



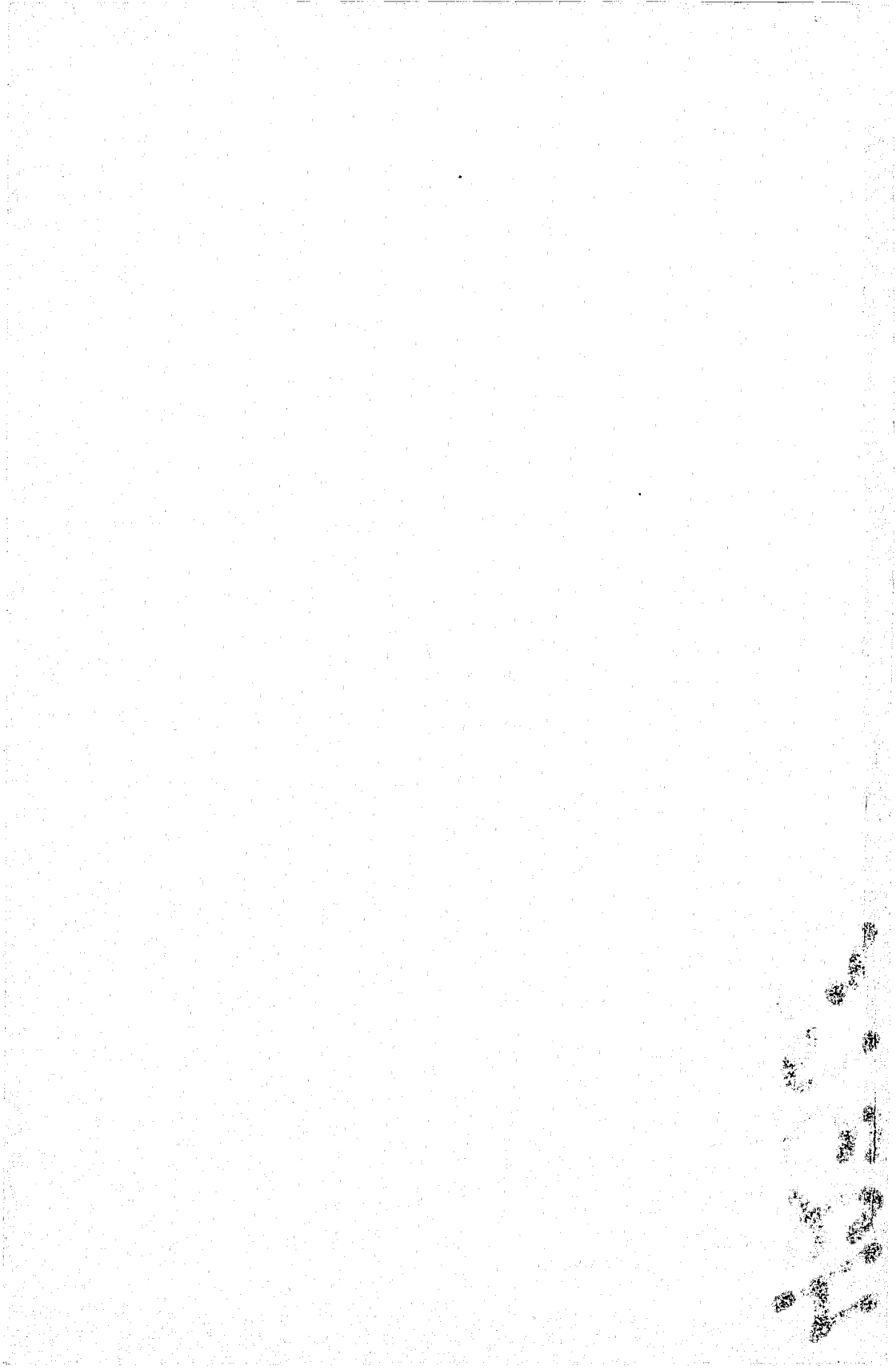
JUDICIAL COUNCIL OF CALIFORNIA

*PART I 1977 ANNUAL REPORT TO THE GOVERNOR
AND THE LEGISLATURE*

*PART II ANNUAL REPORT OF THE ADMINISTRATIVE
OFFICE OF THE CALIFORNIA COURTS*

JANUARY 1, 1977

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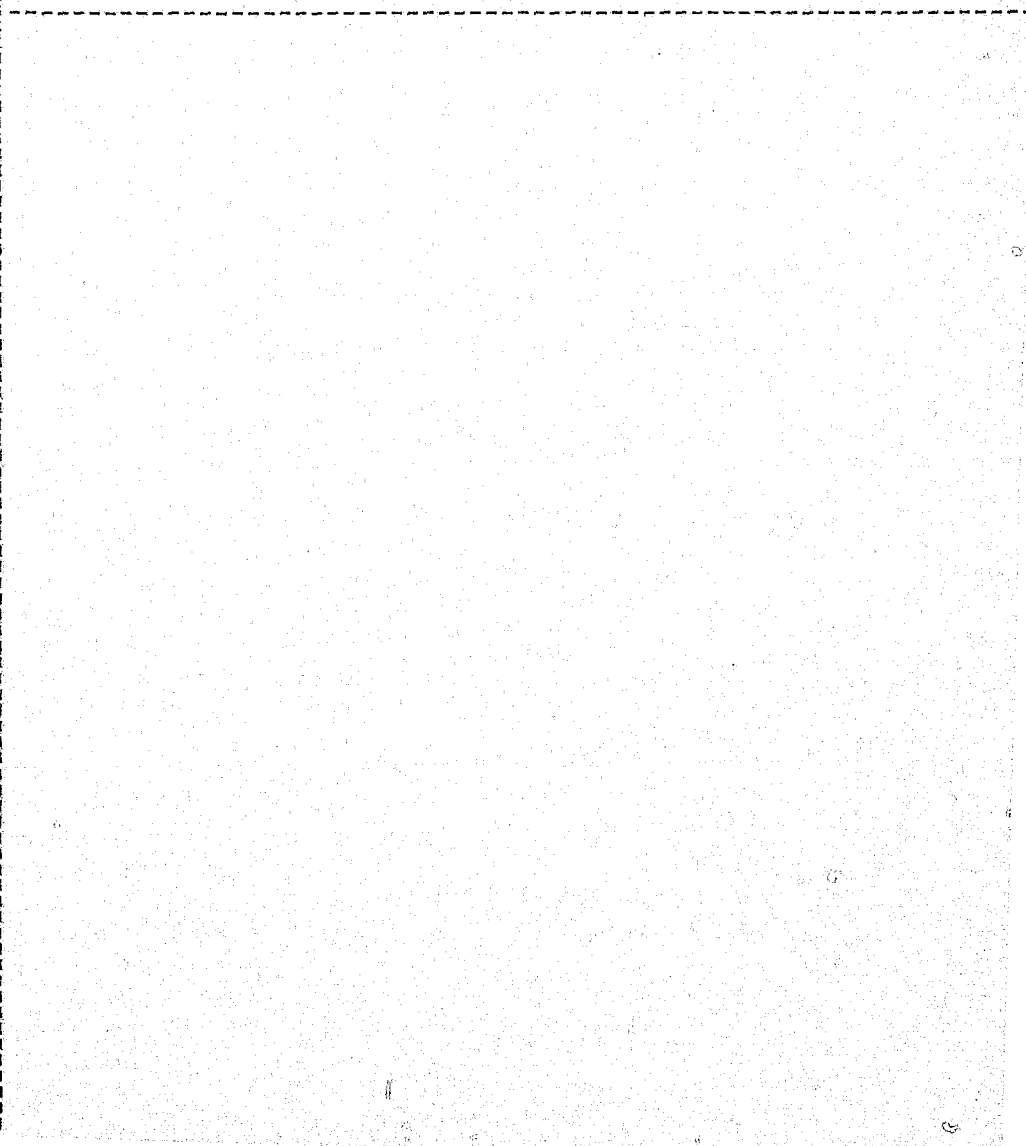
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I

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GOVERNOR AND THE LEGISLATURE

II

ANNUAL REPORT OF THE ADMINISTRATIVE
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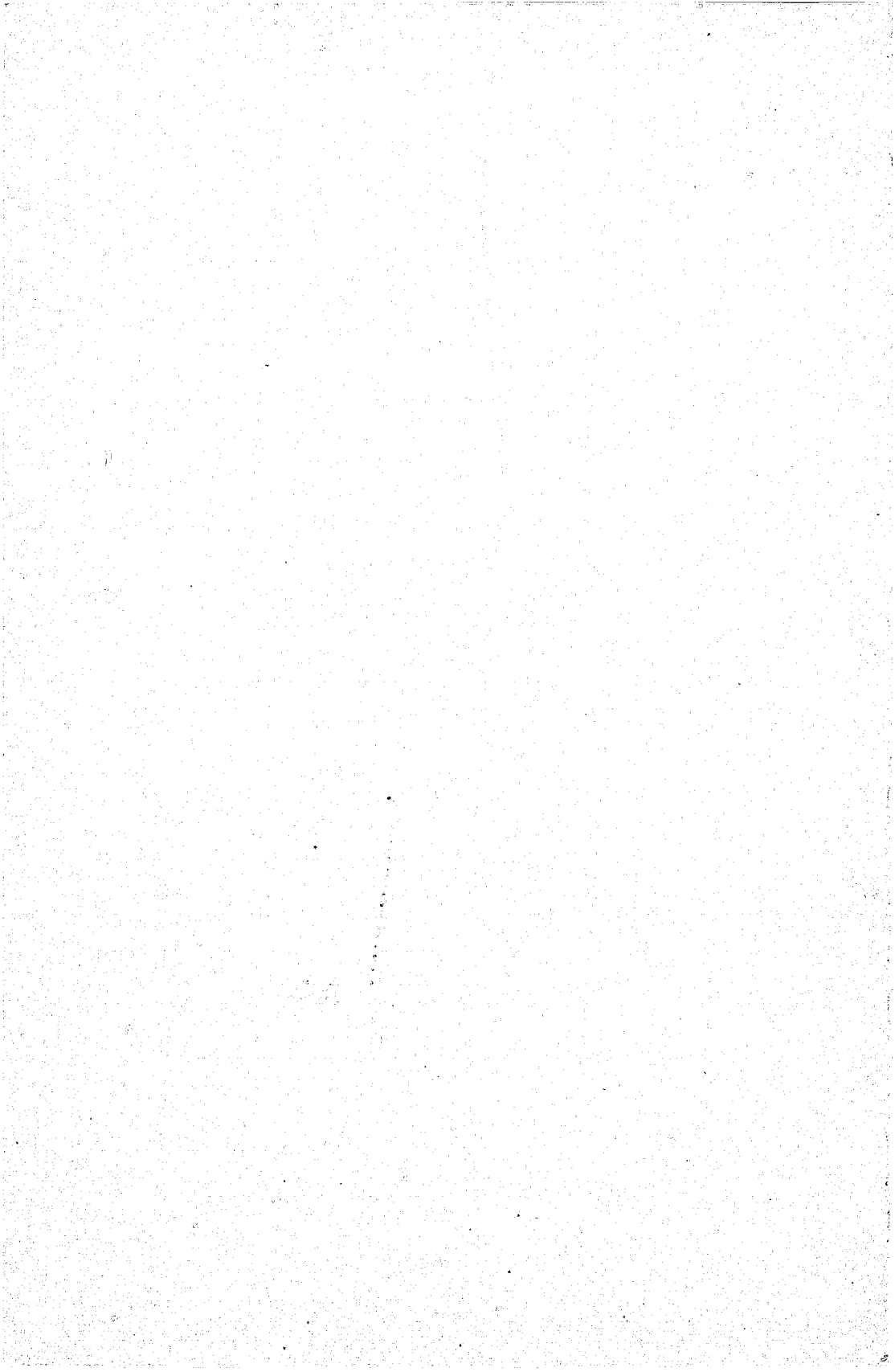


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CONSTITUTIONAL AND STATUTORY PROVISIONS FOR THE JUDICIAL COUNCIL

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, and further revised November 5, 1974, to read:

Sec. 6. The Judicial Council consists of the Chief Justice 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 Chief Justice 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 the member 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 Chief Justice, 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 Chief Justice shall seek to expedite judicial business and to equalize the work of judges. The Chief Justice 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 Judicial Council as the Chief Justice 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: *Civ. Code* §§ 3259, 4001, 4356, 4363, 4450, 4530; *Code Civ. Proc.* §§ 75, 77, 116, 117.1, 117.10, 119(f), 120, 120.2, 121.1-2, 121.1-8, 122.1, 170.6, 170.8, 201(a), 204(b), 204(d), 394, 404, 404.3, 404.7, 404.8, 412.20, 415.30, 422.40, 429.40, 472(a), 516.010, 516.020, 575, 583, 632, 901, 911, 1034, 1069, 1178, 1823.1, 1823.3-7, 1833, 1833.1; *Evid. Code* § 451; *Gov. Code* §§ 18004, 68070-72, 68110, 68500-12, 68540-48, 68551-52, 68701, 69508, 69752, 69796, 69894.3, 69899.5, 71042, 71180.4, 71601, 71601.3, 71610, 72274, 72450, 72602.14, 72624, 72631, 73105, 73106, 75002, 75003, 75028, 75060.6; *Pen. Code* §§ 853.9, 1029, 1038, 1080, 1053, 1170(a) (c), 1170.1a, 1170.3-6, 1235, 1239, 1241, 1246, 1247k, 1428b, 1432.1, 1468, 1471, 1506, 1507, 3041, 13810, 13830, 14003; *Prob. Code* §§ 303, 1232, 1233; *Veh. Code* §§ 40513, 40600; *Welf. & Inst. Code* § 265.

THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA¹

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Chairman of the Judicial Council
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Attorney at Law
Los Angeles

MR. WILLIAM J. SCHALL⁸
Attorney at Law
San Diego

MR. RALPH N. KLEPS
Administrative Director of the Courts and
Secretary of the Judicial Council
San Francisco

¹ Except as otherwise indicated, appointed by the Chief Justice on February 1, 1975, for a two-year term expiring January 31, 1977.

² Appointed by the Chief Justice on August 19, 1975, for a term expiring January 31, 1977, vice Hon. Bonnie Lee Martin, whose membership terminated August 4, 1975 on her elevation to the Superior Court, Los Angeles County.

³ Appointed by the Chief Justice on February 4, 1976 for a term expiring January 31, 1977, vice Hon. John Irwin.

⁴ Appointed by the Senate Rules Committee on February 9, 1973, pursuant to Section 6 of Article VI of the Constitution and Senate Rule 13 of the 1975-76 Regular Session of the Legislature.

⁵ Appointed by the Speaker of the Assembly on December 9, 1974, pursuant to Section 6 of Article VI of the Constitution and subdivision (n) of Assembly Rule 26 of the 1975-76 Regular Session of the Legislature.

⁶ Appointed by the Board of Governors of the State Bar for a two-year term expiring January 31, 1978.

⁷ Appointed by the Board of Governors of the State Bar on March 2, 1976 for a term expiring January 31, 1977, vice Mr. Thomas P. Jenkins.

⁸ Appointed by the Board of Governors of the State Bar for a two-year term expiring January 31, 1977.

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¹ Not member of the Judicial Council.

² Advisory member.

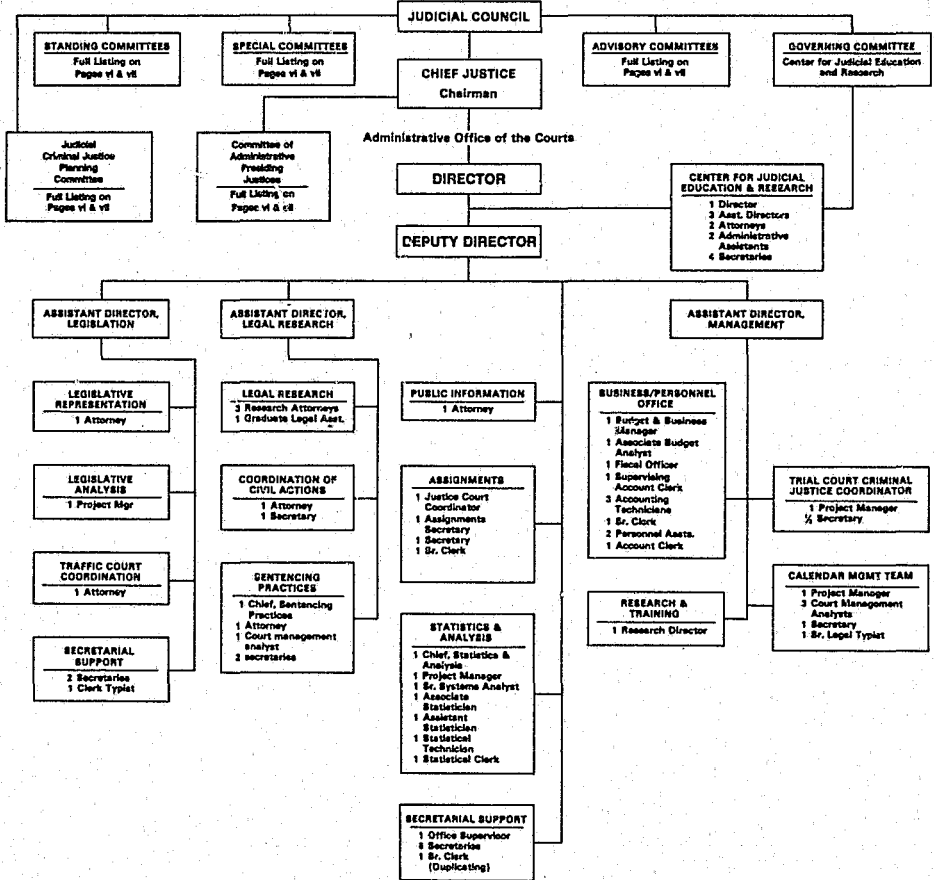
^{2a} Advisory members, not members of the Judicial Council.

³ An advisory committee appointed by the Chairman of the Judicial Council with equal representation from the Judicial Council and the Conference of California Judges.

⁴ Judicial Council representative.

⁵ Conference of California Judges representative.

ORGANIZATION CHART *
JUDICIAL COUNCIL.



* As of December 31, 1976. The chart does not include temporary help or contract consultants.

LETTER OF TRANSMITTAL

TO HIS EXCELLENCY, EDMUND G. BROWN JR.
Governor of the State of California
and Members of the Legislature

The 1977 Judicial Council Report is presented herewith, pursuant to the provisions of Section 6 of Article VI of the Constitution.

January 1, 1977

HON. DONALD R. WRIGHT,
Chairman

HON. RAYMOND L. SULLIVAN
HON. GEORGE A. BROWN
HON. THOMAS W. CALDECOTT
HON. GORDON L. FILES
HON. MELVIN E. COHN
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MR. MARK P. ROBINSON
MR. WILLIAM J. SCHALL

RALPH N. KLEPS, *Secretary*

1977 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 1977 Judicial Council Report contains the Council's report and its recommendations to the 1977-1978 Regular Session of the Legislature for amendment of certain laws relating to the administration of justice.

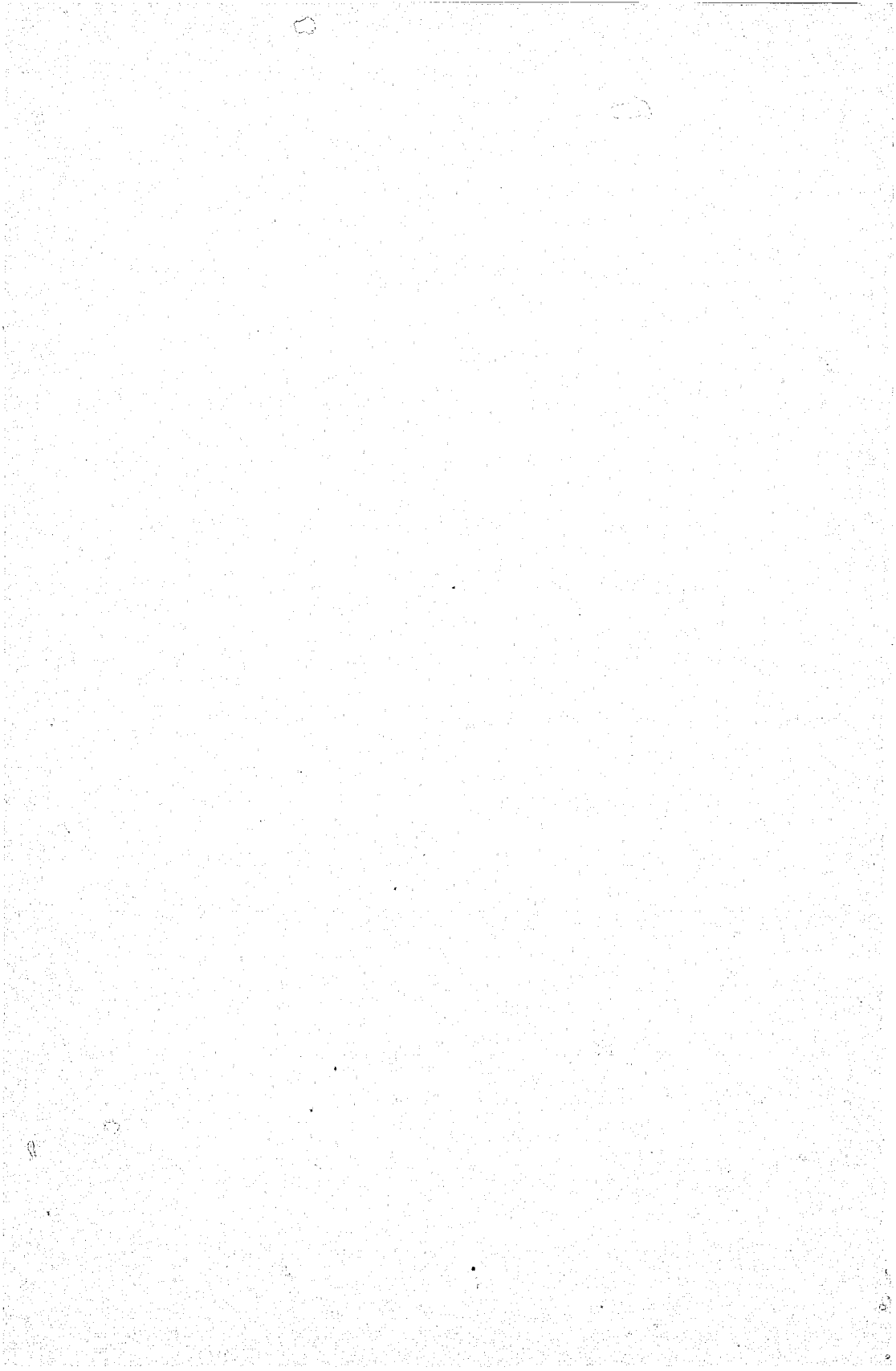
Continuing the practice commenced in the Nineteenth Biennial Report, the Annual Report of the Administrative Office of the Courts, which is the staff agency serving the Council, is also included. The Annual Report contains summaries of the continuing activities of the Judicial Council and its staff. It also includes detailed statistical data on the volume of business in all the courts for the fiscal year ending June 30, 1976.

* * *

The 1977 Report was produced under the general editorial supervision of Donald E. Sanchez, Legal Assistant, Administrative Office of the Courts. Electronic composition assistance was provided by Catherine D. Rodgers.

PART ONE

JUDICIAL COUNCIL REPORT



CHIEF JUSTICE DONALD R. WRIGHT: A TRIBUTE

Chief Justice Donald R. Wright has announced his intention to retire on February 1, 1977 after nearly a quarter century of judicial service in the California state courts. For almost seven of these years he served as Chief Justice and Chairman of the Judicial Council.

The Senate and the Assembly of California joined in a concurrent resolution to honor and memorialize Chief Justice Wright's many contributions to the administration of justice as follows:

WHEREAS, The Members of the Legislature of the State of California have learned that Donald R. Wright, 24th Chief Justice of California, will soon be retiring after nearly 25 years of distinguished judicial service to the people of California; and

WHEREAS, In almost seven years on the State Supreme Court as its Chief Justice, Donald R. Wright has authored many brilliant opinions which have become landmarks in the law, have had a profound influence on the development of law, and have elevated the Supreme Court to one of the preeminent state courts in the nation; and

WHEREAS, The Chief Justice's service as Chairman of the Judicial Council has contributed to the administration of justice throughout the nation and has brought to a successful conclusion such significant reforms as the creation of a State Public Defender's Office, the permanent organization of the Center for Judicial Education and Research, the improvement in Court of Appeal operating procedures, the implementation of the work of the Chief Justice's Special Committee on Trial Court Delay, and the reorganization of California's justice courts; and

WHEREAS, Chief Justice Wright is a native-born Californian, attended Pasadena public schools, was graduated from Stanford University (cum laude) in 1929, received his LL.B. with distinction from Harvard University in 1932, earned an LL.M. from the University of Southern California Law Center in 1973, and is a member of Order of the Coif; and

WHEREAS, He entered into the general practice of law in Pasadena in 1932 which continued until he was commissioned a first lieutenant in the Army Air Corps in April 1942, and during World War II, he was graduated from the Counter Intelligence Corps and the Command and General Staff schools and served as a squadron commander and as Chief of Intelligence of the 11th Air Force Service Command (Alaskan Theater); and

WHEREAS, He was discharged in 1946 with the rank of Lieutenant Colonel, and after resuming his Pasadena law practice, was appointed to the Pasadena Municipal Court by Governor Warren in 1953; and

WHEREAS, in 1960, Donald R. Wright was elected to the Superior Court of Los Angeles County and served as Supervising Judge of the Master Calendar Criminal Department, one of the largest criminal courts of the United States, Supervising Judge of the Probate Court, and in 1966 he was appointed Assistant Presiding Judge of the Superior Court in charge of the civil calendar; and

WHEREAS, In 1967, the Chief Justice was elected Presiding Judge of the Superior Court by his colleagues and was reelected to that position for 1968 and 1969, at which time he was appointed by Governor Reagan as Associate Justice of the Court of Appeal, Second Appellate District, followed by his elevation to the position of Chief Justice of California on April 6, 1970; and

WHEREAS, Among his many charitable, educational, and cultural activities, accomplishments, and honors, he served as a member of the Board of Trustees of Boys' Republic, Chairman of the Pasadena Planning Commission, was named "Appellate Judge of the Year" for 1972 by the California Trial Lawyers Association, is a recipient of the "Torch of Liberty" award from the Antidefamation League of B'nai B'rith in 1974, and was awarded the St. Thomas More Medallion by the St. Thomas More Honor Society of Loyola University Law School in 1974; and

WHEREAS, Despite such a busy and active professional life, the Chief Justice has found time for hobbies and recreation which include collecting 20th century art and attending symphonies and operas; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California commends Chief Justice Donald R. Wright for the great honor and prestige that he has brought to California and to its judicial system and for the courage, intellectual independence, and compassion for his fellow man that he has exhibited throughout his career; and be it further

Resolved, That the Members of the Legislature extend their best wishes to Chief Justice Wright for happiness and good health during his well-earned retirement; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Chief Justice Donald R. Wright.

CHAPTER 1
JUVENILE COURT RULES

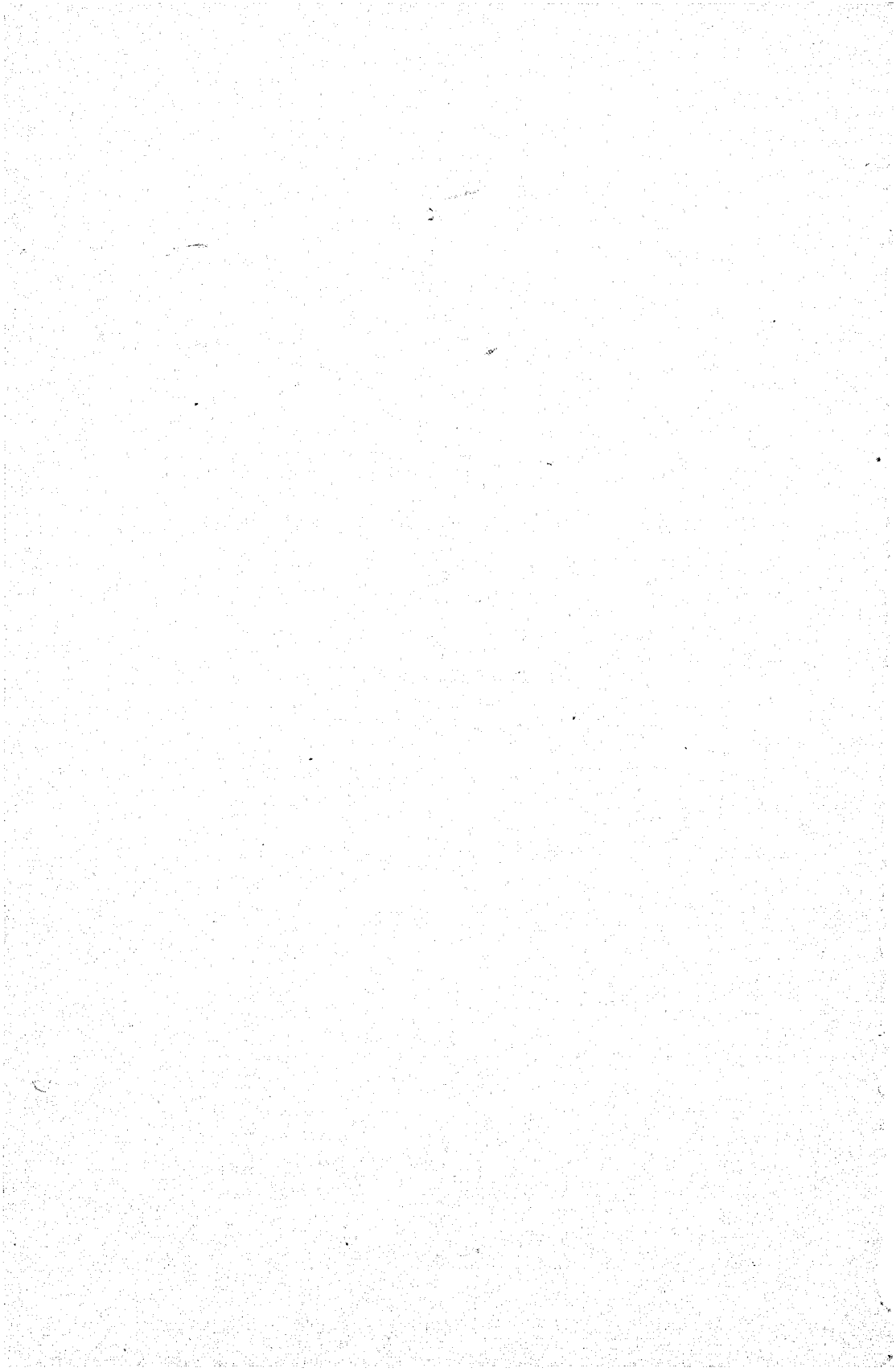


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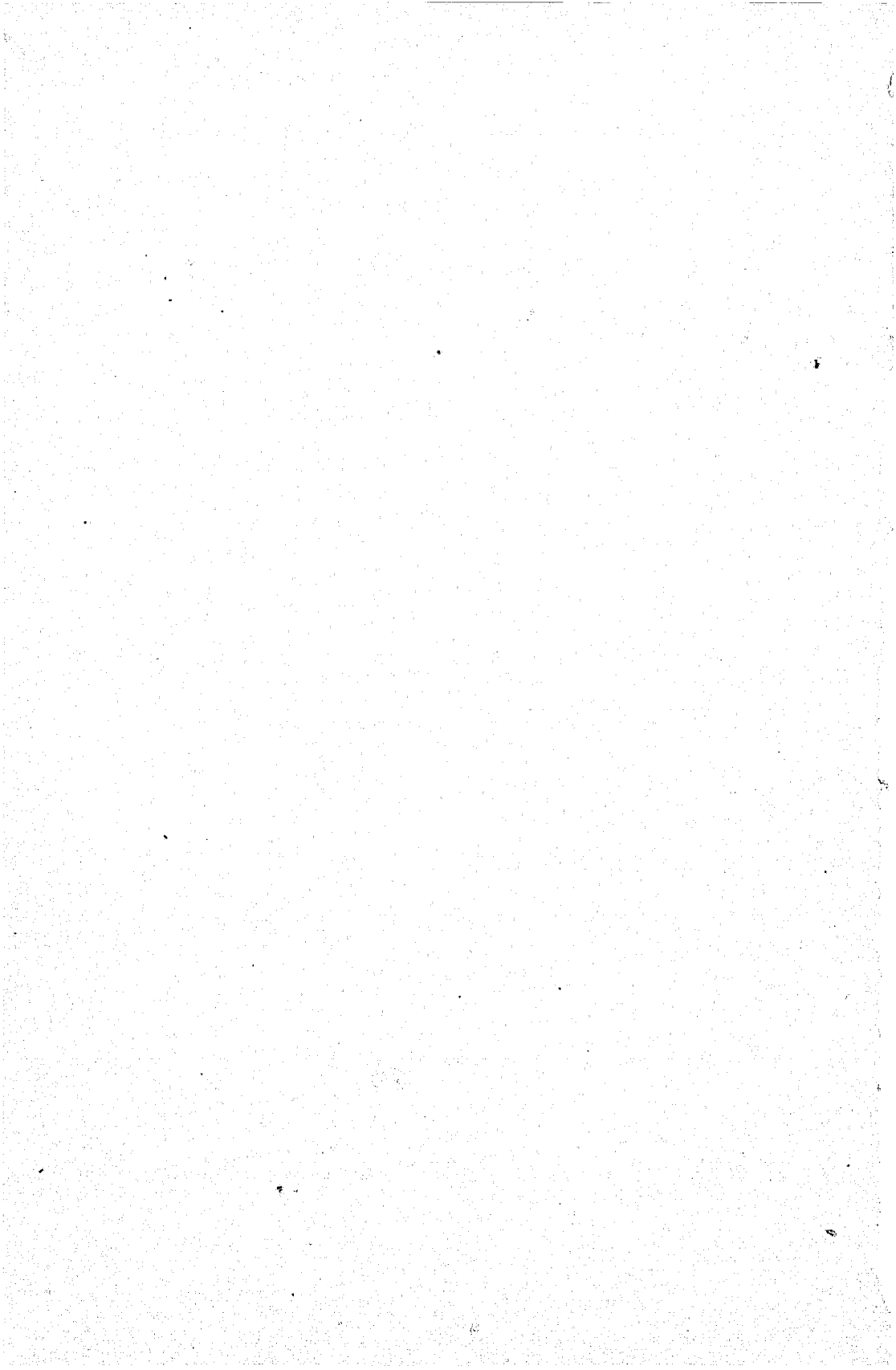
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INTRODUCTION

The California Judicial Council has adopted a comprehensive set of rules designed to improve procedures, practice and administration in the juvenile courts. The juvenile court rules, which are the product of an intensive two-year study,¹ will take effect July 1, 1977.

Prior to their adoption, the rules were disseminated for evaluation and comment by each juvenile court, the State Bar, district attorneys, public defenders, probation and social service departments and other groups interested in the juvenile court system. The rules as finally adopted reflect the comments and suggestions made by many of these groups and individuals, and also include changes made necessary by 1976 legislation.

Although the juvenile court rules were originally scheduled to take effect on January 1, 1977, the Judicial Council delayed the effective date to July 1, 1977 to allow additional time for interested persons and groups to evaluate the impact of 1976 legislation.² The Council will receive additional comments on the rules, and any necessary amendments will be made prior to the July 1 effective date.

A. Background of Juvenile Court Rules Project

The present juvenile court law (Welf. & Inst. Code §§ 500-945) was adopted in 1961 following a two-year study by the Governor's Special Study Commission on Juvenile Justice. That commission made specific statutory recommendations designed to increase the legal rights of minors and to promote increased uniformity in practice and procedures in California's juvenile courts. The Special Study Commission expressly recognized, however, that:

... there will remain a need to develop further details of practice and procedure. In our opinion, this can best be accomplished by the courts themselves utilizing the rulemaking powers conferred upon the Judicial Council by the Constitution.³

Due to other commitments and other priorities within the judicial system, the Judicial Council for a number of years was unable to undertake the major effort involved in promulgating comprehensive rules relating to the juvenile courts. The availability of federal funds in 1975, however, made the necessary staffing for the Juvenile Court Rules project possible on a full-time basis. In January 1975, Chief Justice Donald R. Wright, Chairman of the Judicial Council, appointed a project advisory committee to assist the Council in developing proposed juvenile court rules.⁴

¹ The Juvenile Court Rules project was funded by a California Council on Criminal Justice grant under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (PL 20-351).

² The Legislature was very active in the juvenile justice area during 1976, and a number of bills were signed into law. From the standpoint of impact upon the juvenile court rules, two measures were particularly significant—Chapter 1068 (SB 2172 (Robbins)) and Chapter 1071 (AB 3121 (Dixon)). Both measures were studied in detail by the Council and its advisory committee, and appropriate changes were made in the rules.

³ Report of the Governor's Special Study Commission on Juvenile Justice (1960) Part I, p. 49. Art. VI, § 6 of the California Constitution authorizes the Judicial Council to "adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute." See also Welf. & Inst. Code § 570.

⁴ Members of the advisory committee are: Hon. Homer B. Thompson, Chairman; Hon. Jerome H. Berenson; Hon. Ross A. Carkeet; Hon. Leonard M. Ginsburg; Hon. William P. Hogoboom; Hon. Jean Morony; Mr. Yale D. Coggan and Mr. Robert W. Sutton. Mr. Karl J. Uebel served as project counsel.

B. *Goals and Approach of Advisory Committee*

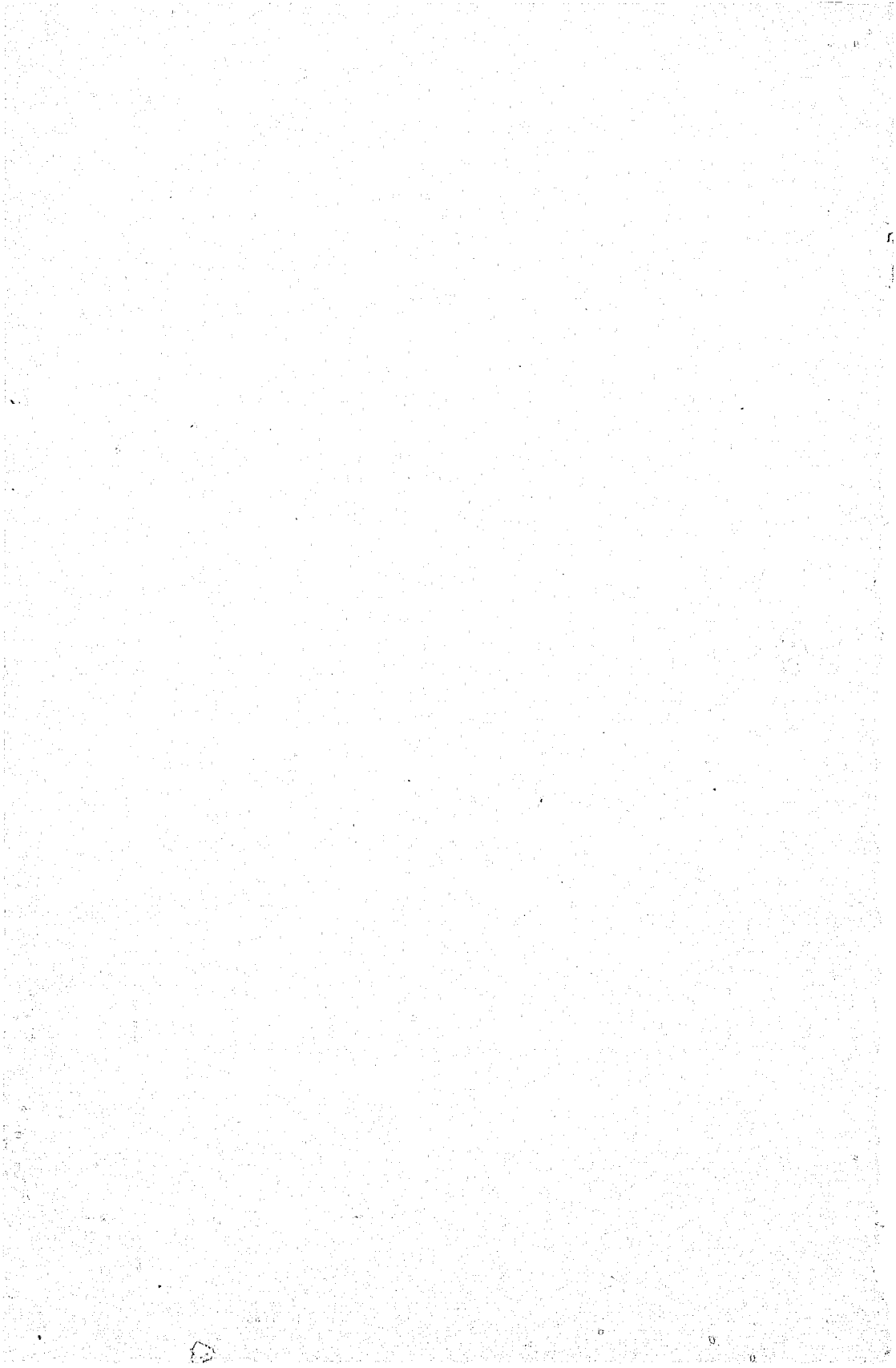
In its first meeting, the advisory committee identified two major objectives of the Juvenile Court Rules project: (1) to encourage greater uniformity in applying the juvenile court law in the several counties, and (2) to provide guidance to juvenile court judges and referees and to attorneys, probation officers and social workers appearing in the juvenile court. To accomplish those goals, the committee attempted to develop a model set of court rules within the basic scheme of the present juvenile court law.

The new juvenile court rules restate basic statutory procedures as interpreted by case law, and they establish procedures in those areas where the statutes presently provide inadequate guidance. For each rule, the advisory committee has identified the primary sources and secondary references relied upon and has commented upon the intent underlying the rule. The Judicial Council believes the proposed rules and the advisory committee's comments will clarify juvenile court proceedings and promote a more uniform application of the juvenile court law throughout the state. Among the significant features of the new rules are the following:

- * Procedures used for predelinquent and delinquent minors are stated separately from those relating to dependent children.
- * The rules identify the purposes of an effective intake program during which the probation department decides what course of action it may take regarding a minor. Further, guidelines are developed for settlement at intake (diversion), use of informal supervision, and the responsibilities of probation officers relating to the filing of petitions.
- * In conformity with 1976 legislation, the rules recognize that the prosecuting attorney, rather than the probation officer, will have sole responsibility for filing section 602 delinquency petitions and is now entitled to appear on behalf of the people of the State of California throughout those proceedings.
- * Statutory provisions relating to proceedings before a referee are clarified.
- * The requirements for detention hearings are expanded and the procedures clarified:
 - A hearing is required whenever a minor is to be removed from the person legally entitled to physical custody or, in conformity with 1976 legislation, whenever the minor is released on home supervision;
 - A minor can not be ordered detained unless (1) a prima facie showing is made that the minor is described by either section 300 (formerly section 600), 601 or 602 of the juvenile court law, and (2) one or more statutory grounds for detention exists;
 - An initial order for detention may be based solely on reports and documents, subject to a statutory right to confront the preparer of those reports or documents at a rehearing held within five judicial days;
 - Factors to be considered before releasing or detaining a minor are identified.

- * Discovery procedures are established.
- * Procedures for granting immunity to witnesses are established, including a provision for the granting of transactional immunity to witnesses in section 602 proceedings.
- * Unless otherwise provided by written local rules, prehearing motions are to be heard and decided at the commencement of the jurisdiction hearing before jeopardy has attached.
- * Before acceptance of an admission, the court must be satisfied that a factual basis for the admission exists.
- * In dependency proceedings, the probation officer or social worker must recommend a plan for reuniting the family if removal from the home is proposed.
- * Procedures are established for hearings on annual review of the placement of the minor.
- * Procedures are established for intercounty transfers, designed in part to give the court increased ability to monitor these cases during transfer so as to reduce unnecessary periods of detention.
- * The functions of a supplemental petition and an application for modification are more clearly defined and procedures are established.
- * Rules relating to the handling of juvenile proceedings on appeal are established.

The juvenile court rules and the advisory committee's comments are set out in full below.



CHAPTER 1. PRELIMINARY PROVISIONS: DEFINITIONS

Rule 1301. Preliminary provisions

(a) [Applicability of rules (§§ 200-945)] The rules in this division apply to every action and proceeding to which the juvenile court law (Welf. & Inst. Code, Div. 2, Pt. 1, Ch. 2, § 200, et seq.) applies and, unless they are elsewhere explicitly made applicable, do not apply to any other action or proceeding. The rules in this division do not apply to any action or proceeding heard by a traffic hearing officer, nor to any rehearing or appeal from a denial of a rehearing following an order by a traffic hearing officer. Further, on or after July 1, 1977, the rules in this division shall not apply to any dependency proceeding brought within a county chosen as a demonstration county by the State Department of Health pursuant to Statutes 1976, Chapter 977.

(b) [Authority for and purpose of rules (Cal. Const., Art. VI, § 6, Welf. & Inst. Code § 265)] The rules in this division are adopted by the Judicial Council pursuant to its constitutional and statutory authority to adopt rules for court administration, practice and procedure, not inconsistent with statute. These rules are designed to implement the purposes of the juvenile court law by promoting uniformity in practice and procedure and by providing guidance to judges, referees, attorneys, probation officers and others participating in the juvenile court.

(c) [Rules of construction] Unless the context otherwise requires, these preliminary provisions and the following rules of construction shall govern the construction of these rules:

(1) Insofar as these rules are substantially the same as existing statutory provisions relating to the same subject matter, they shall be construed as restatements thereof;

(2) Insofar as these rules may add to existing statutory provisions relating to the same subject matter, they shall be construed so as to implement the purposes of the juvenile court law.

(d) [Severability clause] If a rule or subdivision thereof in this division is invalid, all valid parts that are severable from the invalid part remain in effect. If a rule or subdivision thereof in this division is invalid in one or more of its applications, the rule or subdivision thereof remains in effect in all valid applications that are severable from the invalid applications.

Sources: Cal. Const., Art. VI, § 6;
Welf. & Inst. Code § 265

References: Witkin, Summary of Cal. Law (8th ed. 1974);
Parent and Child § 251, (hereinafter cited as "Witkin");
see also 1 Witkin, Cal. Procedure (2d ed. 1970) Courts
§§ 119, 120, 129, 260
Report of Governor's Special Study Commission on Juvenile Justice (1960), Part I (hereinafter cited as "Governor's Commission") pp. 48-49

Advisory Committee Comment:

Subdivision (a) provides that the rules in this division are intended to apply to all juvenile court actions and proceedings except those involving traffic hearing officers or, on or after July 1, 1977, dependency proceedings brought within a "demonstration county" chosen by the State Department of Health. (See Stats. 1976, Ch. 977, §§ 2, 2.5.) Unless elsewhere explicitly made applicable, these rules apply to no other action or proceeding. Subdivision (a) is similar to a comparable provision in the family law rules (rule 1205).

Subdivision (b) states the constitutional and statutory authority pursuant to which these rules are adopted by the Judicial Council. Article VI, Section 6 of the California Constitution authorizes the Judicial Council to "adopt rules for court administration, practice and procedure, not inconsistent with statute." (See also Welf. & Inst. Code § 265.) Subdivision (b) further states that these rules are designed to implement the purposes of the juvenile court law by promoting uniformity in practice and procedure and providing guidance to those persons practicing in the juvenile court. When recommending adoption of the juvenile court law in 1961, the Governor's Special Study Commission on Juvenile Justice recognized that after adoption of the statutes, there would still remain a need to develop further details of practice and procedure. "In our opinion, this can best be accomplished by the courts themselves utilizing the rulemaking powers conferred upon the Judicial Council by the Constitution." (Governor's Commission, p. 49.) These rules are designed to carry out that intent.

Subdivision (c) states the rules of construction which govern interpretation of the juvenile court rules. In many instances these rules attempt to contextually restate in a more consistent and understandable manner existing statutory provisions, as interpreted by case law. Therefore insofar as these rules are substantially the same as existing statutory provisions relating to the same subject matter, they are to be construed as updated restatements of those statutes. Further, there are many gaps in the statutory provisions relating to practices and procedures in the juvenile court; as to other procedural areas the statutes are ambiguous. Thus, insofar as these rules may add to or expand upon existing statutory provisions relating to the same subject matter, the rules shall be construed so as to implement the purposes of the juvenile court law. (Welf. & Inst. Code §§ 202, 502; see *Butterfield v. Butterfield* (1934) 1 Cal.2d 227, 228.) It has been held that a court rule, if not in plain contradiction of a statute, may be upheld as an implementation or reasonable extension of the legislative enactment. (See, 1 Witkin, Cal. Procedure (2d ed. 1970) Courts, § 129, p. 400, and cases cited.) As so construed these rules will provide guidance to judges and persons participating in the juvenile courts and thereby promote a more uniform application of the juvenile court law throughout the state.

Subdivision (d) is a standard severability clause, similar to that in various codes. (See, e.g., Evid. Code § 3; Veh. Code § 5.)

Rule 1302. Definitions; construction of terms

(a) [Definitions] As used in these rules, unless the context or subject matter otherwise requires:

- (1) "Clerk" means the clerk of the juvenile court;
- (2) "Court" means the juvenile court, and includes any judge or referee of the juvenile court;
- (3) "Detained" means any removal of the minor from the person or persons legally entitled to the physical custody of the minor or any release of the minor on home supervision under either section 628.1 or 636;
- (4) "Notice" means a paper to be filed with the court accompanied by proof of service upon each party required to be served in the manner prescribed by these rules. When a notice or other paper is required to be given or served on a party, the notice or service shall be given to or made on the party's attorney of record, if any;
- (5) "Notify" means to inform, either orally or in writing;
- (6) "Petitioner," in section 300 or 601 proceedings, means the probation officer; "petitioner," in section 602 proceedings, means the prosecuting attorney;
- (7) "Probation officer," in section 300 proceedings, shall include any social worker in the county agency designated by the board of supervisors as responsible for the administration of public social services, when that agency is delegated duties concerning dependent children by the board of supervisors;
- (8) "Section" means a section of the Welfare and Institutions Code;
- (9) "Subdivision" means a subdivision of the rule in which the term appears unless otherwise indicated.

(b) [Construction of terms]

- (1) "Shall" is mandatory, and "may" is permissive.
- (2) The past, present, and future tense shall include the others.
- (3) The singular and plural number shall each include the other.

Sources: Welf. & Inst. Code §§ 215, 245, 247-248, 272

References: Thompson, California Juvenile Court Deskbook (Cont. Ed. Bar, 1975) § 9.31 (hereinafter cited as "Deskbook"); Witkin, § 265

Advisory Committee Comment:

Subdivision (a) defines certain terms repeated throughout these rules. Unless the context or subject matter otherwise requires, the listed words shall have the meanings given to them in this subdivision.

In subdivision (a) (2), the term "court" is defined to mean the juvenile court, and includes any judge or referee. Where a particular provision applies only to a "judge" or "referee," those terms are used.

In subdivision (a) (3), the term "detained" is defined as any removal of the minor from the person legally entitled to the physical custody of the minor or any release of the minor on home supervision under either

section 628.1 or 636. As thus defined, the term is broader than the mere placement of the minor in a facility, secure or nonsecure. This broadened definition increases the situations in which a detention hearing must be held.

Subdivision (a) (b), defining "petitioner," is based on section 650. With the enactment of Statutes 1976, Chapter 1071 (SB 3121), the "prosecuting attorney" is authorized to commence section 602 proceedings by the filing with the court of a petition. The term "prosecuting attorney" is not explicitly defined in the juvenile court law. (But see the cross-reference in section 653 to Gov. Code § 26500, wherein it is provided that the district attorney is the public prosecutor.) In at least one county, the board of supervisors, in the past, had designated an attorney other than the district attorney to appear in section 602 proceedings. Whether the continuation of this practice is still authorized is unclear under the new law. It is noted, however, that for purposes of criminal proceedings conducted under the Penal Code, the words "prosecuting attorney" include any attorney, whether designated as district attorney, city attorney, city prosecutor, prosecuting attorney, or by any other title, having by law the right or duty to prosecute, in behalf of the people, any charge of a public offense. (Pen. Code § 691 (5).)

Subdivision (a) (7), defining "probation officer," is based on sections 215 and 272. The reference to the "county welfare department" in those sections has been revised to conform to current statutory terminology. (See Welf. & Inst. Code §§ 10058, 10800.)

Subdivision (b), relating to construction of terms, is based on similar provisions elsewhere in the California Rules of Court (see, *e.g.*, rules 1202, 1502; but see rules 1202(d); 1502(d)).

CHAPTER 2. COMMENCEMENT OF JUVENILE COURT PROCEEDINGS

Rule 1306. Proper court; determination of minor's residence

(a) [Proper court (§§ 327, 651)] The proper court in which to commence proceedings to declare a minor a ward or dependent child of the court is either the juvenile court:

- (1) In the county in which the minor resides; or
- (2) In the county in which the minor is found; or
- (3) In the county in which the acts take place or the circumstances exist which are alleged to bring the minor within the provisions of either section 300, 601, or 602 of the Welfare and Institutions Code.

(b) [Determination of residence—general rule (§ 17.1)] Unless otherwise specifically provided in the juvenile court law or in these rules, the residency of a minor for purposes of these rules shall be determined under section 17.1 of the Welfare and Institutions Code.

Sources: Welf. & Inst. Code §§ 5, 17.1, 327, 651

References: Boches & Goldfarb, *Cal. Juvenile Court Practice* (Cont. Ed. Bar 1968) § 26, (hereinafter cited as "CEB"); see also Walker, *Cal. Juvenile Court Practice* (Cont. Ed. Bar. Supp. 1975) (hereinafter cited as "CEB Supp."); Desk-book §§ 2.4, 8.39; Witkin §§ 5, 8, 254

Advisory Committee Comment:

Subdivision (a) restates the general rules in sections 327 and 651 relating to the proper court in which to commence proceedings.

Subdivision (b) states expressly that the rules for determining the residency of a minor set forth in Welfare and Institutions Code section 17.1 shall control in juvenile court proceedings. Statutory rules relating to residency of minors are spread throughout the various codes (see, e.g., Civ. Code § 213; Ed. Code § 22847, see also §§ 22850, et seq.; Elec. Code § 14283; Gov. Code § 244; Prob. Code § 1500; Welf. & Inst. Code §§ 17.1, 1010, 11102) and decisional law relating to the residency of minors can be complex. (See, e.g., *Jolicoeur v. Mihaly* (1971) 5 Cal.3d 565, 579-581.)

The general rules for determining residency in California are those set forth in Government Code section 244 which, since 1972, has provided, in part: "(d) The residence of the parent with whom an unmarried minor child maintains his place of abode is the residence of such unmarried minor child." On the other hand, Welfare and Institutions Code section 17.1 sets forth a series of specific rules to be used in determining the residency of a minor but that section does not itself expressly state the scope of its applicability. Apparently, some courts have disagreed as to whether Government Code section 244(d) or Welfare and Institutions Code section 17.1 should control the issue of residency in the juvenile

courts. (See Judicial Council of California, Proceedings of the 1973 Institute for Juvenile Court Judges and Referees, pp. 75-76.) Section 5 of the Welfare and Institutions Code reads: "Unless the context otherwise requires, the general provisions hereinafter set forth shall govern the construction of this code." As section 17.1 is one of the "general provisions hereinafter set forth" (Welf. & Inst. Code §§ 6-20), and the juvenile court law is part of "this code," *i.e.*, the Welfare and Institutions Code, subdivision (b) states that unless otherwise provided in the juvenile court law or in these rules, the residency of a minor for purposes of these rules is to be determined under section 17.1. (Note, however, the special rule on residency applicable to the intercounty transfer of cases under rule 1381 (a).)

Rule 1307. Intake; guidelines for petitioning minors

(a) [Role of juvenile court] The presiding judge of the juvenile court shall initiate meetings and cooperate with the probation department, welfare department, prosecuting attorney, law enforcement and other persons and agencies performing an intake function to establish and maintain a fair and efficient intake program designed to promote swift and objective evaluation of the circumstances of any referral and to initiate whatever course of action appears necessary and desirable.

(b) [Purposes of intake program] A juvenile court intake program shall be designed to do all of the following:

(1) To provide for settlement at intake by excluding or diverting from the juvenile process at its inception:

- (a) those matters over which the juvenile court has no jurisdiction;
- (b) those matters in which there would be insufficient evidence to support the petition; and
- (c) those matters in which sufficient evidence may exist to bring the minor within the jurisdiction of the juvenile court but which are not serious enough to require official action under the juvenile court law or which may be suitably referred to a nonjudicial agency available in the community;

(2) To provide for a program of informal supervision of the minor under sections 330 and 654 in those cases where the minor is or probably will soon be within the jurisdiction of the juvenile court and official intervention short of formal adjudication seems desirable; and

(3) To provide for the commencement of proceedings in the juvenile court by the filing of a petition only when necessary for the welfare of the minor or the safety and protection of the public.

(c) [Settlement at intake—factors for probation officer to consider] In determining whether a matter should be settled at intake, thereby excluding or diverting the matter from the juvenile court system, the probation officer shall consider:

(1) Whether there is sufficient evidence of a condition or conduct to bring the minor within the jurisdiction of the juvenile court;

(2) Where the condition or conduct is not considered serious, whether the minor has previously presented no significant problems in the home, school or community;

- (3) Whether the matter appears to have arisen from a temporary problem within the family which has been or can be resolved;
- (4) Whether any agency or other resource within the community is better suited to serve the needs of the minor, the parents, or both;
- (5) The attitude of the minor and the parent or guardian;
- (6) The age, maturity and mentality of the minor;
- (7) The prior delinquent history, if any, of the minor;
- (8) The recommendation, if any, of the referring party or agency;
- (9) The attitude of any affected persons;
- (10) Any other circumstances which indicate that settling the matter at intake would be consistent with the welfare of the minor and the safety and protection of the public.

(d) [Informal supervision (§§ 330, 654)] If after investigation the probation officer concludes that a minor is or probably will soon be within the jurisdiction of the juvenile court, the probation officer may, in lieu of filing a petition under section 300 or 601 or requesting that a petition be filed under section 602 and with the consent of the minor and the minor's parent or guardian, undertake to remedy the situation by delineating specific programs of informal supervision of the minor for not more than six months. The probation officer may file a petition or request that a petition be filed at any time within the six-month period. If the probation officer determines that the minor has not involved himself in the specific programs within 60 days, the probation officer shall immediately file a petition or request that a petition be filed by the prosecuting attorney. However, when in the judgment of the probation officer the interest of the minor and the community can be protected, the probation officer shall make a diligent effort to proceed under section 654.

(e) [Informal supervision—factors for probation officer to consider] In determining whether a program of informal supervision of the minor should be undertaken, the probation officer shall consider:

- (1) Where the alleged condition or conduct is not considered serious, whether the minor has had a problem in the home, school or community which indicates that some supervision would be desirable;
- (2) Whether the minor and the parents seem able to resolve the matter with the assistance of the probation officer and without formal juvenile court action;
- (3) Whether further observation or evaluation by the probation officer is needed before a decision can be reached;
- (4) The attitude of the minor and the parent or guardian;
- (5) The age, maturity and mentality of the minor;
- (6) The prior delinquent history, if any, of the minor;
- (7) The recommendation, if any, of the referring party or agency;
- (8) The attitude of any affected persons;
- (9) Any other circumstances which indicate a program of informal supervision would be consistent with the welfare and safety of the minor and the protection of the public.

(f) [Filing of petition; role of probation officer and prosecuting attorney]

ney (§§ 325, 650)] Except as provided in sections 331, 364, 604, 653.5, 654, and 655, the determination whether or not to file a petition shall be in the sole discretion of the probation officer in section 300 and 601 proceedings, and in the sole discretion of the prosecuting attorney in section 602 proceedings.

(g) [Filing of petition—factors for probation officer to consider] In determining whether to file a petition under section 300 or 601 or to request the prosecuting attorney to file a petition under section 602, the probation officer shall consider:

(1) Whether any of the statutory criteria listed under rule 1348(b) (2) relating to the fitness of the minor are present:

(a) the degree of criminal sophistication exhibited by the minor;
 (b) whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction; (c) the minor's previous delinquent history; (d) success of previous attempts by the juvenile court to rehabilitate the minor; (e) the circumstances and gravity of the offense alleged to have been committed by the minor.

(2) Whether the alleged conduct would be a felony if committed by an adult;

(3) Whether the alleged conduct involved physical harm or the threat of physical harm to person or property;

(4) Whether the alleged condition or conduct is not itself serious, but the minor has had serious problems in the home, school or community which indicate that formal juvenile court action would be desirable;

(5) Where the alleged condition or conduct is not itself serious, whether the minor is already a ward or dependent child of the juvenile court;

(6) Whether the alleged condition or conduct involves a threat to the physical or mental condition of the minor;

(7) Whether a chronic serious family problem continues to exist after other efforts to improve the problem have failed;

(8) Whether the alleged condition or conduct is in dispute and, if proven, court ordered disposition appears desirable;

(9) The attitude of the minor and the parent or guardian;

(10) The age, maturity and mentality of the minor;

(11) The status of the minor as a probationer or parolee;

(12) The recommendation, if any, of the referring party or agency;

(13) The attitude of any affected persons;

(14) Whether any other referrals or petitions are pending;

(15) Any other circumstances which indicate the filing of a petition is necessary to promote the welfare of the minor or the safety and protection of the public.

Sources: Welf. & Inst. Code §§ 325, 330-331, 364, 604, 650, 653.5, 654, 655

References: CEB §§ 8.3-8.7, 91-95;

- Deskbook §§ 4.2-4.12, 10.2;
 Witkin §§ 289-291, 353;
 Ferster, Courtless & Snethen, *Separating Official and Unofficial Delinquents: Court Intake* 66 Iowa L. Rev. 864 (1970);
 Paulson & Whitebread, *Juvenile Law and Procedure*, Ch. VII, "Intake (Preliminary Screening)" (National Council of Juvenile Court Judges, 1974);
 National Advisory Commission on Criminal Justice Standards and Goals:
 —*Corrections*, Ch. 8, "Juvenile Intake and Detention" (1973), (hereafter, "National Advisory Commission, *Corrections*").
 —*Courts*, Ch. 14 "Juveniles" (1973), hereafter "National Advisory Commission, *Courts*."

Advisory Committee Comment:

Only a small percentage of matters brought to the attention of juvenile justice agencies ever reach a judicial hearing. The police officer may investigate and dispose of a case at the police level, issue a citation to appear before the probation officer, or take the minor in physical custody to the probation officer at juvenile hall. In making this decision, the statute prescribes that the officer "shall prefer the alternative which least restricts the minor's freedom of movement, provided such alternative is compatible with the best interest of the minor and the community." (Welf. & Inst. Code § 626.) Similarly, the probation intake unit will investigate and either settle the matter at intake, undertake a program of informal supervision under either section 330 or 654, or file a petition or request that a petition be filed commencing proceedings in the juvenile court. In the latter instance, the probation officer must also decide whether to release or to seek detention of the minor pending the jurisdiction hearing.

The juvenile court law provides little guidance to those making these critical intake decisions. In many counties, special intake officers or units have developed but the criteria applied may be subjectively determined or may not have been reduced to writing. In other counties, intake criteria are in writing. The intent of this rule is to provide written guidance to all intake probation officers, thereby encouraging a more uniform approach toward intake decisions in the several counties.

Subdivision (a) defines the role of the presiding judge of the juvenile court in initiating meetings and cooperating with those agencies performing an intake function in establishing a local intake program. It is analogous to a similar provision relating to screening of criminal cases in section 10(g) of the Judicial Council's Standards of Judicial Administration.

Subdivision (b) defines the purposes of an intake program, including provision for (1) the settlement at intake by excluding or diverting from the juvenile court process inappropriate or less serious offenses, (2) the undertaking of informal supervision programs where official intervention short of adjudication seems desirable, and (3) the filing of a petition

commencing juvenile court proceedings only when necessary for the welfare or safety of the minor or the protection of the public. (See Deskbook § 4.4.)

Subdivision (c) lists factors relevant to a decision to settle a matter at intake. It should be noted that these factors, as well as those listed under subdivisions (e) and (g), *infra*, are not intended to eliminate the discretion of the probation officer. Instead, the intent is to focus the decision making process of the probation officer upon the factors which properly should control the sound exercise of discretion. It is recognized, for example, that a primary factor in any intake decision is the availability of other resources in the community which may be better suited than the probation department or the juvenile court to serve the needs of the minor. But the actual availability of these alternatives varies widely from county to county and, as a result, the intake decisions reached in similar cases in different counties will necessarily vary. (For further discussion of settlement at intake, see Deskbook §§ 4.5, 4.10.)

Subdivision (d) restates the probation officer's authority under sections 330 and 654 to undertake a program of supervision, for a period not to exceed six months, with the consent of the minor and the minor's parent or guardian. The last two sentences in subdivision (d) reflect a 1976 statutory change. (See Stats. 1976, Ch. 1071.) In some counties, the court monitors, through periodic reports, each instance where a program of informal supervision is undertaken. In smaller counties, this may include reports of all cases handled under sections 330 and 654; in larger counties the monitoring program may be limited only to certain categories of cases.

Subdivision (e) lists factors to be considered when determining whether or not a program of informal supervision of the minor should be undertaken. (See comment to subdivision (c), *supra*; see generally, Deskbook §§ 4.6, 4.11.)

Subdivision (f) restates the substance of Welfare and Institutions Code section 650, (amended by Stats. 1976, Ch. 1071, § 20) authorizing the prosecuting attorney to file petitions in section 602 proceedings. Cross-references are also made to other provisions in the juvenile court law which have the effect of mandating the filing of petitions in certain instances. These relate to when the juvenile court orders a petition filed (Welf. & Inst. Code §§ 331, 655); when a minor has not become involved in a program of informal supervision under section 654 within 60 days (Welf. & Inst. Code § 654); certain repeat section 300(d) cases (Welf. & Inst. Code § 364); matters certified to the juvenile court (Welf. & Inst. Code § 604); and certain school-related aggravated assaults and batteries (Welf. & Inst. Code § 653.5).

Subdivision (g) lists factors to be considered by the probation officer when determining whether or not to file a petition under section 300 or 601 or to request the prosecuting attorney to file a petition under section 602. (See comment to subdivision (c), *supra*.) It should be noted that no factors are set forth in these rules attempting to guide the prosecuting attorney's discretionary decision whether or not to file a petition under section 602. In contrast to the historical relationship between the juvenile court and probation officer (see, *e.g.*, Welf. & Inst. Code § 270), the

prosecuting attorney is clearly an executive officer with power to exercise discretion to initiate proceedings without interference or supervision by the judicial branch. (Cf. *Sledge v. Superior Court* (1974) 11 Cal.3d 70.) It would seem more appropriate for prosecutorial agencies to initiate the development of their own guidelines for filing petitions in the juvenile court. (Cf. *Uniform Crime Charging Manual*, California District Attorney's Association (1974).)

Rule 1308. Filing of petition; application for petition

(a) [Filing of petition (§§ 272, 325, 650)] A proceeding in a juvenile court to declare a minor a dependent child of the court or a ward of the court is commenced by filing with the court of a petition in conformity with the requirements of the juvenile court law:

(1) In proceedings to declare a minor a dependent child under section 300, the petition shall be filed by the probation officer, or any social worker in the county agency designated by the board of supervisors as responsible for the administration of public social services, when that agency is delegated duties concerning dependent children by the board of supervisors;

(2) In proceedings to declare a minor a ward under section 601, the petition shall be filed by the probation officer;

(3) In proceedings to declare a minor a ward under section 602, the petition shall be filed by the prosecuting attorney.

(b) [Investigation by probation officer (§§ 328, 329, 652-3)] Whenever the probation officer has cause to believe that there was or is within the county, or residing therein, a minor within the provisions of either section 300, 601 or 602, or whenever any person applies to the probation officer under section 329 or 653 to commence proceedings in the juvenile court, the probation officer shall immediately make whatever investigation he deems necessary to determine whether proceedings in the juvenile court are to be commenced. If the probation officer determines that proceedings to declare a minor a ward of the court under section 602 should be commenced, the matter shall be referred to the prosecuting attorney.

(c) [Application for petition (§§ 329, 331, 653, 655)] Any person may apply to the probation officer to commence proceedings in the juvenile court. The application shall be in the form of an affidavit alleging facts showing that the minor is a person described in section 300, 601 or 602. The probation officer shall thereafter act on the application in accordance with section 329 or 653. If the probation officer does not file a petition in a section 300 or 601 proceeding, or does not request the prosecuting attorney to file a petition in a section 602 proceeding, the applicant may seek review of the probation officer's decision under section 331 or 655, whichever is appropriate.

Sources: Welf. & Inst. Code §§ 272, 328, 329, 331, 652, 653, 655

References: CEB §§ 93, 108;

Deskbook § 4.1; see also § 9.31;
 Witkin §§ 265, 289

Advisory Committee Comment:

Subdivision (a), relating to the filing of the petition, restates the general authority for the filing of petitions, as set forth in sections 325 and 650, as amended effective January 1, 1977. Subdivision (a) (1) recognizes that under section 272, the board of supervisors may delegate to the county welfare (*i.e.*, social service) department all or part of the duties of the probation officer relating to dependent children described in section 300 (see comment to rule 1302(a) (7)); this would seem to include the filing of a petition in the first instance. (For a discussion of arguments for or against a delegation of these duties, see Deskbook § 9.31, see also *id.*, Appen. C., § 5, pp. 239-245.)

Subdivision (b) restates the duty of the probation officer under sections 328, 329, 652 and 653 to make whatever investigation he "deems necessary to determine whether proceedings in the juvenile court should be commenced." Although the statutes are not mandatory and do not require an investigation as a necessary prerequisite to the filing of a petition (see *In re Bacon* (1966) 240 Cal.App.2d 34, 43-44; *Ex parte Haynes* (1948) 84 Cal.App.2d 746, 751), it is normally done and should be done in every case.

Subdivision (c), relating to applications for a petition, basically restates the first sentence of sections 329 and 653 and then directs the probation officer to thereafter act in accordance with whichever of these sections is appropriate. If the probation officer does not file or otherwise request that a petition be filed, the applicant may seek review under section 331 or 655, whichever is appropriate.

In the Proposed Juvenile Court Rules tentatively adopted by the Judicial Council in May 1976, specific procedures were set forth therein designed to alleviate administrative problems which had arisen in some counties relating to the handling of applications for petitions. The 1976 Legislature also acted in this area, but in doing so, certain irreconcilable inconsistencies in the statutes resulted. (Compare Welf. & Inst. Code §§ 329 and 331 with Welf. & Inst. Code §§ 653 and 655; note also the possibility under section 655 (b) that the "21 court days" within which the probation officer must act may, in some instances, not expire until after the "30 days" limitation within which time the court must act.) The advisory committee believes that only the Legislature can clarify these inconsistencies.

Rule 1309. Form of petition; notice of hearing

(a) [Form of petition (§§ 332, 333, 656, 656.1, 656.5)] The petition shall be verified and shall contain all of the following:

- (1) The name of the court to which the petition is addressed;
- (2) The title of the proceeding;
- (3) Each code section and subdivision under which the proceedings are instituted;
- (4) The name, age, and address, if any, of the minor upon whose behalf the petition is brought;

(5) The name or names and residence address, if known to petitioner, of all parents and guardians of the minor. If there is no parent or guardian residing within the State, or if that person's place of residence is not known to petitioner, the petition shall also contain the name and residence address, if known, of any adult relative residing within the county, or, if there is none, the adult relative residing nearest the court;

(6) A concise statement of facts, separately stated, to support the conclusion that the minor upon whose behalf the petition is being brought is a person within the definition of each of the sections and subdivisions under which the proceedings are being instituted; and

(7) Whether the minor upon whose behalf the petition is brought is detained in custody, and if so, the date and the precise time the minor was taken into custody.

If the petition alleges that the minor is a person described by section 602, it shall specify as to each allegation whether the violation alleged, if committed by an adult, would be a felony or a misdemeanor. Any petition that is not verified may be dismissed without prejudice by the court.

(b) [Amendment of petition (§§ 348, 678)] The provisions of Chapter 8 (commencing with § 469) of Title 6 of Part 2 of the Code of Civil Procedure relating to variance and amendment of pleadings in civil actions shall apply to petitions and proceedings in the juvenile court, to the same extent and with the same effect as if proceedings under these rules were civil actions.

(c) [Notice of hearing; contents (§§ 335, 336, 658, 659)] On filing of the petition, the clerk shall issue a notice of hearing, with a copy of the petition attached. The notice shall contain all of the following:

(1) The name and address of the person to whom the notice is directed.

(2) The date, time, and place of the hearing on the petition.

(3) The name of the minor upon whose behalf the petition has been brought.

(4) Each code section and subdivision under which the proceeding has been instituted.

(5) A statement that the minor and his parent, guardian or noticed adult relative are entitled to have an attorney present at the hearing on the petition, and that if the parent, guardian or adult relative is indigent and the minor or parent, guardian or adult relative desires to be represented by an attorney, that person shall promptly notify the clerk of the juvenile court.

(d) [Persons entitled to notice—§§ 601-602 cases (§ 658)] If the minor is alleged to be a person described by section 601 or 602, the clerk shall cause the notice and copy of the petition to be served on each of the following:

(1) The minor, if the minor is 8 or more years of age;

(2) Each person described in subdivision (a) (5) whose residence address is set forth in the petition or becomes known to the clerk before the hearing;

- (3) The attorney for the minor, parent or guardian;
- (4) The prosecuting attorney, if the prosecuting attorney has notified the clerk that he wishes to receive a copy of the petition.

(e) [—§ 300 cases (§ 335)] If the minor is alleged to be a person described by section 300, the clerk shall cause the notice and copy of the petition to be served on each of the following:

- (1) The minor, if the minor is 14 or more years of age;
- (2) Each person described in subdivision (a) (5) whose residence address is set forth in the petition or becomes known to the clerk before the hearing;
- (3) The attorney for the minor, parent or guardian;
- (4) The prosecuting attorney, if the prosecuting attorney has notified the clerk that he wishes to receive a copy of the petition.

(f) [—Service; detention cases (§§ 337(a), 660(a))] If the minor is detained in custody, the notice and copy of the petition shall be served on the persons designated in subdivision (d) or (e) either personally or by certified mail with request for return receipt as soon as possible after filing of the petition and at least five calendar days prior to the time set for hearing, unless the hearing is set less than five calendar days from filing of the petition, in which case the notice and copy of the petition must be served at least 24 hours prior to the time set for hearing.

(g) [—Service; nondetention cases (§§ 337(b), 660(b))] If the minor is not detained in custody, the notice and a copy of the petition shall be served on the persons designated in subdivision (d) or (e) either personally or by certified mail with request for return receipt or by first-class mail at least 10 calendar days prior to the time set for hearing. If the person resides outside the county, the mailing shall be made as soon as possible after filing of the petition and at least 10 calendar days prior to the time set for hearing. If a person fails to appear after service by mail, the court shall direct that personal service be made. In any case, personal service is deemed equivalent to service by certified or first-class mail.

(h) [—Waiver of service (§§ 337(b), 660(b))] Any person may waive service by a voluntary appearance entered in the minutes of the court or by written waiver of service filed with the clerk.

(i) [Service on minor's attorney (§ 660(c))] For purposes of time requirements under subdivisions (f) and (g) in proceedings brought under either section 601 or 602, service on the minor's attorney is deemed equivalent to service on the minor's parent or guardian.

