27	63	48	0	0
El Monte.....	3,890	4,002	3,858	3,692	3,768	3,527	2	0	98	165	0	0

Glendale.....	910	790	821	825	758	795	12	4	51	26	0	0
Inglewood.....	2,068	2,217	1,956	1,873	1,861	1,786	13	43	82	44	0	0
Long Beach.....	4,761	3,976	4,611	4,462	4,288	4,095	35	61	288	306	0	0
Los Angeles.....	51,359	48,745	55,554	44,984	54,144	43,580	119	78	1,291	1,326	0	0
Los Coritos.....	2,357	1,973	1,456	1,447	1,386	1,365	1	0	69	82	0	0
Newhall.....	2,963	1,833	2,771	1,739	2,747	1,724	0	0	24	15	0	0
Pasadena.....	1,486	1,480	1,090	1,117	985	1,022	9	10	96	85	0	0
Pomona.....	1,281	1,476	1,212	1,223	1,185	1,188	6	6	21	29	0	0
San Antonio.....	1,798	2,174	1,854	1,977	1,808	1,899	5	5	41	73	0	0
Santa Anita.....	681	877	678	874	643	825	3	6	32	43	0	0
Santa Monica.....	1,132	918	882	779	869	777	5	0	8	2	0	0
South Bay.....	2,440	2,610	2,382	2,531	2,238	2,353	22	25	122	153	0	0
South Gate.....	833	861	704	762	683	743	9	9	12	10	0	0
Whittier.....	2,516	2,973	2,502	3,038	2,353	2,862	0	0	149	176	0	0
Marin:												
Central.....	1,614	1,292	1,268	947	1,180	915	4	6	72	25	12	1
Monterey:												
Monterey-Carmel.....	801	829	926	786	852	750	11	5	63	30	0	1
Salinas.....	582	624	586	623	559	586	0	3	27	34	0	0
Orange:												
Central Orange County.....	3,211	2,854	2,600	2,121	2,561	2,057	3	1	36	63	0	0
North Orange County.....	2,546	2,407	2,179	2,166	2,066	2,119	3	2	110	45	0	0
Orange County Harbor.....	1,052	1,092	712	759	701	754	0	0	11	5	0	0
South Orange County.....	580	561	449	454	433	435	0	0	16	19	0	0
West Orange County.....	3,220	3,247	3,124	3,084	2,971	2,922	15	10	138	152	0	0
Riverside:												
Corona.....	594	505	608	483	531	461	35	2	42	20	0	0
Desert.....	775	941	731	842	676	777	16	9	39	56	0	0
Riverside.....	2,595	2,408	2,334	2,656	2,203	2,426	17	50	114	180	0	0
Sacramento:												
Sacramento.....	5,823	6,075	4,945	4,960	4,612	4,577	102	106	231	277	0	0
San Bernardino:												
San Bernardino County.....	4,762	4,806	3,882	4,029	3,748	3,869	16	20	118	140	0	0
San Diego:												
El Cajon.....	2,027	1,960	1,622	1,609	1,518	1,497	20	12	84	100	0	0
North County.....	1,972	1,679	1,774	1,290	997	754	674	469	103	67	0	0
San Diego.....	12,957	11,942	9,212	8,740	8,793	8,325	44	50	375	365	0	0
San Francisco:												
San Francisco.....	3,260	3,256	3,050	2,667	2,390	2,204	489	282	171	181	0	0
San Joaquin:												
Lodi.....	304	398	240	229	236	216	1	3	3	10	0	0
Stockton.....	1,504	1,183	1,462	1,372	1,436	1,324	1	1	25	47	0	0
San Mateo:												
Central.....	1,325	1,071	1,356	970	1,255	906	33	19	68	45	0	0
Northern.....	1,244	1,027	1,137	930	1,020	838	81	75	36	19	0	0
Southern.....	1,299	1,162	1,286	902	1,233	856	6	5	48	41	0	0

TABLE 31—CALIFORNIA MUNICIPAL COURTS—Continued
FILINGS AND DISPOSITIONS OF SELECTED TRAFFIC VIOLATIONS*
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial ^b				Juvenile orders ^b	
							Uncontested matters		Contested matters			
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
Santa Barbara:												
Santa Barbara-Goleta	869	735	881	708	816	672	45	8	20	28	0	0
Santa Maria	572	376	560	343	541	334	0	0	9	9	0	0
Santa Clara:												
Los Gatos-Campbell-Saratoga	512	543	498	479	419	381	0	0	77	98	0	0
Palo Alto-Mountain View	1,591	1,553	1,380	1,267	1,266	1,163	20	29	94	75	0	0
San Jose-Milpitas	4,211	4,089	4,060	3,796	3,785	3,540	27	33	248	223	0	0
Santa Clara ^b	927	773	923	786	860	752	11	4	52	30	0	0
Sunnyvale-Cupertino ^b	846	695	727	807	664	764	2	2	61	41	0	0
Santa Cruz:												
Santa Cruz County	905	832	824	655	771	609	5	6	46	40	2	0
Solano:												
Fairfield-Suisun	449	387	454	354	436	334	7	5	7	15	4	0
Vallejo	555	590	546	474	465	442	12	5	47	27	22	0
Sonoma:												
Central ^b	751	702	698	560	675	551	0	0	21	9	0	0
Southern Sonoma County	689	1,176	663	1,120	679	622	66	69	148	189	60	60
Stanislaus:												
Modesto	1,163	1,111	1,101	989	1,001	889	6	19	94	74	0	7
Tulare:												
Visalia	763	648	733	651	680	624	4	2	49	25	0	0
Ventura:												
Ventura County	3,313	3,540	4,087	3,881	3,909	3,675	8	54	170	152	0	0

* Some of the more serious traffic offenses, i.e., violations of Sections 14601, 20002, 23102, 23103, 23104 and 23106 of the Vehicle Code, have been reported separately from other nonparking traffic violations since July 1, 1966.

^b For explanation, see footnote applicable to the item or court on Table 29.

^c Revised.

TABLE 32—CALIFORNIA MUNICIPAL COURTS
FILINGS AND DISPOSITIONS OF OTHER NONPARKING TRAFFIC VIOLATIONS*
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial ^b				Juvenile orders ^b	
							Uncontested matters		Contested matters			
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total	3,751,441	3,454,314	3,432,294	3,290,813	3,320,552	3,182,633	12,392	14,035	76,114	171,500	23,236	22,645
Alameda:												
Alameda	10,765	11,819	10,576	11,580	10,451	11,433	50	45	75	102	9	0
Berkeley-Albany	25,908	22,140	23,734	20,583	23,268	20,138	101	76	365	369	0	0
Fremont-Newark-Union City	23,455	21,266	23,168	18,064	22,303	17,309	9	61	656	684	0	0
Oakland-Piedmont	140,973	103,706	145,447	108,580	140,344	104,513	411	588	4,692	3,479	0	0
San Leandro-Hayward	55,081	54,445	51,818	53,783	49,797	51,961	151	500	1,870	1,322	0	0
Butte:												
Chico ^b	7,113	--	7,409	--	6,454	--	0	--	146	--	809	--
Contra Costa:												
Mt. Diablo ^b	24,640	21,785	24,096	21,580	19,923	17,944	214	122	659	534	3,300	2,986
Richmond	12,494	10,644	12,948	10,365	11,463	9,934	16	27	371	362	1,098	942
River ^b	7,612	2,545	7,378	2,262	6,408	1,973	24	19	161	32	785	238
San Pablo	9,227	9,254	9,517	9,019	8,179	7,923	1	0	517	401	820	695
Walnut Creek-Danville	26,012	25,442	25,653	25,619	22,020	22,090	86	148	826	929	2,721	2,452
Fresno:												
Fresno	62,285	63,136	59,239	60,243	58,213	58,389	16	37	340	218	670	1,599
Humboldt:												
Eureka	5,414	5,187	5,013	4,977	5,576	4,921	5	8	32	48	0	0
Kern:												
Bakersfield	42,633	46,133	43,762	48,035	43,186	46,784	0	6	576	1,245	0	0
Los Angeles:												
Alhambra	24,687	27,014	24,913	31,509	24,292	30,967	27	39	594	503	0	0
Antelope	18,434	18,922	18,131	19,012	17,921	18,717	22	6	188	289	0	0
Beverly Hills	31,000	30,834	26,584	28,178	25,650	27,472	25	2	909	704	0	0
Burbank	24,557	26,141	24,284	25,535	23,986	25,292	16	29	288	224	0	0
Citrus	66,288	60,909	70,149	60,302	69,293	59,258	16	32	930	1,012	0	0
Compton	67,064	69,590	61,372	62,397	58,655	60,368	1,870	1,190	847	839	0	0
Culver	16,551	14,805	16,082	13,467	15,862	13,272	2	14	218	181	0	0
Downey	54,541	53,378	51,477	48,128	50,282	46,835	17	205	1,178	998	0	0
East Los Angeles	65,263	57,880	57,870	50,314	56,900	49,717	48	12	922	585	0	0
El Monte	58,238	64,162	53,365	62,503	62,464	61,111	0	0	901	1,392	0	0
Glendale	21,821	23,307	21,001	22,286	20,669	21,928	53	31	279	327	0	0

TABLE 32—CALIFORNIA MUNICIPAL COURTS—Continued
FILINGS AND DISPOSITIONS OF OTHER NONPARKING TRAFFIC VIOLATIONS*
Fiscal Years 1968-69 and 1969-70

JUDICIAL COUNCIL OF CALIFORNIA

ANNUAL REPORT OF THE ADMINISTRATIVE OFFICE

185

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial ^b					
							Uncontested matters		Contested matters		Juvenile orders ^b	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
Los Angeles—Continued												
Inglewood	53,076	56,108	53,267	51,897	52,274	50,840	45	84	948	973	0	0
Long Beach	88,960	88,398	88,150	89,151	86,150	87,407	109	96	1,891	1,648	0	0
Los Angeles	757,412	579,237	547,275	525,772	536,858	515,684	162	175	10,255	9,913	0	0
Los Cerritos	30,624	32,645	31,027	35,194	30,351	34,383	0	0	676	811	0	0
Newhall	29,619	37,716	28,133	36,726	27,878	36,284	7	1	248	441	0	0
Pasadena	39,347	36,343	37,936	34,359	37,215	33,681	13	46	708	632	0	0
Pomona	35,014	34,169	34,962	32,544	34,548	32,040	19	8	395	496	0	0
San Antonio	28,646	30,456	27,879	32,516	27,468	32,097	11	18	400	401	0	0
Santa Anita	14,212	13,497	13,843	13,855	13,423	13,477	18	23	402	355	0	0
Santa Monica	31,585	23,471	29,244	22,174	28,786	21,829	20	35	438	310	0	0
South Bay	62,697	61,134	60,433	58,249	58,776	55,663	69	51	1,588	1,535	0	0
South Gate	11,052	12,830	13,842	12,771	13,591	12,416	50	111	201	244	0	0
Whittier	55,487	61,488	51,856	55,225	50,244	53,572	2	2	1,610	1,651	0	0
Marin:												
Central	31,771	35,610	36,927	34,145	33,097	31,165	171	80	821	739	2,838	2,161
Monterey:												
Monterey-Carmel	17,227	17,066	17,515	16,209	16,895	14,758	46	45	574	427	0	979
Salinas	13,825	15,760	12,817	15,433	12,614	14,172	6	28	197	251	0	982
Orange:												
Central Orange County	87,369	70,123	83,025	66,712	81,816	65,465	26	49	1,183	1,198	0	0
North Orange County	74,406	70,398	73,442	69,261	71,210	67,082	25	40	1,825	1,842	376	297
Orange County Harbor	39,083	40,058	37,862	38,698	37,394	37,884	45	40	623	774	0	0
South Orange County	27,251	25,182	24,091	22,044	22,334	20,463	0	0	349	355	1,348	1,226
West Orange County	66,080	60,500	62,073	58,419	60,002	56,210	80	30	1,991	2,179	0	0
Riverside:												
Corona	9,931	9,507	9,624	9,638	9,412	9,580	48	6	164	52	0	0
Desert	22,975	19,034	20,646	16,900	20,297	16,641	36	19	313	240	0	0
Riverside	40,440	37,884	41,787	33,071	41,383	32,728	35	28	369	315	0	0
Sacramento:												
Sacramento	83,439	83,491	77,298	81,633	75,526	79,762	336	463	1,436	1,408	0	0
San Bernardino:												
San Bernardino County	87,663	80,369	79,299	74,288	77,985	73,126	97	85	1,217	1,077	0	0
San Diego:												
El Cajon	34,097	33,675	32,801	32,429	31,573	31,330	129	89	1,099	1,010	0	0
North County	53,548	52,305	55,827	51,715	54,055	50,034	810	812	962	869	0	0
San Diego	255,460	271,665	250,130	250,665	242,671	244,847	142	71	7,317	5,747	0	0
San Francisco:												
San Francisco	108,362	106,618	97,375	107,947	89,888	99,033	2,813	4,518	4,674	4,396	0	0
San Joaquin:												
Lodi	6,876	6,439	7,165	6,526	6,473	5,738	31	24	96	67	565	697
Stockton	30,428	26,306	27,789	25,597	24,966	22,885	5	18	342	345	2,476	2,349
San Mateo:												
Central	35,920	31,658	34,004	29,475	31,128	27,049	1,792	1,658	1,084	768	0	0
Northern	37,429	33,579	40,181	37,143	38,548	35,954	1,226	789	407	400	0	0
Southern	30,735	27,015	28,705	25,651	28,193	24,754	24	424	488	473	0	0
Santa Barbara:												
Santa Barbara-Goleta	26,036	24,640	22,683	22,522	22,394	22,225	133	153	156	144	0	0
Santa Maria	11,342	8,554	10,187	8,088	10,039	8,043	0	0	148	45	0	0
Santa Clara:												
Los Gatos-Campbell-Saratoga	15,016	15,889	14,475	15,485	13,625	14,469	0	0	850	1,016	0	0
Fairfield-Mountain View	42,783	38,254	38,556	36,209	37,220	34,774	66	74	1,270	1,361	0	0
San Jose-Milpitas	102,353	104,552	103,554	102,126	99,960	98,345	109	156	3,485	3,625	0	0
Santa Clara	16,540	18,433	16,676	19,730	16,153	19,192	38	41	485	497	0	0
Sunnyvale-Cupertino	18,175	13,250	16,983	12,338	16,221	11,708	1	3	761	627	0	0
Santa Cruz:												
Santa Cruz County	23,088	22,601	21,555	20,723	19,552	18,905	71	50	417	506	1,515	1,262
Solano:												
Fairfield-Suisun	17,711	17,888	16,550	19,121	16,084	18,309	52	48	149	243	365	521
Vallejo	10,456	9,894	10,844	10,136	9,592	9,071	17	19	231	189	1,004	857
Sonoma:												
Central	19,791	18,811	18,371	17,482	17,752	16,864	23	37	236	294	360	287
Southern Sonoma County	2,511	2,236	2,740	2,721	2,934	2,824	97	40	359	425	350	472
Stanislaus:												
Modesto	17,625	18,938	18,191	16,555	15,815	14,395	27	64	513	453	1,836	1,643
Tulare:												
Visalia	11,983	11,526	12,701	10,253	12,515	10,127	58	6	127	120	0	0
Ventura:												
Ventura County	76,038	60,580	64,312	53,975	63,345	53,010	71	131	896	834	0	0

* Excludes violations of Sections 14601, 20002, 23102, 23103, 23104 and 23106 of the Vehicle Code, which have been reported separately from other nonparking traffic violations since July 1, 1966.
^b For explanation, see footnote applicable to the item or court on Table 29.
^c Revised.