Sources: Welf. & Inst. Code §§ 332, 333, 335, 336, 337, 348, 656, 656.1, 656.5, 658, 659, 660, 678

References: CEB §§ 96-104
Deskbook §§ 8.2, 8.3, 8.17, 8.25, 8.26; see also §§ 5.12, 7.1, 7.11

Witkin §§ 291, 293, 294
Governor's Commission, pp. 25-26

Advisory Committee Comment:

Subdivision (a), relating to the form of the petition, is based on sections 332, 333, 656, 656.1 and 656.5. The next to last sentence is based on section 656.1, added effective January 1, 1977. (Stats. 1976, Ch. 1071.) The new section, read literally, would seem to conflict with the general principle that juvenile court proceedings are noncriminal in nature. (Welf. & Inst. Code § 203.) The rule attempts to reconcile the intent underlying these conflicting statutory provisions.

Subdivision (b), relating to the applicability in the juvenile court of Code of Civil Procedure provisions relating to variance and amendment of pleadings (see generally, 3 Witkin, Cal. Procedure (2d ed. 1971) Pleading, § 1030 et seq.), restates sections 348 and 678. But because due process requires that the minor, parent or guardian receive timely notice of the specific issues to be met at a hearing (*In re Gault* (1967) 387 U.S. 1, 31-34, courts should be cautious in permitting an amendment of a petition to conform to the proof once a hearing begins, particularly in section 602 proceedings. Some courts have chosen to apply the stricter standards for amending complaints in criminal proceedings in this context. Under these standards, for example, an amendment to charge an offense not attempted to be charged by the original complaint would generally be prohibited. (Pen. Code § 1009; compare Code Civ. Proc. § 469; but see *In re Stanley B.* (1971) 17 Cal.App.3d 530, 534 (amendment alleging additional nonincluded offense may be proper, if no objection or showing of prejudice); *In re Joe R.* (1970) 12 Cal.App.3d 80, 85 (same).) Even in criminal proceedings, however, the authority to amend a complaint during trial may be broad (see Pen. Code § 1009; cf. *People v. Flowers* (1971) 14 Cal.App.3d 1017), and a trial court decision authorizing such amendments is usually upheld. (See, Witkin, Cal. Criminal Procedure (1963) Proceedings Before Trial § 210.) If an amendment during the proceedings might prejudice the substantial rights of the minor, parent, or guardian, a reasonable continuance of the proceeding may be granted. (See *People v. Flowers, supra*, at 1020; see also *In re Arthur N.* (1976) 16 Cal.3d 226.)

Subdivision (c), relating to the contents of the notice of hearing, is based on sections 335, 336, 658 and 659.

Subdivision (d), relating to persons entitled to notice in section 601 and 602 proceedings, is based upon the first and second sentences in section 658.

Subdivision (e), relating to persons entitled to notice in section 300 proceedings, is based upon the first and second sentences in section 335.

Subdivision (f), relating to service of notice in detention cases, is based upon section 337(a) and 660(a).

Subdivision (g), relating to service of notice in nondetention cases, is based upon the first five sentences in sections 337(b) and 660(b).

Subdivision (h), relating to waiver of service, is based upon the last sentence in sections 337(b) and 660(b).

Subdivision (i), relating to service on the minor's attorney in lieu of service on the parent or guardian, is based on section 660(c). It should be noted, however, that there may be some factual situations in which the parent or guardian may have legal interests separate from those of the minor. While subdivision (i) relates only to the fixing of certain time limitations, there may be instances when service on the minor's attorney, if deemed the equivalent of service on the minor's parent or guardian, would not give the necessary notice required to give the parent or guardian the due process to which they are entitled.

Rule 1310. Citation to appear; warrants of arrest; subpoenas

(a) [Citation to appear (§§ 338, 661)] In addition to the notice provided for in rule 1309(c), the court may issue a citation directing any parent or guardian of the minor to appear at the time and place set for any hearing, directing any person having custody or control of the minor to bring the minor to court, and stating that a parent or guardian and the minor may be required to participate in a counseling program. Personal service of the citation shall be made at least 24 hours before the time stated therein for appearance in court.

(b) [Warrant of arrest—parent, guardian or person with custody (§§ 339, 662)] If the citation cannot be served, is disobeyed, or if it appears to the court that the citation will probably be ineffective, the court may order a warrant of arrest to issue against the parent, guardian, or the person having the custody of the minor, or with whom the minor is or is living.

(c) [—Minor (§§ 340, 663)] If it appears to the court that the conduct and behavior of a minor concerning whom a petition has been filed may endanger the health, person, welfare or property of the minor or others, or that the circumstances of the home environment may endanger the health, person, welfare or property of the minor, a warrant of arrest may be issued immediately upon filing of a petition.

(d) [Subpoenas (§§ 341, 664)] On the court's own motion, or on request of the probation officer, prosecuting attorney, the minor, or the parent, guardian, or custodian, the clerk shall issue subpoenas requiring attendance and testimony of witnesses and the production of papers at any hearing. No fee shall be charged for service of the subpoena. When a witness appears pursuant to a subpoena, the court may order the payment of witness fees as a county charge in the amount and manner prescribed by statute.

Sources: Welf. & Inst. Code §§ 338-341, 661, 662, 663, 664

References: CEB §§ 107, 112
 Deskbook §§ 8.4, 8.5, 8.6, 8.27
 Witkin §§ 295, 296, 305

Advisory Committee Comment:

Subdivision (a), relating to citations to appear, is based on sections 338 and 661.

Subdivision (b), relating to warrants of arrest issued against the parent, guardian or person with custody of the minor, is based on sections 339 and 662.

Subdivision (c), relating to warrants of arrest issued against the minor, is based on sections 340 and 663.

Subdivision (d), relating to subpoenas, is based on sections 341 and 664. Administratively, in those cases in which the prosecuting attorney is the petitioner or is otherwise to be present in court to assist in the ascertaining and presenting of the evidence, it would seem to be a preferable practice for the prosecuting attorney to assume responsibility for preparing and processing of subpoenas. (See "*A Study of the Petition and Subpoena Processes in the Juvenile Court*," Los Angeles Superior Court (January 12, 1975).)

CHAPTER 3. GENERAL CONDUCT OF JUVENILE COURT PROCEEDINGS

PART I. GENERAL PROVISIONS

Rule 1311. Persons present at juvenile court proceedings

(a) [Separate session; restriction on persons present (§§ 345, 675)] All juvenile court proceedings shall be heard at a special or separate session of the court, and no other matter shall be heard at that session. No person on trial, awaiting trial, or under accusation of crime, other than a parent, de facto parent, guardian, or relative of the minor, shall be permitted to be present at the hearing, except while testifying as a witness.

(b) [Persons present (§§ 280, 332(e), 335, 347, 349, 351, 353, 656(e), 658, 677, 679, 681, 700)] The following persons are entitled to be present at a juvenile court proceeding:

(1) The minor who is the subject of the hearing;
 (2) (a) all parents, de facto parents, and guardians of the minor, or (b) if there is no parent or guardian residing within the state, or if their place of residence is not known,

- (i) any adult relative residing within the county or, if there is none,
- (ii) the adult relative residing nearest to the court.

(3) Any counsel representing the minor or the parent, de facto parent, guardian, or adult relative;

(4) The probation officer or social worker as the case may be, except where waived by that person, the court, and the minor;

(5) The prosecuting attorney, as provided in subdivisions (c) and (d);

(6) The court clerk;

(7) The official court reporter, as provided in rule 1312; and

(8) At the court's discretion, a bailiff.

(c) [Presence of prosecuting attorney—§§ 601–602 proceedings (§ 681)] In proceedings brought under section 602, the prosecuting attorney shall appear on behalf of the people of the State of California. In proceedings brought under section 601, the prosecuting attorney may appear to assist in ascertaining and presenting the evidence if:

(1) The minor is represented by counsel; and

(2) (a) the court consents to or requests the prosecuting attorney to be present or (b) the probation officer requests and the court consents to the prosecuting attorney being present.

(d) [—§ 300 proceedings (§ 351)] In proceedings brought under section 300(a), (b), or (d), the prosecuting attorney shall be entitled to be present whenever

(1) Any parent, guardian or other person having care or custody of the minor or residing in the home of the minor is charged in a pending criminal prosecution based upon unlawful acts committed against the minor; and

(2) The court consents to or requests the prosecuting attorney to be present to represent the minor in the interest of the state.

(e) [General public not admitted (§§ 346, 676)] Unless requested by the minor and any parent, guardian or adult relative present, the public shall not be admitted to a juvenile court hearing. The court may nevertheless admit any person it deems to have a direct and legitimate interest in the particular case or the work of the court, subject to the condition that neither the name of the minor, parent, or guardian nor any means of ascertaining their names be disclosed by that person.

Sources: Welf. & Inst. Code §§ 280, 345-347, 349, 351, 581, 675, 676, 677, 679, 681; see also §§ 332(e), 335, 656(e), 658

References: CEB §§ 72, 114, 155
Deskbook §§ 6.5, 8.8
Witkin §§ 265, 298, 301, 302, 305
Governor's Commission, pp. 23-24

Advisory Committee Comment:

Subdivision (a) generally restates the first paragraph of sections 345 and 675. A reference to de facto parents is added to the second sentence. Also, the rule clarifies that accused persons may be present at a juvenile proceeding only "while testifying as a witness."

Subdivision (b) collates several provisions of the juvenile court law relating to persons entitled to be present at a jurisdiction hearing. These persons include the minor who is the subject of the hearing (Welf. & Inst. Code §§ 349, 679); the parental figures listed in subdivision (b) (2) (see Welf. & Inst. Code §§ 332(e), 335, 349, 656(e), 658, 679; *In re B.G.* (1974) 11 Cal.3d 679, 692, n. 18); any attorneys representing the minor or the parent, guardian, or adult relative (Welf. & Inst. Code §§ 332(e), 335, 349, 656(e), 658, 679); the probation officer or social worker (Welf. & Inst. Code § 280, see also *In re Steven C.* (1970) 9 Cal.App.3d 255, 263-266); the court clerk (see Welf. & Inst. Code §§ 353, 700); the bailiff; and in certain instances, the official court reporter (Welf. & Inst. Code §§ 347, 677) and the prosecuting attorney (Welf. & Inst. Code §§ 351, 681; see also *In re Steven C.* (1970) *supra*, at 266, n. 11.)

Under subdivision (b) (1), the minor who is the subject of the hearing is entitled to be present at the hearing in section 601 and 602 proceedings, in which the allegations are directed against the minor, the minor is normally present in court. (But see Deskbook § 6.5, suggesting circumstances and procedures for excusing the minor during some disposition hearings.) In section 300 proceedings, infants and very young children often are not physically present in court. The practice in many courts, however, is to require any minor approximately six years old and over to be physically present during section 300 proceedings, particularly when placement plans are being discussed, so the views of the minor in this regard may be readily ascertained. Similarly, the presence of the minor

may be required by the court at annual review hearings, so an inquiry can be made concerning the minor's attitudes towards the current placement program.

A "de facto" parent, referred to in subdivision (b) (2) and (f), may include a foster parent (*In re B.G., supra*), a stepparent (*Guardianship of Shannon* (1933) 218 Cal. 490), or any other person who, on a day-to-day basis, assumes the role of parent, seeking to fulfill both the child's physical needs and his psychological need for affection and care (*In re B.G., supra*, at 692, n. 18).

In subdivision (b) (4), reference is made to "the probation officer or social worker, as the case may be." In many counties, the board of supervisors has delegated to the county welfare department all or part of the duties of the probation officer concerning dependent children described in section 300. (See Welf. & Inst. Code § 272.) When supervising dependent children under these circumstances, the statutory term "probation officer" may include any social worker in a county welfare department. (Welf. & Inst. Code § 215.) Except when the context suggests otherwise, the term "probation officer," when used in these rules in relation to section 300 proceedings shall include the social worker. (See rule 1302(a) (7).)

Subdivisions (c) and (d), relating to the circumstances under which the prosecuting attorney is entitled to be present at a juvenile court proceeding, are based on sections 351 and 681. The previously prevailing practice in section 602 proceedings was in accord with the suggestion in *In re Steven C., supra*, that the district attorney appear and participate in contested jurisdiction hearings to assist in the ascertaining and presenting of the evidence. In many counties, it was also the practice for the district attorney to retire from the proceedings upon completion of the jurisdiction hearing, particularly in routine cases. In those counties, matters submitted to the court at the disposition hearing would be presented by the probation officer, whose principal responsibility was and continues to be to prepare and present to the court a social study for consideration at that hearing (see Deskbook § 9.1). Section 681, as amended effective January 1, 1977, now seems to provide for the presence of the prosecuting attorney in all phases of section 602 proceedings, including the disposition hearing.

In section 300 proceedings, the statutory role of the prosecuting attorney when present in court is to "represent the minor in the interest of the state." In contrast to section 601 or 602 proceedings, the petitioner and the minor are generally aligned on one side of the case, with the parent or guardian being the responding party. Absent a conflict of interest, the petitioner and minor may therefore be represented by a single attorney. A growing practice in many counties is for the county counsel, rather than the district attorney, to appear in behalf of the petitioner and the minor in section 300 proceedings.

Subdivision (e), which provides that the public shall not generally be admitted to juvenile court proceedings but recognizing the authority of the court to admit persons interested in the work of the court, is based on sections 346 and 676. In this regard, it should be noted that the Governor's Commission recommended that proceedings of the juvenile court should

be "confidential, not secret." Section 676 was not intended to exclude bonafide representatives of the press, for example, from attending juvenile court hearings and providing the public with greater knowledge of juvenile court processes, procedures, and unmet needs. The Commission indicated it was "convinced the press will continue to respect their voluntarily adopted code of ethics, whereby the names of juvenile offenders are not identified to the public." (Governor's Commission, p. 24.) Persons admitted under subdivision (e) must respect the confidentiality of juvenile proceedings and must not reveal the identity of a minor, parent or guardian nor any details of the case that might reveal their identity. Besides the press, others who might be admitted to a juvenile court proceeding under this subdivision might include relatives or close friends of the minor, victims, law enforcement personnel, students, and members of community groups interested in studying juvenile court procedures.

Rule 1312. Court reporter; transcripts

(a) [Hearing before judge (§§ 347, 677)] If the hearing is before a judge, an official court reporter shall be present and take down all proceedings.

(b) [Hearing before referee (§§ 347, 677)] If the hearing is before a referee, an official court reporter shall be present and take down all proceedings whenever directed by the judge.

(c) [Preparation of transcript (§§ 347, 677)] If directed by the judge, or if requested by the minor or by his parent, guardian or adult relative, or by the attorneys for those persons, the official court reporter shall prepare a transcript of the proceedings within such reasonable time after the hearing as the judge shall designate and shall certify that the proceedings have been correctly reported and transcribed. When directed by the judge, the official court reporter shall file the transcript with the clerk of the court.

(d) [Cost of transcript (§§ 347, 395, 677, 800)] Unless otherwise directed by the judge, the costs of transcribing shall be paid in advance by the person requesting the transcription at the rates fixed for transcriptions in a civil action, except that an appellant unable to afford counsel shall be provided a free transcript for use on appeal. For purposes of this rule, a minor who seeks appellate review may be found personally unable to afford counsel, without regard to the parents' financial status.

Sources: Welf. & Inst. Code §§ 347, 395, 677, 800; *Dana J. v. Superior Court* (1971) 4 Cal.3d 836

References: CEB §§ 118, 119, 156
Deskbook § 8.7
Witkin §§ 300, 345
Governor's Commission, p. 25

Advisory Committee Comment:

Subdivisions (a), (b) and (c), relating to court reporters and the preparation of transcripts, generally restate portions of sections 347 and 677.

Subdivision (d), relating to the costs of preparing a transcript, restates sections 677 and 800, as construed in *Dana J. v. Superior Court* (1971) 4 Cal.3d 836. (See also (Welf. & Inst. Code §§ 347, 395.)

Rule 1313. Atmosphere of hearing

(a) [Court control (§§ 350, 680)] The court shall control all proceedings with a view to the expeditious and effective ascertainment of the jurisdictional facts and of all information relevant to the present condition and welfare of the minor.

(b) [Uncontested hearings (§§ 350, 680)] Uncontested hearings shall be conducted in an informal nonadversary atmosphere with a view to obtaining the maximum cooperation of the minor and of all persons interested in the minor's welfare with such provisions as the court may make for the disposition and care of the minor.

(c) [Contested hearings (§§ 350, 680)] Contested hearings shall be conducted as an adversary proceeding.

(d) [Contempt of court (§ 213)] Any wilful disobedience or interference with any lawful order of the court constitutes a contempt of court.

Sources: Welf. & Inst. Code §§ 213, 350, 680

References: Deskbook §§ 6.6, 8.10, 8.32
 Witkin § 299

Advisory Committee Comment:

Subdivisions (a) and (b), relating to the court's control over the proceedings and the atmosphere of uncontested proceedings, basically restate sections 350 and 680.

Subdivision (c) recognizes that, at least since *In re Gault* (1967) 387 U.S. 1, contested juvenile court hearings have assumed many of the characteristics of an adult adversary proceeding, except there is no right to a jury trial. (*McKeiver v. Pennsylvania* (1971) 403 U.S. 528; but see *People v. Superior Court (Carl W.)* (1975) 15 Cal.3d 271 (advisory jury).)

Subdivision (d), relating to contempt of court, is based on section 213.

PART II. PROCEEDINGS BEFORE REFEREES

Rule 1316. General provisions—proceedings held before referees

(a) [Referees—appointment; powers (§ 247; Cal. Const., Art. VI, § 22)] One or more referees may be appointed pursuant to section 247 to perform subordinate judicial duties assigned to the referee by the presiding judge of the juvenile court.

(b) [Referee as temporary judge (Cal. Const., Art. VI, § 21)] If the referee is an attorney admitted to practice in this state, the parties litigant may stipulate pursuant to rule 244 that the referee shall act as a temporary judge sitting with the same powers as a judge of the juvenile court. An official court reporter shall then be present to take down all proceedings.

(c) [Challenge of referee (§ 553.2; Code Civ. Proc. §§ 170, 170.6)] Sections 170 and 170.6 of the Code of Civil Procedure are applicable to referees. If a motion under those sections is granted, the presiding judge of the juvenile court may reassign the matter to another referee or judge.

Sources: Cal. Const., Art. VI, §§ 21, 22
Welf. & Inst. Code §§ 247, 553.2
Cal. Rules of Court, rule 244
In re Edgar M. (1975) 14 Cal.3d 727
In re Bradley (1968) 258 Cal.App.2d 253

References:

CEB § 20
Deskbook §§ 5.13, 8.17e
Witkin, §§ 258, 259, 329; see also Witkin, Cal.
Procedure (2d ed. 1971) Courts §§ 228, 230, 231, 233
Governor's Commission, pp. 36-37
Gough, *Referees in California's Juvenile Courts:
A Study in Sub-Judicial Adjudication*, 19 *Hast.
L.J.* 3 (1967)

Advisory Committee Comment:

Subdivision (a) states the statutory basis for the appointment of referees to perform subordinate judicial duties in California's juvenile courts. Article VI, section 22 of the California Constitution authorizes the Legislature to "provide for the appointment by trial courts of record of officers such as commissioners to perform subordinate judicial duties." Under this authority, Welfare and Institutions Code section 553 (now section 247) was enacted, providing for the judicial appointment of "one or more referees to serve on a full-time or part-time basis (and) . . . at the pleasure of the appointing judge. . . ." The statute further provides that the amount and rate of compensation to be paid referees is to be generally fixed by the board of supervisors in each county and prescribes minimum qualifications for referee appointees. Currently, every newly appointed referee must have been admitted to practice law in this state, generally for a period of not less than five years. (See Welf. & Inst. Code §§ 247, 553.) Until 1971, persons with at least five years experience in probation work at the supervising level were also eligible for appointment, and many of these nonlawyer referees are still serving.

Although the first sentence of section 248 purports to grant to juvenile court referees "the same powers as a judge of the juvenile court," other provisions in the juvenile court law as well as interpretive cases have curtailed the referee's powers in many respects. (See Judicial Council of

Cal. 19th Biennial Rep. (1963) p. 84.) This is constitutionally necessary, of course, as a referee is limited to the performance of "subordinate judicial duties." (Cal. Const. Art. VI, § 22; *In re Edgar M.* (1975) 14 Cal.3d 727, 732.)

However, under subdivision (b), full judicial powers can be conferred on a referee otherwise qualified (*i.e.*, one who is a member of the State Bar) by "stipulation of the parties litigant" that the referee hear the case as a temporary judge. (Cal. Const., Art. VI, § 21; *In re Edgar M., supra.*) Rule 244 of the California Rules of Court prescribes the method by which the parties enter into a stipulation that a case may be tried by a person sitting as a temporary judge. Under sections 347 and 677, a court reporter must then be utilized.

Subdivision (c), relating to the applicability of Code of Civil Procedure sections 170 and 170.6 to juvenile court referees, is based on section 553.2, as added effective January 1, 1977. (Stats. 1976, Ch. 1071, § 10.)

Rule 1317. Conduct of proceedings held before a referee; findings and orders

(a) [General conduct (§§ 248, 347; 677)] Juvenile court proceedings heard by a referee shall be conducted in the same manner as juvenile court proceedings heard by a judge, except:

(1) An official court reporter shall be present and take down all proceedings only when directed by the judge; and

(2) Prior to the conclusion of the hearing, in addition to any other information or advice to the minor and parent or guardian required elsewhere in these rules, the referee shall inform the minor and parent or guardian that the hearing is being held before a referee and not a judge and that there is a right to seek review by a juvenile court judge of any order of a referee.

(b) [Furnishing and serving findings and order; explanation of right to review (§ 248)] After each hearing before a referee, the referee shall make findings and enter an order as provided elsewhere in these rules. In each case the referee shall cause all of the following to be done:

(1) Promptly furnish a written copy of the findings and order to the presiding judge of the juvenile court.

(2) Promptly furnish to the minor (if the minor is 14 or more years of age or, if younger, has so requested) a written copy of the findings and order, together with a written explanation of the right to seek review of the order by a juvenile court judge.

(3) Serve upon the parent, guardian or adult relative, and upon the attorneys of record for the minor and the parent, guardian or adult relative a written copy of the findings and order, together with a written explanation of the right to seek review of the order by a juvenile court judge. Service shall be by mail to the last known address of those persons, or to the address designated by the person at the hearing before the referee. Service in this manner is deemed complete at the time of mailing.

Sources: Welf. & Inst. Code §§ 248, 252, 347

References: CEB §§ 118, 149
 Deskbook §§ 8.7, 8.17e
 Witkin §§ 259, 300

Advisory Committee Comment:

Subdivision (a) states the general principle that proceedings heard by a referee shall be generally conducted in the same manner as proceedings heard by a judge (see *Lois R. v. Superior Court* (1971) 19 Cal.App.3d 895), except that an official court reporter need not be present unless directed by the judge (Welf. & Inst. Code §§ 347, 677). (For the significance of a hearing without an official court reporter, see rule 1319(b).) The subdivision further provides that in addition to any other information or advice given to the minor and parent or guardian at the commencement of a hearing, they should be informed prior to the conclusion of the hearing that the hearing is being held before a referee and the procedural consequences thereof.

Subdivision (b) relating to the furnishing and serving of findings and orders, is based upon section 248. It should be noted that, with certain exceptions, "all orders of a referee . . . shall become immediately effective" and may become final "on the expiration of the time allowed . . . for application for rehearing" (Welf. & Inst. Code § 250, *i.e.*, 10 calendar days "after service of a written copy of the order and findings of a referee" (Welf. & Inst. Code § 252)). Under a technical reading of the statute, it is conceivable that a jurisdictional order, if promptly served, could become final and separately reviewable and appealable prior to the time at which a disposition hearing must be held (see Welf. & Inst. Code §§ 356, 395, 702, 800). The disposition order, too, could become separately reviewable and appealable 10 days after it is served. In the analogous situation in a criminal court, the act of sentencing is ordinarily the final judgment from which an appeal relating to the entire proceedings is taken.

From the viewpoint of sound judicial administration, a unitary review of the jurisdiction and disposition hearings in juvenile proceedings should be encouraged. One method by which this might be accomplished consistent with the letter and spirit of the statute would be to "furnish" but not "serve," the persons listed under subdivision (b) (3) with a copy of the written findings and order immediately after the jurisdiction hearing. Those persons should be officially "served" with findings and orders relating to both the jurisdiction and disposition hearings upon completion of the latter hearing, thereby initiating the time limits for review. In this way, the review process will be unified and the time limits for judicial review of each of the referee's orders, as well as the finality date for purposes of appeal from these orders, will coincide.

Rule 1318. Referee orders—effective date; finality date

(a) [Effective date of order (§ 250)] Except as provided in subdivision (b) and subject to the right of review provided for in rule 1319, all orders of a referee shall become immediately effective and shall continue in full force and effect unless vacated or modified upon rehearing by order

of a juvenile court judge.

(b) [Orders requiring express approval of judge (§§ 249, 251)] The following orders made by a referee shall not become effective unless expressly approved by a judge of the juvenile court within two judicial days:

(1) Any order removing a minor from the physical custody of the person legally entitled thereto; or

(2) Any other order of a referee which the presiding judge of the juvenile court may require to be expressly approved by a judge before becoming effective.

The approval of a referee's order by a judge in these circumstances is not a rehearing on the merits.

(c) [Finality date of order] Any order of a referee shall become final 10 calendar days after service of a written copy of the order and findings under rule 1317(b)(3), if an application for rehearing has not been made within that time and if the judge of the juvenile court has not within the 10 days ordered a rehearing on his own motion under rule 1319.

Sources: Welf. & Inst. Code §§ 249, 250, 251
In re Edgar M. (1975) 14 Cal.3d 727
In re Dale S. (1970) 10 Cal.App.3d 952
In re Bradley (1968) 258 Cal.App.2d 253

References: CEB §§ 149, 154
 Deskbook § 8.17e
 Witkin § 259

Advisory Committee Comment:

Subdivision (a), relating to the effective date of a referee's order, is based on the first sentence in section 250. It provides that except for orders requiring the express approval of the judge and subject to the right of review by the judge, all orders of a referee become effective immediately and continue in full force and effect unless "vacated or modified upon rehearing by order of the judge." (Welf. & Inst. Code § 250.) To this extent, these rules do not follow the concept stated in *In re Dale S.*, 10 Cal.App.3d 952, 957, that the order of the referee becomes a "nullity" upon the mere granting of a rehearing. (Compare *In re Bradley* (1968) 258 Cal.App.2d 253.) Under the theory of *Dale S.*, there would be no conceptual basis for continuing the effectiveness of the referee's order pending judicial review of the order.

Subdivision (b) relates to those referee orders which must be expressly approved by the judge before becoming effective. Subdivision (b)(1) is based on section 249, but clarifies that a removal order must be expressly approved whenever a minor is removed from the "physical custody of the person legally entitled thereto." Subdivision (b)(2) is based on section 251. The rule would require that these orders be approved within two judicial days. If there exists a prior order, it would remain in effect pending

approval of the referee's most recent order.

The last sentence in subdivision (b), stating that the approval of a referee's order is not a rehearing on the merits, is based on discussion in *In re Dale S.*, *supra* at 956. (See also *In re Edgar M.* (1975) 14 Cal.3d 727, 738.) This is also consistent with Recommendation 19-C of the Governor's Commission proposing section 555 (now section 249), wherein it referred to the requirement that the referee's order be "countersigned by the juvenile court judge." (Governor's Commission, p. 36.) To "countersign" is to add one's signature to a document after another's to attest authenticity of the document. Thus, the approval procedures are, in effect, a requirement for a second signature, by a judge, before the referee's order becomes "effective," *i.e.*, operative. Nevertheless, it is the practice in some counties for the judge, when approving the referee's order, to have available the referee's order, a copy of the probation officer's report previously submitted to the referee, and in some instances, a statement by the referee of reasons for ordering the minor removed from the home sufficient to permit more knowledgeable approval of the removal order.

Subdivision (c), relating to the finality date of a referee's order, is based on the second sentence in section 250 and the first sentence in section 252. Note that the finality of the referee's order is dependent upon the date of "service" of the written copy of the findings and order. (See the comment to rule 1317(b), suggesting a delay in the formal service of the findings and order of the jurisdiction hearing until completion of the disposition hearing so as to encourage a unitary judicial review of both phases.)

Although an order of a referee has become "final," it should be noted that section 253 and rule 1319(d) authorize a judge of the juvenile court to nevertheless order a rehearing on the judge's own motion of any matter heard before a referee within 20 judicial days of the referee hearing. This is a statutory recognition that the juvenile court judge has a continuing jurisdiction over the subject matter for a limited time, even though the order may become final for all other purposes. (For a general discussion of this concept, see 4 Witkin, Cal. Procedure (2d ed. 1971) *Judgment*, §§ 2(d), 77, pp. 3183, 3238.)

Rule 1319. Rehearing of referee proceedings

(a) [Application for rehearing (§ 252)] An application for a rehearing of an order or findings by a referee may be made by the minor, parent, or guardian at any time prior to the expiration of 10 calendar days after service of a written copy of the order and findings. The application may be directed to all or any specified part of the order or findings and shall contain a brief statement of the factual or legal reasons for requesting the rehearing.

(b) [If no court reporter present (§ 252)] If proceedings before the referee have not been taken down by an official court reporter, the rehearing shall be granted as of right.

(c) [Hearing with court reporter (§ 252; *In re Edgar M.* (1975) 14

Cal.3d 727; *In re Damon C.* (1976) 16 Cal.3d 493)] If all of the proceedings before the referee have been taken down by an official court reporter, the judge of the juvenile court may, after reading the transcript of all of the proceedings by the official court reporter, grant or deny the application. If an application for rehearing is not denied within 20 calendar days following the date of receipt of the application, or within 45 calendar days if the court for good cause extends the time, the rehearing shall be granted as of right.

(d) [Rehearing on motion of judge (§ 253)] Notwithstanding rule 1318(c), at any time within 20 judicial days of a hearing before the referee, the judge may on the judge's own motion order a rehearing.

(e) [Hearing de novo (§ 254)] All rehearings of matters heard before a referee shall be conducted de novo before a judge of the juvenile court. A judicial rehearing of a detention hearing initially heard by a referee shall be commenced within two judicial days of the granting of the rehearing. A rehearing of other matters heard before a referee shall be commenced within 10 judicial days of the granting of the rehearing.

(f) [Application for rehearing; prerequisite to appeal] Any person seeking review of the order and findings of a referee should apply for a rehearing by the juvenile court judge under this rule prior to appealing or seeking other appropriate relief from the Court of Appeal.

(g) [Advice of appeal rights] Whenever the judge of the juvenile court denies an application for rehearing directed in whole or in part to issues arising during a contested jurisdiction hearing, the judge shall advise, either orally or in writing, the minor and the parent or guardian of all of the following:

- (1) The right of the minor, parent or guardian to appeal from the court's judgment;
- (2) The necessary steps and time for taking an appeal;
- (3) The right of an indigent appellant to have counsel appointed by the reviewing court;
- (4) The right of an indigent appellant to be provided a free copy of the transcript.

Sources: Welf. & Inst. Code §§ 252-254
In re Edgar M. (1975) 14 Cal.3d 727
In re Larry W. (1971) 16 Cal.App.3d 290
 Cal. Rules of Court, rule 251

References: CEB §§ 154-156
 Deskbook §§ 3.4, 3.6, 8.7, 8.17e
 Witkin §§ 329, 330

Advisory Committee Comment

Subdivision (a), relating to applications for rehearing, is based upon the first two sentences in section 252. A procedural requirement, frequently

overlooked by defense counsel (see e.g., *In re Damon C.* (1976) 16 Cal.3d 493, 496; *In re Edgar M.* (1975) 14 Cal.3d 727, 735, n. 7), is that which requires a "statement of the reasons such rehearing is requested." (Welf. & Inst. Code § 558 [now Welf. & Inst. Code § 252].) The rule provides that this may be "a brief statement of the factual or legal reasons for requesting the rehearing" sufficient to provide some assistance to the reviewing judge.

Subdivision (b), relating to the automatic right to a rehearing if the proceedings before the referee have not been taken down by an official court reporter, is based on the fourth sentence in section 252.

The first sentence in subdivision (c), relating to the power to grant or deny a rehearing of a proceeding taken down by a court reporter, is based on the third sentence in section 252. The second sentence in subdivision (c) is based on the last two sentences in former section 558 (now section 252), as construed in *In re Edgar M.* (1975) 14 Cal.3d 727, 736-737.

Subdivision (d) sets the time limits within which the judge may grant a rehearing on the judge's own motion. Section 253 authorizes this at any time within 20 judicial days of the hearing before a referee. Note that the rehearing may be granted during this limited time period even though the referee's order is otherwise "final." (See comment to rule 1318(c).)

Further, the juvenile court law does not expressly authorize the petitioner to seek review of a referee's order; nevertheless, the practice has developed in many counties whereby the court on request of the petitioner will grant a rehearing on its own motion under section 253. In fairness to the minor and the parent or guardian, however, a petitioner seeking review of a referee's order should file a formal application containing a statement of the reasons for requesting the rehearing, so as to afford the other side notice and an opportunity to be heard on the issue. (Cf. Welf. & Inst. Code § 252; see *Donald L. v. Superior Court* (1972) 7 Cal.3d 592, 598-599 (procedure for obtaining rehearing on apparent informal ex parte request of district attorney criticized). In this regard, it has been held that a rehearing under these circumstances following a referee's dismissal of the charges against the minor is not double jeopardy. (*In re Bradley* (1968) 258 Cal.App.2d 253; see also *In re Henley* (1970) 9 Cal. App.3d 924.) In the aftermath of *Breed v. Jones* (1975) 421 U.S. 519, however, some courts have discontinued granting rehearings in behalf of the petitioner following a finding that the allegations are untrue. (See Memorandum 2a, *Los Angeles Juvenile Court Policies and Procedures Manual*.)

Subdivision (e), relating to the requirement that rehearings be conducted de novo, is based upon section 254. A "de novo" hearing is a new hearing, held as though there had been no previous hearing. (See *Collier & Wallis, Ltd. v. Astor* (1937) 9 Cal.2d 202, 205.) The rule prescribes that a judicial rehearing of a detention hearing shall be commenced within two judicial days of the granting of the rehearing and other matters within 10 judicial days.

Subdivision (f), encouraging persons to exhaust their right to apply for a rehearing before seeking relief from the appellate courts, is based upon *In re Larry W.* (1971) 16 Cal.App.3d 290, which disapproved of the minor

having appealed a referee's order directly to the Court of Appeal, deliberately bypassing the juvenile court judge.

Subdivision (g), relating to advice of appeal rights, is based on California Rules of Court, rule 251. It is recommended that rule 251 itself be repealed by the Judicial Council at the time these rules become effective.

CHAPTER 4. DETENTION HEARING

PART I. CASES PETITIONED UNDER SECTIONS
601 AND 602*Rule 1321. Time limit on custody; detention hearing*

(a) [Time limit on custody (§ 631(a))] A minor taken into custody shall be released from custody within 48 hours, excluding nonjudicial days, after first being taken into custody by a peace officer or probation officer, unless within that time either:

- (1) A petition is filed with the clerk of the juvenile court; or
- (2) A criminal complaint is filed against the minor in a court of competent jurisdiction.

(b) [Filing of petition (§ 630(a))] If the probation officer determines that the minor be detained, the probation officer or prosecuting attorney shall immediately file a petition with the clerk of the juvenile court. The clerk shall immediately set the matter for hearing on the detention hearing calendar.

(c) [Service and notice (§§ 630(a), 630.1, 658)] Immediately upon the filing of the petition, the minor shall be served with a copy of the petition and be notified of the time and place of the detention hearing. Each parent or guardian of the minor shall be notified, either orally or in writing, of the time and place of the detention hearing, if the whereabouts of each parent or guardian can be ascertained by due diligence. Upon request by the prosecuting attorney or by counsel representing the minor or the parent or guardian, the clerk shall notify counsel, either orally or in writing, of the time and place of the detention hearing.

(d) [Time limit—wilful misrepresentation of age (§ 631.1)] Notwithstanding subdivision (a), if the minor taken into custody wilfully misrepresents his age to be 18 years or more, and this misrepresentation effects a material delay in investigation which prevents the filing of a petition or of a criminal complaint within 48 hours after having been taken into custody, a petition or complaint shall be filed within 48 hours, excluding nonjudicial days, from the time the true age is determined. Whenever a petition or complaint is not filed within that time, the minor shall be immediately released from custody.

(e) [Time limit—certification of minor detained in custody (§ 604)] When a criminal complaint has been filed against a minor under the age of 18 years and the minor is thereafter certified to juvenile court while the minor is detained in custody, a petition shall be filed within 48 hours, excluding nonjudicial days, after the conclusion of the hearing at which the minor is certified. Whenever a petition is not filed within that time, the minor shall be immediately released from custody.

(f) [Detention hearing—time of, (§ 632)] Unless sooner released, a

minor taken into custody, or who is in custody and is certified to the juvenile court after the filing of a criminal complaint, shall be brought before the juvenile court for a detention hearing as soon as possible, but in any event before the expiration of the next judicial day after a petition has been filed. At the detention hearing, the court shall determine whether the minor is to be further detained. If the detention hearing is not commenced within that time, the minor shall be immediately released from custody.

(g) [Detention hearing—warrant, cases, transfers in, change in placement] Notwithstanding subdivision (f), the minor, unless sooner released, shall be brought before the juvenile court for a detention hearing as soon as possible, but in any event within 48 hours, excluding nonjudicial days, after arriving at a facility within the county, if any of the following conditions exist:

(1) The minor was taken into custody in another county and transported in custody to the requesting county pursuant to a warrant issued by the juvenile court;

(2) The minor was taken into custody in the county wherein a warrant was issued by the juvenile court;

(3) The minor was ordered transferred in custody by the juvenile court of another county under rule 1381 (f); or

(4) The minor is a ward temporarily placed in a secure facility pending a change in placement.

At the hearing, the court shall determine whether the minor is to be further detained. If the hearing is not commenced within that time, the minor shall be immediately released from custody or, if a ward under section 602 awaiting a change of placement, shall be placed in a suitable nonsecure facility.

(h) [Detention hearing—violation of home supervision (§§ 628.1, 636)] If the minor has been released on home supervision by the probation officer under section 628.1 or by the court under section 636 and thereafter the minor violates a specific condition of home supervision release which he has promised in writing to obey and is placed in secure detention, the minor shall be entitled to a detention hearing.

Sources: Welf. & Inst. Code §§ 604, 628.1 630(a), 630.1, 631(a), 631.1, 632, 636, 641, 663
In re Colar (1970) 9 Cal.App.3d 613

References: CEB § 39
Deskbook §§ 3.4, 7.1
Witkin §§ 287, 358
Governor's Commission, pp. 41-42, 45-46

Advisory Committee Comment:

Subdivision (a), relating to time limits on custody, restates the substance of section 631(a). When the juvenile court law was revised in 1961, the

Governor's Special Study Commission on Juvenile Justice made clear its intent that the time at which a juvenile is taken into custody, rather than the time the juvenile is placed in a detention facility, should be the beginning of the 48-hour period in which a petition must be filed. "It is the Commission's opinion the term 'taken into custody' has reference to the time at which the *juvenile is apprehended*, and therefore, the statutes should set forth that the 48-hour period begins at *the time of arrest* rather than at the time of placement in juvenile hall or some other detention facility. There should be no difficulty in establishing the time of apprehension since it is normally included in the arrest report." (Governor's Commission, p. 45. (Emphasis in original.))

Subdivision (b), relating to the filing of a petition, generally restates the first sentence of section 630(a), as qualified by section 650, as amended. (Stats. 1976, Ch. 1071, § 20.)

Subdivision (c), relating to service of the petition and notification of the detention hearing, is based upon the second, third, and fourth sentences of section 630(a) as well as sections 630.1 and 658.

Subdivision (d), relating to time limits when there has been a wilful misrepresentation as to age, generally restates section 631.1.

Subdivision (e), relating to time limits for filing a petition after a minor has been certified to the juvenile court, is based on section 604, but sets as an outer time limit for filing a petition 48 hours, excluding nonjudicial days, after the conclusion of the hearing at which the minor is certified. If the petition is not filed within that time, the minor shall be released from custody.

Subdivision (f), which requires that a detention hearing be held before the expiration of the next judicial day after a petition is filed, generally restates section 632. Reference is also made to the right to a detention hearing of a minor who is in custody and who is certified to the juvenile court after the filing of a criminal complaint. (See *In re Colar* (1970) 9 Cal.App.3d 613, 616.)

Subdivision (g) is new. Under ordinary circumstances covered by subdivision (f), a minor is first taken into custody, a decision to file a petition is made within 48 hours, and a detention hearing is then held before the expiration of the next judicial day. In each instance covered by subdivision (g), the filing of a petition has in some way preceded the minor being placed in custody within the county; the statutes in these instances provide little guidance. The subdivision affects (1) minors taken into custody in another county pursuant to a warrant and transported in a custody status to the requesting county (see Welf. & Inst. Code §§ 641, 663); (2) minors taken into custody in the county wherein a warrant was issued (Welf. & Inst. Code § 663); (3) minors ordered transferred into the county while in custody under rule 1381 and sections 750 et seq.; and (4) wards already under the jurisdiction of the court who are temporarily placed in the juvenile hall or other secure facility pending a change in placement. Subdivision (g) requires that a hearing be held within 48 hours after arriving at a secure facility within the county, excluding nonjudicial days at which the issue of further detention of the minor is to be determined.

Subdivision (h), relating to a detention hearing following a violation of

a condition of home supervision release is based on the last sentence of the second paragraph in section 628. It should be noted that a minor would also have had a prior detention hearing when initially placed on home supervision.

Although section 628.1 as enacted by the 1976 Legislature (Stats. 1976, Ch. 1071) is not entirely clear, the advisory committee's understanding is that home supervision release is initially authorized whenever the requirements for detention have been met, but the probation officer believes that 24-hour secure detention is not necessary for any of the purposes stated in that section. A minor placed on home supervision release by the probation officer would have the same legal protections and would benefit from the same time limitations as would apply to a minor in secure detention. For example, a detention hearing is required and it must be held before the expiration of the next judicial day after a petition is filed. If placed on home supervision release by the court under section 636, the jurisdiction hearing must be held within 15 judicial days of the detention hearing. (See Welf. & Inst. Code §§ 628.1, 636.) Within these rules, these procedures are made applicable to home supervision release by defining the term "detained" so as to include "any release of the minor on home supervision under either section 628.1 or 636." (See rule 1302(a) (3).)

Rule 1322. Grounds for continuance

(a) [Right to one-day continuance (§ 638)] On motion of the minor, parent or guardian, the court shall continue the detention hearing for one judicial day.

(b) [Continuance to obtain witnesses (cf. § 635)] On motion of the minor, the parent or guardian, the court may grant a reasonable continuance to prepare any relevant evidence the moving party desires to present on the issue of detention.

(c) [Custody pending continued hearing] Unless otherwise ordered by the court, the minor shall remain in custody pending completion of the detention hearing or any rehearing.

Sources: Welf. & Inst. Code §§ 635, 638

References: CEB § 47
Deskbook § 7.1
Witkin § 288

Advisory Committee Comment:

Subdivision (a), guaranteeing the right to a one judicial day continuance on motion of the minor, parent, or guardian, generally restates section 638.

Subdivision (b) permits the court to grant a reasonable continuance on motion of the minor, the parent or guardian to allow time to prepare any relevant evidence the moving party desires to present on the issue of detention. This provision is based on section 635.

Subdivision (c) provides that the minor shall, unless otherwise ordered by the court, remain in custody pending completion of the detention hearing or any rehearing.

Rule 1323. Conduct of detention hearing

(a) [Examination by court (§ 635)] Subject to the minor's privilege against self-incrimination under subdivision (b), the court shall examine the minor, the parents, guardian or other person having knowledge relevant to the grounds for detention and shall hear any relevant evidence the minor, the parents or guardian or their counsel desires to present.

(b) [Rights of minor (§§ 630(b), 827)] At any detention proceeding, the minor has a privilege against self-incrimination. At a detention rehearing held under rule 1326(c), the minor has the right to confront and to cross-examine:

(1) The preparer of any police report, probation report or other document submitted to the court under rule 1326(b); and

(2) Any person examined by the court under subdivision (a).

Further, the minor, the parent or guardian, and the attorney for those persons shall be permitted to inspect any police reports, probation reports, and all other documents which are filed with the court or which were made available to the probation officer in preparing the probation report.

Sources: Welf. & Inst. Code §§ 630(b), 635, 827

References: Deskbook § 7.2

Advisory Committee Comment:

Subdivision (a) basically restates the first portion of section 635. Note that reference is made to information relevant to the "grounds for detention." (For grounds for detention, see rule 1327(a); see also Welf. & Inst. Code § 636.) While the court should fully explore that issue, these rules do not contemplate that that portion of the detention hearing relating to establishing a prima facie showing that the minor is a person described by section 601 or 602 be expanded into a full probable cause hearing, analogous to a preliminary hearing in the criminal courts. (See rule 1326.)

Subdivision (b), relating to rights of the minor at the detention hearing, generally restates section 630(b), but in addition recognizes the holding in *In re Dennis H.* (1971) 19 Cal.App.3d 350 that the minor has the right to demand the opportunity to confront and cross-examine the preparers of police or probation reports. (See rule 1326(c).) It further restates the right of the minor, the parents or guardians, and their attorneys to inspect certain documents, as provided in section 827. (For general rules relating to discovery prior to the jurisdiction hearing, see rule 1341.)

Rule 1324. Commencement of hearing — explanation of proceedings

(a) [Explanation of petition and proceedings (§ 633)] At the beginning of the detention hearing, the court shall inform the minor and the

parent or guardian, if present, of each of the following:

- (1) The contents and meaning of the petition.
- (2) The reasons why the minor was taken into custody.
- (3) The nature of, and possible consequences of juvenile court proceedings.
- (4) The purpose and scope of the detention hearing.

(b) [Right to counsel explained (§ 634)] If either is unrepresented by counsel, the court shall advise the minor and the parent or guardian of the right of the minor and those persons to be represented by counsel at the detention hearing and at every other stage of the proceedings and, where applicable, of the right to appointed counsel, subject to a claim by the county for reimbursement as provided by law.

(c) [Appointment of counsel (§§ 634, 903.1; see also Pen. Code §§ 987.4, 987.8)] If the minor appears at the detention hearing without counsel, the court shall appoint counsel to represent the minor whether or not the minor is able to afford counsel, unless there is an intelligent waiver of the minor's right to counsel by the minor, concurred in by the parent or guardian, if present, and entered in the minutes of the court. If the parent or guardian does not furnish counsel, the court shall appoint counsel, subject to a claim by the county for reimbursement by the parent or guardian as provided by law.

(d) [Conflict of interest (cf. § 634)] In any case in which it appears to the court that there is such a conflict of interest between a parent or guardian and the minor that one attorney could not properly represent both, the court shall take appropriate action to eliminate the conflict of interest.

Sources: Welf. & Inst. Code §§ 633, 634; see also § 903.1
Pen. Code §§ 987.4, 987.8

References: CEB §§ 48, 74
Deskbook §§ 7.2, 7.3, 7.4, 7.8
Witkin §§ 288, 313

Advisory Committee Comment:

Subdivision (a), relating to the explanation of the proceedings, is based upon section 633. But in addition to requiring that those present at the detention hearing be informed of the reasons why the minor was taken into custody and the nature of the juvenile court proceedings, the rule would also require that the contents and meaning of the petition, the possible consequences of the juvenile court proceedings and the purpose and scope of the detention hearing be specifically explained.

Subdivision (b), requiring an explanation of the right to counsel, is based upon the last clause in section 634 and further requires that the minor and parent or guardian be advised of the right to appointed counsel, "where applicable." Normally in a section 601 or 602 proceeding, only the

minor will be entitled to appointed counsel, unless there exists a conflict of interest between the minor and the parent or guardian. (See subdivision (d).)

Subdivision (c), relating to the appointment of counsel, basically restates the second sentence of section 634. Under Penal Code sections 987.4 and 987.8, as well as Welfare and Institutions Code section 903.1, provisions are made for reimbursement of legal expenses by the parent or guardian to the county. (cf. *People v. Amor* (1974) 12 Cal.3d 20.)

Subdivision (d), relating to conflicts of interest, sets forth a flexible rule directing the court to take appropriate action to eliminate the conflict of interest. (See Welf. & Inst. Code § 634.)

Rule 1325. Commencement of hearing—advice of hearing rights; admission of allegations

(a) [Advice of hearing rights (§§ 630(b), 635)] After giving the advice required by rule 1324, the court shall next inform those present of each of the following rights of the minor:

(1) The right to remain silent, and that anything the minor says may be used against the minor in the pending or any other proceeding.

(2) The right to confront and to cross-examine the persons who prepared any police reports, probation reports or other documents submitted by the petitioner, as well as any witness examined by the court during the detention proceedings.

(3) The right to confront, and to cross-examine at any subsequent hearings any witness that may be called to testify against the minor at those hearings.

(4) The right to use the process of the court to compel the attendance of witnesses on the minor's behalf.

(5) The right to present to the court whatever relevant evidence the minor or the parent or guardian, or their counsel, desires to present.

(b) [Admission of allegation (§§ 657, 707)] If the minor, with the consent of counsel, indicates a desire to admit the allegations of the petition at the detention hearing, the court may accept the admission pursuant to rule 1351 (f). In any section 602 proceeding, however, the court shall inquire whether a motion for a fitness hearing is to be made by the petitioner; if so, no admission shall be accepted until the fitness hearing is concluded. When accepting an admission to the allegations of the petition by the minor, the court shall follow the procedures under rule 1354 and proceed thereafter according to the rules applicable in jurisdiction hearings.

Sources: Welf. & Inst. Code §§ 630(b), 635, 657, 664, 707

References: CEB §§ 48, 49, 51
Deskbook §§ 5.15, 5.16, 7.8, 8.1
Witkin §§ 288, 307

Advisory Committee Comment:

Subdivision (a), relating to the rights of the minor at the detention hearing, is based on sections 630(b) and 635.

At the detention hearing, or at any time thereafter, a minor may, with the consent of counsel, admit in court the allegations of the petition and thereby waive the jurisdiction hearing. (Welf. & Inst. Code, § 657; see rule 1351(f).) Subdivision (b) directs the court to follow the procedures prescribed in rule 1354, relating to advice of trial rights and admission of allegations if the minor indicates a desire to admit the allegations of the petition at the detention hearing. Before accepting any admission in a section 602 proceeding, however, the rule provides that if the petitioner intends to move for a fitness hearing, no admission should be accepted until the fitness hearing is concluded. (See Welf. & Inst. Code § 707.)

Rule 1326. Prerequisites for detention; evidence of prima facie case

(a) [Prerequisites for detention (§§ 507, 635-636, 881; *In re William M.* (1970) 3 Cal.3d 16; cf. *In re Walters* (1975) 15 Cal.3d 738)] No minor shall be ordered detained by the court unless:

(1) A prima facie showing has been made that the minor is a person described by section 601 or 602; and

(2) One or more of the grounds for detention set forth in rule 1327(a) is found to exist.

Except as provided in section 636.2, however, no minor taken into custody solely on the basis of being a person described in section 601 may be ordered detained in the juvenile hall or any other secure facility.

(b) [Evidence required at detention hearing (*In re Larry W.* (1971) 16 Cal.App.3d 290)] In making the findings prerequisite to an order of detention at the detention hearing, the court may rely solely upon written police reports, probation reports or other documents.

(c) [Rehearing for further evidence (§ 637; *In re Dennis H.* (1971) 19 Cal.App.3d 350)] After a decision of detention has been made, the minor or the minor's counsel may request further evidence regarding the prima facie case or the grounds of detention by invoking the right to confront and to cross-examine the preparers of reports or documents relied upon by the court in support of its initial decision. If that request is made, a detention rehearing shall be held within three judicial days to consider testimony by those persons. If the detention rehearing cannot be held within three judicial days due to the unavailability of a witness, the court may continue the rehearing for a period not to exceed five judicial days from commencement of the detention hearing. If the preparer of any report or document is not made available for purposes of confrontation and cross-examination by the minor, the report or document shall not be considered by the court in making its detention decision.

(d) [No detention rehearing if preparers available] Notwithstanding subdivision (c) and except as provided in rule 1319, if the preparers of all

reports or documents relied upon by the court in making its detention decision are present in court or are otherwise made available to the minor for purposes of confrontation and cross-examination at the detention hearing, there shall be no right to a detention rehearing.

Sources: Welf. & Inst. Code §§ 507, 630(b), 635, 827
In re William M. (1970) 3 Cal.3d 16, 28
In re Larry W. (1971) 16 Cal.App.3d 290
In re Dennis H. (1971) 19 Cal.App.3d 350
 58 Ops.Cal.Atty.Gen. 306 (1975)

References: CEB §§ 48, 49, 50, 51
 Deskbook §§ 7.2, 7.4, 7.6, 7.8
 Witkin § 288
 Governor's Commission, pp. 41-42

Advisory Committee Comment:

Subdivision (a) sets forth the two issues to be decided before a minor may be ordered detained by the court: (1) that a prima facie showing has been made that the minor is a person described by section 601 or 602; and (2) that one or more of the grounds for detention set forth in rule 1327 (a) is found to exist. The latter requirement is imposed by statute (see Welf. & Inst. Code §§ 635-636); the former is the result of court decisions. (See *In re William M.* (1970) 3 Cal.3d 16, 28; cf. *Gerstein v. Pugh* (1975) 420 U.S. 103; *In re Walters* (1975) 15 Cal.3d 738.) Because of the factual context in which *William M.* and related juvenile court cases have arisen, many construe its holding as applying only when (1) criminal conduct is alleged against the minor under section 602 and (2) the ground for holding the minor in detention is the "immediate and urgent necessity" clause in section 636. The proposed rule is broader, however, particularly since the *Gerstein* and *Walters* decisions now constitutionally require some minimal factual showing to be made that an offense has been committed in an adult proceeding before a defendant can be detained prior to trial. The last sentence recognizing the prohibition against secure detention of minors taken into custody under section 601, is based on sections 507 and 881, as qualified by section 636.2.

Subdivisions (b) and (c) restate case law relating to the actual conduct of detention hearings. (See also 58 Ops.Cal.Atty.Gen. 306 (1975).) In *In re William M.* (1970) 3 Cal.3d 16, the Supreme court held in the context of a section 602 proceeding that a prima facie case must be established that the minor committed the alleged offense before a finding could be made that an "immediate and urgent necessity" for detention of the minor existed. Subsequently, a Court of Appeal held that a probation officer's report and written police reports were admissible over the objections of the minor's attorney to support a detention decision. (*In re Larry W.* (1971) 16 Cal.App.3d 290.) If the minor demands the physical presence of the declarants, however, it becomes the duty of the petitioner to see that those persons are present at the continued hearing or the court loses the

right to rely on the written statements. (*In re Dennis H.* (1971) 19 Cal. App.3d 350.) Constitutionally, informal modes of proof in determining the issue of detention have been held permissible, even in the absence of the rights to confrontation and cross-examination (*Gerstein v. Pugh, supra*, at 120-121; *In re Walters, supra*.)

Case law relating to juvenile detention hearings is ambiguous as to the necessity that written reports be verified, either as affidavits or as declarations under Code of Civil Procedure section 2015.5. In *Larry W.*, "unsworn written reports" of police officers were held admissible over the minor's objection, while in *Dennis H.* reference was made to the need for "written declarations and affidavits." (See also, Deskbook § 7.5 at p. 48.) In *Gerstein v. Pugh, supra*, the U.S. Supreme Court drew analogies to search warrant procedures, in which police affidavits are used. Although this requirement may not be absolutely necessary if the detained person has the statutorily added rights to confront and to cross-examine the police officer, as the minor does under California's juvenile court law. (Welf. & Inst. Code § 630(b); see also *In re Walters, supra*, at 752-754.)

Subdivision (d) provides that if the preparers of all reports or documents relied upon by the court in making its detention decision are present in court or otherwise made available for confrontation and cross-examination at the detention hearing, there shall be no right to a detention rehearing under section 637. The second paragraph in section 637 is thus construed so as not to require a detention rehearing where such a rehearing would be an idle act. Subdivision (d) is not intended, however, to eliminate the opportunity to request a judicial rehearing of a detention hearing initially heard by a referee. (See rule 1319.)

Rule 1327. Grounds for detention; factors to consider

(a) [Grounds for detention (§§ 635-636)] No minor shall be ordered detained by the court unless one of the following grounds is found to exist, in which event the court may order that the minor be detained in custody in a suitable place designated by the court, not limited to the juvenile hall or be placed on home supervision release under section 636:

- (1) That the minor has violated an order of the court.
- (2) That the minor has escaped from a commitment of the court.
- (3) That the minor is likely to flee to avoid the jurisdiction of the court.
- (4) That it is a matter of immediate and urgent necessity for the protection of the minor.
- (5) That it is reasonably necessary for the protection of the person or property of another.

(b) [Factors—violation of court order] In determining whether to release or detain the minor under subdivision (a) (1), the court shall consider the following factors:

- (1) The specificity of the court order allegedly violated;
- (2) The nature and circumstances of the alleged violation of the court order;
- (3) The severity and gravity of the alleged violation of the court order;

- (4) Whether the violation endangers the minor or others;
- (5) The prior history of the minor insofar as it relates to the failure to obey orders or directives of the court or probation officer;
- (6) Whether the minor's parents or guardians are willing and able to assure the minor's presence at any scheduled court appearance;
- (7) The nature of the underlying conduct or offense being alleged which brings the minor before the juvenile court; and
- (8) The likelihood, based upon the prior record of the minor and the seriousness of the offense alleged, that if the petition is sustained the minor will be ordered removed from the physical custody of the parent or guardian upon completion of the proceedings.

(c) [—Escape from commitment] No minor shall be detained under subdivision (a) (2) unless the court first finds that:

- (1) The minor has been ordered committed by the juvenile court to the Youth Authority or to a county juvenile home, ranch, camp, forestry camp or juvenile hall; and
- (2) The minor escaped from commitment, including any escape from the custody of any officer or person in whose lawful custody the minor was placed during the commitment.

(d) [—Likely to flee] In determining whether to release or detain the minor under subdivision (a) (3), the court shall consider the following factors:

- (1) Whether the minor has previously fled the jurisdiction or failed to appear in court;
- (2) Whether the minor's parent or guardian is willing and able to assure the minor's presence at any scheduled court appearance;
- (3) Whether the minor promises to appear at any scheduled court appearance;
- (4) Whether the minor has a prior history relating to the failure to obey orders or directives of the court or probation officer;
- (5) Whether the minor is a resident within the county;
- (6) Whether the nature and circumstances of the conduct or offense alleged make it appear likely that the minor would flee to avoid the jurisdiction of the court;
- (7) Whether there exists an unstable home or school situation which makes it appear likely that the minor would flee to avoid the jurisdiction of the court; and
- (8) Whether the minor, absent a danger to the minor, would probably be released in an adult court on modest bail.

(e) [—Protection of minor] In determining whether to release or detain the minor under subdivision (a) (4), the court shall consider the following factors:

- (1) Whether the minor is in need of proper and effective parental care or control and has no parent, guardian, or responsible relative; or has no parent, guardian, or responsible relative willing to exercise or capable of exercising such care or control; or has no parent, guardian, or responsible

relative actually exercising such care or control;

(2) Whether the minor is destitute or is not provided with the necessities of life or is not provided with a home or suitable place of abode;

(3) Whether the minor is provided with a home which is an unfit place for him by reason of neglect, cruelty, depravity or physical abuse of either of his parents, or of his guardian or other person;

(4) Whether the minor's parent or guardian is willing and able to assure the minor's care pending, and presence at, any scheduled court appearance;

(5) The geographical location of the residence of the minor;

(6) Whether the minor is addicted to or is in imminent danger from the use of a controlled substance or intoxicant;

(7) Whether the minor has a mental or physical condition, deficiency, disorder or abnormality which makes it a matter of immediate and urgent necessity for the protection of the minor that the minor be detained;

(8) The circumstances and gravity of any alleged offense; and

(9) Whether there exists any other compelling circumstances which make it appear an immediate and urgent necessity for the protection of the minor that the minor be detained.

(f) [—Protection of person or property of another] In determining whether to release or detain the minor under subdivision (a) (5), the court shall consider the following factors:

(1) Whether the circumstances and gravity of the offense alleged involved physical harm to the person or property of another;

(2) Whether the minor's prior history involves physical harm or the substantial threat of physical harm to the person or property of another;

(3) Whether the minor has a physical or mental deficiency, disorder, or abnormality which makes it appear that the minor creates a substantial threat of physical harm to the person or property of another; and

(4) Whether there exist any other compelling circumstances which make it reasonably necessary that the minor be detained to protect the person or property of another.

(g) [Order of detention (§ 636)] If the court orders the minor detained, it shall enter the order together with the ground or grounds for detention in support thereof in the records of the court.

Sources: Welf. & Inst. Code §§ 635, 636; see also Welf. & Inst. Code § 628

References: CEB §§ 41, 42, 43
Deskbook §§ 7.2, 7.4, 7.5, 7.7
Witkin § 288
Governor's Commission, pp. 41-42

Advisory Committee Comment:

Elsewhere in these rules it is provided that no minor may be detained unless: (1) a prima facie showing has been made that the minor is a person

described by section 601 or 602 and (2) one or more of the grounds for detention is found to exist. (See rule 1326(a).) Subdivision (a) sets forth the grounds for detention and is based on sections 635 and 636. Section 635 *seems to suggest that the court must* detain if one of the grounds is found to exist; however, section 636 makes it clear that the court "may" order detention and that the power of the court to detain for one or more of the grounds is discretionary. Only one of the listed grounds need exist to authorize detention, however.

It is important to note that elsewhere in these rules (rule 1302), the phrase "detained in custody" has been defined to include the removal of the minor from the person or persons legally entitled to the physical custody of the minor as well as any release on home supervision under either section 628.1 or 636. Thus, for example, a detention hearing would be required any time the minor is removed from the home, whether or not the alternative placement is in the juvenile hall or some other facility. A detention hearing is also required any time the minor is placed on home supervision release. (For a summary of other legal protections of a minor on home supervision, see the comment to rule 1321(h).) Finally, any detention must be "in a suitable place designated by the court, not limited to the juvenile hall." In section 601 proceedings, of course, detention of the minor in juvenile hall generally would be prohibited. (See rule 1326(a); Welf. & Inst. Code §§ 507, 881; (but see Welf. & Inst. Code § 636.2).)

Subdivisions (b)-(f) set forth factors for the court to consider when determining whether to release or detain a minor on any one of the several statutory grounds for detention listed in subdivision (a). These factors are taken from several sources and are intended to assist the judge or referee in the exercise of sound judicial discretion. These factors should also assist police and probation officers when they make their initial detention decisions.

Under subdivisions (b), (d), (e) and (f), the court may either release or detain a minor based upon an analysis of the several factors listed under the pertinent ground for detention.

Under subdivision (c) (escape from commitment), the court may not order a minor detained unless it first finds that each of the factors listed thereunder is present. On the other hand, the presence of each factor does not require a decision to detain as the court in each instance retains the discretion to release or detain the minor.

Subdivision (g), relating to the order of detention, is based upon the last clause of the first sentence in section 636.

Rule 1328. Order to reappear; detention rehearings

(a) [Order to reappear (§ 639)] At the end of the detention hearing, in addition to ordering their appearance at the jurisdiction hearing, the court may order the minor or any parent or guardian present in court to appear before the court or the probation officer at any other time and place specified in the order. The court shall also direct the probation officer that, in the event of any change in circumstances pending the jurisdiction hearing which might materially affect the court's detention

decision, the matter shall be immediately returned to court for further consideration.

(b) [Rehearings (§ 637)] When a detention hearing has been held and no parent or guardian was present due to a failure to receive actual notice of the hearing, the parent or guardian may file with the clerk an affidavit setting forth that fact. The clerk shall immediately set the matter for rehearing within 24 hours of the filing of the affidavit, excluding non-judicial days. At the rehearing, the court shall proceed in the same manner as upon the original hearing.

Sources: Welf. & Inst. Code §§ 637, 639

References: CEB §§ 39, 53
Deskbook §§ 3.4, 7.1, 7.9
Witkin § 288

Advisory Committee Comment:

The first sentence in subdivision (a) is based upon section 639. The minor and parent or guardian, if present in court, should be ordered to reappear in court at the time and place specified for the jurisdiction hearing. In addition, they should at this time be ordered to appear at any other pretrial proceedings which may be set by the court and to appear before the probation officer as directed. The second sentence in subdivision (a) recognizes that in many instances a change in circumstances between the time of the detention and jurisdiction hearing may warrant the subsequent release of the minor. If so, the probation officer shall have the matter immediately brought to the attention of the court for its further consideration. Although circumstances at the time of the detention hearing may warrant a decision to initially detain the minor, a few courts schedule a detention rehearing in certain type cases at which time, if circumstances have improved, the minor may be released. (See Deskbook §§ 7.9, 7.10.) In other courts, it is the practice to set conditions which, if met by the minor, parent or guardian, would authorize the probation officer to release the minor from custody. When it appears that at a detention rehearing the court will release the minor, some courts will have the matter placed on the ex parte calendar, so the parties need not return to court.

Subdivision (b), relating to rehearings when the parent or guardian has failed to receive actual notice of a detention hearing, is based on section 637.

PART II. CASES PETITIONED UNDER SECTION 300

Rule 1331. Time limit on custody; detention hearing

(a) [Time limit on custody (§ 313(a))] A minor taken into custody shall be released from custody within 48 hours, excluding nonjudicial days, after first being taken into custody by a peace officer, probation officer or

social worker, unless within that time a petition is filed with the clerk of the juvenile court.

(b) [Detention—physically abused child (§ 309 (b))] For purposes of these rules, a minor shall be deemed to have been taken into custody and delivered to the probation officer or social worker if the minor is under medical care, cannot be immediately moved and there is reasonable cause to believe that the minor is a person described in section 300 (d).

(c) [Filing of petition (§§ 311 (a), 345)] If the probation officer or social worker determines that the minor be detained, the probation officer or social worker shall immediately file a petition with the clerk of the juvenile court. The clerk shall immediately set the matter for hearing on the detention hearing calendar. If the sole allegation is that the minor is a person described in section 300, the case shall be granted precedence on the detention calendar for the day on which the case is set for hearing.

(d) [Service and notice (§§ 311 (a), 312, 335)] Immediately upon filing the petition, the probation officer or social worker shall serve each parent or each guardian and the minor if the minor is 14 or more years of age, with a copy of the petition and notify those persons, either orally or in writing, of the time and place of the detention hearing, if the whereabouts of each parent or guardian can be ascertained by due diligence. If there is no parent or guardian residing within the state, or if their place of residence is unknown, an adult relative described in rule 1311 (b) (2) (b) shall be served with a copy of the petition and be notified of the time and place of the detention hearing. Upon request by the prosecuting attorney or by counsel representing the minor or the parent or guardian, the clerk shall notify counsel, either orally or in writing, of the time and place of the detention hearing.

(e) [Detention hearing—time of, (§ 315)] Unless sooner released, a minor taken into custody shall be brought before the juvenile court for a detention hearing as soon as possible, but in any event before the expiration of the next judicial day after a petition has been filed. At the detention hearing, the court shall determine whether the minor is to be further detained. If the detention hearing is not commenced within that time, the minor shall be immediately released from custody.

(f) [Detention hearing—warrant cases, transfers in, change in placement] Notwithstanding subdivision (e), the minor, unless sooner released, shall be brought before the juvenile court for a detention hearing as soon as possible, but in any event within 48 hours, excluding nonjudicial days, after arriving at a facility within the county, if any of the following conditions exist:

(1) The minor was taken into custody in another county and transported in custody to the requesting county pursuant to a warrant issued by the juvenile court;

(2) The minor was taken into custody in the county wherein a warrant was issued by the juvenile court;

(3) The minor was ordered transferred in custody by the juvenile

court of another county under rule 1381 (f); or

(4) The minor is a dependent child temporarily placed in a secure facility pending a change in placement.

At the hearing, the court shall determine whether the minor is to be further detained. If the hearing is not commenced within that time, the minor shall be immediately released from custody or, if a dependent child awaiting a change of placement, shall be placed in a suitable nonsecure facility.

Sources: Welf. & Inst. Code §§ 309(b), 311(a), 312, 313(a), 315, 345

References: CEB § 39; Supp. § 35
Deskbook §§ 3.4, 7.1, 7.11
Witkin §§ 285, 287, 358
Governor's Commission, pp. 41-42, 45-46

Advisory Committee Comment:

Subdivision (a), relating to the time limits on custody, restates the substance of section 313(a). When the juvenile court law was revised in 1961, the Governor's Special Study Commission on Juvenile Justice made clear its intent that the actual time at which a juvenile is taken into custody, rather than the time when the juvenile is placed in a detention facility, is the beginning of the 48-hour period in which a petition must be filed. (Governor's Commission, p. 45.)

Subdivision (b), relating to the constructive detention status of physically abused minors, restates the substance of section 309(b).

Subdivision (c), relating to the filing of petitions, generally restates the first sentence of section 311(a) and the second paragraph of section 345.

The first two sentences of subdivision (d) generally restates section 311(a) except that there is no express statutory requirement that the minor be given notice of the detention hearing in section 300 proceedings. (See Deskbook § 7.11.) Notice to the minor of the jurisdiction hearing is required, however, if the minor is 14 or more years of age. (Welf. & Inst. Code § 335.) The proposed rule would extend this right to the minor to include notice of the detention hearing. The last sentence of subdivision (d) is based upon section 312 and 335.

Subdivision (e), which requires that a detention hearing be held before the expiration of the next judicial day after a petition is filed, generally restates section 315.

Subdivision (f) is new and is similar to rule 1321(g). It is designed to govern situations not specifically covered in the statutes where the filing of a petition has in some way preceded the minor being placed in custody within the county. (For a complete discussion, see the comment to rule 1321(g).)

Rule 1332. Grounds for continuance

(a) [Right to one-day continuance (§ 322)] On motion of the minor, parent or guardian, the court shall continue the detention hearing for one judicial day.

(b) [Continuance to obtain witnesses (cf. § 319)] On motion of the minor, the parent or guardian or their attorney, the court may grant a reasonable continuance to prepare any relevant evidence the moving party desires to present on the issue of detention.

(c) [Custody pending continued hearing] Unless otherwise ordered by the court, the minor shall remain in custody pending completion of the detention hearing or any rehearing.

Sources: Welf. & Inst. Code §§ 319, 322

References: CEB § 47
Deskbook § 7.1
Witkin § 288

Advisory Committee Comment:

Subdivision (a) guaranteeing the right to a one judicial day continuance on motion of the minor, parent, or guardian, generally restates section 322.

Subdivision (b) permits the court to grant a reasonable continuance on motion of the minor, the parent or guardian or their attorney to allow time to prepare any relevant evidence the moving party desires to present on the issue of detention. This provision is based on section 319.

Subdivision (c) provides that the minor shall, unless otherwise ordered by the court, remain in custody pending completion of the detention hearing or any rehearing.

Rule 1333. Conduct of detention hearing

(a) [Examination by court (§ 319)] Subject to subdivision (b), the court shall examine the minor, the parents, guardian or other person having knowledge relevant to the ground for detention and shall hear any relevant evidence the minor, the parents or guardian or their counsel desires to present.

(b) [Rights of minor, parent or guardian (§§ 311(b), 319)] At any detention proceeding, the minor, the parent or guardian may assert their privilege against self-incrimination and their right at a detention rehearing held under rule 1336(c) to confront and to cross-examine:

(1) The preparer of any police report, probation or social work report or other document submitted to the court under rule 1336(b); and

(2) Any person examined by the court under subdivision (a).

Further, the minor, the parents or guardians, and the attorneys for such persons shall be permitted to inspect the police reports, probation officer or social worker reports, and all other documents which are filed with the court or which were made available to the probation officer or social worker in preparing that person's report.

Sources: Welf. & Inst. Code §§ 311(b), 319, 827

References: Deskbook § 7.2

Advisory Committee Comment:

Subdivision (a), relating to the examination conducted by the court, restates the first portion of section 319. In most section 300 dependency proceedings, the sole ground for detaining the minor relates to the protection of the minor. In section 300(c) proceedings, however, the protection of the person or property of another may also provide a basis for detention. (See rule 1337(a); see also Welf. & Inst. Code § 320.)

Subdivision (b) is based upon section 311(b), but in addition recognizes the right of the parents and guardians to assert their privilege against self-incrimination and the right to confront and to cross-examine adverse witnesses. Note that in a section 601 or 602 proceeding, the minor has a privilege against self-incrimination which includes within it a privilege not to testify at all unless the minor so chooses. Under this rule applicable in section 300 proceedings, the minor, parent, or guardian may be required to take the witness stand and to assert their privilege against self-incrimination in relation to particular areas of testimony which may tend to incriminate them.

Rule 1334. Commencement of hearing—explanation of proceedings

(a) [Explanation of petition and proceedings (§ 316)] At the beginning of the detention hearing, the court shall inform the minor and the parent or guardian, if present, of each of the following:

- (1) The contents and meaning of the petition.
- (2) The reasons why the minor was taken into custody.
- (3) The nature of, and possible consequences of juvenile court proceedings.
- (4) The purpose and scope of the detention hearing.

(b) [Right to counsel explained (§ 317)] If either is unrepresented by counsel, the court shall advise the minor and the parent or guardian of the right of the minor and these persons to be represented by counsel at the detention hearing and at every other stage of the proceedings and, where applicable, of the right to appointed counsel, subject to a claim by the county for reimbursement as provided by law.

(c) [Appointment of counsel—general rule (§ 317)] If the minor, parent or guardian appears at the detention hearing without counsel, the court may appoint counsel if it appears that the minor, parent or guardian desires counsel but is unable to afford counsel. Counsel shall be appointed for any parent or guardian unable to afford counsel whenever it appears that person is unable to adequately present the case and faces a substantial possibility of loss of custody or of prolonged separation from the minor.

(d) [—In § 300(d) cases (§§ 318, 351, 681)] If the case has been petitioned under section 300(d) and the minor appears at the detention hearing without counsel, the court shall appoint counsel for the minor. Whenever the parent or guardian, or any other person having care or

custody of the minor or who resides in the home of the minor, is charged in a pending criminal prosecution based upon unlawful acts committed against the minor, the court may appoint the prosecuting attorney to represent the minor in the interest of the state. The terms and conditions of the representation shall be with the consent or approval of the court.

(e) [—Conflict of interest] In any case in which it appears to the court that there is such a conflict of interest between a parent or guardian and the minor that one attorney could not properly represent both, the court shall take appropriate action to eliminate the conflict of interest.

Sources: Welf & Inst. Code §§ 316-318, 351, 681

References: CEB §§ 48, 74, 179
Deskbook §§ 7.12, 7.13, 7.18, 7.23; see also §§ 7.2, 7.3, 7.4, 7.8
Witkin §§ 288, 301, 312, 313

Advisory Committee Comment:

Subdivision (a), relating to the explanation of the proceedings, is based upon section 316. But in addition to requiring that those present at the detention hearing be informed of the reasons why the minor was taken into custody and the nature of juvenile court proceedings, the rule would also require that the contents and meaning of the petition, the possible consequences of the juvenile court proceedings and the purpose and scope of the detention hearing be specifically explained.

Subdivision (b), requiring an explanation of the right to counsel, is based upon the last clause in section 316 and further requires that the minor and parent or guardian be advised of the right to appointed counsel, "where applicable." In a section 300 proceeding, the parent or guardian, as well as the minor, has a right to counsel at every stage of the proceedings. (Welf. & Inst Code § 317.) Absent a conflict of interest, the petitioner and the minor are usually represented by a single attorney. (See comment to rule 1311(d).)

Subdivision (c), relating to appointment of counsel, is based upon the first sentence in section 318 and *Cleaver v. Wilcox* (9th Cir., 1974) 499 F.2d 940, 945. In *Cleaver*, it was held that an indigent parent in a dependency case has a due process right to court-appointed counsel whenever the parent is unable to adequately present the case and faces a substantial possibility of the loss of custody or of prolonged separation from a child. Factors suggested for a juvenile court to consider when deciding whether to appoint counsel for the parent in these cases include the complexity of the case, the likelihood of removal of the child, the probability of prolonged removal and whether the parent intends to contest the matter. (*Cleaver v. Wilcox, supra*, at 945; see CEB Supp. at § 175A.)

Subdivision (d), relating to the appointment of counsel for the minor in section 300(d) proceedings, generally restates sections 318, 351 and 681.

Subdivision (e), relating to the appointment of counsel when there exists a conflict of interest, sets forth a flexible rule directing the court to

take appropriate action to eliminate the conflict of interest. (See Welf. & Inst. Code § 317.)

Rule 1335. Commencement of hearing—advice of hearing rights; admission of allegations

(a) [Advice of hearing rights (§§ 311(b), 319)] After giving the advice required by rule 1334, the court shall next inform the parent or guardian of each of their following rights:

- (1) The right to assert the privilege against self-incrimination.
- (2) The right to confront and to cross-examine the persons who prepared any police reports, probation or social worker reports or other documents submitted by the petitioner, as well as any witness examined by the court during the detention proceedings.
- (3) The right to confront, and to cross-examine at any subsequent hearings any witness that may be called to testify against the parent or guardian at those hearings.
- (4) The right to use the process of the court to compel the attendance of witnesses on behalf of the parent or guardian.
- (5) The right to present to the court whatever evidence the parent or guardian, or their counsel, desires to present.

(b) [Admission of allegations (§ 334)] If the parent or guardian indicates a desire to admit the allegations of the petition at the detention hearing, the court may accept the admission pursuant to rule 1361(g). When accepting an admission to the allegations of the petition by the parent or guardian, the court shall follow the procedures under rule 1364 and proceed thereafter according to the rules applicable in jurisdiction hearings.

Sources: Welf. & Inst. Code §§ 311(b), 319, 334, 341

References: CEB §§ 48, 49, 51, 184
Deskbook §§ 7.13, 7.18, 7.23; see also §§ 5.15, 5.16,
7.3, 7.8, 8.1

Advisory Committee Comment:

Subdivision (a), relating to the rights of the parent or guardian at the detention hearing, is based on sections 311(b) and 319.

At the detention hearing, or at any time thereafter, a parent or guardian may admit in court the allegations of the petition and thereby waive the jurisdiction hearing (rule 1361(g); cf. Welf. & Inst. Code § 334). Subdivision (b) directs the court to follow the procedures prescribed in rule 1364, relating to advice of trial rights and admission of allegations of the petition at the detention hearing.

Rule 1336. Prerequisites for detention; evidence of prima facie case

(a) [Prerequisites for detention (§§ 319, 320)] No minor shall be ordered detained by the court unless:

(1) A prima facie showing has been made that the minor is a person described by section 300 and

(2) One or more of the grounds for detention set forth in rule 1337 (a) is found to exist.

(b) [Evidence required at detention hearing] In making the findings prerequisite to an order of detention at the detention hearing, the court may rely solely upon written police reports, probation or social worker reports or other documents.

(c) [Rehearing for further evidence (§ 321)] After a decision of detention has been made, the parent or guardian may request further evidence of the prima facie case or the ground for detention by invoking the right to confront and to cross-examine the preparers of reports or documents relied upon by the court in its initial decision. If that request is made, a detention rehearing shall be held within three judicial days to consider testimony by those persons. If the detention rehearing cannot be held within three judicial days due to the unavailability of a witness, the court may continue the rehearing for a period not to exceed five judicial days from commencement of the detention hearing. If the preparer of any report or document is not made available for purposes of confrontation and cross-examination by the parent or guardian, the report or document shall not be considered by the court in making its detention decision.

(d) [No detention rehearing if preparers available] Notwithstanding subdivision (c) and except as provided in rule 1319, if the preparers of all reports or documents relied upon by the court in making its detention decision are present in court or are otherwise made available to the parent or guardian for purposes of confrontation and cross-examination at the detention hearing, there shall be no right to a detention rehearing.

Sources: Welf. & Inst. Code §§ 311 (b), 319, 321

References: CEB §§ 48, 49, 50, 51, 184-185
 Deskbook §§ 7.12, 7.15, 7.23; see also §§ 7.2, 7.4,
 7.6, 7.8
 Witkin § 288
 Governor's Commission, pp. 41-42

Advisory Committee Comment:

Subdivision (a) sets forth the two issues to be decided before a minor may be ordered detained by the court: (1) that a prima facie showing has been made that the minor is a person described by section 300; and (2) that one or more of the grounds for detention set forth in rule 1337 (a) is found to exist.

Subdivisions (b) and (c) are patterned after the similar provisions in rule 1326, relating to detention hearings in section 601 and 602 proceedings. Current case law does not require a prima facie hearing in dependency proceedings. (But see Welf. & Inst. Code § 321.) As the single ground for detention in most section 300 proceedings relates to the protection of

the minor (see rule 1337 (a)), the evidence necessary to establish a prima facie showing and to establish the existence of the ground for detention in section 300 proceedings will normally coincide.

Subdivision (d) provides that if the preparers of all reports or documents relied upon by the court in making its detention decision are present in court or otherwise made available for confrontation and cross-examination at the detention hearing, there shall be no right to a detention rehearing under section 321. The second paragraph in section 321 is thus construed so as not to require a detention rehearing where such a rehearing would be an idle act. Subdivision (d) is not intended, however, to eliminate the opportunity to request a judicial rehearing of a detention hearing initially heard by a referee. (See rule 1319.)

Rule 1337. Grounds for detention; factors to consider

(a) [Grounds for detention (§§ 319, 320)] No minor shall be ordered detained by the court unless one of the following grounds is found to exist, in which event the court may order that the minor be detained in custody in a suitable place or home as designated by the court:

(1) That it is a matter of immediate and urgent necessity for the protection of the minor; or

(2) In proceedings under section 300(c), that it is reasonably necessary for the protection of the person or property of another.

(b) [Factors to consider—protection of minor] In determining whether to release or detain the minor under subdivision (a) (1), the court shall consider the following factors:

(1) Whether the minor is in need of proper and effective parental care or control and has no parent, guardian, or responsible relative; or has no parent, guardian, or responsible relative willing to exercise or capable of exercising such care or control; or has no parent, guardian, or responsible relative actually exercising such care or control;

(2) Whether the minor is destitute or is not provided with the necessities of life or is not provided with a home or suitable place of abode;

(3) Whether the minor is provided with a home which is an unfit place for him by reason of neglect, cruelty, depravity or physical abuse of either of his parents, or of his guardian or other person;

(4) Whether the minor's parent or guardian is willing and able to assure the minor's care pending, and presence at, any scheduled court appearance;

(5) The geographical location of the residence of the minor;

(6) Whether the minor is addicted to or is in imminent danger from the use of a controlled substance or intoxicant;

(7) Whether the minor has a mental or physical condition, deficiency, disorder or abnormality which makes it a matter of immediate and urgent necessity for the protection of the minor that the minor be detained;

(8) The circumstances and gravity of any alleged offense; and

(9) Whether there exists any other compelling circumstances which make it appear an immediate and urgent necessity for the protection of

the minor that the minor be detained.

(c) [Protection of person or property of another] In determining whether to release or detain the minor under subdivision (a) (2), the court shall consider the following factors:

(1) Whether the circumstances and gravity of the offense alleged involved physical harm to the person or property of another;

(2) Whether the minor's prior history involves physical harm or the substantial threat of physical harm to the person or property of another;

(3) Whether the minor has a physical or mental deficiency, disorder, or abnormality which makes it appear that the minor creates a substantial threat of physical harm to the person or property of another; and

(4) Whether there exist any other compelling circumstances which make it appear a matter of reasonable necessity that the minor be detained to protect the person or property of another.

(d) [Order of detention (§ 320)] If the court orders the minor detained, it shall enter the order together with the ground or grounds for detention in support thereof in the records of the court.

Sources: Welf. & Inst. Code §§ 319, 320; see also § 309

References: CEB §§ 41, 42, 43, 184, 185
 Deskbook §§ 7.12, 7.14, 7.15, 7.17; see also §§ 7.2,
 7.4, 7.5, 7.7
 Witkin § 288
 Governor's Commission, pp. 41-42

Advisory Committee Comment:

Subdivision (a) (1) provides that no minor alleged to be a person described in section 300 shall be detained unless it is a matter of immediate and urgent necessity to do so for the protection of the minor. In most section 300 proceedings, this would be the only ground for detention. (See Deskbook § 7.12; CEB § 184.) Subdivision (a) (2) provides that in section 300(c) proceedings, a minor may also be detained because it is reasonably necessary to protect the person or property of another.

It is important to note that elsewhere in these rules (rule 1302) the term "detained" has been defined, in part, to include the removal of the minor from the person or persons legally entitled to the physical custody of the minor. Compare *In re Timothy P.N.* (1975) 48 Cal.App.3d 862.

Subdivision (b) sets forth factors for the court to consider when determining whether to release or detain the minor because it is a matter of immediate and urgent necessity to protect the minor. It is based on the standards applicable to detention decisions by the probation officer under section 309(1) (2) (3) and (7) and other factors listed under rule 1327(e).

Subdivision (c) sets forth factors for the court to consider in section 300(c) proceedings when determining whether to release or detain the minor because it is a matter of reasonable necessity for the protection of the person or property of another. It is similar to rule 1327(f).

Subdivision (d), relating to the order of detention, is based upon the last clause of section 320.

Rule 1338. Order to reappear; detention rehearings

(a) [Order to reappear (§ 323)] At the end of the detention hearing, in addition to ordering their appearance at the jurisdiction hearing, the court may order the minor or any parent or guardian present in court to appear before the court, probation officer or social worker, at any other time and place specified in the order. The court shall also direct the probation officer or social worker that, in the event of any change in circumstances pending the jurisdiction hearing which might materially affect the court's detention decision, the matter shall be immediately returned to court for further consideration.

(b) [Rehearings (§ 321)] When a detention hearing has been held and no parent or guardian was present due to a failure to receive actual notice of the hearing, the parent or guardian may file an affidavit setting forth that fact with the clerk. The clerk shall immediately set the matter for rehearing within 24 hours of the filing of the affidavit, excluding non-judicial days. At the rehearing, the court shall proceed in the same manner as upon the original hearing.

Sources: Welf. & Inst. Code §§ 321, 323

References: CEB §§ 39, 53
Deskbook § 7.19; see also §§ 3.4, 7.1, 7.9
Witkin § 288

Advisory Committee Comment:

The first sentence in subdivision (a) is based upon section 323. The minor and parent or guardian, if present in court, should be ordered to reappear in court at the time and place specified for the jurisdiction hearing. In addition, they should at this time be ordered to appear at any other pretrial proceedings which may be set by the court and to appear before the probation officer or social worker as directed. The second sentence in subdivision (a) recognizes that in many instances, a change in circumstances between the time of the detention and jurisdiction hearing may warrant the subsequent release of the minor. If so, the probation officer or social worker shall have the matter immediately brought to the attention of the court for its further consideration.

As a practical matter, in many dependency proceedings, circumstances at the time of the detention hearing may warrant detention, but the parent or guardian may be in a position to remedy home conditions so as to warrant release prior to the jurisdiction hearing. (See Deskbook §§ 7.9, 7.19.) Some courts schedule a rehearing in these cases at which time, if conditions have improved, the minor is released. In other counties, authority to later release the minor if certain conditions are met may be delegated to the probation officer or social worker. When it appears that at a

detention rehearing the court will release the minor, some courts will have the matter placed on the ex parte calendar so the parties need not return to court.

Subdivision (b), relating to rehearings when the parent or guardian has failed to receive actual notice of a detention hearing, is based on section 321.

CHAPTER 5. NONSTATUTORY PROCEDURES

Rule 1341. Prehearing discovery

(a) [General purpose] The purpose of this rule is to encourage in any juvenile court proceeding the timely and informal disclosure of materials and information within the possession or control of the petitioner to the minor, parent, guardian or their counsel so as to avoid the continuance or delay of any scheduled hearing and to minimize the necessity for court involvement. In proceedings under section 300(a), (b) or (c), the timely and informal disclosure of materials and information within the possession and control of the parent or guardian to the petitioner is similarly encouraged. To that end, this rule shall be liberally construed in favor of maximizing informal disclosures, subject to the right of a party to show privilege or other good cause why specific material or information should not be disclosed.

(b) [Affirmative duty to disclose (*In re Ferguson* (1971) 5 Cal.3d 525, 532)] In every case, the petitioner shall disclose any substantial material evidence or information within the possession or control of the petitioner favorable to the minor, parent, or guardian.

(c) [Material and information to be disclosed on request] Except as provided in subdivisions (f) and (g), the petitioner shall, upon timely request in any juvenile court proceeding, disclose to the minor, parent, guardian, or their counsel, the following material and information within the petitioner's possession or control:

- (1) Any police, arrest, or crime reports relating to the pending matter;
- (2) Any probation report prepared in connection with the pending matter relating to the minor, parent or guardian;
- (3) Any records of statements, admissions, or conversations by the minor, parent or guardian;
- (4) Any records of statements, admissions, or conversations by any alleged coparticipant;
- (5) The name and address of any witness interviewed by any investigating authority in connection with the pending matter;
- (6) Any records of statements or conversations of any witness or other person interviewed by any investigating authority in connection with the pending matter;
- (7) Any reports or statements of experts made regarding the pending matter, including results of physical or mental examinations and of scientific tests, experiments, or comparisons;
- (8) Any photographs or physical evidence relating to the pending matter;
- (9) Any record of a prior felony conviction of any witness that any party intends to call.

(d) [Disclosure in section 300(a), (b) or (c) proceedings] Except as provided in subdivisions (f) and (g), in proceedings under section 300(a), (b) or (c) the parent or guardian shall, upon timely request, disclose to

the petitioner material and information within the possession or control of the parent or guardian which is relevant and material to the pending proceedings. If the parent or guardian is represented by counsel, any disclosure request shall be made through counsel.

(e) [Motion for prehearing discovery] On refusal of a party to permit disclosure of information or inspection of materials, the requesting party or their counsel may move the court for an order requiring timely disclosure prior to the jurisdiction hearing of the information or materials. The motion shall specifically and clearly designate the items sought, the relevancy and materiality of the items to the pending proceeding, and state that a timely request has been made for the items and the other party has refused to provide them to the moving party. Each court may by local rule establish the manner and time limitation within which a motion under this subdivision shall be made.

(f) [Limits on duty to disclose—protective orders] Upon a showing of privilege or other good cause by a party or other persons with possession or control of the material or information, the court may at any time order that specified disclosures be restricted, deferred or denied, or make any other order as is appropriate, provided that all material and information to which a party is entitled must be disclosed in time to permit counsel to make beneficial use thereof.

(g) [—Excision] When some parts of certain materials are discoverable under subdivision (c) and (d) and other parts are not discoverable, the nondiscoverable material may be excised and need not be disclosed if the requesting party or counsel has been notified that privileged material has not been disclosed. Material excised pursuant to judicial order shall be sealed and preserved in the records of the court for review in the event of an appeal.

(h) [Conditions of discovery] An order of the court granting discovery under this rule may specify the time, place, and manner of making the discovery and inspection permitted and may prescribe terms and conditions. Discovery shall be completed in a timely manner so as to avoid the delay or continuance of any scheduled hearing.

(i) [Failure to comply; sanctions] If at any time during the course of the proceedings it is brought to the attention of the court that a person has failed to comply with this rule or with an order issued pursuant to this rule, the court may order the person to permit the discovery or inspection of materials not previously disclosed, grant a continuance, prohibit a party from introducing in evidence the material not disclosed, dismiss the proceedings, or enter any other order the court deems just under the circumstances.

(j) [Continuing duty to disclose] If, subsequent to compliance with these rules or orders pursuant thereto, a party discovers additional material or information which is subject to disclosure, that party shall promptly

notify the requesting party or their counsel of the existence of the additional material.

Sources: *Joe Z. v. Superior Court* (1970) 3 Cal.3d 797

References: CEB Supp. § 95A
 Deskbook § 8.14
 Witkin § 299(e); see Witkin, *California Evidence* (2d ed.) Supp. § 1060
 See generally 4 De Meo, *California Deposition and Discovery Practice*, Ch. 16 "Criminal Discovery" (2d ed. 1972).

Advisory Committee Comment:

The juvenile court law is silent regarding the question of prehearing discovery in juvenile court cases. Although proceedings in juvenile court are not criminal proceedings (Welf. & Inst. Code § 261.3) but "essentially civil" (*In re Dennis M.* (1969) 70 Cal.2d 444, 462), the California Supreme Court has rejected a claim that the extensive discovery procedures generally applicable to civil proceedings are or should be available in juvenile court. (*Joe Z. v. Superior Court* (1970) 3 Cal.3d 797, 801.) The court indicated that the "'civil' label-of-convenience" (*In re Gault* (1966) 387 U.S. 1) cannot obscure the quasi-criminal nature of juvenile proceedings, including as they often do the possibility of a substantial loss of personal freedom. (*Joe Z. v. Superior Court, supra* at 801.) "Moreover, the need for expeditious and informal adjudication in juvenile court (see Welf. & Inst. Code, § 680) belies the wisdom or necessity of any indiscriminate application of civil discovery procedures." *Ibid.* The court included that "the juvenile courts should have the same degree of discretion as a court in an ordinary criminal case to permit, upon a proper showing, discovery between the parties." *Ibid.*

"Authority for . . . discovery [in the context of criminal proceedings] derives not from statute but from the inherent power of every court to develop rules of procedure aimed at facilitating the administration of criminal justice and promoting the orderly ascertainment of the truth." (*Joe Z. v. Superior Court, supra*, at 801-802.) This rule is intended to reflect in large part the criminal discovery rules which have been judicially developed and to apply them to all juvenile court proceedings, including dependency proceedings under section 300. Although the latter proceedings are strictly civil in nature, the less formal discovery procedures in these rules promote the expeditious handling of these cases consistent with the policy of the juvenile court law. In most dependency proceedings, however, the right to discovery is two-way, with the parent or guardian having a duty to make disclosures to the petitioner, subject to a claim of privilege by the parent or guardian. This two-way discovery in dependency proceedings is not extended to proceedings under section 300(d), relating to the neglect or abuse of the minor, due to the increased likelihood of criminal prosecution against the parent or guardian in those cases.

Subdivision (a) sets forth the general purpose of this rule relating to prehearing discovery, which is to encourage the timely and informal disclosure of materials and information by the petitioner in any proceeding, or by the parent or guardian in section 300(a), (b) or (c) proceedings, so as to avoid the continuance or delay of any scheduled hearing and to minimize the necessity for court involvement. Due to the limited time period preceding a jurisdiction hearing, the rule is to be liberally construed so as to maximize informal disclosures, subject to a privilege of a party or other good cause why specific material or information should not be disclosed.

Subdivision (b) states the affirmative duty of the petitioner to disclose any substantial material evidence or information within his possession or control which is favorable to the minor, parent or guardian. (*In re Ferguson* (1971) 5 Cal.3d 525, 532.)

Subdivision (c) lists the material and information within the petitioner's possession or control which, upon timely request, the petitioner shall disclose to the minor, parent or guardian, or their counsel. These include (1) police, arrest, and crime reports (Pen. Code §§ 859, 1430); (2) probation reports (cf. Welf. & Inst. Code § 827); (3) any statements by the minor, parent or guardian (*Joe Z. v. Superior Court, supra*, at 802-805; *Powell v. Superior Court* (1957) 48 Cal.2d 704); (4) statements of an alleged coparticipant even though their cases are not jointly heard (compare *Joe Z. v. Superior Court, supra*, at 805; *People v. Aranda* (1965) 63 Cal.3d 518, 527-528, fn. 6); (5) the name and address of any witness who has made a statement regarding the pending matter; (6) any statements or recorded conversations of any witness or other person interviewed by any investigating authority in connection with the pending matter (*Joe Z. v. Superior Court, supra*, at 805-806); (7) reports, statements, and results of medical examinations or scientific tests (see e.g., *Brenard v. Superior Court* (1959) 172 Cal.App.2d 314, 318 (defendant's blood tests); *Walker v. Superior Court* (1959) 155 Cal.App.2d 134 (autopsy report, laboratory analysis of defendant's shoes); (8) photographs or physical evidence relating to the pending matter (*People v. Cooper* (1960) 53 Cal.3d 755, 770); and (9) any record of a prior felony conviction on the part of any witness (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 820 ("rapsheet" of prior felony conviction)).

Subdivision (d) sets forth the duty of the parent or guardian to disclose matters to the petitioner in section 300(a), (b) and (c) proceedings subject to the right to show privilege or other good cause why certain matters should not be disclosed. The rule further provides that if the parent or guardian is represented by counsel, requests for disclosure should be made through counsel.

Subdivision (e) sets forth the requirements for a formal motion for discovery. Generally, informal discovery procedures without the necessity for direct court involvement are to be encouraged. Whenever a privilege or other good cause is relied upon by a party to restrict or deny disclosure under subdivision (e), however, a judicial determination is usually necessary. If a party refuses to disclose any information or materials, a motion may be made by the requesting party or counsel for an order requiring

prehearing discovery. The motion should specifically designate the items sought (see *Ballard v. Superior Court* (1966) 64 Cal.2d 159, 167), the relevancy and materiality of the items to the pending proceeding, and state that the party or other person in control of the items has refused to disclose them (see *Schindler v. Superior Court* (1958) 161 Cal.App.2d 513, 520). Each court may by local rule establish the manner and time for making these motions.

Subdivisions (f) and (g) state limitations on the duty to disclose. (See ABA Project on Minimum Standards for Criminal Justice, Stds. Relating to Discovery and Procedure Before Trial (Approved Draft 1970) stds. 4.4, 4.5; see also Advisory Committee Rep. for Judicial Council, Comparative Analysis of ABA Min. Stds. for Crim. Justice with Cal. Law (1974) at pp. 98-99.) In regard to privileges asserted by the petitioner, under Evidence Code sections 1040-1042, for example, the government has a privilege to refuse to divulge official information or the identity of an informer when disclosure is forbidden by statute or when disclosure would be against the public interest because the need for confidentiality outweighs the need for disclosure in the interest of justice. The privilege is conditional; the judge must determine in each instance the consequences to the public of disclosure and the consequences to the litigant of nondisclosure and then decide which outweighs the other. (*Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 538.) In making this determination, the court must conduct a hearing in conformity with Evidence Code section 915(b) if the claim of privilege relates to official information (*People v. Superior Court (Biggs)* (1971) 19 Cal.App.3d 522) or Evidence Code section 1042(d) if it relates to an informer's identity. (*People v. Pacheco* (1972) 27 Cal.App.3d 70; see generally, Jefferson (1972) *California Evidence Benchbook* §§ 35.5, 43.4.) Under subdivision (f), a court may in proper circumstances authorize delay in the actual disclosure of evidence until shortly before trial. In *People v. Lopez* (1963) 60 Cal.2d 223, 244, for example, the defendant's request for the identity of two witnesses was properly delayed until 24 hours before they were to testify after a prosecution showing was made that the witnesses feared intimidation. In section 300 proceedings, on the other hand, a parent or guardian may, for example, assert a privilege to refuse to disclose any matter that may tend to be incriminating (Evid. Code § 940). In making this determination, the court again would follow procedures set forth elsewhere in the general law. (See Evid. Code § 404.)

Under subdivision (g), the excision of nondiscoverable portions of a statement or other material is authorized. (See *People v. Lopez, supra*, at 247.) Excision of certain material and disclosure of the balance is preferable to withholding the whole. When a portion of a statement or report is excised, however, this fact should be disclosed to opposing counsel. (cf. Pen. Code §§ 859, 1430.) Further, if the materials are excised pursuant to court order, the excised portion is to be sealed and made a part of the records of the court, so the entire text may be reviewed for a possible abuse of discretion in the event of appeal.

Subdivision (h) authorizes the court to specify in its discovery order any terms and conditions regarding the time, place, and manner of making the discovery and inspection. It also provides that discovery shall be com-

pleted in a timely manner so as to avoid the delay or continuance of any scheduled hearing.

Subdivision (i), relating to the sanctions for failure to comply with a discovery order, is based on language in section 4.4 of the ABA Standards, *supra*. The court may order the discovery or inspection of materials not previously disclosed (*People v. McRae* (1967) 256 Cal.App.2d 95, 102 (omission of witness from list furnished defendant)), grant a continuance (see *Brenard v. Superior Court* (1959) 172 Cal.App.2d 314 (refusal to grant continuance may deny due process)), prohibit the party from introducing in evidence the material not disclosed, dismiss the proceedings, or enter any other order it deems just under the circumstances. (See *e.g.*, *People v. Teale* (1956) 63 Cal.2d 178, 190 (factfinder may draw adverse interest); *People v. Goliday* (1973) 8 Cal.3d 771 (failure to disclose informant who is material witness on issue of guilt may require dismissal).)

In subdivision (j), it is provided that a party shall have a continuing duty to disclose any discoverable material or information obtained after an initial request or order for disclosure is made.

Rule 1342. Granting of immunity to witness

(a) [Privilege against self-incrimination] If a person is called as a witness in the juvenile court and it appears to the court that the testimony or other evidence being sought may tend to incriminate the witness, the court shall advise the witness of his privilege against self-incrimination and of the possible consequences of testifying. The court shall also inform the witness of the right to representation by counsel and, if indigent, of the right to have counsel appointed.

(b) [Authority of judge to grant immunity] If in any juvenile court proceeding a witness refuses to answer a question or to produce evidence based upon a claim of the privilege against self-incrimination, a judge of the juvenile court may grant immunity to the witness under either subdivision (c) or (d), as appropriate, and order the question answered or the evidence produced.

(c) [Request for immunity—§ 602 proceedings] In proceedings under section 602, a request that a judge of the juvenile court order a witness to answer a question or produce evidence may be made orally on the record or in writing by the prosecuting attorney. The judge shall thereafter proceed under either Penal Code section 1324 or 1324.1, as appropriate. After complying with any order to answer a question or produce evidence and if, but for those Penal Code sections or this rule, the witness would have been privileged to withhold the answer given or the evidence produced, that person shall not be subject to proceedings under the juvenile court law, to criminal prosecution, or to any penalty or forfeiture for or on account of any fact or act concerning which, in accordance with the order, the witness was required to answer or produce evidence.

(d) [Request for immunity—§ 300, 601 proceedings] In proceedings under section 300 or 601, a request that the judge order a witness to answer a question or produce evidence may be made orally on the record or in

writing by either the petitioner or prosecuting attorney, or by both acting jointly. If the request is made by either the petitioner or prosecuting attorney alone, the other shall be given the opportunity to show why immunity is not to be granted and the judge may then grant or deny the request as he deems appropriate. If jointly made, the request shall be granted unless the judge finds that to do so would be clearly contrary to the public interest. The terms of any grant of immunity shall be set forth in the record. After complying with the order and if, but for this rule, the witness would have been privileged to withhold the answer given or the evidence produced, any answer given, evidence produced, or any information derived therefrom shall not be used against the witness in any juvenile court or criminal proceeding.

(e) [No immunity from perjury or contempt] Notwithstanding subdivision (c) or (d), a witness may nevertheless be subject to proceedings under the juvenile court law or to criminal prosecution for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing, or failing to produce, evidence in accordance with the order.

Sources: *People v. Superior Court (Kaufmann)* (1974) 12 Cal.3d 421; cf. Pen. Code §§ 1324, 1324.1; Welf. & Inst. Code § 656.1, 702

References: Witkin, *Evidence* (2d ed.) §§ 927-931

Advisory Committee Comment:

The juvenile court law is silent on the subject of granting immunity to witnesses in the context of juvenile court proceedings. Nevertheless, the issue is one which is raised with increasing frequency. In section 602 proceedings, for example, a coparticipant may refuse to testify through fear of prosecution. Similarly, in some section 600 proceedings, a parent called to testify may be subject to prosecution for criminal child abuse or child neglect. This rule recognizes the authority of juvenile court judges to grant immunity and to compel a witness to testify and sets forth the procedures to be followed.

Subdivision (a) provides that if a person is called as a witness in a juvenile court proceeding and it appears to the court that the testimony or other evidence being sought may tend to incriminate the witness, the court is to advise the witness of the privilege against self-incrimination, the possible consequences of testifying, and of the right to representation by counsel while testifying. (See *People v. Seastone* (1969) 3 Cal.App.3d 60, 68; *People v. Barker* (1965) 232 Cal.App.2d 178, 182.)

Subdivision (b) recognizes the inherent power of a trial court judge to grant immunity and to order a witness to answer a question or to produce evidence. A judge has the authority to do this under appropriate circum-

stances even in the absence of a specific legislative grant of immunity to a witness. (*People v. Superior Court (Kaufmann)* (1974) 12 Cal.3d 421, 428.)

Subdivision (c) sets forth the method by which a request for immunity is made and immunity is granted in a proceeding brought under section 602. Basically, the procedures and the scope of immunity granted (*i.e.*, "transactional" immunity) would be the same as in an analogous adult criminal proceeding (see Pen. Code §§ 1324 and 1324.1.) In its comments to the proposed rules tentatively adopted by the Judicial Council in May 1976, the advisory committee questioned whether the immunity provisions in Penal Code sections 1324 and 1324.1 could be carried over by court rule into the juvenile court inasmuch as those provisions, by their express terms, apply "in any felony proceeding" and "in any misdemeanor proceeding" respectively. Although a juvenile court proceeding is not a criminal proceeding (Welf. & Inst. Code § 203), it has nevertheless been labeled "quasi-criminal" in nature (*Joe Z. v. Superior Court* (1970) 3 Cal.3d 797, 801) and various procedures used in adult criminal proceedings have gradually been incorporated into the juvenile court. As the result of 1976 legislation, a juvenile court petition in section 602 proceedings must now specify "as to each court whether the crime charged is a felony or a misdemeanor." (Welf. & Inst. Code § 656.1; see also Welf. & Inst. Code § 702.) Moreover, the prosecuting attorney, rather than the probation officer, is now the petitioner in section 602 proceedings and is entitled to be present at all times. Inasmuch as the prosecuting attorney is now present throughout these proceedings to protect prosecutorial interests and the juvenile court law has now explicitly incorporated felony-misdemeanor distinctions into the proceedings, a statutory basis would seem to exist to permit the incorporation of the adult immunity procedures into the juvenile court. The advisory committee has therefore revised its earlier proposal and now recommends that the procedures and the scope of immunity granted in section 602 proceedings be the same as in analogous adult criminal proceedings. It is noted, however, that neither the adult criminal law nor these rules provide for a defendant to request immunity in behalf of a defense witness (*People v. T aylor* (1972) 23 Cal.App.3d 323, 331.)

Subdivision (d) sets forth the procedures for granting immunity in section 300 or 601 proceedings. In these proceedings, the probation officer (or social worker) would be the petitioner and a prosecuting attorney may or may not be participating in the proceedings. (See Welf. & Inst. Code §§ 351, 681.) The procedure set forth in subdivision (d) is therefore designed to insure that the prosecuting attorney be given an opportunity to show why immunity should not be granted in an individual case. Furthermore, it should be noted that the scope of immunity which may be granted in these proceedings is more limited than in section 602 proceedings. In the absence of a statutory basis for doing so, a court may only grant immunity from the "use" of the information or its fruits in connection with

a juvenile proceeding or criminal prosecution against the witness. *People v. Superior Court (Kaufmann)* (1974) 12 Cal.3d 421, 428; *Byers v. Justice Court* (1969) 71 Cal.2d 1039, 1049 (vacated on other grounds in *California v. Byers* (1971) 402 U.S. 424.

Subdivision (e), relating to continued liability for perjury, false swearing, or contempt, is patterned after the last sentence in Penal Code section 1324.

CHAPTER 6. FITNESS HEARINGS

Rule 1346. General provisions

(a) [Fitness hearing—when applicable (§ 707)] If a minor (1) is alleged to be a person described in section 602 by reason of the violation of any criminal law; and (2) was, at the time of the alleged violation, 16 years of age or older, the prosecuting attorney may, prior to the attachment of jeopardy, request a hearing to determine whether the minor is a fit and proper subject to be dealt with under the juvenile court law. If the minor is detained in custody, the fitness hearing shall commence within 13 judicial days from the date of the order directing detention. If the minor is not detained in custody, the fitness hearing shall commence within 25 calendar days from the date of filing of the petition.

(b) [Notice; time of hearing (§ 707)] The minor, the minor's counsel, and the parent or guardian shall be given written notice of the fitness hearing not less than five judicial days prior to the hearing. Except as provided in subdivision (a), each court may by local rule establish the exact manner and time for requesting and commencing these hearings. Unless the court finds the minor has intelligently waived counsel, the minor shall be represented by counsel at the fitness hearing.

Sources: Welf. & Inst. Code § 707; *Breed v. Jones* (1975) 421 U.S. 519

References: CEB §§ 132-140
Deskbook §§ 10.1, 10.4, 10.6, 10.8
Witkin §§ 332, 333, 348

Advisory Committee Comment:

The first sentence in subdivision (a), providing for a fitness hearing on motion of the prosecuting attorney, is based upon the first clause in section 707 (a). (See also Welf. & Inst. Code § 707 (b).) Although not mandatory under the terms of the statute, section 707 (b) seems to encourage the prosecuting attorney to request a fitness hearing in any case in which one of the violent offenses specified therein is alleged. (See Stats. 1976, Ch. 1071.) The requirement for a fitness hearing prior to transferring a minor's case from the juvenile court to a court of criminal jurisdiction arises from *Kent v. United States* (1966) 383 U.S. 541, 557. The requirement that the fitness hearing be held prior to the attachment of jeopardy is based upon *Breed v. Jones* (1975) 421 U.S. 519, which held the prosecution of a minor in the adult court following a jurisdiction hearing in the juvenile court violated the double jeopardy clause of the Fifth Amendment, as applied to the states through the Fourteenth Amendment. (Compare *Bryan v. Superior Court* (1972) 7 Cal.3d 575, 580-584; *In re Gary J.* (1971) 17 Cal. App.3d 704.) Jeopardy attaches, the Supreme Court said, "when the Juvenile Court, as the trier of the facts, began to hear evidence" at the jurisdiction hearing. (*Breed v. Jones, supra.*) Jeopardy would also seem to

attach when an admission by the minor is accepted by the court and entered in the minutes of the court. (Cf. *People v. Mims* (1955) 136 Cal.App.2d 828.) To avoid delay in commencing the jurisdiction hearing after a finding of fitness (see rule 1348(d)), the rule also sets time limitations within which the fitness hearing must commence—either 13 judicial days if the minor is in custody or 25 calendar days if the minor is not detained in custody.

Under subdivision (b) written notice of the fitness hearing must be given to the minor, the minor's counsel, and the parent or guardian not less than five judicial days prior to the fitness hearing.

Beyond providing for adequate notice of the fitness hearing, the rule leaves it to each court to establish by local rule the exact manner and time for requesting and commencing these hearings. The constitutional requirement that the fitness hearing be held prior to the attachment of jeopardy combined with the tight statutory time limits within which a jurisdiction hearing must be held presents difficult calendaring problems for the juvenile court. In many counties, the petitioner is required to give notice that a fitness hearing will be requested at either the detention hearing or other pretrial hearing established by the court. The fitness hearing may then be held prior to the date scheduled for the jurisdiction hearing. In other counties fitness hearings, if requested, are scheduled for the day of the jurisdiction hearing. If the minor is found fit, the jurisdiction hearing may commence immediately thereafter or be continued to a future date. It should be noted, however, that if a minor is found fit and the jurisdiction hearing commenced immediately, jeopardy will attach under *Breed v. Jones, supra*, and the petitioner will be effectively prevented from seeking review of the fitness determination. Reference should therefore be made to rules 1348(d) and 1352, relating to grounds for continuance of the jurisdiction hearing.

Rule 1347. Report of probation officer

(a) [Contents of report (§ 707)] The court shall cause the probation officer to investigate and submit to it a report on the behavioral patterns and social history of the minor being considered for unfitness. This report shall include information relevant to the determination whether or not the minor would be amenable to the care, treatment and training program available through the facilities of the juvenile court, including information regarding all of the criteria listed under rule 1348(b). The report may also include information concerning:

- (1) The social, family, and legal history of the minor;
- (2) Any statement the minor chooses to make regarding the alleged offense;
- (3) Any statement by the parent or guardian;
- (4) If the minor is or has been under the jurisdiction of the juvenile court, a statement by the probation officer, social worker or Youth Authority parole agent who has supervised the minor respecting the relative success or failure of any program of rehabilitation; and
- (5) Any other information relevant to the determination of fitness.

(b) [Recommendation by probation officer (§§ 281, 707)] The probation officer shall make a recommendation to the court as to whether the minor is a fit and proper subject to be dealt with under the juvenile court law.

(c) [Copies furnished] The probation officer's report on the behavioral patterns and social history of the minor shall be furnished on request to the minor, the parent or guardian and all counsel prior to commencement of the fitness hearing.

Sources: Welf. & Inst. Code § 707

References: CEB § 139
Deskbook §§ 10.3, 10.4, 10.5
Witkin § 332

Advisory Committee Comment:

Subdivision (a), relating to the contents of the probation officer's report prepared for the fitness hearing, is based on section 707. The rule requires that information relating to the statutory criteria considered in the fitness determination listed under rule 1348(b) must be included in the report. The rule also suggests other information relevant to the behavioral patterns and social history of the type which may be included in the fitness report. In some counties, the report also may include a statement by the district attorney regarding his views on prosecuting the matter in the adult court.

Subdivision (b), requiring the probation officer to make a recommendation as to the issue of fitness, is based on section 281.

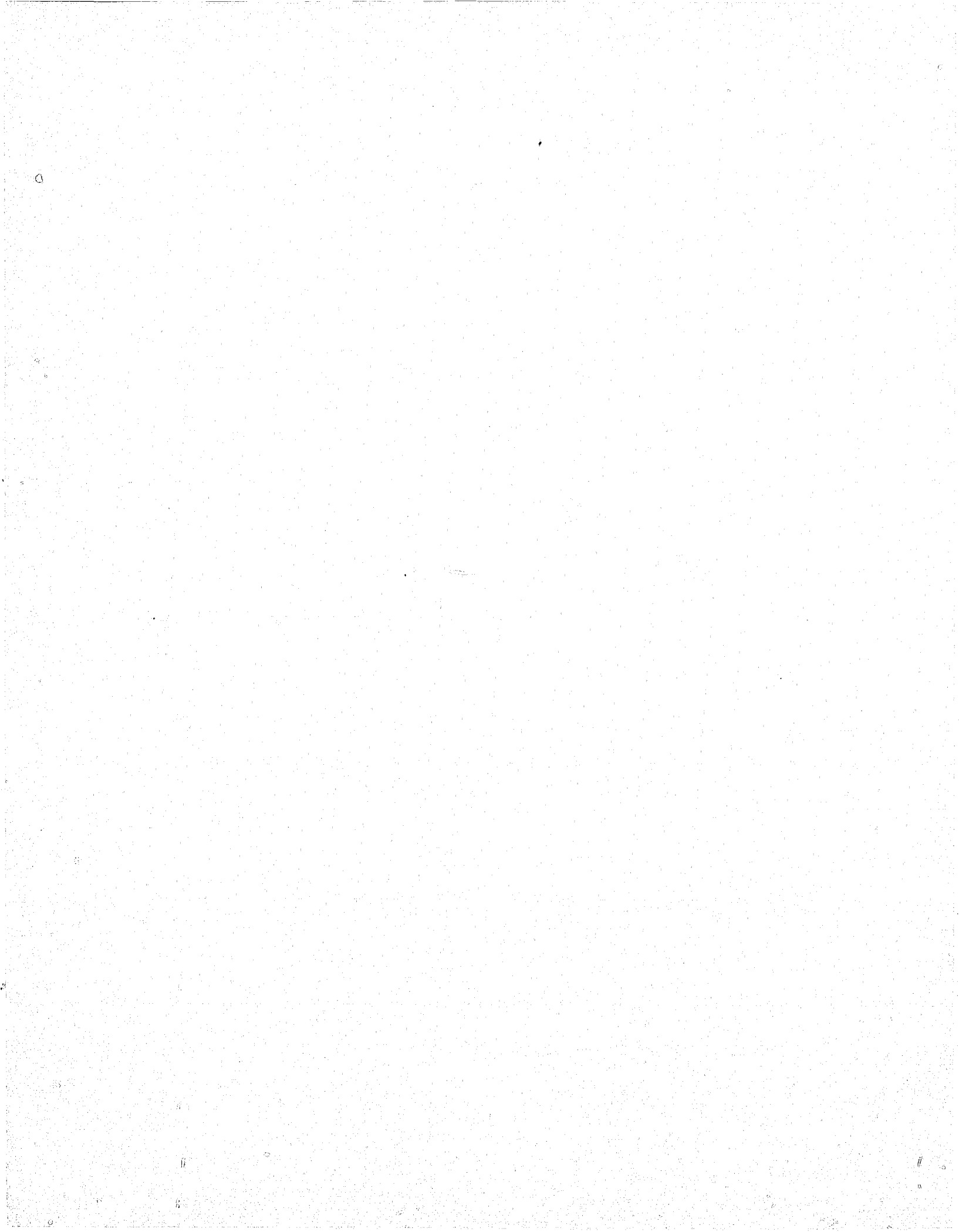
Subdivision (c) provides that a copy of the probation officer's report shall be furnished to all counsel prior to commencement of the fitness hearing. (*Kent v. United States* (1966) 383 U.S. 541, 557.) Due to the restricted time period within which the report must be prepared, the rule sets no firm deadlines as to when copies of the report should be so furnished, but efforts should be made to furnish copies as soon as is practicable prior to the fitness hearing.

Rule 1348. Conduct of fitness hearing

(a) [Report and relevant evidence admissible (§ 707)] At the fitness hearing, the court shall admit into evidence and consider the probation officer's report on the behavioral patterns and social history of the minor and any other relevant evidence which the prosecuting attorney or minor may submit as to whether or not the minor is a fit and proper subject to be dealt with under the juvenile court law.

(b) [Criteria to consider—general (§ 707(a))] In a fitness hearing held under section 707(a), the court may find that the minor is not a fit and proper subject to be dealt with under the juvenile court law if:

(1) The minor was 16 years of age or older at the time of the alleged offense; and



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(2) The minor would not be amenable to the care, treatment, and training program available through the facilities of the juvenile court, based upon an evaluation of the following criteria:

(a) the degree of criminal sophistication exhibited by the minor. (b) whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction. (c) the minor's previous delinquent history. (d) success of previous attempts by the juvenile court to rehabilitate the minor. (e) the circumstances and gravity of the offense alleged to have been committed by the minor. (f) any other relevant factors found by the court and specifically recited in its order.

A determination that the minor is not a fit and proper subject to be dealt with under the juvenile court law may be based on any one or a combination of the factors set forth above.

(c) [Findings and orders of court—unfitness (§ 707(a))] If at the conclusion of a fitness hearing held under section 707(a) the court determines that the minor is unfit, it shall make findings, recited in the order that:

(1) The minor was 16 years of age or older at the time of the alleged offense;

(2) The minor would not be amenable to the care, treatment, and training program available through the facilities of the juvenile court, based upon any one or a combination of the criteria set forth in subdivision (b) (2), which criteria shall be specifically recited in the order; and

(3) The minor is not a fit and proper subject to be dealt with under the juvenile court law.

(d) [Finding of fitness (§ 707(a))] If at the conclusion of a fitness hearing held under section 707(a) the court determines that the minor is a fit and proper subject to be dealt with under the juvenile court law, the court shall make a finding to that effect, noted in the minutes of the court, and proceed to the jurisdiction hearing in the usual manner.

(e) [Criteria to consider—designated offenses (§ 707(b))] In a fitness hearing held under section 707(b), the court shall find that the minor is not a fit and proper subject to be dealt with under the juvenile court law unless it concludes that the minor would be amenable to the care, treatment and training program available through the facilities of the juvenile court based upon consideration and an evaluation of each of the following criteria:

(1) The degree of criminal sophistication exhibited by the minor; and

(2) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction; and

(3) The minor's previous delinquent history; and

(4) Success of previous attempts by the juvenile court to rehabilitate the minor; and

(5) The circumstances and gravity of the offenses alleged to have been committed by the minor.

(f) [Findings and orders of court-unfitness (§ 707(b))] If at the conclusion of a fitness hearing held under section 707(b) the court determines that the minor is unfit, it shall make findings, recited in the order, that:

(1) The minor was 16 years of age or older at the time of the alleged offense; and

(2) The minor is alleged to be a person described in section 602 by reason of the violation of any of the offenses designated in 707(b), which offense shall be specifically recited in the order; and

(3) The minor is not a fit and proper subject to be dealt with under the juvenile court law.

(g) [Findings and orders of court-fitness (§ 707(b))] If at the conclusion of a fitness hearing held under section 707(b) the court determines that the minor is fit, it shall make findings that:

(1) Based upon the consideration and evaluation of all of the criteria set forth in subdivision (e), the minor would be amenable to the care, treatment, and training program available through the facilities of the juvenile court; and

(2) The minor is a fit and proper subject to be dealt with under the juvenile court law.

The court shall thereafter proceed to the jurisdiction hearing in the usual manner.

(h) [Procedure following unfitness determination] If the minor is found unfit, the prosecuting attorney may thereafter file an accusatory pleading in a court of criminal jurisdiction. The court shall make an appropriate order under section 707.1 relating to the custody of the minor pending prosecution. The juvenile court petition shall then be dismissed without prejudice.

(i) [Continuance to seek review] If the prosecuting attorney indicates an intention to seek review of a finding of fitness, the court on request of the petitioner shall grant a continuance of the jurisdiction hearing for not less than two judicial days to allow time within which to obtain a stay of further proceedings from the reviewing judge or appellate court.

(j) [Subsequent role of judge or referee (*Breed v. Jones* (1975) 421 U.S. 519)] Unless the minor objects, a judge or referee who has conducted a fitness hearing may participate in any subsequent contested jurisdiction hearing relating to the same offense.

(k) [Review of fitness determination (*In re Brekke* (1965) 233 Cal.App.2d 1966)] An order that a minor is or is not a fit and proper subject to be dealt with under the juvenile court law is not an appealable order. Appellate review of the order is by extraordinary writ.

Source: Welf & Inst. Code § 707

References: CEB §§ 132, 137-139
Deskbook §§ 10.3-10.10
Witkin §§ 332, 333, 348, 355, 359

Advisory Committee Comment:

Subdivision (a) is based upon section 707. When making a determination of unfitness, the court must consider the probation officer's report (*Bruce M. v. Superior Court* (1969) 270 Cal.App.2d 566; *Richerson v. Superior Court* (1968) 264 Cal.App.2d 729), as well as any other relevant evidence offered by the petitioner or the minor relevant to the issue of fitness. (Cf. *In re J.L.P.* (1972) 25 Cal.App.3d 86.)

Subdivision (b) is based upon section 707(a). The criteria set forth in that section are substantially similar to factors suggested by the California Supreme Court in *Jimmy H. v. Superior Court* (1970) 3 Cal.3d 709, 713, 714-716. (See also *Kent v. U.S.* (1966) 383 U.S. 541, 566-568 Appen.) As the statutory criteria listed do not appear to be exclusive, the rule further provides that an unfitness determination may be based on any other relevant factors found by the court and specifically recited in its order.

Subdivision (c) requires that when making an order of unfitness, the court must state the ultimate grounds and the factors relied upon in making that determination. This is required by section 707, as revised by Statutes of 1975, Chapter 1266, as well as by *Kent v. United States, supra*: "It is incumbent upon the Juvenile Court to accompany its waiver order with a statement of the reasons or considerations therefor. We do not read the statute as requiring that this statement must be formal or that it should necessarily include conventional findings of fact. But the statement should be sufficient to demonstrate that the statutory requirement of 'full investigation' has been met; and that the question has received the careful consideration of the Juvenile Court; and it must set forth the basis for the order with sufficient specificity to permit meaningful review." *Id.*, at 561.

Subdivision (d) provides that if the minor is found fit, the court shall make a finding to that effect, and the matter shall then proceed to the jurisdiction hearing in the usual manner. (See Deskbook §§ 10.8, 10.10.) The difficulty in calendaring pretrial proceedings in the limited time frame prior to commencement of the jurisdiction hearing has already been noted. (See comment to rule 1346.) In some counties, the practice is to schedule the fitness hearing for the day of the jurisdiction hearing and, in most instances, if the minor is found fit, the court immediately commences the jurisdiction hearing. (See subdivision (i), relating to the right of the prosecutor to a continuance of two judicial days within which to seek review of a fitness determination.)

Subdivision (e) is based upon the new provisions in section 707(b), relating to fitness hearing involving minors accused of committing certain designated offenses. (Stats. 1976, Ch. 1071.) Basically, if alleged to have violated one of the designated offenses in section 707(b), the minor shall be found unfit, unless the court concludes that the minor should be retained in the juvenile court based upon consideration and an evaluation of each of the criteria set forth in the statute. Thus, the burden of producing evidence is shifted to the minor in these cases.

Subdivision (f) sets forth the findings required by the court when mak-

ing a finding of unfitness under section 707(b).

Subdivision (g) sets forth the findings required by the court when making a finding of fitness under section 707(b).

Subdivision (h) sets forth the procedure to be followed in any case after a minor is found to be unfit. The prosecuting attorney may thereafter file an accusatory pleading in a court of criminal jurisdiction and the juvenile court is directed to make an appropriate order under section 707.1 relating to the custody of the minor pending prosecution. The final sentence in subdivision (h) provides that the juvenile court petition shall be dismissed "without prejudice." This has been the practice in Los Angeles County.

In some instances after a minor is found fit, the petitioner may want to seek review of the finding of fitness, either by applying to the judge to order a rehearing on his own motion under rule 1319(d) or by seeking an extraordinary writ from the appellate courts under subdivision (k), *infra*. Should the jurisdiction hearing commence and the first witness be sworn, however, jeopardy will attach under *Breed v. Jones* (1975) 421 U.S. 519 and the petitioner may be effectively prevented from seeking review of the fitness determination. For this reason, subdivision (i) provides for a mandatory continuance on request of the petitioner for not less than two judicial days to allow time to obtain a stay of further proceedings from the reviewing judge or appellate court. (For time limitations for commencement of fitness hearing, see rule 1346(a).) As most minors in these circumstances are detained in custody, it is not the intent of this rule that the referee or judge making the initial decision continue the matter indefinitely awaiting the final outcome of the review proceedings. That function, if deemed appropriate, is served by the granting of a stay of further proceedings by the reviewing judge or appellate court. Absent a stay order, the referee or judge may commence the jurisdiction hearing after expiration of the continuance period.

Subdivision (j) provides that, unless the minor objects, a judge or referee who has conducted a fitness hearing may participate in a subsequent contested jurisdiction hearing relating to the same offense. (*Breed v. Jones* (1975) 421 U.S. 519, 539, n. 21; *Donald L. v. Superior Court* (1972) 7 Cal.3d 592, 598. Cf. *In re Gladys R.* (1970) 1 Cal.3d 855.)

Subdivision (k) recognizes that fitness orders are not appealable. (*In re Brekke* (1965) 233 Cal.App.2d 196.) Appellate court review of these orders is obtained by a writ of prohibition or mandamus. (*Richerson v. Superior Court* (1968) 264 Cal.App.2d 729, 735; see Witkin, § 355(2)(3).)

CHAPTER 7. JURISDICTION HEARING

PART I. CASES PETITIONED UNDER SECTIONS
601 AND 602*Rule 1351. Time of jurisdiction hearing; waiver of hearing*

(a) [Nondetention cases (§ 657)] If the minor is not detained, the clerk shall, upon the filing of the petition, set the petition to be heard, and the hearing shall be commenced, within 30 calendar days from the date of the filing of the petition.

~~(b)~~ [Detention cases (§ 657)] If the minor is detained at the time the petition is filed, the clerk shall set the petition to be heard, and the hearing shall be commenced within 15 judicial days from the date of the order of the court directing detention. If the minor is released from detention prior to the jurisdiction hearing, the court may reset the petition for hearing within the time limit prescribed by subdivision (a) of this rule.

(c) [Tolling of time period] Any period of delay resulting from the minor's neglect or failure to appear, to and including the date of the minor's next appearance in the court wherein the petition was filed, shall be excluded in computing the time limits prescribed by subdivisions (a) and (b) of this rule. After excluding that period, the petition shall be set for hearing, and the hearing shall be commenced within the appropriate time limit prescribed in either subdivision (a) or (b), or within 10 calendar days after the minor's reappearance in the court in which the petition was filed, whichever is later.

(d) [Dismissal] Except as provided in subdivision (c) or in rule 1352, when a jurisdiction hearing is not commenced within the time limits prescribed in either subdivision (a) or (b), the court shall order the petition dismissed.

(e) [Refiling of petition, effect on detention] An order under subdivision (d) dismissing the petition prior to the jurisdiction hearing shall not in itself bar the filing of a subsequent petition commencing new proceedings based upon the same allegations as in the original petition. If the minor is detained at the time a subsequent petition is filed, a new detention hearing shall be held.

(f) [Waiver of hearing (§ 657)] At the detention hearing, or at any time thereafter, a minor may, with the consent of counsel, admit in court the allegations of the petition and thereby waive any further jurisdiction hearing.

Sources: Welf. & Inst. Code § 657

References: CEB § 102
 Deskbook §§ 3.7, 8.1; see also §§ 5.15-5.16
 Witkin §§ 292, 307, 335
 Governor's Commission, pp. 27-29

Advisory Committee Comment:

Subdivision (a) and the first sentence of subdivision (b) of this rule, relating to the time limits for jurisdiction hearings, generally restate the first paragraph of section 657. The statute, however, provides only that the petition must be "set for hearing" within the designated time periods. It is not clear whether the hearing actually must be commenced or need only be set for hearing within that time. (See *Neil G. v. Superior Court* (1973) 30 Cal.App.3d 572, 574-575; CEB § 102; Deskbook § 3.7.) There are no reported cases on this precise issue.

One of the major purposes of the 1961 revisions of the juvenile court law was to provide a rapid determination of the matters brought before the court. For this reason, it is desirable for the clerk to set and the court to actually commence the hearing within the time limits prescribed (Deskbook § 3.7). This would be consistent with recommendations of the Governor's Special Study Commission on Juvenile Justice requiring the jurisdiction hearing "to be held" within a prescribed time period (Governor's Commission, pp. 27-29).

If the minor is "released from detention" prior to the jurisdiction hearing, the second sentence in subdivision (b) makes clear that the 30-calendar-day limitation in subdivision (a) becomes operative. It should be recalled, however, that for purposes of these rules the word "detained" includes any "release on home supervision" under either section 628.1 or 636. (Rule 1302(a) (3); see Stats. 1976, Ch. 1071.) A minor released on home supervision is entitled to the same legal protections as a minor in secure detention (Welf. & Inst. Code § 628.1), and this would seem to include the accelerated time limitations in section 657 and subdivision (b) of this rule. Therefore, the reference in subdivision (b) to a minor "released from detention" would apply to a minor free not only from secure detention but also one who is released from the conditions, promises, or other restraints involved in a release on home supervision.

Subdivision (c), relating to the tolling of time periods, is not directly covered by the juvenile court law. It incorporates the general principle that delays attributable to a defendant may be deducted when computing prescribed time limits. It would apply, for example, when a petition is filed, a notice of hearing is served, and the minor then fails to appear. Similarly, if a minor escapes from custody, a petition may be filed and a warrant issued. The time limit would not commence in that case until the minor is brought into the court in which the petition was filed. The phrase "neglect or failure to appear" is taken from subdivisions (2) and (3) of Penal Code section 1382, and has been interpreted by the courts to include both failure to appear and escape situations. (*People v. Johnson* (1962) 205 Cal.App.2d 831, 836; *People v. Anderson* (1956) 126 Cal.App. 2d 702, 704.) From a calendar management viewpoint, depending upon all of the circumstances, a court encountering one of these situations may either (1)

continue the matter until a date certain, or (2) order the matter off calendar, to be reset upon discovery of the minor's whereabouts, or (3) dismiss the petition without prejudice to its being refiled, or (4) take such other action as may seem appropriate in the circumstances.

Subdivision (d), relating to the dismissal of petitions is not directly covered by the juvenile court law. Unless there exists one of the situations described either in subdivision (c) or in rule 1352, the petition must be dismissed upon order of the court if the time limitations cannot be met (CEB § 102; cf. Deskbook § 3.7).

Subdivision (e), permitting refile of a new petition if the statutory time limits are not met, is based upon *Neil G. v. Superior Court* (1973) 30 Cal.App.3d 572. It should be noted that in an adult criminal court, Penal Code section 1387 would bar refile of a misdemeanor complaint but would not bar the refile of a felony. Although *Neil G.* involved offenses which if committed by an adult would be felonies, the court quoted approvingly from section 3.7 of the Deskbook, which notes that the juvenile courts generally have not accepted this felony-misdemeanor distinction in this context. (*Neil G. v. Superior Court, supra*, at 575.) Thus under subdivision (e), any petition may be refiled.

Proceedings in which there has been a refile present a special problem when the minor has been detained in custody. (See Deskbook § 3.7.) The Governor's Study Commission on Juvenile Justice expressed its strong belief "that maximum time limits for hearings should be set forth in the law. Priority should be given to hearing detained cases and to reducing the time spent in detention prior to a finding of jurisdiction." (Governor's Commission, p. 28.) To effectuate this intent section 636 provides that a minor may be ordered detained "for a period not to exceed 15 judicial days," within which time the petition must be set for hearing under section 657. Although as a practical matter waivers of time often extend the period of detention beyond the statutory limits, subdivision (e) provides that in the event a petition involving a detained minor must be dismissed due to expiration of the prescribed time limits, the question of continued detention should again be determined.

Subdivision (f), permitting a minor represented by counsel to admit the allegations at the detention hearing or any time thereafter and to waive any further jurisdiction hearing, generally restates the second paragraph of section 657. When a minor admits the allegations of the petition at the detention hearing, the detention hearing, in effect, is transformed into a jurisdiction hearing. Thus, the rule refers to waiver of any "further" jurisdiction hearing.

Rule 1352. Grounds for continuance of jurisdiction hearing

(a) [Prior to hearing request by minor's counsel (§ 682(a))] Upon request of counsel for the minor, or upon request of the minor if not represented by counsel after an intelligent waiver, the court may, for good cause shown, continue the jurisdiction hearing beyond the time limit within which the hearing is otherwise required to be commenced.

(b) [Implied consent to continuance (§ 682(b))] If the minor is

represented by counsel and no objection is made to an order continuing the jurisdiction hearing beyond the time limit within which the hearing is otherwise required to be commenced, the absence of an objection shall be deemed a consent to the continuance.

(c) [Commencement of hearing—appointment of counsel (§ 700)]

At the beginning of the jurisdiction hearing, the court shall continue the hearing for not to exceed seven calendar days:

- (1) As necessary to make an appointment of counsel;
- (2) To enable counsel to become acquainted with the case; or
- (3) To determine whether the parent or guardian or adult relative is unable to afford counsel.

(d) [—To prepare case (§ 700)] The court shall continue the jurisdiction hearing as necessary to provide reasonable opportunity for the minor and the parent, guardian or adult relative to prepare for the hearing.

(e) [During hearing—unexpected contest (§ 701)] If the minor denies the allegations of the petition after having made a statement admitting the allegations of the petition, or after indicating an intention to admit the same at the time of the jurisdiction hearing, the court may continue the hearing for not to exceed seven calendar days to enable the petitioner to subpoena witnesses to attend the hearing to prove the allegations of the petition.

(f) [Unavailable necessary witness (§700.5)] If the minor is not detained in custody and the court is satisfied that an unavailable and necessary witness will be available within that time, the court may continue the hearing for not more than 10 calendar days in addition to any other authorized continuance.

Sources: Welf. & Inst. Code §§ 682, 700, 700.5, 701

References: CEB §§ 109, 110, 111
Deskbook §§ 5.9, 5.11, 8.20, 8.21, 8.22
Witkin §§ 299(d), 312(4), 318(3)

Advisory Committee Comment:

Rule 1352 brings together existing provisions of the juvenile court law relating to continuances of jurisdiction hearings.

Subdivision (a), relating to continuances requested prior to the hearing, restates section 682(a), except that language has been added recognizing that an unrepresented minor who has intelligently waived counsel may also request a continuance based on good cause.

Subdivision (b), relating to implied consent to continue a jurisdiction hearing, generally restates section 682(b).

Subdivisions (c) and (d), relating to continuances granted at the beginning of the jurisdiction hearing, generally restate the last sentence of section 700.

Subdivision (e), relating to a continuance granted during the hearing

due to an unexpected denial or contest, is based on the fourth sentence of section 701, authorizing the petitioner to obtain a seven-day continuance when the minor has previously made an extra-judicial admission or confession and "denies the same." Conceivably, a minor may deny an extra-judicial admission or confession, but nevertheless admit the allegations of the petition, in which event the continuance would be unnecessary. The rule provides that the minor must deny the allegations of the petition after first having made a statement admitting the allegations, or indicating an intention to admit the allegations at the time of the jurisdiction hearing, before a continuance will be granted.

Subdivision (f), relating to continuances when a necessary witness is temporarily unavailable, restates section 700.5.

Rule 1353. Commencement of hearing—explanation of petition; right to counsel

(a) [Petition read and explained (§ 700)] At the beginning of the jurisdiction hearing, the petition shall be read to those present. The court shall then explain the meaning and contents of the petition and the nature of the hearing, its procedures and possible consequences.

(b) [Right to counsel explained (§§ 700, 903.1)] The court shall next ascertain whether the minor and the parent, guardian, or adult relative, as the case may be, are represented by counsel; if not, the court shall advise the minor and those persons, if present, of their right to have counsel present and, where applicable, of the right to appointed counsel, subject to a claim by the county for reimbursement as provided by law.

(c) [Appointment of counsel (§ 700)] If the minor appears at the jurisdiction hearing without counsel, the court shall appoint counsel to represent the minor whether or not the minor is able to afford counsel, unless there is an intelligent waiver of the minor's right to counsel by the minor, concurred in by the parent or guardian, if present, and entered in the minutes of the court. If the parent or guardian does not furnish counsel, the court shall appoint counsel, subject to a claim by the county for reimbursement by the parent or guardian as provided by law. If necessary, the court shall continue the hearing pursuant to rule 1352(c) or (d), whichever is applicable.

(d) [Conflict of interest (§ 634)] In any case in which it appears to the court that there is such a conflict of interest between a parent or guardian and the minor that one attorney could not properly represent both, the court shall take appropriate action to eliminate the conflict of interest.

Sources: Welf & Inst. Code §§ 636, 700, 903.1

References: CEB §§ 74-76
 Deskbook §§ 8.10, 8.11, 8.20, 8.44; see also § 7.3
 Witkin §§ 306, 308, 312, 313
 Governor's Commission, pp. 26-27

Advisory Committee Comment:

Subdivision (a), relating to the reading and explanation of the petition, is based upon the first sentence of section 700. At the beginning of the jurisdiction hearing, the petition shall first be read to those present. The statute then provides that "the meaning and contents of the petition and the nature of the hearing, its procedures, and possible consequences" shall be explained "upon request of the minor, or of any parent, guardian, or adult relative." Generally, these matters have been previously explained by the probation officer or by the court at the detention hearing, but in many counties these earlier explanations are not fully recorded. Further, in an adult criminal proceeding, judicial decisions now require that the court explain to the defendant the nature of the proceedings and the direct consequences before accepting a waiver of counsel (see *In re Birch* (1973) 10 Cal.3d 314; *In re Johnson* (1965) 62 Cal.2d 235) or a plea of guilty. (*In re Bunnell* (1973) 13 Cal.3d 592, 605.) It would seem that a minor should be at least equally informed. (Cf. *In re Michael M.* (1970) 11 Cal.App.3d 741.) For these reasons, the rule requires the court to give these explanations at the beginning of any jurisdictional hearing, whether or not there is a request for an explanation of these rights.

Subdivision (b), relating to the explanation of the right to counsel, is based upon the second sentence in section 700. Advice regarding the right of the minor and the parent, etc. to be represented by counsel must be given in any case when they are not in fact represented by counsel. Further, the rule provides that advice be given of the right to appointed counsel, "where applicable." Ordinarily in a section 601 or 602 case, only the minor will be entitled to appointed counsel. The court may appoint additional counsel under section 634, however, in any case "in which it appears to the court that there is such a conflict of interest between a parent or guardian and child that one attorney could not properly represent both, . . ." Finally, the rule provides that the minor and parent, etc. be informed that the appointment of counsel is subject to a claim by the county for reimbursement as provided by law. (See section 903.1; cf. *People v. Amor* (1974) 12 Cal.3d 20.) The court must be careful, however, that a minor does not waive the right to appointed counsel in order to save the parents the costs of reimbursement; otherwise the waiver would be neither voluntary nor intelligent. (*In re Ricky H.* (1970) 2 Cal.3d 513.)

Subdivision (c), together with the cross-reference to subdivisions (c) and (d) of rule 1352, basically restates the third and fourth sentences of section 700, relating to the procedures used when counsel must be appointed. A proviso is added, however, that a waiver of counsel by the minor must be concurred in by a parent or guardian, if present, and the waiver and concurrence must be entered in the minutes of the court.

Subdivision (d) is based upon the third sentence of section 634. The language in the rule is more general than that in the statute, however, recognizing the inherent authority of the court to take appropriate action to eliminate the conflict of interest.

Rule 1354. Commencement of hearing—advice of trial rights; admission of allegations

(a) [Trial rights explained (§§ 664, 679, 702.5)] After giving the advice required by rule 1353, the court shall next inform those present of each of the following rights of the minor:

- (1) The right to a trial by the court on the issues raised by the petition;
- (2) The right to remain silent, and that anything the minor says may be used against the minor in the juvenile court proceedings;
- (3) The right to confront, and to cross-examine, any witness that may be called to testify against the minor;
- (4) The right to use the process of the court to compel the attendance of witnesses on the minor's behalf.

(b) [Prehearing motions] Unless a different procedure is provided for by written local rule, the court shall hear and decide any motions to suppress evidence at this time, and prior to the attachment of jeopardy.

(c) [Admission of allegations; prerequisites to acceptance] The court shall then inquire whether the minor intends to admit or deny the truth of the allegations of the petition. If the minor neither admits nor denies the truth of the allegations, the court shall indicate for the record that the minor does not admit the truth of the allegations. Before accepting an admission by the minor that the allegations of the petition are true:

(1) The court shall first satisfy itself, and the minutes shall reflect, that the minor understands each of the trial rights enumerated in subdivision (a), the nature of the allegations and the direct consequences of a finding that the allegations are true, and that by admitting the truth of the allegations in the petition, the minor will be waiving those rights.

(2) If the minor is not represented by counsel, the court shall then inquire of the parents, guardian, or adult relative whether they understand each of the minor's rights and, whether they consent to the minor waiving those rights and admitting the truth of the allegations of the petition.

(3) If the minor is represented by counsel, no admission shall be accepted unless counsel consents to the minor's admission of the truth of the allegations of the petition.

(4) The court shall then satisfy itself that the minor is admitting the truth of the allegations of the petition because the minor did in fact commit the acts alleged, and that the admission by the minor is voluntarily made.

(d) [Minor must admit] An admission by the minor shall be made personally by the minor.

(e) [Findings by court (§ 702)] If the court is satisfied that the admission should be received, the court shall then ask whether the minor admits or denies the truth of the allegations in the petition. Upon admission, the court shall make findings as to each of the following, noted in the minutes of the court:

- (1) That notice has been given as required by law;

- (2) The birthdate and county of residence of the minor;
- (3) That the minor has knowingly and intelligently waived the right to a trial on the issues by the court, the right to remain silent, and the right to confront and to cross-examine adverse witnesses and to use the process of the court to compel the attendance of witnesses on the minor's behalf;
- (4) That the minor understands the nature of the conduct alleged in the petition and the possible consequences of an admission;
- (5) That the admission by the minor is freely and voluntarily made;
- (6) That there is a factual basis for the minor's admission;
- (7) That the allegations of the petition as admitted are true as alleged; and
- (8) That the minor is a person described by section 601 or 602 of the Welfare and Institutions Code.

(f) [No contest (cf. Pen. Code § 1016(3))] In lieu of admitting the allegations of the petition, the minor may enter no contest concerning the truth of the allegations, subject to the approval of the court. For purposes of these rules, the procedure for and legal effect of an entry of no contest shall be the same as that of an admission, but the entry of no contest may not be used against the minor as an admission in any other action or proceeding.

Sources: Welf. & Inst. Code §§ 664, 679, 702, 702.5

References: Deskbook §§ 8.10, 8.11, 8.20, 8.44; see also § 7.3
Witkin §§ 305, 306, 308, 315

Advisory Committee Comment:

Subdivision (a), relating to the trial rights to be explained to the minor, is based on sections 664, 679 and 702.5.

Subdivision (b) provides that, in the absence of a different procedure being provided for by local rule, the court shall, after completing matters relating to advice and appointment of counsel but before taking of the plea, ascertain whether any prehearing motions to suppress evidence are to be made in behalf of the minor and, if so, to hear and decide the motion at this time. There is no statutory or case law directly applicable to the procedural handling of these motions in the juvenile court (see Deskbook § 8.10), and as a result the procedures in each county vary. In some, these motions are heard and decided at a special hearing held in advance of the date scheduled for commencement of the jurisdiction hearing. This may require more than one appearance by some witnesses. In other counties, the motions are heard during the jurisdiction hearing as the challenged evidence is being introduced. Unlike in a criminal trial, of course, there are ordinarily no jury members being inconvenienced by the necessity for procedural interruptions in the taking of testimony on the merits of the case. (But see *People v. Superior Court (Carl W.)* (1975) 15 Cal.3d 271 (juvenile court has discretion to appoint advisory jury).) Since *Breed v. Jones* (1975) 421 U.S. 519, however, there is some uncertainty as to whether the petitioner would have any remedy in the event of an adverse

ruling made once jeopardy has attached. (Compare *In re Bradley* (1968) 258 Cal.App.2d 253 (no double jeopardy if rehearing granted by judge under section 559 following referee's dismissal of allegations); see also *In re Henley* (1970) 9 Cal.App.3d 924.) To avoid a possible double jeopardy problem, the procedure suggested in this rule would require the court to hear and decide any motion to suppress evidence during the preliminary phase of the jurisdiction hearing before jeopardy attaches, *i.e.*, before the first witness is sworn (see *Breed v. Jones, supra*, at 531 (when the court "began to hear evidence")) or before an admission is accepted by the court (cf. *People v. Mims* (1955) 136 Cal.App.2d 828.) The motions to suppress evidence which might be heard at this stage include those relating to evidence obtained as the result of an allegedly illegal search or seizure, involuntary confession, improper identification procedure, or any other prehearing motion for an order to exclude prejudicial evidence which the minor anticipates being offered. (See *Saidi-Tabatabai v. Superior Court* (1967) 253 Cal.App.2d 257.)

Subdivision (c), relating to the prerequisites to acceptance of an admission of the allegations, reflects the *Boykin-Tahl* principle, as applied to juvenile courts by *In re Michael M.* (1970) 11 Cal.App.3d 741, as well as procedures suggested in the Deskbook, sections 8.11, 8.20 and 8.44. Under subdivision (4), a factual basis for an admission is required.

Subdivision (d), requiring the minor to personally enter his admission, is based on *In re Francis W.* (1974) 42 Cal.App.3d 812, 903 and *In re M.G.S.* (1968) 267 Cal.App.2d 329, 339.

Subdivision (e), relating to the findings to be made when an admission to the allegations is accepted, is based on section 702 and procedures suggested in the Deskbook, sections 8.20 and 8.44.

In some courts, minors have been permitted to enter no contest regarding the truth of the allegations of the petition, analogous to the practice in adult court under Penal Code section 1016. Subdivision (f) recognizes the existence of that practice.

Rule 1355. Contested hearing on petition

(a) [Contested jurisdiction hearing (§ 701)] If the minor denies the allegations of the petition, a contested hearing shall be held at which the court must determine whether the allegations set forth in the petition are true.

(b) [Burden of proof (§ 701)] Proof beyond a reasonable doubt, supported by evidence legally admissible in the trial of criminal cases, must be adduced to support a finding that allegations under section 602 set forth in the petition are true. Proof by a preponderance of evidence, legally admissible in the trial of civil cases, must be adduced to support a finding that allegations under section 601 set forth in the petition are true.

(c) [Admissibility of evidence—general (§ 701)] The admission and exclusion of evidence shall be in accordance with the rules of evidence established by the Evidence Code and by judicial decision.

(d) [—Probation reports (*In re Michael V.* (1974) 10 Cal.3d 676; *In re*

Gladys R. (1970) 1 Cal.3d 855] Except as otherwise provided by law, the court shall not read or consider any portion of the probation report prior to or during a contested jurisdiction hearing. If, however, a judge or referee has read a probation report in connection with other prior petitions, he shall not thereby be disqualified.

(e) [Unrepresented minors (§ 701)] If the minor is not represented by counsel, it shall be deemed that objections that could have been made to the evidence were made.

(f) [Findings of court—allegations true (§ 702)] If, after hearing the evidence, the court determines that the allegations of the petition are true, it shall make findings as to each of the following, noted in the minutes of the court:

- (1) That notice has been given as required by law;
- (2) The birthdate and county of the residence of the minor;
- (3) That the allegations of the petition are true as alleged;
- (4) That the minor is a person described by section 601 or 602; and
- (5) If the minor is found to be a person described by section 602, the degree of the offense and whether the offense would be a misdemeanor or felony had the offense been committed by an adult.

(g) [—Allegations not true (§ 702)] If, after hearing the evidence, the court determines that the allegations of the petition are not true, it shall make findings as to each of the following, noted in the minutes of the court:

- (1) That notice has been given as required by law;
- (2) The birthdate and county of the residence of the minor;
- (3) That the allegations of the petition are not true.

The court shall then order that the petition be dismissed and that the minor be discharged from any detention or restriction, if applicable.

Sources: Welf. & Inst. Code §§ 701, 702; Evid. Code § 352
In re Michael V. (1974) 10 Cal.3d 676, 683; *In re Gladys R.* (1970) 1 Cal.3d 855

References: CEB §§ 120, 131
 Deskbook §§ 7.5, 8.18; see also *id.*, App. C. § 4
 Witkin §§ 318, 320, 322, 323, 325
 Governor's Commission, p. 29-30

Advisory Committee Comment:

Subdivision (a), relating to the requirement for a jurisdiction hearing, is based upon the first sentence of section 701.

Subdivision (b) restates the third sentence of section 701 which, in part, applies the "proof beyond a reasonable doubt" standard to section 602 proceedings. This principle is constitutionally required. (*In re Winship* (1970) 397 U.S. 358.) When codifying *Winship* in 1971, the Legislature did so only as to section 602 cases (Stats. 1971, Ch. 934) and left the preexisting

"preponderance of evidence" standard applicable to section 601 cases. (See also Stats. 1976, Ch. 1071.) The rule follows the statute in this regard. Some juvenile court judges in the past have assumed that *Winship* should apply in section 601 proceedings. (See Deskbook § 8.12.) As placement of a section 601 ward in secure custody is no longer permissible (Welf. & Inst. Code § 507 (b), as amended by Stats. 1976, Ch. 1071, § 7), this extra precaution may no longer be necessary.

Subdivision (c) states the statutory standard relating to the admissibility of evidence (Welf. & Inst. Code § 701), as amended effective January 1, 1977. (Stats. 1976, Ch. 1071.)