TABLE 33—CALIFORNIA MUNICIPAL COURTS
INTOXICATION FILINGS AND DISPOSITIONS^a
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial ^b			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	210,133	200,468	193,695	181,084	191,168	181,825	751	515	1,776	1,741
Alameda:										
Alameda.....	676	572	680	583	668	574	4	4	8	5
Berkeley-Albany.....	507	568	596	591	571	579	18	4	7	8
Fremont-Newark-Union City.....	322	293	274	264	272	263	1	1	1	0
Oakland-Piedmont.....	13,206	11,990	13,081	12,119	13,017	12,042	49	26	15	51
San Leandro-Hayward.....	1,435	1,339	1,695	1,531	1,638	1,476	19	19	38	36
Butte:										
Chico ^b	122	--	106	--	105	--	0	--	1	--
Contra Costa:										
Mt. Diablo ^b	358	360	352	342	337	328	5	8	10	6
Richmond.....	852	685	926	627	894	580	2	2	30	45
River ^b	465	121	458	111	446	110	4	0	8	1
San Pablo.....	231	195	251	195	240	180	0	0	11	15
Walnut Creek-Danville.....	139	141	98	140	89	132	3	3	6	5
Fresno:										
Fresno.....	9,475	9,759	9,495	9,436	9,494	9,435	1	1	0	0
Humboldt:										
Eureka.....	376	449	418	419	416	414	0	3	2	2
Kern:										
Bakersfield.....	3,635	3,455	3,576	3,211	3,569	3,187	0	11	7	13
Los Angeles:										
Alhambra.....	486	593	491	572	480	552	2	6	9	14
Antelope.....	574	386	514	338	492	323	2	3	20	13
Beverly Hills.....	928	746	729	647	721	644	5	0	3	3
Burbank.....	663	804	679	790	671	773	1	7	7	10
Citrus.....	839	1,197	831	1,242	804	1,221	5	1	22	20
Compton.....	2,230	2,291	2,192	2,434	2,033	2,422	146	1	13	11
Culver.....	341	274	349	246	338	242	2	3	9	1
Downey.....	1,407	1,193	1,320	1,179	1,277	1,123	0	14	43	42
East Los Angeles.....	3,446	2,885	2,409	2,409	2,860	2,384	1	1	24	24
El Monte.....	2,089	1,977	1,794	1,853	1,768	1,827	0	0	26	26

JUDICIAL COUNCIL OF CALIFORNIA

Glendale.....	626	779	576	783	564	774	1	2	11	7
Inglewood.....	1,553	1,553	1,416	1,307	1,394	1,290	2	8	20	19
Long Beach.....	6,048	6,605	6,041	6,514	6,005	6,474	6	8	30	32
Los Angeles.....	58,082	54,073	43,920	40,507	43,673	40,240	32	22	215	245
Los Cerritos.....	681	834	754	842	720	814	2	0	32	28
Newhall.....	291	183	290	151	231	149	0	0	9	2
Pasadena.....	1,383	1,495	1,174	1,340	1,146	1,315	0	3	28	22
Pomona.....	925	849	785	714	772	709	8	1	5	4
San Antonio.....	1,949	1,610	2,003	1,749	1,976	1,725	1	1	26	20
Santa Anita.....	332	458	335	447	323	433	0	0	12	14
Santa Monica.....	1,034	962	1,066	948	1,062	947	0	1	4	0
South Bay.....	2,145	2,571	2,297	2,781	2,164	2,669	25	6	108	106
South Gate.....	1,604	857	1,611	834	1,578	803	7	10	26	21
Whittier.....	1,339	1,137	1,342	1,098	1,261	1,034	0	0	81	64
Marin:										
Central.....	610	583	649	520	631	504	5	7	13	9
Monterey:										
Monterey-Carmel.....	594	619	615	630	604	606	3	13	8	11
Salinas.....	5,943	6,914	5,790	6,714	5,789	6,713	0	0	1	1
Orange:										
Central Orange County.....	4,366	3,752	4,279	3,516	4,222	3,473	21	2	36	41
North Orange County.....	1,820	1,444	1,887	1,413	1,836	1,389	10	3	41	41
Orange County Harbor.....	1,113	1,058	1,071	984	1,054	972	0	1	17	11
South Orange County.....	511	505	391	427	380	418	0	0	11	9
West Orange County.....	2,255	2,010	2,359	1,982	2,322	1,919	6	4	31	59
Riverside:										
Corona.....	357	519	338	467	296	460	15	0	27	7
Desert.....	787	1,062	790	1,040	774	1,019	1	5	15	16
Riverside.....	710	741	604	717	588	691	3	5	13	21
Sacramento:										
Sacramento.....	9,762	9,016	9,691	8,968	9,629	8,906	8	6	54	54
San Bernardino:										
San Bernardino County.....	2,404	2,583	2,279	2,534	2,250	2,484	4	6	25	44
San Diego:										
El Cajon.....	578	579	588	548	548	534	8	0	32	14
North County.....	1,376	1,316	1,314	1,242	1,146	1,108	136	94	32	40
San Diego.....	6,450	6,969	6,823	7,123	6,470	6,972	17	9	136	142
San Francisco:										
San Francisco.....	19,385	17,272	19,436	17,236	19,332	17,158	90	53	14	25
San Joaquin:										
Lodi.....	732	819	671	847	664	832	0	0	7	15
Stockton.....	6,745	6,317	6,792	6,466	6,755	6,437	2	1	35	28

ANNUAL REPORT OF THE ADMINISTRATIVE OFFICE

TABLE 33—CALIFORNIA MUNICIPAL COURTS—Continued
INTOXICATION FILINGS AND DISPOSITIONS*
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial ^b			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
San Mateo:										
Central	362	422	357	448	337	424	7	8	13	16
Northern	382	311	423	364	392	332	18	25	13	7
Southern	407	414	280	421	273	410	1	1	6	10
Santa Barbara:										
Santa Barbara-Goleta	2,416	2,300	2,316	2,250	2,313	2,250	3	0	0	0
Santa Maria	220	190	237	199	233	190	0	0	4	9
Santa Clara:										
Los Gatos-Campbell-Saratoga	196	134	175	123	154	108	0	0	21	15
Palo Alto-Mountain View	470	421	404	326	387	305	4	8	13	13
San Jose-Milpitas	8,001	8,158	7,895	7,743	7,870	7,706	4	7	21	30
Santa Clara ^b	219	212	202	212	194	196	0	7	8	9
Sunnyvale-Cupertino ^b	476	349	399	332	380	321	0	1	19	10
Santa Cruz:										
Santa Cruz County	1,019	925	1,063	998	1,017	974	9	6	37	16
Solano:										
Fairfield-Suisun	116	168	122	183	116	180	2	2	4	1
Vallejo	537	399	531	371	492	349	6	4	33	18
Sonoma:										
Central ^b	839	670	758	566	757	566	1	0	0	0
Southern Sonoma County	137	156	179	101	136	179	0	22	43	0
Stanislaus:										
Modesto	1,053	1,006	1,105	956	1,063	943	9	2	33	11
Tulare:										
Visalia	705	628	669	619	661	595	1	0	7	24
Ventura:										
Ventura County	3,285	3,175	3,113	3,208	3,084	3,146	3	33	26	29

* Intoxication cases have been reported separately from other nontraffic misdemeanors since July 1, 1966.
^b For explanation, see footnote applicable to the item or court on Table 29.
^R Revised.

TABLE 34—CALIFORNIA MUNICIPAL COURTS
FILINGS AND DISPOSITIONS OF OTHER NONTRAFFIC MISDEMEANORS*
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial ^b			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total	250,025	R228,717	252,274	R221,308	233,436	R203,931	4,316	3,495	14,522	R13,882
Alameda:										
Alameda	631	588	767	711	721	669	20	19	26	23
Berkeley-Albany	3,428	3,462	3,974	3,006	3,688	2,754	180	110	106	142
Fremont-Newark-Union City	1,841	1,366	1,971	1,418	1,749	1,270	4	10	218	138
Oakland-Piedmont	10,073	8,305	9,646	7,872	8,883	7,007	245	312	518	553
San Leandro-Hayward	2,486	2,010	3,136	2,500	2,784	2,239	43	34	309	227
Butte:										
Chico ^b	1,472	--	1,157	--	1,119	--	1	--	37	--
Contra Costa:										
Mt. Diablo ^b	2,068	2,271	1,982	2,160	1,829	2,016	73	48	80	96
Richmond	2,157	1,947	2,446	1,980	2,236	1,731	12	39	198	210
River ^b	990	290	942	262	884	247	17	2	41	13
San Pablo	1,297	1,444	1,161	1,181	1,037	1,035	0	2	124	144
Walnut Creek-Danville	1,209	925	1,123	869	1,076	804	17	7	50	58
Fresno:										
Fresno	4,525	4,128	3,710	4,126	3,610	4,037	10	12	90	77
Humboldt:										
Eureka	619	686	790	603	771	578	4	6	15	19
Kern:										
Bakersfield	3,216	R3,374	3,163	3,226	2,963	2,867	0	64	190	275
Los Angeles:										
Alhambra	1,067	1,006	1,125	871	1,054	796	0	21	71	54
Antelope	715	740	690	649	646	573	13	5	31	71
Beverly Hills	1,793	1,705	1,866	1,737	1,629	1,562	35	30	202	145
Burbank	784	613	652	568	610	501	3	16	39	51
Citrus	3,883	3,063	3,949	2,985	3,591	2,718	14	25	344	242
Compton	4,040	3,534	3,616	3,277	3,298	3,197	235	34	83	46
Culver	623	704	562	583	536	556	3	3	23	24
Downey	2,153	2,192	1,941	2,113	1,732	1,918	6	37	203	158
East Los Angeles	2,033	2,192	1,622	1,843	1,540	1,742	1	4	81	97
El Monte	2,166	2,317	1,765	1,814	1,474	1,550	1	1	290	263

TABLE 34—CALIFORNIA MUNICIPAL COURTS—Continued
 FILINGS AND DISPOSITIONS OF OTHER NONTRAFFIC MISDEMEANORS*
 Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial ^b			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
Los Angeles—Continued										
Glendale	1,589	846	1,581	824	1,421	742	26	14	134	68
Inglewood	2,615	2,354	2,451	2,609	2,236	2,370	30	86	185	153
Long Beach	6,021	6,001	5,408	6,025	4,907	5,536	54	75	447	414
Los Angeles	45,754	45,004	51,906	44,224	48,417	40,494	281	280	3,208	3,450
Los Cerritos	1,293	1,038	1,148	783	1,078	693	1	1	69	89
Newhall	506	311	476	294	460	282	0	0	16	12
Pasadena	2,150	1,750	1,882	1,371	1,659	1,145	9	12	214	214
Pomona	2,590	2,297	2,329	1,896	2,152	1,794	38	14	139	88
San Antonio	1,927	1,931	1,909	1,795	1,746	1,648	4	3	159	144
Santa Anita	840	727	873	743	808	631	8	9	57	103
Santa Monica	1,825	1,609	1,947	1,529	1,884	1,504	5	6	58	19
South Bay	4,643	4,881	4,594	4,642	4,212	4,374	123	42	259	226
South Gate	1,071	757	948	758	839	685	38	33	71	40
Whittier	1,891	1,832	1,666	1,561	1,466	1,343	0	0	200	218
Marin:										
Central	1,774	1,584	1,724	1,498	1,646	1,432	6	8	72	58
Monterey:										
Monterey-Carmel	2,167	1,752	2,284	1,681	2,142	1,539	19	29	123	113
Salinas	1,422	1,585	1,303	1,596	1,246	1,549	1	6	56	41
Orange:										
Central Orange County	5,864	5,514	6,251	7,351	6,087	5,864	16	15	148	272
North Orange County	3,161	3,053	3,758	3,664	3,548	3,501	21	16	189	147
Orange County Harbor	3,902	3,460	4,465	3,802	4,354	3,762	11	6	100	34
South Orange County	2,590	2,555	2,069	2,165	2,009	2,099	3	0	57	66
West Orange County	5,339	4,537	5,002	4,090	4,763	3,863	44	36	195	191
Riverside:										
Corona	1,408	1,471	1,286	1,450	1,189	1,419	28	1	69	30
Desert	1,428	1,438	1,459	1,465	1,338	1,273	14	51	107	141
Riverside	2,807	2,378	3,025	2,526	2,854	2,352	18	25	153	149
Sacramento:										
Sacramento	10,757	8,862	8,981	7,531	8,334	7,015	123	109	524	407
San Bernardino:										
San Bernardino County	7,743	8,457	7,167	7,837	6,646	7,511	181	34	340	292