Subdivision (d) generally prohibits the court from reading or considering any portion of the probation report prior to or during a jurisdiction hearing. In many counties the probation report consists of two parts: (1) a section on the jurisdictional facts, and (2) a social study. The jurisdictional fact section sets forth the results of the investigation into the offense or conduct upon which jurisdiction is being sought by the probation department. It usually contains a detailed summary of the police report. The social study contains all background data upon which the dispositional decision will be based. (Deskbook § 8.9.) To the extent subdivision (d) generally prohibits consideration of the jurisdictional facts section of the probation report in contested proceedings under section 601 or 602, it departs from language in *In re Michael V.* (1974) 10 Cal.3d 676, 683. To the extent it prohibits consideration of the social study, the rule follows *In re Gladys R.* (1970) 1 Cal.3d 855. Limited exceptions to the general rule stated in subdivision (d) are found elsewhere in the law. For example, the court could normally take notice of the vital statistics data concerning the minor's age, relatives, etc. which are usually contained in the probation officer's report. (See Evid. Code §§ 452, 1280, 1281.) Also, portions of the report may be admissible in some circumstances to establish that the minor has made prior inconsistent statements. (See *In re Michael V.*, *supra*, at 683.)

Subdivision (e), relating to implied objections in behalf of unrepresented minors, restates the last sentence in section 701.

Subdivisions (f) and (g), relating to the findings made after a contested jurisdiction hearing, restate portions of section 702, with an added requirement that findings be made indicating compliance with notice requirements and the minor's birthdate and county of residence.

Rule 1356. Continuance pending disposition hearing

(a) [Continuance pending disposition hearing (§ 702)] If the court finds that the minor is a person described by section 601 or 602, it shall then proceed to hear evidence on the question of the proper disposition to be made of the minor. Prior to doing so, the court may continue the disposition hearing to a date not to exceed 10 judicial days if the minor is detained or, if the minor is not detained, to a date not to exceed 30 calendar days from the date of filing of the petition. The court may, for good cause shown, continue the disposition hearing for an additional 15 calendar days if the minor is not detained.

(b) [Detention pending continued hearing (§ 702)] The court in its discretion may make an order to release or detain the minor during the period of the continuance.

(c) [90-day observation and diagnosis (§ 704)] If the minor is eligible for commitment to the Youth Authority and the court concludes that a disposition of the case in the best interest of the minor requires it to do so, the court may continue the disposition hearing for a period not to exceed 90 calendar days and order the minor to be placed temporarily at a Youth Authority diagnostic and treatment center for observation and diagnosis. In its order, the court shall order the Youth Authority to report to the court within the 90-day period its diagnosis and recommendations concerning the minor. The probation officer or any other peace officer designated by the court shall execute the order placing the minor in the diagnostic and treatment center or returning the minor to the court. Upon return of the minor from the center, the minor shall be brought before the court within two judicial days. The matter shall then be set for a disposition hearing to be commenced within 10 judicial days.

Source: Welf. & Inst. Code §§ 702, 704

References: CEB §§ 22, 109, 111, 144
Deskbook §§ 8.20, 8.21, 9.2, 9.17; see also App. B, § 14.

Advisory Committee Comment:

Subdivision (a), relating to continuances pending the disposition hearing, is based upon the fourth and fifth sentences of section 702.

Subdivision (b), relating to detention pending the disposition hearing, is based upon the last sentence of the first paragraph of section 702.

Subdivision (c) is based on section 704, which permits the court in certain instances to continue the further hearing on disposition and to order the minor to be placed temporarily at a Youth Authority diagnostic and treatment center for a period not to exceed 90 days. The Youth Authority Director must forward a diagnosis and recommendation to the court within that period. The power of the court to make these referrals under section 704 is limited to situations in which (1) the minor has been found to be a person described by section 602, or (2), according to the statute, whenever the minor has been found to be a person described in section 601, a supplemental petition for commitment has been filed under section 777, and the "minor is otherwise eligible for commitment to the Youth Authority." It should be noted, however, that the 1976 Legislature eliminated the authority to commit a 601 ward to the Youth Authority pursuant to a supplemental petition. (See amendments to Welf. & Inst. Code § 730, as amended by Stats. 1976, Ch. 440; Stats. 1976, Ch. 1068; Stats. 1976, Ch. 1071.) Thus, it would seem that no person described by section 601 is now "eligible for commitment to the Youth Authority." To insure that upon return of the minor from the diagnostic center the minor is not unnecessarily detained in the juvenile hall, the rule requires that the minor be brought before the court within two judicial days of being re-

turned from the diagnostic center. The matter is then to be placed back on the court's calendar for a disposition hearing to be commenced within 10 judicial days. (See section 704 for further procedures to be followed and conditions under which these referrals may be made.)

PART II. CASES PETITIONED UNDER SECTION 300

Rule 1361. Time of jurisdiction hearing; waiver of hearing

(a) [Nondetention cases (§ 334)] If the minor is not detained, the clerk shall, upon the filing of the petition, set the petition to be heard, and the hearing shall be commenced within 30 calendar days from the date of the filing of the petition.

(b) [Detention cases (§ 334)] If the minor is detained at the time the petition is filed, the clerk shall set the petition to be heard, and the hearing shall be commenced, within 15 judicial days from the date of the order of the court directing detention. If the minor is released from detention prior to the jurisdiction hearing, the court may reset the petition for hearing within the time limit prescribed by subdivision (a) of this rule.

(c) [Calendar preference (§ 345)] If the minor is detained in custody and the sole allegation is that the minor is a person described in section 300, the case shall be granted precedence on the calendar of the court for the day on which the case is set for hearing.

(d) [Tolling of time period] Any period of delay resulting from the minor's neglect or failure to appear, to and including the date of the minor's next appearance in the court wherein the petition was filed, shall be excluded in computing the time limits prescribed by subdivisions (a) and (b) of this rule. After excluding that period, the petition shall be set for hearing, and the hearing shall be commenced, within the appropriate time limit prescribed in either subdivision (a) or (b), or within 10 calendar days after the minor's reappearance in the court in which the petition was filed, whichever is later.

(e) [Dismissal] Except as provided in subdivision (d) or in rule 1362, when a jurisdiction hearing is not commenced within the time limits prescribed in either subdivision (a) or (b), the court shall order the petition dismissed.

(f) [Refiling of petition, effect on detention] An order under subdivision (e) dismissing the petition prior to the jurisdiction hearing shall not bar the filing of a subsequent petition commencing new proceedings based upon the same allegations as in the original petition. If the minor is detained at the time a subsequent petition is filed, a new detention hearing shall be held.

(g) [Waiver of hearing] At the detention hearing, or at any time thereafter, a parent or guardian may admit in court the allegations of the petition and thereby waive any further jurisdiction hearing.

Sources: Welf. & Inst. Code § 334, 345

References: CEB §§ 102, 176; CEB Supp. § 187
 Deskbook §§ 3.7, 8.24, 8.31; see also § 8.1
 Witkin §§ 292, 299, 335
 Governor's Commission, pp. 27-29

Advisory Committee Comment:

Subdivision (a) and the first sentence of subdivision (b) of this rule, relating to time limits for jurisdiction hearings, generally restate section 334. The statute, however, provides only that the petition must be "set for hearing" within the designated time periods. It is not clear whether the hearing actually must be commenced, or need only be set for hearing within that time. (See *Neil G. v. Superior Court* (1973) 30 Cal.App.3d 572, 574-575; CEB § 192; Deskbook § 3.7. There are no reported cases on this precise issue. Similar to rule 1351 (a) and (b), this rule would require the clerk to set and the court to commence the matter within the time limits prescribed. (See Deskbook § 3.7; Governor's Commission, pp. 27-29.) If the minor is released from detention prior to the jurisdiction hearing, the second sentence in subdivision (b) makes clear that the 30-calendar day limitations in subdivision (a) become operative.

Subdivision (c) relating to the calendar preference to be given section 300 hearings, restates the substance of section 345. For a discussion of the practical problems involved in attempting to strictly comply with this statutory requirement, see Deskbook section 8.31.

Subdivision (d), relating to the tolling of time periods, is not directly covered by the juvenile court law. It incorporates the general principle that delays attributable to a party may be deducted when computing prescribed time limits. The phrase "neglect or failure to appear" is taken from subdivisions (2) and (3) of Penal Code section 1382. From a calendar management viewpoint, depending upon all of the circumstances, when the minor becomes unavailable or fails to appear, a court encountering a situation of this type may either (1) continue the matter until a date certain, or (2) order the matter off calendar, to be reset upon discovery of the minor's whereabouts, or (3) dismiss the petition without prejudice to its being refiled, or (4) take such other action as may seem appropriate in the circumstances. For a fuller discussion, see Comment to rule 1361 (c).

Subdivision (e), relating to the dismissal of petitions, is not directly covered by the juvenile court law. Unless there exists one of the situations described either in subdivision (d) of this rule or in rule 1362, the petition must be dismissed upon order of the court if the time limitations cannot be met. (CEB § 102; cf. Deskbook § 3.7.)

Subdivision (f), permitting refile of a new petition if the statutory time limits are not met, is similar to rule 1352(e). That rule was based upon *Neil G. v. Superior Court* (1973) 30 Cal.App.3d 572, a case petitioned under section 602. It would seem that a similar rule should apply in section 300 cases.

Proceedings in which there has been a refile present a special prob-

lem when the minor has been detained in custody. Section 320 provides that a minor may be ordered detained "for a period not to exceed 15 judicial days," within which time the matter must be set for hearing under section 334. Although as a practical matter, waivers of time often extend the period of detention beyond the statutory limits, subdivision (f) provides that in the event a petition involving a detained minor must be dismissed due to expiration of the prescribed time limits, the question of continued detention should again be determined.

Subdivision (g) is analogous to the second paragraph of section 657, which provides that at the detention hearing, or any time thereafter, a minor who is alleged to come within the provisions of section 601 or 602 may, with the consent of counsel, admit in court the allegations of the petition and waive the jurisdiction hearing. This subdivision permits the parent or guardian in section 300 cases to do likewise, but the consent of counsel is not required.

Rule 1362. Grounds for continuance of jurisdiction hearing

(a) [Prior to hearing—request by counsel (cf. § 352(a))] Upon request of counsel for the minor, parent or guardian, or upon request of the parent or guardian if not represented by counsel after an intelligent waiver, the court may, for good cause shown, continue the jurisdiction hearing beyond the time limit within which the hearing is otherwise required to be commenced.

(b) [Implied consent to continuance (cf. § 352(b))] After advising the minor and parent or guardian of the right to have the hearing commence within the time limit in either rule 1361(a) or (b), if no objection is made to an order continuing the jurisdiction hearing beyond the applicable time limit, the parties shall be deemed to have consented to the continuance.

(c) [Commencement of hearing—appointment of counsel (cf. §353)]

At the beginning of the jurisdiction hearing, the court shall continue the hearing for not to exceed seven calendar days:

- (1) As necessary to make an appointment of counsel;
- (2) To enable counsel to become acquainted with the case; or
- (3) To determine whether the parent or guardian or adult relative is unable to afford counsel.

(d) [—To prepare case (§ 353)] The court shall continue the jurisdiction hearing as necessary to provide reasonable opportunity for the minor, parent, guardian or adult relative to prepare for the hearing.

(e) [During hearing—unexpected contest (cf. § 701)] If the parent or guardian denies the allegations of the petition, after having made a statement admitting the allegations of the petition or indicating an intention to admit the same at the time of the jurisdiction hearing, the court may continue the hearing for not to exceed seven calendar days to enable the probation officer or social worker to subpoena witnesses to attend the

hearing to prove the allegations of the petition.

(f) [—Unavailable necessary witness (§ 354)] If the minor is not detained in custody and the court is satisfied that an unavailable and necessary witness will be available within that time, the court may continue the hearing for not more than 10 calendar days in addition to any other authorized continuance.

Sources: Welf. & Inst. Code §§ 352, 353, 354, 355, 701

References: CEB §§ 109, 110, 111
Deskbook §§ 5.9, 5.11, 8.35; see also §§ 8.21, 8.22
Witkin §§ 299, 312, 318

Advisory Committee Comment:

Rule 1362 brings together existing provisions of the juvenile court law relating to continuances of jurisdiction hearings.

Subdivision (a), relating to continuances requested prior to the hearing, generally restates section 352(a), except that language has been added recognizing that a parent or guardian, as well as the minor, is a critical party in a section 300 dependency proceeding entitled to a continuance when good cause is shown.

Subdivision (b) provides that if the minor and parent or guardian have been advised of the time limits within which they are entitled to have the jurisdiction hearing commence, and if no objection is made to an order continuing the hearing beyond that time limit, the parties shall be deemed to have consented to the continuance. This is based upon the implied continuance provision in section 352(b).

Subdivisions (c) and (d), relating to continuances granted at the beginning of the jurisdiction hearing, generally restate the last sentence of section 353. (See comment to rule 1352(c) explaining that any counsel shall be entitled to a continuance of not more than seven days to become acquainted with the case.)

Subdivision (e), relating to a continuance granted during the hearing due to an unexpected denial or contest, is analogous to the fourth sentence of section 701. (For further discussion, see the comment to rule 1352(e).)

Subdivision (f), relating to continuances when a necessary witness is temporarily unavailable, restates section 354.

Rule 1363. Commencement of hearing—explanation of petition; right to counsel

(a) [Petition read and explained (cf. § 353)] At the beginning of the jurisdiction hearing, the petition shall be read to those present. Upon request of the minor, or the parent, guardian, or adult relative, the court shall then explain the meaning and contents of the petition and the nature of the hearing, its procedures, and possible consequences.

(b) [Right to counsel explained (cf. § 353)] The court shall next ascertain whether the minor and the parent, guardian, or adult relative, as

the case may be, are represented by counsel; if not, the court shall advise the minor, parent, or guardian of their right to have counsel present and, where applicable, of their right to appointed counsel, subject to a claim of reimbursement as provided by law.

(c) [Appointment of counsel—general rule (§ 317; *Cleaver v. Wilcox* (9th Cir. 1974) 499 F.2d 940, 945)] If the minor, parent or guardian appears at the jurisdiction hearing without counsel, the court may appoint counsel if it appears that the minor, parent or guardian desires counsel but is unable to afford counsel. Counsel shall be appointed for any parent or guardian unable to afford counsel whenever it appears that person is unable to adequately present the case and faces a substantial possibility of loss of custody or of prolonged separation from the minor.

(d) [—In § 300(d) cases (§§ 318, 351; see also 681)] If the case has been petitioned under section 300(d) and the minor appears at the jurisdiction hearing without counsel, the court shall appoint counsel for the minor. Whenever the parent or guardian, or any other person having care or custody of the minor or who resides in the home of the minor, is charged in a pending criminal prosecution based upon unlawful acts committed against the minor, the court may appoint the district attorney to represent the minor in the interest of the state. The terms and conditions of the representation shall be with the consent or approval of the court.

(e) [—Conflict of interest (§ 317)] In any case in which it appears to the court that there is such a conflict of interest between a parent or guardian and the minor that one attorney could not properly represent both, the court shall take appropriate action to eliminate the conflict of interest.

(f) [—Continuance (§ 317)] If necessary, the court shall continue the hearing pursuant to rule 1362(c) or (d), whichever is applicable.

Sources: Welf. & Inst. Code §§ 316, 317, 318, 351, 353; see also § 681
Cleaver v. Wilcox (9th Cir. 1974) 499 F.2d 940

References: CEB §§ 74-76; CEB Supp. §§ 175A, 175B, 187
Deskbook §§ 8.32, 8.33, 8.35, 8.45; see also
§§ 7.3, 7.13, 8.10, 8.11
Witkin §§ 288, 301, 312, 313
Governor's Commission, pp. 26-27

Advisory Committee Comment:

Subdivision (a), relating to the reading of the petition and explanation of the proceedings, is based upon the first sentence in section 353. In contrast to rule 1353(a) but in accord with the statute, the explanations are required only upon request of the minor, parent, guardian, or adult relative. In appropriate cases, some courts advise the parents that the possible consequences of the proceedings may include eventual termination of parental rights under Civil Code section 232.

Subdivision (b), relating to the explanation of the right to counsel, is based upon the second sentence in section 353. Advice regarding the right to be represented by counsel must be given in any case where the minor, parent or guardian is not in fact represented by counsel. Further, subdivision (b) provides that advice be given of the right to appointed counsel "where applicable." (See subdivisions (c) and (d), *infra*.) Finally, it is provided that the appointment of counsel may be subject to a claim of reimbursement as provided by law. (See Welf. & Inst. Code § 903.1.)

Subdivision (c), relating to the appointment of counsel, is based upon section 317, as qualified by section 318 and *Cleaver v. Wilcox* (9th Cir. 1974) 499 F.2d 940, 945. The right of a minor or indigent parent to appointed counsel in section 300 dependency cases has been an uncertain area of procedural law. (Compare *In re Robinson* (1970) 8 Cal.App. 783 (no right to counsel at trial for parent or child) and *In re Joseph T.* (1972) 25 Cal.App.3d 120 (no right to counsel for parent on appeal) with *Cleaver v. Wilcox, supra* (flexible due process right to counsel for parent at trial) and *In re Simeth* (1974) 40 Cal.App.3d 982 (right to counsel for parent on appeal); see also *In re J.G.L.* (1974) 43 Cal.App.3d 447 (whether a parent or child is entitled to appointed counsel in a dependency case presents "an interesting question . . . *Simeth* obviously casts doubt on the continued validity of *Robinson* and *Joseph T.*" *Supra*, at 449, n. 1.) Subdivision (c) incorporates the approach taken in the *Cleaver* case, wherein it was held that an indigent parent in a dependency case has a due process right to court-appointed counsel whenever the parent is unable to adequately present the case and faces a substantial possibility of the loss of custody or of prolonged separation from a child. Factors suggested for the juvenile court to consider when deciding whether to appoint counsel for the parent in these cases include the complexity of the case, the likelihood of removal of the child, the probability of prolonged removal, and whether the parent intends to contest the matter. (*Cleaver v. Wilcox, supra*, at 945; see CEB Supp. at § 175A.)

Subdivision (d), relating to the appointment of counsel for the minor in section 300(d) proceedings, generally restates sections 318 and 351.

Subdivision (e), relating to the appointment of counsel when there exists a conflict of interest, sets forth a flexible rule directing the court to take appropriate action to eliminate the conflict of interest.

Subdivision (f), which makes a cross-reference to subdivisions (c) and (d) of rule 1362 relating to continuances necessary for the appointment of counsel and to permit counsel to prepare the case, is based on section 317.

Rule 1364. Commencement of hearing—advice of trial rights; admission of allegations

(a) [Trial rights explained (§ 341; cf. §§ 349, 702.5)] After giving the advice required by rule 1353, the court shall next advise the parent or guardian of each of their following rights:

- (1) The right to a trial by the court on the issues raised by the petition;
- (2) The right to assert the privilege against self-incrimination;

- (3) The right to confront, and to cross-examine, all witnesses that may be called to testify against the parent or guardian;
- (4) The right to use the process of the court to compel the or guardian;
- (5) The right to use the process of the court to compel the attendance of witnesses on behalf of the parent or guardian.

(b) [Admission of allegations; prerequisites to acceptance] The court shall then inquire whether the parent or guardian intends to admit or deny the truth of the allegations of the petition. If the parent or guardian neither admits nor denies the truth of the allegations, the court shall indicate for the record that the parent or guardian does not admit the truth of the allegations. Before accepting an admission that the allegations of the petition are true, the court should satisfy itself that the parent or guardian understands the trial rights enumerated in subdivision (a), and that the parent or guardian is admitting the petition because that person did in fact commit the acts alleged.

(c) [Parent or guardian must admit] An admission by the parent or guardian shall be made personally by the parent or guardian.

(d) [Findings by court (§ 356)] If the court is satisfied that the admission should be received, the court shall then ask whether the parent or guardian admits or denies the truth of the allegations in the petition. Upon admission, the court shall make findings as to each of the following, noted in the minutes of the court:

- (1) That notice has been given as required by law;
- (2) The birthdate and county of residence of the minor;
- (3) That the parent or guardian has knowingly and intelligently waived the right to a trial on the issues by the court, the right to assert the privilege against self-incrimination, and the right to confront and to cross-examine adverse witnesses and to use the process of the court to compel the attendance of witnesses on the parent or guardian's behalf;
- (4) That the parent or guardian understands the nature of the conduct alleged in the petition and the possible consequences of an admission;
- (5) That the admission by the parent or guardian is freely and voluntarily made;
- (6) That there is a factual basis for the parent or guardian's admission;
- (7) That those allegations of the petition as admitted are true as alleged; and
- (8) That the minor is a person described by either subdivision (a), (b), (c), or (d) of section 300 of the Welfare and Institutions Code.

(e) [No contest] In lieu of admitting the allegations of the petition, the parent or guardian may enter no contest concerning the truth of the allegations, subject to the approval of the court. For purposes of these rules, the procedure for and legal effect of an entry of no contest shall be the same as that of an admission, but the entry of no contest may not be used against the parent or guardian as an admission in any other action or proceeding.

References: Deskbook §§ 8.32, 8.33, 8.35, 8.45; see also §§ 7.13, 8.10
 Witkin §§ 305, 306

Advisory Committee Comment:

Subdivision (a), relating to the trial rights to be explained to the parent or guardian, is based on procedures suggested in the Deskbook section 8.45 and is analogous to the rights explained to the minor in section 601 and 602 proceedings. (See section 702.5.) The right to compel the testimony of witnesses, referred to in subdivision (a) (3), is based upon section 341.

Subdivision (b), relating to the prerequisites to accepting an admission by the parent or guardian, is based on procedures suggested in the Deskbook section 8.35. The *Boykin-Tahl* principles applicable in section 601 and 602 proceedings (*In re Michael M.* (1970) 11 Cal.App.3d 741) are not applicable to section 300 cases. It would seem that the court should nevertheless satisfy itself and make findings that the parent or guardian understands certain trial rights and that there exists a factual basis for an admission before the admission is accepted.

Subdivision (c), requiring that an admission be made personally by the parent or guardian, is based on a procedure suggested in the Deskbook section 8.35. (Cf. *In re Francis W.* (1974) 42 Cal.App.3d 898, 903; *In re M.G.S.* (1968) 267 Cal.App.2d 329, 339.)

Subdivision (d), relating to findings to be made when an admission to the allegations is accepted, is based on section 356 and procedures suggested in the Deskbook sections 8.35 and 8.45.

In some courts, parents or guardians have been permitted to enter no contest regarding the truth of the allegations of the petition. Subdivision (e) recognizes the existence of that practice.

Rule 1365. Contested hearing on petition

(a) [Contested jurisdiction hearing (§ 355)] If the parent or guardian denies the allegations of the petition, a contested hearing shall be held at which the court must determine whether the allegations set forth in the petition are true.

(b) [Burden of proof (§ 355)] Proof by a preponderance of evidence, supported by evidence legally admissible in the trial of civil cases, must be adduced to support a finding that the allegations set forth in the petition are true.

(c) [Admissibility of evidence—general (§§ 355, 701, 701.1-701.7)] Except as provided in sections 701.1 through 701.7, the admission and exclusion of evidence shall be in accordance with the rules of evidence established by the Evidence Code and by judicial decision.

(d) [Probation reports (*In re Biggs* (1971) 17 Cal.App.3d 337)] A probation or social worker's report, including any social study, containing information relevant and material to the jurisdiction hearing is admissible if, on request of the parent or guardian, the probation officer or social worker is made available to be cross-examined regarding the contents of the report.

(e) [Inapplicability of certain testimonial privileges (Evid. Code §§ 978, 986)] The privilege not to testify nor to be called as a witness against a spouse and the confidential marital communication privilege are not available to the parent or guardian in a juvenile court proceeding.

(f) [Unrepresented minors (§ 355)] If the parent or guardian is not represented by counsel, it shall be deemed that objections that could have been made to the evidence were made.

(g) [Findings of court—allegations true (§ 356)] If, after hearing the evidence, the court determines that the allegations of the petition are true, it shall make findings as to each of the following, noted in the minutes of the court:

- (1) That notice has been given as required by law;
- (2) The birthdate and county of residence of the minor;
- (3) That the allegations of the petition are true as alleged;
- (4) That the minor is a person described by subdivision (a), (b), (c), or (d) of section 300.

(h) [—Allegations not true (§ 356)] If, after hearing the evidence, the court determines that the allegations of the petition are not true, it shall make findings as to each of the following, noted in the minutes of the court:

- (1) That notice has been given as required by law;
- (2) The birthdate and county of residence of the minor;
- (3) That the allegations of the petition are not true.

The court shall then order that the petition be dismissed and that the minor be discharged from any detention or restriction, if applicable.

Sources: Welf. & Inst. Code §§ 355, 356, 701; Evid. Code §§ 972(d), 986

In re Biggs (1971) 17 Cal.App.3d 337

References: CEB §§ 120, 131, 186, 188
Deskbook § 8.35; see also §§ 7.6, 8.18 and App. C, § 4
Witkin §§ 318, 319, 321, 325
Governor's Commission, p. 29-30

Advisory Committee Comment:

Subdivision (a), relating to the requirement for a jurisdiction hearing, is based upon the first clause of the first sentence of section 355.

Subdivision (b) restates section 355 which applies the "preponderance of evidence" standard to section 300 cases.

Subdivision (c) states the statutory standards relating to the admissibility of evidence in section 300 proceedings, as apparently intended by the 1976 Legislature.

In 1976, the Legislature first enacted some special rules relating to the burden of proving evidence in certain dependency proceedings as sec-

tions 701.1-707.7. (Stats. 1976, Ch. 89.) It then transferred the preexisting provisions in section 701, as they relate to dependency matters, to a new section 355. (Stats. 1976, Ch. 1068.) Then, in a later chaptered bill, it purported to amend the preexisting section 701, including its references to section 600 proceedings and render applicable to juvenile court proceedings the rules of evidence set forth in the Evidence Code and judicial decisions. Thus, the juvenile court law now contains at least two statements as to the applicable rules of evidence in dependency proceedings, each of them different (see §§ 355, 701) and each qualified by the provisions of sections 701.1 through 701.7. The apparent intent of the Legislature, as set forth in subdivision (c) of this rule, is that the Evidence Code provisions now apply, subject to the special provisions in sections 701.1 through 701.7. Subdivision (d) is based on *In re Biggs* (1971) 17 Cal.App.3d 377, in which it was held that a court may review the social study report before making a determination of dependency in a section 300 proceeding. (Cf. *In re Michael V.* (1974) 10 Cal.3d 676 (facts in probation report relevant to allegations in delinquency petition admissible if declarant present and available for cross-examination).)

Subdivision (e) is based upon Evidence Code sections 972(d) and 986, which render the privilege not to testify against a spouse and the privilege for confidential marital communications inapplicable to proceedings under the juvenile court law.

Subdivision (f), relating to implicit objections in behalf of unrepresented parents and guardians, is analogous to the last sentence in section 355.

Subdivisions (g) and (h), relating to the findings made after a contested jurisdiction hearing, restate the first portion of section 356, with an added requirement that findings be made indicating compliance with notice requirements and the minor's birthdate and county of residence.

Rule 1366. Continuance pending disposition hearing

(a) [Continuance pending disposition hearing (§ 356)] If the court finds that the minor is a person described by section 300, it shall then proceed to hear evidence on the question of the proper disposition to be made of the minor. Prior to doing so, the court may continue the disposition hearing to a date not to exceed 10 judicial days if the minor is detained or, if the minor is not detained, to a date not to exceed 30 calendar days from the date of filing of the petition. The court may, for good cause shown, continue the hearing for an additional 15 calendar days if the minor is not detained.

(b) [Detention pending continued hearing (§ 356)] The court in its discretion may make an order to release or detain the minor during the period of the continuance.

Source: Welf. & Inst. Code § 356

References: CEB §§ 22, 109, 111
Deskbook §§ 8.20, 8.21, 8.35
Witkin § 328

Advisory Committee Comment:

Subdivision (a), relating to continuances pending the disposition hearing, is based upon the fourth and fifth sentences of section 356.

Subdivision (b), relating to detention pending the disposition hearing, is based on the last sentence of section 356.

CHAPTER 8. DISPOSITION HEARING

PART I. CASES PETITIONED UNDER SECTIONS
601 AND 602*Rule 1371. General conduct of hearing*

(a) [Nature of disposition hearing (§ 706)] If the minor is found to be a person described in section 601 or 602, a disposition hearing shall be held to hear evidence on the question of the proper disposition to be made of the case.

(b) [Social study (§ 280)] Prior to every disposition hearing, the probation officer shall prepare a social study concerning the minor, which shall contain those matters relevant to a proper disposition of the case and a recommendation for the disposition of the case. If the minor is a parolee of the Youth Authority, the social study shall include the results of any contact between the probation officer and the parole officer.

(c) [Explanation of proceedings] At the beginning of the disposition hearing, the court shall inform the minor and parent or guardian, if present, of the purpose and scope of the disposition hearing. If the minor is not represented by counsel, the court shall advise the minor of the right to be represented by counsel at the hearing and, where applicable, of the right to appointed counsel.

(d) [Evidence considered (§ 706)] The court shall receive in evidence the social study prepared by the probation officer and other relevant and material evidence offered by the petitioner, the minor, or the parent or guardian. The court may receive other relevant and material evidence on its own motion. In any judgment and order of disposition, the court shall state the social study has been read and considered by the court.

Sources: Welf. & Inst. Code §§ 280, 702, 706

References: CEB §§ 141, 142, 147, 148
Deskbook §§ 9.1, 9.2, 9.4, 9.5
Witkin §§ 3.26, 3.27, 3.28
Governor's Commission, pp. 30-31

Advisory Committee Comment:

Subdivision (a), describing the nature of the disposition hearing, is based on section 706.

The first sentence of subdivision (b), relating to the probation officer's social study, is based on section 280. The second sentence in subdivision (b) is new. The court should be made aware through the social study whether the Youth Authority (YA) has any plans concerning the minor

or of any YA policies which may affect the case.

Rule 1311, relating to persons present at a juvenile court proceeding, applies to all phases of juvenile proceedings, including the disposition hearing. In the past, it was the practice in many counties for the district attorney or other legal officer representing the probation department to retire from the proceedings upon the completion of the jurisdiction hearing. Matters submitted to the court at the disposition hearing were then presented by the probation officer, whose principal responsibility was, and continues to be, to prepare and present to the court a social study for consideration during the disposition hearing. Effective January 1, 1977, however, it would seem to be the Legislature's intent that in section 602 proceedings, at least, that the prosecuting attorney appear at all phases of a juvenile court hearing, including the disposition hearing. (See Welf. & Inst. Code § 681 (a).) In section 601 proceedings, however, the extent of participation by the prosecuting attorney would seem to continue to depend upon the desires of the court and probation officer. (See Welf. & Inst. Code § 681 (b).)

Subdivision (c), relating to the explanation of the disposition proceedings, is based upon procedures suggested in the Deskbook, section 9.5.

Subdivision (d) is based on the fourth sentence of section 702 and the second sentence of section 706. Note that the social study is always admissible under the statute. The defense attorney nevertheless may choose to challenge the facts as they are stated in the study if they seem incorrect, or may question the conclusions of experts contained within the report. (See CEB § 147.) The controlling standard as to other evidence is that it be relevant and material to the issue of the proper disposition to be made of the minor. Further, the minor must be afforded an opportunity to have evidence presented in his behalf relating to disposition. A denial of this right violates due process and is prejudicial error. (*In re Mikkelsen* (1964) 226 Cal.App.2d 467, 471.)

Rule 1372. Judgment and orders of the court

(a) [Judgment of court (§§ 725, 782)] Following receipt and consideration of the evidence concerning the proper disposition of the case, the court may enter judgment as follows:

(1) The court may set aside the jurisdictional findings and dismiss the petition if it finds that the interests of justice and the welfare of the minor require a dismissal, or if it finds that that the minor is not in need of treatment or rehabilitation. The specific reasons for dismissal shall be set forth in an order entered upon the minutes.

(2) Without adjudging the minor a ward of the court, the court may place the minor on probation, under the supervision of the probation officer, for a period not to exceed six months.

(3) The court may order and adjudge the minor to be a ward of the court.

Whether or not the minor is adjudged a ward of the court, the court may set reasonable terms and conditions of probation for the minor.

(b) [Limitations on parental control (§ 726, 727; *In re B.G.* (1974) 11

Cal.3d 679)] If the minor is adjudged a ward of the court, the court may limit the control to be exercised over the minor by any parent or guardian and shall by its order clearly and specifically set forth all of those limitations. If notice was previously given under rule 1310(a), and the court orders that a parent or guardian retain physical custody of the minor subject to the supervision of the probation officer, the parent or guardian may be required to participate with the minor in a counseling program. No ward shall be taken from the physical custody of a parent or guardian unless the court finds one of the following:

(1) That the parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training, and education for the minor;

(2) That the minor has been tried on probation in the physical custody of a parent or guardian and has failed to reform; or

(3) That continued custody by the parent or guardian would be detrimental to the minor and the welfare of the minor requires that custody be taken from the parent or guardian.

(c) [Permissible disposition orders—general (§§ 726, 727, 730, 731)] When a minor is adjudged a ward of the court, the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the minor, including medical treatment, subject to the further order of the court. The court may order the care, custody, control and conduct of the minor to be under the supervision of the probation officer or may commit the minor to the care, custody and control of any person or organization enumerated in section 727. If the minor was adjudged a ward of the court as a person described by section 602, the court, as additional alternatives, may make an order for the treatment or commitment of the minor under either section 730 or 731, in which event the order shall specify that the minor may not be held in physical confinement for a period in excess of the maximum term of imprisonment which could be imposed upon an adult convicted of the offense which brought the minor under the jurisdiction of the juvenile court.

(d) [Permissible disposition orders—Youth Authority ward] If the minor has previously been committed to the Youth Authority and is at the time of the disposition hearing a ward of the Youth Authority, the court may, as a disposition under subdivision (c), either recommit or return the ward to the Youth Authority. If the minor is returned to the Youth Authority, the court may make a recommendation to the Authority that the minor's parole status be revoked, not be revoked, or the court may make no recommendation.

(e) [Advice of appeal rights] If the minor was found to be a person described by either section 601 or 602 after a contested jurisdiction hearing, the court, after making its disposition order, shall advise the minor and, if present, the parent or guardian of:

(1) The right of the minor, parent or guardian to appeal from the court's judgment;

- (2) The necessary steps and time for taking an appeal;
- (3) The right of an indigent appellant to have counsel appointed by the reviewing court; and
- (4) The right of an indigent appellant to be provided a free copy of the transcript.

(f) [15-day reviews (§ 737 (b))] Whenever a minor is detained pending the execution of the disposition order, the court shall review the case at least every 15 calendar days to determine whether the delay is reasonable. During each review the court shall inquire regarding the action taken by the probation department to carry out the court's order, the reasons for the delay, and the effect of the delay upon the minor.

(g) [Periodic reports (see § 365)] The court may require the probation officer or any other agency to render such additional periodic reports concerning any minor committed to its care, custody and control under section 727(a), (c) or (d) as the court may deem necessary or desirable.

Sources: Welf. & Inst. Code §§ 365, 725, 726, 727, 728, 730, 731, 737, 782. Cf. Civ. Code § 4600
Pen. Code § 1385

References: CEB §§ 143-146, 149
Deskbook §§ 9.2, 9.5, 9.6; see generally §§ 9.7-9.18a
Witkin §§ 331, 334, 336, 338, 339-342; see also § 337
Governor's Commission, pp. 30-31

Advisory Committee Comment:

The first sentence of subdivision (a) (1), relating to dismissals of the petition, is based on section 782. Prior to the enactment of that statute in 1971, judges had relied solely upon their inherent authority to dismiss cases. (See *In re W.R.W.* (1971) 17 Cal.App.3d 1029, 1037.) The second sentence, requiring that the specific reasons for the dismissal shall be set forth in an order entered upon the minutes is based upon Penal Code section 1385. (For a discussion of when a dismissal might be appropriate, see Deskbook § 9.7; see also section 654, authorizing placement or informal supervision subsequent to dismissal of a petition already filed.) Subdivisions (a) (2) and (3), relating to other judgments by the court, is based on section 725(a) and (b). A person found to be described by either section 601 or 602 need not be declared a ward of the court, but unless wardship is established, the court's authority is limited to placement of the minor on probation for a period not to exceed six months. (Welf. & Inst. Code § 725a; see *In re Bacon* (1966) 240 Cal.App.2d 34, 60.)

Subdivision (b), relating to limitations on parental control over the minor, is based upon section 726, as modified by *In re B.G.* (1974) 11 Cal.3d 679, 696, n. 25. In that case, the Supreme Court stated:

"The language of section 726 should be interpreted in *pari materia* with the requirement of [Civil Code] section 4600 that in any proceed-

ing in which custody is at issue, an award to a nonparent against a parent claim requires a finding of detriment. Under this interpretation, subdivisions (a) and (b) of section 726 present specific instances of detriment justifying an award of custody to a nonparent; the term 'welfare of the minor' in subdivision (c) encompasses a requirement that an award of custody to the nonparent rests upon a finding that parental custody would be detrimental."

The second sentence in subdivision (b), relating to the establishment of a family counseling program, is based on the last sentence in section 727(1). See also section 727(2), added effective January 1, 1977, which seems to authorize the court to direct any and all reasonable orders to the parents and guardians of the minor as the court deems necessary and proper to carry out the provisions of section 727(1). In contrast to the family counseling provision in section 727(1), no provision for prior notice is included in the statute. Further, dependent upon the nature and scope of the court order contemplated, prior representation by counsel in behalf of the parent or guardian may be constitutionally necessary. Neither the juvenile court law nor these rules explicitly provide for the appointment of counsel to represent the parents or guardians in section 601 or 602 proceedings. It would seem that courts should proceed cautiously under this new statutory authorization in these proceedings.

Subdivision (c), relating to the permissible disposition orders, is based upon sections 726, 727, 730 and 731. (For a thorough discussion of the appropriateness of the many possible dispositional alternatives, see Deskbook, §§ 9.7-9.18a; see also CEB §§ 143-146, Appendices A-C, pp. 183-222; CEB Supp. App. B, pp. 42-44; Witkin §§ 331, 336 et seq. For procedures necessary before making an order relating to medical treatment, see Welf. & Inst. Code § 739(c). Note, however, that effective January 1, 1977, with the apparent exception of a minor who leaves a nonsecure facility without permission (see Welf. & Inst. Code § 636.2), no section 601 ward may be committed to a secure facility.

Subdivision (d) describes the dispositional alternatives available when the minor is a Youth Authority parolee. In addition to the alternatives under subdivision (c), the minor may be "recommitted" or "returned" to the Youth Authority. Recommitment is administratively more cumbersome and costly, in that many of the same procedures required in the original commitment are followed. If the minor is "returned," it is not necessary to follow commitment procedures. In returning the minor to the Youth Authority the court may or may not make a recommendation to revoke or not revoke the minor's parole status. It should be noted, however, that whether recommitted, or returned with or without a recommendation, the Youth Authority is legally free to place the ward in what it considers to be the most appropriate treatment program, either in an institution or on parole. (See generally, Dept. of the Youth Authority, Procedures and Criteria for Referral of Juvenile Court Cases to the Youth Authority (Oct. 1975) pp. 6-7.)

Subdivision (e), relating to advice of appeal rights, is based on California Rule of Court 251. It is recommended that rule 251 be repealed by

the Judicial Council at the time these rules become effective, and this provision be adopted within the context of the juvenile court rules.

Subdivision (f), relating to 15-day reviews, is based upon section 737(b).

Subdivision (g), relating to periodic reports, is based upon section 365.

PART II. CASES PETITIONED UNDER SECTION 300

Rule 1376. General conduct of hearing

(a) **Nature of disposition hearing (§ 358)]** If the minor is found to be a person described in section 300, a disposition hearing shall be held to hear evidence on the question of the proper disposition to be made of the case.

(b) **[Social study (§ 280)]** Prior to every disposition hearing, the probation officer or social worker shall prepare a social study of the minor, which shall contain those matters relevant to a proper disposition of the case and a recommendation for the disposition of the case and a recommendation for the disposition of the case. If a recommendation is made to remove the minor from the home, the probation officer or social worker shall also include in the social study a recommended plan for reuniting the minor with the family.

(c) **[Explanation of proceedings]** At the beginning of the disposition hearing the court shall inform the minor and parent or guardian, if present, of the purpose and scope of the disposition hearing. If the minor, parent or guardian is not represented by counsel, the court shall advise those persons of the right to be represented by counsel at the hearing and, where applicable, of the right to appointed counsel.

(d) **[Evidence considered (§ 358)]** The court shall receive in evidence the social study of the minor prepared by the probation officer or social worker and other relevant and material evidence offered by the petitioner, the minor, or the parent or guardian. The court may receive other relevant and material evidence on its own motion. In any judgment and order of disposition, the court shall state the social study has been read and considered by the court.

Sources: Welf. & Inst. Code §§ 280, 356, 358

References: CEB §§ 14, 142, 147, 148, 191, 192
Deskbook §§ 9.19, 9.20, 9.22, 9.23; see also §§ 8.21, 9.1
Witkin §§ 326, 327, 328
Governor's Commission, pp. 30-31

Advisory Committee Comment:

Subdivision (a), describing the nature of the disposition hearing, is based on section 358.

The first sentence in subdivision (b), relating to the social study of the

probation officer or social worker, is based on section 280. Whenever a recommendation is made to remove the minor from the home, a recommended plan for reuniting the minor with the family should also be included in the social study. This might include specific recommendations for improvements within the home, successful completion of therapy programs, or other conditions for returning the minor to the home. This will serve to put the family on notice as to what must be accomplished to reunite the family.

Subdivision (c) is based upon procedures suggested in the Deskbook, section 9.23. Concerning the appointment of counsel for an indigent parent or guardian, see rule 1363(c). Concerning the practice in some courts wherein a minor six years old or over may be required to be present in court so the minor's views regarding placement may be obtained, see the comment to rule 1311(b)(1).

Subdivision (d) is based on the fourth sentence of section 356 and the second sentence of section 358. Note that the social study is always admissible under the statute. The defense attorney may nevertheless choose to challenge the facts as they are stated in the study if they seem incorrect, or may question the conclusions of experts contained within the report. (See CEB § 147.) The controlling standard as to other evidence is that it be relevant and material to the issue of the proper disposition to be made of the minor. Further, the minor, parent or guardian must be afforded an opportunity to have evidence presented in their behalf relating to the disposition. (Cf. *In re Mikkelsen* (1964) 226 Cal.App.2d 467, 471.)

Rule 1377. Judgment and orders of the court

(a) [Judgment of court (§§ 360, 360)] Following receipt and consideration of the evidence concerning the proper disposition of the case, the court may enter judgment as follows:

(1) The court may set aside the jurisdictional findings and dismiss the petition if it finds that the interests of justice and the welfare of the minor require a dismissal, or if it finds that the minor is not in need of treatment, rehabilitation, or protective care. The specific reasons for the dismissal shall be set forth in an order entered upon the minutes; or

(2) The court may order and adjudge the minor to be a dependent child of the court.

(b) [Limitations on parental control (§§ 361, 362; see also § 727; *In re B.C.* (1974) 11 Cal.3d.679)] If the minor is adjudged a dependent child of the court, the court may limit the control to be exercised over the minor by any parent or guardian and shall by its order clearly and specifically set forth all of those limitations. If the court orders that a parent or guardian retain physical custody of the minor subject to the supervision of the probation officer or social worker, the parent or guardian may, and in section 300(d) cases shall, be ordered to participate in a counseling program. The court may direct any and all other reasonable orders to any parent or guardian of the minor as the court deems necessary and proper to carry out the provisions of this subdivision and subdivision (c). No dependent child shall be taken from the physical custody of a parent or

guardian unless the court finds one of the following:

(1) That the parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training, and education for the minor; or

(2) That continued custody by the parent or guardian would be detrimental to the minor and the welfare of the minor requires that custody be taken from the parent or guardian.

(c) [Permissible disposition orders (§ 362)] When a minor is adjudged a dependent child of the court, the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the minor, including medical treatment, subject to the further order of the court. The court may order the care, custody, control and conduct of the minor to be under the supervision of the probation officer or social worker or may commit the minor to the care, custody and control of any person or organization enumerated in section 362.

(d) [Required disposition order—2d § 300(d); finding (§ 364)] If the minor was previously found to be a person described by section 300(d) and the court ordered that a parent or guardian retain physical custody of the minor subject to supervision of the probation officer or social worker, and if the court again finds, due to subsequent acts or circumstances, that the minor is a person described by section 300(d), the court shall remove the minor from the care, custody and control of the parent or guardian and shall commit the minor to the care, custody and control of a person or organization enumerated in section 362.

(e) [Advice of appeal rights] If the minor was found to be a person described by section 300 after a contested jurisdiction hearing, the court, after making its disposition order, shall advise the minor, if of sufficient age and understanding, and the parent or guardian of:

(1) The right of the minor and parent or guardian to appeal from the court's judgment;

(2) The necessary steps and time for taking an appeal;

(3) The right of an indigent appellant to have counsel appointed by the reviewing court; and

(4) The right of an indigent appellant to be provided a free copy of the transcript.

If the minor is not present in court, notice of these rights shall be given to the minor in writing.

(f) [Continuance for annual review (§ 366)] At the conclusion of any disposition hearing or any subsequent hearing at which an order is made adjudging the minor a dependent child, except a hearing at which jurisdiction is ordered terminated, the court shall continue the hearing to a specific future date not more than one year after the date of the order. The court shall advise the minor, if of sufficient age and understanding, and the parent or guardian, if present, of the date of the future hearing and all of their following rights:

- (1) To be present at the continued hearing;
- (2) To be represented by counsel at the hearing and, where applicable, of the right to appointed counsel; and
- (3) To show cause, if there be cause, why the jurisdiction of the court over the minor should be terminated.

(g) [15-day reviews (§ 367(b))] Whenever a minor is detained pending the execution of the disposition order, the court shall review the case at least every 15 calendar days to determine whether the delay is reasonable. During each review the court shall inquire regarding the action taken by the probation or welfare department to carry out the court's order, the reasons for the delay, and the effect of the delay upon the minor.

(h) [Periodic reports (§ 365)] The court may require the probation officer, social worker, or any other agency to render such additional periodic reports concerning any minor committed to its care, custody and control under section 362(c) or (d) as the court may deem necessary or desirable.

Sources: Welf. & Inst. Code §§ 360, 361, 362, 364, 365, 367, 390; see also § 727
Cf. Civ. Code § 4600. *In re B.G.* (1974) 11 Cal.3d 679

References: CEB §§ 143-146, 149, 191, 192, 193
Deskbook §§ 9.20, 9.23, 9.24, see generally §§ 9.25-9.30, 9.32, 9.33, 9.35
Witkin §§ 331, 334, 336, 337
Governor's Commission, pp. 30-31

Advisory Committee Comment:

The first sentence of subdivision (a) (1), relating to dismissals of the petition, is based on section 390. Prior to the enactment of that statute in 1971, judges had relied solely upon their inherent authority to dismiss cases. (See *In re W.R.W.* (1971) 17 Cal.App.3d 1029, 1037.) (For a discussion of when a dismissal might be appropriate in a dependency proceeding, see Deskbook § 9.25.) Subdivision (a) (2) is based on section 360.

Subdivision (b), relating to limitations on parental control over the minor, is based upon former section 726(a) and (c) (now section 361(a) and (b), respectively), as modified by *In re B.G.* (1974) 11 Cal.3d 679, 696, n. 25. In that case, the Supreme Court stated:

"The language of section 726 [and new section 361] should be interpreted in *pari materia* with the requirement of [Civil Code] section 4600 that in any proceeding in which custody is at issue, an award to a nonparent against a parent claim requires a finding of detriment. Under this interpretation, subdivisions (a) and (b) of section 726 [as well as new section 361 (a)] present specific instances of detriment justifying an award of custody to a nonparent; the term 'welfare of the minor' in subdivision (c) [new section 361 (b)] encompasses a requirement that an

award of custody to the nonparent rests upon a finding that parental custody would be detrimental." (Bracketed language added.)

The second sentence in subdivision (b) of this rule, relating to a family counseling program, is based on the last paragraph in section 362(1).

Subdivision (c), relating to the permissible disposition orders, is based upon section 362. (For a thorough discussion of the appropriateness of the many possible dispositional alternatives, see Deskbook, §§ 9.25-9.32; see also CEB §§ 143-146, Appendix A, at pp. 193-194; Witkin §§ 331, 336-337. For procedures necessary before making an order relating to medical treatment, see Welf. & Inst. Code § 369.)

Subdivision (d), relating to the disposition on a second section 300(d) finding, is based on section 364.

Subdivision (e), relating to the advice of appeal rights, is based on California Rule of Court 251. It is recommended that rule 251 be repealed by the Judicial Council at the time these rules become effective, and that this provision be adopted within the context of the juvenile court rules.

Subdivision (f), relating to the continuance for annual review, is based on section 366.

Subdivision (g), relating to 15-day reviews, is based on section 367(b).

Subdivision (h), relating to periodic reports, is based on section 365.

Rule 1378. Annual review

(a) [Requirement for annual review (§ 366)] Any matter previously continued under rule 1377(f) shall be set for hearing, and the hearing commenced, within one year after the date of any order adjudging a minor to be a dependent child under section 300 or after any subsequent hearing in which such an order is made. At this hearing, the court shall review the progress of the matter during the preceding year and decide whether the jurisdiction of the court over the minor is to be continued or terminated.

(b) [Notice of hearing; service; contents (§ 366)] Not earlier than 30 calendar days preceding the date to which the hearing was continued under rule 1377(f), the petitioner shall give written notice of the hearing to all persons required to receive notice of the original proceeding under rule 1309(d) and to counsel of record. The notice of hearing shall be served either by personal service or certified mail addressed to the last known address of the person to be notified. The notice shall contain the information required by rule 1309(c), and include a statement that the minor and the parent or guardian have a right:

- (1) To be present at the annual review hearing;
- (2) To be represented by counsel at the hearing and, where applicable, of the right to and the procedure for obtaining appointed counsel; and
- (3) To show cause, if any, why the jurisdiction of the court over the minor should be terminated.

(c) [Supplemental report] Prior to the hearing, the petitioner shall make an investigation, file a supplemental report, and make a recommen-

ation for disposition. If the recommendation is to continue the minor in placement outside of the home, the petitioner shall include in the report an evaluation why the previous plan for reuniting the family has not been successful and recommend a further plan for reuniting the minor with the family. If the minor has been in placement outside of the home for two or more consecutive years, the report shall indicate whether any action is planned to declare the minor free from the custody and control of the parents as provided by the general law.

(d) [Burden to show cause] At an annual review hearing, the burden is on the parent or guardian to show cause why the jurisdiction of the court over the minor should be terminated.

(e) [Conduct of hearing; alternative dispositions] Except as provided in subdivision (d), rules 1376 (relating to the general conduct of the disposition hearing) and 1377 (relating to the judgments and orders in section 300 disposition hearings) shall also apply at the annual review hearing. At the conclusion of the hearing, unless the court orders the termination of its jurisdiction over the minor, the court shall again continue the hearing to a specific future date not more than one year after the date of the order.

Source: Welf. & Inst. Code § 366

References: CEB §§ 145, 160, 193
Deskbook §§ 9.33-9.42; see also §§ 7.13, 8.33, 8.34, 9.23
Witkin § 349
Governor's Commission, pp. 31-32

Advisory Committee Comment:

In its recommendations leading to the enactment of the juvenile court law in 1961, the Governor's Commission expressed its concerns relating to the then-existing practice of placing neglected children in foster homes without appropriate efforts being made to reconstruct the family:

"To reduce this practice, the Commission proposes an annual juvenile court rehearing at which the need for continued wardship [sic] will be determined. If the circumstances giving rise to the original petition have not been altered perceptibly, court wardship can be retained. On the other hand, if, at an earlier date, family rehabilitation has been achieved, wardship should manifestly be terminated before the one year expires." (Governor's Commission, p. 32.)

Section 366 [formerly section 729] relating to the annual review was enacted to carry out this objective.

Subdivision (a) is based on the first and second sentences of section 366 and on the above statement by the Governor's Commission as to the statutory purpose of that section.

Subdivision (b), relating to the notice of hearing, is based on the third and fourth sentences of section 366, with the additional requirement that the advice given at the conclusion of the hearing one year previous-

ly also be included in the notice of hearing.

Subdivision (c), relating to the probation officer's report, is based on the second sentence in section 366. The second sentence, requiring a recommended plan for reuniting the family, is similar to the comparable provision in rule 1376(b). Further, if the minor has been in placement outside of the home for two or more consecutive years, the report should indicate whether any action is planned to declare the minor free from the custody and control of the parents under general law. (See *e.g.*, Civ. Code § 232.7.)

Subdivision (d), relating to the burden of proof, is based on *In re Robinson* (1970) 8 Cal.App.3d 783. Language to the contrary in *In re Neal D.* (1972) 23 Cal.App.3d 1045 was subsequently disapproved in *In re B.G.* (1974) 11 Cal.3d 679. (See Deskbook, § 9.37.)

Section 366 gives virtually no guidance as to the conduct and procedures used at the annual review hearing. Subdivision (e), in incorporating by reference rules 1376 and 1377, provides that the general conduct of the annual review hearing and the possible dispositions shall be the same as at a section 300 disposition hearing. (See generally, Deskbook, §§ 9.36, 9.38, 9.39, 9.41.) Concerning the practice in some courts wherein a minor six years old or over may be required to be present in court so the minor's views regarding placement may be obtained, see the comment to rule 1311(b)(1).

CHAPTER 9. INTERCOUNTY TRANSFERS

Rule 1381. Transfer-out hearing

(a) [Determination of residence—special rule on intercounty transfers (§ 375, 750)] For purposes of rules 1381 and 1382, the residence of the minor shall be the residence of the person who has or would have the legal right to custody of the minor in the absence of any juvenile court order.

(b) [Transfer to county of minor's residence (§§ 375, 750)] After making its jurisdictional findings, the court may order the case transferred to the juvenile court of the county of the residence of the minor if:

(1) The petition was filed in a county other than that of the residence of the minor; or

(2) The residence of the minor was changed to another county after the petition was filed.

If the court decides to transfer the case, it shall order the transfer prior to the commencement of the disposition hearing and without adjudging the minor to be a ward or dependent child.

(c) [Transfer on subsequent change in minor's residence (§§ 375, 750)]

If, after the minor has been placed under a program of supervision, the residence of the minor is changed to another county, the court may, upon an application for modification under rule 1393, order the entire case transferred to the juvenile court of that county.

(d) [Transfer-out hearing—advice to minor, parent or guardian] At the beginning of the transfer-out hearing, the court shall inform the minor and the parent or guardian, if present, of:

(1) The purpose and scope of the hearing;

(2) The reasons why a transfer is being sought; and

(3) The right of the minor and the parent or guardian to be represented by counsel at the hearing and, where applicable, of the right to appointed counsel, subject to a claim by the county for reimbursement as provided by law.

(e) [Conduct of hearing] The court shall then inquire into the facts relating to the residency of the minor and determine whether transfer of the case would be in the minor's best interest. The court shall also inquire into the ability of the minor, parent, or guardian to reimburse the county for all or part of the expenses of transfer as, in the opinion of the court, is proper.

(f) [Order of transfer (§§ 377, 752)] The order of transfer shall:

(1) Recite, or incorporate by reference to the papers transmitted under subdivision (g), each of the findings, orders and modifications of orders made in the case;

(2) Include the name and residence address of the parent or guardian;

(3) Order the case transferred; and

(4) Order the minor transported to the county of residence for the further hearing. If the minor is not in custody, the court shall order the parent, guardian or other appropriate person to provide transportation. If the minor is ordered transported in custody, the court shall order the probation officer, sheriff, or other peace officer of the transferring court to transport the minor to the receiving county as soon as possible, but in any event within seven calendar days.

(g) [Transmittal of papers (§§ 377, 752)] The clerk of the transferring court shall immediately transmit to the receiving court all papers contained in the files, retaining a certified copy of the jurisdictional findings and the order of transfer.

(h) [Appeal of transfer order; assumption of jurisdiction by receiving court (§§ 379, 754)] The county to which the case is transferred shall take jurisdiction of the case upon the receipt and filing with it of the order of transfer. The order of transfer may be appealed by either county.

Sources: Welf. & Inst. Code §§ 375, 377, 379, 750, 752, 754;
In re Schmidt (1968) 268 Cal.App.2d 137;
Lassen County v. Superior Court (1958) 158 Cal.App.2d
 74;
County of Los Angeles v. Superior Court (1933) 128 Cal.
 App. 522

References: CEB §§ 27-30
 Deskbook §§ 2.5, 8.37-8.42, 9.45
 Witkin § 255

Advisory Committee Comment:

Subdivision (a) restates the substance of a 1968 amendment to Welfare and Institutions Code section 750, intended to offset the decision in *In re Grimmer* (1968) 259 Cal.App.2d 816 which had held that the legal residence of the minor was that of the county which had made the minor a ward or dependent child. For purposes of intercounty transfers, the 1968 amendment provides that the residence of the minor is to be determined by the residence of the person who would be legally entitled to the custody of the minor, in the absence of an order issued pursuant to the juvenile court law. (See also Welf. & Inst. Code § 375.) (Compare general rule of residency in section 17.1; rule 1306(b).) For a discussion concerning the confusion arising from the 1968 amendment, see Deskbook, section 8.39.

Subdivisions (b) and (c) summarize the basic rules regarding the transfer of cases between counties. (See Welf. & Inst. Code §§ 375, 750.) Transfer may be ordered at any time after the court in which the petition is filed determines that it has jurisdiction over the minor. Transfer is generally ordered when: (1) the minor is a resident of a county other than that in which the petition is filed; (2) the minor's residence is changed to another county after the petition is filed but before completion of the proceedings;

or (3) the minor has been under juvenile court supervision in one county and the legal residence of the minor is changed to another county. Transfer of the case in any of these circumstances is not required, however, and in some circumstances may be contrary to the minor's best interest. (See CEB § 28; Deskbook, §§ 2.4, 8.39.)

Subdivision (b) provides that in the first two examples above, a case may be ordered transferred after the jurisdiction hearing but prior to the disposition hearing and without adjudging the minor a ward or a dependent child. Usually, the petitioner has asserted the minor's residency in the petition or the probation officer notes it in the probation report and requests that the case be transferred on completion of the jurisdiction hearing. It is normally desirable that the disposition hearing be held in the county of residency, as that county would be charged with supervision of the minor. In some circumstances, however, casework considerations and the best interests of the minor may dictate the retention of the case in the original county.

Subdivision (c) provides that in the third situation described above, when there is a change of residence after the minor has been placed under a program of supervision within a county, the case may be ordered transferred upon an application for modification under rule 1393.

Subdivision (d) describes the matters concerning which the minor and the parent or guardian should be informed at the beginning of the transfer-out hearing. (See Deskbook, § 8.40.)

Subdivision (e) describes the matters to be decided at the transfer-out hearing. (See Deskbook, § 8.40.)

Subdivision (f) restates the first sentence of sections 377 and 752, but clarifies that the required recitation of "each and all of the findings, orders, or modification of orders that have been made in the case" may be accomplished by incorporating by reference papers required to be transmitted to the receiving court under subdivision (g). Subdivision (f) provides further that the order of transfer should state the circumstances under which the minor is to be transported to the receiving county. A period not to exceed seven calendar days is authorized within which time the necessary paperwork should be accomplished and the minor transported to the receiving county.

Subdivision (g), relating to the transmittal of papers, generally restates the second and third sentences of sections 377 and 752.

Subdivision (h), relating to appealability of transfer orders by either county, summarizes the substance of sections 379 and 754. It also restates the last clause in sections 375 and 750 and court decisions that orders of transfer can be attacked only by an appeal from the order making the determination of residency of the minor and transferring the case. (*In re Schmidt* (1968) 268 Cal.App.2d 137; *Lassen County v. Superior Court* (1958) 158 Cal.App.2d 74; *County of Los Angeles v. Superior Court* (1933) 128 Cal.App. 522.)

Rule 1382. Transfer-in hearing

(a) [Procedure on transfer (§§ 378, 753)] Upon receipt and filing of

an order of transfer, the receiving court shall take jurisdiction of the case. The clerk shall immediately place the transfer order on the court calendar, to be heard by the court within two judicial days following the filing of the order if the minor is detained in custody and within five judicial days following the filing of the order if the minor is not detained in custody. The clerk shall immediately cause notice to be given to the minor and the parent or guardian, either orally or in writing, of the time and place of the transfer-in hearing.

(b) [Conduct of hearing] At the transfer-in hearing, the court shall:

(1) Advise the minor and the parent or guardian of the purpose and scope of the hearing;

(2) Provide for the appointment of counsel if appropriate; and

(3) If the minor was transferred to the county in custody, determine whether the minor shall be further detained pursuant to rule 1321 (g) or 1331 (f).

(c) [Subsequent proceedings] The receiving court shall thereafter conduct the proceedings in the same manner as if the case had originated in that county and the proceedings shall commence at the same phase as when the case was transferred. The court may continue the hearing for purposes of an investigation and report, to a date not to exceed 10 judicial days if the minor is in custody or 30 calendar days if the minor is not detained in custody.

(d) [Limitation on more restrictive custody (cf. §§ 387, 777)] If a disposition order has already been made in the transferring county, a more restrictive level of physical custody shall not be ordered in the receiving county except after a hearing upon a supplemental petition under rule 1392.

(e) [Transfer-in hearing as annual report (cf. § 366)] When an order of transfer is received and filed relating to a minor who has been adjudged a dependent child, the matter shall be calendared and noticed both as a transfer-in hearing and an annual review under rule 1378.

Sources: Welf. & Inst. Code §§ 375, 378, 750, 753

References: CEB §§ 28-29
Deskbook §§ 9.42-9.47; see also §§ 8.38-8.39
Within § 255

Advisory Committee Comment:

Subdivision (a) relating to the procedure on transfer, is based upon sections 378 and 753, but expressly provides that the transfer-in hearing shall be held within two judicial days following the filing of the order if the minor is detained in custody, or within five judicial days if the minor is not detained in custody. Oral or written notice of the time and place of the hearing must be given the minor and parent or guardian. It is recognized that in some counties, the current practice is to delay this initial

hearing for up to 10 days until a supplementary probation report can be prepared within the county. It would seem that if the minor is detained in custody, this is too long and if the minor is not in custody, there may be a need to appoint counsel at an early date.

Thus, the transfer-in hearing is intended to function as a detention and/or arraignment-type proceeding in the receiving county during which the proceedings are explained, counsel may be appointed and detention is reconsidered (see subdivision (b)). The matter may then be continued to a future date as prescribed in the rule, during which time the probation officer can make the necessary investigation relating to disposition.

Subdivision (c) provides that the proceedings shall commence at the same phase as when the case was transferred, and otherwise be conducted as if the case had originated in the receiving court. Normally, the transferred case will commence in that court with a disposition hearing, based either on an original petition without any prior disposition order, or upon an application brought to modify the program of supervision in light of the minor's change in residence.

Subdivision (d) provides that if a more restrictive level of physical custody of the minor is sought than previously existed in the original county, a hearing must be held upon a supplemental petition filed under rule 1392.

Subdivision (e), which provides that a transferred matter relating to a dependent child should also be calendared and noticed as an annual review, is based upon a calendaring technique suggested at section 9.42 of the Deskbook. Section 366 requires that all dependency matters be reviewed within one year of the previous order. Although no appellate decision has held that failure to review the matter within that time causes the court to lose jurisdiction, most juvenile court judges feel that it does. If the one-year period is inadvertently allowed to expire without an annual review, a new petition to establish jurisdiction would be necessary. To avoid the possibility of inadvertently losing jurisdiction, the rule provides that the transfer-in hearing should also be calendared and noticed as an annual review. This will then establish a new date in the receiving county for purposes of scheduling future annual reviews. (For procedures at an annual review, see rule 1378.)

Rule 1383. Courtesy supervision

[Courtesy supervision (§ 380, 755)] Any minor placed on probation or adjudged to be a ward or dependent child of the juvenile court may be ordered by the court to live in any other county and be placed under the supervision of the probation officer of the other county, with that probation officer's consent. The court in the county ordering placement shall nevertheless retain jurisdiction over the minor.

Source: Welf. & Inst. Code §§ 380, 755

References: Deskbook § 9.11
Witkin § 259

Advisory Committee Comment:

This rule generally restates sections 380 and 755, which recognize the practice of courtesy supervision. Under this practice, the original court retains jurisdiction over the minor, but supervision over the minor is exercised by the probation officer in another county. A common situation where this may occur is when the minor goes to live with a relative in another county.

For placements with an out-of-state relative, see the Interstate Compact on Juveniles (Welf. & Inst. Code §§ 1300, et seq.)

CHAPTER 10. MODIFICATIONS; APPEALS

PART I. MODIFICATION OF JUVENILE COURT
ORDERS AND JUDGMENTS*Rule 1391. General provisions*

(a) [General authority of court (§§ 385, 775)] Subject to the procedural requirements prescribed by this chapter, any order made by the court may at any time be changed, modified, or set aside, as the court in its discretion considers proper.

(b) [Supplemental petition (§§ 387, 777)] A supplemental petition shall be used whenever the petitioner concludes that a previous disposition has not been effective in the rehabilitation or protection of a minor adjudged to be a ward or dependent child of the court and seeks a more restrictive level of physical custody. For purposes of this chapter, a more restrictive level of physical custody shall be considered to be, in ascending order, as follows:

- (1) Placement in the home of the person entitled to legal custody;
- (2) Placement in the home of a relative or friend;
- (3) Placement in a foster home;
- (4) Commitment to a private institution;
- (5) Commitment to a county institution;
- (6) Commitment to the Youth Authority.

(c) [Application for modification hearing (§§ 388, 778)] An application for modification hearing shall be used whenever there is a change of circumstances or new evidence which may require the court to:

- (1) Change, modify, or set aside any order previously made which would not result in a more restrictive level of physical custody of the minor; or
- (2) Terminate the jurisdiction of the court over the minor.

An application for modification hearing may be filed by the probation officer or social worker, any parent or guardian, the minor, the attorney for the minor, or any other person having an interest in a minor who is a ward or dependent child of the juvenile court.

(d) [Clerical errors] Clerical errors in judgments, orders, or other parts of the record may be corrected by the court at any time on the court's own motion or on motion of any party and may be entered nunc pro tunc.

Sources: Welf. & Inst. Code §§ 385, 387, 388, 775, 777, 778
Gravert v. DeLuse (1970) 6 Cal.App.3d 576
In re Schultz (1929) 99 Cal.App. 134

References: CEB §§ 158, 193
 Deskbook §§ 11.1, 11.3, 11.7, 11.11
 Witkin §§ 344, 345, 346

Advisory Committee Comment:

Subdivision (a), based on sections 385 and 775, restates the general rule that any juvenile court order may at any time be changed, modified, or set aside as the court in its discretion considers proper, subject to the procedural requirements prescribed by this chapter of the rules. Sections 385-388 and 775-778 are confusing and give inadequate guidance as to when it is appropriate to use either a supplemental petition or an application for modification hearing to change, modify, or set aside a previous juvenile court order. Further, the statutes are silent as to the nature of hearing required for each. (See *In re Francis W.* (1974) 42 Cal.App.3d 892, 897; Deskbook §§ 11.1, 11.6.) Subdivisions (b) and (c) of this rule describe the purposes of a supplemental petition and an application for modification. Rules 1392 and 1393 prescribe the procedural requirements for each. These rules relate only to the general modification provisions in the juvenile court law which are regularly employed in the juvenile court. (For modification of orders relating to Youth Authority commitments and the sealing of juvenile court records, see Welf. & Inst. Code §§ 779-781.)

Subdivision (b), based on sections 387 and 777, prescribes when a supplemental petition must be used as a means to change or modify a previous juvenile court order. A supplemental petition shall be used by the petitioner whenever a previous disposition has not been effective in the rehabilitation or protection of a ward or dependent child and a substantially more restrictive level of custody is being sought. Based upon the first paragraph of sections 387 and 777, the subdivision sets forth what constitutes "a more restrictive level of physical custody." (For the procedures when using a supplemental petition, see rule 1392.)

Subdivision (c), based on sections 388 and 778, provides that an application for modification hearing should be used whenever there is a change of circumstance or new evidence and the level of physical custody being sought is not more restrictive than that previously ordered by the court. Although the statute is oriented towards applications filed by a parent, guardian, minor or other person having an interest in the minor, the rule expressly provides that this procedure is also available to the probation officer or social worker. The procedures are less formal than those required for a supplemental petition. (See rule 1393.)

Subdivision (d) restates the inherent power of the juvenile court to correct clerical errors in its own judgments, orders, or other parts of the record. (*Gravert v. DeLuse* (1970) 6 Cal.App.3d 576, 581; *In re Schultz* (1929) 99 Cal.App. 134, 136; cf. Code Civ. Proc. § 473; see generally, 4 Witkin, Cal. Procedure (2d ed. 1971) Judgment §§ 60-63, pp. 3222-3225.)

Rule 1392. Hearing on supplemental petition

(a) [Contents of supplemental petition (§§ 387(a), 777(a))] The supplemental petition shall be verified and contain the information required to be in an original petition by paragraphs (1), (2), (3), (4), (5) and (7) of rule 1309(a). It shall contain a concise statement of facts sufficient to

support the conclusion that the previous disposition has not been effective in the rehabilitation or protection of the minor. The supplemental petition shall be filed in the original action in which the minor was found to be a ward or dependent child of the juvenile court.

(b) [Setting of hearing; notice of hearing (§§ 336, 389(b), 776, 777(b))]

Immediately upon the filing of a supplemental petition, the clerk shall set it to be heard, and the hearing shall be commenced, within the time limits prescribed for jurisdiction hearings on original petitions under rule 1351 or 1361, as appropriate. The petitioner shall cause notice of the hearing to be served upon the persons and in the manner prescribed by subdivisions (c) through (i) of rule 1309.

(c) [Detention hearing (§§ 387(c), 777(c))] No minor may be ordered detained pending a hearing on a supplemental petition unless a detention hearing is conducted pursuant to Chapter 4 (commencing with rule 1321) of these rules.

(d) [Requirement for bifurcated hearing] The hearing on a supplemental petition shall be conducted as follows:

(1) The procedures relating to jurisdiction hearings prescribed in Chapter 7 (commencing with rule 1351) shall apply to the determination of the allegations of the supplemental petition. At the conclusion of the hearing on the supplemental petition, the court shall make findings that:

(a) the factual allegations of the supplemental petition are, or are not true; and (b) the allegation that the previous disposition has not been effective in the rehabilitation or protection of the minor is, or is not, true.

(2) The procedures relating to disposition hearings prescribed in Chapter 8 (commencing with rule 1371) shall apply to the determination of disposition on a supplemental petition.

Sources: Welf. & Inst. Code §§ 387, 777; see also §§ 332, 335, 336, 337, 380, 356, 658, 659, 660, 776
In re Arthur N. (1976) 16 Cal.3d 226
In re Francis W. (1974) 42 Cal.App.3d 892

References: CEB Supp. § 158
 Deskbook §§ 11.1, 11.3, 11.4, 11.5, 11.6,
 11.7, 11.8, 11.9, 11.10
 Witkin § 346

Advisory Committee Comment:

Subdivision (a) sets forth the contents required to be in a supplemental petition. In large part, the informational contents should be the same as in an original petition (see rule 1309(a)). In addition, the subdivision provides that the supplemental petition shall be filed in the original action and shall contain a concise statement of facts sufficient to support the

conclusion that the previous disposition has not been effective in the rehabilitation or protection of the minor. (Sections 387(a), 777(a).) It should be noted that the statutory term "previous disposition" does not refer merely to a previous order of disposition. The intent of the statute is to require the activation of a program of treatment or placement and a showing that it was ineffective to rehabilitate or protect the minor as conditions precedent to an order changing the previous order pursuant to a supplemental petition. Further, the ineffectiveness of the previous order must be for reasons attributable to the minor. (See *In re William S.* (1970) 10 Cal.App.3d 944, 950-951.)

Subdivision (b), relating to the setting of hearing and notice of hearing, is based on sections 386, 387(b), 776 and 777(b), and incorporates by reference those rules relating to similar procedures applicable at the time of the original petition. It should be noted that sections 387(b) and 777(b) refer only to a 30-calendar day limit within which time the hearing must be set. But as indicated by sections 387(c) and 777(c), a minor may be placed in detention pending hearing on a supplemental petition. Therefore by cross-referring to rules 1351 and 1361, subdivision (b) incorporates the 15-judicial day time limits applicable whenever a minor is detained in custody (see, e.g., rule 1351(b)). Further, the hearing on the supplemental petition must not only be set, but must actually commence, within the applicable time limit. Notice is to be served on all persons entitled to notice under rule 1309 which includes, among others, all persons entitled to notice under sections 386 and 776.

Subdivision (c), relating to orders of detention pending hearing on the supplemental petition, is based on sections 387(c) and 777(c).

The statutory law is silent on the nature of the hearing on a supplemental petition. (See *In re Francis W.* (1974) 42 Cal.App.3d 892; Deskbook, § 11.6.) In accord with the practice in most counties (see, *id.*, at 898, n. 1), and as now required in certain instances by case law (see *In re Arthur N.* (1976) 16 Cal.3d 226), subdivision (d) prescribes that a two-part hearing be held on the supplemental petition, analogous to the jurisdiction and disposition hearings held on the original petition. This is required by judicial decision in those cases where the supplementary petition charges new and different criminal acts not included in the original petition (*In re Arthur N., supra; In re Francis W., supra*). This rule would extend "the same panoply of . . . protections" to all hearings on supplemental petitions. Thus, for example, the requirements relating to the appointment of counsel (rules 1352(c), 1362(c), 1381(c), 1386(c)), the rules of evidence (rules 1355(c), 1365(c), 1381(d), 1386(d)) and the burden of proof (rules 1355(b), 1365(b); see also *In re Arthur N., supra*) are made applicable to hearings on a supplemental petition. Further, as is true in relation to an original petition (see rules 1354(b)(c)(d), 1364(b)(c)(d)), the allegations of a supplemental petition may be freely and voluntarily admitted, in which event the court may proceed immediately to the disposition phase of the proceedings.

Rule 1393. Application for modification

(a) [Contents of application (§§ 388, 778)] An application for modification shall be liberally construed in favor of its sufficiency. The application shall be verified and shall contain all of the following:

- (1) The name of the court to which the application is addressed;
- (2) The title and action number of the original proceeding;
- (3) The name, age, and address, if any, of the minor upon whose behalf the application is brought;
- (4) The name and residence address, if known, of the parent or guardian or, whenever appropriate under circumstances described in rule 1309(a)(5), of an adult relative of the minor;
- (5) The date and general nature of the order sought to be changed, modified or set aside;
- (6) A concise statement as to any change of circumstance or new evidence which is alleged to require the change of order or termination of jurisdiction.
- (7) A concise statement as to the change of order or termination of jurisdiction proposed;
- (8) A statement as to the applicant's relationship or interest in the minor, if the application is made by a person other than the minor.

(b) [Denial of hearing] If the application fails to set forth any change of circumstances or new evidence which might require a change of order or termination of jurisdiction, the court may deny the application *ex parte*.

(c) [Grounds for grant of application (§§ 388, 778)] If the application sets forth a change of circumstance or new evidence and it appears that the best interest of the minor may be promoted by the proposed change of order or termination of jurisdiction, the court may grant the application after following the procedures set forth below.

(d) [Hearing on application] If it appears that the requested modification will be contested or if the court desires to receive further evidence on the issue, the court shall order that a hearing on the application for modification be held. The matter shall be set for hearing, and the hearing shall commence, within 30 calendar days after the filing of the application.

(e) [Notice of application and hearing (§§ 386, 776)] The clerk shall cause notice of the application and hearing to be given to the minor, the parent or guardian, the prosecuting attorney, probation officer or social worker, and counsel of record, if any. Except as provided in section 779 (relating to wards committed to the Youth Authority), the court shall specify the means, form, and time of notice of hearing most appropriate under the circumstances.

(f) [Detention hearing] If the minor is temporarily placed in a secure facility pending a change in placement, the minor, unless sooner released, shall be brought before the juvenile court for a detention hearing, as provided in rules 1321(g) and 1331(f).

(g) [Conduct of hearing] If the change of circumstance or new evi-

dence relates to the jurisdiction portion of the previous hearing, the procedures relating to jurisdiction hearings prescribed in Chapter 7 (commencing with rule 1351) shall apply to the determination of that issue. In all other cases, the procedures relating to disposition hearings prescribed in Chapter 8 (commencing with rule 1371) shall apply.

(h) [Uncontested applications] If any application for modification is agreed to by all parties entitled to notice under subdivision (b) and their counsel, if any, the court may in its discretion change, modify, or set aside a previous order or terminate the jurisdiction of the court without formal notice or a hearing.

Sources: Welf. & Inst. Code §§ 385, 386, 388, 775, 776, 778
In re Corey (1964) 230 Cal.App.2d 813

References: CEB § 158
 Deskbook §§ 11.1, 11.11, 11.13, 11.14, 11.15
 Witkin §§ 344, 345

Advisory Committee Comment:

Subdivision (a) sets forth the contents required to be in an application for modification. In addition to informational items, the application should include a concise statement as to any change of circumstance or new evidence which is alleged to require the change or order or termination of jurisdiction, a description of the requested change of order or termination of jurisdiction, and a statement as to the applicant's relationship or interest in the minor if it is made by a person other than the minor. (See sections 388 and 778.)

Subdivision (b) states the basis on which the court may deny the application for hearing.

Subdivision (c), stating the circumstances under which a hearing or an application for modification may be granted, is based on the second paragraph of sections 388 and 778. It further provides that if a hearing on an application for modification is granted, the hearing shall be held within 30 days of the filing of the application.

Subdivision (d) provides that if a requested modification will be contested or if the court desires to receive further evidence on the issue, a hearing shall be set and commenced within 30 calendar days of the application.

Subdivision (e), relating to notice of the application, is based on sections 386 and 776.

Subdivision (f), relating to detention hearings, incorporates the procedures in rules 1321(g) and 1331(f).

Subdivision (g) provides that unless a jurisdictional issue is sought to be relitigated, the procedures relating to disposition hearings ordinarily would apply to a hearing on an application for modification. (See Deskbook, § 11.14.)

In many instances, a proposed modification is agreed to by all parties concerned. Under these circumstances, subdivision (h) provides that the right to a hearing under sections 388 and 778 may be waived by the parties

and the court, in its discretion, may grant the requested relief. The juvenile court, however, bears ultimate responsibility for minors brought under its jurisdiction. For this reason, the determination to actually dispense with the hearing is left to the discretion of the court.

PART II. APPEALS

Rule 1396. Review by appeal

(a) [Right to appeal—§§ 601–602 proceedings] In proceedings under section 601 or 602, the minor may appeal from any judgment, order or decree specified in section 800. The parent or guardian may appeal from any judgment, order or decree specified in section 800 in which the minor is removed from the physical custody of the parent or guardian. The minor and parent or guardian are entitled to representation by counsel on appeal and, if indigent, may have counsel appointed by the reviewing court. In the absence of an actual conflict of interest, it is presumed that one attorney may represent the interests of both the minor and the parent or guardian.

(b) [Right to appeal—§ 300 proceedings] In proceedings under section 300, the petitioner, minor, and the parent or guardian may appeal from any judgment, order or decree specified in section 395. All appellants are entitled to representation by counsel and, if indigent, the minor and parent or guardian may have counsel appointed by the reviewing court. In the absence of an actual conflict of interest, it is presumed that counsel for the petitioner will represent the interests of the minor on appeal.

(c) [Stay of execution of order or judgment (§§ 395, 800)] No stay of an order or judgment may be granted pending an appeal unless suitable provision is made for the maintenance, care, and custody of the minor, and approved by an order of the juvenile court.

Sources: Welf. & Inst. Code §§ 395, 800
In re Corey (1964) 230 Cal.App.2d 813

Reference: Witkin § 353

Advisory Committee Comment:

Appealable judgments in juvenile court proceedings are those specified in sections 395 and 800. (See *In re Corey* (1964) 230 Cal.App.2d 813, 821 (§ 800 takes precedence over predecessor to Code Civ. Proc. § 904.1).) In this regard it should be noted that although section 800 purports to make appealable a "judgment or decree of a juvenile court . . . assuming jurisdiction and declaring any person to be a person described" in either section 300, 601, or 602, the court's determination of the jurisdictional facts actually is an intermediate order and not one which is separately appealable. (Judicial Council of Cal., 19th Biennial Rep. (1963) Administration of Justice Under the Juvenile Court Law, Pt. I, Ch. 16, p. 63, at pp. 65, 68.)

Instead, review of the jurisdiction order is by appeal from the final judgment entered at the end of the disposition hearing (*id.* at pp. 85-86; *In re Melvin S.* (1976) 59 Cal. App.3d 898, 900-901; *In re Conley* (1966) 244 Cal.App.2d 755, 760).

Subdivision (a) lists those persons who may appeal in a section 601 or 602 proceeding. The minor may appeal from any judgment, order or decree specified in section 800 and the parent or guardian may appeal from any such judgment, order or decree in which the minor is removed from the physical custody of the parent or guardian. The right of the parent or guardian to appeal in these cases has not previously been expressly recognized, but it would seem that any time a parent or guardian is deprived of the physical custody of a minor, that right should exist. Cf. *Cleaver v. Wilcox* (9th Cir. 1974) 499 F.2d 940. At the same time, however, the rule presumes that one attorney ordinarily may represent both the minor and the parent or guardian, absent an actual conflict of interest.

Subdivision (b) recognizes the right of the petitioner, minor, and the parent or guardian to appeal in a section 300 proceeding. The minor and parent or guardian may have counsel appointed for them (*In re Simeth* (1974) 40 Cal.App.3d 982), but unless there exists an actual conflict of interest, counsel for the petitioner is presumed able to represent the interests of the minor on appeal.

Subdivision (c), relating to stays of execution of an order or judgment, is based on sections 395 and 800.

For the procedures relating to the filing of a notice of appeal and other matters governing appeals from the juvenile court, see rule 39.

Rule 39. Juvenile appeals

(a) [General provision] The rules governing appeals from the superior court in criminal cases are applicable to all appeals from the juvenile court except where otherwise expressly provided by this rule, or where the application of a particular rule would be clearly impracticable or inappropriate. This rule does not apply to any action or proceeding heard by a traffic hearing officer, nor to any rehearing or appeal from a denial of a rehearing following an order by a traffic hearing officer.

(b) [Notice of appeal; time for filing] In the cases provided by law, an appeal from the juvenile court is taken by filing with the clerk of that court a written notice of appeal within 60 days after the rendition of the judgment or the making of the order or, in matters heard by a referee, within 60 days after the order of the referee becomes final under rule 1318(c). When an application for a judicial rehearing of a referee order is made and denied under rule 1319, the notice of appeal shall be filed within 60 days after service of the referee's order in accordance with rule 1317(b) (3), or within 30 days after the entry of the order denying the application, whichever time is greater. When a notice of appeal is received, the clerk shall proceed in accordance with rule 31.

(c) [Contents of record on appeal—normal record] The record on appeal shall include the following (which shall constitute the normal record):

(1) A clerk's transcript, containing copies of:

(a) the notice of appeal and any order made pursuant thereto; (b) the petition and any notice of hearing addressed to the minor, the parent, or guardian; (c) any application or motion for rehearing; (d) all minutes of the court relating to the action; (e) the findings of the juvenile court that the minor is within its jurisdiction; (f) the judgment or order appealed from.

(2) A reporter's transcript of the oral proceedings taken at the jurisdiction and disposition hearing, but excluding opening statements and oral arguments.

(3) To be transmitted as originals upon request by the reviewing court as provided in rule 10: any exhibit admitted in evidence or rejected.

If the appeal is taken from any subsequent order under section 395 or 800, the record on appeal shall include only those portions of the clerk's transcript, reporter's transcript and exhibits as are incident to the order appealed from.

(d) [Request for additional record] Either party may request the inclusion in the record of any of the following:

(1) In the clerk's transcript:

(a) written motions made or notices of motion given by either side, and affidavits filed in support of or in opposition to a motion for rehearing or any other motion; (b) any written opinion of the juvenile court;

(c) any probation officer's or social worker's report relating to the action.

(2) In the reporter's transcript:

(a) proceedings on any prehearing motions; (b) opening statements; (c) oral arguments to the court; (d) any oral opinion of the juvenile court.

(3) To be transmitted as originals: any exhibits admitted in evidence or rejected that have not been requested by the reviewing court under subdivision (c) (3).

If a party desires any additional record he shall file with the notice of appeal or as soon thereafter as is practicable an application describing the material desired and the points on which appellant intends to rely which make its inclusion appropriate. The court shall act on the application in accordance with rule 33(b).

(e) [Priority of juvenile appeals] An appeal from the juvenile court shall have precedence over all other cases.

Source: Welf. & Inst. Code §§ 395, 800

References: See, Cal. Rules of Court, rules 30-38

Advisory Committee Comment:

Neither the statutes nor the California Rules of Court presently provide guidance as to the handling of juvenile court matters on appeal. As a result, practices vary from county to county and from one appellate district to another. In most jurisdictions, the clerk's offices have applied the rules governing civil appeals to dependency proceedings and have attempted to apply the rules governing criminal appeals to section 602 cases, at least insofar as the costs and preparation of transcripts and the appointment of counsel are concerned. In section 601 proceedings, there has been a wide disparity of practices.

Subdivision (a) provides generally that the rules governing appeals from the superior court in criminal cases (Cal. Rules of Court, rules 30-38) apply to all appeals from the juvenile court. This would include appeals from section 300 dependency proceedings as well as section 601 or 602 proceedings. Although proceedings in juvenile court are not criminal proceedings (Welf. & Inst. Code § 203 but "essentially civil" (*In re Dennis M.* (1969) 70 Cal.2d 444, 462), the application of the general rules relating to criminal appeals to all juvenile appeals would better enable the appellate courts to implement the legislative policy that juvenile court matters be handled expeditiously at the appellate as well as at the trial court level (see Welf. & Inst. Code §§ 395, 800; cf. *Joe Z. v. Superior Court* (1970) 3 Cal.3d 797, 801). The general criminal rules would not apply, however, where express provision is made to the contrary in this rule (see, e.g., subd. (b), (c), (d)) or where the application of a particular rule would be clearly impracticable or inappropriate (see, e.g., rule 32(b); *In re William M.*

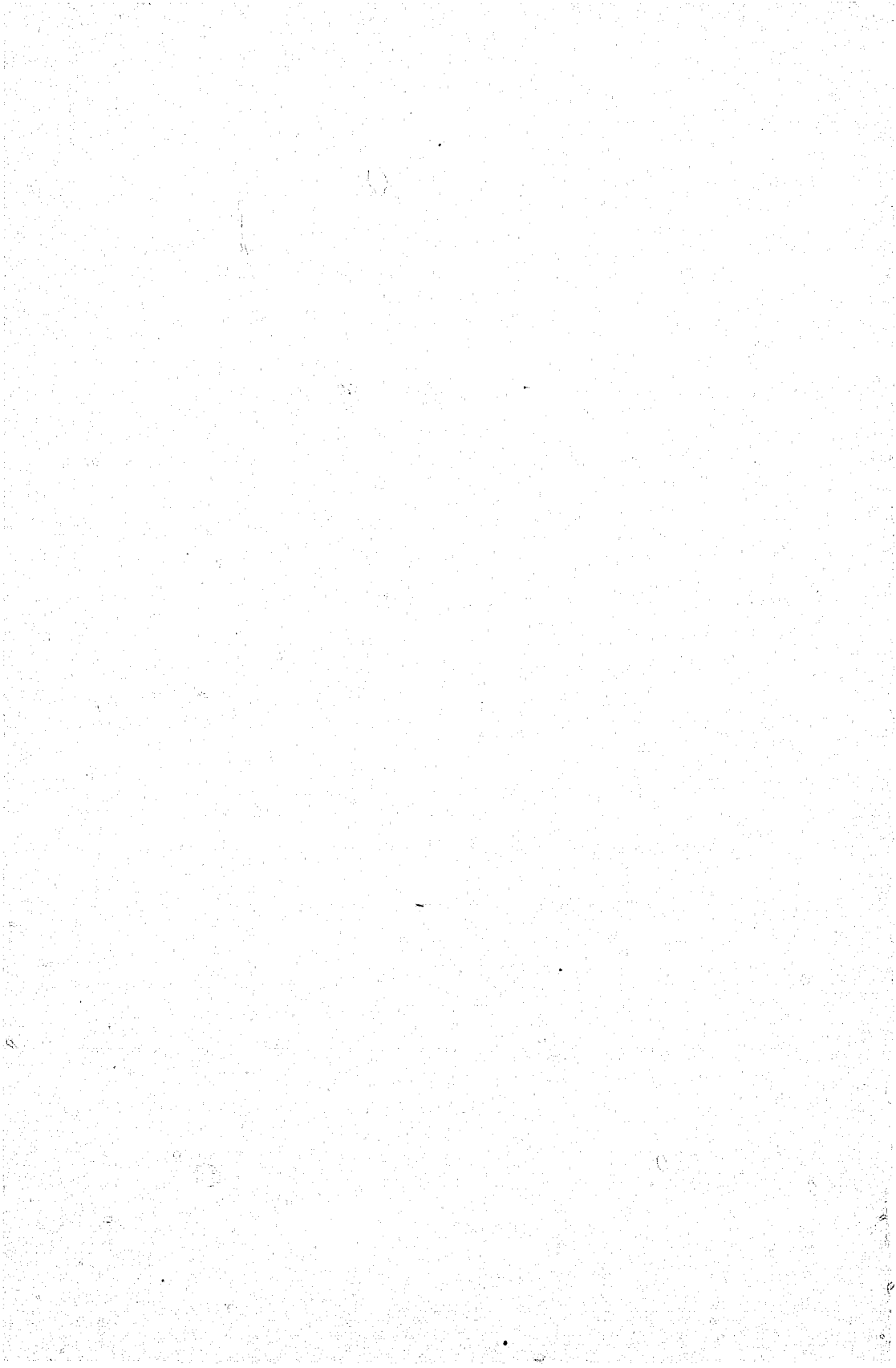
(1970) 3 Cal.3d 16, 26, n. 17 (right to bail not recognized in juvenile cases)).

Subdivision (b), relating to the time for filing the notice of appeal, is based upon rules 3(b) and 31(a). If the trial proceedings are conducted by the juvenile court judge or, if the judge has conducted a hearing de novo following an initial hearing before the referee, the notice of appeal must be filed within 60 days after the rendition of the judgment or the making of the order by the judge. (See rule 31(a)); see also *In re Sarah L.* (1974) 43 Cal.App.3d 88 (judicial granting of rehearing under Welf. & Inst. Code § 559 not appealable.) In the case of appealable matters heard by a referee (see Welf. & Inst. Code §§ 395, 800), the notice of appeal must be filed within 60 days after the referee's order becomes final under rule 1318(c). A special provision allowing an extended time for filing the notice of appeal applies whenever an application for rehearing of a referee order is made and denied under rule 1319. As an order denying a rehearing is not ordinarily considered appealable (*In re Joe R.* (1970) 12 Cal.App.3d 80; but see *In re Edgar M.* (1975) 14 Cal.3d 727, 740), the order entered by the referee is usually viewed as being appealable. (See Judicial Council of California, Nineteenth Biennial Report (1963) Administration of Justice Under the Juvenile Court Law, Pt. I, Ch. 16, p. 63, at p. 83.) The rehearing application procedure, however, could consume at least 45 of the 60 days within which the notice of appeal from the referee's order must be filed. (See rule 1319(c).) For this reason, subdivision (b) provides that the time for filing the notice of appeal in these cases shall be 60 days after the service of the referee's order or 30 days after the entry of the juvenile court judge's order denying the application for rehearing, whichever time is greater. (Cf. rule 3(b).)

Subdivision (c) prescribes what is to be included in a normal record on appeal. It is analogous to rules 33(a) and 34.

Subdivision (d) lists those matters which the parties may request to be included in the record on appeal.

Subdivision (e), relating to the priority of juvenile appeals, is based on sections 395 and 800.



CHAPTER 2

REORGANIZATION OF THE JUSTICE COURT SYSTEM

When the Supreme Court in August 1974 held in *Gordon v. Justice Court*¹ that defendants charged with crimes carrying possible jail sentences have a right to an attorney judge, the justice court system did not have the capability to implement the decision. At that time 127 nonattorney judges presided over single-judge justice courts. These courts were widely scattered and many were in counties without municipal courts or attorney-judge justice courts. This chapter describes the measures taken in implementation of the *Gordon* decision and the reorganization of the justice court system to provide attorney judges for all courts,² reduce the number of justice courts from 213 to 111, eliminate the jurisdictional and procedural distinctions between municipal and justice courts, make assignment compensation more equitable, and begin state participation in payment of the salaries of justice court judges. It also recommends legislation needed to conform existing statutory provisions with the foregoing changes.

The contingency plan³

On the date the *Gordon* decision was filed only 17 days remained in the legislative session for a legislative solution to the administrative problems created by the decision. A special Judicial Council committee convened and proposed legislation to create "standby circuit justice court judges" to fill the void created by *Gordon*. The legislation was passed and signed into law on September 27, 1974, as Chapter 1493 of the Statutes of 1974.

The 1974 standby legislation was designed to create two classes of temporary circuit justice court judgeships: one to be created by upgrading incumbent lawyer justice court judgeships to full-time judicial offices; the other to be created by adding full-time lawyer judges to several existing lay judge districts.⁴ Each of the newly-created judgeships was to become operative only after a finding of necessity by the Judicial Council, and thereafter the position was to be filled by gubernatorial appointment for a term expiring in January 1977. Each of the incumbent lawyer justice court judges who was selected for the program was required to cease the practice of law and become a full-time circuit rider and had to be certified as acceptable for that purpose by the Chief Justice of California, acting as Chairman of the Judicial Council.⁵ The circuit judges were to be paid a salary of \$30,000 a year by the counties with reimbursement being made to the counties from state appropriations to the Judicial Council.⁶ The

¹ 12 Cal.3d 323 (1974).

² As of January 3, 1977, only three justice courts will have nonattorney judges and their terms expire in January 1979. Every county will have at least one attorney justice court judge or municipal court judge.

³ A full report of the measures taken to implement the *Gordon* decision up to January 1976 will be found in 1976 Judicial Council Report, pp. 78-82.

⁴ Gov. Code §§ 71700 and 71702.

⁵ The legislation created 22 new judgeships but placed no limit on the number of incumbent judges to be upgraded. The legislative appropriation of \$910,000 was designed to fund 22 new judgeships and 30 upgraded judgeships for six months at \$30,000 per year (see § 2 of Ch. 1493).

⁶ Gov. Code § 71702(b).

Legislature also specified that only attorneys could be appointed to justice court judgeships after January 6, 1975.⁷

The regular six-year justice court terms in California were to expire on January 2, 1977, and the 22 new terms were also made terminable on that date; Chapter 1493 thus was designed only as an interim solution for a judicial crisis. The legislation had no effect on those justice court judges who were not certified as circuit riders by the Chief Justice and did not affect judicial districting or staffing.

Implementation

The legislation enacted to meet the potential impact of the *Gordon* decision thus provided up to 52 full-time justice court judges. The actual number that would be needed, however, was not known since the extent that defendants, or attorneys in their behalf, would exercise their *Gordon* rights could not be accurately forecast.

In order to insure that the administration of justice would continue in an orderly manner and without undue delay, it was decided that initially 30 circuit justice court judges should be designated. It was also decided to certify 30 incumbent judges and not create the additional judgeships permitted by statute until the extent of the need was more accurately determined by experience.

On April 1, 1975, the first attorney justice court judge was certified by the Chief Justice as a full-time circuit justice court judge, and by the end of June all 30 had been certified. The state was divided into assignment areas composed of one or more counties, and each circuit justice court judge was given specific responsibility for the justice courts in his assignment area. In addition, the circuit judges were to accept assignments to courts in other areas as need arose and they were available.

Operation

The availability of full-time circuit justice court judges has proved of inestimable value to the judicial system throughout the state. While there have been many waivers of *Gordon* rights, the availability of circuit judges has served to deter any possible disruption of the criminal justice system. Overall, circuit justice court judges devoted approximately 80 percent of their time to justice courts, including their own, while giving 20 percent of their collective time to municipal courts.

The circuit justice court judges have developed into a corps of very experienced, capable judges, sitting in courts of various sizes and with varying procedures throughout the state. Their unique experience will be of continued value to the judicial system. The circuit judge program, in addition to serving as an interim solution to the *Gordon* decision for which it was designed, has demonstrated the value of having full-time, qualified and experienced judges available to serve the court system on assignment wherever they are needed.

⁷Gov. Code § 71701.

Planning for permanent organization

The interim statute directed the Judicial Council to prepare a report by June 1, 1975, for the permanent organization of the justice courts.⁸ That report was prepared by the Judicial Council's Court Management Committee, operating on the following principles:

1. All justice courts should be merged into existing municipal courts or, in counties with no existing municipal court, into a countywide court.⁹
2. There should be an equalization of municipal and justice court jurisdiction, judicial qualifications, manner of selection of judges and judicial salary.
3. The experience of existing justice court personnel should be utilized by providing succession rights to positions in the reorganized courts.
4. The state should pay the salaries of all municipal and justice court judges.

The committee recommended a right of succession to judicial office for all justice court judges who were attorneys,¹⁰ under the age of 70 at the time of succession,¹¹ and who had taken the oath of office as a judge prior to January 1, 1975. Open elections for judicial positions would have been postponed until 1978.¹²

The committee's report was released and distributed for comment and about 70 responses were received. The point of greatest controversy, other than the basic concept of reorganization, was the postponing of elections for two years. The bill introduced to carry out the Council's recommendations passed the Assembly and was approved by the Senate Judiciary Committee, but it failed by one vote in the Senate Finance Committee on September 8, 1975,¹³ largely because of an intensive lobbying effort by the nonattorney justice court judges.¹⁴

The Council's legislative proposal having failed, the 1974 interim statute was the only means available for continuing the operation of the California justice courts. That statute, however, was to expire January 3, 1977, and new six-year justice court terms of office were to commence on that date for judges elected to office in 1976.

Consolidation efforts

Since state-level action to reduce the number of justice court districts prior to the 1976 elections was no longer feasible, the Council's attention turned to the encouragement of local efforts to reorganize the justice courts. At a conference called for that purpose in December 1975, the 30 circuit justice court judges were asked for their recommendations for local action. As a result of those discussions it was decided to pursue local

⁸ Gov. Code § 71703.

⁹ This court would be a municipal court if the county had a population in excess of 40,000 and a justice court if the population was 40,000 or less. Cal. Const., Art. VI, § 5. The committee's plan did not provide for any constitutional change in the structure of the justice courts. This policy would have eliminated 80 justice courts in 15 counties by merger into existing municipal courts, would have eliminated 63 justice courts in 12 counties by merger into new municipal courts, and would have eliminated 31 justice courts in 14 counties by merger into countywide justice courts.

¹⁰ For succession to a municipal court judgeship the judge would have to be an attorney for five years.

¹¹ This requirement was deleted from the measure in the Legislature.

¹² With three exceptions all justice court judge terms expire on January 2, 1977 and elections would normally have been held in 1976 for new six-year terms.

¹³ AB 1414 of the 1975-76 California State Legislature introduced April 3, 1975. See 1976 Judicial Council Report, pp. 16, 27-31.

¹⁴ At that point there was a possibility that nonattorney justice court judges might be ruled eligible to run for reelection in 1976.

reorganization by urging the consolidation of justice courts in each county by action of the board of supervisors.¹⁵

Many counties were reluctant to consolidate justice courts because of the unsettling effect consolidation might have on impending 1976 elections. The Administrative Office of the Courts had concluded, for example, that February 26, 1976 was the last practical date for the formation of new justice court districts prior to the 1976 elections. While the Attorney General had been asked for his opinion on this question, it was felt that the counties should be notified immediately that consolidation action had to be commenced promptly if the February cut-off date were to be met.¹⁶ Accordingly, a memorandum was sent to each county setting forth the Administrative Office's views on the time limits for consolidation.¹⁷

In the six weeks that followed, 18 counties adopted ordinances consolidating 96 justice court districts into 38 districts that included 6 county-wide justice courts.¹⁸ Several other counties considered consolidation but did not act on it.¹⁹ The consolidations generally became operative at the end of the current judges' terms. The 213 justice courts existing at the time of the *Gordon* decision were thus reduced to 111, including 12 countywide justice courts, as of January 3, 1977.

Operating problems and legislative solutions

Concurrent with the local consolidation effort, an Advisory Committee on Justice Court Organization was appointed by Chief Justice Donald R. Wright to seek solutions to the three major operating problems certain to face the justice court system in 1977:²⁰

(1) *The need for assignable judges.* Because over 90 percent of all assistance to justice courts and nearly 75 percent of all assistance to municipal courts comes from justice court judges, the availability of these judges for assignment²¹ is critical. Yet the demands of a part-time law practice on a justice court judge's time, and the inequities in assignment pay when a justice court judge was assigned to another justice court²² made the availability of sufficient judges for assignment doubtful.

(2) *The problems created by a part-time private law practice.*²³

(3) *The jurisdictional and procedural differences between justice and municipal courts.*

¹⁵ While the Legislature has constitutional authority to form judicial districts, Cal. Const., Art. VI, § 5, it has chosen to delegate this power generally to the county boards of supervisors. Gov. Code § 71040.

¹⁶ A county ordinance must be passed 30 days before it is effective (Gov. Code § 25123), and publication of notice of hearing on court consolidation is required 15 days before the hearing. Gov. Code § 71042.

¹⁷ The AOC view was supported by the Attorney General's Indexed Letter issued six days later (Opinion No. CV75-3231L, dated December 23, 1975). The Attorney General also ruled that incumbent lay justice court judges were not eligible under the law to run for reelection. 58 Ops. Cal. Atty. Gen. 880 (1975).

¹⁸ These consolidations were aided by the dedicated efforts of two members of the AOC staff: Mr. Bern Jacobson, who serves as Circuit Justice Court Coordinator, and Mr. Michael A. Fischer, Senior Attorney.

¹⁹ In some of the counties the factor that prevented consolidation was continued uncertainty over the right of lay incumbent judges to seek reelection. The opinion of the Attorney General, *supra*, n. 18, while entitled to great weight, was not binding on the courts. *Edgar v. Oakland Museum Advisory Commission* (1973) 36 Cal. App. 3d 73. In addition, constitutional objections were expected to be raised. The first of a series of actions was filed on February 2, 1976, and on March 8, 1976, the California Supreme Court decided the issue adversely to the lay judges. *Eu v. Chacon* (1976) 16 Cal. 3d 465.

²⁰ The committee also considered an interim one-year solution to justice court problems if a comprehensive court unification bill were to be enacted to take effect on the projected date of January 1, 1978. As in 1970, 1972 and 1974, also general election years in which constitutional amendments were offered, the 1976 Legislature had before it a comprehensive plan for trial court reorganization. (See 1976 Judicial Council Report, pp. 13-26.) The plan was incorporated in a constitutional amendment and bill submitted by the Legislature's Joint Committee on the Structure of the Judiciary. These measures, Senate Constitutional Amendment No. 48 (Song) and Senate Bill No. 1500 (Song) of the 1975-76 session, were introduced January 18, 1976, but failed in the Senate Finance Committee on May 17.

²¹ Cal. Const., Art. VI, § 6.

²² Gov. Code § 68840.7 provided that a justice court judge assigned to a justice court in his own county, if the salary of the other court's judge is not greater than his own, received no other compensation for the assignment. A judge assigned to a justice court in another county received both his own salary and that of a judge of the court to which he was assigned up to a maximum of a municipal court judge's salary. Gov. Code § 68841(c).

²³ The only prohibition on law practice specifically applicable to justice court judges is that neither they nor their partners may practice in a justice court within the county of the judge's residence. Gov. Code § 68063.

On March 26, 1976, the Judicial Council adopted the following recommendations of the advisory committee:

- (1) The state should continue the funding of 15 state-paid, full-time circuit justice court judges;
- (2) The state should provide for more equitable compensation for a justice court judge sitting on assignment in another justice court;
- (3) The jurisdictional and procedural differences between justice and municipal courts should be eliminated.

Legislation to enact the first two proposals was amended into an existing bill on April 22,²⁴ while the third proposal was amended into another existing bill on April 29.²⁵ The first measure passed the Legislature on August 19 and was signed by the Governor on September 29,²⁶ while the second measure passed the Legislature on August 31 and was signed by the Governor on September 27.²⁷ Both bills are effective January 1, 1977.

As a result of these measures, the jurisdiction of justice and municipal courts has been equalized, and for the first time state government is sharing in the operating costs of the justice court system. These statutes guarantee full-time, legally-trained judicial officers in at least 15 California justice courts, and they make these circuit judges and other lawyer justice court judges available for assignment.

This legislation is the first successful lower court reorganization effort since the early 1950's when a constitutional change reorganized six different kinds of lower courts numbering over 760 into municipal and justice courts operating in 400 districts.²⁸ With the substantial increase in the number of full-time courts and judges, and participation by the state in funding the system, California's lower court system should be more effective and its administration should be significantly improved.

Justice court rules

Elimination of the jurisdictional and procedural differences between municipal and justice courts²⁹ necessitated changes in the California Rules of Court to conform the procedure in justice courts to that of municipal courts. These changes were made by the Council at its November 1976 meeting, to be effective January 1, 1977.

New Rule 701 makes applicable to justice courts all California Rules of Court applicable to municipal courts. This includes rules relating to form of pleadings, motions for a new trial or to vacate judgment, preliminary injunctions and receivers, and findings of fact and conclusions of law, even though the Legislature did not expressly repeal certain statutes that in the past have preserved procedural distinctions between the municipal and justice courts with regard to these matters.³⁰ The Judicial Council recom-

²⁴ SB 1848 of the 1975-76 California State Legislature. The proposal was amended into an existing bill because constitutional and joint legislative rule requirements imposed a March 15 deadline upon the introduction of new measures.

²⁵ AB 4072 of the 1975-76 California State Legislature.

²⁶ Stats. 1976, Ch. 1355.

²⁷ Stats. 1976, Ch. 1288.

²⁸ By January 3, 1977 California will have 111 justice courts, only three of which will still have lay judges serving out their elective terms.

²⁹ Stats. 1976, Ch. 1288.

³⁰ These statutes provide that pleadings in justice courts are not required to be in any particular form (Code Civ. Proc. § 422.20(b); see Rules 501, 505); motions for new trial or to vacate a judgment are not permitted in justice courts (Code Civ. Proc. § 655; see Rules 503(b), 524); and findings of fact and conclusions of law are not allowed in justice courts (Code Civ. Proc. § 632(2); see Rule 520). Code Civ. Proc. § 500 states: "Except as otherwise expressly provided, the provisional remedies . . . injunction and receivers, may not be had in justice courts." New Section 86, added by Chapter 1288 of the 1976 Statutes expressly gives justice courts power to issue temporary restraining orders and preliminary injunctions, to appoint receivers, and to impose liability based upon equitable principles. See Rules 525-528.

mends that the Legislature expressly repeal these provisions or amend them to conform to the intent of Chapter 1288.³¹

New Rule 299 provides that any action properly pending in the superior court before January 1, 1977 which would be within the jurisdiction of the justice court if commenced after January 1, 1977 shall continue in the superior court until final determination.³²

New Rule 702 requires justice court judges, while in open court, to wear judicial robes.³³

New Rule 790 defines exchange assignments within the meaning of Section 68541 of the Government Code as amended effective January 1, 1977. That section governs the compensation of a justice court judge sitting on assignment.

Numerous conforming amendments were required to the rules on transfer of municipal and justice court appeals and the rules on appeal to the superior court.³⁴

Conclusion

Since August 1974, a major lower court reorganization, the first in 25 years, has been accomplished in California. The workloads of the part-time courts have been increased, the justice courts will all be staffed by law-trained judges,³⁵ assignment pay has become more equitable, and the state has begun to participate in payment of justice court judges' salaries. The procedural and jurisdictional distinctions between municipal and justice courts have been eliminated, and the number of lower court judicial districts has been substantially reduced.

Recommendations

The Judicial Council recommends that the Legislature enact clarifying amendments to eliminate the provisions impliedly repealed by Chapter 1288 of the 1976 Statutes,³⁶ and to conform various provisions of the Government Code,³⁷ Penal Code,³⁸ Public Resources Code,³⁹ Vehicle Code,⁴⁰ Health and Safety Code,⁴¹ Business and Professions Code,⁴² Welfare and Institutions Code⁴³ and Code of Civil Procedure⁴⁴ to the changes made by Chapter 1288.

³¹ It appears from an overall examination of Chapter 1288 that the Legislature intended by that act to eliminate all jurisdictional and procedural distinctions between the municipal and justice courts. The Judicial Council, therefore, is of the view that the unrepealed provisions of the prior law relating to form of pleadings, certain motions, and findings of fact and conclusions of law should be considered repealed by implication. See 1 Sutherland, *Statutory Construction* 460-66 (3d ed. 1943); 45 Cal.Jur.2d, Statutes § 77; *People v. Kuhn* (1963) 216 Cal.App.2d 695, 700-01.

³² This rule restates the principle of continuing jurisdiction. (See, 1 Witkin, *Cal. Procedure* (2d ed. 1970) Jurisdiction, §§ 282-284, pp. 821-825.) At the time municipal court jurisdiction was enlarged to include subject matter of actions pending in superior court, it was held that transfer of such cases to municipal court was improper unless the statute was specifically made retroactive. (*Dillon v. Superior Court* (1950) 98 Cal.App.2d 437, 438-439.)

³³ See Gov. Code § 68110; Rule 534(e).

³⁴ Rules 61(b), 62(b), 63(a), 66, 121(a), 130, 134, 136(b), 143(a), 144(a) and (e), 151, 152, 153, 154, 155, 157(a) and (c), and 190.

³⁵ Three nonattorney judges, whose terms did not expire on January 2, 1977, may continue until the 1978 elections. Their terms expire in January 1979, and one county plans to consolidate its two justice courts into a countywide court at that time.

³⁶ See discussion at footnotes 31-32, *supra*.

³⁷ §§ 1458, 24150, 24051, 24055, 27531, 26824-25, 26833, 26837, 29605, 68070-72, 68096, 68105, 68110, 68210, 71007, 71097, 71264, 71605, 71609-10, 71614-16, 71618, 71660-63, 71664-65, 71665.5, 71666-82, 72003-04, 72050, 72050.5, 72050.7, 75081-82, 72083-86, 72084-86, 72085.1, 72087-82, 72085-86, 72068, 72073, 72110-11, 72194-98, 72230-32, 72300, 72301-03, 72308.

³⁸ §§ 94.3, 97, 325, 12696, 1281a, 1426a, 1431-32.1, 1469, 1995.

³⁹ §§ 5560.

⁴⁰ §§ 1802, 1805.

⁴¹ § 7301.

⁴² §§ 6301, 6301.5, 6322-23.

⁴³ § 5225.

⁴⁴ §§ 170, 196, 203, 203.1, 230-33, 248, 250, 264, 274c, 402-03, 422.20, 446, 472, 500, 571, 575, 581d, 594, 605, 628, 632, 639, 655, 664, 664.5, 667a, 668, 670, 675, 681a, 1033 1/2, 1034, 1052, 1052.5, 1134-35, 1218.

PART TWO

**ANNUAL REPORT OF THE ADMINISTRATIVE
OFFICE OF THE CALIFORNIA COURTS**

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ADMINISTRATIVE OFFICE REPORT

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CHAPTER 1

GENERAL

A. DIRECTOR'S REPORT

The Judicial Council's recommendations and actions, which are described in the preceding section of this report, represent only a small proportion of the work undertaken by the Council. Many other significant activities were carried on by the Council and its committees and staff, some of which are summarized in this section.

Workshops

During the past year, the Judicial Council organized and presented six management workshops for judges and court personnel. Five workshops were funded under a federal grant from the California Council on Criminal Justice and one was funded by a grant from the Office of Traffic Safety. The workshops were devoted to the current management needs of the following groups of court personnel: Presiding Judges of Superior Courts; Presiding Judges of Municipal Courts; Judges of the Smaller Superior Courts (Cow Counties); Superior Court Administrators; Traffic Commissioners and Referees; and Appellate Research Attorneys. In chronological order these workshops were held as follows:

1. Workshop for Appellate Research Attorneys—January 23–24, 1976
2. Workshop for Superior Court Presiding Judges—March 12–13, 1976
3. Workshop for Municipal Court Presiding Judges—April 9–10, 1976
4. Workshop for Cow County Judges—May 21–22, 1976
5. Workshop for Superior Court Administrators—May 26, 1976
6. Workshop for Traffic Commissioners and Referees—October 29–30, 1976

The two presiding judges' workshops featured discussions of major administrative problem areas. The two-day program for presiding judges of superior courts brought together 31 presiding and assistant presiding judges from the state's largest superior courts. The participants discussed the duties of the presiding judge, effective use of staff, calendar management, court organization and the effective use of judicial manpower, change of venue in criminal cases, and settlement conferences and arbitration.

The Workshop for Municipal Court Presiding Judges was a two-day session attended by 30 presiding judges, again from the largest municipal courts in the state. The presiding judges' principal responsibilities covered in the program included the duties of the presiding judge, court management and use of staff, effective principles and practices in calendar management, traffic caseload administration, intergovernmental relations and a description of various Judicial Council programs and services.

Small county superior court judges met for two days at a "cow county" workshop in the spring and participated in a program developed by an advisory committee of the Cow County Judges' Association. Included were discussions of problems in criminal procedures, calendar management procedures for the smaller courts, uniform juvenile court rules, arbitration, sentencing practices, and roundtable discussions on matters of concern to the smaller superior courts.

The 40 participants of the Workshop for Traffic Commissioners and Referees met for two days and discussed topics and materials developed by an advisory committee. The subject matter covered the goals and procedures for traffic court improvement, specific improvements in operating procedures and methods of measuring traffic court improvements.

For the first time, the Workshop for Superior Court Administrators was held in conjunction with the California Jury Commissioners/Court Administrators Association's convention. The one-day event directly involved over 15 superior court administrators and their assistants. Attendance, however, was open to all members of the Association. The materials and discussion centered on the following topics: legislation affecting the courts, jury utilization, relationship of the court executive officer and the chief administrative officer in funding and programming, settlement conferences, calendar management, and venue, coordination and arbitration.

Over 70 research attorneys from the California Courts of Appeal attended the Workshop for Appellate Research Attorneys. This gathering was the first statewide meeting ever held for appellate research attorneys. The basic format was the presentation of panel discussions which were then followed by small group discussions on each panel's topics. Subjects dealt with included the professional status of research attorneys, professional development—working for a court as a career, orientation and training for new research attorneys, and problems of legal writing.

Public Information Services

The information program operated by the Administrative Office of the Courts has provided the public with information about the courts and the administration of justice for more than a decade. The various materials are prepared by a Public Information Attorney and are primarily designed to provide the news media and public with timely and concise reports on the actions of the California Supreme Court and Judicial Council.

In 1976, the Administrative Office issued 212 news releases. Of these, 117 reported Supreme Court decisions or other actions, 52 listed the cases accepted for hearing by the Supreme Court (see *1974 Judicial Council Report*, p. 75), 33 concerned Judicial Council activities and 10 were related to other judicial matters, such as actions by the Commission on Judicial Appointments. Distribution of news releases is regularly made to the major metropolitan news media, the legal press, selected law schools and court personnel and agencies concerned with judicial administration. A news release may be distributed to the legal, statewide and national media, depending upon its nature and relative significance. Such distribu-

tion ranges from 25 to over 250 recipients. A summary of the cases accepted for hearing by the Supreme Court each week is generally limited to the legal press, since that material is subsequently included in the advance sheets to the Official California Reports.

These news releases generate both written and telephone inquiries concerning background data, related legal and judicial procedures, the relevance of the ruling or action to other state or federal decisions, statutes, etc., or the practical effect of the ruling or action. In addition, numerous inquiries are received from citizens, legislators, judges, administrators, court personnel and other agencies regarding individual cases and the function of the California court system.

A bimonthly newsletter is prepared for judges, court personnel and others, including organizations interested in court administration. Distributed nationally, it reaches over 2,000 recipients. The *Newsletter* focuses on reporting Council actions, programs and publications and proposed and adopted rules, standards and forms. Also noted are judicial appointments, statistics, important legislation and key court rulings.

Judgeship Reports

As in previous years, the Judicial Council prepared statistical reports for the Legislature on the judgeship needs of courts seeking additional judgeships. In the 1976 session the Council prepared 33 such reports, 17 of which affected municipal courts and 16 of which applied to superior courts.¹

The Council utilized a weighted caseload system to measure judgeship needs, developed on the basis of time studies of various judicial proceedings.

B. SUMMARY OF 1976 LEGISLATIVE ACTION ON JUDICIAL COUNCIL RECOMMENDATIONS AND OTHER SELECTED LEGISLATIVE MEASURES

The Judicial Council recommended seven measures for enactment by the Legislature during the second year of the 1975-76 Regular Session. Of these seven measures, five received favorable action by the Legislature and the Governor; two measures concerning mandatory retirement for judges and appeals from superior court actions failed to pass the Legislature.

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 few of these other measures that were enacted into law in addition to reporting legislative action on measures sponsored by the Judicial Council. In the material that follows, the Judicial Council meas-

¹ The courts for which judgeship reports were prepared were: Superior courts: Counties of Alameda, Contra Costa, El Dorado, Fresno, Los Angeles, Marin, Monterey, Napa, Nevada, Orange, Sacramento, San Bernardino, San Diego, Santa Clara, Santa Cruz, Tulare, Ventura.

Municipal courts: Districts of Central Marin, Central Orange, Fremont-Newark-Union City, Los Angeles, Malibu, Monterey-Carmel, North Orange, Salinas, San Diego, San Jose-Milpitas, San Leandro-Hayward, South Bay (San Diego), Sonoma, South Orange, Stockton, Ventura County.

ures are summarized first; thereafter, a selected number of Senate and Assembly measures of particular interest to the judiciary are summarized chronologically in the order of their introduction, with Senate measures preceding Assembly measures. Unless indicated otherwise, all measures are effective January 1, 1977.

Senator Alfred H. Song and Assemblyman John Miller were the legislative members of the Judicial Council at the time these measures were introduced, and they were responsible for handling all of the measures sponsored by the Council.

1. JUDICIAL COUNCIL MEASURES

Mandatory Judicial Retirement

Senate Constitutional Amendment 52, introduced by Senator Song, together with a companion measure by the same author, Senate Bill 1849, would have effectuated a Judicial Council recommendation to provide for mandatory judicial retirement at age 70. The Judicial Council proposal as contained in these two measures would generally have provided prorated benefits to a judge compelled to retire at age 70 with less than the present minimum of 10 years' service as a judge. The proposal would have also allowed a judge who is over 70 when mandatorily retired to retire without the financial penalty presently imposed on a judge who retires after age 70. These measures passed the Senate Judiciary Committee and the Senate Finance Committee but failed of enactment on the Senate floor on a 15 to 18 vote.

Certified Shorthand Reporters

Senate Bill 1847, introduced by Senator Song, effectuates a Judicial Council recommendation designed to encourage the prompt preparation of transcripts in cases on appeal and in other proceedings. This measure amends Section 8025 of the Business and Professions Code to provide for suspension or revocation of a certified shorthand reporter's certificate for repeated unexcused failure, whether or not wilful, to transcribe notes of cases pending on appeal and to file the transcripts thereof within the time required by law or to transcribe or file notes of other proceedings within the time required by law or agreed to by contract. The measure was amended in the Assembly by adding the word "unexcused" to narrow the applicability of the new ground for discipline. The measure was enacted in this amended form.²

Justice Court Judge Compensation

Senate Bill 1848, introduced by Senator Song, effectuates a Judicial Council recommendation to provide funding to continue the existing circuit justice court judgeship program³ through June 30, 1977, at a reduced

² Stats. 1976, Ch. 814.

³ Stats. 1974, Ch. 1493.

staffing level. The measure also amends Section 63541 of the Government Code to provide that the assignment compensation of a justice court judge assigned to another justice court, except for exchange assignments, shall be the same as the per diem salary of a circuit justice court judge while sitting on assignment. Two Senate amendments were adopted to provide an appropriation and to clarify the meaning of the bill. The measure was enacted in its amended form.⁴

Municipal Court Consolidation

Assembly Bill 3657, introduced by Assemblyman Miller, effectuates the Judicial Council's recommendation to encourage local action to consolidate existing municipal court districts. This measure adds Sections 71083.1 and 71085.1 to the Government Code to provide that the number of authorized judges and staff for the consolidated court will be equal to the total combined number of judges and staff that were authorized for each of the component municipal courts. The measure was amended once in the Assembly and once in the Senate to clarify its meaning. The measure was enacted in this amended form.⁵

Superior Court Administrative Officers

Assembly Bill 4071, introduced by Assemblyman Miller, effectuates a Judicial Council recommendation to increase the utilization and effectiveness of superior court executive and administrative officers. The measure amends Section 69898 of the Government Code to effect these changes. First, the bill expands the general hiring authorization to any superior court of three or more judges, an expansion from the existing limitation of seven or more superior court judges. Secondly, the bill provides that any superior court administrative or executive officer hired pursuant to this section shall have the authority of a clerk of the superior court. Finally, the bill provides that any superior court having an executive or administrative officer may by local rule specify which of the duties and responsibilities performed by the county clerk in connection with judicial actions shall be performed by the superior court executive or administrative officer. The bill was amended once in the Assembly to clarify its meaning. The measure was enacted in this amended form.⁶

Jurisdiction of Justice Courts

Assembly Bill 4072, introduced by Assemblyman Miller, effectuates a recommendation of the Judicial Council to equalize the jurisdiction of justice and municipal courts, in recognition of the fact that most justice courts will be staffed with lawyer judges effective January 1, 1977. The bill therefore declares that the jurisdiction of municipal and justice courts are the same and concurrent and further establishes the same appellate procedures from decisions of justice courts as now apply to decisions of the

⁴ Stats. 1976, Ch. 1355.

⁵ Stats. 1976, Ch. 647.

⁶ Stats. 1976, Ch. 1353.

municipal courts. The bill was amended a number of times to incorporate technical changes. It was enacted in its amended form.⁷

2. OTHER MEASURES

Determinate Sentencing

Senate Bill 42, introduced by Senator Nejedly, contains a comprehensive, substantive reform of all of the criminal sanction provisions of the California codes to substitute for the indeterminate sentence law a determinate sentencing system where the judge selects a fixed term of imprisonment from three statutory choices. Those statutory choices range from a low of 16 months, two or three years, to a high of five, six or seven years except for certain specified life offenses for which an indeterminate system of punishment still remains. Pursuant to the provisions of this new law, the sentencing judge will no longer sentence to state prison for the term prescribed by law; rather, he will select one of the available alternatives specified for the felony offense involved. The bill provides various procedures to be followed by the trial judge in sentencing, including: stating reasons on the record for virtually all sentencing decisions; application of sentencing criteria adopted by the Judicial Council with respect to the granting or denying of probation; selection of the lower or upper prison term; and selection of the punishment enhancement provisions contained in the new law. The bill also generally provides that, in the absence of a waiver for good cause, all persons sentenced to state prison will be on parole for one year after the expiration of the prescribed sentence and that the time served in prison after parole revocation would be limited to six months or the end of the one-year period computed from the time parole began, whichever is sooner. The bill further substitutes for the existing Adult Authority a successor agency, the Community Release Board, which will function much as the existing Adult Authority does with respect to prisoners still sentenced indeterminately under the new law and provides additional new duties and responsibilities for the Community Release Board, including the review of all felony sentences by the California trial courts with recommendations that the court recall and recommit if the Board determines that the sentence is disparate. The bill was amended nine times and enacted as amended to become operative July 1, 1977.⁸

Forfeiture of Bail

Senate Bill 1597, introduced by Senator Rains, amends Section 1269b of the Penal Code to provide that the bail forfeiture procedures contained in Sections 1305 and 1306 of the Penal Code shall apply when bail is forfeited pursuant to Section 1269b. This amendment makes mandatory the forfeiture of bail pursuant to Section 1269b absent a showing that

⁷ Stats. 1976, Ch. 1298.

⁸ Stats. 1976, Ch. 1139.

sufficient cause exists for the nonappearance of the defendant. This measure was enacted without amendment.⁹

Marijuana Records

Assembly Bill 3050, introduced by Assemblyman Sieroty, amends Section 11361.5 and adds Section 11361.7 to the Health and Safety Code and adds Section 432.8 to the Labor Code relating to the destruction of marijuana records. Basically, the bill retains the two-year destruction provisions with respect to court records of misdemeanor marijuana convictions occurring on and after January 1, 1976. It does, however, exempt from these provisions written transcripts of oral testimony in court proceedings and published judicial appellate reports.

With respect to pre-1976 convictions for possession of marijuana, possession of marijuana paraphernalia and being in or about a place where marijuana is being unlawfully smoked or used, the bill changes the procedure for destruction from a procedure utilizing judicial supervision to a procedure where the person convicted or arrested makes a direct application to the Department of Justice and that Department directly performs the records destruction procedure. The bill provides a similar exemption for the pre-1976 destruction for written transcripts of oral testimony in court proceedings and published judicial appellate reports. The measure was amended five times and enacted as amended.¹⁰

Juvenile Court Law Revision

Assembly Bill 3121, introduced by Assemblyman Dixon, amends, adds and repeals various sections of the Code of Civil Procedure, the Penal Code and the Welfare and Institutions Code to substantially revise the juvenile court law as follows: (1) applies the Code of Civil Procedure Sections 170 and 170.6 disqualification procedures to juvenile court referees; (2) revises the statutory language regarding the qualification of referees; (3) generally prohibits the detention of Section 601 persons in any jail or lockup or juvenile hall facility and provides for their detention only in a sheltered care facility or crisis resolution home or in a nonsecure facility; (4) revises existing law to include violations of curfew ordinances based solely upon age within Section 601 rather than Section 602; (5) revises the current continued detention criteria of a minor for the protection of the person or property of another from "immediate and urgent necessity" to "reasonable necessity"; (6) provides for the release of a minor to home supervision in specified circumstances and requires the same legal protection for a minor in home supervision as a minor in secure detention including a detention hearing; (7) revises existing law regarding fitness hearings to create a presumption of unfitness where the person is 16 or 17 years old and is charged with specified felonies (e.g., murder, certain arsons, certain robberies, certain rapes, certain kidnappings, certain assaults and certain firearms charges); (8) provides that 602 wardship

⁹ Stats. 1976, Ch. 806.

¹⁰ Stats. 1976, Ch. 952.

proceedings are commenced by the prosecuting attorney rather than the probation officer; (9) revises certain aspects of informal supervision; (10) requires the prosecuting attorney to appear on behalf of the people in Section 602 cases; (11) clarifies the applicability of the laws of evidence in juvenile court proceedings; (12) specifies that the maximum period of physical confinement may be no longer than the maximum term which could be imposed upon an adult for the same offense; and (13) provides specific statutory authority for alternative dispositions of section 602 cases, including restitution, participation in uncompensated work programs, commitment to a shelter care facility and specified professional counseling for the ward and family as a condition of continued custody of the minor. Finally, the bill contains an uncodified statement of legislative intent that commencing January 1, 1979, at least one half of the judicial officers hearing and disposing of matters in the juvenile court be judges of the juvenile court. This measure was amended five times and enacted as amended.¹¹

Small Claims Court Pilot Projects

Assembly Bill 3606, introduced by Assemblyman Brown, adds Chapter 5-B (commencing with Section 118) to Title 1 of Part 1 of the Code of Civil Procedure to establish a two-year experimental program commencing July 1, 1977, in three small claims courts selected by the Judicial Council. The project courts are to file, hear and determine all matters pursuant to rules and forms adopted by the Judicial Council. The experimental projects are to test a variety of concepts including night and Saturday sessions, change of venue for substantial hardship, various types of litigant assistance, and the utilization of bilingual staff and courtroom interpreters. Data collection, recordkeeping and evaluation of the project and a final report to the Legislature are to be performed by the Department of Consumer Affairs with the assistance of an advisory committee. The measure is repealed effective June 30, 1979. The measure was amended six times and enacted as amended.¹²

Authority of Municipal Court Commissioners and Referees

Assembly Bill 3647, introduced by Assemblyman William Thomas, amends Section 72190 and 72401 of the Government Code to provide that both municipal court commissioners and referees may, at the direction of the judges, have the same jurisdiction and exercise the same powers and duties as the judges of the court with respect to any infraction. The measure was enacted without amendment.¹³

Alternative Civil Procedures in Experimental Projects

Assembly Bill 3704, introduced by Assemblyman Knox, adds Part 3.5 (commencing with Section 1823) to the Code of Civil Procedure to provide for a three-year pilot project to be conducted by the Judicial Council

¹¹ Stats. 1976, Ch. 1071.

¹² Stats. 1976, Ch. 1287.

¹³ Stats. 1976, Ch. 959.

in two municipal courts and two superior courts to experiment with alternative methods of civil procedure, the ultimate objective of which is to reduce the cost of litigation. In the two municipal courts, all actions shall be filed, heard and determined initially in accordance with the procedural provisions of this bill including the elimination of any requirement of technical forms of pleading; the reduction of the use of discovery; the elimination of pretrial conferences; the elimination of the use of demurrers or pretrial motions, with certain exceptions; the permissive use rather than requirement of trial briefs; the permissive use of narrative testimony; the permissive use of written submissions of direct testimony; and a prohibition against any requirement of findings of fact or conclusions of law. In the two superior courts, all actions in which the amount in controversy is \$25,000 or less, except eminent domain actions, shall be filed, heard and determined according to rules adopted by the Judicial Council. The pilot projects are to commence no later than January 1, 1978. The measure was amended four times and enacted as amended.¹⁴

Instant Traffic Trials

Assembly Bill 3760, introduced by Assemblyman McVittie, adds Section 40901 of the Vehicle Code to provide for the trial of a traffic infraction in a single court appearance by the so-called "instant trial" procedure where the prosecution case consists of the notice to appear and the defendant waives his right to be confronted by the witnesses against him, to subpoena witnesses in his behalf and to hire counsel on his behalf. The bill provides that such procedure may be adopted by local rule. The measure was amended twice and enacted as amended.¹⁵

Small Claims Court Revision

Assembly Bill 3885, introduced by Assemblyman McVittie, repeals and adds Chapter 5-A (commencing with Section 116) to Title 1 of Part 1 of the Code of Civil Procedure and makes a variety of substantive and procedural changes regarding small claims courts. Among the changes that the bill makes are the following: jurisdictional limits of the small claims court are increased from \$500 to \$750; small claims court manuals are to be distributed to litigants; the times for setting hearing dates are changed; night and Saturday sessions and hearings at places outside the courthouse are permitted; the Judicial Council is to provide rules for practice and procedure, and forms; the measure limits the number of claims that a plaintiff can have heard in a single court day; a defaulting defendant must file a motion to vacate as a prerequisite to appeal; miscellaneous small claims fees are revised; and each small claims court must maintain a list of interpreters. The measure was amended five times and enacted as amended.¹⁶

¹⁴ Stats. 1976, Ch. 900.

¹⁵ Stats. 1976, Ch. 1232.

¹⁶ Stats. 1976, Ch. 1289.

C. CHANGES IN THE CALIFORNIA RULES OF COURT DURING 1976

During 1976 the Judicial Council adopted a number of amendments to the appellate and trial court rules and the recommended Standards of Judicial Administration designed to improve court administration and expedite various court proceedings. The appellate rule amendments, in general, specify the format of amicus curiae briefs relating to petitions for hearing in the Supreme Court; authorize a Court of Appeal to hold a mandatory prehearing settlement conference; add proceedings at the time of sentencing and on the taking of a plea to the normal reporter's transcript in criminal appeals, and modify the procedures for requesting additional record; require notice to an appellate court of related pending appeals and original proceedings; give an administrative presiding justice, or a presiding justice in a Court of Appeal with one division in a city the authority to monitor the progress of appeals and grant extensions of time; extend the time for filing briefs in the appellate department of the superior court; and allow the appellate department of a superior court to rule upon a motion without oral argument.

The trial court changes prescribe the time limits for a notice of appeal when a defaulting small claims defendant has filed a motion to vacate the judgment; provide sanctions for failure to participate in a trial setting or settlement conference; authorize certain surety bonds and undertakings to be executed under penalty of perjury; require the court to advise a defendant of his right to appeal from an order revoking probation; require the superior court to establish the amount of presentence custody time that may be credited to a convicted defendant; conform justice court procedure to that of the municipal court; require justice court judges to wear judicial robes; amend numerous rules affecting the justice courts and appeals to the superior court; implement 1976 legislation expanding the list of courts in which court reporters must file reports and keep business records for inspection by the Judicial Council; allow courtroom videotaping and photography to perpetuate the record and to permit viewing in an adjacent court facility; require courts to accept Judicial Council legal forms approved for optional use; update certain cross-references in the family law rules; establish a comprehensive set of statewide juvenile court rules; and establish a new system of arbitration of civil cases in superior courts.

Other rule changes implement a ballot measure approved by the voters in the November 1976 General Election (Proposition 7) relating to disciplinary action against judges. A new Standard of Judicial Administration recommends that courts require an applicant for an ex parte order to give notice to the adverse party except under specified circumstances, and an amendment recommends that superior courts adopt uniform policies on sanctions for failure to participate in mandatory settlement conferences and require that attorneys give reasonable priority to settlement conferences.

1. APPELLATE RULES

Amicus Curiae Briefs in the Supreme Court

The Judicial Council amended Rule 14 effective January 1, 1977, to require amicus curiae briefs regarding petitions for hearing in the Supreme Court to conform to Rule 28(d) regarding length and other matters of form.

Authority of Courts of Appeal to Order Prehearing Conference

Under new Rule 19.5 adopted by the Judicial Council effective January 1, 1977, a presiding justice of a Court of Appeal may require counsel and other necessary persons to attend a prehearing conference to consider the simplification of the issues on appeal, the possibility of settlement, and any other matters that may aid in the disposition of the appeal. The presiding justice may also order the appellant to file a brief statement of the case and its issues.

Additional Record in Criminal Appeals

The Judicial Council amended Rule 33 effective July 1, 1976 to expand the normal record in a criminal appeal to include transcripts of oral proceedings at sentencing and on entry of a plea of guilty or nolo contendere. Either party is permitted to request additional record at the time of filing the notice of appeal or as soon thereafter as practicable. Under prior procedure only the appellant could request additional record and the request had to accompany the notice of appeal.

Information for Consolidation of Appeals and Related Original Proceedings

To provide for the consolidation of related proceedings in the appellate courts, the Judicial Council amended Rule 56 effective July 1, 1976 to add a requirement that any petition for an extraordinary writ when a related appeal is pending shall set forth data regarding the pending appeal, including the date of filing of the notice of appeal if the time for filing the petition has been extended by Penal Code Section 1238.5.

Monitoring the Progress of Appeals and Centralizing Requests for Time Extensions

Under new Rule 77 adopted by the Judicial Council effective July 1, 1976, an administrative presiding justice or a presiding justice in a Court of Appeal with a single division in a city has the authority to monitor the progress of all appeals. When funds for the necessary staff are available in multidivision courts, this rule will also centralize the granting of extensions of time and related matters. An amendment to Rule 75, also effective July 1, 1976, provides that in the absence of the administrative presiding justice, an acting administrative presiding justice shall perform the functions of the administrative presiding justice.

Extension of Time for Filing Briefs in the Appellate Department of the Superior Court

The Judicial Council adopted amendments to Rules 103 and 105, effective July 1, 1976, which increase the time for filing briefs in the appellate department of the superior court as follows: appellant's opening brief from 15 to 20 days; respondent's brief from 10 to 20 days; and appellant's reply brief from 5 to 7 days. A corresponding change in the minimum time for calendaring an appeal for hearing was also adopted.

Motions in the Appellate Department of the Superior Court

An amendment to Rule 104 effective January 1, 1977 allows appellate departments of the superior court, in the court's discretion, to decide motions on the written material submitted without hearing oral argument, a procedure now followed by the Supreme Court and Courts of Appeal under Rule 41. Conforming amendments were made in Rules 102, 138 and 139.

Time for Filing Notice of Appeal When Defendant Defaults in Small Claims Court

The Judicial Council amended Rule 152 effective January 1, 1977 to provide that a defaulting defendant's notice of appeal must be filed within 10 days after denial of his motion to vacate the judgment or, if the motion is not determined within 60 days after filing, within 10 days after the expiration of the 60-day period.

2. TRIAL COURT RULES AND STANDARDS

Setting and Settlement Conferences

Sanctions may be imposed for failure to prepare for, appear at, or participate in required trial setting or settlement conferences under amendments to Rules 217 and 220.2 adopted by the Judicial Council effective January 1, 1977. Local court rules are authorized regarding attendance at trial setting conferences. The Council also amended Section 9 of the Standards of Judicial Administration to recommend that superior courts adopt uniform policies on sanctions and require that attorneys give reasonable priority to settlement conferences.

Surety Bonds and Undertakings

Under amendments to Rules 242 and 530 adopted by the Judicial Council effective January 1, 1977, bonds or undertakings furnished by a corporate insurer possessing a certificate of authority from the Insurance Commissioner may be executed under penalty of perjury. The change conforms to recent amendments to Section 1056 of the Code of Civil Procedure.¹⁷

¹⁷ Stats. 1976, Ch. 740.

Advising Defendants of Their Appeal Rights Upon Revocation of Probation

An amendment adopted by the Judicial Council effective January 1, 1977 expands Rule 250 by requiring that the court orally advise a defendant of his right to appeal from an order revoking probation. Previously, the rule only required the court to advise a defendant of his right to appeal from a judgment upon conviction after a trial.

Determination of Presentence Custody Time Credit

Under new Rule 252 adopted by the Judicial Council effective January 1, 1977, the court at the time of sentencing is required to establish the amount of presentence custody time that may be credited to a defendant by the Department of Corrections. The rule also sets forth a procedure for this determination.

Equalization of Municipal and Justice Court Jurisdiction

In response to legislation eliminating the distinctions in municipal and justice court jurisdiction¹⁸ the Judicial Council adopted several new rules and amendments effective January 1, 1977 to conform justice court procedure to that of the municipal court. New Rule 701 makes applicable to justice courts all California Rules of Court previously applicable to municipal courts, including rules relating to form of pleadings, motions for a new trial or to vacate judgment, preliminary injunctions and receivers, and findings of fact and conclusions of law. New Rule 702 requires justice court judges, while in open court, to wear judicial robes. With the repeal of the statutory provision for a de novo trial in civil appeals from justice courts, except small claims appeals,¹⁹ several provisions of the rules on appeal to the superior courts were revised to conform to the new procedures (Rules 121(a), 143(a), 144(a) and (e), 151(b) and (c), 152(b) and (c), 154(a) and (b), 155 and 157(c)). Since every superior court will have an appellate department, conforming amendments were made to Rules 130, 134, 136(b) and 190, which had provided an alternative procedure for counties without an appellate department. Other technical amendments were made to Rules 61(b), 62(b), 63(a), 66, 153, and 157(a). New Rule 299 provides that any action properly pending in the superior court before January 1, 1977 which would be within the jurisdiction of the justice court if commenced after January 1, 1977 shall continue in the superior court until final determination. New Rule 790 defines exchange assignments within the meaning of Government Code Section 68541 as amended effective January 1, 1977.²⁰ That section governs the compensation of a justice court judge sitting on assignment.

Records of Court Reporters

Pursuant to 1976 legislation²¹ an amendment to Rule 860 adopted by the Judicial Council effective January 1, 1977 added Humboldt, Madera, San

¹⁸ Stats. 1976, Ch. 1288.

¹⁹ Code Civ. Proc. § 910, repealed by Stats. 1976, Ch. 1288.

²⁰ Stats. 1976, Ch. 1355.

²¹ Stats. 1976, Ch. 1472 (Gov. Code § 70128); Ch. 1460 (Gov. Code § 68525); Ch. 1443 (Gov. Code § 68523); Ch. 1452 (Gov. Code § 68521); Ch. 1458 (Gov. Code § 68522); Ch. 338 (Gov. Code § 70114); Ch. 1482 (Gov. Code § 68527).

Diego, San Luis Obispo, Shasta and Tulare Counties, and the Los Angeles Superior Court, to the list of courts in which court reporters are required to file reports and to maintain records of income, time, and transcript production for inspection by the Judicial Council.

Courtroom Use of Photography

The Judicial Council adopted an amendment to Rule 980 effective January 1, 1977 which permits photographing, recording, or videotaping of judicial proceedings to perpetuate the record and permits closed circuit video transmission to allow persons in an adjacent court facility to observe the proceedings. The court must take adequate precautions to assure that any photographs, tapes or recordings of court proceedings will remain in the custody of the court or its officers and will be used only for judicial purposes.

Acceptance of Judicial Council Legal Forms

In order to resolve certain difficulties recently experienced by some attorneys, the Judicial Council adopted an amendment to Rule 982 effective July 1, 1976 that requires courts to accept Judicial Council forms approved for optional use and permits an attorney, where necessary, to strike the preprinted title and address of a court and substitute a legible alternative.

Family Law Rules

Rule 1211, relating to the parties to the proceeding, was amended effective January 1, 1977 to include a cross-reference to the rules on joinder. Rule 1234, which concerns motions to quash service of summons, was amended effective January 1, 1977 to update a reference to the Code of Civil Procedure.

Juvenile Court Rules

As the result of a major two-year study, the Judicial Council adopted a comprehensive set of statewide juvenile court rules that restate statutory procedure as interpreted by case law and provide procedural guidance to juvenile court judges and referees, attorneys, probation officers and others appearing in the juvenile court (Rules 1300-1396, Rule 39). The new rules do not become effective until July 1, 1977, to allow time for interested groups and individuals to prepare for implementation of the rules and to allow time for further comments and adjustments to the rules.²²

Superior Court Arbitration Rules

In response to 1975 legislation,²³ the Judicial Council adopted new Rules 1601-1617, effective July 1, 1976, establishing a new system of arbitration of civil cases in superior courts. The new rules apply whenever the parties

²² See Part I, Chapter 1 of this Report.

²³ Stats. 1975, Ch. 1006, Code Civ. Proc. §§ 1141.10, 1141.20.

agree to arbitration or when the plaintiff requests arbitration and specifies the award may not exceed \$7,500.

Significant features of the new arbitration rules are:

1. The decision to arbitrate must normally be made after the case is at issue and before a trial date has been set, but at the court's discretion a stipulation or request for arbitration may be given effect even though not filed within those time limits.
2. The parties may agree upon any active member of the State Bar or retired judge to act as the arbitrator, and they may also agree on the maximum amount of the arbitrator's award.
3. In all but the smaller superior courts:
 - (a) One panel of arbitrators specializes in personal injury cases, and additional panels will be selected as needed for general practice or for other specialties;
 - (b) An administrative committee selects the panel of arbitrators and regulates the details of the arbitration program;
 - (c) The administrative committee includes an equal number of representatives of the personal injury plaintiffs' bar and defense bar; and if arbitration panels are established for other types of cases, appropriate additional members of the bar may be on the administrative committee.
4. If the parties have not stipulated to an arbitrator, a list of potential arbitrators is randomly selected and submitted to the parties; each party or side will have an opportunity to reject at least one name on the list.
5. The normal rules of evidence are relaxed at arbitration hearings so as to encourage the use of written reports, affidavits and depositions; but the right to cross-examine the author of a report or other document is protected.
6. Both sides have 20 days after the filing of the arbitrator's award in which to request a trial. If a trial is requested, the arbitration proceedings are nullified and cannot be referred to or used in any way during the trial. In assessing costs, however, the arbitration award is treated as an offer made pursuant to Code of Civil Procedure Section 998 which was rejected by the party who requested the trial. Unreasonable requests for a trial after rendition of an arbitrator's award may, therefore, result in a cost penalty.
7. If neither side requests trial within 20 days after filing of the arbitrator's award, the award will be entered as a judgment which may not be attacked or set aside except on unusual grounds.

Notice to Adverse Party of Application for Ex Parte Order

A new Section 15 of the Judicial Council's Standards of Judicial Administration, effective July 1, 1976, recommends a general policy against granting ex parte orders without notice to the adverse party. This section recommends that ex parte applications for orders that would cause a significant direct burden on the adverse party should not ordinarily be granted unless the applicant has made reasonable efforts to give adequate notice to the adverse party, or it appears that giving notice would result

in irreparable harm or would defeat the purpose of the proposed ex parte order.

3. OTHER RULES

Commission on Judicial Performance

At the request of the Commission on Judicial Qualifications (now the Commission on Judicial Performance), the Judicial Council deleted from Rule 912, effective July 1, 1976, a provision allowing masters appointed to conduct a hearing on the removal, censure or retirement of a judge to include in their report a recommendation for Commission action.

Proposition 7, approved by the voters at the November 1976 General Election, amended Sections 8 and 18 of Article VI of the California Constitution to change the name of the Commission on Judicial Qualifications and enlarge the grounds for disciplinary action against judges. To conform the Commission's procedures with these amendments, the Judicial Council adopted new Rules 904(d), 904.5, 909(b), 920, 921 and 922 and amended Rules 901, 904(a), 907, 908(b), 909(a), 910(a), 912(a), 913, 917, 918 and 919, effective November 13, 1976.

D. JUDICIAL REDISTRICTING

In the period between July 1, 1975 and January 3, 1977, there were major changes in the composition of municipal court and justice court districts in California. Realignments and consolidations eliminated 79 judicial districts and reduced the total number of judicial districts in California to 200. Eighty-eight justice court districts were eliminated and nine municipal court districts were created during this period. Details of the changes are appended.

Table A gives the total number of judicial districts as of January 3, 1977 and for each year since the lower court reorganization in 1953. There were only half as many judicial districts on January 3, 1977 as at the end of 1952-53. During the 23-year period, justice court districts decreased by 238 districts or 68 percent and municipal court districts increased by 38, or 75 percent.

The number of districts served by justice courts has decreased since the reorganization largely because of: (1) redistricting by local boards of supervisors resulting in the consolidation of separate justice court districts to form either municipal courts or larger justice court districts and (2) the creation of municipal courts as district populations increase to levels in excess of the 40,000 constitutional limit for justice courts.

TABLE A—CALIFORNIA JUDICIAL DISTRICTS
As of June 30, 1953 through 1976

<i>Year</i>	<i>Total judicial districts</i>	<i>Number of justice courts</i>	<i>Number of municipal courts</i>
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	302	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
1971	309	232	77
1972	303	226	77
1973	297	221	76
1974	291	214	77
1975	279	199	80
1976	259	175	84
1977 *	200	111	89

* As of Jan. 3, 1977

APPENDIX

July 1, 1975

Alameda County—Pleasanton Justice Court District was consolidated with the Livermore Municipal Court District to become the Livermore-Pleasanton Municipal Court.

San Diego County—Coronado and National Justice Court Districts were consolidated to become the South Bay Municipal Court District.

July 3, 1975

Solano County—Benicia Justice Court District was consolidated with the Vallejo Municipal Court District to become the Vallejo-Benicia Municipal Court District.

January 1, 1976

Los Angeles County—Name change only. El Monte Municipal Court District became the Rio Hondo Municipal Court District.

Santa Barbara County—Lompoc Justice Court District became the Lompoc Municipal Court District.

Solano County—Dixon Justice Court District was consolidated with the Fairfield-Suisun-Vacaville Municipal Court District to become the Northern Solano Municipal Court District.

Riverside County—Palo Verde Justice Court District was consolidated into the Desert Municipal Court District.

Riverside County—Beaumont and San Geronio Justice Court Districts were consolidated into the Mount San Jacinto Municipal Court District (formerly Hemet San Jacinto Municipal Court District).

Imperial County—Brawley, Calexico, Calipatria, El Centro, Holtville, Imperial, Westmorland, and Winterhaven Justice Court Districts consolidated to become Imperial County Municipal Court District.

January 9, 1976

Siskiyou County—Dorris and Tulelake Justice Court Districts were consolidated to become the Dorris-Tulelake Justice Court District.

January 15, 1976

Sutter County—Butte and Yuba Justice Court Districts were consolidated to become the Sutter County Municipal Court District.

February 1, 1976

Los Angeles County—San Antonio and South Gate Municipal Court Districts were consolidated to become the Southeast Municipal Court District.

January 29, 1976

San Diego County—Ramona Justice Court District was divided into two parts. The southerly portion was consolidated into the El Cajon Municipal Court District and the northerly portion was consolidated into the North County Municipal Court District.

March 1, 1976

Napa County—Napa, St. Helena and Calistoga Justice Court Districts were consolidated to become the Napa-St. Helena-Calistoga Municipal Court District.

July 1, 1976

San Diego County—East County Justice Court District was consolidated with the El Cajon Municipal Court District.

Fallbrook Justice Court District was consolidated with the North County Municipal Court District.

August 2, 1976

Kern County—Mojave and Tehachapi Justice Court Districts were consolidated to become Tehachapi-Mojave Justice Court District.

August 12, 1976

Kern County—Kern River-Hand Justice Court Districts were consolidated into the Bakersfield Municipal Court District.

November 15, 1976

Modoc County—Adin-Lockout, Alturas and Newell Justice Court Districts were consolidated to become the Modoc Justice Court District.

December 17, 1976

Tulare County—Tulare and Pixley Justice Court Districts were consolidated to become the Tulare-Pixley Municipal Court District.

January 1, 1977

Merced County—Atwater, Dos Palos, Gustine, Le Grand, Livingston, Los Banos, Merced and Snelling Justice Court Districts were consolidated to become the Merced County Municipal Court District.

Yolo County—Davis, Esparto, Grafton, Washington, Winters and Woodland Justice Court Districts were consolidated to become the Yolo County Municipal Court District.

Contra Costa County—Richmond and West Municipal Court Districts were consolidated to become the Bay Municipal Court District.

Mariposa County—Coulterville Justice Court District was consolidated into the Mariposa Justice Court District.

Plumas County—Beckwourth Justice Court District was consolidated into the Plumas Justice Court District.

Calaveras County—Angels-Murphys, San Andreas and West Point Justice Court Districts were consolidated to become the Calaveras Justice Court District.

January 1, 1977

Santa Clara County—Gilroy-Morgan Hill Justice Court District became a municipal court district.

January 2, 1977

Fresno County—Clovis and Ponderosa Justice Court Districts were consolidated to become the Clovis-Ponderosa Justice Court District.

Kerman and Firebaugh Justice Court Districts were consolidated to become the Firebaugh-Kerman Justice Court District.

Fowler and Caruthers Justice Court Districts were consolidated to become the Fowler-Caruthers Justice Court District.

Kingsburg and Riverdale Justice Court Districts were consolidated to become the Kingsburg-Riverdale Justice Court District.

Parlier and Selma Justice Court Districts were consolidated to become the Parlier-Selma Justice Court District.

Reedley and Dunlap Justice Court Districts were consolidated to become the Reedley-Dunlap Justice Court District.

Kern County—Indian Wells and Tehachapi-Mojave Justice Court Districts were consolidated to become the East Kern Municipal Court District.

Arvin-Lamont, Buttonwillow, Delano-McFarland, Maricopa-Taft, Shafter and Wasco Justice Court Districts were consolidated with the Bakersfield Municipal Court District to become the West Kern Municipal Court District.

Monterey County—Pacific Grove Justice Court District was consolidated with the Monterey-Carmel Municipal Court District which was renamed the Monterey Peninsula Municipal Court District.

Soledad-Gonzales Justice Court District was renamed the Central Justice Court District.

King City-Greenfield and San Ardo Justice Court Districts were consolidated to become the Southern Justice Court District.

January 2, 1977

Riverside County—Elsinore, Murrietta and Perris Justice Court Districts were consolidated to become the Three Lakes Municipal Court District.

Stanislaus County—Oakdale-Waterford, Newman-Patterson, Riverbank and Turlock Justice Court Districts were consolidated with the Modesto Municipal Court District which was renamed the Stanislaus County Municipal Court District.