2 OF 3

CONTINUED

San Diego:										
El Cajon.....	1,882	1,551	2,238	1,532	2,009	1,321	33	44	196	167
North County.....	3,245	2,747	2,958	2,338	2,011	1,602	682	560	265	176
San Diego.....	13,137	12,447	11,414	11,323	10,397	10,330	115	75	902	918
San Francisco:										
San Francisco.....	18,535	17,145	19,683	16,454	18,286	15,115	1,081	735	316	604
San Joaquin:										
Lodi.....	705	619	637	521	587	485	11	9	39	27
Stockton.....	2,806	2,588	2,903	3,352	2,741	3,226	11	1	151	125
San Mateo:										
Central.....	1,011	970	1,291	1,180	1,141	1,091	49	16	101	73
Northern.....	1,205	822	1,236	1,019	1,144	919	41	57	51	43
Southern.....	1,133	1,094	1,408	1,234	1,338	1,139	3	7	67	88
Santa Barbara:										
Santa Barbara-Goleta.....	2,594	1,418	2,589	1,570	2,430	1,527	84	4	75	39
Santa Maria.....	738	640	745	583	692	563	0	0	53	20
Santa Clara:										
Los Gatos-Campbell-Saratoga.....	533	400	564	365	451	260	0	0	113	105
Palo Alto-Mountain View.....	1,497	1,272	1,360	1,094	1,279	1,017	12	22	69	55
San Jose-Milpitas.....	6,280	5,288	6,573	5,111	6,160	4,713	13	29	400	369
Santa Clara ^b	696	579	758	652	717	615	7	3	34	34
Sunnyvale-Cupertino ^b	750	452	641	480	57 ^c	457	2	2	64	21
Santa Cruz:										
Santa Cruz County.....	1,781	1,482	1,890	1,627	1,698	1,510	19	6	173	111
Solano:										
Fairfield-Suisun.....	524	516	557	508	517	491	7	5	33	12
Vallejo.....	987	865	1,119	730	986	651	25	21	108	58
Sonoma:										
Central ^b	1,849	1,694	1,794	1,631	1,699	1,541	15	10	80	80
Southern Sonoma County.....	^b 119	^b 214	^b 77	^b 139	^b 50	^b 73	^b 6	^b 30	^b 21	^b 36
Stanislaus:										
Modesto.....	1,597	1,419	1,406	1,143	1,232	1,002	16	9	158	132
Tulare:										
Visalia.....	639	784	710	747	648	686	4	2	58	59
Ventura:										
Ventura County.....	5,436	4,871	6,085	5,311	5,747	5,010	41	76	277	225

^a Excludes intoxication cases which have been reported separately from other nontraffic misdemeanors since July 1, 1966.
^b For explanation, see footnote applicable to the item or court on Table 29.
^c Revised.

TABLE 35—CALIFORNIA MUNICIPAL COURTS
SMALL CLAIMS FILINGS AND DISPOSITIONS
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	286,048	277,448	213,460	201,568	47,636	41,621	90,073	80,076	75,751	69,871
Alameda:										
Alameda.....	843	715	485	610	109	113	147	211	229	180
Berkeley-Albany.....	2,305	1,847	1,343	1,019	134	103	546	382	663	534
Fremont-Newark-Union City.....	1,511	1,424	1,118	1,136	258	249	423	456	487	431
Oakland-Piedmont.....	8,275	7,250	10,111	5,230	5,385	1,166	2,477	2,220	2,349	1,844
San Leandro-Hayward.....	4,569	4,254	1,993	3,084	780	690	1,226	1,245	1,187	1,069
Butte:										
Chico.....	1,152	--	921	--	218	--	438	--	265	--
Contra Costa:										
Mt. Diablo.....	2,269	2,262	1,530	1,701	393	368	610	714	521	599
Richmond.....	3,012	2,199	1,509	1,433	819	227	758	689	482	417
River.....	1,505	425	1,236	427	214	70	802	291	220	66
San Pablo.....	579	614	639	664	143	142	283	269	213	263
Walnut Creek-Danville.....	1,801	1,790	1,328	1,463	369	455	488	491	541	517
Fresno:										
Fresno.....	5,040	4,590	4,073	3,501	1,078	889	1,797	1,566	1,288	1,105
Humboldt:										
Eureka.....	1,032	861	865	763	113	101	559	473	193	189
Kern:										
Bakersfield.....	4,748	4,844	4,350	2,807	1,279	618	2,427	1,488	674	701
Los Angeles:										
Alhambra.....	2,825	2,797	2,188	2,192	525	479	869	969	764	744
Antelope.....	1,342	1,450	905	1,048	156	233	471	571	384	284
Beverly Hills.....	2,212	1,916	1,650	1,498	338	358	531	479	781	861
Butte.....	1,600	1,399	1,187	1,001	277	116	468	432	452	453
Citrus.....	5,609	5,144	3,983	3,863	939	954	1,895	1,763	1,379	1,166
Compton.....	5,586	6,039	3,773	4,194	582	643	2,084	2,410	1,083	1,141
Colver.....	1,007	941	692	708	165	151	217	233	320	324
Downey.....	3,086	3,219	2,038	2,079	312	316	911	995	815	788
East Los Angeles.....	3,674	3,571	2,327	2,737	381	558	1,350	1,619	666	560
El Monte.....	3,798	3,323	2,013	2,703	696	610	1,203	1,204	824	793
Glendale.....	2,463	2,228	1,694	1,647	341	319	588	588	765	660

Inglewood.....	4,297	3,964	3,090	2,989	463	504	1,317	1,480	1,220	979
Long Beach.....	5,465	4,471	5,837	5,232	1,280	1,434	1,765	1,888	1,072	1,960
Los Angeles.....	47,210	49,304	30,323	31,523	1,420	1,323	14,086	16,279	13,371	13,601
Los Cerritos.....	2,389	2,326	1,909	1,877	393	351	865	867	651	659
Northridge.....	576	600	401	469	130	133	168	232	183	104
Pasadena.....	4,493	4,879	3,406	3,643	810	506	1,671	1,763	1,395	1,274
Pomona.....	2,776	2,546	1,305	1,672	364	341	822	804	619	524
San Antonio.....	3,670	4,093	2,608	2,599	372	428	1,583	1,489	703	882
Santa Anita.....	1,280	1,254	1,048	999	150	208	498	404	460	387
Santa Monica.....	2,434	2,292	1,729	1,687	316	280	775	719	738	679
South Bay.....	5,379	5,412	3,501	3,932	965	797	1,622	1,611	1,503	1,624
South Gate.....	1,408	1,187	1,023	849	238	190	503	401	292	258
Whittier.....	2,632	2,454	1,875	1,878	455	484	762	828	708	616
Marin:										
Central.....	2,117	1,993	1,814	1,784	842	778	307	452	575	554
Monterey:										
Monterey-Carmel.....	1,286	1,229	994	871	195	122	414	413	284	335
Salinas.....	2,190	1,835	1,452	1,293	449	237	725	670	278	196
Orange:										
Central Orange County.....	10,204	10,315	6,568	5,942	1,342	1,236	3,590	2,478	1,426	1,228
North Orange County.....	9,312	9,605	5,886	5,713	822	720	2,981	2,070	1,943	2,023
Orange County Harbor.....	3,114	2,784	2,481	2,167	684	646	854	877	683	644
South Orange County.....	895	887	641	649	170	205	193	203	278	241
West Orange County.....	8,010	7,399	7,199	6,595	2,507	2,452	2,823	2,465	1,869	1,678
Riverside:										
Corona.....	1,046	933	847	711	248	202	236	361	263	188
Desert.....	1,872	2,075	1,601	1,604	433	328	687	612	581	468
Riverside.....	4,144	4,061	3,093	2,268	734	591	1,355	1,578	826	799
Sacramento:										
Sacramento.....	7,037	6,556	5,770	5,343	1,399	1,261	1,944	1,827	2,427	2,265
San Bernardino:										
San Bernardino County.....	8,327	8,171	6,815	6,205	1,629	1,614	2,870	3,056	1,816	1,825
San Diego:										
El Cajon.....	2,361	3,086	1,982	1,658	481	375	800	593	951	630
North County.....	3,053	3,182	2,827	2,850	1,179	1,147	923	1,030	725	667
San Diego.....	10,521	9,571	8,390	7,992	2,455	2,097	2,892	2,930	3,143	2,015
San Francisco:										
San Francisco.....	9,848	8,535	6,900	6,035	1,001	579	2,602	2,361	3,303	3,095
San Joaquin:										
Lodi.....	1,311	1,166	977	614	324	307	455	460	168	141
Stockton.....	3,610	3,509	2,051	2,810	874	785	1,614	1,265	583	810
San Mateo:										
Central.....	1,903	1,419	1,338	1,238	236	239	483	416	639	553
Northern.....	1,830	1,535	1,102	1,003	139	73	425	413	336	617
Southern.....	2,609	3,064	2,800	4,081	1,584	2,547	601	799	624	755

TABLE 35—CALIFORNIA MUNICIPAL COURTS—Continued
SMALL CLAIMS FILINGS AND DISPOSITIONS
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
Santa Barbara:										
Santa Barbara-Goleta	2,422	2,217	2,233	2,113	701	700	754	693	778	720
Santa Maria	1,458	1,383	1,245	1,039	346	289	580	473	319	277
Santa Clara:										
Los Gatos-Campbell-Saratoga	1,044	951	631	546	27	22	226	245	378	279
Palo Alto-Mountain View	1,811	1,737	1,427	1,407	361	439	372	357	694	611
San Jose-Milpitas	7,875	7,093	5,562	4,910	1,146	957	2,157	1,934	2,259	2,019
Santa Clara*	1,568	1,490	1,064	1,135	311	296	526	517	227	322
Sunnyvale-Cupertino*	1,343	1,164	988	807	183	159	343	248	462	400
Santa Cruz:										
Santa Cruz County	1,872	1,836	1,283	1,206	188	119	588	599	507	488
Solano:										
Fairfield-Suisun	498	542	365	433	96	125	154	162	115	146
Vallejo	1,082	1,020	890	835	146	149	369	329	375	357
Sonoma:										
Central*	3,103	2,844	2,122	2,001	588	456	941	1,016	593	529
Southern Sonoma County	*224	*511	*180	*338	*55	*115	*56	*97	*69	*126
Stanislaus:										
Modesto	1,239	1,302	954	1,155	257	342	337	454	360	359
Tulare:										
Visalia	831	870	601	587	166	138	257	299	178	150
Ventura:										
Ventura County	7,285	7,263	5,957	5,639	1,453	1,325	2,924	2,813	1,580	1,501

* For explanation, see footnote applicable to the court on Table 29.
 B Revised.

JUDICIAL COUNCIL OF CALIFORNIA

TABLE 36—CALIFORNIA MUNICIPAL COURTS
TORT FILINGS AND DISPOSITIONS
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total	33,573	30,900	20,564	19,832	13,323	12,481	4,539	4,357	2,702	2,994
Alameda:										
Alameda	84	70	37	42	23	27	5	2	9	13
Berkeley-Albany	351	333	222	222	133	137	53	38	36	47
Fremont-Newark-Union City	174	174	80	82	61	70	2	0	17	12
Oakland-Piedmont	1,725	1,621	1,325	1,140	871	672	297	288	157	180
San Leandro-Hayward	907	669	406	336	177	175	147	116	82	45
Butte:										
Chico*	20	--	9	--	6	--	0	--	3	--
Contra Costa:										
Mt. Diablo*	199	225	135	159	84	111	28	34	23	14
Richmond	347	286	166	163	98	107	41	29	27	27
River*	119	29	51	4	23	4	16	0	12	0
San Pablo	83	85	36	58	25	38	2	3	9	17
Walnut Creek-Danville	147	168	91	117	40	80	24	11	27	26
Fresno:										
Fresno	533	534	351	415	209	279	103	101	30	35
Humboldt:										
Eureka	69	88	57	60	30	31	15	11	12	18
Kern:										
Bakersfield	297	216	147	139	106	87	24	21	17	31
Los Angeles:										
Alhambra	171	143	90	85	50	55	15	12	25	18
Antelope	39	51	32	44	22	25	4	16	6	3
Beverly Hills	413	321	78	96	59	65	0	0	19	31
Burbank	116	96	76	80	53	49	18	11	5	20
Citrus	282	206	120	120	82	76	17	18	21	26
Compton	344	324	111	144	80	102	14	15	17	27
Culver	90	75	36	47	21	28	8	12	7	7
Downey	208	177	94	125	58	78	21	28	15	19
East Los Angeles	190	187	50	90	40	64	6	16	13	10
El Monte	221	244	118	140	78	96	23	29	17	15

ANNUAL REPORT OF THE ADMINISTRATIVE OFFICE

TABLE 36—CALIFORNIA MUNICIPAL COURTS—Continued
TORT FILINGS AND DISPOSITIONS
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
Los Angeles—Continued										
Glendale.....	216	164	80	119	19	76	17	24	44	19
Inglewood.....	349	357	199	178	140	117	42	35	17	26
Long Beach.....	663	704	566	661	341	346	108	179	117	136
Los Angeles.....	10,740	10,032	6,923	6,553	5,170	4,517	1,178	1,239	580	797
Los Cerritos.....	111	109	95	81	46	21	38	37	11	23
Newhall.....	33	33	15	18	12	7	0	3	3	8
Pasadena.....	356	283	156	174	98	107	29	41	29	26
Pomona.....	161	125	64	79	35	49	6	13	23	17
San Antonio.....	174	179	93	121	29	67	48	38	16	16
Santa Anita.....	77	84	67	65	41	44	14	13	12	8
Santa Monica.....	213	181	131	122	98	92	29	17	4	13
South Bay.....	550	483	350	367	195	178	84	120	71	69
South Gate.....	88	105	67	59	36	34	27	18	4	7
Whittier.....	162	166	138	115	92	65	19	18	27	32
Marin:										
Central.....	225	229	137	111	84	70	33	24	20	17
Monterey:										
Monterey-Carmel.....	115	119	56	69	42	51	6	7	8	11
Salinas.....	249	243	71	68	48	51	4	2	19	15
Orange:										
Central Orange County.....	376	334	205	153	139	46	38	70	28	37
North Orange County.....	1,367	806	922	534	218	150	832	307	72	77
Orange County Harbor.....	150	115	3	21	3	21	0	0	0	0
South Orange County.....	41	50	6	2	2	2	1	0	3	0
West Orange County.....	276	306	213	224	122	118	59	68	32	38
Riverside:										
Corona.....	29	28	13	12	10	8	1	1	2	3
Desert.....	70	82	37	51	22	33	7	12	8	6
Riverside.....	200	161	122	135	74	82	26	19	22	34
Sacramento:										
Sacramento.....	968	1,027	736	783	496	385	136	282	104	116
San Bernardino:										
San Bernardino County.....	460	441	333	360	203	198	99	126	31	36