San Bernardino County—Cucamonga and Etiwanda Justice Court Districts consolidated to become the Cucamonga-Etiwanda Justice Court District.

Calzona and Needles Justice Court Districts were consolidated to become the Needles-Calzona Justice Court District.

Trinity County—Hayfork-Mad River, Trinity Center and Trinity River Justice Court Districts were consolidated to become the Trinity County Justice Court District.

Yuba County—Comptonville Justice Court District was consolidated into the Marysville Justice Court District.

San Benito County—Hollister and San Juan Justice Court Districts were consolidated to become the San Benito County Justice Court District.

January 3, 1977

Shasta County—Cottonwood Justice Court District was consolidated into the Anderson Justice Court District.

Fall River Valley Justice Court District and a portion of Mountain Justice Court District were consolidated into the Burney Justice Court District.

Castella Justice Court District and a portion of Mountain Justice Court District were consolidated into the Central Valley Justice Court District.

Lassen County—Big Valley and Central Justice Court Districts were consolidated to become the Lassen Justice Court District.

Siskiyou County—Happy Camp, Scott Valley and Yreka Justice Court Districts were consolidated to become the Western Justice Court District.

Inyo County—Northern Inyo and Southern Inyo Justice Court Districts were consolidated to become the Inyo County Justice Court District.

E. JUSTICE COURT QUALIFYING EXAMINATION

Oral examinations are required when there are more than three qualified candidates for appointment to a justice court judgeship.²⁴ During the 1976 calendar year oral examining boards were appointed to interview candidates for the office of justice court judge in eight judicial districts in six counties.²⁵

F. JUDICIAL COUNCIL LEGAL FORMS

During 1976 the Judicial Council approved 27 new and revised forms for statewide use. Six new forms were approved for optional use in small claims proceedings, effective January 1, 1977: (1) Claim of Plaintiff and Order; (2) Claim of Plaintiff and Order (Unlawful Detainer); (3) Information for Plaintiff; (4) Claim of Defendant; (5) Notice of Entry of Judgment; (6) Notice of Appeal.

Three existing forms were revised effective January 1, 1977, and adopted for mandatory use pursuant to 1976 legislation:²⁶ (7) Summons; (8) Summons (Multipurpose); (9) Summons (Joint Debtor). A mandatory form of (10) General Denial was adopted pursuant to legislative mandate.²⁷ A revised (11) Order for Writ of Possession (Claim and Delivery) was approved for optional use effective January 1, 1977.

Fourteen new forms for attachment proceedings were adopted effective January 1, 1977 pursuant to the new attachment law (Code Civ. Proc. §§ 481.010-492.090): (12) Application for Attachment; (13) Notice of Application and Hearing for Right to Attach Order and Writ of Attachment; (14) Right to Attach Order After Hearing and Order for Issuance of Writ of Attachment; (15) Ex Parte Right to Attach Order and Order for Issuance of Writ of Attachment (Resident); (16) Ex Parte Right to Attach Order and Order for Issuance of Writ of Attachment (Nonresident); (17) Writ of Attachment; (18) Temporary Protective Order; (19) Application and Notice of Hearing for Order to Vacate, Modify or Terminate Temporary Protective Order; (20) Order to Terminate, Modify or Vacate Temporary Protective Order; (21) Notice of Opposition to Application for Right to Attach Order and Claim of Exemption; (22) Undertaking by Sureties for Attachment or Claim and Delivery; (23) Notice of Attachment; (24) Application to Set Aside Right to Attach Order and Release Attached Property, etc.; (25) Order to Set Aside Attachment, to Substitute an Undertaking, etc.

²⁴ Gov. Code §§ 71180.4, 71601.3; Cal. Rules of Court, Rules 765-770.

²⁵ Oral examinations were given in Alpine, Inyo, Riverside, Shasta, Sierra, and Yuba Counties. Only attorneys were eligible to apply for the positions. In Alpine County, 11 attorneys filed statements of candidacy and 6 were interviewed for the vacancy in the Alpine Justice Court. Six attorneys filed statements of candidacy and six were interviewed for the Inyo Justice Court vacancy, while 17 attorneys filed statements of candidacy and 14 were interviewed for the Ferris Justice Court vacancy in Riverside County. Oral examinations for three districts were given in Shasta County: seven filed in the Central Valley Justice Court District and six were interviewed; five filed in the Anderson District and five were interviewed; and nine filed in the Burney District and seven were interviewed. Twenty-three filed for the vacancy in the Sierra County Justice Court District and 15 were interviewed. In Yuba County all four attorneys who filed for the vacancy in the Wheatland Justice Court were interviewed.

²⁶ Stats. 1976, Chs. 789 and 807.

²⁷ Stats. 1976, Ch. 1589.

Two new criminal forms were approved for optional use effective July 1, 1976: (26) Defendant's Financial Statement; and (27) Judgment-Commitment.

The Judicial Council revoked the form Instructions on Preparing Proof of Service (adopted in 1970) and six attachment forms approved effective March 7, 1973 for use under the interim attachment statute which was repealed effective December 31, 1976: (1) Application and Declaration for Attachment and Temporary Restraining Order; (2) Notice of Hearing and Temporary Restraining Order Re Attachment; (3) Order for Writ of Attachment After Hearing; (4) Order for Writ of Attachment Without Hearing; (5) Undertaking by Sureties and Order; (6) Writ of Attachment.

An explanation of the new forms and background of the changes in Council forms follows:

Small Claims Forms

The Judicial Council approved six new forms for optional use in small claims actions: *Information for Plaintiff, Claim of Plaintiff and Order (Information for Defendant on the reverse side)*, *Claim of Plaintiff and Order (Unlawful Detainer)*, *Claim of Defendant, Notice of Entry of Judgment* (with information on the enforcement and satisfaction of a small claims judgment and a form for the satisfaction of judgment on the reverse side), and *Notice of Appeal*. These forms were developed in response to 1976 legislation which repealed the existing small claims statute, substituted a revised procedure effective January 1, 1977, and required the Judicial Council to provide the necessary legal forms.²⁸

Summons Forms

Chapter 789 of the 1976 statutes amended Section 415.10 of the Code of Civil Procedure to require the date of personal service to be entered on the face of the summons at the time of its delivery. Accordingly, three forms of summons were revised to include an entry for the date of personal service (*Summons, Summons (Joint Debtor)* and *Summons (Multipurpose)*).

The existing form *Summons (Unlawful Detainer)* was revised and renamed *Summons (Multipurpose)* for proceedings in which the time for filing a responsive pleading is other than 30 days. Chapter 807 of the 1976 statutes added Section 17990 to the Health and Safety Code to provide for a 10-day period for filing a responsive pleading in actions brought under the State Housing Law. The statute also provides for a five-day response period in unlawful detainer proceedings.

Several minor changes were also made in the proof of service printed on the reverse side of the summons forms in order to facilitate completion of the forms.

The Judicial Council authorized the continued use of the unrevised *Summons (Marriage)* and *Summons (Joinder)* until revision of the family law forms now underway is approved. In the interim, when the family law

²⁸ Stat. 1976, Ch. 1280.

summons are served personally, the date of personal service should be entered on the face of the copy of the summons served.

General Denial

A form of *General Denial* was adopted by the Judicial Council pursuant to a 1976 amendment to Code of Civil Procedure Section 431.40.²⁹ The new form is for use in actions where the demand or value of the property does not exceed \$750. The form may also be used pursuant to Code of Civil Procedure Section 431.30 as a general denial in actions where the demand or value of the property exceeds \$750 if the complaint is unverified.

Order for Writ of Possession

The Judicial Council form *Order for Writ of Possession (Claim and Delivery)* was revised pursuant to a 1976 amendment of Code of Civil Procedure Section 512.070.³⁰ The revised form is approved for continued optional use in claim and delivery proceedings.

Attachment Forms

The *Application for Attachment* form incorporates all of the elements necessary for the plaintiff's application for (1) a right to attach order, order for writ of attachment, and additional writs of attachment, on notice or ex parte, against property of either a resident or nonresident defendant; and (2) a temporary protective order.

The *Notice of Application and Hearing for Right to Attach Order and Writs of Attachment*, for use when plaintiff seeks a writ of attachment, provides all required notices to the defendant.

The *Right to Attach Order After Hearing* and *Order for Issuance of Writ of Attachment* would be used to grant plaintiff, following a noticed hearing, a right to attach order and also an order for issuance of a writ of attachment if the defendant fails to establish that his property is exempt from attachment. A plaintiff who has obtained a right to attach order may apply for a writ against new nonexempt property where the original writ was denied because of defendant's successful claim of exemption or where prior levies on property were insufficient to secure the amount to be attached.

The forms *Ex Parte Right to Attach Order* and *Order for Issuance of Writ of Attachment (Resident and Nonresident)* are for use when plaintiff applies ex parte for a right to attach order and writ of attachment, or for additional writs of attachment. The nonresident form is for use if the attachment is sought against the property of a nonresident defendant.

The *Writ of Attachment* form, issued by the clerk of the court pursuant to an order for the issuance of a writ of attachment, represents the authority under which the levying officer levies upon the property of the defendant.

The *Temporary Protective Order* may be issued when plaintiff makes

²⁹ Stats. 1976, Ch. 1389.

³⁰ Stats. 1976, Ch. 145.

a noticed application for a writ of attachment. The order would preserve the assets sought to be attached until the hearing at which the court will determine whether the writ should issue. Additionally, when plaintiff applies ex parte for the writ of attachment, the court may, in lieu of the writ, grant a temporary protective order until the matter can be heard on notice.

A defendant may *terminate* a temporary protective order by making a noticed application and filing an appropriate undertaking. Alternatively, a defendant may apply ex parte (unless the court orders a hearing) for an order to *modify* or to *vacate* the temporary protective order in the interest of justice and equity to the parties without filing an undertaking. The forms *Application and Notice of Hearing for Order to Vacate, Modify or Terminate Temporary Protective Order* and *Order to Terminate, Modify or Vacate Temporary Protective Order* are for use by the defendant in applying for an order terminating, modifying or vacating the temporary protective order, and by the court in granting defendant's application.

The dual-use form *Notice of Opposition to Right to Attach Order and Claim of Exemption* is available to the defendant: (1) to oppose the issuance of the right to attach order (§ 484.060) and/or (2) to claim an exemption either in response to plaintiff's noticed application or on motion of the defendant following a change of circumstances or an ex parte levy (Code Civ. Proc. § 485.610) pursuant to Section 482.100.

The *Undertaking by Sureties* form is designed for use both in attachment and claim and delivery proceedings.

The existing *Undertaking* form for claim and delivery may be used until January 1, 1978.

The form *Notice of Attachment* implements Section 488.020 which provides that the notice of attachment shall inform the person served of the capacity in which he is served, the specific property sought to be attached, and his rights and duties under the attachment. The description of the specific property sought to be attached is provided by serving a copy of the *Order for Issuance of the Writ of Attachment* with the *Notice of Attachment*.

The *Application to Set Aside Right to Attach Order and Release Attached Property, Etc.* is a combined form for the following uses by the defendant in responding to an attachment of property: (1) upon the issuance ex parte of a writ of attachment, to apply for an order to set aside the right to attach order, to quash the writ of attachment and to release the attached property; (2) to apply for an order to release attached property exceeding in value the amount to be secured by the attachment; (3) to substitute an undertaking for property; (4) to apply for an increase in the undertaking of the plaintiff; or (5) to determine the sufficiency of the plaintiff's sureties. In addition, the defendant would use this form to apply ex parte for an order to discharge the attachment and release property levied upon where the defendant recovered judgment in the action, and to release property levied upon after filing an undertaking on appeal.

The corresponding *Order to Set Aside Attachment, to Substitute an Undertaking, Etc.* is issued by the court in granting the relief sought in the application.

Criminal Forms

Penal Code Section 987.8 provides that the court should, upon the conclusion of criminal proceedings, make a determination of the present ability of the defendant to pay for the costs of counsel furnished by the county. The 1974 Legislature amended Section 987.8³¹ to provide for a hearing on this determination and also to require that the defendant be informed prior to the furnishing of trial counsel that the court, at the conclusion of the criminal proceeding, will determine the defendant's ability to pay for the legal services furnished and will order the defendant to reimburse the county fully or partially if the court finds the defendant able to pay. The Judicial Council form *Defendant's Financial Statement* is a combined form for use at the commencement of the proceedings in determining the defendant's eligibility for receiving legal counsel at county expense and also following the proceedings in establishing his ability to reimburse the county for the cost of the services received.

The form *Judgment-Commitment* is for use by superior courts in sentencing proceedings and combines into one document the judgment and commitment, the abstract of judgment, an alternative order granting probation, and the minutes of the sentencing proceeding. Pursuant to Penal Code Section 1213, the *Judgment-Commitment form* is used as the warrant or instrument authorizing the Department of Corrections to receive the prisoner ordered to serve time in state prison. Included on the form are the court's findings required by Penal Code Section 1213.5. A finding by the court of the presentence custody time that may be credited to the defendant by the Department of Corrections is also set out and is of particular importance to the Department of Corrections for computing the dates of the minimum and maximum terms and of possible parole.

Use of Declarations Under Penalty of Perjury

The explanatory footnote appearing on some Judicial Council forms concerning declarations under penalty of perjury was revised in accordance with the amendments effective January 1, 1977 to Code of Civil Procedure Section 2015.5³² permitting the use in California of declarations under penalty of perjury made in other states where such declarations are authorized in lieu of affidavits. Several existing Judicial Council forms bear the explanatory footnote that only declarations made in California are authorized in this state. The forms bearing this footnote may continue to be used until revised. Local courts are authorized to substitute the updated footnote appearing on the new and revised forms when reprinting these forms locally.

All of the new and revised forms were prepared and recommended for Council approval by the Judicial Council Advisory Committee on Legal Forms, a statewide committee with representation from the State Bar, the judiciary and the court clerks' organizations. In accordance with the Judicial Council's long-standing policy, the new forms were submitted to the

³¹ Stats. 1974, Ch. 1190.

³² Stats. 1975, Ch. 666.

State Bar's Board of Governors for the Board's review and approval prior to final approval by the Council.

Copies of the new and revised forms were sent to trial courts throughout the state so that each court might reproduce the forms for local use.

G. FEDERALLY FUNDED PROJECTS

A. The following Judicial Council projects that were funded by federal Law Enforcement Assistance Administration grants operated in 1976:

1. *JUDICIAL CRIMINAL JUSTICE PLANNING COMMITTEE* (CCCJ #8035-0)
\$73,724 CCCJ (LEAA) / \$81,916 total project cost.

This grant continued to support the Judicial Criminal Justice Planning Committee organized pursuant to Sections 13830-13833 of the Penal Code. The committee reviews and makes recommendations to the Office of Criminal Justice Planning on any California court project submitted for funding. It also develops planning material for trial court use and serves to provide direction for court projects.

2. *TRIAL COURT CRIMINAL JUSTICE COORDINATOR* (CCCJ #1300-3)
\$29,299 CCCJ (LEAA) / \$32,554 total project cost.

Many improvements in the administration of justice are trial court matters that require implementation through a local court or courts and that can be assisted by federal funds. This grant funds a Trial Court Criminal Justice Coordinator to assist trial courts in this connection. The coordinator delineates specific projects, prepares grant applications for funding, and coordinates the implementation of such funded projects in suitable trial courts. He also assists CCCJ regional boards in preparation of judicial components of their comprehensive plans, assists trial courts in the preparation of additional applications for federal funding and distributes pertinent information to all appropriate trial courts.

3. *FOURTH APPELLATE DISTRICT DEFENDER PROJECT* (CCCJ #0873-4)
\$109,824 CCCJ (LEAA) / \$122,026 total project cost.

Under this grant, the pilot project to demonstrate the feasibility of organized appellate defender services by providing a service in the Fourth Appellate District (San Diego) was carried for nine months until the statewide Public Defender's Office established by legislation passed in 1975 became operational. The project provided staff appellate counsel, trainee law students, supervised appointed private counsel and provided supportive services to those appointed counsel. The project received four years of federal funding.

4. *LANGUAGE NEEDS OF NON-ENGLISH SPEAKING PERSONS* (CCCJ #2096-2)
\$91,700 CCCJ (LEAA) / \$101,289 total project cost.

Pursuant to 1973 Assembly Concurrent Resolution 74, the Judicial Council commenced this project to identify and evaluate, at every stage of the judicial process, both criminal and civil, the language needs of non-English speaking persons. During the project's first year, documents and forms were identified which should be provided in languages other than English and initial standards were developed for the training and utilization of

court interpreters. This project, in its second year, culminated in a final report and recommendation to the Judicial Council and the Legislature for improved court interpreter services.

5. *CENTER FOR JUDICIAL EDUCATION AND RESEARCH* (CCCJ #1342-3)
\$253,798 CCCJ (LEAA) / \$309,998 total project cost.

This grant furnished third year funding for the California Center for Judicial Education and Research (CJER), which is under the joint sponsorship of the Judicial Council and the California Judges Association. Major areas undertaken include: (1) development of a "grand outline" of educational topics important to everyday judicial work; (2) publishing benchbooks and materials pertinent to the outline; (3) conducting all educational programs for judges (including orientation, institutes and the California College of Trial Judges); and (4) research into new methods and materials of judicial education (including videotape). At the end of the project period, the Center became a permanent part of the Judicial Council's state-funded budget.

6. *NEW TRIAL JUDGES ORIENTATION* (CCCJ #2576-1)
\$67,500 CCCJ (LEAA) / \$75,000 total project cost.

This grant financed the first year of a three-year experimental effort to institute a year-round, individualized orientation program for new California trial judges and to prepare the related training materials. The effort was developed by the California Center for Judicial Education and Research.

7. *UNIFORM JUVENILE COURT RULES PROJECT* (CCCJ #1873-2)
\$62,407 CCCJ (LEAA) / \$69,340 total project cost.

This grant funded the development of rules for juvenile court proceedings under the authority of the California Constitution and Welfare and Institutions Code Section 570. An advisory committee of juvenile court judges guided and assisted the project staff in preparing the drafts of rules for Judicial Council review and adoption. During the second year of the project the draft rules were distributed for comment, revised and ultimately adopted by the Judicial Council to be effective July 1, 1977. The new rules are expected to result in greater procedural uniformity and guidance to judges, referees, attorneys and probation officers in the state's 58 juvenile courts.

8. *NATIONAL CENTER FOR STATE COURTS—WESTERN REGIONAL OFFICE* (CCCJ #1439-4) \$43,000 CCCJ (LEAA) / \$47,778 total project cost.

The National Center for State Courts, headquartered in Denver, Colorado, has embarked upon a policy of establishing regional offices to assist its constituent state courts. The Center maintains a regional office in California to serve the entire western United States, and the purpose of this grant is to provide funding to support the office. Together with funds from other states and from private sources, the grant funds provided funding for half of the fourth year of the Center's operation in San Francisco.

9. *STATEWIDE CALENDAR MANAGEMENT TECHNICAL ASSISTANCE TEAM*

(CCCJ #1340-4)\$148,378 CCCJ (LEAA) /\$164,864 total project cost.

This grant implements the principle that improvements in calendaring and management techniques provide a primary means of reducing delay in the judicial process. The Calendar Management Technical Assistance Team offers its services upon request to superior, municipal and justice courts throughout the state. Staff members assisted local courts in analyzing calendar management problems and in implementing recent developments in calendar management techniques. The project is recommended for inclusion in the Judicial Council's 1977-78 budget as a continuing, state-funded operation.

10. *STUDY OF UNPUBLISHED OPINIONS OF APPELLATE COURTS* (CCCJ #2380-1)
\$29,986 CCCJ (LEAA) /\$33,317 total project cost.

The goal of this study was to determine whether some appellate court opinions that have not been published meet the standard for publication prescribed by Rule 976 of the California Rules of Court and to recommend any appropriate changes in that rule. The project was completed at the end of the year.

11. *COURT MANAGEMENT CONFERENCES* (CCCJ #2150-1)
\$54,000 CCCJ (LEAA) /\$60,000 total project cost.

The conferences funded by this grant during the first six months of the year convened court officers and administrative staff from trial and appellate courts for the purpose of sharing successful management techniques to improve the effectiveness and efficiency of the judicial system. Six such workshops were held during the year.

- B. The following Judicial Council projects have been approved for funding during 1977 by the California Council on Criminal Justice as a part of the 1977 State and Private Agency Plan.

1. *NEW TRIAL COURT JUDGES ORIENTATION* (CCCJ #2576-2)
\$130,500 CCCJ (LEAA) /\$145,000 total project cost.

This project will fund the second year of the experimental effort to institute a year-round, individualized orientation program for new California trial judges.

2. *MANAGEMENT STANDARDS FOR JURORS AND WITNESSES*
\$90,000 CCCJ (LEAA) /\$100,000 total project cost.

This project is designed to meet the critical need to improve management and treatment of jurors and witnesses in criminal proceedings by analyzing the major management problems involved with jurors and witnesses at the trial court level, developing standards to address the problems, and testing, implementing and evaluating these standards in a pilot program.

3. *WORKSHOPS ON CRIMINAL CASELOADS*
\$54,000 CCCJ (LEAA) /\$60,000 total project cost.

This project will fund a series of workshops specifically designed to assist courts in dealing with criminal backlog and delay, and the needs of defendants, victims and witnesses. The workshop design is to assist judicial and nonjudicial personnel of the state's courts in carrying out their respon-

sibilities more effectively by familiarizing them with recent developments and innovations in court management and by providing a forum for discussion of the most pressing problems facing the trial courts and their consumers.

4. *JUDICIAL CRIMINAL JUSTICE PLANNING COMMITTEE* (CCCJ #8035-77)
\$67,336 CCCJ (LEAA) / \$74,818 total project cost.

These funds will continue the operation of the committee pursuant to Sections 13830-13833 of the Penal Code.

5. *TRIAL COURT CRIMINAL JUSTICE COORDINATOR* (CCCJ #8037-77)
\$34,120 CCCJ (LEAA) / \$37,911 total project cost.

Fourth-year funding for this staff position is contemplated with the approval of this project.

H. COORDINATION OF MULTICOURT CIVIL ACTIONS ³³

One hundred eighteen petitions for coordination of actions sharing a common question of fact or law and pending in different courts were received during 1976 by the Chief Justice as Chairman of the Judicial Council. Also during 1976, the Judicial Council published a book entitled "Coordination of Civil Actions" for distribution to the judiciary and court personnel involved in coordination proceedings. ³⁴

The 1976 rate of filings of petitions for coordination was higher than that experienced during 1974 and 1975, the first years during which the procedure was available, ³⁵ but the subject matter mix remained basically unchanged. Leading numerically were petitions for coordination involving actions for personal injury, death and property damage arising out of automobile collisions, ³⁶ and otherwise, ³⁷ followed by litigation involving commercial disputes, ³⁸ real property actions, ³⁹ multiparty claims in construction and subdivision projects, ⁴⁰ public law questions, ⁴¹ fire casualties, ⁴² miscellaneous torts, ⁴³ and family law. ⁴⁴ Petitions for "vertical" coordination of superior court actions and municipal court actions continue to occur frequently. ⁴⁵

Petitions for coordination during 1976 included a total of 327 actions, 251 in the superior court and 76 in the municipal courts. Of the 118 petitions for coordination filed during 1976, 71 were granted and 20 were denied

³³ Code Civ. Proc. §§ 404-404.8; Cal. Rules of Court, Rules 1501-1550. Coordination is basically a two-step proceeding; on petition, the Chairman assigns a coordination motion judge to determine whether coordination of the related actions is appropriate (Code Civ. Proc. § 404; Cal. Rules of Court, Rules 1521, 1524); and if coordination is ordered, the Chairman assigns a coordination trial judge to hear and determine the coordinated actions (Code Civ. Proc. § 404.3; Cal. Rules of Court, Rules 1529, 1540).

³⁴ Gov. Code § 68532. Authors are Hon. William H. Levit, Judge of the Superior Court of Los Angeles County (retired) and Alexander B. Yakutis, coordination attorney in the Administrative Office of the Courts.

³⁵ See 1976 Judicial Council Report at pp. 77-78.

³⁶ 59 petitions.

³⁷ 11 petitions.

³⁸ 14 petitions.

³⁹ 12 petitions.

⁴⁰ 11 petitions.

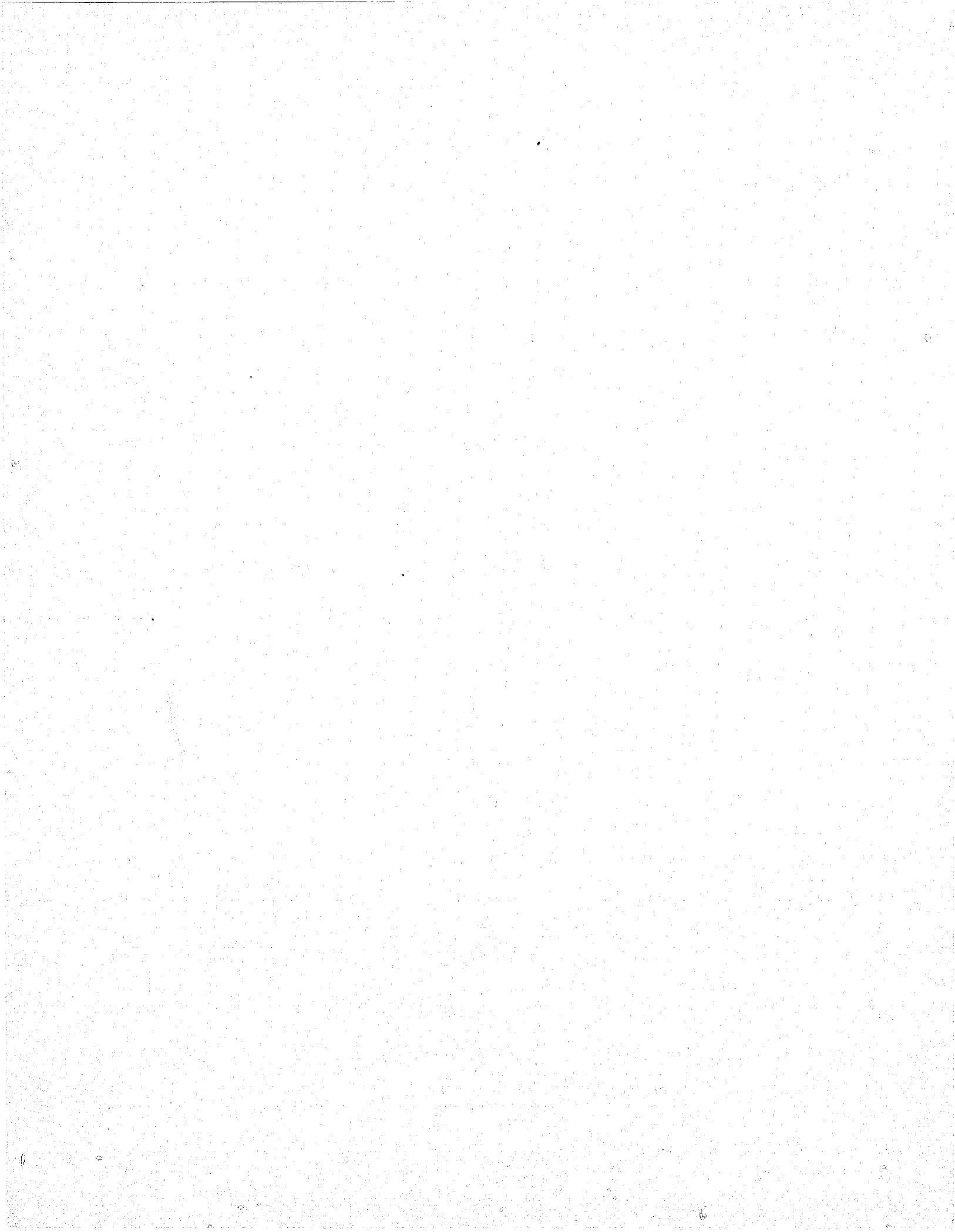
⁴¹ 3 petitions.

⁴² 3 petitions.

⁴³ 3 petitions.

⁴⁴ 2 petitions.

⁴⁵ 67 petitions.



CONTINUED

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or withdrawn. The remainder were still pending at the close of the year.

Other features of coordination practice are becoming apparent. One feature is that, although the "big" proceedings may embrace hundreds of parties within dozens of actions,⁴⁶ the typical coordination petition includes only a few parties and two or three actions.⁴⁷ Another feature is that coordination facilitates settlement of cases in whole or in part,⁴⁸ sometimes in situations which—until all the parties in the several actions were brought before a single judge—seemed very unpromising for negotiated solution.

A file for each coordination proceeding is maintained in the San Francisco office of the Judicial Council.

⁴⁶ *E.g.*, "Rosedale explosion cases" (Judicial Council No. 146).

⁴⁷ This category comprises 219 of the first 230 petitions.

⁴⁸ Partial records in the Administrative Office of the Courts suggest that between 70 percent-80 percent of coordination proceedings are terminated after settlement of all or some of the actions.

CHAPTER 2

JUDICIAL STATISTICS

A. SUPREME COURT

1. SUMMARY OF FILINGS AND BUSINESS TRANSACTED

In 1975-76 the Supreme Court recorded 3,707 filings, a slight increase over the previous year. The composition of these filings changed significantly, however: petitions for hearing of civil appeals previously decided by courts of appeal increased by 361 (41 percent), and petitions for hearing of criminal original proceedings increased by 203 (303 percent); petitions for hearing in criminal appeals increased only slightly (by 48), but there was a large drop (-284) in petitions for review of civil original proceedings. The net result of these changes was an increase of 308 (13 percent) in total petitions for hearings. That increase was largely offset by a decrease in proceedings filed originally in the Supreme Court.

There were 21 direct appeals in death penalty cases automatically appealed to the Supreme Court.¹

**TABLE I—CALIFORNIA SUPREME COURT
SUMMARY OF FILINGS
Fiscal Years 1965-66 through 1975-76**

Type of Filing	1965- 66	1966- 67	1967- 68	1968- 69	1969- 70	1970- 71	1971- 72	1972- 73	1973- 74	1974- 75	1975- 76
Total filings	2,522	2,716	2,959	3,322	3,400	3,179	3,238	3,139	3,513	3,688	3,704
Petition for hearing of cases previously decided by the Courts of Appeal....	1,205	1,379	1,769	1,874	2,064	2,198	2,417	2,388	2,571	2,566	2,594
Civil appeals	407	497	523	533	564	636	649	687	771	872	1,233
Criminal appeals	357	429	628	665	641	624	741	770	915	1,029	1,077
Civil original proceedings	285	252	393	457	635	706	849	739	709	596	314
Criminal original pro- ceedings	41	34	57	71	72	51	85	44	80	67	270
Miscellaneous	135	167	168	148	152	111	93	126	96	- ^a	- ^a
Direct appeals.....	253	211	49	15	17	38	11	0	0	18	21
Original proceedings											
Civil.....	74	91	83	84	84	108	178	160	185	207	197
Criminal.....	983	1,025	1,057	1,349	1,235	835	632	593	757	877	592
Motion to dismiss on clerk's certificate.....	7	9	1	0	0	0	0	0	0	0	0

^a Due to small number, these filings were included in listing by character of underlying proceeding.

During the fiscal year, the Supreme Court disposed of 2,894 petitions for hearing, 814 original proceedings and 38 executive clemency applications, in addition to numerous motions and petitions for rehearing. A larger number of matters was disposed of by written opinion than in any year since 1970-71: 112 appeals and 79 original proceedings, or a total of 191. This is equivalent to 27 cases decided on the merits per justice of the Court, in addition to the Court's heavy workload of petitions for hearing, original proceedings and other matters.

¹ Direct appeals to the Supreme Court are permitted only in criminal cases where judgment of death has been pronounced. Cal. Const., Art. VI, § 11. In those cases, the appeal is automatic. Pen. Code § 1239(b).

TABLE II—CALIFORNIA SUPREME COURT BUSINESS TRANSACTED
Fiscal Years 1965-66 through 1975-76

<i>Business transacted</i>	1965- 66	1966- 67	1967- 68	1968- 69	1969- 70	1970- 71	1971- 72	1972- 73	1973- 74	1974- 75	1975- 76
Total business transacted	4,016	4,135	4,296	4,124	4,772	4,637	4,673	4,691	5,288	5,646	6,035
Appeals											
By written opinion	118	140	116	140	114	116	86	117	79	105	112
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.)	6	8	8	2	0	11	7	2	4	1	6
Original proceedings (including habeas corpus) ^a											
By written opinion	62	58	56	66	91	86	76	62	76	84	79
Without opinion	1,120	1,028	1,048	1,180	1,121	911	802	588	860	840	735
Petitions for hearing											
Granted	127	157	168	158	191	204	230	181	198	172	229
Denied	1,078	1,222	1,601	1,716	1,873	1,994	2,187	2,205	2,373	2,394	2,665
Motions (miscellaneous) ^b											
Denied or granted	20	35	33	20	67	67	30	62	64	89	124
Rehearings											
Granted	5	1	1	5	0	1	1	2	3	3	1
Denied	87	106	66	93	95	87	55	62	50	72	83
Orders ^c											
Transfers and retransfers	908	749	452	157	177	169	198	231	189	221	252
Alternative writs or orders to show cause ^d	-	-	-	-	-	-	-	-	52	60	61
Miscellaneous	474	608	717	551	997	948	940	1,161	1,331	1,567	1,650
Executive clemency applications ^e											
.....	11	23	30	36	46	43	61	12	9	38	38

^a Includes those filed initially in the Supreme Court, and those previously decided by Courts of Appeal but transferred to the Supreme Court on petition for hearing or on its own motion.

^b Excluding granted motions to dismiss reported under appeals.

^c Not reported elsewhere.

^d Data previous to 1973-74 included in miscellaneous.

^e Cal. Const., Art. V, § 8.

The Supreme Court's workload also included several disciplinary proceedings against attorneys, as reflected in Table III below. Total disciplinary proceedings declined by 16 percent from the previous year. A large percentage of the attorneys subject to disciplinary proceedings did not seek review ² of the State Bar's recommendations and, as noted in Table III, a large number resigned while proceedings were pending. Even when the attorney involved did not challenge the recommendation, however, the Supreme Court reviewed the record and made its own determination of the appropriate disciplinary sanction.

² When an attorney files a petition for a writ of review in the Supreme Court, the disciplinary matter is docketed as a civil original proceeding, and the case is reflected both in the summary of filings and, when decided, in the business transacted tables.

**TABLE III—CALIFORNIA SUPREME COURT
ATTORNEY DISCIPLINARY PROCEEDINGS
Fiscal Years 1974-75 and 1975-76**

	1975-76	1974-75
Record of conviction of crime filed		
Suspension ordered because offense involved moral turpitude	16 ^a	14 ^b
Referred to State Bar for determination whether offense involved moral turpitude	18	14
State Bar recommendations of suspension or probation	34 ^c	47 ^d
State Bar recommendations of disbarment	10	14 ^e
State Bar filing without specific recommendation	1	2 ^f
Resignation while disciplinary proceedings pending	15	23
Petitions for reinstatement	3	2
Total	97	116

^a Petitions to set aside or stay suspension filed in three. Objections or writ of review filed in three. One was referred to State Bar after suspension ordered.

^b Includes one where suspension was followed by disbarment. Petitions to set aside or stay suspension filed in two.

^c Writs of review filed in 10. Petitions to stay suspension filed in one.

^d Writs of review filed in 18.

^e Writs of review filed in four.

^f Writs of review filed in two.

2. PETITIONS FOR HEARING

Petitions for hearing set a new record, exceeding last year by 328 (12.8 percent) and the previous record by 323 (12.6 percent). The most significant area of increase was civil appeals. While part of the increase in petitions for hearing is the predictable result of an increase in Court of Appeal dispositions by written opinion (see Table VIII, *infra*), it also appears that petitions for hearing were filed in a greater percentage of appeals decided by written opinion:

	Appeals decided by Courts of Appeal	Petitions for Hearing in Appeals	%
1975-76	5,592	2,310	41.3
1974-75	5,240	1,901	36.3
1973-74	4,389	1,666	38.4
1972-73	3,890	1,457	37.5

Similar increases are found for both civil and criminal appeals; it is not clear whether this indicates a greater propensity to petition for hearing or was the result of random factors which were applicable only in 1975-76. Although there was a substantial increase in petitions for hearing on criminal original proceedings, there was a decrease in such proceedings filed as new matters in the Supreme Court and, consequently no change in overall workload arising from those matters. The increase in petitions for hearing appeals, however, was a direct increase in workload.

The Supreme Court agreed to review 229 cases which had previously been before Courts of Appeal, or 7.9 percent of the petitions.

The percentage of petitions granted did not differ greatly from the prior year in most categories; the number of petitions granted in civil original proceedings was about the same although reduced filings in that category resulted in that number being a higher percentage than last year. Almost twice as many petitions for hearing of civil appeals were granted (153 vs. 82) reflecting both the greatly increased number of those petitions and a slightly higher percentage granted.

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

Fiscal Years 1965-66 Through 1975-76

	1965- 66	1966- 67	1967- 68	1968- 69	1969- 70	1970- 71	1971- 72	1972- 73	1973- 74	1974- 75	1975- 76
Filed	1,205	1,379	1,769	1,874	2,064	2,198	2,417	2,386	2,571	2,566	2,894
Granted	127	157	168	158	191	204	230	181	198	172	229
Percent granted	10.5	11.4	9.5	8.4	9.3	9.3	9.5	7.6	7.7	6.7	7.9

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

Fiscal Years 1974-75 and 1975-76

Type of Proceeding	1975-76				1974-75			
	Filed	Granted		Denied	Filed	Granted		Denied
		No.	%			No.	%	
Total	2,894	229	7.9	2,665	2,566	172	6.7	2,394
Civil appeals	1,233	153	12.4	1,080	872	82	9.4	790
Criminal appeals	1,077	35	3.2	1,042	1,029	52	5.1	977
Civil original proceedings	314	32	10.2	282	598	33	5.5	565
Criminal original proceedings ^a ..	270	9	3.3	261	67	5	7.5	62
Miscellaneous motions and applications	_b	_b	_b	_b	_b	_b	_b	_b

^a Habeas Corpus

^b Due to small number, these petitions were included in listing by character of underlying proceeding.

3. ORIGINAL PROCEEDINGS

Filings of both civil and criminal original proceedings in the Supreme Court decreased for the first time in three years. The decrease in criminal original proceedings (habeas corpus) is particularly significant, and appears related to the increased number of habeas corpus matters in which Supreme Court review was sought by petition for hearing. Although relatively few petitions for original writs are granted and decided by the Supreme Court, by written opinion, they impose a substantial workload on the Court, since each matter filed must be evaluated by the Court to determine if it presents a question of substantial merit. A significant number are found to be sufficiently meritorious to require a full hearing, which the Supreme Court may direct should be held in a lower court.³

4. APPEALS

Twenty one direct appeals were filed⁴ in 1975-76, representing criminal cases in which the death penalty was imposed. The Supreme Court withheld argument on these cases pending decision by the United States Supreme Court on the constitutionality of the death penalty laws of certain other states. The appeals shown as disposed of in Table II, therefore consisted entirely of cases which had previously been decided by a Court of Appeal and in which a hearing was granted in the Supreme Court pursuant to petition or on the Court's own motion, rather than cases within the Supreme Court's original appellate jurisdiction.

³ See Table II, Transfers and Retransfers.

⁴ A criminal appeal is deemed "filed" when the record, including a reporter's transcript, is received by the reviewing court.

B. COURTS OF APPEAL

1. FILINGS

Summary

Filings of contested matters⁵ in the Courts of Appeal continue to evidence a steady upward trend; the 10,312 such matters filed in fiscal 1975-76 represented an increase of 3.8 percent over the previous year, a smaller percentage increase than in 1974-75 and in 1973-74. However, the category of case representing the greatest amount of work for an appellate court—civil appeals—showed a large increase numerically and in percentage terms.

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

	Fiscal Years 1965-66 Through 1975-76										
Type of filing	1965-66	1966-67	1967-68	1968-69	1969-70	1970-71	1971-72	1972-73	1973-74	1974-75	1975-76
Total filings	5,013	5,538	6,411	6,574	8,039	8,684	8,548	9,186	9,803	10,349	10,797
Appeals											
Civil	1,462	1,478	1,664	1,751	1,981	1,921	2,191	2,277	2,380	2,686	3,183
Criminal	1,634	1,948	2,037	2,120	2,562	3,025	2,764	3,106	3,300	3,229	3,279
Original proceedings											
Civil	977	975	1,347	1,608	2,172	2,520	2,492	2,520	2,593	2,730	2,842
Criminal	713	861	1,073	1,051	1,006	861	747	903	1,145	1,291	1,008
Total contested matters	4,786	5,262	6,121	6,530	7,721	8,327	8,194	8,806	9,418	9,936	10,312
Motions to dismiss on clerk's certificate											
Civil	225	273	288	337	317	357	353	377	384	411	484
Criminal	2	3	2	7	1	0	1	3	3	2	1

Court of Appeal filings in 1975-76 included 6,462 appeals, which comprised 62.7 percent of all contested filings in those courts. In 1974-75 the comparable figure was 59.6 percent.

Appeals—Civil

The 3,183 civil appeals filed in 1975-76 were 497 (18.5 percent) over 1974-75, a sharp rise from the trend depicted in Figure 1⁶ which had shown civil appeals increasing at a relatively constant annual rate averaging 6 to 7 percent since 1967-68.⁷

⁵ "Contested matters" includes all appeals and original proceedings; it excludes motions to dismiss on clerk's certificate, which do not significantly add to the courts' workload.

⁶ This and other charts in this section are plotted on "semilog" scales so that a constant slope represents a constant percent of change, and equal vertical distances represent equal percentage differences.

⁷ The increase is stated as the equivalent of a compound interest rate; that is, on the average each year increases by about that rate over the total civil appeals in the previous year.

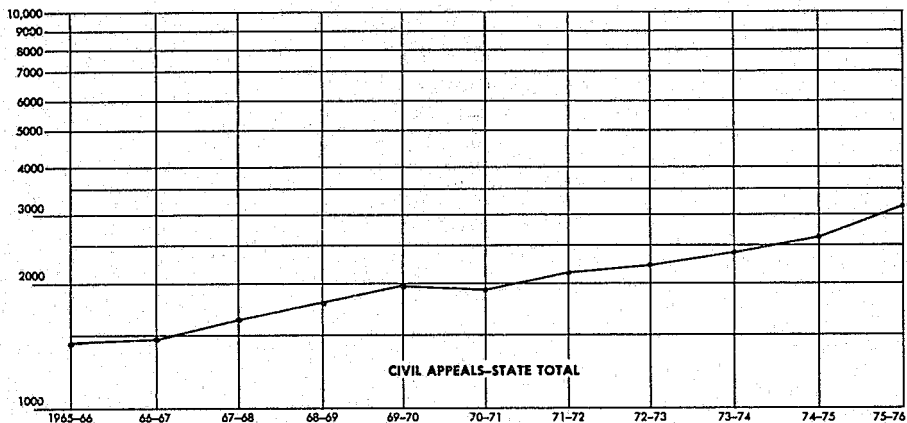


Figure 1

Appeals—Criminal

There were 3,279 criminal appeals filed in 1975-76, a slight increase over 1974-75. The trend in criminal appeals is depicted in Figure 2. Except for 1971-72⁸ and 1974-75, there was an increase each year in the past decade, and it appears that the generally upward trend will continue in the future. As Table VII indicates the percentage of felony trials that resulted in appeals increased in 1975-76, and therefore the sole cause of the temporary stability in criminal appeals was the sharp decline in felony trials during the past year.⁹

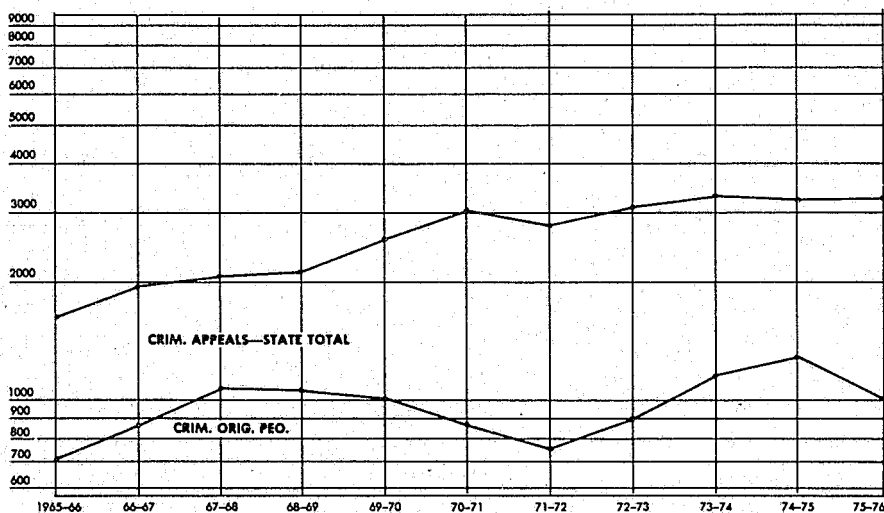


Figure 2

⁸ The decline in 1971-72 was almost entirely attributable to a change in policy in Los Angeles, in which certain types of criminal offenses which had been prosecuted as felonies were disposed of as misdemeanors in the municipal court. See 1973 Judicial Council Report at 178 and 186.

⁹ This decline was due to a temporary shortage of judges. See 1976 Judicial Council Report at 104, 112-13.

**TABLE VII—CALIFORNIA COURTS OF APPEAL
RELATIONSHIP BETWEEN CONTESTED SUPERIOR COURT DISPOSITIONS
AND APPEALS FILED**

Fiscal Years 1967-68 Through 1975-76

Fiscal Year	1967-68	1968-69	1969-70	1970-71	1971-72	1972-73	1973-74	1974-75	1975-76
State Totals:									
Superior Court Contested Dispositions									
CIVIL.....	15,903	14,612	15,898	17,641	19,185	20,074	20,996	^R 20,008	23,128
Courts of Appeal civil appeals filed—Number.....	1,664	1,751	1,981	1,921	2,191	2,277	2,380	2,686	3,183
Percent	10.5%	12.0%	12.5%	10.9%	11.4%	11.3%	11.3%	13.4%	13.8%
Superior Court Contested Dispositions*									
CRIMINAL.....	5,704	6,490	7,203	7,015	6,114	6,189	6,509	6,373	5,089
Courts of Appeal criminal appeals filed—Number.....	2,037	2,120	2,562	3,025	2,764	3,106	3,300	3,229	3,279
Percent**	35.7%	32.7%	35.6%	43.1%	45.2%	50.2%	50.7%	50.7%	64.4%

* Excludes change of plea or dismissal following start of trial for years 1967-68 through 1974-75. The 1975-76 figure includes changes of plea.

** Note that this does not necessarily reflect the precise percentage of appealable dispositions actually appealed. For example, "superior court contested dispositions" include nonappealable acquittals and excludes convictions on pleas of guilty, a few of which are appealable. The table is, therefore, presented only to show the general relationship between appellate workload and superior court dispositions.

^R Revised.

Original Proceedings—Civil

After four years of sharp annual increases, from 1966-67 through 1970-71, civil original proceedings have become relatively stable, and recent moderate increases reflect the overall growth of court business in the state.

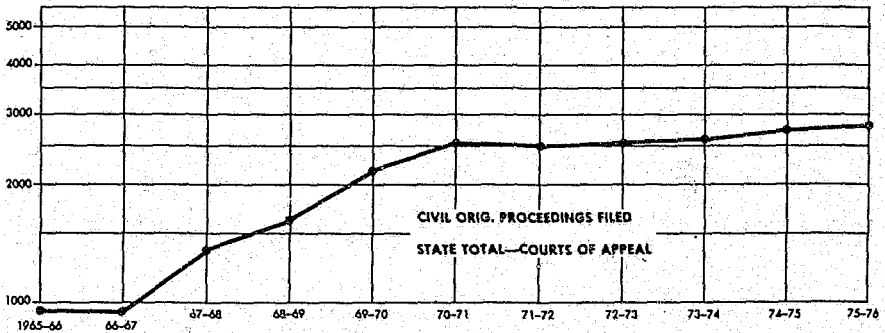


Figure 3

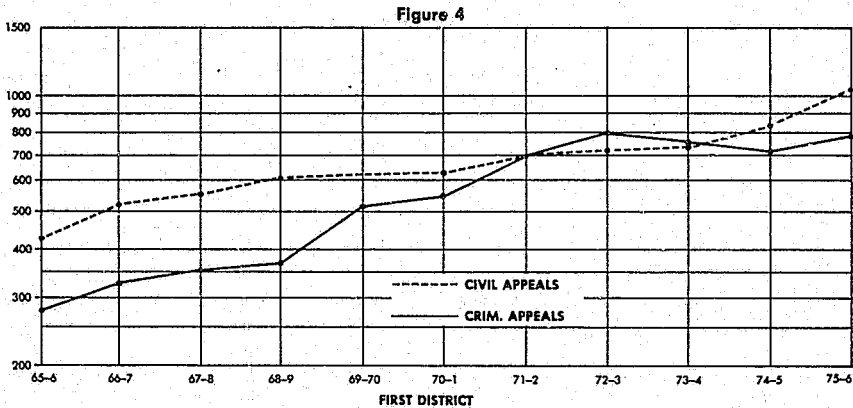
Original Proceedings—Criminal

By contrast, criminal original proceedings (habeas corpus) reversed their three years of sharp increases, and fell to their 1967-70 level. (See Figure 2.) The beginning of the upward trend coincided with the United States Supreme Court decision in *Morrissey v. Brewer*,¹⁰ which established certain hearing rights in parole revocations, and would appear to be attributable to petitions for habeas corpus based upon that decision. The current decrease suggests that the effects of that decision have been assimilated.

Filings—Highlights by District

District 1. Civil filings in the First District, which had been increasing at a constant annual percentage, are now growing at a higher rate of increase (20.2 percent in 1975-76).

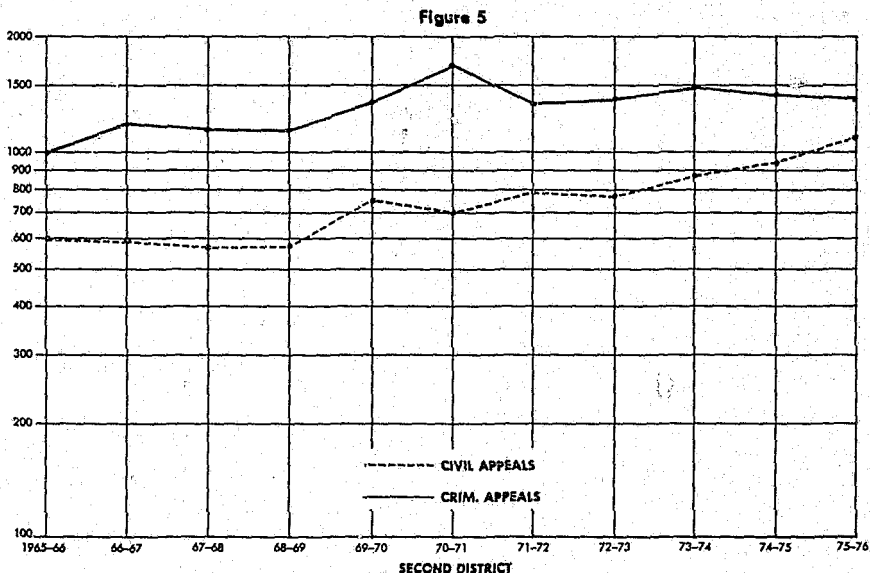
After two years of slight decline, criminal appeal filings have resumed the upward trend that characterized the period 1965-72, and a continued increase seems likely.



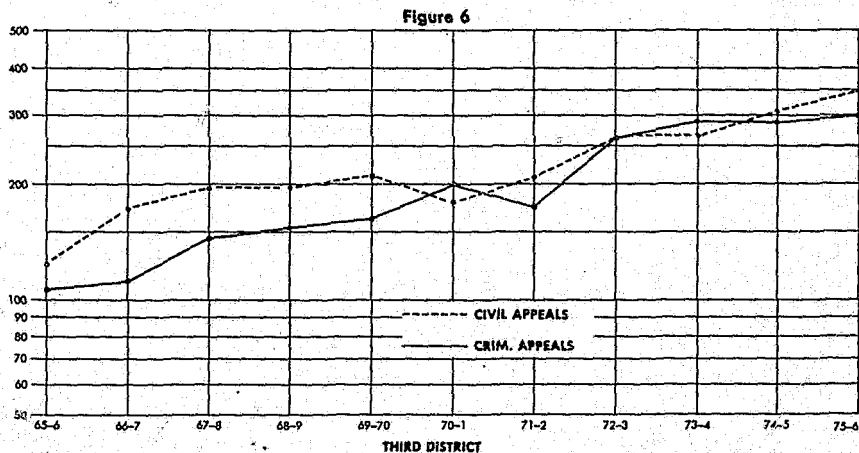
District 2. Civil appeals have been increasing fairly constantly at an annual rate of about 12.5 percent from 1972-73 to date.

As noted earlier, a change in prosecution policy in Los Angeles County resulted in a decrease in criminal filings in the Second District in 1971-72. In the succeeding years, criminal appeals have remained almost constant.

¹⁰ 408 U.S. 471, 33 L.Ed.2d 484, 92 S.Ct. 2593 (1972).

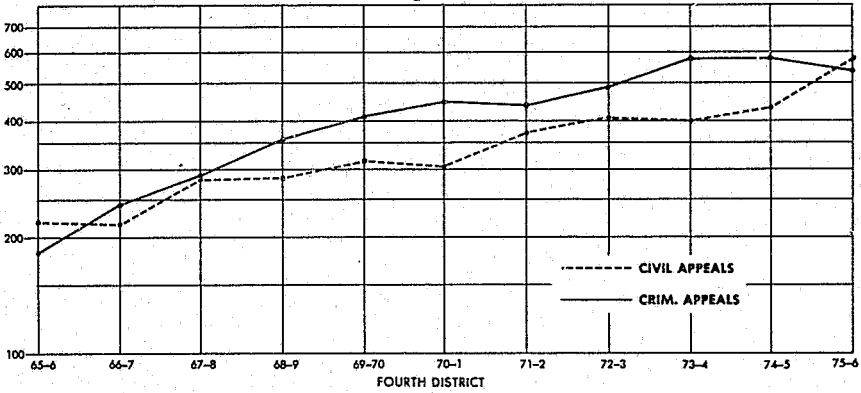


District 3. Civil appeals continue to increase at the sharp rate first noted in 1971-72; the average annual rate of increase since 1970-71 is 14 percent.



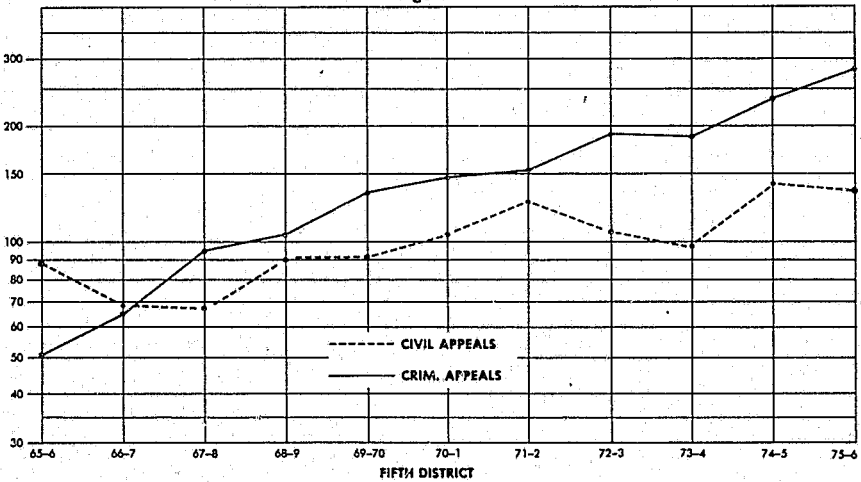
District 4. Civil appeals showed a much greater increase in 1975-76 than their long-term trend. In terms of workload, this increase was only partially offset by a slight decrease in criminal appeals.

Figure 7



District 5. Criminal filings increased consistent with the district trend of an average annual increase of about 14.5 percent. Civil appeals were virtually unchanged from last year.

Figure 8



2. BUSINESS TRANSACTED

Summary

In 1975-76 the Courts of Appeal set a new record in disposing of 5,943 contested matters¹¹ on the merits by written opinion, 372 more than in the prior record year. Of these, 2,696 were civil appeals, 2,896 were criminal appeals (5,592 total appeals), and 351 were dispositions of original proceedings. The 6.7 increase in written opinions is attributable to continued efforts by the regular judges of the Courts of Appeal and, particularly in the First Appellate District, the assistance of retired judges sitting by assignment.

¹¹ "Contested matters" means appeals and original proceedings. While some motions (e.g., a contested motion to dismiss) may add significantly to the courts' work, the majority of motions do not do so to any great extent.

**TABLE VIII—CALIFORNIA COURTS OF APPEAL
BUSINESS TRANSACTED**
Fiscal Years 1965-66 Through 1975-76

<i>Business transacted</i>	1965- 66	1966- 67	1967- 68	1968- 69	1969- 70	1970- 71	1971- 72	1972- 73	1973- 74	1974- 75	1975- 76
Total business transacted	9,664	10,293	13,403	12,908	14,500	15,891	16,482	17,375	18,639	18,946	18,912
Appeals											
By written opinion	2,087	2,323	2,695	2,958	3,221	3,544	3,997	3,890	4,389	5,240	5,592
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.)	1,021	935	1,190	1,428	1,613	1,769	1,495	1,614	1,655	1,575	1,966
Original proceedings (including habeas corpus)											
By written opinion	103	121	161	245	221	269	321	277	296	331	351
Without opinion	1,559	1,641	2,118	2,379	2,897	2,975	2,902	3,074	3,455	3,647	3,448
Total by written opinion	2,190	2,444	2,856	3,203	3,442	3,813	4,318	4,167	4,685	5,571	5,943
Motions (miscellaneous)^a											
Denied or granted	201	223	302	324	317	382	396	436	525	670	736
Rehearings											
Granted	42	53	63	42	65	51	73	65	62	96	89
Denied	526	651	740	785	720	811	920	933	1,030	1,138	1,274
Orders (miscellaneous)^b	4,125	4,346	6,134	4,647	5,446	6,090	6,378	7,086	7,227	6,249	5,456

^a Excluding granted motions to dismiss reported under appeals.

^b Not reported elsewhere.

The decrease in dispositions of criminal appeals by written opinion from 1974-75 was 163, or 5.3 percent; civil appeals disposed of by written opinion increased by 515, or 23.6 percent.

Appeals disposed of without written opinion constitute little burden on the court because they are usually settled or abandoned; the same is not true of original proceedings disposed of without written opinion, since all of them require judicial review to determine whether they have merit. Thus, although written opinions in original proceedings increased only slightly (351 in 1975-76 compared to 331 in 1974-75), the 3,448 original proceedings disposed of without written opinion represented significant additional judicial workload.

The Courts of Appeal, as in past years, received substantial assistance from retired judges and superior court judges sitting on assignment by the Chairman of the Judicial Council. Even considering this assistance, however, the average number of dispositions on the merits per judge showed a marked increase. The statewide average now exceeds 103 written opinions per judge-equivalent, and it is unlikely that substantial further increases in average productivity should be sought.

**TABLE IX—CALIFORNIA COURTS OF APPEAL
DISPOSITIONS PER JUDGE-EQUIVALENT**

Fiscal Years 1974-75 and 1975-76

District	Full-time judge-equivalents*		Appeals disp. by written opin.		Orig. proceedings disp. by written opin.		Total appeals & orig. proc. by written opin.		Per judge-equivalent	
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
	1.....	16.3	15.4	1,686	1,424	129	103	1,815	1,527	111.3
2.....	21.9	22.6	2,131	2,264	84	83	2,215	2,347	101.1	103.8
3.....	6.0	6.3	524	455	74	61	598	516	99.7	81.9
4.....	9.0	8.7	870	808	33	43	903	851	100.3	97.8
5.....	4.2	3.8	381	289	31	41	412	330	98.1	86.8
State.....	57.4	56.8	5,592	5,210	351	331	5,943	5,571	103.5	98.1

* "Full-time judge-equivalents" includes a court's regular justices plus the time reported for judges assigned to the court, minus the time reported for assignments of the court's regular members to another court and for extended absence.

**TABLE X—CALIFORNIA COURTS OF APPEAL
MAJORITY OPINIONS WRITTEN**

Fiscal Years 1968-69 Through 1975-76

Majority opinions written	1968-69	1969-70	1970-71	1971-72	1972-73	1973-74	1974-75	1975-76
Total opinions.....	3,148	3,384	3,746	4,259	4,120	4,605	5,449	5,813
"By the Court" opinions.....	57	225	532	872	990	1,138	1,369	1,708
Authored opinions.....	3,091	3,159	3,214	3,387	3,130	3,467	4,080	4,105
By court of appeal judges.....	2,680	2,814	2,990	3,128	2,783	3,116	3,575	3,611
By assigned judges.....	411	345	224	259 ^a	347 ^a	351 ^a	505 ^a	494 ^a

^a The number of opinions written by judges who were assigned to cover vacancies or extended absences have been reported since 1971-72 and are as follows:

1971-72	127
1972-73	84
1973-74	131
1974-75	185
1975-76	108

Commencing November 1974, a special program assigned four additional judges to the first appellate district; majority opinions written under that program are as follows:

1974-75	138
1975-76	223

TABLE X-a CALIFORNIA SUPREME COURT AND COURTS OF APPEAL
Summary of Criminal Appeals Terminated by Written Opinion; Fiscal Year 1975-76*

	<i>Totals</i>	<i>AFFIRMANCES</i>			<i>REVERSALS</i>			<i>For Retrial</i>	<i>Percent of Total</i>	
		<i>In Full</i>	<i>Percent of Total</i>	<i>With Modifications</i>	<i>Percent of Total</i>	<i>Total Affirmed</i>	<i>No Retrials</i>			<i>Percent of Total</i>
Supreme Court and Courts of Appeal	2,390	1,987	83.5	222	9.3	92.8	12	0.5	159	6.7
Supreme Court	29	8	27.6	5	17.2	44.8	0	0	16	55.0
Total, Courts of Appeal	2,351	1,979	84.2	217	9.2	93.4	12	0.5	143	6.1
First District	563	494	87.7	49	8.7	96.4	2	0.4	18	3.2
Second District	985	825	83.8	71	7.2	91.0	9	0.9	60	6.1
Third District	236	183	77.5	30	12.7	92.8	0	0	17	7.2
Fourth District	373	314	84.2	46	12.3	96.5	0	0	13	3.5
Fifth District	194	163	84.0	13	7.7	91.8	1	0.5	15	7.7

* September 1975 through June 1976

Outcome of Criminal Appeals

For most of 1975-76, a record was kept of the outcome of criminal appeals. It showed that 92.8 percent were affirmed in full or with modifications. Only 1/2 of 1 percent of all criminal appeals were reversed under circumstances not permitting a new trial.

3. BACKLOG AND DELAY

Total Appeals Pending

There were 4,544 appeals pending in the Courts of Appeal on June 30, 1976, a decrease of 131 from the number pending a year earlier. An appeal is treated as "filed" for statistical purposes when the record on appeal is transmitted to the Court of Appeal. It is not ready for action by the court, however, until briefing has been completed, which is normally several months after the appeal is filed. During the intervening period, a significant percentage of appeals is dismissed as a result of settlement or abandonment.

**TABLE XI—CALIFORNIA COURTS OF APPEAL
APPEALS PENDING
June 30, 1975 and June 30, 1976**

<i>Courts of Appeal</i>	<i>June 30, 1976</i>			<i>June 30, 1975</i>		
	<i>Total pending</i>	<i>Civil</i>	<i>Criminal</i>	<i>Total pending</i>	<i>Civil</i>	<i>Criminal</i>
State total.....	4,544	2,555	1,989	4,675	2,579	2,096
District I—Total	1,377	838	539	1,498	947	551
Division 1 ^a	389	234	155	433	288	145
Division 2 ^a	369	217	152	413	267	146
Division 3 ^a	307	192	115	367	213	154
Division 4 ^a	312	195	117	285	179	106
District II—Total	1,609	862	747	1,577	760	817
Division 1 ^b	313	172	141	303	140	163
Division 2 ^b	293	157	136	311	157	154
Division 3 ^b	314	159	155	335	167	168
Division 4 ^b	303	169	134	279	141	138
Division 5 ^b	386	205	181	349	155	194
District III ^c	462	287	175	484	319	165
District IV—Total	694	405	289	700	367	333
Division 1 ^b	383	251	132	386	220	166
Division 2 ^d	311	154	157	314	147	167
District V ^e	402	163	239	416	186	230

^a Effective January 1, 1976 four judges were added, one to each division, for a total of sixteen positions.

^b Divisions with four authorized judges.

^c Effective January 15, 1975 one judge was added for a total of seven positions.

^d Division with five authorized judges.

^e Effective January 1, 1976 one judge was added for a total of four positions.

**TABLE XII—CALIFORNIA COURTS OF APPEAL
APPEALS ARGUED, CALENDARED OR READY FOR CALENDAR
June 30, 1975 and June 30, 1976**

Courts of Appeal	June 30, 1976			June 30, 1975		
	Total	Civil	Criminal	Total	Civil	Criminal
State total	1,556	923	633	1,902	1,198	704
District I—Total	463	292	171	702	488	214
Division 1 ^a	148	96	52	236	171	65
Division 2 ^a	128	72	56	188	138	50
Division 3 ^a	94	57	37	179	116	63
Division 4 ^a	93	67	26	99	63	36
District II—Total	390	200	190	412	223	189
Division 1 ^b	66	46	20	75	39	36
Division 2 ^b	67	34	33	85	56	29
Division 3 ^b	52	23	29	98	56	42
Division 4 ^b	79	43	36	56	31	25
Division 5 ^b	125	54	72	98	41	57
District III ^c	162	108	54	231	186	45
District IV—Total	305	204	104	288	173	112
Division 1 ^b	197	143	54	201	138	63
Division 2 ^d	111	61	50	87	38	49
District V ^e	233	119	114	269	125	144

^a Effective January 1, 1976 four judges were added, one to each division, for a total of sixteen positions.

^b Divisions with four authorized positions.

^c Effective January 15, 1975 one judge was added for a total of seven positions.

^d Division with five authorized judges.

^e Effective January 1, 1976 one judge was added for a total of four positions.

Accordingly, while total appeals pending indicate the courts' potential workload, only those in the category "argued, calendared or ready for calendar" represent appeals ready for judicial action.

Pending Appeals Argued, Calendared or Ready for Calendar

An appeal is ready for judicial action when the last brief has been filed, or the time for its filing has passed. Of the total appeals pending on June 30, 1976, there were 1,556 ready for judicial action, as compared 1,902 pending a year earlier, a major decrease of 346. Ready criminal appeals, which were never permitted to become backlogged significantly, decreased by 71, and ready civil appeals were reduced by 275.

TABLE XIII—CALIFORNIA COURTS OF APPEAL

READY APPEALS PENDING ANALYSIS

Fiscal Year 1975-76

District	Appeals disposed by written opinion Fiscal Year 1975-76			Appeals argued calendared or ready June 30, 1976			Ready-pending ratio (June 30, 1976 percent figures)			Ready-pending ratio (June 30, 1975 percent figures)		
	Civil	Crim.	Total	Civil	Crim.	Total	Civil	Crim.	Total	Civil	Crim.	Total
1	972	714	1,686	292	171	463	30.0	23.9	27.5	64.8	31.9	43.3
2	930	1,201	2,131	200	190	390	21.5	15.8	18.3	24.5	14.0	18.2
3	271	253	524	108	54	162	39.9	21.3	30.9	105.1	15.2	50.8
4	389	481	870	204	104	308	52.4	21.6	35.4	66.4	20.2	35.6
5	134	247	381	119	114	233	88.8	46.2	61.2	164.5	67.6	93.1
State	2,696	2,896	5,592	923	633	1,556	34.2	21.9	27.8	54.9	23.0	36.3

The significance of the backlog of ready appeals may be measured by comparing the backlog with the number of cases the court disposes of in a year.¹² The "ready pending ratio" in Table XIII is the percentage of a year's dispositions of appeals, based upon 1975-76 dispositions by written opinion, represented by the court's backlog of ready appeals. There is, of course, an irreducible minimum number of cases that will be on hand. For example, if one month were allowed for calendaring and notice and one month for decision, there would be two months' ready appeals, or a ratio of 16.7 percent.

Assuming that each court can maintain its 1975-76 rate of decision making, it is apparent that: District 1 achieved a major reduction in its backlog of civil cases; District 2 is substantially current in both categories; District 3 has had a dramatic reduction in pending appeals; District 4's position has not improved (due to a vacant judgeship); and District 5 remains seriously backlogged despite its improved rate of decision making.

Delay

Viewing the ratios in the preceding table as fractions of a year, they correspond closely to the reported average times for decision of ready appeals in the several districts. Criminal appeals receive priority in consideration and are decided quite promptly after briefing is completed.

TABLE XIV—CALIFORNIA COURTS OF APPEAL DELAY IN APPEALS

MEDIAN TIME IN MONTHS
Quarter Ending June 30, 1976

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 ^a	16	11	5	2
Division 2 ^a	15	11	4	2
Division 3 ^a	13	11	3	3
Division 4 ^a	14	10	4	1
District II				
Division 1 ^b	12	8	5	5
Division 2 ^b	13	8	4	1
Division 3 ^b	12	9	2	2
Division 4 ^b	10	9	2	2
Division 5 ^b	15	10	2	3
District III ^c	14	9	4	2
District IV				
Division 1 ^b	22	11	10	3
Division 2 ^d	11	8	3	1
District V ^e	18	13	11	6

^a Effective January 1, 1976 four judges were added, one to each division, for a total of sixteen positions.

^b Divisions with four authorized judges.

^c Effective January 15, 1975 one judge was added for a total of seven positions.

^d Division with five authorized judges.

^e Effective January 1, 1976 one judge was added for a total of four positions.

¹² Dispositions by written opinion are used here because dismissals by stipulation and the like generally occur before cases are "ready."

Civil appeals in some districts, however, are quite commonly pending for extended periods of time after the last brief is filed. In evaluating the table below it should be noted that times are stated as the median number of months that a case was pending, based on cases decided during the last quarter of the fiscal year. It therefore follows, by definition, that: (a) one-half of all cases decided during the quarter were pending for a greater period of time than that stated, and (b) in a court whose backlog of cases is increasing, appeals still pending on June 30 will, on the average, take longer until decision than the times shown in this table.

In both civil and criminal appeals, the preparation of briefs was a much more significant source of delay than court backlog. (See Table XIV.)

4. OPINIONS PUBLISHED

The following table indicates the percentage of majority opinions of Courts of Appeal certified for publication during 1975-76. Despite some variations among the districts and divisions, the percentages for the state as a whole are not significantly different from the percentages published in 1974-75.

TABLE XV—CALIFORNIA COURTS OF APPEAL
PERCENTAGE OF MAJORITY OPINIONS PUBLISHED
Fiscal Year 1975-76

<i>Courts of Appeal</i>	<i>Total</i>	<i>Civil appeals</i>	<i>Criminal appeals</i>	<i>Original proceedings</i>
State total.....	15.7	22.9	7.0	35.0
District I.....	14.1	17.4	5.1	41.2
Division 1.....	18.4	20.9	6.9	53.8
Division 2.....	12.6	17.1	4.6	27.8
Division 3.....	9.6	12.2	4.5	25.9
Division 4.....	15.6	19.1	4.3	46.7
District II.....	19.8	31.7	9.6	45.8
Division 1.....	16.4	24.3	6.2	68.8
Division 2.....	23.0	36.4	11.1	53.3
Division 3.....	15.0	25.5	6.1	25.0
Division 4.....	22.5	34.4	14.6	0
Division 5.....	22.3	39.1	10.2	36.8
District III.....	12.0	18.0	2.4	23.2
District IV.....	11.4	17.0	5.7	30.0
Division 1.....	13.3	17.6	9.2	25.0
Division 2.....	10.0	16.5	3.2	33.3
District V.....	15.3	29.9	6.5	22.6

The National Center for State Courts is conducting a study of unpublished Court of Appeal opinions to determine whether the criteria for publication,¹³ are being uniformly applied. That report is scheduled for completion in early 1977.

¹³ See Cal. Rules of Court, Rule 976(b).

C. SUPERIOR COURTS

1. FILINGS

Highlights

The number of cases filed in the superior courts in 1975-76 was at an all-time high and reflected the largest annual numerical and percentage gains of the past decade. The 667,100 filings in 1975-76 were almost 64,700 cases¹⁴ or 10.7 percent more than the number filed in the previous year.

**TABLE XVI—CALIFORNIA SUPERIOR COURTS
NUMBER OF JUDGESHIPS, TOTAL FILINGS, AND FILINGS PER JUDGESHIP
Fiscal Years 1955-56 through 1975-76**

Fiscal year	Number of Judgeships ^a		Filings			Total filings per Judgeship
	Total	Increase from preceding year	Total	Change from preceding year		
				Amount	Percent	
1955-56.....	361	-	435,895	-	-	1,207
1956-57.....	368	7	446,500	10,605	2.4	1,213
1957-58.....	394	26	467,560	21,060	4.7	1,187
1958-59.....	406	14	493,631	26,071	5.6	1,210
1960-70.....	416	8	507,163	13,532	2.7	1,219
1970-71.....	443	27	527,488	20,325	4.0	1,191
1971-72.....	471	28	532,256	5,232	-1.0	1,109
1972-73.....	477	6	532,563	10,307	2.0	1,116
1973-74.....	478	1	562,248	29,685	5.6	1,176
1974-75.....	R 501	R 23	R 602,470	R 40,222	R 7.2	R 1,203
1975-76.....	520	19	667,122	64,652	10.7	1,283

^a Based on authorized judgeships at end of fiscal year. See footnote b of Table XXIV, with respect to "per judge" comparison.

^R Revised.

Compared to the level 10 years ago filings have risen by 53 percent or at an average rate of 5.3 percent per year.

The largest year-to-year gain occurred in juvenile delinquency filings. Petitions filed under Sections 601 and 602 of the Welfare and Institutions Code increased by 30,125 cases from a year earlier to 93,864 cases. The next largest numerical gain was in other civil petitions which were up by 17,851 filings. These two categories together accounted for 74.2 percent of the net increase in the caseload of the superior courts during 1975-76. Numerical increases in the other categories ranged from a low of 70 filings in juvenile dependency proceedings to a high of 6,018 in other civil complaints. Filings were down from a year earlier in only two categories: eminent domain showed 1,677 fewer filings, and criminal filings declined by 729 cases.

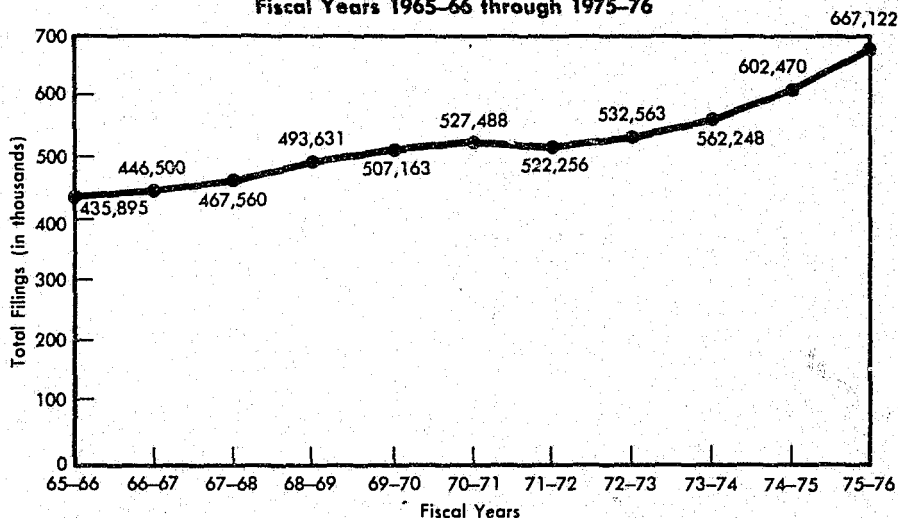
Total filings divided by the number of judges authorized at the end of the year rose to 1,283 filings this year from last year's 1,203 filings. The average of 1,283 filings per judge recorded in 1975-76 is the highest annual average registered during the past decade. (See Table XVI.)

¹⁴ The increase reflects in substantial part gains in juvenile delinquency and dependency cases since July 1, 1975 when the Regulations on Superior Court Reports to the Judicial Council were revised to count as filings any subsequent petitions under Secs. 600, 601 and 602 of the Welf. & Inst. Code on dependent children, wards and probationers of the juvenile court alleging further acts of parental neglect or additional crimes or delinquency. Previously, only filings of original petitions were counted. The Regulations were amended in order to provide a more accurate picture of the juvenile caseload in superior courts. Subsequent petitions normally require as much time for disposition as initial petitions.

Figure 9—California Superior Court

Total Filings¹

Fiscal Years 1965-66 through 1975-76



¹ Beginning in 1975-76 subsequent petitions filed in juvenile delinquency and dependency cases were included for the first time. In prior years only original petitions were counted. (See text for explanation.)

Filings by Type of Proceedings

Table XVII shows total filings distributed over the various categories reported by the courts to the Judicial Council. The number of juvenile filings increased substantially during 1975-76 primarily as a result of a revision in the reporting of juvenile cases.¹⁵ About 93,864 juvenile delinquency filings were reported in 1975-76, or 47.3 percent more than the number filed in 1974-75. The annual increment of 30,125 is the largest of all the categories and accounted for 46.6 percent of the net increase in all superior court cases. It should be noted, however, that 36,921 or 39.3 percent of the delinquency filings in 1975-76 were subsequent petitions, not counted in prior years, and, accordingly, there was an actual decrease in the number of initial petitions filed.

Juvenile dependency filings of 14,053, despite the inclusion of subsequent petitions, remained almost unchanged from the preceding year's level.

Among the civil categories, other civil petitions registered the largest numerical year-to-year increase. The 74,369 filings in 1975-76 showed an increase of 17,851 cases or 32 percent over 1974-75. This increase was simultaneous with new legislation which required district attorneys to file petitions for reimbursement from noncustodial parents of welfare support payments made by the county.

The other civil complaint category, with 87,405 filings in 1975-76, showed the third largest annual gain. Filings rose by 6,018 cases or 7.4 percent above the 1974-75 level. Since 1971-72 other civil complaint filings had been rising much faster annually than personal injury cases (motor vehicle and other personal injury cases combined) but in 1975-76 both

¹⁵ *Supra*, n. 1.

TABLE XVII—CALIFORNIA SUPERIOR COURTS
 FILINGS BY TYPE OF PROCEEDING
 Fiscal Year 1975-76

Type of proceeding	Filings 1975-76	Change in filings from			
		1974-75		1965-66	
		Amount	Percent	Amount	Percent
Total filings.....	667,122	64,632	10.7	231,227	33.0
Probate and guardianship.....	62,590	615	1.0	3,308	5.6
Family law.....	168,887	5,949	3.7	64,336	61.5
Personal injury, death and property damage.....	80,341	5,102	6.8	31,296	63.3
Motor vehicle ^a	52,574	3,308	6.7	-	-
Other ^a	27,767	1,794	6.9	-	-
Eminent domain.....	3,622	-1,677	-31.6	-4,995	-58.0
Other civil.....	161,774	23,869	17.3	76,467	89.6
Complaints ^a n.e.c.....	87,405	6,018	7.4	-	-
Petitions ^a	74,369	17,851	31.6	-	-
Mental health.....	6,514	475	7.9	-18,197	-73.6
Juvenile.....	107,917	30,195	38.9	52,135	93.5
Delinquency ^a	93,864 ^b	30,125	47.3	-	-
Dependency ^a	14,053	70	0.5	-	-
Criminal.....	54,906	-729	-1.3	11,914	27.7
Appeals from lower court.....	11,616	723	6.7	8,845	319.2
Habeas corpus.....	3,965	128	1.5	6,116	215.4

^a Reported as a separated category starting in 1967-68. Beginning in 1975-76 subsequent petitions were included for the first time. In prior years only original petitions were counted. (See text for explanation.)

^b Of this total, 12,791 filings or 13.6 percent were under Welf. & Inst. Code § 601, and 81,073 or 86.4 percent were under § 602.

nec. Not elsewhere classified.

categories increased at nearly the same rate. The trend in Figure 10 shows that personal injury filings exceeded filings of other civil complaints until 1974-75, when the latter exceeded the former by 6,148 cases. In 1975-76, other civil complaint filings exceeded personal injury filings by 7,064.

There were 80,341 personal injury, death and property damage cases filed in 1975-76, about 5,100 or 6.8 percent more than the volume in 1974-75. Of this total, 52,574 cases or almost two-thirds resulted from motor vehicle accidents, up by 3,308 cases or 6.7 percent from a year earlier. Other personal injury cases, which include medical malpractice suits, with an increase of 1,794 cases rose at about the same rate.

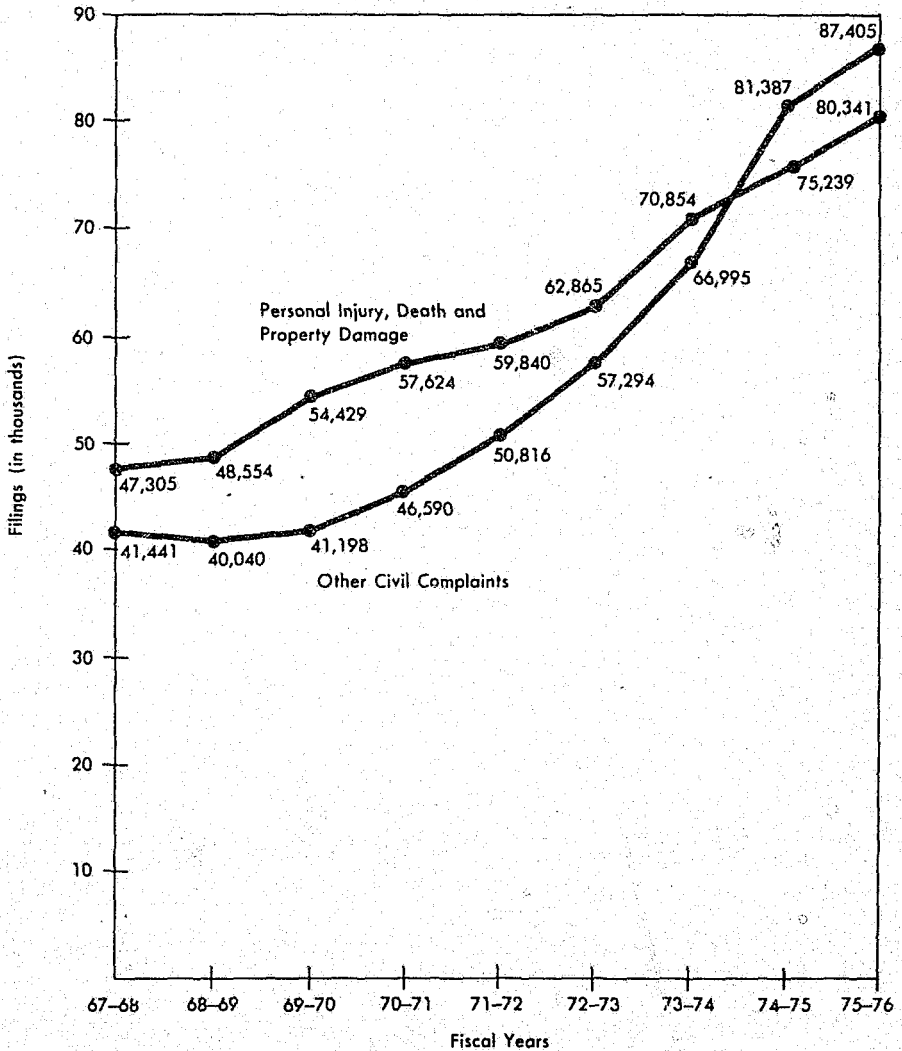
The increased filings of other civil complaints and personal injury cases are especially significant because they constitute the bulk of pending civil cases and, are the type of cases that consume much of the court's time. It should be noted, however, that personal injury cases generate many more time-consuming jury trials than do other civil complaints. Although personal injury filings were 8.1 percent below other civil complaint filings, they required about 3-1/2 times as many juries.

Family law cases, with an increase of 5,949 cases or 3.7 percent, showed the fourth highest numerical gain of all categories. The 168,887 family law filings in 1975-76 accounted for 25.3 percent of the total cases filed in superior courts, exceeding all other categories in volume.

Figure 10—California Superior Court

Filings of Personal Injury, Death and Property Damage and Other Civil Complaints.

Fiscal Years 1967-68 through 1975-76

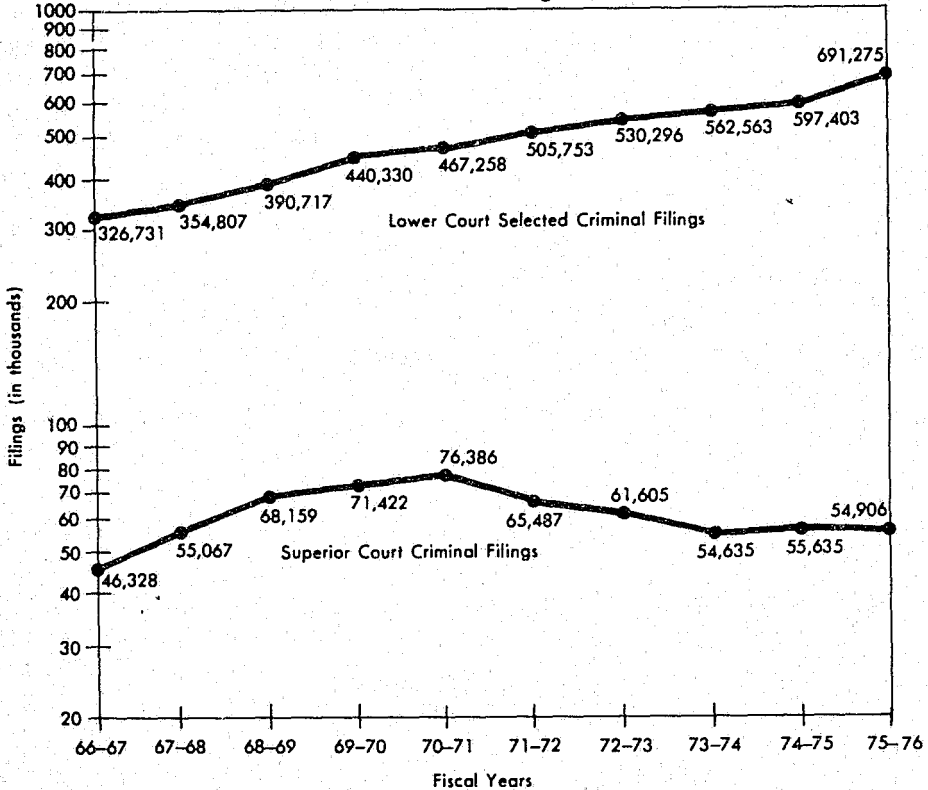


Superior court criminal filings in 1975-76 were at about the same level as in the two preceding years. The 54,906 filings in 1975-76 were 729 cases or 1.3 percent less than the number filed in 1974-75, and 271 or .5 percent more than the number filed in 1973-74. Criminal filings reached their peak in 1970-71 when 76,386 were filed and then were on a downtrend until 1973-74 when they leveled off.

Figure 11—California Superior Court

Superior Court Criminal Filings Compared with
Lower Court Selected Criminal Filings¹

Fiscal Years 1966-67 through 1975-76



¹Lower court selected criminal filings were based on felony preliminary and nontraffic misdemeanor cases filed excluding intoxication during fiscal years 1966-67 through 1974-75. In 1975-76, however, because of a change in the method of reporting intoxication cases were included but infractions were excluded.

The lower level of criminal filings in recent years has resulted largely from the increased application by courts and district attorneys of Section 17b of the Penal Code as amended in 1969. This section allows district attorneys to prosecute as misdemeanors those criminal offenses that are punishable as either felonies or misdemeanors and allows the magistrate with the consent of the defendant and prosecutor to dispose of these cases as misdemeanors at the time of the preliminary hearing in the lower courts. In Figure 11 the trend of criminal cases filed in superior court is compared with the trend of nontraffic criminal cases filed in municipal

courts. It shows that the decreases in criminal cases filed in superior courts were accompanied by increases in nontraffic misdemeanor cases in municipal and justice courts.

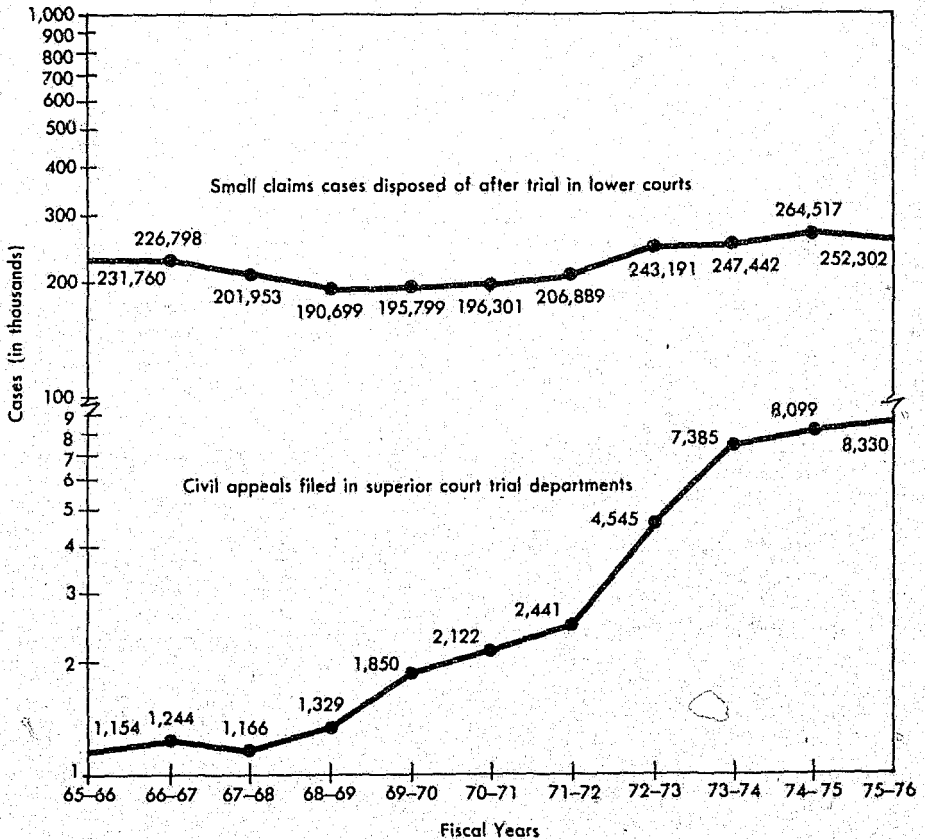
In addition to the criminal category the only other category which experienced a decline in filings was eminent domain. Although eminent domain filings dropped by only 1,677 cases, this represented a reduction of 31.6 percent. This percentage change in 1975-76 was exceeded only by that for juvenile delinquency. The decline in eminent domain cases is attributable to the reduction in public works projects such as highway construction and urban redevelopment.

The remaining categories showed slight increases in filings. In probate and guardianship the 62,590 cases filed in 1975-76 were 615 or 1.0 percent

Figure 12—California Superior Court

Civil Appeals Filed in Superior Court Trial Departments Compared with Small Claims Cases Disposed of After Trial in Lower Courts

Fiscal Years 1965-66 through 1975-76



above 1974-75. In mental health the 1975-76 level of 6,514 cases reflected a rise of 475 cases or 7.9 percent from a year earlier. The rise, although small, is noteworthy because it is the first increase in this category since a year-to-year downtrend started 11 years ago. In contrast, habeas corpus filings appear to have reached a plateau after having risen to a peak in 1973-74. The 1975-76 total of 8,955 was only 128 or 1.5 percent more than in 1974-75 and 628 or 6.6 percent less than the record 9,583 filings registered in 1973-74.

Appeals from lower courts rose by 725 cases or 6.7 percent to a total of 11,616. Although the increment was slight the volume of appeals filed in 1975-76 was the highest on record. The bulk of the appeals were from small claims decisions in municipal and justice courts. The filing of small claims appeals was facilitated by the California Supreme Court decision in *Brooks v. Small Claims Court* (1973) 8 Cal.3d 661, which invalidated the statutory requirement that an appellant must post a bond equal to the amount of the judgment when a small claims case is appealed. This decision, rather than any increase in small claims filings in lower courts seems to be responsible for the rise in appeals. Figure 12 compares the trend of civil appeals filed in the superior courts with the trend of small claims cases disposed of in municipal and justice courts.

2. DISPOSITIONS

Highlights

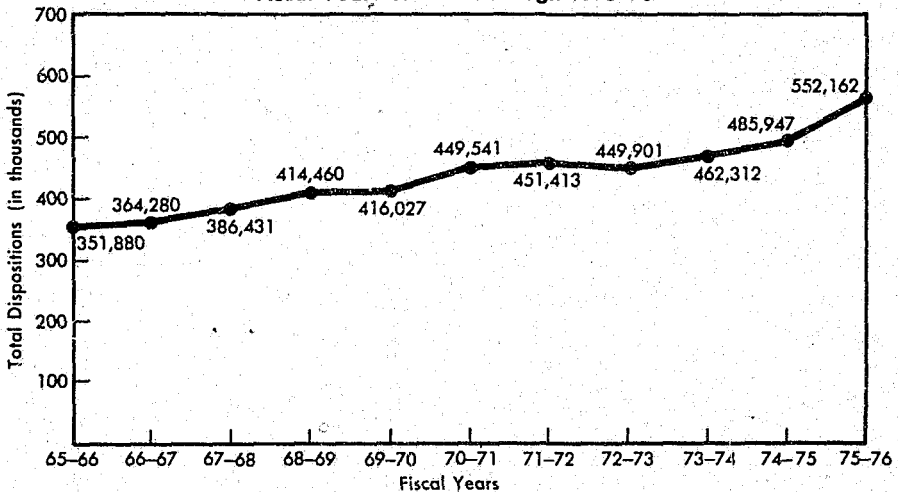
During 1975-76, the superior courts disposed of 552,162 cases (exclusive of civil cases dismissed for lack of prosecution) for a new record high and an increase of 66,215 cases or 13.6 percent over 1974-75. The 13.6 percent increase in dispositions compares favorably with the 10.7 percent increase in filings. The increase in dispositions in 1975-76 also exceeded the increase in available judicial manpower. Thus, while dispositions rose 13.6 percent, judicial manpower rose from 627.5 to 660 positions or an increase of only 5.2 percent. As a result, dispositions per judicial position equivalent increased from 772 in 1974-75 to 836 in 1975-76.

Approximately one-third or 35.2 percent of all cases in superior courts were disposed of without trial in 1975-76. These dispositions included dismissals filed by the parties to civil litigation, often as a result of successful settlement conferences conducted by judges, dismissals of criminal cases by the prosecution for lack of evidence to prosecute, and a substantial number of criminal cases in which the defendants pled guilty.

Despite procedures utilized by courts to encourage dispositions before trial, almost two-thirds or 64.8 percent of all cases disposed of required a court or jury trial or a court hearing. Trial dispositions totaled 357,687 last year, an increase of 11.0 percent over 1974-75.

Contested trial dispositions, and especially jury trials, require the most judicial time and therefore provide a good measure of the work accomplished in the courts. In 1975-76 there were almost 55,000 contested dispositions, 15.4 percent more than the number in 1974-75. Likewise, the number of juries sworn to try cases increased by 2.9 percent from a year earlier to 8,485.

Figure 13—California Superior Court
Total Dispositions (excluding civil cases dismissed for
lack of prosecution)¹
Fiscal Years 1965-66 through 1975-76



¹ Beginning in 1975-76 subsequent petitions disposed of in juvenile delinquency and dependency cases were included for the first time. In prior years only original petitions were counted. (See text on filings for explanation.)

TABLE XVIII—CALIFORNIA SUPERIOR COURTS
DISPOSITIONS BY TYPE OF PROCEEDING
(EXCLUDING CIVIL CASES DISMISSED FOR LACK OF PROSECUTION)
Fiscal Year 1975-76

Type of proceeding	Dispositions 1975-76	Change in dispositions from			
		1974-75		1965-66	
		Amount	Percent	Amount	Percent
Total dispositions	552,162	66,215	13.6	200,282	56.9
Probate and guardianship	61,871	5,230	9.2	12,330	24.9
Family law	143,866	6,724	4.9	64,628	81.6
Personal injury, death and property damage	57,658	3,990	7.4	21,072	57.6
Motor vehicle ^a	38,588	1,928	5.3	-	-
Other ^a	19,070	2,062	12.1	-	-
Eminent domain	3,214	-874	-21.4	-2,959	-47.9
Other civil	106,752	21,046	24.6	46,482	77.1
Complaints ^a n.e.c.	48,259	3,397	7.6	-	-
Petitions ^a	58,493	17,649	43.2	-	-
Mental health	6,108	119	2.0	-18,470	-75.1
Juvenile	103,664	29,352	39.5	52,433	102.3
Delinquency ^a	89,995	29,072	47.7	-	-
Dependency ^a	13,669	280	2.1	-	-
Criminal	50,094	-620	-1.2	10,949	28.0
Appeals from lower courts	10,626	1,021	10.6	8,071	315.9
Habeas corpus	8,309	227	2.8	5,746	224.2

^a Reported as a separate category starting in 1967-68. Subsequent petitions were included for the first time in 1975-76. In prior years only original petitions were counted (see text on filings for explanation).
n.e.c. Not elsewhere classified.

Disposition by Category of Cases

Although about one-third of the superior court dispositions in 1975-76 were without trial and about two-thirds by trial these figures are not representative of the manner of disposition of each of the categories of cases. Table XVIII-A shows the percentage distribution of dispositions for each category, and the percentage of each category disposed of by jury trial.

**TABLE XVIII-A—CALIFORNIA SUPERIOR COURTS
MANNER OF DISPOSITION BY TYPE OF PROCEEDING
(EXCLUDING CIVIL CASES DISMISSED FOR LACK OF PROSECUTION)**

Fiscal Year 1975-76

Type of Dispositions	All Dispositions	Before Trial	After Trial		Jury Trials
			Uncontested	Contested	
ALL PROCEEDINGS.....	100.0	35.2	54.8	10.0	1.4
Probate and guardianship	100.0	3.7	92.6	3.7	0.1 ^b
Family law	100.0	3.5	88.1	8.4	-
Personal injury	100.0	92.9	2.5	4.6	3.9
Eminent domain.....	100.0	82.3	11.0	6.7	3.5
Other civil:					
Complaints	100.0	66.4	23.5	10.1	1.3
Petitions	100.0	56.4	41.9	1.7	0.1 ^a
Mental Health	100.0	5.0	86.8	8.2	1.5 ^b
Juvenile:					
Delinquency.....	100.0	17.4	68.9	13.7	-
Dependency.....	100.0 ^c	14.5	75.2	10.2	-
Criminal	100.0 ^c	83.1	6.8	10.2	9.4
Appeals	100.0	7.2	-	92.8	-
Habeas Corpus	100.0	68.4	-	31.6	-

^a Less than 1/2 of 1 percent.

^b This figure is the percentage of juries sworn.

^c Parts do not add to total because of rounding.

As the table shows there is a substantial variation among the categories in the manner of disposition. Contested matters represent about 10 percent or less of the cases disposed of in most categories, but these dispositions are the most time-consuming for the court, especially when they involve jury trials. For example, in the personal injury category 4.6 percent of the dispositions were after a contested trial and 3.9 percent required jury trials. Similarly, 10.2 percent of dispositions were contested and 9.4 percent were by jury trial.

Because personal injury cases usually comprise a large part of the cases awaiting trial in a court, a special table (Table XIX) has been prepared to show the trend in the disposition of such cases.

It should also be noted that the number of criminal defendants who were dismissed, acquitted or convicted in 1975-76 was separately reported for the first time in many years. Reports received from superior courts indicate that of the 50,094 defendants whose cases were disposed of in 1975-76, 7,889 were acquitted or dismissed, 525 were transferred to other

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

Fiscal Years 1965-66 through 1975-76

Fiscal year	Dispositions less dismissals for lack of prosecution		
	Total	State less Los Angeles	Los Angeles
1965-66.....	36,586	19,856	16,730
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
1970-71.....	42,569	24,654	17,915
1971-72.....	46,978	26,237	20,641
1972-73.....	53,964	25,576	28,388
1973-74.....	51,743	25,906	25,838
1974-75.....	53,668	26,289	27,379
1975-76.....	57,658	28,849	28,809

jurisdictions, and 41,680 or 83.2 percent were convicted. Of the total number convicted in superior courts 34,958 or 83.9 percent pled guilty before the start of trial and the remaining 6,722 pled not guilty and were convicted after being tried by the court or a jury. In respect to the level of sentence, 38,556 or 92.5 percent of the convicted defendants received a felony sentence and 3,124 received a misdemeanor sentence.¹⁶

Contested Matters

Contested dispositions are the most time-consuming type of disposition since they occur only after evidence has been introduced by both parties to the action. Table XX shows for the years 1967-68 through 1975-76 the number of contested dispositions both in total for the four selected categories of superior court cases which require a substantial amount of judicial time.

As the table shows, total contested matters dropped slightly in 1974-75 from the year before, most likely as a result of the reduced judicial manpower available because of the unprecedented number of judicial vacancies. In 1975-76, however, with additional judges, and with judicial assistance from assigned judges and from court commissioners, referees and temporary judges, superior courts were able to dispose of 54,952 contested trial matters, an increase of 15.4 percent over the preceding year.

The four categories listed in Table XX accounted for 26,389 cases or nearly 48 percent of the total contested matters in 1975-76. In three of the four categories contested matters comprised a smaller proportion of total dispositions than a year earlier. Between 1974-75 and 1975-76 the proportion in personal injury cases dropped from 5.3 to 4.6 percent (the lowest on record), in other civil complaints from 11.0 to 10.1 percent, and in criminal from 14.8 to 10.2 percent. These declines are attributed to the increased use of management procedures, such as settlement procedures in civil cases and negotiated pleas in criminal cases, in encouraging the disposition of cases without trial. In juvenile proceedings, however, the proportion of contested dispositions rose from 11.4 to 13.3 percent between 1974-75 and 1975-76. The rise is attributed in part to the fact that a juvenile in contesting his case is no longer required to disprove the allegations in the petition. The petitioner now must provide the proof. Thus, it is easier for juveniles to contest their cases. It also appears that repeat offenders, as indicated by the subsequent petitions filed, are more likely to contest their cases than the juveniles who appear before the court for the first time.

3. JURIES SWORN

The number of jury trials held is another important measure of time-consuming superior court activity. Prior to 1975-76 this information was not collected, and therefore the number of juries that were sworn to try cases was used as an index.¹⁷ Table XXI shows the total number of juries sworn and the number sworn in personal injury and in criminal proceedings during the period from 1965-66 through 1975-76.

¹⁶ See Appendix Tables 22A, 22B and 22C.

¹⁷ Reports received from superior courts showed that there were 7,820 jury trials held in 1975-76 or the 92.2 percent of the juries sworn resulted in jury trials.

**TABLE XX—CALIFORNIA SUPERIOR COURTS
CONTESTED DISPOSITIONS^a
Fiscal Years 1967-68 Through 1975-76**

Fiscal year	Total		Personal injury		Other civil completers		Criminal ^b		Juvenile ^c	
	Number	Percent of total dispositions	Number	Percent of total dispositions	Number	Percent of total dispositions ^a	Number	Percent of total dispositions	Number	Percent of total dispositions
1967-68	32,477	8.4	3,741	9.9	4,574	14.1	6,613	14.0	6,370	10.0
1968-69	32,253	7.8	3,214	8.7	4,044	12.5	7,481	12.8	6,336	8.8
1969-70	33,005	8.4	3,060	8.3	4,225	12.2	8,961	14.1	5,865	8.1
1970-71	41,764	9.3	3,111	7.3	4,573	10.9	11,032	16.0	6,746	10.2
1971-72	40,504	9.0	3,119	6.6	5,061	12.5	8,571	13.9	6,457	10.1
1972-73	42,560	9.5	3,515	6.5	5,122	12.1	7,861	14.4	7,422	12.1
1973-74	45,811	10.6	3,141	6.1	5,105	12.6	7,902	15.7	8,557	12.0
1974-75	447,621	9.8	2,843	5.3	4,921	11.0	17,456	14.8	13,457	11.4
1975-76	54,963	10.0	2,677	4.7	4,878	10.1	5,069	10.2	13,747	13.3

^a Exclusive of dismissals for lack of prosecution.

^b On July 1, 1975 due to changes in reporting instructions, some criminal dispositions which were previously classified as contested matters were reclassified as uncontested matters.

^c Beginning on July 1, 1975, juvenile dispositions have included subsequent petitions disposed of. In prior periods dispositions of only initial petitions were counted.
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**TABLE XXI—CALIFORNIA SUPERIOR COURTS
NUMBER OF JURIES SWORN AND JURIES SWORN AS
PERCENT OF DISPOSITIONS
(EXCLUDING CIVIL DISMISSALS FOR LACK OF PROSECUTION)
Fiscal Years 1965-66 through 1975-76**

Fiscal year	<i>All proceedings</i>		<i>Personal injury</i>		<i>Criminal</i>	
	<i>Juries sworn</i>	<i>Juries sworn as a percent of dispositions</i>	<i>Juries sworn</i>	<i>Juries sworn as a percent of dispositions</i>	<i>Juries sworn</i>	<i>Juries sworn as a percent of dispositions</i>
1965-66.....	7,576	2.2	3,637	9.9	3,374	8.6
1966-67.....	7,676	2.1	3,141	8.5	3,512	8.6
1967-68.....	7,402	1.9	3,135	8.3	3,517	7.4
1968-69.....	7,337	1.8	2,835	7.7	3,630	6.3
1969-70.....	7,703	1.9	2,542	6.8	4,235	6.7
1970-71.....	7,757	1.7	2,594	6.1	4,278	6.2
1971-72.....	8,012	1.8	2,739	5.8	4,320	7.0
1972-73.....	8,676	1.9	3,021	5.6	4,690	8.5
1973-74.....	8,607	1.9	2,740	5.3	4,631	9.6
1974-75.....	8,249	1.7	2,645	4.9	4,600	9.1
1975-76.....	8,485	1.5	2,447	4.2	5,028	10.0

The 8,485 total juries sworn in 1975-76 represented the first rise since 1972-73 and were 2.9 percent more than the number a year earlier. Juries sworn as a percentage of total dispositions were down, however, to 1.5 percent, the lowest of the past 10 years.

In personal injury cases the 2,447 juries sworn were 7.6 percent less than a year ago and comprised only 4.2 percent of all cases disposed of in 1975-76, a substantial decrease from the proportion 10 years earlier of 9.9 percent. It is interesting to note that the use of jury trials in personal injury cases has declined while at the same time the number of cases filed and disposed of has increased over the decade. The number of criminal jury cases, on the other hand, increased by 9.3 percent between 1974-75 and 1975-76 even though criminal filings declined by 1.3 percent.

In criminal proceedings because the less serious cases can be disposed of at the lower court level under Section 17b of the Penal Code by district attorneys charging a lesser offense or by judges rendering misdemeanor sentences, it appears that only the more serious criminal cases are being sent up to the superior court level. It also appears that in the more serious crimes defendants are more apt to request a jury rather than a court trial. The 5,028 juries sworn in criminal cases during 1975-76 was almost as much as the 5,089 total contested matters tried during the year. Some of the juries, however, were sworn in trials of uncontested matters. The proportion of criminal cases disposed of by jury trial has also risen in the past decade. In 1975-76, 10.0 percent of total criminal cases was disposed of by jury trial; 10 years earlier the proportion was 8.6 percent.

4. CONDITION OF CIVIL CALENDARS—METROPOLITAN COURTS

In 1975-76 many superior courts again reported a worsening of the condition of civil calendars, continuing the decline noted in last year's annual report. As in the previous year, much of the problem appears to be attributable to the factor of judicial vacancies.

TABLE XXII—CALIFORNIA SUPERIOR COURTS WITH FIVE OR MORE JUDGES^a—NUMBER OF CIVIL CASES AWAITING TRIAL AS OF JUNE 30, 1966 THROUGH 1976

<i>Court</i>	<i>Number of civil cases awaiting trial</i>									
	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976
Alameda	1,853	2,861	3,389	3,788	3,686	3,549	4,064	4,351	4,415	5,677
Contra Costa	995	1,120	1,097	1,451	1,817	2,090	2,110	2,157	2,349	2,291
Fresno	571	538	468	789	838	876	915	879	921	1,232
Kern	502	471	431	574	563	627	643	497	488	878
Los Angeles	9,030	23,200	30,747	41,019	44,586	38,383	38,873	37,222	39,131	44,199
Marin	538	599	706	872	931	829	842	593	735	913
Monterey	159	340	217	217	253	262	258	391	406	596
Orange	1,467	1,584	1,870	2,994	3,112	2,428	2,826	3,638	5,309	7,390
Riverside	493	773	823	1,060	1,221	1,152	1,194	1,384	1,603	1,788
Sacramento	2,388	2,185	1,713	2,192	2,065	1,920	2,060	2,335	3,072	3,420
San Bernardino	942	1,036	1,073	1,472	1,332	1,173	1,301	1,398	1,592	2,323
San Diego	1,240	1,822	2,268	3,199	2,806	2,821	3,433	4,065	5,252	6,472
San Francisco	3,754	5,549	6,395	7,804	9,841	7,831	6,246	5,823	5,599	5,435
San Joaquin	471	537	700	945	1,109	1,104	1,059	1,042	1,106	1,064
San Mateo	1,227	1,542	1,327	1,602	1,416	1,307	1,331	1,356	1,788	2,001
Santa Barbara	375	412	448	617	682	611	361	426	329	507
Santa Clara	1,301	1,566	2,087	2,596	2,774	2,584	1,594	1,346	1,520	2,164
Sonoma	160	246	324	390	446	514	647	925	875	1,366
Stanislaus	211	332	275	355	324	338	316	318	632	644
Ventura	411	518	594	622	632	574	553	779	1,174	1,618
Total	28,088	47,237	57,042	74,558	79,826	70,973	70,606	70,925	78,296	91,978
Total excluding Los Angeles	19,058	24,037	26,295	33,539	35,240	32,590	31,733	33,703	39,165	47,779
Total civil jury cases awaiting trial	18,253	28,605	33,626	42,687	46,094	43,428	43,424	42,679	46,125	54,501

^a As of June 30, 1976.

^b July 31, 1973.

The two indices that the Judicial Council uses to describe the condition of civil calendars are the inventory of civil cases awaiting trial and the elapsed time to trial measured from (1) the filing of the complaint and (2) the filing of the at-issue memorandum. These indices are closely related and an increase or decrease in inventory often forecasts a similar change in elapsed times to trial. Thus, this year's 17.5 percent increase in the inventory of civil cases awaiting trial would seem to portend further substantial increases in the intervals to trial in 1976-77 over those recorded in 1975-76.

The following discussion of civil calendar conditions is based on the 20 superior courts with five or more judges.¹⁸ Together these courts account for about 90 percent of civil filings statewide and for a corresponding proportion of both case inventory and jury trials. Also, problems of calendar congestion and lengthy waiting time to trial generally are most severe in these larger courts. Even though the courts are often discussed as a group, each calendar is unique to its own court and may differ from descriptive generalizations.

Inventory of Civil Cases Awaiting Trial

The inventory of civil cases awaiting trial (cases on the civil active list as the result of filing an at-issue memorandum) as of June 30, 1967 through 1976 is shown in Table XXII. The total of 91,978 that awaited trial in the 20 courts as of June 30, 1976 was the highest for any June since these records have been compiled. The 1976 total was up 13,682 cases or 17.5 percent over the same figure for 1975. Jury cases, which are the critical component of the inventory, increased again this year. The June 30, 1976 jury list of 54,501 cases represents an increase of 8,884 cases or 19.5 percent over the same figure for 1975.

It is important to note that only a small percentage of the inventory of "cases awaiting trial" will be disposed of by trial. In 1975-76, for instance, only 6.8 percent of personal injury cases awaiting trial were actually disposed of at a contested trial.¹⁹ This reservation notwithstanding, rapid or sustained increases in inventories of cases awaiting trial are cause for concern. The 17.5 percent increase in 1975-76 over the previous year is troubling.

The steady accretion over the past two years in the inventory of cases ready for trial can be attributed, in large part, to the factor of vacant judicial positions. In fiscal year 1975-76 there was a total of 233 judge months of vacancies in the 20 superior courts of the state with five or more judges. In effect, there was an average of 19.4 judicial vacancies for each month of that year, enough judicial positions to staff a medium sized urban court. It should be noted that the vacancy situation which obtained in the first month of the fiscal year, when there were 32 vacancies, steadily improved, and that during the last month of the fiscal year there were only 11 vacancies.

¹⁸ As of June 30, 1976, superior courts of Alameda, Contra Costa, Fresno, Kern, Los Angeles, Marin, Monterey, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Sonoma, Stanislaus and Ventura Counties.

¹⁹ The number of contested personal injury trials in 1975-76 as a percent of at-issue memoranda filed in 1974-75.

**TABLE XXIII—CALIFORNIA SUPERIOR COURTS WITH
FIVE OR MORE JUDGES^a
NUMBER OF CIVIL JURY CASES AWAITING TRIAL**

Court	Total civil jury cases awaiting trial	Cases in which at-issue memoranda were filed over one year as of June 30, 1976		Percent of Cases in which at-issue memoranda were filed over one year as of June 30, 1975
		Number	Percent of total	
Alameda.....	3,749	1,213	32.4	11.5
Contra Costa.....	1,504	433	28.8	20.4
Fresno.....	724	34	4.7	1.5
Kern.....	536	64	11.9	6.5
Los Angeles.....	26,874	6,201	23.1	19.1
Marin.....	511	71	13.9	2.3
Monterey.....	277	28	10.1	9.8
Orange.....	4,124	1,090	26.4	11.0
Riverside.....	975	197	20.2	21.1
Sacramento.....	2,689	183	6.8	13.7
San Bernardino.....	1,346	609	45.2	42.8
San Diego.....	3,260	1,006	30.9	22.8
San Francisco.....	2,743	1,498	54.6	45.1
San Joaquin.....	688	178	25.9	40.1
Sar. Mateo.....	1,437	66	4.6	0.1
Santa Barbara.....	218	-	-	-
Santa Clara.....	1,071	-	-	-
Sonoma.....	656	60	9.1	-
Stanislaus.....	203	-	-	-
Ventura.....	916	259	28.3	10.4

^a As of June 30, 1976.

While the overall increase in the inventory of civil cases awaiting trial averaged 17.5 percent from 1974-75, 12 of the 20 superior courts with five or more judges experienced greater increases. Of particular concern were Contra Costa with an increase of 28.5 percent, Orange with an increase of 39 percent, San Bernardino with an increase of 45 percent, San Diego with an increase of 23 percent and Ventura with an increase of 38 percent. These are all high volume courts and such increases portend a continuing congestion of civil trials with a consequent deprivation of litigants' rights to a speedy trial.

Some idea of the aging process of civil cases awaiting trial can be derived by selecting an arbitrary time period and determining the number and proportion of cases that have been in the inventory longer than the period selected. This process also gives a measure of the relative speed with which a court disposes of cases that are at issue. The number and proportion of civil jury cases that have been awaiting trial one year or more as of June 30, 1976 is shown in Table XXIII for the 20 courts being considered. Also shown is a comparison of that proportion for each court as of June 30, 1975.

It will be noted that of the 16 courts for which such data are available, 14 show increases from 1974-75 to 1975-76 in the percentages of civil jury cases awaiting trial in which the at-issue memos had been on file for more than one year. Some of these increases were substantial, e.g., Alameda 20 percent, Orange 15.4 percent and Ventura 17.9 percent. Only two of the courts considered, Riverside and San Mateo, show decreases in the percentage of civil jury cases awaiting trial in which the at-issue memos had been on file for more than one year.

TABLE XXIV—CALIFORNIA SUPERIOR COURTS WITH FIVE OR MORE JUDGES^a—NUMBER OF CIVIL CASES AWAITING TRIAL PER AUTHORIZED JUDGE^b AS OF JUNE 30, 1967 THROUGH 1976

Court	<i>Number of civil cases awaiting trial per authorized judge</i>									
	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976
Alameda	93	143	154	165	147	142	162	174	177	203
Contra Costa	111	124	122	145	182	190	182	196	214	208
Fresno	82	67	59	99	105	110	114	110	115	154
Kern	100	94	72	96	94	105	107	83	81	110
Los Angeles	75	173	229	306	299	238	241	231	229	258
Marin	135	150	141	174	185	166	168	119	147	183
Monterey	53	113	77	54	64	52	52	78	81	119
Orange	77	75	89	136	130	84	91	117	171	224
Riverside	62	77	82	106	111	96	100	115	134	138
Sacramento	184	156	114	146	137	128	137	156	171	171
San Bernardino	94	104	96	134	111	90	93	100	106	129
San Diego	59	87	103	128	112	101	118	140	139	196
San Francisco	156	231	266	325	335	301	240	224	215	209
San Joaquin	94	107	117	159	185	184	151	149	158	153
San Mateo	136	140	111	134	109	101	102	104	138	142
Santa Barbara	75	69	75	103	97	87	52	61	47	72
Santa Clara	77	82	110	124	132	108	66	56	58	83
Sonoma	40	62	81	98	112	129	162	231	219	273
Stanislaus	83	83	55	71	63	68	63	64	105	107
Ventura	69	86	85	89	90	82	79	111	168	231
Average cases awaiting trial per authorized judge:										
Total for the above courts	90	140	163	208	206	173	170	171	180	204
Total excluding Los Angeles	99	118	122	150	151	131	125	133	148	171

^a As of June 30, 1976

^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.

^c July 31, 1973.

Table XXIV shows in detail the number of civil cases awaiting trial per authorized judge as of each June 30th commencing in 1967 through 1976 for each of the 20 courts under consideration. It should be noted there has been a consistent slippage in the timeliness with which cases are brought to trial for the past four years.

Elapsed Time to Trial

It has been noted in previous reports that the term "delay" is misleading when used to describe some of the various time elements in court proceedings terminating in trial. Therefore, in lieu of that misnomer, the Judicial Council has adopted the term "elapsed time to trial" which more accurately describes the elapsed time from the point of filing various documents (*e.g.*, complaint, at-issue memorandum, certificate of readiness, etc.) to the start of trial. This interval not only includes time that courts require to bring a ready case to trial but also the substantial amount of time attorneys regularly require to prepare cases for trial. To label such composites of time periods as "court delay" is inaccurate, for it implies that the time being measured results exclusively from conditions within the court. It is true, however, that if the interval to trial is larger than present medians in other courts, or in the past, then it can be inferred that ready cases are probably being delayed by court caseload congestion.

Table XXV displays the median elapsed time to trial in months from the filing of the complaint and also from the at-issue memorandum as of June 30, 1968 through June 30, 1976 in the 20 metropolitan courts. In about half of the courts the interval to jury trial increased between 1975 and 1976 measured both from the at-issue memorandum and from the complaint.

The interval from the at-issue memorandum measures the elapsed time to trial from the point at which attorneys first request a trial date. Even though taken from the point at which a trial is requested, the interval is not a reliable measure of delay chargeable to the courts. Attorneys file memoranda in many cases that are not ready for trial and for which an early trial is neither desired nor anticipated. Since such cases are included, the index cannot be considered as a meaningful measure of the delay arising from internal court conditions. Furthermore, the at-issue memorandum has a different meaning from court to court in terms of trial readiness. Because of this, attorneys time their filings in accordance with their knowledge of the time frame that a particular court follows in processing the case.

The average interval from at-issue memorandum to trial increased between June 1975 and June 1976 in many metropolitan courts, and by a considerable amount in several. The average increase in counties experiencing increases amounted to 3.95 months. In June 1976, in only 4 of the 20 courts did the median jury case reach trial within a year or less of filing the at-issue memorandum. In nine more courts, trial was had between a year and a year and one-half of filing the at-issue memorandum. In only three of these 20 courts (Santa Barbara, Santa Clara and Stanislaus) was the interval within the six-month period considered desirable by the California Rules of Court. Significant increases occurred in the superior courts of Alameda (up to 9 months), Kern (up 5-1/2 months),

TABLE XXV—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 1968 THROUGH 1976

Court	Median interval in months from:																	
	Complaint to trial									At issue memo to trial								
	June 68	June 69	June 70	June 71	June 72	June 73	June 74	June 75	June 76	June 68	June 69	June 70	June 71	June 72	June 73	June 74	June 75	June 76
Alameda	30	30	26	25	23	22	25	27	37.5	12	9.5	15	18	12.5	13	11	13	22
Contra Costa	22	19	19	23	23.5	30	23	26	24	17	12	12	15	19	22	23	19	19
Fresno	25	13	12	13	20	^c 25.5	16	40	11	14	9	10.5	11	16	^c 10.5	10.5	10.5	9
Kern	16	27.5	16	20	22	11	29	11	21	8	16.5	10	11	13	9	16	9.5	15
Los Angeles	24.5	31.5	34	37	37.5	30	29	26	31	9	18	24	23	30	25	24	20	21
Marin	^b 44.5	^b 36	43	39	39	32	13	22	24	^b 20.5	^b 20	29	27	28	24	11	17	16
Monterey	10	12	14	11	13	15	19	42	23	4	5	4	6	7	6	9	10	13
Orange	18	22	23	26	24	24	23	23	37	11	12.5	11	20	17	11	12	13	18
Riverside	17	23	36	17	34	19	20	29	40	11	15	22	11	18	14	10	16	18
Sacramento	22	^b 21	28	19	21	15	17	23	26	16	5	9	11	10	10	11	13	17
San Bernardino	23	11	19	24	19	22	32	40	23	12	8	14	12	14	18	23	38	16
San Diego	14	23	22	18	20	23	24	25	31	7	9	15	15	11	15	16	17	21
San Francisco	31	41	34	40	39	37	31	32	34	20	22	22	33	33	32	25	20	20
San Joaquin	17	29	20	29	45	54	41.5	37	37	11	12	17	16	36.5	42	31	27	18
San Mateo	^b 24	29	25	21	18	14	18	15	25	^b 15	16	16	13	11	9	7	11	15
Santa Barbara	20	30	24	27	20	18	13	16	25	12.5	19	13	16	12	7	5	6	6
Santa Clara	18	13	18	18	13	15	9	18	18	6	8	8	6	8	5	4	4	6
Sonoma	24.5	18.5	22.5	18	23	20	27	26	—	5	7.5	10	12	14	18	18	—	—
Stanislaus	25	14	16	12	10	8	15	14	14	16	7	9	6	5	5	5	7	5
Ventura	26	27.5	25	26	19.5	14	21	30	—	12.5	11.5	13	7	10	7	11	15.5	—

* As of June 30, 1976.
^b For month of May.
^c For month of July 1973.

Riverside (up 5 months), and San Diego and San Mateo (up 4 months). Five courts (Alameda, Monterey, Sacramento, San Diego and Ventura) reported the highest intervals on record.

Table XXV also shows the median time to jury trial from the filing of the complaint. As with elapsed time to trial from at-issue memorandum, this measure of "total" time increased in 11 courts between June 1975 and June 1976. Seven of the courts reported increases of one-half year or more. Four of the 20 courts (Alameda, Orange, Riverside and San Diego) reported record high "total" time.

5. CONDITION OF CRIMINAL CALENDARS—METROPOLITAN COURTS

Data submitted by the superior courts to the Judicial Council indicated a continuing decline in 1975-76 in the condition of the criminal calendars, a situation noted in the last annual report. Cases calendared for trial in the metropolitan courts²⁰ increased from 6,399 as of June 30, 1975 to 6,929 on June 30, 1976, an increase of 8.3 percent.

Criminal calendar conditions are discussed in terms of the same 20 courts that were used to describe civil calendars. These larger courts together accounted for 92 percent of criminal cases calendared for trial in 1975-76 and hence their problems of congestion and extended time to trial generally are more acute than in other courts. Although the courts are described as a group, each court's calendar is unique and may differ from descriptive generalizations. The Los Angeles court is discussed separately, both because inclusion of its large figures would tend to obscure trends in other courts and also because its calendar is influenced by factors unique to that court.

Cases Calendared for Trial

Except for good cause, superior courts must dismiss a criminal case if the defendant has not been brought to trial within 60 days of the indictment or information unless the defendant waives the right to trial within this time.²¹ Even though many defendants demand a trial and waive time, the 60-day requirement nevertheless tends to limit the time cases remain awaiting trial and, in contrast to civil calendars, to limit the number of cases in the inventory of criminal cases awaiting trial.

Table XXVI lists the number of criminal cases calendared for trial²² as of June 30, 1966 through June 1976 for the courts under consideration. It shows that 13 of the 20 courts had increases over the previous year in criminal cases set for trial. In only two (Riverside and San Bernardino) of the seven courts reporting a decrease in inventory had the decrease extended for two or more consecutive years. The 19 courts, exclusive of Los Angeles, showed a total increase of 623 criminal cases awaiting trial, an increase of 22.5 percent. In comparison, criminal filings during the year for the same 19 courts increased only 763 from 28,189 to 28,952 or 2.7 percent.

²⁰ Superior courts of Alameda, Contra Costa, Fresno, Kern, Los Angeles, Marin, Monterey, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Sonoma, Stanislaus, and Ventura Counties.

²¹ Cal. Pen. Code § 1382(2).

²² Since the great majority of trial demands are for a jury trial, the figures in Table XXVI represent jury trial calendars for all practical purposes.

**TABLE XXVI—CALIFORNIA SUPERIOR COURTS WITH
FIVE OR MORE JUDGES^a
NUMBER OF CRIMINAL CASES CALENDARED FOR TRIAL
AS OF JUNE 30, 1966 THROUGH 1976**

Courts	<i>Criminal cases awaiting trial</i>										
	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976
Alameda	173	207	263	224	243	355	589	375	194	463	663
Contra Costa	58	96	58	92	102	98	262	202	94	124	114
Fresno	108	102	61	66	40	74	80	56	79	80	137
Kern	20	16	33	41	109	73	82	73	73	65	83
Los Angeles	2,593	2,938	3,879	5,498	6,103	4,816	3,516	3,840	3,287	3,632	3,539
Marin	38	30	80	85	75	54	51	41	51	47	69
Monterey	28	27	51	48	76	56	71	100	91	102	95
Orange	159	161	233	203	208	429	248	202	211	246	229
Riverside	132	153	187	304	215	178	91	122	132	112	107
Sacramento	59	62	44	67	99	136	132	113	126	180	194
San Bernardino	206	190	175	305	378	276	343	402	299	163	154
San Diego	158	199	243	361	476	344	323	349	613	261	407
San Francisco	181	292	278	237	500	664	291	136	119	115	116
San Joaquin	16	57	120	95	82	124	102	77	69	103	108
San Mateo	63	91	148	163	226	194	162	138	150	114	146
Santa Barbara	31	53	75	85	91	110	73	42	34	27	45
Santa Clara	110	179	160	274	274	300	307	185	215	323	501
Sonoma	12	4	29	28	25	34	17	27	46	69	81
Stanislaus	23	50	81	127	103	91	190	118	75	100	58
Ventura	43	48	34	59	62	56	46	46	66	73	83
Total	4,231	4,955	6,232	8,562	9,487	8,462	6,976	6,644	6,018	6,399	6,929
Total excluding Los Angeles	1,638	2,017	2,353	3,064	3,384	3,646	3,460	2,804	2,731	2,767	3,390

^a As of June 30, 1976.

As with civil trial inventories, criminal inventories considerably overstate the number of cases that will actually reach trial. Many criminal cases are calendared for trial where, despite a trial demand, defendants neither wish nor anticipate a trial. Cases against many such defendants will ultimately be disposed of by pleas of guilty. In 1975-76, pleas of guilty (including certifications on pleas of guilty from lower courts) accounted for 70.9 percent or 18,083 of the 25,493 total dispositions in the 19 superior courts. In the previous year 70.6 percent of all criminal dispositions in these courts were pleas of guilty.

Many of the pleas of guilty came after the defendant had first pleaded not guilty and demanded a (jury) trial. Although precise figures are lacking, it is known that a substantial number of these changes of plea occur after and as a result of negotiation between the prosecution and defense, concurred in by the court. Since negotiated pleas typically occur shortly before the scheduled trial, the delay in disposing of such cases often approaches that which would have occurred had the cases gone to trial.

The phrase "plea negotiation" covers a variety of different practices, among them the following (1) dropping of one or more of the counts of a multicount indictment or information; (2) reduction of a charge to a lesser (or lesser and included) offense; (3) a negotiated recommendation by the prosecutor as to sentence; (4) a sentence agreed to by the prosecution and defense and concurred in by the court. There is no empirical data as to the effect of abolition or reduction of any of these various forms of

plea negotiation on the condition of criminal trial calendars. The Judicial Council has adopted standards to help insure that where plea negotiation is engaged in, whatever benefits it has for the orderly administration of justice will be realized.²³

Despite the great number of defendants who demand trial in the first instance, relatively few cases are actually disposed of by trial.²⁴ The 2,845 juries sworn last year for criminal cases in the 19 metropolitan courts exclusive of Los Angeles amount to only some 11 percent of all criminal dispositions in those courts. A comparison of the number of initial trial demands with the number of juries actually sworn indicates that courts generally set about five cases for trial for each trial that results, and conversely, that a guilty plea is subsequently accepted in the other four cases that had been set for trial.

However, in 1975-76 over half of the 20 courts showed an increase in the percent of juries sworn to total filings. This indicates a growing tendency in these courts to dispose of criminal cases by trial. In 1974-75, juries were sworn in 8.7 percent of criminal filings; in 1975-76, this percentage rose to 9.8 percent (See Table XXVII). Some of these courts experienced significant increases in these percentages (*e.g.*, Fresno from 10.6 to 19.6 percent; Kern from 10.9 to 19.2 percent; Monterey from 9.8 to 15.0 percent; San Mateo from 6.3 to 11.4 percent and Stanislaus from 11.0 to 21.9 percent).

**TABLE XXVII—CALIFORNIA SUPERIOR COURTS WITH
FIVE OR MORE JUDGES***
CRIMINAL FILINGS AND NUMBER OF JURIES SWORN
Fiscal Year 1975-76

Court	Criminal		Percent of juries sworn to total filings
	Filings	Juries sworn	
Alameda	2,744	201	7.3
Contra Costa	1,110	95	8.6
Fresno	1,030	202	19.6
Kern	650	125	19.2
Los Angeles	20,119	1,393	6.9
Marin	495	53	10.7
Monterey	912	137	15.0
Orange	2,045	206	10.2
Riverside	1,173	162	13.8
Sacramento	2,266	196	8.7
San Bernardino	2,005	264	13.2
San Diego	4,254	261	6.1
San Francisco	2,649	212	8.0
San Joaquin	755	52	6.9
San Mateo	979	112	11.4
Santa Barbara	566	71	12.5
Santa Clara	3,223	233	7.2
Sonoma	433	48	10.5
Stanislaus	567	131	21.9
Ventura	1,034	80	7.7
Total excluding Los Angeles	22,962	2,845	9.8

* As of June 30, 1976.

²³ Judicial Council Recommended Standards of Judicial Administration, Sec. 10(c) and (e).

²⁴ Unless otherwise indicated "trials" exclude cases disposed of on the transcript of the preliminary hearing.

TABLE XXVIII—CALIFORNIA COUNTIES WITH FIVE OR MORE SUPERIOR COURT JUDGES—FELONY FILINGS IN LOWER COURTS AND FELONY FILINGS IN SUPERIOR COURT

Fiscal Year 1975-76

County	Felony filings		Approximate percent disposed of by justice courts
	Municipal and justice courts	Superior court	
Alameda	7,380	2,744	62.8
Contra Costa	1,976	1,110	45.9
Fresno	3,265	1,030	68.5
Kern	1,486	650	56.3
Los Angeles	27,914	20,119	27.9
Marin	784	495	36.9
Monterey	1,636	912	44.3
Orange	5,938	2,045	65.6
Riverside	2,521	1,173	53.5
Sacramento	5,408	2,266	58.1
San Bernardino	4,175	2,005	52.0
San Diego	8,238	4,254	48.4
San Francisco	5,404	2,649	51.0
San Joaquin	1,880	755	59.8
San Mateo	2,413	979	59.4
Santa Barbara	938	566	39.7
Santa Clara	5,402	3,233	40.2
Sonoma	1,045	455	56.5
Stanislaus	1,587	597	64.6
Ventura	1,686	1,034	38.7
Total	91,176	49,071	46.2
Total excluding Los Angeles	63,262	28,952	54.2

* As of June 30, 1976.

Even though many offenses charged as felonies are disposed of in the lower courts, a substantial number are prosecuted through superior court only to be disposed of with a misdemeanor sentence. It would seem that little is gained by prosecuting these cases through superior court when the ultimate result in terms of sentence is the same as if the case had been terminated in the lower courts. Moreover, some of the adverse effects of such prosecution are (1) the disposition of these cases is considerably delayed; (2) critically limited superior court resources are expended on their disposition; and (3) by preempting superior court resources that could be allocated otherwise, such cases contribute to overall congestion and delay in the courts. Despite this, superior courts have little control over the kinds of matters that are brought before them as felonies.

Elapsed Time to Trial

Except for good cause or unless a defendant consents, criminal cases must be brought to trial within 60 days of filing in superior court. Normally, therefore, when time to trial exceeds this statutory limit the excess is due to a delay that is sought or agreed to by the defendant. Actually, the majority of defendants initially plead not guilty at arraignment, following which many demand a jury trial and waive their right to a speedy trial, thus relieving the court of its statutory responsibility regarding the time to trial. Under these conditions a defendant generally is interested in delaying rather than speeding the date of trial, especially if he is out on bail (or own recognizance) as a great many are.

For several years commencing about 1970, the courts were able to reduce both the number and proportion of cases where the commencement of trial exceeded the 60-day limit. In 1974-75, however, 11 of the metropolitan courts reported increases in the number and proportion of cases with juries sworn more than 60 days from filing. Last year 11 of these courts again reported increases over the previous year. Of the 4,238 criminal juries sworn in these courts last year, 2,362, or 55.7 percent were sworn more than 60 days from filing. While this was the same percentage of cases as in the previous year, the actual number of cases increased by 194. The metropolitan courts show a wide variation in the proportion of jury trials commenced more than 60 days from filing, ranging from lows of 17.9 percent and 21.4 percent in San Francisco and Stanislaus, respectively, to highs of 78.6 percent and 81.2 percent in the Alameda and San Diego courts.

TABLE XXVIII A—CALIFORNIA SUPERIOR COURTS WITH FIVE OR MORE JUDGES *

NUMBER OF CRIMINAL JURIES SWORN
Fiscal Year 1975-76

<i>Court</i>	<i>Total criminal juries sworn</i>	<i>Juries sworn more than 60 days from indictment or information</i>	
		<i>Number</i>	<i>Percent of total</i>
Alameda	201	158	78.6
Contra Costa	95	51	53.7
Fresno	202	126	62.4
Kern	125	55	44.0
Los Angeles	1363	722	51.8
Marin	53	34	64.2
Monterey	137	76	55.5
Orange	208	161	77.4
Riverside	162	112	69.1
Sacramento	198	106	53.5
San Bernardino	264	171	64.8
San Diego	261	212	81.2
San Francisco	212	38	17.9
San Joaquin	52	38	73.1
San Mateo	112	67	59.8
Santa Barbara	71	39	54.9
Santa Clara	233	82	35.2
Sonoma	48	37	77.1
Stanislaus	131	28	21.4
Ventura	80	49	61.3
Total	4238	2362	55.7
Total excluding Los Angeles	2845	1640	57.6

* As of June 30, 1976.

The Los Angeles Superior Court

The Los Angeles Superior Court has in the past been considered separately in discussing criminal proceedings since inclusion of its criminal filings, presently 37 percent of the state total, would tend to obscure trends in other courts. Also, in Los Angeles, at least in prior years, more relatively minor offenses appeared to have been filed in superior court than elsewhere. Partly reflecting this policy, in the past substantial numbers of cases were disposed of in the Los Angeles Superior Court by stipulation on the record of the preliminary hearing, a procedure that was relatively

unique to that court. These differences still exist to a minor degree, but there is evidence that the Los Angeles criminal caseload is now being handled similarly to other courts. In July 1971 the district attorney reversed a previous policy and commenced to prosecute certain minor offenses (e.g., small amounts of marijuana, minor bookmaking, etc.) as misdemeanors under Section 17 of the Penal Code. These types of cases had been handled previously as felonies in the superior court. This policy change had an almost immediate effect which appears to be continuing. In 1970-71 there were 38,843 felony filings in Los Angeles Superior Court. In 1971-72, the year of the policy change, the total dropped to 28,892. In 1972-73 the total was 26,521, and in 1973-74 felony filings dropped to 21,175 and have continued on a plateau. In 1974-75 the total was 21,129 and in the past year it was 20,119. In 1970-71 the percentage of criminal filings to total filings was 20 percent; in the past year this percentage was 9.4. This compares favorably with the statewide average of 8.2 percent.

It is also interesting to note that the ratio of pleas of guilty to total dispositions in the Los Angeles Superior Court is almost identical with the ratio in the rest of the state. The Los Angeles Superior Court had a total of 19,212 criminal dispositions in 1975-76 of which 13,388 were pleas of guilty, a ratio of 69.7 percent. The other superior courts in the state disposed of 30,882 criminal matters with 21,570 pleas of guilty, a ratio of 69.8 percent.

In 1975-76 Los Angeles disposed of 8.1 percent of its total felony filings as misdemeanors under the provisions of Section 17(b)5 of the Penal Code and other statutory provisions. This was slightly above the average for the other 19 metropolitan courts which was 5.6 percent for the same period.

TABLE XXIX—CALIFORNIA SUPERIOR COURT WITH FIVE OR MORE JUDGES*
Felony Convictions and Misdemeanor Convictions Under Section 17b
of the Penal Code and other Statutory Provisions.

County	Total Defendants Convicted	Felony Convictions	Misdemeanor Convictions	Percent
				Misdemeanor Convictions
Alameda.....	1,803	1,783	50	2.8
Contra Costa.....	948	888	60	6.3
Fresno.....	839	836	3	.03
Kern.....	542	534	8	1.5
Los Angeles.....	15,716	14,480	1,236	8.1
Marin.....	294	294	0	0
Monterey.....	782	685	67	8.9
Orange.....	1,868	1,206	80	4.2
Riverside.....	909	909	30	3.2
Sacramento.....	1,011	1,011	0	0
San Bernardino.....	1,333	1,339	94	6.6
San Diego.....	3,485	3,062	403	11.6
San Francisco.....	1,785	1,721	65	3.6
San Joaquin.....	424	473	11	2.3
San Mateo.....	677	558	119	17.6
Santa Barbara.....	433	414	19	4.4
Santa Clara.....	2,677	2,502	173	6.5
Sonoma.....	297	293	4	1.3
Stanislaus.....	545	534	11	2.0
Ventura.....	661	661	0	0
All Metropolitan Courts.....	36,760	34,885	2,435	6.6
Metropolitan Courts less L.A.	21,544	20,345	1,199	5.6

* As of June 30, 1976.

D. MUNICIPAL COURTS

1. FILINGS

Total Filings

The caseload of the 84 California municipal courts passed the 14 million mark in 1975-76 for an overall increase of 6 percent (see Table XXX). This compares with an increase of 9 percent the previous year. Parking filings increased 9 percent over last year and reached 8.4 million in 1975-76. Figure 1 shows the upward trend in parking filings.

**Table XXX—CALIFORNIA MUNICIPAL COURTS
FILINGS BY TYPE OF PROCEEDING
1966-67 THROUGH 1975-76**

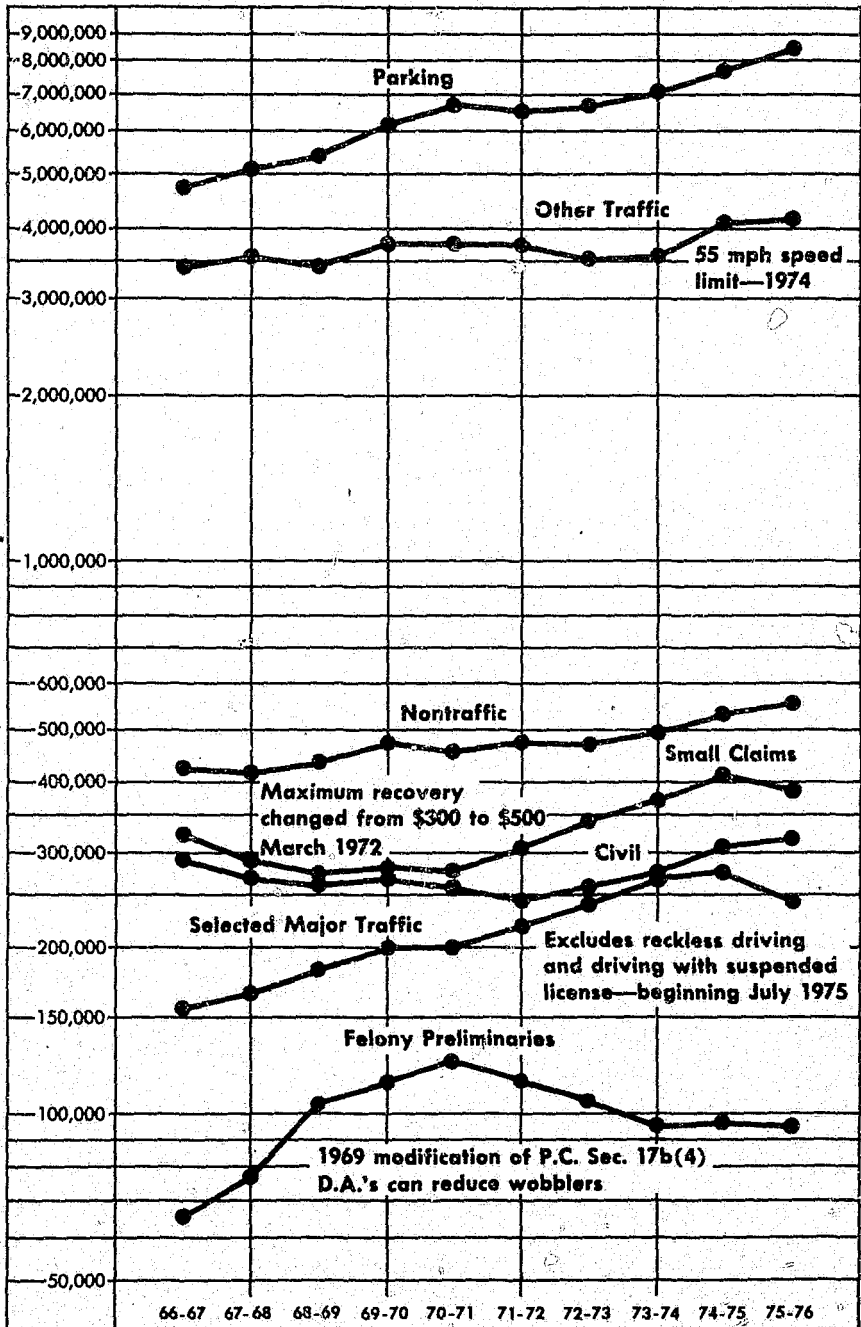
Fiscal Year	Total	Parking	Criminal				Civil	
			Selected Traffic	Other Traffic	Felonies	Other Nontraffic	Small Claims	Other
NUMBER								
1966-67	9,467,591	4,749,854	154,415	3,459,288	64,308	419,649	328,007	294,070
1967-68	9,830,239	5,067,658	164,428	3,511,655	76,965	416,801	293,110	279,602
1968-69	10,067,936	5,354,938	182,466	3,454,314	101,020	429,183	277,448	268,565
1969-70	11,264,910	6,154,799	203,962	3,758,651	115,221	469,909	286,732	275,746
1970-71	11,662,541	6,600,917	201,589	3,731,225	125,446	455,635	278,905	258,924
1971-72	11,536,578	6,480,205	218,995	3,702,438	117,767	469,343	301,623	246,182
1972-73	11,603,568	6,666,645	244,000	3,509,503	104,596	478,474	343,384	256,996
1973-74	12,241,525	7,155,278	271,594	3,585,603	95,600	493,794	368,032	271,654
1974-75	13,342,224	7,675,114	276,423	4,056,628	96,092	525,865	410,019	302,053
1975-76	14,171,812	8,403,381	247,664	4,176,196	94,996	541,712	390,423	317,438
PERCENT								
1966-67	100	50	2	37	1	4	3	3
1967-68	100	52	2	36	1	4	3	3
1968-69	100	53	2	34	1	4	3	3
1969-70	100	55	2	33	1	4	3	2
1970-71	100	57	2	32	1	4	2	2
1971-72	100	56	2	32	1	4	3	2
1972-73	100	57	2	30	1	4	3	2
1973-74	100	58	2	29	1	4	3	2
1974-75	100	58	2	30	1	4	3	2
1975-76	100	59	2	29	1	4	3	2
PERCENT CHANGE FROM PRIOR YEAR								
1967-68	4	7	6	2	20	-1	-10	-5
1968-69	2	5	11	-2	31	3	-5	-4
1969-70	12	15	12	9	14	9	3	3
1970-71	3	7	-1	-1	9	-3	-3	-6
1971-72	-1	-2	9	-1	-6	3	8	-5
1972-73	1	3	11	-5	-11	2	14	4
1973-74	6	7	11	2	-9	3	7	6
1974-75	9	7	2	13	1	7	11	11
1975-76	6	9	-10	3	-1	3	-5	5

Civil and criminal nonparking filings²⁵ combined increased by 2 percent to almost 5.8 million filings in 1975-76.

Los Angeles County's 26 municipal courts accounted for 39 percent of all municipal court nonparking filings. The total in the Los Angeles courts decreased 2 percent in 1975-76 from 1974-75 while the filings in the remaining municipal courts increased by 4 percent. Comparing the eight

²⁵ Unless otherwise indicated, the following discussion excludes parking matters.

Figure 14—MUNICIPAL COURT FILINGS
Fiscal years 1966-67 through 1975-76



largest municipal courts²⁶ with all other municipal courts in the state, the combined filings of the eight largest courts showed a decrease of 6 percent while the remainder of the municipal courts reported an aggregate increase of 8 percent. At least half of the increase of 8 percent is due, however, to new municipal courts that were not in existence a year earlier.

Filings by Type of Proceeding

Felony preliminary filings fell by 1 percent to about 95,000 filings in 1975-76. Figure 14 shows this to be about 30,000 filings below the peak 1970-71 year. Before 1970-71 felony preliminary filings showed marked increases each year. From 1970-71 until 1973-74 these filings declined moderately each year, but since then they have leveled off. Perhaps this leveling off signifies that the initial effect of the 1969 modification of Section 17b(4) of the Penal Code has run its course.²⁷

Nontraffic misdemeanors and infractions increased 3 percent to about 542,000 in 1975-76. This is the category that would have absorbed filings as a result of the 1969 modification of 17b(4) of the Penal Code. Since 1970-71 (peak year for felony preliminaries) nontraffic misdemeanors have gone up by over 86,000 filings. Over the past decade (1966-67 through 1975-76) this category has remained a steady 4 percent of all municipal court filings (including parking).

Selected major traffic filings²⁸ declined by 10 percent to 247,664 in 1975-76. All or part of the decline may be due to a change (effective July 1975) in the definition of violations included in this category. Driving without a license and reckless driving were excluded from selected major traffic filings for 1975-76. Selected major traffic filings have remained a constant 2 percent of all municipal court filings (including parking) over the last 10 fiscal years.

Other traffic misdemeanors and infractions increased by 3 percent to almost 4.2 million filings in 1975-76. In 1974-75 these filings rose by 13 percent. The sharp rise in 1974-75 was thought to be mostly a response to the 55 m.p.h. speed limit which became effective in 1974. The lower ratio of increase this year may indicate that the major impact on filings of the change in the speed limit has occurred. This is the second largest category of filings in municipal courts, but it has shrunk from 37 percent of all filings (including parking) in 1966-67 to 29 percent in 1975-76.

Small claims filings declined 5 percent to 390,423 in fiscal 1975-76 while civil filings increased 5 percent to 317,438. The close historical relationship between these two categories can be seen on Figure 14. Prior to the change in March 1972 that increased the maximum recovery in small claims from \$300 to \$500 the filings for the two categories ran parallel with but a small gap between them. For instance, in fiscal year 1970-71 (the year before the change) the gap between them was about 20,000 filings. In 1971-72 it widened to 55,000; in 1972-73 to 86,000; in 1973-74 to 96,000;

²⁶ Oakland-Piedmont, Los Angeles, Central Orange County, Sacramento, San Bernardino County, San Diego, San Francisco and San Jose-Milpitas.

²⁷ This modification allows prosecuting officers discretion to file as misdemeanors certain types of cases which previously would have been filed as felonies.

²⁸ Violations of Veh. Code §§ 20002, 23102, 23104 and 23105 in 1975-76 (in prior years §§ 14601 and 23103 also). See description in Figure 5.

in 1974-75 to about 108,000, but in 1975-76 the gap between them narrowed to about 73,000 filings. In 1977 the maximum recovery in small claims will be increased from \$500 to \$750, and the change may result in again enlarging the gap between the two categories.

Because of the reporting change in July 1975, torts are no longer reported separately from other civil filings in municipal courts.

2. DISPOSITIONS

Total Dispositions

During 1975-76 the municipal courts processed 12.4 million cases to completion. Fifty eight percent or 7.2 million were illegal parking dispositions (up 9 percent from last year's 6.6 million) and 42 percent or 5.2 million were criminal nonparking or civil cases (up 3 percent from last year's 5.1 million).

Table XXXI and Figure 15 show nonparking dispositions by type over the last 10 fiscal years. Every type of disposition showed an increase this year over last and the percentage rises ranged from 2 percent for contested trials to 16 percent in the all other before trial type. The all other before trial type consists entirely of summary and other judgments in the civil category.