San Diego:										
El Cajon.....	127	79	91	38	45	19	34	8	12	11
North County.....	115	102	71	70	69	56	2	3	0	11
San Diego.....	630	504	384	374	311	302	19	33	54	39
San Francisco:										
San Francisco.....	2,986	3,077	2,097	1,937	1,343	1,278	441	403	313	256
San Joaquin:										
Lodi.....	55	26	24	4	17	3	2	0	5	1
Stockton.....	477	492	346	393	254	239	50	88	42	66
San Mateo:										
Central.....	225	237	136	147	128	129	1	1	7	17
Northern.....	221	326	79	80	17	10	24	39	38	31
Southern.....	310	292	235	234	176	194	22	0	37	40
Santa Barbara:										
Santa Barbara-Goleta.....	157	115	55	64	53	45	2	10	0	9
Santa Maria.....	24	31	7	21	3	13	3	6	1	2
Santa Clara:										
Los Gatos-Campbell-Saratoga.....	121	92	56	51	42	26	4	5	10	20
Palo Alto-Mountain View.....	283	206	183	156	107	105	43	21	33	30
San Jose-Milpitas.....	1,159	936	464	411	156	235	205	78	103	98
Santa Clara*.....	105	97	78	71	37	37	26	31	15	3
Sunnyvale-Cupertino*.....	168	100	66	77	48	64	0	1	18	12
Santa Cruz:										
Santa Cruz County.....	101	113	34	61	11	44	11	3	12	14
Solano:										
Fairfield-Suisun.....	5	9	2	9	1	7	0	0	1	2
Vallejo.....	120	131	53	68	23	24	17	31	13	13
Sonoma:										
Central*.....	93	94	30	42	22	22	2	3	6	17
Southern Sonoma County.....	*11	*34	*3	*1	*3	*0	*0	*0	*0	*1
Stanislaus:										
Modesto.....	179	191	132	150	74	94	35	30	23	26
Tulare:										
Visalia.....	106	105	42	84	22	58	11	7	9	19
Ventura:										
Ventura County.....	247	263	166	146	117	86	21	32	28	28

* For explanation, see footnote applicable to the court on Table 29.
 B Revised.

TABLE 37—CALIFORNIA MUNICIPAL COURTS
FILINGS AND DISPOSITIONS OF CIVIL ACTIONS NOT ELSEWHERE CLASSIFIED
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	241,577	R237,665	190,223	R186,158	145,627	R144,743	35,073	31,922	9,523	9,493
Alameda:										
Alameda.....	429	364	336	275	227	205	87	49	22	21
Berkeley-Albany.....	1,764	1,262	1,060	902	765	656	232	170	63	76
Fremont-Newark-Union City.....	1,008	922	863	713	586	499	185	136	92	78
Oakland-Piedmont.....	8,652	9,301	12,901	8,384	11,265	6,984	1,280	1,007	345	393
San Leandro-Hayward.....	2,850	2,918	2,078	2,243	1,787	1,616	180	476	111	151
Butte:										
Chico.....	620	--	483	--	51	--	396	--	36	--
Contra Costa:										
Mt. Diablo.....	1,442	1,560	1,099	1,249	839	946	196	243	64	60
Richmond.....	1,446	1,435	1,127	1,091	755	750	285	254	87	87
River.....	514	162	404	116	308	104	77	8	19	4
San Pablo.....	489	448	360	330	261	264	69	54	30	12
Walnut Creek-Danville.....	973	1,002	713	783	506	577	114	135	93	71
Fresno:										
Fresno.....	5,086	5,482	4,290	4,698	3,718	4,158	380	363	192	177
Humboldt:										
Eureka.....	641	730	562	595	474	515	65	57	23	23
Kern:										
Bakersfield.....	3,311	3,640	3,020	3,487	2,550	2,912	346	381	124	194
Los Angeles:										
Alhambra.....	1,222	1,616	1,011	1,217	748	952	186	188	77	77
Antelope.....	499	388	328	271	251	192	51	49	26	30
Beverly Hills.....	3,477	4,308	2,220	3,066	2,033	2,771	48	52	139	243
Burbank.....	735	607	482	416	354	287	76	84	52	45
Citrus.....	2,513	2,196	2,084	1,651	1,643	1,231	311	319	130	101
Compton.....	3,206	2,440	2,192	1,817	1,298	1,092	797	641	97	84
Culver.....	497	316	294	192	184	109	96	77	14	6
Downey.....	1,868	1,461	1,261	1,197	990	932	214	191	57	74
East Los Angeles.....	803	552	411	328	274	266	104	95	33	27
El Monte.....	1,525	1,018	943	716	679	456	187	190	77	70

Glendale.....	912	661	548	514	392	366	115	95	41	53
Inglewood.....	2,206	1,669	1,418	1,159	830	691	531	397	57	71
Long Beach.....	4,563	4,770	3,566	3,739	2,911	3,177	415	388	240	174
Los Angeles.....	81,796	84,174	62,488	66,070	48,321	51,640	11,898	11,915	2,269	2,515
Los Cerritos.....	1,610	1,428	1,136	1,142	928	903	107	196	41	43
Newhall.....	212	171	152	122	133	94	10	19	9	9
Pasadena.....	1,945	1,503	1,324	1,145	875	739	368	309	81	97
Pomona.....	1,149	862	710	543	460	329	186	168	64	46
San Antonio.....	2,021	1,823	1,444	1,336	1,062	1,057	356	250	26	29
Santa Anita.....	684	448	476	341	317	247	126	68	33	26
Santa Monica.....	1,778	2,023	1,721	1,729	1,485	1,490	172	188	64	42
South Bay.....	3,105	2,290	1,921	1,650	1,321	1,158	394	306	206	186
South Gate.....	498	343	310	198	238	147	51	44	21	7
Whittier.....	1,198	956	804	669	564	482	166	141	74	46
Marin:										
Central.....	1,568	1,447	1,148	1,058	832	799	227	207	89	52
Monterey:										
Monterey-Carmel.....	832	1,026	639	804	448	641	141	104	50	59
Salinas.....	1,322	387	1,260	968	1,073	796	132	125	55	47
Orange:										
Central Orange County.....	4,593	4,209	3,527	3,248	2,820	2,623	523	449	184	176
North Orange County.....	5,772	5,081	3,682	3,602	2,979	2,735	410	521	293	346
Orange County Harbor.....	1,513	1,104	1,036	882	797	666	137	113	102	103
South Orange County.....	451	282	300	262	236	183	26	37	38	37
West Orange County.....	2,635	2,063	1,902	1,292	1,375	882	391	297	136	113
Riverside:										
Corona.....	275	192	184	177	143	126	30	23	11	28
Desert.....	896	1,010	777	815	559	504	110	120	108	101
Riverside.....	1,600	1,639	1,223	1,292	816	904	225	249	182	139
Sacramento:										
Sacramento.....	8,160	8,278	7,026	6,877	5,395	5,635	1,282	987	349	255
San Bernardino:										
San Bernardino County.....	3,249	3,031	2,395	2,365	1,746	1,732	480	456	169	177
San Diego:										
El Cajon.....	650	897	534	709	356	557	126	111	52	41
North County.....	843	798	666	647	493	471	117	110	56	66
San Diego.....	8,580	8,750	8,097	8,371	5,317	6,344	2,454	1,704	326	323
San Francisco:										
San Francisco.....	16,298	16,356	12,194	11,718	7,636	7,798	3,996	3,436	562	484
San Joaquin:										
Lodi.....	362	319	299	300	243	238	42	42	14	20
Stockton.....	2,987	2,580	2,504	2,562	1,966	1,981	425	434	113	147
San Mateo:										
Central.....	1,831	1,676	1,249	1,252	1,035	951	178	221	36	80
Northern.....	1,585	1,352	785	518	634	374	73	78	78	66
Southern.....	1,689	1,682	1,790	1,557	1,394	1,205	285	239	111	113

TABLE 37—CALIFORNIA MUNICIPAL COURTS—Continued
FILINGS AND DISPOSITIONS OF CIVIL ACTIONS NOT ELSEWHERE CLASSIFIED
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial ^a			
							Uncontested matters		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
Santa Barbara:										
Santa Barbara-Coleta.....	1,848	1,775	1,544	1,298	1,278	1,095	170	127	96	76
Santa Maria.....	601	533	452	395	398	346	29	30	25	19
Santa Clara:										
Los Gatos-Campbell-Saratoga.....	1,000	791	640	607	479	454	110	122	51	31
Palo Alto-Mountain View.....	1,767	1,867	1,375	1,407	1,127	1,155	178	149	70	103
San Jose-Milpitas.....	7,645	7,646	5,149	5,881	4,084	4,693	678	864	387	324
Santa Clara*.....	626	771	442	499	319	393	101	98	22	8
Sunnyvale-Cupertino*.....	1,044	914	641	570	553	502	27	12	61	56
Santa Cruz:										
Santa Cruz County.....	1,386	1,338	1,018	1,045	869	990	84	6	65	49
Solano:										
Fairfield-Suisun.....	265	237	176	154	147	120	15	15	14	19
Vallejo.....	790	833	562	578	373	450	148	91	41	37
Sonoma:										
Central*.....	1,467	1,356	1,209	1,180	952	945	163	154	94	81
Southern Sonoma County.....	*116	*276	*99	*149	*92	*144	*0	*0	*7	*5
Stanislaus:										
Modesto.....	2,263	2,372	1,843	1,977	1,610	1,740	134	116	99	121
Tulare:										
Visalia.....	1,113	1,097	1,034	972	793	839	172	98	69	35
Ventura:										
Ventura County.....	3,002	2,651	2,282	2,076	1,877	1,694	327	274	78	108

JUDICIAL COUNCIL OF CALIFORNIA

* For explanation, see footnote applicable to the court on Table 29.
 R Revised.

TABLE 38—CALIFORNIA MUNICIPAL COURTS
ILLEGAL PARKING FILINGS AND DISPOSITIONS
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial ^a			
							Uncontested matters ^b		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	6,147,958	^R 5,351,938	5,493,119	^R 4,930,304	5,486,211	^R 4,925,845	^b 4,750	^b 2,556	2,158	1,903
Alameda:										
Alameda.....	17,168	17,207	17,093	16,612	17,087	16,609	2	2	4	1
Berkeley-Albany.....	278,924	281,328	283,095	281,276	283,043	281,252	38	2	14	22
Fremont-Newark-Union City.....	2,229	1,832	1,917	1,164	1,917	1,164	0	0	0	0
Oakland-Piedmont.....	368,192	251,995	284,501	236,438	283,158	235,023	516	600	827	815
San Leandro-Hayward.....	67,178	58,253	60,622	58,664	60,587	58,625	2	16	33	23
Butte:										
Chico*.....	47,307	--	43,154	--	43,145	--	0	--	9	--
Contra Costa:										
Mt. Diablo*.....	22,179	19,049	21,771	17,872	21,678	17,805	43	23	50	44
Richmond.....	14,175	15,900	13,186	15,681	13,180	15,676	0	0	6	5
River*.....	4,926	1,040	5,579	747	5,569	743	^b 4	^b 4	6	0
San Pablo.....	3,440	3,038	3,435	2,741	3,385	2,709	^b 5	0	45	32
Walnut Creek-Danville.....	28,464	28,433	28,660	27,727	28,631	27,710	^b 15	4	14	13
Fresno:										
Fresno.....	68,438	58,481	62,205	57,145	62,199	57,136	^b 1	^b 4	5	5
Humboldt:										
Eureka.....	23,108	25,655	23,151	25,439	23,151	25,439	0	0	0	0
Kern:										
Bakersfield.....	23,548	21,651	20,078	17,094	20,078	17,072	0	0	0	22
Los Angeles:										
Alhambra.....	23,238	16,221	20,176	20,671	20,169	20,659	0	2	7	10
Antelope.....	1,595	1,570	1,187	1,109	1,187	1,109	0	0	0	0
Beverly Hills.....	135,994	135,943	117,884	116,498	117,878	116,496	0	0	6	2
Burbank.....	42,216	40,204	42,600	36,427	42,599	36,425	0	0	1	2
Citrus.....	15,205	13,524	15,388	13,465	15,383	13,461	0	1	5	3
Compton.....	27,022	23,085	16,399	16,300	16,336	16,290	54	31	9	9
Culver.....	19,302	19,138	19,231	17,283	19,220	17,274	0	3	11	6
Downey.....	18,603	17,399	17,089	15,978	17,074	15,904	5	65	10	9
East Los Angeles.....	23,885	16,919	19,934	14,490	19,932	14,490	0	0	2	0
El Monte.....	11,104	16,943	9,872	17,593	9,870	17,552	0	32	2	9

ANNUAL REPORT OF THE ADMINISTRATIVE OFFICE

TABLE 38—CALIFORNIA MUNICIPAL COURTS—Continued
ILLEGAL PARKING FILINGS AND DISPOSITIONS
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial ^a			
							Uncontested matters ^b		Contested matters	
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
Los Angeles—Continued										
Glendale.....	34,259	41,240	31,942	38,632	31,930	38,617	3	2	9	13
Inglewood.....	93,623	87,969	87,340	75,641	87,322	75,637	4	2	14	2
Long Beach.....	247,454	221,371	222,486	196,450	222,422	196,417	12	6	52	27
Los Angeles.....	1,216,411	1,073,383	988,053	868,559	987,921	868,246	10	31	122	282
Los Cerritos.....	8,881	8,145	8,126	8,851	8,113	8,848	0	0	13	3
Newhall.....	301	1,081	234	869	231	869	0	0	3	0
Pasadena.....	65,538	55,794	64,966	48,382	64,951	48,366	5	4	10	12
Pomona.....	29,636	26,312	28,343	24,891	28,343	24,891	0	0	0	0
San Antonio.....	73,115	72,249	69,195	72,549	69,491	72,543	1	5	3	1
Santa Anita.....	4,108	4,997	4,156	4,788	4,156	4,784	0	2	0	2
Santa Monica.....	147,635	160,012	142,514	149,295	142,480	149,275	8	1	26	19
South Bay.....	121,480	97,381	119,727	92,804	119,689	92,757	2	2	36	45
South Gate.....	19,401	16,988	17,231	13,235	17,229	13,231	0	3	2	1
Whittier.....	15,254	13,960	14,974	14,934	14,956	14,910	0	0	18	24
Marin:										
Central.....	134,647	130,395	126,459	122,406	126,424	122,377	6	1	29	28
Monterey:										
Monterey-Carmel.....	78,308	63,265	78,420	62,752	78,380	62,722	10	6	30	24
Salinas.....	29,211	24,011	28,264	23,439	28,258	23,437	4	1	2	1
Orange:										
Central Orange County.....	42,508	45,836	44,671	49,352	44,670	49,323	0	0	1	29
North Orange County.....	72,067	57,261	65,724	58,903	65,592	58,835	1	0	131	68
Orange County Harbor.....	55,456	50,352	54,297	49,667	54,267	49,942	8	3	22	22
South Orange County.....	44,152	44,066	38,508	41,744	38,508	41,737	0	0	0	7
West Orange County.....	35,771	29,226	24,154	22,996	24,117	22,931	4	0	33	65
Riverside:										
Corona.....	462	417	302	463	302	463	0	0	0	0
Desert.....	11,995	12,601	11,769	12,634	11,753	12,631	4	0	12	3
Riverside.....	37,414	33,284	34,906	24,230	34,901	24,230	0	0	5	0
Sacramento:										
Sacramento.....	145,043	147,373	119,579	107,977	119,555	107,958	6	12	18	7
San Bernardino:										
San Bernardino County.....	29,767	26,910	24,737	26,024	24,735	26,018	1	2	1	4
San Diego:										
El Cajon.....	5,584	4,293	4,910	3,750	4,905	3,743	1	5	4	2
North County.....	13,061	11,465	12,723	11,154	12,714	11,147	2	6	1	1
San Diego.....	178,684	143,220	160,208	109,284	160,190	109,270	8	0	18	14
San Francisco:										
San Francisco.....	1,106,915	821,628	993,537	852,456	989,992	851,165	3,545	1,291	0	0
San Joaquin:										
Lodi.....	29,916	26,662	27,365	25,494	27,365	25,494	0	0	0	0
Stockton.....	101,183	96,296	97,504	96,126	97,465	96,120	0	1	39	5
San Mateo:										
Central.....	61,064	62,681	60,352	61,265	60,060	60,967	235	264	57	34
Northern.....	76,405	74,853	70,251	84,203	70,092	84,119	127	67	32	17
Southern.....	51,496	45,495	46,860	42,255	46,688	42,251	23	4	149	0
Santa Barbara:										
Santa Barbara-Goleta.....	55,410	60,628	48,075	54,058	48,012	54,047	17	0	46	11
Santa Maria.....	2,745	6,362	2,749	5,787	2,749	5,787	0	0	0	0
Santa Clara:										
Los Gatos-Campbell-Saratoga.....	10,707	10,688	10,084	9,701	10,076	9,680	0	0	8	21
Palo Alto-Mountain View.....	72,704	56,921	64,269	55,913	64,203	55,907	7	3	59	3
San Jose-Milpitas.....	125,565	123,705	121,751	115,694	121,715	115,650	5	10	31	34
Santa Clara.....	5,352	5,940	5,251	6,438	5,243	6,436	2	2	6	0
Sunnyvale-Cupertino.....	14,264	14,745	13,646	14,524	13,623	14,512	0	2	23	10
Santa Cruz:										
Santa Cruz County.....	58,317	59,272	57,943	53,164	57,928	53,137	3	13	12	14
Solano:										
Fairfield-Suisun.....	2,422	2,495	1,522	1,977	1,519	1,961	0	8	3	8
Vallejo.....	16,552	10,904	14,339	9,443	14,332	9,440	0	0	7	3
Sonoma:										
Central.....	22,218	19,922	20,430	19,897	20,430	19,897	0	0	0	0
Southern Sonoma County.....	8,984	13,316	8,663	11,476	8,659	11,469	0	7	4	0
Stanislaus:										
Modesto.....	15,542	16,566	14,552	16,122	14,552	16,120	0	0	0	2
Tulare:										
Visalia.....	474	918	509	804	509	802	0	0	0	2
Ventura:										
Ventura County.....	32,057	34,971	36,042	28,138	36,038	28,136	1	1	3	1

^a For explanation, see footnote applicable to the item or court on Table 29.

^b Includes 21 juvenile orders during 1969-70 and 9 in 1968-69 reported as follows by the courts listed below:

	1969-70	1968-69
River.....	3	1
San Pablo.....	5	0
Walnut Creek-Danville.....	6	0
Fresno.....	1	2
Central (Marin County).....	2	0
Orange County Harbor.....	1	0
Santa Cruz County.....	3	0
Fairfield-Suisun.....	0	6

^R Revised.

TABLE 39—CALIFORNIA MUNICIPAL COURTS
NUMBER OF JURIES SELECTED AND SWORN
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total		Traffic						Nontraffic misdemeanors		Civil	
			Total		Selected ^b		Others ^c					
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
State total.....	11,817	11,543	6,829	7,177	2,442	2,546	4,387	4,631	4,441	3,759	547	607
Alameda:												
Alameda.....	19	15	4	5	2	0	2	5	12	10	3	0
Berkeley-Albany.....	74	80	1	14	0	11	1	3	63	60	10	6
Fremont-Newark-Union City.....	109	102	56	69	21	36	35	33	51	27	2	6
Oakland-Piedmont.....	269	258	68	46	40	27	28	19	164	180	37	32
San Leandro-Hayward.....	98	83	53	48	44	34	9	14	32	25	13	10
Butte:												
Chico ^d	27	--	16	--	11	--	5	--	11	--	0	--
Contra Costa:												
Mt. Diablo ^d	45	45	26	24	11	11	15	13	17	17	2	4
Richmond.....	72	77	24	24	14	12	0	12	35	38	13	15
River ^d	14	4	4	3	4	3	0	0	7	1	3	0
San Pablo.....	53	51	29	34	26	30	3	4	21	16	3	1
Walnut Creek-Danville.....	83	77	59	56	28	39	31	17	14	14	10	7
Fresno:												
Fresno.....	102	97	33	43	30	38	3	5	58	39	11	15
Humboldt:												
Eureka.....	22	25	11	7	9	7	2	0	10	16	1	2
Kern:												
Bakersfield.....	250	158	127	62	14	25	113	37	119	94	4	2
Los Angeles:												
Alhambra.....	110	135	75	115	24	48	51	67	25	16	10	4
Antelope.....	86	125	53	73	15	26	38	47	32	50	1	2
Beverly Hills.....	166	139	77	93	6	12	71	81	76	31	13	15
Burbank.....	56	48	38	39	14	8	25	31	16	3	1	6
Citrus.....	277	233	179	168	41	47	138	121	92	59	6	8

Compton.....	57	56	31	33	10	7	21	26	25	22	1	1
Culver.....	46	44	33	33	10	8	23	25	13	10	0	1
Downey.....	294	255	221	193	39	30	182	163	68	60	5	2
East Los Angeles.....	184	152	138	102	28	28	110	74	45	45	1	5
Glendale.....	302	469	242	373	48	82	194	201	57	94	3	2
Inglewood.....	123	73	58	42	28	21	20	21	57	29	8	2
Long Beach.....	151	108	88	75	24	7	64	68	56	31	7	2
Los Angeles.....	273	241	141	130	80	59	61	71	118	98	14	13
Los Cerritos.....	1,660	2,005	901	1,374	370	415	531	959	711	530	48	101
Newhall.....	98	146	59	104	29	30	30	74	36	40	3	2
Pasadena.....	80	117	69	106	10	13	59	93	11	8	0	3
Pomona.....	70	122	32	62	19	10	13	29	31	54	7	6
San Antonio.....	87	93	43	46	15	10	28	36	40	41	4	6
Santa Anita.....	118	139	71	80	12	30	59	50	46	58	1	1
Santa Monica.....	70	69	37	34	6	3	60	10	29	33	4	2
South Bay.....	105	29	66	13	34	48	168	129	35	12	4	4
South Gate.....	315	271	202	177	1	7	25	12	103	85	10	9
Whittier.....	59	52	26	19	91	85	288	236	33	33	0	0
Marin:	530	412	379	321	91	85	288	236	145	89	6	2
Central.....	56	37	30	20	17	12	13	8	20	12	6	5
Monterey:												
Monterey-Carmel.....	182	172	103	88	39	34	64	54	72	75	7	9
Salinas.....	41	42	18	20	9	12	9	8	17	17	6	5
Orange:												
Central Orange County.....	292	376	212	245	40	59	172	186	75	127	5	4
North Orange County.....	402	307	287	210	64	19	223	191	99	75	16	22
Orange County Harbor.....	90	123	56	73	4	11	52	62	31	45	3	5
South Orange County.....	67	32	46	21	13	7	33	14	20	11	1	0
West Orange County.....	517	538	400	419	102	113	298	306	112	113	5	6
Riverside:												
Corona.....	46	25	33	18	14	12	19	6	12	6	1	1
Desert.....	67	49	36	31	14	21	22	10	24	16	7	2
Riverside.....	149	164	97	125	57	80	40	45	50	33	2	6
Sacramento:												
Sacramento.....	199	193	85	86	80	78	5	8	88	96	26	11
San Bernardino:												
San Bernardino County.....	265	259	145	153	60	61	85	92	105	93	15	13
San Diego:												
El Cajon.....	215	143	145	101	36	50	109	51	69	34	1	8
North County.....	160	100	57	69	17	13	40	56	100	26	3	5
San Diego.....	699	578	480	338	135	175	285	163	201	218	18	22

TABLE 39—CALIFORNIA MUNICIPAL COURTS—Continued
NUMBER OF JURIES SELECTED AND SWORN ^a
Fiscal Years 1968-69 and 1969-70

County and judicial district	Total		Traffic						Nontraffic misdemeanors		Civil	
			Total		Selected ^b		Others ^c					
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
San Francisco:												
San Francisco.....	202	196	11	6	11	6	0	0	136	122	55	68
San Joaquin:												
Lodi.....	10	10	4	7	4	2	0	5	6	3	0	0
Stockton.....	52	52	5	11	1	7	4	4	32	16	15	25
San Mateo:												
Central.....	75	59	28	23	19	14	9	9	41	32	6	4
Northern.....	33	24	10	6	10	6	0	0	19	13	4	5
Southern.....	46	58	19	25	12	16	7	9	22	30	5	3
Santa Barbara:												
Santa Barbara-Goleta.....	60	29	12	2	5	1	7	1	43	24	5	3
Santa Maria.....	33	14	16	5	4	3	12	2	16	9	1	0
Santa Clara:												
Los Gatos-Campbell-Saratoga.....	28	34	26	30	8	6	18	24	2	3	0	1
Palo Alto-Mountain View.....	139	129	104	103	68	44	36	50	34	18	1	8
San Jose-Milpitas.....	415	469	209	278	97	115	112	163	184	171	22	20
Santa Clara ¹	126	88	90	62	48	24	42	38	34	25	2	1
Sunnyvale-Cupertino ^d	86	80	46	64	26	33	20	31	34	15	6	1
Santa Cruz:												
Santa Cruz County.....	74	59	40	42	15	23	25	19	31	15	3	2
Solano:												
Fairfield-Suisun.....	29	36	14	25	7	6	7	19	14	8	1	3
Vallejo.....	24	34	8	13	5	11	3	2	15	19	1	2
Sonoma:												
Central ^d	41	45	13	13	7	7	6	6	27	25	1	7
Southern Sonoma County.....	43	41	42	41	42	40	40	41	41	40	40	40

Stanislaus:												
Modesto.....	114	150	60	82	35	49	25	33	45	62	9	6
Tulare:												
Visalia.....	61	64	22	25	17	16	5	9	25	18	14	21
Ventura:												
Ventura County.....	165	169	89	97	43	51	46	46	71	66	5	6

^a "Juries selected and sworn" are not the equivalent of cases disposed of by verdict since a single jury may try consolidated cases or a settlement may occur following the swearing of the jury.
^b Violations of Sections 14601, 20002, 23102, 23103, 23104 and 23106 of the Vehicle Code.
^c Includes 9 juries sworn in illegal parking proceedings during 1969-70 and 24 in 1968-69 reported as follows by the courts listed below:

	1969-70	1968-69
Culver.....	1	0
Downey.....	0	1
Inglewood.....	0	6
Los Angeles.....	8	9
Monterey-Carmel.....	0	2
North Orange County.....	0	3
Orange County Harbor.....	0	1
Central San Mateo.....	0	1
Santa Cruz County.....	0	1

^d For explanation, see footnote applicable to the court on Table 29.

TABLE 40—CALIFORNIA MUNICIPAL COURTS
WEIGHTED UNITS PER JUDICIAL POSITION
Fiscal Years 1968-69 and 1969-70

County and judicial district	1969-70				1968-69			
	Judicial positions ^a		Weighted units ^b		Judicial positions ^a		Weighted units ^b	
	Total	Judges	Number	Per judicial position	Total	Judges	Number	Per judicial position
Alameda:								
Alameda.....	1	1	54,429	54,429	1	1	53,598	53,598
Berkeley-Albany.....	3	3	204,716	68,239	3	3	182,003	60,668
Fremont-Newark-Union City.....	2	2	126,178	63,089	2	2	113,567	56,784
Oakland-Piedmont.....	11	11	848,805	77,164	11	11	694,149	63,104
San Leandro-Hayward.....	5	5	312,897	62,579	4	4	293,579	73,395
Butte:								
Chico.....	1	1	55,061	55,061	--	--	--	--
Contra Costa:								
Mt. Diablo.....	2	2	138,280	69,130	2	2	135,884	67,942
Richmond.....	3	3	126,113	42,038	3	3	114,895	38,295
River.....	1	1	60,992	60,992	1	1	19,679	19,679
San Pablo.....	1	1	62,675	62,675	1	1	64,169	64,169
Walnut Creek-Danville.....	2	2	109,171	54,588	2	2	1103,494	151,747
Fresno:								
Fresno.....	6	6	403,319	67,220	6	6	393,656	65,611
Humboldt:								
Eureka.....	1	1	60,430	60,430	1	1	58,289	58,289
Kern:								
Bakersfield.....	6	6	288,229	48,038	6	6	299,893	49,839
Los Angeles:								
Alhambra.....	3	3	135,824	45,275	3	3	144,909	48,303
Antelope.....	1	1	77,043	77,043	1	1	74,463	74,463
Beverly Hills.....	4	4	218,019	54,505	4	4	218,342	54,586
Burbank.....	2	2	101,752	50,876	2	2	96,955	48,478
Citrus.....	6	6	347,255	57,876	6	6	319,875	53,313
Compton.....	6	6	363,873	60,646	6	6	360,906	60,151
Culver.....	1	1	64,133	64,133	1	1	60,287	60,287
Downey.....	4	4	249,138	62,285	4	4	226,417	56,604
East Los Angeles.....	5	5	303,302	60,660	5	5	283,773	56,755
El Monte.....	4	4	286,673	71,668	4	4	250,194	62,549
Glendale.....	3	3	123,656	41,219	3	3	108,166	36,055
Inglewood.....	4	4	270,011	67,503	4	4	262,028	65,507
Long Beach.....	5	5	503,255	100,651	5	5	491,609	98,322
Los Angeles.....	58	58	4,493,507	77,466	58	58	4,227,391	72,722
Los Angeles.....	3	3	184,494	61,498	3	3	149,539	49,846
Los Cerritos.....	3	3	113,272	37,757	3	3	107,212	35,737
Newhall.....	4	4	227,091	56,773	4	4	201,267	50,317
Pasadena.....	4	4	178,753	44,688	4	4	168,933	42,233
Pomona.....	3	3	201,348	67,116	3	3	197,020	65,673
San Antonio.....	4	4	77,771	19,443	4	4	76,331	19,083
San Anita.....	1	1	160,732	160,732	1	1	157,603	157,603
San Monica.....	4	4	384,494	96,124	4	4	355,177	88,794
South Bay.....	4	4	92,487	23,122	4	4	76,693	19,173
South Gate.....	4	4	229,778	57,445	4	4	231,031	57,758
Whittier.....	4	4			4	4		
Marin:								
Central.....	3	3	177,751	59,250	3	3	163,208	54,403
Monterey:								
Monterey-Carmel.....	2	2	115,046	57,523	2	2	107,764	53,882
Salinas.....	2	2	118,434	59,217	2	2	114,499	57,250
Orange:								
Central Orange County.....	8	8	476,143	59,518	7	7	417,922	59,703
North Orange County.....	8	8	443,793	55,474	8	8	391,039	48,880
Orange County Harbor.....	3	3	232,463	77,488	3	3	200,203	66,734
South Orange County.....	2	2	129,839	64,920	2	2	116,718	58,359
West Orange County.....	6	6	384,197	64,033	6	6	342,890	57,148

TABLE 40—CALIFORNIA MUNICIPAL COURTS—Continued
WEIGHTED UNITS PER JUDICIAL POSITION
Fiscal Years 1968-69 and 1969-70

County and judicial district	1969-70				1968-69			
	Judicial positions ^a		Weighted units ^b		Judicial positions ^a		Weighted units ^b	
	Total	Judges	Number	Per judicial position	Total	Judges	Number	Per judicial position
Riverside:								
Corona.....	1	1	69,129	69,129	1	1	62,858	62,858
Desert.....	2	2	116,245	58,123	2	2	115,859	57,930
Riverside.....	4	4	258,363	64,591	4	4	243,510	60,878
Sacramento:								
Sacramento.....	10	10	691,910	69,191	9	9	654,703	72,745
San Bernardino:								
San Bernardino County.....	10	10	518,421	51,842	9	9	503,871	55,986
San Diego:								
El Cajon.....	3	3	176,570	58,857	3	3	180,018	60,006
North County.....	3	3	249,168	83,056	3	3	221,347	73,782
San Diego.....	22	22	1,227,168	55,780	22	22	1,180,602	53,664
San Francisco:								
San Francisco.....	17	17	1,105,489	64,929	17	17	1,062,860	62,521
San Joaquin:								
Lodi.....	1	1	46,256	46,256	1	1	43,488	43,488
Stockton.....	4	4	240,879	60,220	4	4	225,481	56,370
San Mateo:								
Central.....	3	3	165,088	55,029	3	3	144,309	48,103
Northern.....	3	3	168,582	56,194	3	3	143,586	47,862
Southern.....	3	3	169,681	56,527	3	3	162,565	54,188
Santa Barbara:								
Santa Barbara-Goleta.....	3	3	171,427	57,142	3	3	142,571	47,524
Santa Maria.....	2	2	65,734	32,867	2	2	61,497	30,749
Santa Clara:								
Los Gatos-Campbell-Saratoga.....	1	1	73,255	73,255	1	1	65,891	65,891
Palo Alto-Mountain View.....	4	4	186,196	46,549	4	4	165,357	41,339
San Jose-Milpitas.....	10	10	602,325	60,233	10	10	567,180	56,718
Santa Clara.....	2	2	82,677	41,339	2	2	80,281	40,141
Sunnyvale-Cupertino.....	2	2	94,929	47,465	2	2	72,050	36,025
Santa Cruz:								
Santa Cruz County.....	2	2	132,612	66,306	2	2	121,167	60,584
Solano:								
Fairfield-Suisun.....	1	1	61,371	61,371	1	1	61,985	61,985
Vallejo.....	2	2	79,139	39,570	2	2	71,670	35,835
Sonoma:								
Central.....	2	2	129,736	64,868	2	2	123,918	61,959
Southern Sonoma County.....	1	1	111,364	111,364	1	1	121,860	121,860
Stanislaus:								
Modesto.....	3	3	151,672	50,557	3	3	144,465	48,155
Tulare:								
Visalia.....	1	1	73,389	73,389	1	1	71,060	71,060
Ventura:								
Ventura County.....	7	7	389,094	55,585	7	7	356,511	50,930

See footnotes on following page.

* In order to permit meaningful comparisons of workload, full-time court commissioners employed by courts were included with the authorized number of judges. This treatment assumes that these court officers were available to handle matters which would have otherwise required the full-time effort of an equivalent number of judges.

^b The Judicial Council's approved system assigns the following weights to 1968-69 and 1969-70 municipal court filings (filings in the Los Angeles court are weighted separately):

	Municipal courts excluding Los Angeles	Los Angeles Municipal Court
Felony preliminaries.....	36	48
Intoxication.....	2	2
Other misdemeanors.....	13	12
Selected major traffic violations.....	14	9
Other traffic.....	1.8	1.2
Small claims.....	4.5	5
Civil.....	15	10

The weights assigned are based on estimates of the average court time involved per filing and are designed to permit a more accurate evaluation of potential workload than filings alone. The weighting system does not purport to reflect the quality of judicial performance in any way. The weights are revised each year if necessary to reflect the most recent experience of the courts. The standard of 60,000 weighted units is the approximate amount of court time in minutes per judge per year.

* For explanation, see footnote applicable to the court on Table 20.

^d A court commissioner was added during the year.

* Court commissioners were increased from seven to ten.

^a Revised.

TABLE 41—CALIFORNIA MUNICIPAL COURTS
DAYS OF ASSISTANCE RECEIVED AND RENDERED BY COURTS
THROUGH ASSIGNMENTS*

Fiscal Years 1968-69 and 1969-70

County and judicial district	1969-70			1968-69		
	Days received	Days rendered	Net days received (or rendered) ^a	Days received	Days rendered	Net days received (or rendered) ^a
State total.....	3,534.5	643.0	2,891.5	3,229.5	1,093.0	2,136.5
Alameda:						
Alameda.....	13	2	11	13	6	7
Berkeley-Albany.....	41.5	1	40.5	77.5	0	77.5
Fremont-Newark-Union City.....	53	3	50	61	1	60
Oakland-Piedmont.....	120	11.5	108.5	16.5	7.5	9
San Leandro-Hayward.....	10	8	2	63	1	62
Butte:						
Chico ^b	25	2	23	--	--	--
Contra Costa:						
Mt. Diablo ^b	80	2	78	61	5	56
Richmond.....	1	28	-27	18	31.5	-15.5
River ^b	42	0	42	9	1	8
San Pablo.....	76	1	75	88.5	0	88.5
Walnut Creek-Danville.....	75.5	13	62.5	82	1	81
Fresno:						
Fresno.....	97	20	77	34.5	36.5	-2
Humboldt:						
Eureka.....	118	48	70	79	5	74
Kern:						
Bakersfield.....	3	2	1	13	0	13
Los Angeles:						
Alhambra.....	47	1	46	25.5	0.5	25
Antelope.....	1	3	-2	7	53	-46
Beverly Hills.....	0	0.5	-0.5	0	0.5	-0.5
Burbank.....	26.5	1	35.5	37	0	37
Citrus.....	3.5	1	2.5	82	24	58
Compton.....	0	2	-2	0	48	-48
Culver.....	28	0	28	25	0	25
Downey.....	41.5	19.5	22	38	2	36
East Los Angeles.....	10	0	10	0	0	0
El Monte.....	0	6	-6	19	4	15
Glendale.....	1	1	0	1	0.5	0.5
Inglewood.....	29	0.5	28.5	55	0	55
Long Beach.....	0	3	-3	0	39	-39
Los Angeles.....	327	38	289	212	112	100
Los Cerritos.....	0	0	0	22	0	22
Newhall.....	5	1	4	2	4	-2
Pasadena.....	1	18.5	-17.5	12	1.5	10.5
Pomona.....	30	46	-16	75	0	75
San Antonio.....	0	0.5	-0.5	0	3.5	-3.5
Santa Anita.....	17	0	17	43.5	0	43.5
Santa Monica.....	121	0	121	127	0	127
South Bay.....	7	0	7	9	1	8
South Gate.....	78.5	0	78.5	87	1	86
Whittier.....	0	0	0	35.5	1.5	34
Marin:						
Central.....	27.5	0	27.5	24	24	0
Monterey:						
Monterey-Carmel.....	77	0	77	26	2	24
Salinas.....	39	7	32	9	5.5	3.5
Orange:						
Central Orange County.....	27.5	31	-3.5	59	69	-10
North Orange County.....	0	126	-126	0	241	-241
Orange County Harbor.....	30	0	30	0	10	-10
South Orange County.....	110	0	110	18	18	0
West Orange County.....	250	0	250	516	7	509
Riverside:						
Corona.....	23	0	23	57	0	57
Desert.....	94	0	94	142	0	142
Riverside.....	0	0	0	0	4	-4

TABLE 41—CALIFORNIA MUNICIPAL COURTS—Continued
DAYS OF ASSISTANCE RECEIVED AND RENDERED BY COURTS
THROUGH ASSIGNMENTS.
Fiscal Years 1968-69 and 1969-70

County and judicial district	1968-70			1968-69		
	Days received	Days rendered	Net days received (or rendered) *	Days received	Days rendered	Net days received (or rendered) *
Sacramento:						
Sacramento.....	82	4.5	77.5	30	11.5	18.5
San Bernardino:						
San Bernardino County.....	172.5	0	172.5	155.5	1	154.5
San Diego:						
San Diego.....	29	10.5	18.5	0	0	0
San Diego.....	30	0	30	33	0	33
San Diego.....	45	45	0	63	63	-2
San Francisco:						
San Francisco.....	239	0	239	94	0	94
San Joaquin:						
San Joaquin.....	18	2	16	22	3	19
Stockton.....	2.5	16.5	-14	4	42	-38
San Mateo:						
San Mateo.....	33	1	32	26	0	26
Northern.....	42	0	42	0	0	0
Southern.....	11	3	8	0	0	0
Santa Barbara:						
Santa Barbara.....	57	0.5	56.5	7	35.5	-28.5
Santa Barbara-Coleta.....	8	24.5	-16.5	23	9	14
Santa Clara:						
San Jose-Campbell-Saratoga.....	23	2	21	63	3	60
Palo Alto-Mountain View.....	45.5	0.5	45	0	8.5	-8.5
San Jose-Milpitas.....	0	25	-25	1	43.5	-42.5
San Jose.....	13	1.5	11.5	2.5	4.5	-2
Santa Clara.....	0	0.5	-0.5	0	13.5	-13.5
Sunnyvale-Cupertino.....						
Santa Cruz:						
Santa Cruz County.....	47.5	1	46.5	2	8.5	-6.5
Bolton:						
Fairfield-Stinson.....	77.5	0	77.5	60.5	0	60.5
Vallejo.....	27	32	-5	24	83.5	-79.5
Bonoma:						
Central.....	76.5	3	73.5	63.5	7	56.5
Bonoma County.....	21	8	13	27	4.5	22.5
Blanchard:						
Noblesville.....	2	6.5	-4.5	1	17.5	-16.5
Tulare:						
Tulare.....	123	0	123	103	1	102
Visalia.....						
Visalia.....	80.5	8	72.5	46	12	34
Ventura:						
Ventura County.....						

* Minus sign (-) indicates the court rendered more days of assistance than it received during the year through assignments by the Chairman of the Judicial Council under Section 6 of Article VI of the State Constitution. Each day worked in excess of three hours was reported as a full day with three hours or less as a half day.
 * For explanation, see footnote applicable to the court on Table 29.
 * Figures are incomplete as no reports were received on assistance in the Sonoma branch for the period of August through November 1968 and January through May 1969 and on the court as a whole for the period of January through June 1970.
 * Revised.

TABLE 42—CALIFORNIA JUSTICE COURTS
SUMMARY OF NONPARKING AND ILLEGAL PARKING FILINGS
Fiscal Years 1968-69 and 1969-70

County and judicial district	Nonparking filings										Illegal parking filings	
	Total nonparking filings		Traffic violations other than illegal parking		Felony preliminaries and misdemeanors not elsewhere classified		Small claims		All other civil		1969-70	1968-69
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69		
State total.....	928,630	899,345	769,691	737,809	91,898	83,573	50,601	55,727	16,440	16,236	300,350	353,383
Alameda:												
Livermore.....	13,245	13,659	11,681	12,279	905	829	465	447	194	104	803	807
Pleasanton.....	8,809	8,421	7,854	7,490	635	579	269	263	111	89	1,102	1,179
Alpine:												
Alpine.....	406	242	137	164	259	74	5	4	5	0	92	53
Amador:												
Amador.....	3,268	3,768	2,442	2,903	407	489	392	359	27	17	1,205	1,459
Butte:												
Biggs.....	1,046	1,161	844	937	182	197	15	25	5	2	0	0
Chico.....	11	9,124	11	6,366	11	1,167	11	1,207	11	384	11	38,019
Durham.....	1,135	961	1,013	834	98	102	12	25	12	0	415	201
Gridley.....	2,092	2,063	1,425	1,522	446	354	144	128	77	59	149	150
Groville.....	5,333	5,608	3,560	3,913	970	908	435	448	368	339	63	102
Paradise.....	1,512	1,218	1,047	781	269	272	168	145	28	20	28	34
Calaveras:												
Angels-Murphys.....	2,076	2,138	1,417	1,530	282	196	347	397	30	15	215	328
San Andreas.....	2,105	1,836	1,355	1,398	490	290	246	137	14	11	173	225
West Point.....	177	159	67	51	48	56	59	51	3	1	6	15
Colusa:												
Colusa.....	1,274	1,485	712	854	295	374	161	172	105	85	83	191
Williams.....	5,830	4,856	5,433	4,445	327	295	59	94	11	22	107	32

TABLE 42—CALIFORNIA JUSTICE COURTS—Continued
SUMMARY OF NONPARKING AND ILLEGAL PARKING FILINGS
Fiscal Years 1968-69 and 1969-70

County and judicial district	Nonparking filings										Illegal parking filings	
	Total nonparking filings		Traffic violations other than illegal parking		Felony preliminaries and misdemeanors not elsewhere classified		Small claims		All other civil		1969-70	1968-69
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69		
Contra Costa:												
Antioch ^b	--	1,917	--	1,249	--	262	--	279	--	127	--	761
Brentwood-Byron ^c	--	682	--	501	--	121	--	49	--	11	--	53
Crockett ^d	--	159	--	135	--	19	--	4	--	1	--	367
Crockett-Port Costa ^d	904	795	745	670	111	92	33	26	15	7	2,932	1,903
Delta ^c	3,153	1,826	2,203	1,142	672	545	228	95	50	44	149	72
El Cerrito-Kensington	7,908	5,682	6,870	4,729	640	831	278	239	120	83	4,072	4,289
Oakley ^c	--	382	--	284	--	61	--	33	--	4	--	13
Pinole-Hercules-Rodeo	6,097	4,734	5,347	4,679	439	442	186	133	125	80	432	508
Pittsburg ^b	--	5,793	--	3,772	--	928	--	758	--	335	--	915
Port Chicago ^c	--	198	--	167	--	22	--	6	--	3	--	208
Port Costa ^d	--	0	--	0	--	0	--	0	--	0	--	11
Del Norte:												
Crescent	4,922	5,527	4,083	4,787	484	447	198	225	157	68	99	118
Klamath	715	629	681	566	27	45	7	16	0	2	0	3
El Dorado:												
El Dorado	7,832	5,473	7,574	5,199	163	181	81	86	14	7	97	43
Georgetown-Divide	220	256	84	89	84	110	37	41	15	16	0	0
Lake Valley	11,147	9,927	9,203	8,444	1,212	802	523	483	209	198	1,209	1,958
Placerville	7,695	7,124	6,676	6,167	384	396	405	429	140	132	4,853	4,135
Fresno:												
Caruthers	1,667	1,517	1,124	1,056	317	335	219	115	7	11	14	10
Clovis	3,257	3,041	2,285	2,033	636	690	290	280	46	38	1,054	283
Coalinga	2,059	2,620	1,587	2,025	228	267	217	286	27	42	166	180
Dunlap	122	131	44	62	74	69	4	0	0	0	1	1
Firebaugh	3,200	3,139	1,991	1,897	862	927	323	279	24	36	119	44
Fowler	3,074	2,747	2,713	2,496	265	167	90	77	6	7	13	32
Kerman:												
Kingsburg	1,415	1,363	1,176	1,147	721	652	374	262	41	18	19	27
Parlier	1,143	1,053	887	808	110	83	117	122	12	11	106	53
Ponderosa	1,173	951	893	766	189	198	60	41	7	6	133	215
Reedley	3,254	3,407	2,371	2,636	243	153	36	32	1	0	89	73
Riverdale	1,590	1,779	1,333	1,543	447	369	409	359	27	43	651	761
Sanger	3,018	2,997	2,006	2,091	144	147	103	81	10	8	9	10
Selma	4,494	4,111	3,681	3,247	519	454	301	283	36	32	419	894
Glenn:												
Orland	3,593	2,918	3,169	2,519	237	207	146	168	41	24	59	50
Willows	3,186	2,495	2,710	2,077	221	214	212	181	43	23	93	143
Humboldt:												
Arcata	9,000	10,615	7,497	9,129	505	499	463	317	535	700	7,185	7,098
Fortuna	4,391	5,211	2,961	3,582	508	553	512	464	410	612	83	83
Garberville	1,664	1,637	1,349	1,222	86	109	205	264	24	22	83	140
Klamath-Trinity	879	1,345	536	877	129	210	187	209	27	49	9	10
Imperial:												
Brawley	5,624	4,745	4,215	3,357	793	827	562	516	54	45	1,697	1,443
Calexico	4,730	4,875	3,785	3,728	631	802	292	351	22	14	3,940	4,451
Calipatria	1,518	1,548	1,024	1,004	348	439	137	104	7	1	1	4
El Centro	9,867	8,385	7,865	6,286	908	1,005	894	941	200	153	739	850
Holtville	2,384	1,867	2,163	1,591	118	172	82	94	21	10	108	148
Imperial	3,273	2,612	2,867	2,247	289	260	104	95	18	10	149	139
Westmorland	3,899	3,718	3,703	3,476	168	186	25	52	3	4	9	9
Winterhaven	3,988	3,001	3,193	2,222	782	773	10	4	3	2	55	77
Inyo:												
Northern Inyo	3,903	3,829	3,149	3,149	397	383	328	265	29	32	2,129	6,014
Southern Inyo	3,955	3,473	3,491	3,009	296	302	141	135	27	27	58	43
Kern:												
Arvin-Lamont	5,276	5,722	4,315	4,536	718	828	232	351	11	7	218	226
Buttonwillow	722	502	439	327	220	112	61	60	2	3	77	33
Delano-McFarland	5,724	5,080	3,894	3,275	1,160	1,138	477	543	193	124	442	933
Indian Wells	3,209	3,217	2,614	2,549	283	278	380	370	22	20	4	14
Kern River-Band	4,258	3,120	3,299	2,366	746	552	208	200	5	2	13	18
Maricopa-Yaqui	19,634	20,771	18,663	19,675	647	595	334	348	190	153	726	1,124
Mojave	8,736	7,015	8,040	6,255	433	510	247	232	16	18	26	39
Shafter	7,612	6,435	6,765	5,868	601	341	191	205	55	21	154	132
Tehachapi	5,250	3,918	4,733	3,638	463	243	50	54	4	3	25	25
Wasco	3,457	2,926	2,654	2,047	502	559	199	279	102	41	218	224
Kings:												
Avenal	1,288	1,233	1,065	1,063	91	95	127	68	5	7	1	10
Corcoran	1,692	1,825	842	826	453	594	371	393	26	12	236	64
Hanford	9,717	9,701	6,843	7,090	1,245	1,064	755	839	874	708	3,243	2,923
Lemoore	3,611	3,862	3,026	3,233	388	411	170	202	27	16	413	478

TABLE 42—CALIFORNIA JUSTICE COURTS—Continued
SUMMARY OF NONPARKING AND ILLEGAL PARKING FILINGS
Fiscal Years 1968-69 and 1969-70

JUDICIAL COUNCIL OF CALIFORNIA

County and judicial district	Nonparking filings										Illegal parking filings	
	Total nonparking filings		Traffic violations other than illegal parking		Felony preliminaries and misdemeanors not elsewhere classified		Small claims		All other civil			
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
Lake:												
Clearlake Highlands.....	947	1,127	454	651	285	259	191	201	17	16	59	82
Kelseyville.....	365	362	171	150	118	137	61	62	15	13	26	13
Lakeport.....	1,015	1,157	457	551	379	302	149	255	30	49	248	445
Middletown-Lower Lake.....	395	539	258	371	78	76	52	81	7	11	7	11
Upper Lake.....	487	517	289	289	132	129	53	80	13	19	32	86
Lassen:												
Big Valley.....	90	122	52	90	18	6	19	25	1	1	0	1
Madeline.....	301	338	270	315	30	23	1	0	0	0	0	0
Westwood-Honey Lake.....	3,509	3,979	2,503	3,213	367	370	620	369	19	27	1,918	1,059
Los Angeles:												
Catalina.....	275	361	47	61	182	256	42	44	4	0	133	71
Malibu.....	18,897	14,888	17,250	13,450	1,376	1,213	234	197	37	28	8,369	5,096
Madera:												
Chowchilla.....	8,536	8,369	8,065	7,678	171	257	260	416	40	18	130	126
Madera.....	10,966	13,458	8,255	10,192	1,428	1,572	886	1,101	397	593	2,348	3,810
Sierra.....	990	1,231	440	642	325	276	218	306	7	7	95	50
Marin:												
Northwestern.....	1,750	967	1,431	815	275	131	38	19	6	2	965	264
Mariposa:												
Coulterville.....	87	92	47	35	14	51	13	5	13	1	1	3
Mariposa.....	1,351	1,690	1,006	1,282	248	235	91	167	6	6	121	67

Mendocino:												
Anderson.....	318	315	243	230	54	38	19	38	2	9	23	47
Arena.....	397	409	220	213	82	74	89	115	6	7	154	95
Big River.....	472	495	316	358	133	107	19	14	4	16	389	423
Cuffey's Cove.....	127	232	86	207	39	21	2	3	0	1	27	43
Little Lake.....	2,631	2,709	2,249	2,257	192	246	139	155	51	51	71	207
Long Valley.....	2,158	1,497	2,003	1,373	73	69	71	42	11	13	28	58
Round Valley.....	150	143	57	43	75	71	14	20	4	9	1	0
Sanel.....	549	620	509	589	29	17	8	11	3	3	18	36
Tea Mile River.....	2,153	2,112	1,538	1,393	293	348	270	286	57	85	1,508	1,592
Ukiah.....	7,875	7,313	5,967	5,531	1,171	817	538	726	199	239	10,446	10,811
Merced:												
Atwater.....	4,982	4,487	4,236	3,865	552	355	155	251	39	16	181	165
Dos Palos.....	6,081	5,082	5,448	4,323	386	373	231	362	16	24	509	418
Gustine.....	2,489	2,118	2,117	1,755	245	234	101	108	26	21	55	102
Le Grand.....	3,160	3,358	2,894	3,155	193	100	61	91	12	12	16	29
Livingston.....	9,019	9,389	8,590	8,895	312	308	86	167	31	19	112	132
Los Banos.....	7,138	9,081	8,167	8,134	445	369	411	467	115	111	921	1,009
Merced.....	12,717	12,958	8,769	9,283	1,983	1,969	1,285	974	680	732	18,645	19,717
Snelling.....	152	157	46	54	96	90	9	10	1	3	0	1
Modoc:												
Adin-Lookout.....	78	43	21	17	51	18	5	8	1	0	0	2
Alturas.....	1,490	1,322	1,085	675	250	295	133	332	22	20	17	31
Newell.....	192	309	120	238	55	54	13	17	4	0	1	0
Surprise Valley.....	40	24	16	14	4	5	18	4	2	1	0	0
Mono:												
Mono.....	2,153	1,740	1,541	1,297	456	323	139	112	17	8	765	520
Monterey:												
Castroville-Pajaro.....	6,342	5,656	5,829	5,069	352	361	130	199	31	27	120	40
Gonzales.....	3,205	2,353	2,986	2,066	119	205	86	73	14	9	75	103
Greenfield.....	1,328	1,423	1,152	1,200	96	138	65	65	15	20	21	19
King City.....	5,379	5,004	4,726	4,185	432	559	188	202	33	28	232	38
Pacific Grove.....	1,099	1,309	1,126	790	290	217	216	236	67	66	2,386	3,220
San Ardo.....	4,589	4,175	4,196	3,909	368	347	22	15	5	4	19	91
Soledad.....	3,670	2,844	3,211	2,583	352	152	98	98	9	11	268	360
Napa:												
Calistoga.....	921	832	697	658	117	94	91	67	16	13	977	456
Napa.....	13,103	12,197	10,547	9,469	1,494	1,411	703	927	359	390	18,046	19,412
St. Helena.....	1,859	2,566	1,513	2,053	181	195	144	279	21	39	2,824	3,180
Nevada:												
Grass Valley.....	3,105	2,784	2,657	2,374	136	164	166	134	126	112	2,685	2,890
Nevada.....	1,707	1,573	1,182	1,009	311	269	179	199	35	96	774	1,705
Truckee.....	5,194	3,643	4,854	3,389	160	106	144	108	36	40	54	180

ANNUAL REPORT OF THE ADMINISTRATIVE OFFICE

TABLE 42—CALIFORNIA JUSTICE COURTS—Continued
SUMMARY OF NONPARKING AND ILLEGAL PARKING FILINGS
Fiscal Years 1968-69 and 1969-70

County and judicial district	Nonparking filings										Illegal parking filings	
	Total nonparking filings		Traffic violations other than illegal parking		Felony preliminaries and misdemeanors not elsewhere classified		Small claims		All other civil			
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
Placer:												
Auburn.....	4,397	3,712	3,208	2,556	642	615	360	360	187	181	3,952	4,181
Colfax-Alta-Dutch Flat.....	6,164	5,059	5,815	4,770	131	130	191	129	27	30	493	204
Foresthill.....	89	123	43	58	26	39	16	22	4	4	0	0
Lincoln.....	681	791	437	528	119	113	80	107	45	43	22	9
Loomis.....	4,713	3,855	4,334	3,524	243	177	44	113	52	41	563	199
Roseville.....	4,450	4,397	3,367	3,608	372	168	359	305	352	316	1,387	2,027
Tahoe.....	1,487	1,756	695	1,132	357	334	363	233	72	57	1,090	1,630
Plumas:												
Almanor.....	1,025	878	571	487	312	241	138	140	4	10	42	38
Beckwourth.....	667	481	372	200	242	208	50	70	3	3	2	3
Plumas.....	1,290	1,725	768	919	194	296	294	487	34	23	253	93
Riverside:												
Beaumont.....	4,460	5,366	4,090	5,019	230	246	112	83	28	18	16	23
Coachella.....	3,526	4,379	2,655	3,009	467	793	366	483	38	94	123	321
Elsinore.....	2,441	1,995	1,550	1,464	620	335	240	175	31	21	42	116
Hemet.....	4,812	4,532	3,859	3,286	473	604	447	620	33	22	178	752
Jurupa.....	8,337	8,598	6,774	7,045	833	859	535	553	195	141	0	0
Mecca.....	1,867	1,599	1,651	1,268	198	317	15	8	3	6	3	2
Murrieta.....	1,543	1,140	1,414	1,074	68	41	60	22	1	3	0	0
Palo Verde.....	6,030	6,074	4,536	4,501	1,137	1,175	335	375	22	23	174	190
Perris.....	4,723	4,976	3,882	4,173	575	536	237	246	29	21	111	91
San Geronio.....	16,142	16,229	15,364	15,604	528	397	206	200	44	28	24	15
San Jacinto.....	2,133	2,117	1,798	1,789	189	231	134	95	12	2	299	373
Sacramento:												
Elk Grove-Galt.....	1,455	2,263	905	1,569	188	271	348	419	14	4	288	465
Fair Oaks-Folsom.....	5,599	4,170	5,029	3,644	334	290	208	200	28	36	86	146
Walnut Grove-Isleton.....	760	793	438	545	230	159	86	89	6	0	30	61

San Benito:												
Hollister.....	3,093	3,138	2,171	2,244	435	401	379	367	108	126	2,481	2,619
San Juan.....	2,514	2,012	2,365	1,851	103	81	39	73	7	7	18	35
Tres Pinos.....	87	50	39	16	32	28	12	6	4	0	0	0
San Bernardino:												
Amboy-Ludlow.....	2,573	3,580	2,543	3,542	23	27	7	9	0	2	25	13
Baker.....	6,307	6,154	6,209	6,054	72	88	12	10	14	2	57	34
Barstow.....	12,745	11,587	10,970	9,825	1,153	917	548	807	74	38	904	932
Bear Valley.....	2,712	2,108	1,746	1,351	408	354	519	359	39	14	520	765
Bloomington.....	12,077	10,522	11,495	9,967	306	324	225	205	51	26	20	52
Calzona.....	961	1,181	639	853	310	312	12	15	0	1	2	0
Chino.....	6,453	5,944	4,735	3,980	917	924	444	678	357	362	771	515
Colton.....	14,618	11,000	13,208	9,620	879	750	464	568	67	62	907	555
Crest Forest.....	2,402	2,508	1,465	1,929	704	398	215	169	18	12	147	745
Cucamonga.....	3,000	3,155	2,502	2,646	285	214	143	214	70	81	31	76
Etiwanda.....	4,713	3,470	4,638	3,398	53	59	18	23	4	0	7	30
Highland.....	3,262	3,151	2,725	2,650	355	375	167	111	15	15	297	656
Mission.....	5,969	5,819	5,733	5,618	127	88	60	99	49	24	1,375	1,555
Needles.....	1,779	1,934	1,191	1,412	437	376	146	143	5	3	760	461
Trona.....	332	439	204	321	60	38	66	75	2	5	24	14
Twentynine Palms.....	3,641	4,088	3,065	3,506	343	339	213	224	20	19	94	164
Yermo-Belleville.....	7,451	6,214	7,305	6,056	80	80	58	74	8	4	22	30
Yucaipa.....	4,860	3,905	4,589	3,614	97	81	150	191	24	19	0	0
San Diego:												
Coronado.....	6,696	5,479	6,241	4,956	370	432	71	76	14	15	7,937	8,307
East County.....	1,605	2,133	1,404	1,859	168	197	33	76	0	1	19	34
Fallbrook.....	1,894	2,132	1,458	1,737	207	156	216	233	13	6	41	41
National.....	9,687	10,285	8,977	8,948	931	783	591	480	88	74	3,657	4,772
Rancho.....	2,023	1,726	1,148	918	620	583	244	219	11	6	23	10
San Joaquin:												
Manteca-Ripon-Escalon.....	8,162	7,443	6,478	6,182	834	679	547	380	303	202	1,242	1,671
Tracy.....	11,159	11,466	9,990	10,266	569	580	424	512	176	108	8,291	9,521
San Luis Obispo:												
First.....	7,277	6,600	6,309	5,812	559	470	293	201	116	117	1,887	2,738
Second.....	3,460	2,923	2,925	2,468	271	235	218	204	46	16	126	133
Third.....	8,428	8,315	6,693	6,624	674	592	460	476	601	623	48,111	47,000
Fourth.....	9,409	9,927	7,940	8,129	1,113	986	252	703	104	109	700	1,119
Fifth.....	7,167	7,149	6,742	6,614	200	245	181	203	44	87	52	26
Santa Barbara:												
Carpinteria-Montecito.....	3,122	3,048	2,674	2,480	289	360	144	203	15	5	534	466
Guadalupe.....	810	555	653	362	119	95	30	89	8	9	885	221
Lompoc.....	3,648	4,230	2,699	3,234	414	423	346	390	189	183	300	998
Solvang.....	5,813	5,650	5,229	5,086	418	374	153	177	13	13	39	9
Santa Clara:												
Gilroy-Morgan Hill.....	15,373	12,417	13,682	10,657	705	765	731	769	255	226	828	814

TABLE 42—CALIFORNIA JUSTICE COURTS—Continued
SUMMARY OF NONPARKING AND ILLEGAL PARKING FILINGS
Fiscal Years 1968-69 and 1969-70

County and judicial district	Nonparking filings										Illegal parking filings	
	Total nonparking filings		Traffic violations other than illegal parking		Felony preliminaries and misdemeanors not elsewhere classified		Small claims		All other civil			
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
Shasta:												
Anderson.....	3,930	4,211	3,260	3,529	210	267	365	331	95	84	41	70
Burney.....	911	816	575	530	178	75	148	201	10	10	10	21
Castella.....	620	607	568	564	46	34	6	9	0	0	4	7
Central Valley.....	8,330	8,031	7,646	7,292	350	368	246	284	88	87	83	118
Cottonwood.....	489	450	406	309	26	72	39	34	18	35	8	7
Fall River Valley.....	263	346	136	161	36	54	88	127	3	4	2	0
Mountain.....	265	233	233	220	18	5	12	6	2	2	0	0
Ono.....	890	1,223	789	1,112	83	101	12	7	6	3	5	2
Redding.....	7,950	7,693	4,979	4,470	1,135	1,259	1,223	1,288	613	676	27,678	31,251
Sierra:												
Sierra County.....	244	449	139	272	60	114	38	62	7	1	12	6
Siskiyou:												
Dorris.....	705	721	532	532	138	156	31	33	4	0	4	0
Dunsmuir-Mt. Shasta.....	3,011	2,720	2,462	2,135	169	139	411	425	29	21	519	382
Happy Camp.....	715	740	443	512	84	90	182	134	6	4	2	9
McCloud.....	301	345	155	147	64	82	76	104	6	12	27	6
Scott Valley.....	682	325	522	176	93	62	63	86	4	1	10	3
Shasta Valley.....	3,340	2,684	2,693	2,118	340	351	284	202	23	13	427	305
Tulelake.....	314	482	158	278	146	190	7	10	3	4	0	2
Yreka.....	5,111	5,012	3,978	3,757	459	483	340	493	334	279	207	199
Solano:												
Benicia.....	2,180	2,227	1,889	1,888	194	222	77	101	20	16	374	229
Dixon.....	4,842	4,022	4,484	3,662	149	151	199	190	10	19	714	233
Rio Vista.....	951	725	588	502	262	127	149	83	12	13	82	35
Vacaville.....	6,277	6,691	5,596	5,764	332	407	297	474	52	46	499	533
Sonoma:												
Northern.....	4,616	5,069	3,822	4,338	309	281	426	404	59	46	527	595

JUDICIAL COUNCIL OF CALIFORNIA

Stanislaus:												
Ceres.....	6,907	6,052	6,255	5,394	489	474	130	163	33	21	247	439
Newman.....	1,005	809	701	601	172	119	124	84	8	5	112	95
Oakdale-Waterford.....	3,067	2,972	2,144	2,116	725	599	117	192	81	65	1,885	1,926
Patterson.....	1,839	1,714	1,469	1,284	179	163	141	201	50	66	53	112
Riverbank.....	1,481	1,173	1,162	960	219	135	89	65	11	13	74	155
Turlock.....	4,435	3,933	3,411	2,917	471	455	263	339	290	222	17,711	12,467
Sutter:												
Butte.....	1,465	1,388	1,280	1,164	148	154	23	60	14	10	25	17
Yuba.....	8,643	9,421	7,047	7,778	805	904	460	442	331	297	958	588
Tehama:												
Corning.....	2,777	2,807	2,319	2,351	203	164	219	266	36	26	38	53
Red Bluff.....	9,483	9,788	8,218	8,608	599	585	417	401	249	194	626	527
Trinity:												
Hayfork.....	364	234	247	130	37	35	75	64	5	5	0	20
Junction City-Salyer.....	246	402	211	366	22	24	6	12	7	0	0	0
Mad River.....	108	97	86	57	16	35	5	5	1	0	0	0
Trinity Center.....	56	33	15	6	30	21	11	6	0	0	0	0
Weaverville.....	726	709	417	437	106	78	186	180	17	14	18	39
Tulare:												
Dinuba.....	5,675	5,739	4,501	4,417	580	830	536	458	58	34	767	864
Exeter-Farmersville.....	2,281	2,876	1,542	2,115	469	538	264	217	6	6	31	112
Lindsay.....	2,318	2,011	1,707	1,403	421	388	146	188	44	32	22	18
Pixley.....	6,262	6,316	5,587	5,533	572	677	95	101	8	5	69	0
Porterville.....	8,561	8,855	6,322	6,259	1,304	1,642	517	590	418	364	2,556	3,205
Tulare.....	13,731	11,662	10,758	9,694	2,327	1,283	555	509	91	76	1,025	1,898
Woodlake.....	1,317	1,237	785	704	398	392	126	135	8	6	280	205
Tuolumne:												
First.....	997	1,008	354	366	185	184	285	319	173	139	2,552	1,894
Second.....	582	412	486	338	58	30	36	42	2	2	34	11
Third.....	1,856	2,115	1,362	1,733	316	253	159	122	19	7	274	727
Fourth.....	260	269	120	145	132	109	5	12	3	3	30	8
Fifth.....	2,958	2,784	2,536	2,476	257	189	151	114	12	5	74	0
Yolo:												
Capay.....	23	21	6	11	15	10	2	0	0	0	0	0
Cottonwood.....	42	88	41	80	1	8	0	0	0	0	0	2
Davis.....	8,138	9,992	7,199	9,296	578	360	293	292	68	44	11,957	11,267
Eggarlo.....	70	80	30	47	17	11	22	20	1	2	0	1
Grafton.....	306	363	238	272	59	75	9	15	0	1	3	0
Guinda.....	10	23	2	6	8	16	0	1	0	0	0	0
Washington.....	8,666	7,107	7,165	5,823	905	922	479	278	117	84	413	491
Winters.....	735	758	577	534	79	103	66	115	13	6	84	119
Woodland.....	10,791	8,414	8,355	6,007	1,449	1,354	597	705	390	348	1,098	2,164

ANNUAL REPORT OF THE ADMINISTRATIVE OFFICE

TABLE 42—CALIFORNIA JUSTICE COURTS—Continued
SUMMARY OF NONPARKING AND ILLEGAL PARKING FILINGS
Fiscal Years 1968-69 and 1969-70

County and judicial district	Nonparking filings										Illegal parking filings	
	Total nonparking filings		Traffic violations other than illegal parking		Felony preliminaries and misdemeanors not elsewhere classified		Small claims		All other civil			
	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69	1969-70	1968-69
Yuba:												
Camptonville.....	34	51	23	44	5	4	5	3	1	0	1	1
Marysville.....	9,186	9,696	6,462	6,688	1,731	1,957	529	563	464	488	12,973	15,238
Wheatland.....	1,306	583	1,281	524	15	28	7	24	3	7	7	0

- a Chico Justice Court District became a municipal court on July 1, 1969.
 b Antioch and Pittsburg Justice Court Districts consolidated to become the River Municipal Court District on March 10, 1969.
 c Brentwood-Byron and Oakley Justice Court Districts consolidated to become the Delta Justice Court District on November 7, 1968.
 d Crockett and Port Costa Justice Court Districts consolidated to become the Crockett-Port Costa Justice Court District on September 1, 1968.
 e Port Chicago Justice Court District consolidated with Mt. Diablo Municipal Court District on January 1, 1969.
 f Figures are incomplete as the records in the Cloverdale branch were destroyed by fire in October 1969.
 g Blacks, Cacheville and Dunnigan Justice Court Districts consolidated with Woodland Justice Court District on July 1, 1968.

JUDICIAL COUNCIL OF CALIFORNIA

O

△81244—125 12-70 4M

printed in CALIFORNIA OFFICE OF STATE PRINTING

END