**TABLE XXXI—CALIFORNIA MUNICIPAL COURTS
NONPARKING DISPOSITIONS BY TYPE
Fiscal Years 1966-67 Through 1975-76**

Fiscal Year	Total	Before Trial				After Trial		
		Bail forfeitures	Dismissals and transfers	Convicted or bound over after plea of guilty	All Other	Uncontested	Contested	Juvenile Orders
NUMBER								
1966-67	4,321,199	2,376,990	474,887	937,798	117,381	209,684	182,565	19,894
1967-68	4,296,823	2,403,764	502,655	972,372	111,890	196,818	186,000	21,324
1968-69	4,350,268	2,350,318	509,024	986,086	106,461	197,243	178,433	22,673
1969-70	4,672,014	2,469,936	569,143	1,062,500	103,701	204,309	189,531	23,604
1970-71	4,682,132	2,462,234	684,197	1,090,366	81,922	206,927	196,090	20,396
1971-72	4,680,555	2,276,968	700,465	1,196,644	89,128	208,308	191,697	17,925
1972-73	4,592,087	2,128,935	721,798	1,216,647	84,484	229,773	191,432	19,018
1973-74	4,604,876	2,174,965	733,276	1,164,231	84,388	235,024	191,362	21,638
1974-75	5,054,557	2,458,184	813,053	1,200,495	97,725	255,552	207,225	24,323
1975-76	5,222,658	2,517,800	885,638	1,235,691	113,673	263,048	211,462	25,346
PERCENT								
1966-67	100	55	11	22	3	5	4	<1
1967-68	100	55	11	22	3	5	4	<1
1968-69	100	54	12	23	2	5	4	1
1969-70	100	53	13	23	2	4	4	1
1970-71	100	51	15	23	2	4	4	<1
1971-72	100	49	15	26	2	4	4	<1
1972-73	100	46	16	26	2	5	4	<1
1973-74	100	47	16	25	2	5	4	<1
1974-75	100	49	16	24	2	5	4	<1
1975-76	100	48	16	24	2	5	4	<1
PERCENT CHANGE FROM PRIOR YEAR								
1967-68	2	1	6	4	-5	-5	2	7
1968-69	-1	-2	1	1	-5	-1	-4	6
1969-70	7	6	18	7	-3	4	6	4
1970-71	<1	-4	14	4	-21	1	3	-14
1971-72	<-1	-5	2	10	9	1	-3	-12
1972-73	-2	-7	3	2	-5	10	<1	6
1973-74	<1	2	2	-4	<-1	2	<-1	14
1974-75	10	13	11	3	16	9	8	12
1975-76	3	3	5	3	15	3	2	4

Figure 15—MUNICIPAL COURT NONPARKING DISPOSITIONS
Fiscal Years 1966-67 through 1975-76

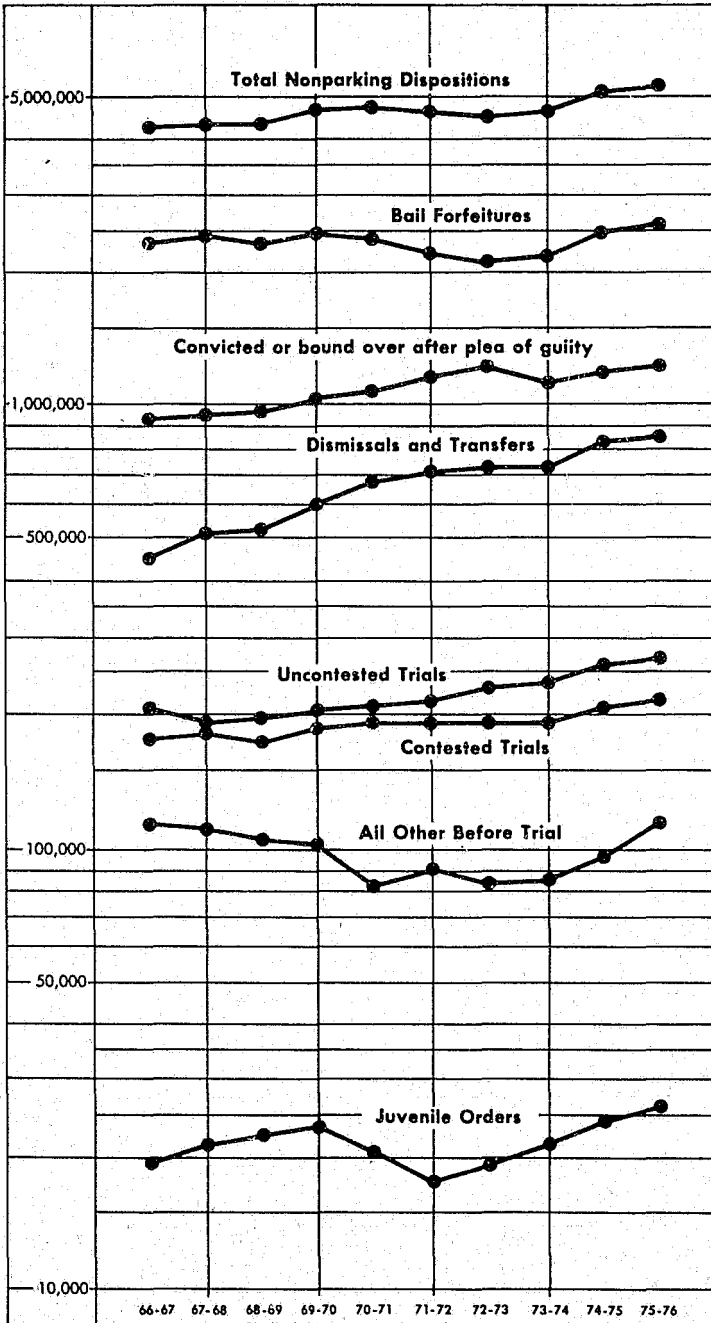


Table XXXII shows the number of municipal courts, authorized judgeships, judicial positions and judge equivalents over the last 10 fiscal years. Judicial positions include authorized judgeships plus full-time commissioners and referees. Judge equivalents are the number of authorized judgeships adjusted to reflect vacancies, assistance to other courts by municipal courts and assistance received by municipal courts from assigned judges and from temporary judges serving by stipulation of the parties. The number of courts, authorized judgeships, judicial positions and judge equivalents each increased by 5 percent during 1975-76. The net increase in the number of courts is due to the consolidation of 16 justice court districts to form five new municipal court districts and the consolidation of two municipal court districts into one.

**Table XXXII—CALIFORNIA MUNICIPAL COURTS
NUMBER OF COURTS AND JUDGES
Fiscal Years 1966-67 Through 1975-76**

<i>Fiscal Year</i>	<i>Municipal Courts</i>	<i>Authorized Judgeships</i>	<i>Judicial positions</i>	<i>Judge equivalents</i>
1966-67.....	73	289	300	297
1967-68.....	73	305	323	316
1968-69.....	74	326	346	341
1969-70.....	75	337	353	357
1970-71.....	77	356	384	370
1971-72.....	77	365	394	388
1972-73.....	76	390	414	405
1973-74.....	77	384	428	424
1974-75.....	80	406	459	438
1975-76.....	84	425	482	459

Table XXXIII shows the number of dispositions per judge equivalent for the last 10 fiscal years. The sharp drop in the number of juries sworn per judicial position in the past two fiscal years can be attributed to the effect of the January 1974 revision of Section 4000 of the Vehicle Code which changed most traffic violations from misdemeanors to infractions, which are not subject to jury trial.

**Table XXXIII—CALIFORNIA MUNICIPAL COURTS
DISPOSITIONS PER JUDGE EQUIVALENT
Fiscal Years 1966-77 Through 1975-76**

<i>Fiscal Year</i>	<i>Illegal Parking</i>	<i>NONPARKING</i>					<i>Juries Sworn</i>
		<i>Total Nonparking</i>	<i>Before Trial</i>	<i>After Trial</i>	<i>Uncontested Trials</i>	<i>Contested Trials</i>	
1966-67.....	14,680	14,549	13,162	1,388	706	615	39
1967-68.....	14,980	13,914	12,639	1,285	629	589	38
1968-69.....	14,458	12,757	11,589	1,168	578	523	34
1969-70.....	15,406	13,087	11,918	1,169	572	531	33
1970-71.....	15,728	12,684	11,510	1,144	559	530	33
1971-72.....	15,450	12,063	10,988	1,076	537	493	31
1972-73.....	14,865	11,338	10,252	1,087	567	473	30
1973-74.....	14,788	10,861	9,904	1,057	554	451	29
1974-75.....	14,985	11,540	10,423	1,112	583	473	24
1975-76.....	15,744	11,378	10,289	1,089	573	461	22

Table XXXIV compares the percentage change from last fiscal year to 1975-76 for filings and dispositions by type of proceeding. Most noteworthy is that felony dispositions rose by 18 percent while filings went down 1 percent, and that dispositions for selected major traffic dropped 20 percent while filings decreased by only 10 percent.

**Table XXXIV—CALIFORNIA MUNICIPAL COURTS
PERCENT CHANGE IN FILINGS AND DISPOSITIONS
From Fiscal Year 1974-75 to 1975-76**

<i>Proceeding</i>	<i>Filings</i>	<i>Dispositions</i>
Felonies	-1	18
Nontraffic	3	3
Traffic:		
Selected	-10	-20
Other	3	5
Parking	9	10
Small Claims	-5	-1
Other Civil	5	9

Table XXXV indicates the number of dispositions per 100 filings over the last 10 fiscal years by type of proceeding. The disproportionate gain seen in felony dispositions in Table XXXIV is reflected here by a jump from 70 to 84 dispositions per 100 felony filings in 1975-76. The disproportionate loss in selected major traffic dispositions seen in Table XXXIV is reflected in Table XXXV by a drop from 90 to 80 dispositions per 100 filings in 1975-76.

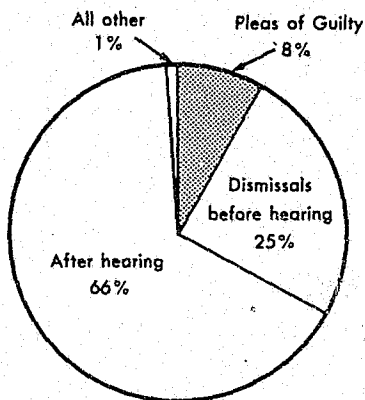
**Table XXXV—CALIFORNIA MUNICIPAL COURTS
DISPOSITIONS PER 100 FILINGS
Fiscal Years 1966-67 Through 1975-76**

<i>Fiscal Year</i>	<i>Criminal</i>					<i>Civil</i>	
	<i>Felonies</i>	<i>Non- traffic</i>	<i>Traffic</i>			<i>Small Claims</i>	<i>Other</i>
			<i>Selected</i>	<i>Other</i>	<i>Parking</i>		
1966-67	85	94	88	94	92	73	82
1967-68	86	96	88	95	93	74	79
1968-69	82	94	90	95	92	73	77
1969-70	78	95	89	94	89	75	76
1970-71	76	99	90	95	88	77	73
1971-72	70	100	89	95	92	75	79
1972-73	71	98	90	96	90	79	75
1973-74	69	92	90	94	88	76	74
1974-75	70	92	90	92	86	74	73
1975-76	84	92	80	94	86	76	76

Dispositions by Type of Proceeding

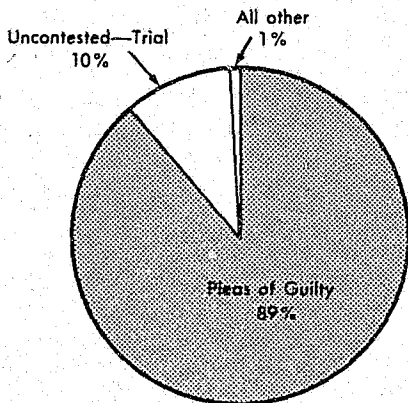
The substantial changes in felony dispositions in 1975-76 seen in Tables XXXIV and XXXV are largely due to reporting changes. Prior to July 1975 dispositions of felonies reduced to misdemeanors were not reported in the felony preliminary category, but rather under nontraffic misdemeanors. As a result of a change in the reporting form, all dispositions of felony filings were reported under felonies in 1975-76. This change produced an apparent rise in felony dispositions of 12,468 to 80,149. Felony dispositions due to pleas of guilty went from 6,687 in 1974-75 to 18,291 in 1975-76, an increase of 11,604. Of the 18,291 pleas of guilty in 1975-76, 70 percent or 12,879 were by defendants whose felony complaints had been reduced to

Figure 16—Felony Dispositions in Municipal Court*
Fiscal Year 1975-76

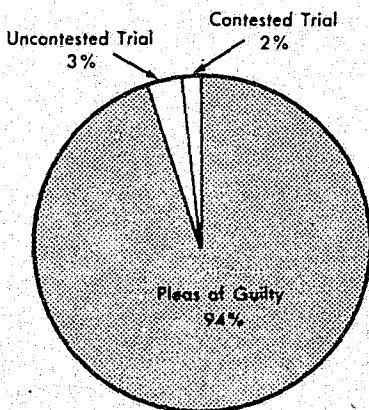


Felonies
n=65,802

[excludes felonies
reduced to
misdemeanors]



Felonies reduced
to misdemeanors
through 17b(5) P.C.
n=11,251



Other Felonies
reduced to
misdemeanors
n=3,096

* Percentages may not always total 100% due to rounding of figures.

misdemeanors. Figure 16 shows and contrasts the manner in which felony preliminaries are disposed of compared with felonies reduced to misdemeanors either under Section 17b(5) of the Penal Code or otherwise. Only 8 percent of the felony preliminaries are disposed of by guilty pleas versus 89 percent for felony complaints reduced to misdemeanors under Section 17b(5) and 94 percent reduced to misdemeanors under other sections.

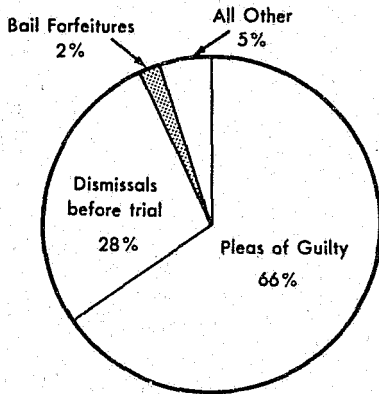
Figure 17 shows percentage distributions of dispositions of nontraffic misdemeanors and infractions. Beginning in July 1975 the summary form used to collect information from the courts was changed to allow more detailed reporting. Intoxication is no longer reported separately but included in Group B misdemeanors, which also include violations of city and county ordinances and Fish and Game violations. Group A misdemeanors are nontraffic misdemeanor violations of the Penal Code and other state penal statutes except for intoxication and Fish and Game violations. Group A misdemeanors include such violations as battery (242 PC), disturbing the peace (415 PC), disorderly conduct (647 PC), joy ride (499b PC) and trespass (602 PC). Nontraffic infractions are violations of city and county ordinances specified as infractions and include such matters as violations of leash laws. There may be a certain amount of overlap between Group B misdemeanors and nontraffic infractions. What may be a Group B misdemeanor in one locality may be an infraction in another due to the variation in city and county ordinances.

While all three types of nontraffic matters have significant percentages of cases disposed of by pleas of guilty, the type of disposition that most distinguishes one category from another is the number of cases disposed of by bail forfeiture. Group A misdemeanors have 2 percent bail forfeitures, Group B cases have 21 percent, while nontraffic infractions have 41 percent of their dispositions as bail forfeitures.

Figure 18 indicates how the different categories of traffic cases are disposed of. As in nontraffic misdemeanors and infractions, there is now more detailed reporting of traffic dispositions as a result of the July 1975 change in the summary reporting form. Group C traffic misdemeanors, the selected major traffic violations category, was redefined to exclude violations for driving with a revoked or suspended license (14601 VC) and reckless driving without injury (23103 VC) but continues to include hit and run (20002 VC), drunk driving (23102 VC), reckless driving with injury (23104 VC) and driving under the influence of drugs (23105 VC). The removal of 14601 and 23103 Vehicle Code from selected major traffic category may be responsible for the sharp drop in dispositions (filings down 10 percent, dispositions down 20 percent) for this category. The removal of those two violations from the selected major traffic violations category excludes from the category's disposition count not only cases filed for those two violations but also cases filed for violations still included in the selected major traffic category but which are later reduced to one of the two excluded violations.

Group D misdemeanors include all other Vehicle Code violations that are misdemeanors and are not included in Group C, as for example, unlic-

Figure 17—NONTRAFFIC DISPOSITIONS IN MUNICIPAL COURT *
Fiscal Year 1975-76



Group A
Misdemeanor
Dispositions
n=286,299

Misdemeanor violations of Penal Code and other state statutes except Intoxication and Fish and Game.

Examples:

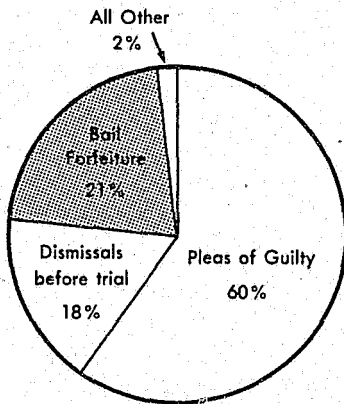
Battery 242 PC

Disturbing Peace 415 PC

Disorderly Conduct 647 PC

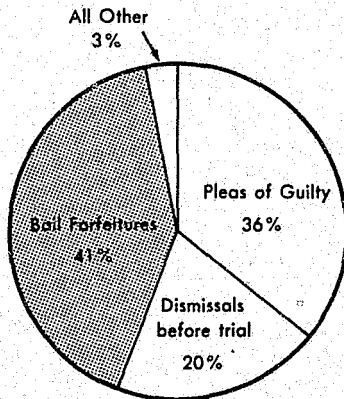
Joy Ride 499b PC

Trespass 602 PC



Group B
Misdemeanor
Dispositions
n=191,800

Nontraffic misdemeanor violations of city and county ordinances and Intoxication and Fish and Game violations.



Nontraffic
Infractions
n=21,573

Violations of city and county ordinances specified as infractions

* Percentages may not always total 100% due to rounding of figures.

ensed driver (12500 VC), speed contests (23109 VC) and exceeding the allowable load limit (35655a VC).

Traffic infractions include such matters as speeding (22350 VC), running a stop sign (21453 VC), tailgating (21703 VC) and other ordinary traffic violations.

The more serious the traffic offense the greater the role pleas of guilty play in dispositions. The less serious the traffic matter the greater the percentage of cases disposed of by bail forfeiture. Some serious violations require a court appearance by the defendant and cannot be disposed of by bail forfeiture.

Figure 19 displays types of dispositions for small claims and other civil proceedings. In small claims 35 percent of the dispositions are contested trials, while in other civil only 5 percent of the cases disposed of are contested trials. In other civil 45 percent of the cases are disposed of by judgments, but no comparable method of disposing of small claims cases exists. Uncontested trials play a larger role in small claims (41 percent) than in other civil (24 percent).

Conviction Rates in Criminal Trials

Table XXXVI indicates the number of convictions in uncontested and contested trials for court and jury trials according to type of proceeding and the conviction rates. Caution should be used comparing rates that are based on small numbers.

For every 100 uncontested court hearings for felony preliminary defendants, 94 were bound over whereas 89 of every 100 contested court hearings for defendants in the same category resulted in their being bound over. Since both these rates are based on thousands of cases it seems safe to conclude that defendants in contested hearings enjoy a 5 percent advantage over those in uncontested hearings.

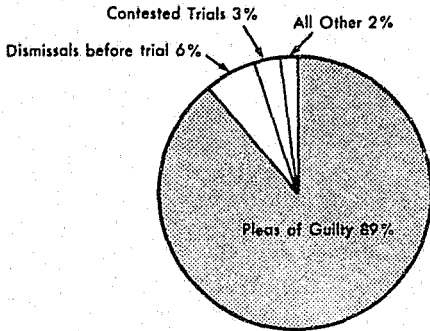
For those defendants charged with misdemeanors that were reduced from felonies under Section 17b(5) of the Penal Code, uncontested trials resulted in a lower conviction rate for court trials than for jury trials. In contested trials for defendants in the same category just the reverse was true, and again contested trials had lower conviction rates than uncontested trials.

In the nontraffic categories of proceedings, contested trials resulted in higher conviction rates than uncontested trials. There does not appear to be much difference in the conviction rates between court trial and jury trial for persons charged with Group A misdemeanors and for persons charged with Group B misdemeanors who had a contested trial.

In traffic proceedings (with the exception of parking) the defendants with contested trials had a higher conviction rate than those with uncontested trials.

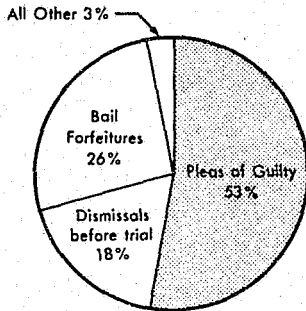
Figure 20 displays the conviction rates in a manner that facilitates comparisons among the types of proceedings.

Figure 18. TRAFFIC DISPOSITIONS IN MUNICIPAL COURT
Fiscal Year 1975-76



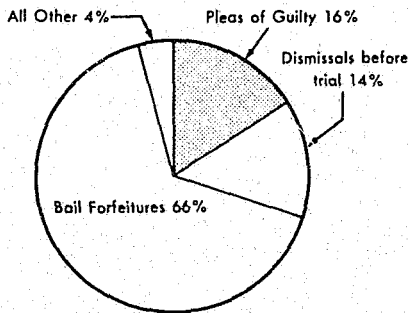
Group "C" Traffic
Misdemeanor
Dispositions
n=199,243

Hit and Run
Drunk Driving
Reckless Driving—Injury
Driving Under Influence of Drugs



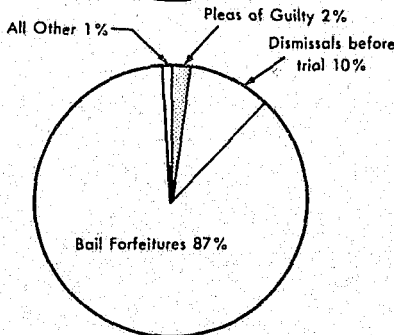
Group "D" Traffic
Misdemeanor
Dispositions
n=281,858

Examples:
Spced contests
No driver's license



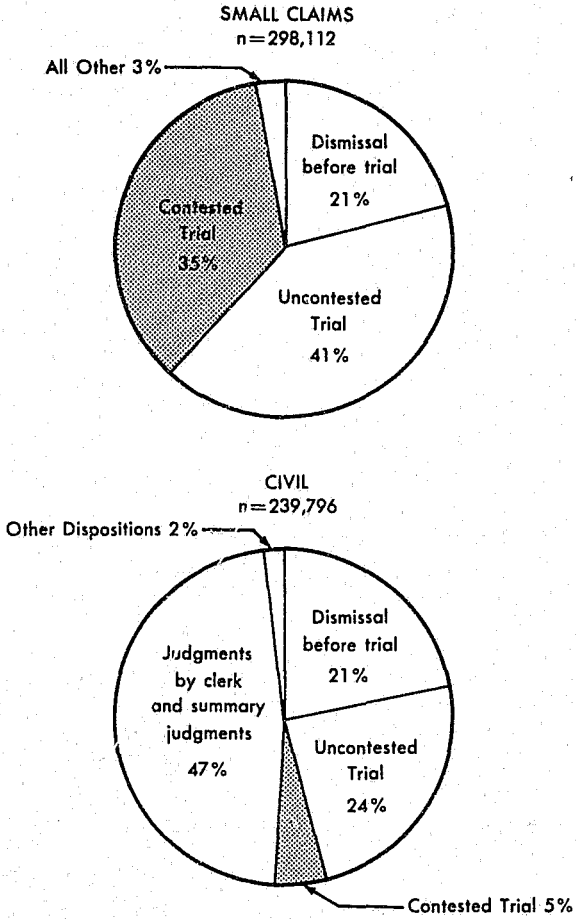
Traffic Infraction
Dispositions
n=3,623,834

Examples:
Speeding
Improper operation
Faulty equipment
Improper registration



Illegal Parking
Dispositions
n=7,226,615

Figure 19—CIVIL DISPOSITIONS IN MUNICIPAL COURT *
Fiscal Year 1975-76



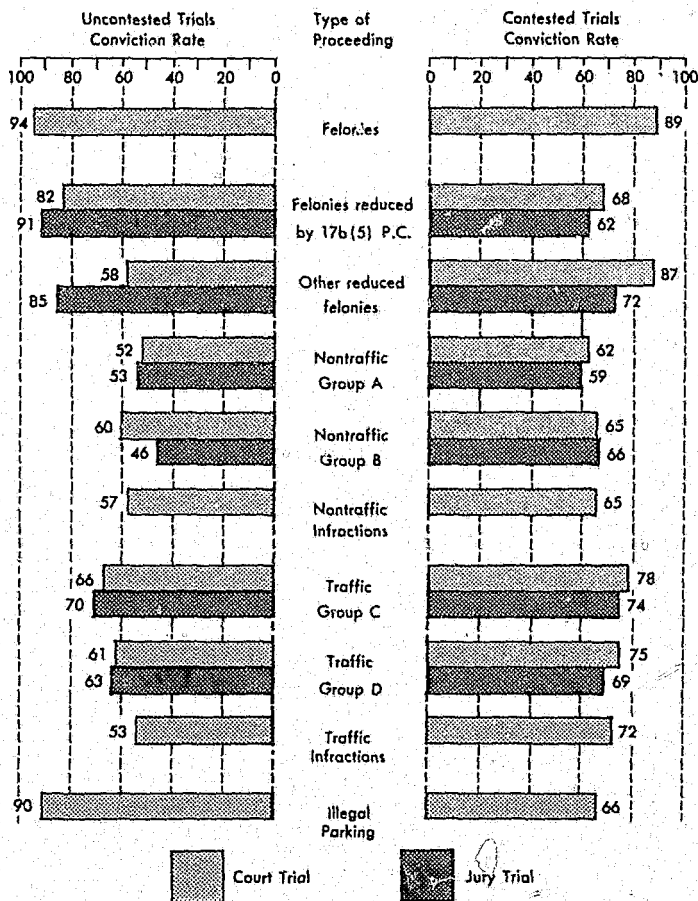
* Percentages may not always total 100% due to rounding of figures.

**Table XXXVI—CALIFORNIA MUNICIPAL COURTS
CONVICTIONS AND CONVICTION RATES IN CRIMINAL TRIALS
Fiscal Year 1975-76**

Proceeding	Conviction Rates *				Number of Convictions			
	Uncontested Trial		Contested Trial		Uncontested Trial		Contested Trial	
	Court	Jury	Court	Jury	Court	Jury	Court	Jury
Felonies	94	—	89	—	37,063	—	3,222	—
Felonies reduced by 17b(5) PC.....	82	91	68	62	809	92	84	53
Other reduced felonies.....	58	85	87	72	51	17	27	28
Nontraffic								
Group A misdemeanors	52	53	62	59	1,068	943	2,513	2,585
Group B misdemeanors	60	46	65	66	637	16	973	243
Infractions	57	—	65	—	141	—	190	—
Traffic								
Group C misdemeanors	66	70	78	74	1,114	162	1,603	2,361
Group D misdemeanors	61	63	75	69	2,238	43	3,577	210
Infractions	53	—	72	—	16,978	—	49,037	—
Parking	90	—	66	—	41,729	—	1,935	—

* Number of defendants convicted or bound over divided by the number of defendants tried (excludes Juvenile Orders) times 100.

Figure 20—Conviction Rates in Municipal Court Criminal Trials, 1975-76



E. JUSTICE COURTS

The number of justice courts has been decreasing each year since the lower court reorganization of 1953. When the reorganization was completed there were 349 justice courts. At the end of 1975-76 there were 175 justice courts or 24 fewer than a year earlier.²⁹ Table XXXVII shows the number of justice courts and attorney judges for the last 10 fiscal years. In 1952-53 only 15 percent of the justice court judges were attorneys; as of June 30, 1976, 45 percent of the judges were attorneys.

During fiscal year 1975-76 some 24 justice courts were involved in consolidations or became municipal courts. Pleasanton became part of an already existing municipal court. Coronado and National merged to form the new South Bay Municipal Court. Benicia, Dixon, Palo Verde, Beaumont, San Geronio and Ramona all consolidated with some already existing municipal court. New municipal courts were created from the following former justice courts: Lompoc; the eight justice courts in Imperial County; Butte; Yuba; and Napa, St. Helena and Calistoga. Dorris and Tulelake were consolidated into one justice court.

1. FILINGS

The continuing decline in the number of justice courts produced a remarkable drop in filings in 1975-76. Table XXXVIII and Figure 21 show filings for the last 10 fiscal years. Last year was the only time that filings for each type of proceeding have all decreased at the same time. Total filings fell by 18 percent, as did filings for parking and other traffic. Selected traffic went down by 28 percent although part of this may be due to the removal of violations of Section 14601 (driving with revoked or suspended license) and Section 23103 (reckless driving, no injury) from this category in fiscal 1975-76. Felony preliminaries dropped by 20 percent and both categories of civil fell by 16 percent.

In municipal courts illegal parking filings make up almost 60 percent of total filings and they have been increasing steadily. In justice courts illegal parking filings make up only 25 percent of the total and the proportion has declined from 31 percent over the 10-year period. Doubtless, this marked difference from municipal courts is due to the less urban, more rural character of the justice court districts. Filings for other traffic dominate the workload of justice courts and constitute 58 percent of all filings. Filings for all other categories make up 16 percent of justice court filings and remain fairly stable in their relative importance from year to year.

²⁹ As of January 3, 1977 the number of justice courts was reduced to 111.

2. DISPOSITIONS

During 1975-76 the justice courts disposed of about 740,000 nonparking cases, a drop of 110,000 or 13 percent from the previous fiscal year. Other than a slight increase of 140 cases in contested matters every type of disposition decreased. Over 100,000 of the decrease was in dispositions before trial with more than 73,000 of the drop concentrated in bail forfeitures. The continuing decline in the number of justice courts is primarily responsible for the large drop in dispositions.

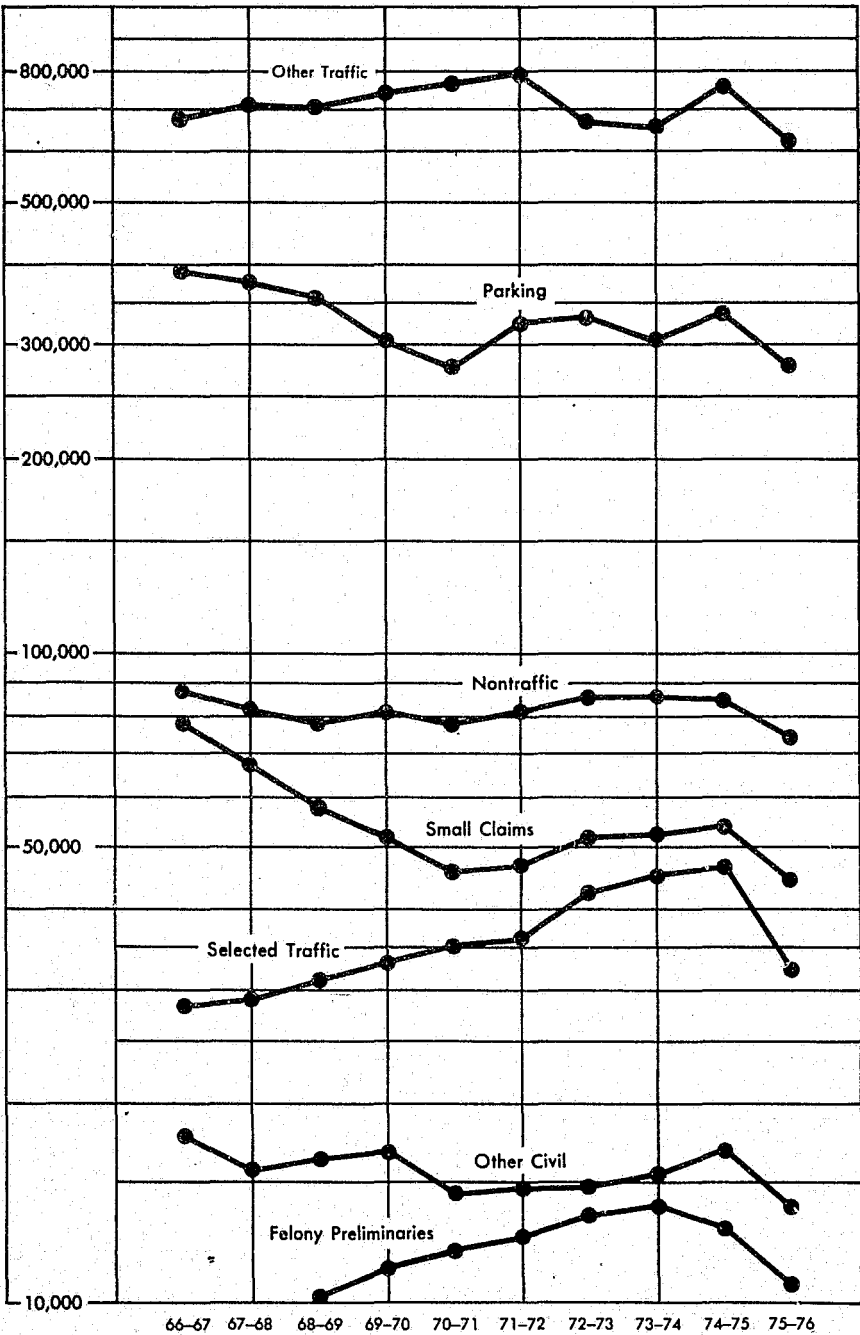
Table XL indicates the number of convictions and the conviction rates for uncontested and contested criminal trials by type of proceeding for court and jury trials. Felony preliminaries where defendants were held to answer in superior court have the highest rate and nontraffic matters the lowest. Generally, the conviction rates are lower in nontraffic and traffic uncontested trials than in contested trials. The same is true of jury trials in the nontraffic sector but just the opposite is true of jury trials in traffic matters. The conviction rate of 67 per 100 uncontested court trials for traffic infractions is substantially higher than the rate of 53 per 100 reported for municipal courts.

**Table XXXVII—CALIFORNIA JUSTICE COURTS
NUMBER OF COURTS AND ATTORNEY JUDGES
Fiscal Years 1966-67 Through 1975-76**

Fiscal Year	Number of Justice Courts	Attorney Judges	
		Number	Percent of total Judges
1966-67	263	74	28
1967-68	253	68	27
1968-69	245	71	29
1969-70	244	71	29
1970-71	232	71	31
1971-72	226	75	33
1972-73	221	79	36
1973-74	214	82	38
1974-75*	199	84	42
1975-76*	175	79	45

* Madera and Sierra Justice Courts were consolidated and staffed with two justice court judges. Hence in 1974-75 there were 199 courts but 200 judges and in 1975-76 175 courts and 176 judges.

Figure 21—JUSTICE COURT FILINGS
Fiscal years 1966-67 through 1975-76



**Table XXXVIII—CALIFORNIA JUSTICE COURTS
FILINGS BY TYPE OF PROCEEDING
Fiscal Years 1966-67 Through 1975-76**

Fiscal Year	Total	Criminal					Civil	
		Parking	Selected Traffic	Other Traffic	Felonies	Other Nontraffic	Small Claims	Other
NUMBER								
1966-67.....	1,301,441	398,963	26,467	686,022	7,256	86,986	78,025	17,722
1967-68.....	1,284,284	371,719	27,920	711,519	8,233	81,882	67,574	15,437
1968-69.....	1,252,728	353,383	31,250	706,539	9,649	79,924	55,727	16,236
1969-70.....	1,228,981	300,350	32,457	737,234	11,082	80,817	50,601	16,440
1970-71.....	1,237,765	277,895	34,723	775,437	11,922	78,772	44,584	14,432
1971-72.....	1,298,940	320,351	36,762	787,720	12,279	81,779	45,548	14,501
1972-73.....	1,202,217	325,653	42,638	671,256	13,271	84,247	50,387	14,765
1973-74.....	1,181,749	309,264	45,564	661,501	13,733	84,347	51,446	15,894
1974-75.....	1,305,928	330,771	45,301	763,378	12,984	84,360	52,697	16,437
1975-76.....	1,071,503	271,356	32,509	625,744	10,423	73,440	44,219	13,812
PERCENT ^a								
1966-67.....	100	31	2	53	1	7	6	1
1967-68.....	100	29	2	55	1	6	5	1
1968-69.....	100	28	2	56	1	6	4	1
1969-70.....	100	24	3	60	1	7	4	1
1970-71.....	100	22	3	63	1	6	4	1
1971-72.....	100	25	3	61	1	6	4	1
1972-73.....	100	27	4	56	1	7	4	1
1973-74.....	100	26	4	56	1	7	4	1
1974-75.....	100	25	3	58	1	6	4	1
1975-76.....	100	25	3	58	1	7	4	1
PERCENT CHANGE FROM PRIOR YEAR								
1967-68.....	-1	-7	5	4	13	-6	-13	-13
1968-69.....	-2	-5	12	-1	17	-2	-18	5
1969-70.....	-2	-15	4	4	15	1	-9	1
1970-71.....	1	-7	7	5	8	-3	-12	-12
1971-72.....	5	15	6	2	3	4	2	<1
1972-73.....	-7	2	16	-15	8	3	11	2
1973-74.....	-2	-5	7	-1	3	<1	2	8
1974-75.....	11	7	-1	15	-5	<1	2	3
1975-76.....	-18	-18	-28	-18	-20	-13	-16	-16

^a Components may not add to 100% due to rounding.

**TABLE XXXIX—CALIFORNIA JUSTICE COURTS
FILINGS AND DISPOSITIONS OF NONPARKING PROCEEDINGS
Fiscal Year 1975-76**

Type of disposition	1973-76		1974-75		1965-66	
	Amount	Percent of total disposition	Amount	Percent of total dispositions 1973-76	Amount	Percent of total dispositions 1973-76
Dispositions per 100 filings.....	93	-	87	-	90	-
Total dispositions.....	740,443	100.0	850,780	100.0	863,310	100.0
Dispositions before trial.....	675,281	91.2	777,758	91.4	778,410	90.2
Bail forfeitures.....	442,953	59.8	516,260	60.7	484,320	56.1
Dismissals and transfers.....	90,314	12.2	97,771	11.5	86,028	10.0
Convicted or bound over after plea of guilty.....	135,399	18.3	153,701	18.4	199,905	23.2
Judgments by clerk.....	6,615	0.9	7,026	0.8	8,157	0.9
Dispositions after trial.....	65,162	8.8	73,022	8.6	84,900	9.8
Uncontested matters.....	26,617	3.6	29,214	3.4	35,446 ^a	4.1
Juvenile orders.....	13,097	1.8	18,500	2.2	14,672	1.7
Contested matters.....	25,448	3.4	25,308	3.0	34,782 ^a	4.0
Juries sworn ^b	1,443	0.2	1,754	0.2	1,936	0.2
Jury verdicts ^c	1,458	0.2	1,533	0.2	-	-

^a 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.

^b Includes 26 jury trials in civil for 1975-76.

^c Prior to 1975-76 included hung juries.

**TABLE XL—CALIFORNIA JUSTICE COURTS
CONVICTIONS AND CONVICTION RATES FOR CRIMINAL TRIALS
Fiscal Year 1975-76**

Proceeding	Conviction rates*				Number of convictions			
	Uncontested trial		Contested trial		Uncontested trial		Contested trial	
	Court	Jury	Court	Jury	Court	Jury	Court	Jury
Felones	89	-	88	-	2,087	-	1,222	-
Felones reduced under 17b(5) PC	78	75	72	74	186	6	101	17
Other reduced felones	88	-	71	100	118	0	89	6
Nontraffic								
Group A misdemeanors	59	54	67	67	836	48	759	287
Group B misdemeanors	63	57	60	73	462	13	298	58
Infractions	57	-	69	-	12	-	51	-
Traffic								
Group C misdemeanors	79	78	65	73	444	63	749	419
Group D misdemeanors	54	61	77	73	718	29	1,011	55
Infractions	67	-	74	-	2,818	-	5,440	-
Parking	67	-	63	-	172	-	152	-

* Number of cases convicted or bound over divided by the number of cases tried (excludes Juvenile Orders) times 100.

F. JUDICIAL ASSIGNMENTS AND ASSISTANCE

1. SUMMARY—NUMBER OF ASSIGNMENTS AND DAYS OF ASSIGNED ASSISTANCE

The California Constitution³⁰ directs the Chief Justice to expedite the business of the courts and to equalize judicial workloads and it authorizes him to assign judges to assist in courts other than their own for this purpose. In 1975-76 the total number of assignments issued by the Chief Justice as Chairman of the Judicial Council increased to 2,658 or 5 percent more than the number issued for the previous fiscal year. While the number of assignments to the Supreme Court and to justice courts declined, assignments to Courts of Appeal increased 8 percent, to superior courts by 10 percent, and to municipal courts by 7 percent.

**TABLE XLI—CALIFORNIA COURTS
ASSIGNMENT OF JUDGES
Fiscal Years 1965-66 Through 1975-76**

Courts receiving assistance	Number of assignments										
	1965-66	1966-67	1967-68	1968-69	1969-70	1970-71	1971-72	1972-73	1973-74	1974-75	1975-76
Total all courts	3,418	3,575	3,750	3,900	3,785	3,754	4,115	3,135	2,039	2,542	2,658
Supreme Court	8	9	12	13	18	13	6	16	15	14	10
Courts of Appeal	35	58	68	62	54	37	51	68	58	64	69
Superior courts	821	923	980	936	1,014	933	947	968	1,038	1,282	1,407
Municipal courts	785	731	733	852	755	790	856	848	788	938	1,008
Justice courts ^a	1,769	1,864	1,939	1,947	1,944	1,981	2,255	1,235	190	244	164

^a In 1973-74 the Chairman of the Judicial Council issued a general assignment which generally authorizes each justice court judge to sit in other justice courts, subject to prior approval in some circumstances. Accordingly, the figures for years prior to 1973-74 are not comparable with those thereafter.

³⁰ Cal. Const., Art. VI, § 6.

Since the period covered by an assignment may range from a day to many months, the gross number of assignments is not a measure of actual assistance provided by assigned judges. For the latter, see Tables XLII and XLIII which list the total days of assigned assistance provided to the Courts of Appeal and the superior, municipal and justice courts.

**TABLE XLII—CALIFORNIA COURTS
TOTAL DAYS OF ASSISTANCE TO COURTS OF APPEAL, SUPERIOR
COURTS, MUNICIPAL COURTS, AND JUSTICE COURTS*, AND DAYS GIVEN
BY RETIRED JUDGES**

Fiscal Years 1965-66 Through 1975-76

Fiscal year	Total days of assistance	Days given by retired judges	Percentage of total given by retired judges
1965-66.....	8,727	3,670	42.1
1966-67.....	9,471	4,163	44.0
1967-68.....	10,068	4,226	42.0
1968-69.....	10,129	4,800.5	44.4
1969-70.....	10,118.5	5,066.5	50.4
1970-71.....	10,074.5	4,805	47.7
1971-72.....	9,294.5	4,203.5	45.2
1972-73.....	11,086	5,141	46.4
1973-74.....	15,560	5,684.5	36.7
1974-75.....	R18,707	7,387	39.5
1975-76.....	19,923.5	8,602.5	43.2

* Information not available prior to January 1, 1973.
R Revised.

The total days of assistance given to courts, as shown in Table XLII, reached a high of 19,923.5 in 1975-76. This is 7 percent above the number of days given in 1974-75. The days of assistance given by retired judges increased again by 16 percent reflecting their increasing participation in the assistance program.

**2. ASSISTANCE PROVIDED PARTICULAR
COURTS BY ASSIGNED JUDGES**

Courts of Appeal

Assistance provided to the Courts of Appeal rose in 1975-76 for the fourth consecutive year after a four-year decline. A total of 2,369 days of assigned assistance was received in 1975-76, an increase of 15 percent over the previous year.

**TABLE XLIII—CALIFORNIA COURTS
DAYS OF ASSISTANCE GIVEN BY JUDGES THROUGH ASSIGNMENTS
Fiscal Years 1974-75 and 1975-76**

Assistance given by:	Days of assistance given to:							
	Courts of appeal		Superior courts		Municipal courts		Justice courts	
	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76
Total, All Judges.....	2,066.5	2,369.0	R6,675.0	7,616.0	4,298.5	4,372.0	5,066.0	5,566.5
Supreme Court.....	-	-	-	-	-	-	-	-
Retired judges.....	1,436.5	1,763.0	4,845.0	5,484.0	916.0	1,101.0	389.5	254.5
Court of Appeal Justices.....	-	38.0	4.0	5.0	1.0	-	-	-
Superior court judges.....	629.0	568.0	1,458.0	1,548.5	7.0	6.0	11.0	24.5
Municipal court judges.....	-	-	R521.0	497.0	175.5	265.0	29.5	51.0
Justice court judges.....	-	-	47.0	87.5	3,190.0	3,000.0	5,238.0	5,236.5

R Revised

Seventy-four percent of the assistance given to the Courts of Appeal came from retired judges and 24 percent from superior court judges. Assistance from these categories rose in 1975-76 by 23 percent for retired judges and declined 10 percent for superior court judges. The total days of assistance provided to the Courts of Appeal amounted to the equivalent of 11 additional full-time appellate justices.

Superior Court

Assigned assistance provided superior courts increased by 14 percent in 1975-76 to 7,616 days, a record high.

Retired judges provided 72 percent of the days of assistance to superior courts; superior court judges, 20 percent, and municipal court judges, 7 percent. This reflected an increase from the previous year of 18 percent for retired judges and an increase of 6 percent for superior court judges.³¹

In 1975-76 the superior courts received 5,475 net days of assistance. The figure is derived by deducting the days given by superior court judges to Courts of Appeal, other superior courts, municipal courts and justice courts from the total days received by superior courts. The 5,475 net days received represent an increase of 14 percent over the previous year and are the equivalent of 25 additional full-time judges.

Municipal Courts

Municipal courts received 4,372 days of assigned assistance in 1975-76, an increase of 2 percent over 1974-75. Justice court judges provided 69 percent of the assigned assistance to municipal courts in 1975-76, followed by retired judges (25 percent) and other municipal court judges (6 percent). Assigned assistance from justice court judges declined by 6 percent this year while assistance from retired judges increased by 20 percent and assistance from other municipal court judges increased 51 percent from 1974-75.

The net days of assistance given to municipal courts, determined by subtracting from the total assistance received, the assistance given to other courts and that given by one municipal court to another, amounted to 3,559 days, a decrease of only 13 days from the 1974-75 figure of 3,572.³² The net days received were equivalent to about 17 additional full-time judges.

Justice Courts

Assigned assistance provided to justice courts declined slightly by 2 percent to 5,566 days. Ninety-four percent of the assistance received was from other justice court judges while 5 percent came from retired judges and less than 1 percent from municipal court judges.

The net assistance received was a negative 2,717 days, indicating that justice courts gave more assistance than they received. Stated another way, justice courts gave the equivalent of 12.6 full-time judicial positions more than they received.

³¹ See Appendix Table 27.

³² See Appendix Table 39.

3. ASSISTANCE BY COMMISSIONERS, REFEREES AND TEMPORARY JUDGES

Superior Courts

Some courts also received assistance other than by assignments from the Chairman of the Judicial Council. This assistance was provided by commissioners, referees, and attorneys acting as temporary judges. Since such assistance is often substantial, it should be considered when analyzing workload or productivity of the superior and municipal courts. Assistance from these sources has increased gradually over the years. The 27,414 days of such assistance received by the superior courts in 1975-76 was 2.7 percent above the amount for the previous year. Thirty-six percent of this assistance was furnished by referees, 32 percent by commissioners acting as temporary judges, 28 percent by commissioners acting as commissioners and only 4 percent was supplied by lawyers acting as temporary judges.

Table XLIV lists the days of assistance by commissioners, referees and attorneys acting as temporary judges for superior courts receiving such assistance. It will be noted that four courts, Los Angeles, Orange, San Bernardino and San Francisco received the bulk of such assistance, with

**TABLE XLIV—CALIFORNIA SUPERIOR COURTS
DAYS OF ASSISTANCE GIVEN BY COMMISSIONERS,
REFEREES AND TEMPORARY JUDGES**

Fiscal Year 1975-76

Court	Total days	Commissioners ^a		Referees	Lawyers as temporary judges
		As temporary judges	As commissioners		
State total	27,414.0	8,750.0	7,663.0	9,999.5	1,011.0
Alameda.....	644.0	-	-	621.0	23.0
Contra Costa.....	470.0	-	32.0	448.0	-
Fresno	549.0	-	-	473.0	76.0
Kern	655.0	-	239.0	416.0	-
Los Angeles.....	15,296.0	7,909.0	4,922.0	2,465.0	-
Marin	500.0	-	250.0	250.0	-
Monterey	223.0	-	-	225.0	3.0
Orange	1,450.5	-	-	1,249.5	201.0
Placer	132.0	-	-	130.0	2.0
Riverside	260.0	227.0	-	-	33.0
Sacramento	541.0	-	-	460.0	81.0
San Bernardino.....	1,068.0	296.0	590.0	65.5	104.5
San Diego	995.5	-	-	799.0	206.5
San Francisco.....	1,484.5	88.5	1,396.0	-	-
San Joaquin	237.5	-	-	237.5	-
San Mateo	453.5	-	231.0	222.5	-
Santa Barbara.....	550.0	-	-	443.0	107.0
Santa Clara	348.0	-	-	240.0	108.0
Santa Cruz	114.0	-	-	114.0	-
Solano	100.0	-	-	100.0	-
Soroma.....	269.0	-	-	269.0	-
Stanislaus	232.0	-	-	232.0	-
Tulare.....	144.0	-	-	144.0	-
Ventura	553.5	230.0	-	269.5	56.0
Yolo	102.0	-	-	102.0	-
Other courts	27.0	-	3.0	14.0	10.0

^a Excludes jury commissioners.

**TABLE XLV—CALIFORNIA MUNICIPAL COURTS
DAYS OF ASSISTANCE GIVEN BY COMMISSIONERS
REFEREES AND TEMPORARY JUDGES**

Fiscal Year 1975-76

Court	Total days	Commissioners		Referees ^b	Lawyers as temporary judges
		As temporary judges	As commissioners ^a		
Total	15,642.0	8,606.0	2,635.5	1,435.5	2,965.0
Oakland-Piedmont.....	247.0	-	222.0	25.0	-
Walnut Creek-Danville.....	62.5	-	-	-	62.5
Imperial County.....	229.0	114.0	-	115.0	-
Alhambra.....	245.0	226.0	-	-	19.0
Antelope.....	251.0	251.0	-	-	-
Beverly Hills.....	492.0	241.0	-	-	251.0
Citrus.....	311.0	295.0	8.0	-	8.0
Compton.....	519.0	384.0	35.0	-	100.0
Culver.....	88.5	46.0	42.0	-	0.5
Downey.....	228.5	22.0	205.0	-	1.5
East Los Angeles.....	475.0	400.0	31.0	-	44.0
Glendale.....	237.0	237.0	-	-	-
Inglewood.....	233.5	223.0	-	-	10.5
Long Beach.....	564.5	95.5	95.5	120.0	253.5
Los Angeles.....	4,854.0	4,019.0	127.5	108.5	599.0
Los Cerritos.....	271.0	213.0	-	44.0	14.0
Malibu.....	240.0	119.0	119.0	0.5	1.5
Pasadena.....	288.5	209.0	22.0	-	57.5
Rio Hondo.....	334.5	232.0	50.0	-	52.5
San Antonio.....	150.0	137.0	-	-	13.0
Santa Anita.....	135.0	106.0	24.0	-	5.0
Santa Monica.....	231.5	170.0	59.0	-	2.5
Southeast.....	217.0	199.0	-	-	18.0
South Gate.....	109.5	80.0	-	-	29.5
Whittier.....	251.0	152.0	99.0	-	-
Monterey-Carmel.....	54.0	-	-	-	54.0
Central Orange County.....	63.0	-	-	-	63.0
North Orange County.....	209.0	-	-	-	209.0
Orange County Harbor.....	283.5	43.5	175.5	-	64.5
West Orange County.....	430.0	-	355.0	-	75.0
Riverside.....	240.0	-	227.0	-	13.0
Sacramento.....	242.0	-	-	241.0	1.0
San Bernardino County.....	481.0	219.0	-	219.0	43.0
San Diego.....	332.0	-	251.0	-	81.0
San Luis Obispo County.....	101.5	-	-	88.5	13.0
Central (San Mateo).....	120.0	-	-	120.0	-
Northern (San Mateo).....	193.0	-	-	183.0	10.0
Southern (San Mateo).....	164.0	-	-	120.0	44.0
Santa Barbara-Goleta.....	65.5	-	-	-	65.5
Los Gatos-Campbell-Saratoga.....	127.0	-	123.0	-	4.0
San Jose-Milpitas.....	584.0	173.0	284.0	-	127.0
Sunnyvale-Cupertino.....	101.0	-	72.0	-	29.0
Santa Cruz County.....	126.5	-	9.0	-	117.5
Other courts ^c	459.5	-	-	51.0	408.5

^a Includes traffic commissioners and excludes jury commissioners.

^b Includes days of assistance given by traffic referees.

^c Represents 21 courts, each receiving less than 50 days of total assistance.

Los Angeles receiving 56 percent of the total assistance for all superior courts. In almost all cases, commissioners perform functions which would otherwise require a judge. In some courts they hear matters on stipulation and sign orders as temporary judges, while in other courts they do not sign orders but prepare them for a judge's signature. The assistance provided to superior courts by commissioners, referees and attorneys acting as temporary judges amounted to the equivalent of 128 full-time judges in 1975-76.

Municipal Courts

In 1975-76 municipal courts received a total of 15,642 days of assistance from commissioners, referees and attorneys acting as temporary judges, an increase of 9 percent from 1974-75. Since 1972-73, when the figure was 10,504 days, this assistance has increased by 49 percent. Table XLV lists the days of assistance by commissioners, referees and attorneys acting as temporary judges for municipal courts receiving such assistance.

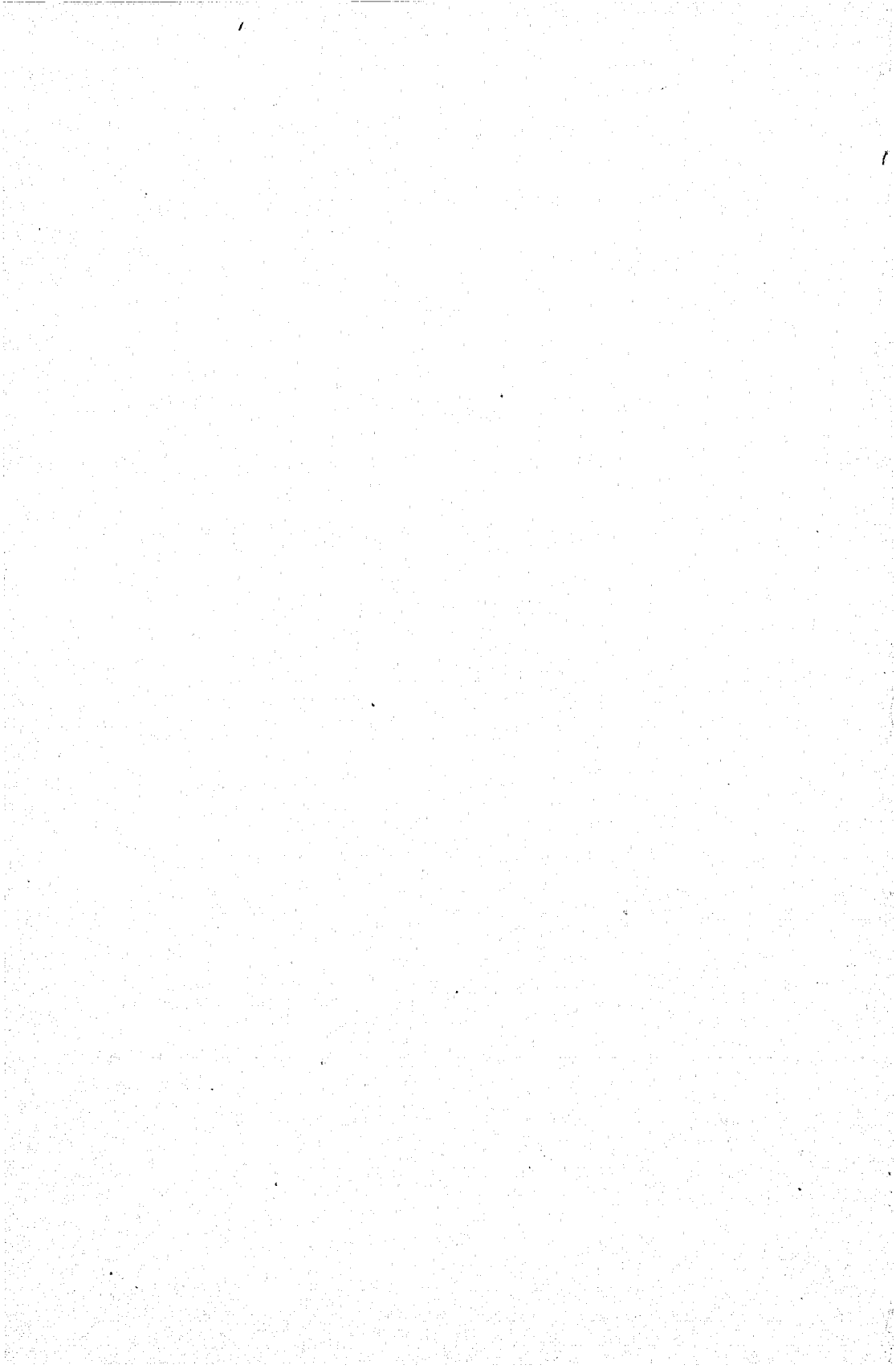
Commissioners acting as temporary judges provided 55 percent of this assistance, and the 8,606 days given in this category was 12 percent above the year ago figure. Lawyers acting as temporary judges contributed 19 percent of the total assistance and their 2,965 days reflect an increase of 4 percent over the previous year.

Sixty-four municipal courts received assistance from commissioners, referees and temporary judges. Twenty-one municipal courts received fewer than 50 days of assistance and 11 municipal courts received more than 300 days of assistance. The remaining 32 municipal courts received between 50 and 300 days of assistance. Twenty-four of the municipal courts receiving assistance from commissioners, referees and temporary judges are within Los Angeles County and received 69 percent of all such assistance given.

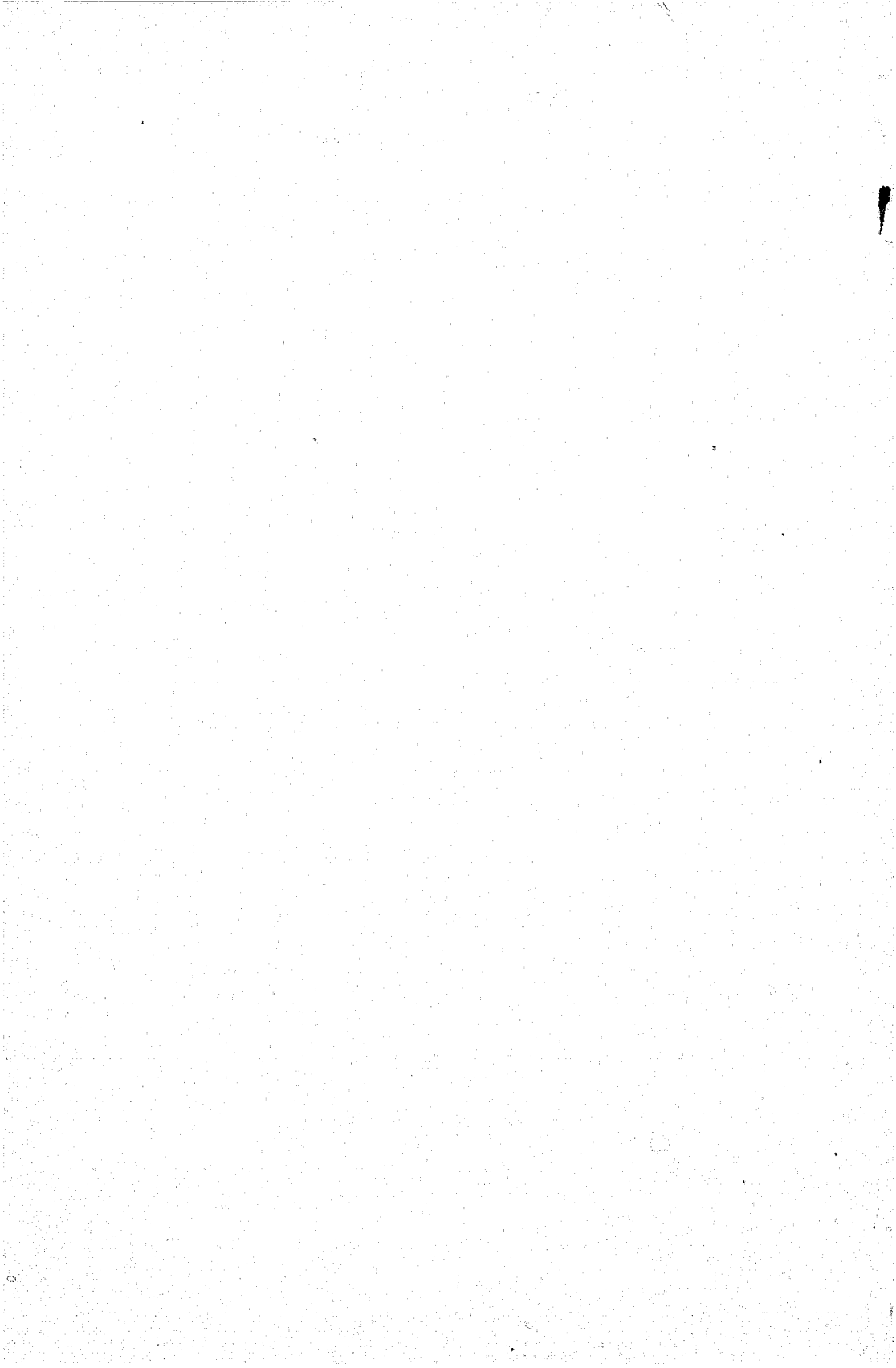
The 15,642 days of assistance to municipal courts from commissioners, referees and temporary judges in 1975-76 was the equivalent of 73 additional full-time municipal court judges.

4. JUDICIAL EQUIVALENCE OF COMMISSIONERS AND REFEREES

In a number of instances 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 other judicial manpower available.



APPENDIX TABLES



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**TABLE 1—CALIFORNIA SUPREME COURT
SUMMARY OF FILINGS
Fiscal Years 1974-75 and 1975-76**

<i>Type of filing</i>	<i>1975-76</i>	<i>1974-75</i>
Total filings	3,704	3,668
Appeals:		
Civil	0	0
Criminal	21	18
Original proceedings:		
Civil	197	207
Criminal	592	877
Motions to dismiss on clerk's certificate:		
Civil	0	9
Criminal	0	0
Petitions for hearing of cases previously decided by the Courts of Appeal	2,854	2,566

**TABLE 2—CALIFORNIA SUPREME COURT
BUSINESS TRANSACTED
Fiscal Years 1974-75 and 1975-76**

<i>Business transacted</i>	<i>1975-76</i>	<i>1974-75</i>
Total business transacted	6,035	5,646
Appeals:		
By written opinion:		
Civil	31	65
Criminal	31	40
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.):		
Civil	3	1
Criminal	3	0
Original proceedings (including habeas corpus):		
By written opinion	79	84
Without opinion	735	840
Motions (miscellaneous) denied or granted: ^a		
By written opinion	6	10
Without opinion	118	79
Hearings:		
Granted	229	172
Denied	2,665	2,394
Rehearings:		
Granted	1	3
Denied	83	72
Orders: ^b		
Transfers and retransfers	252	221
Alternative writs or orders to show cause	61	60
Miscellaneous	1,650	1,567
Executive clemency applications ^c	38	38

^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 1974-75 and 1975-76**

	<i>Total All Courts of Appeal</i>		<i>First District</i>		<i>Second District</i>		<i>Third District</i>		<i>Fourth District</i>		<i>Fifth District</i>	
	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>
Total filings and transfers from Supreme Court.....	10,797	10,349	3,248	2,984	4,047	3,926	1,098	1,149	1,710	1,675	694	615
Appeals:												
Civil.....	3,183	2,686	1,029	856	1,104	956	346	306	568	427	136	141
Criminal.....	3,279	3,229	788	715	1,375	1,418	301	290	535	573	290	233
Original proceedings:												
Civil.....	2,842	2,730	864	853	1,140	1,040	250	238	429	460	159	139
Criminal.....	1,008	1,291	345	376	247	340	196	309	131	170	89	96
Motions to dismiss on clerk's certificate	485	413	222	184	181	172	5	6	47	45	30	6

**TABLE 4—CALIFORNIA SUPREME COURT AND COURTS OF APPEAL
SUMMARY OF BUSINESS TRANSACTED
Fiscal Years 1974-75 and 1975-76**

<i>Supreme Court and Courts of Appeal</i>	<i>Totals</i>		<i>Appeals</i>		<i>Original proceedings</i>		<i>Motions^a</i>		<i>Hearings</i>		<i>Rehearings</i>		<i>Orders^b</i>		<i>Executive Clemency applications^c</i>	
	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>
Total, Supreme Court and Courts of Ap- peal	24,947	24,592	7,676	6,921	4,613	4,902	860	759	2,894	2,566	1,447	1,309	7,419	8,097	38	38
Supreme Court	6,035	5,646	118	106	814	924	124	89	2,894	2,566	84	75	1,963	1,848	38	38
Courts of Appeal, total ..	18,912	18,946	7,558	6,815	3,799	3,978	736	570	—	—	1,363	1,234	5,456	6,249	—	—
First District	7,154	6,242	2,262	1,877	1,255	1,276	329	363	—	—	504	410	2,804	2,316	—	—
Second District	5,907	7,174	2,812	2,853	1,288	1,287	95	28	—	—	507	501	1,205	2,505	—	—
Third District	2,079	2,037	775	655	460	554	213	198	—	—	125	118	506	512	—	—
Fourth District	2,906	2,706	1,240	1,076	543	608	34	24	—	—	179	155	910	843	—	—
Fifth District	866	787	469	354	253	253	65	57	—	—	48	50	31	73	—	—

^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 1974-75 and 1975-76**

<i>Business transacted</i>	<i>1975-76</i>	<i>1974-75</i>
Total business transacted	18,912	18,946
Appeals:		
By written opinion:		
Civil	2,696	2,181
Criminal	2,896	3,059
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.):		
Civil	1,362	962
Criminal	604	613
Original proceedings (including habeas corpus):		
By written opinion	351	331
Without opinion	3,448	3,647
Motions (miscellaneous) denied or granted: ^a		
By written opinion	3	3
Without opinion	733	667
Rehearings:		
Granted	89	96
Denied	1,274	1,138
Orders (miscellaneous) ^b	5,456	6,249

^a Excludes granted motions to dismiss reported under appeals.

^b Not reported elsewhere.

**TABLE 6—FIRST APPELLATE (SAN FRANCISCO) DISTRICT
(Four Divisions—16 Judges) ^a
BUSINESS TRANSACTED
Fiscal Years 1974-75 and 1975-76**

<i>Business transacted</i>	<i>1975-76</i>	<i>1974-75</i>
Total business transacted	7,154	6,242
Appeals:		
By written opinion:		
Civil	972	753
Criminal	714	671
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.):		
Civil	425	313
Criminal	151	140
Original proceedings (including habeas corpus):		
By written opinion	129	103
Without opinion	1,126	1,173
Motions (miscellaneous) denied or granted: ^b		
By written opinion	1	2
Without opinion	328	361
Rehearings:		
Granted	44	62
Denied	460	348
Orders (miscellaneous) ^c	2,804	2,316

^a Effective January 1, 1976 four judges were added, one to each division, for a total of sixteen positions.

^b Excludes granted motions to dismiss reported under appeals.

^c Not reported elsewhere.

TABLE 7—SECOND APPELLATE (LOS ANGELES) DISTRICT
(Five Divisions—20 Judges)
BUSINESS TRANSACTED
Fiscal Years 1974-75 and 1975-76

<i>Business transacted</i>	1975-76	1974-75
Total business transacted	5,907	7,174
Appeals:		
By written opinion:		
Civil	930	910
Criminal.....	1,201	1,354
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.):		
Civil	423	307
Criminal.....	258	282
Original proceedings (including habeas corpus):		
By written opinion	84	83
Without opinion.....	1,204	1,204
Motions (miscellaneous) denied or granted: ^a		
By written opinion	1	1
Without opinion.....	94	27
Rehearings:		
Granted	22	15
Denied	485	486
Orders (miscellaneous) ^b	1,205	2,505

^a Excludes granted motions to dismiss reported under appeals.

^b Not reported elsewhere.

TABLE 8—THIRD APPELLATE (SACRAMENTO) DISTRICT
(One Division—7 Judges)^a
BUSINESS TRANSACTED
Fiscal Years 1974-75 and 1975-76

<i>Business transacted</i>	1975-76	1974-75
Total business transacted	2,079	2,037
Appeals:		
By written opinion:		
Civil	271	177
Criminal.....	253	278
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.):		
Civil	215	164
Criminal.....	36	36
Original proceedings (including habeas corpus):		
By written opinion	74	61
Without opinion.....	386	493
Motions (miscellaneous) denied or granted: ^b		
By written opinion	0	0
Without opinion.....	213	198
Rehearings:		
Granted	12	6
Denied	113	112
Orders (miscellaneous) ^c	506	512

^a Effective January 15, 1975 one judge was added for a total to seven positions.

^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)
BUSINESS TRANSACTED
Fiscal Years 1974-75 and 1975-76**

<i>Business transacted</i>	1975-76	1974-75
Total business transacted	2,906	2,706
Appeals:		
By written opinion:		
Civil	389	265
Criminal	481	543
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.):		
Civil	245	143
Criminal	125	125
Original proceedings (including habeas corpus):		
By written opinion	33	43
Without opinion	510	565
Motions (miscellaneous) denied or granted: ^a		
By written opinion	1	0
Without opinion	33	24
Rehearings:		
Granted	7	7
Denied	172	148
Orders (miscellaneous) ^b	910	843

^a Excludes granted motions to dismiss reported under appeals.

^b Not reported elsewhere.

**TABLE 10—FIFTH APPELLATE (FRESNO) DISTRICT
(One Division—4 Judges) °
BUSINESS TRANSACTED
Fiscal Years 1974-75 and 1975-76**

<i>Business transacted</i>	1975-76	1974-75
Total business transacted	866	787
Appeals:		
By written opinion:		
Civil	134	76
Criminal	247	213
Without opinion (by dismissal, affirmance or reversal on stipulation, motion, etc.):		
Civil	54	35
Criminal	34	30
Original proceedings (including habeas corpus):		
By written opinion	31	41
Without opinion	222	212
Motions (miscellaneous) denied or granted: ^b		
By written opinion	0	0
Without opinion	65	57
Rehearings:		
Granted	4	6
Denied	44	44
Orders (miscellaneous) ^c	31	73

^a Effective January 1, 1976 one judge was added for a total of four positions.

^b Excludes granted motions to dismiss reported under appeals.

^c Not reported elsewhere.

TABLE 11—CALIFORNIA SUPERIOR COURTS
SUMMARY OF ALL FILINGS AND DISPOSITIONS*

Fiscal Years 1974-75 and 1975-76

County	Number of Judgeships ^b		Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	Uncontested matters		Contested matters	
									1975-76	1974-75	1975-76	1974-75
State total	520	501	667,122	R602,470	559,402	R497,388	201,715	R175,189	302,735	R274,578	54,952	R47,621
Alameda	c28	25	32,525	R29,709	27,512	R25,327	7,353	7,709	16,978	R14,689	3,181	R2,929
Alpine	1	1	24	65	10	45	5	16	1	19	4	10
Amador	1	1	405	353	201	134	77	94	77	10	47	30
Butte	3	d3	3,454	2,867	2,527	2,356	626	606	1,680	1,507	221	243
Calaveras	1	1	453	471	414	401	148	127	231	229	35	45
Colusa	1	1	340	330	284	275	122	101	96	133	66	41
Contra Costa	11	11	18,234	15,406	15,650	R12,743	4,914	R3,787	8,936	R7,641	1,800	1,315
Del Norte	1	1	671	528	541	426	171	122	311	253	59	61
El Dorado	2	2	2,437	2,010	1,969	1,624	804	664	979	796	186	164
Fresno	8	8	12,537	10,704	8,927	8,039	2,964	2,663	4,996	4,673	967	703
Glenn	1	1	453	511	486	399	133	144	302	220	51	35
Humboldt	3	3	3,343	3,146	2,971	2,613	975	847	1,730	1,529	266	237
Imperial	c3	2	2,670	2,296	2,146	1,968	832	673	1,144	1,105	170	190
Inyo	1	1	675	480	417	270	134	117	248	139	35	14
Kern	c8	6	11,099	10,448	9,602	8,378	2,814	2,213	5,941	5,616	847	549
Kings	c2	1	2,109	1,798	1,606	1,492	387	375	1,109	1,035	110	82
Lake	1	1	1,043	894	838	755	290	270	447	385	101	100
Lassen	1	1	615	560	521	466	210	196	246	219	65	51
Los Angeles	171	d171	213,687	199,657	183,568	R172,223	80,397	R72,237	85,150	R82,739	18,021	R17,247
Madera	1	1	1,722	1,671	1,544	1,293	418	439	924	719	292	135
Marin	5	5	6,871	6,388	5,290	5,187	1,866	2,191	2,932	2,522	402	474
Mariposa	1	1	215	178	173	148	81	60	68	69	24	19
Mendocino	2	2	2,145	2,067	1,647	1,477	510	517	974	815	163	145
Merced	3	3	3,938	3,547	3,013	2,423	1,015	819	1,670	1,350	328	254
Modoc	1	1	307	270	227	208	89	71	115	110	23	27
Mono	1	1	379	341	261	266	68	80	86	109	107	77
Monterey	5	5	9,148	7,612	9,165	7,614	3,815	3,216	4,479	3,588	871	810
Napa	2	2	3,118	2,953	2,555	2,516	799	763	1,231	1,239	525	514
Nevada	1	1	1,334	1,132	1,108	978	471	454	563	430	74	94
Orange	c33	c31	52,818	44,903	43,657	R37,892	12,885	10,899	28,004	R24,471	2,768	2,522
Placer	3	d3	3,281	2,691	2,624	2,183	773	682	1,473	1,317	378	184
Plumas	1	1	442	402	336	362	64	117	230	196	42	49
Riverside	c13	12	16,437	14,947	14,821	13,452	5,270	4,297	8,157	7,805	1,394	1,350

Sacramento.....	^c 20	^d 18	25,996	^R 22,372	21,038	^R 18,339	7,371	^R 6,129	12,174	^R 10,971	1,493	^R 1,239
San Benito	1	1	503	461	492	385	167	159	286	203	39	23
San Bernardino	^c 18	^d 15	23,119	^R 21,621	18,065	16,869	5,044	5,810	11,143	9,423	1,878	1,636
San Diego	33	^f 33	48,830	44,499	40,382	35,450	12,105	10,216	24,155	22,398	4,122	2,836
San Francisco	26	26	26,758	24,940	21,987	20,510	9,349	8,073	9,923	10,425	2,715	2,012
San Joaquin	7	7	9,313	8,082	7,474	6,964	2,117	^R 2,103	4,413	4,169	944	^R 692
San Luis Obispo	^e 4	3	3,946	4,129	3,158	2,987	1,221	1,234	1,765	1,623	172	130
San Mateo	^c 14	13	15,525	14,965	12,682	11,014	3,166	3,346	8,050	6,724	1,466	944
Santa Barbara	7	7	8,621	7,221	7,851	6,430	2,835	1,997	4,346	3,868	650	565
Santa Clara	26	^E 26	37,029	32,013	30,066	21,854	9,707	5,822	17,839	13,672	2,520	2,360
Santa Cruz	3	3	4,458	3,932	3,840	3,355	980	875	2,505	2,213	355	267
Shasta	3	3	3,845	3,231	3,307	2,714	867	864	2,087	1,592	353	258
Sierra	1	1	70	93	54	59	0	6	38	44	16	9
Siskiyou	1	1	1,181	1,082	887	847	315	299	482	477	90	71
Solano	4	4	5,379	4,899	4,562	3,860	1,461	1,340	2,708	2,182	393	338
Sonoma	^e 5	4	7,566	^E 5,337	6,369	5,644	1,736	1,514	3,979	3,527	654	603
Stanislaus	6	^d 6	7,716	6,594	6,514	5,095	2,108	1,411	3,641	2,994	765	690
Sutter	2	2	1,413	1,465	1,153	1,132	460	439	609	617	84	76
Tehama	1	1	1,245	1,051	904	841	325	378	474	404	105	59
Trinity	1	1	334	272	278	238	100	89	121	101	57	48
Tulare	4	4	5,820	4,533	4,276	3,597	1,225	1,026	2,255	2,256	796	315
Tuolumne	1	1	1,043	980	868	824	341	342	478	398	49	84
Ventura	7	7	14,036	11,498	12,810	8,939	6,008	3,105	5,540	4,464	1,262	1,370
Yolo	^c 3	2	2,709	2,535	2,304	2,097	690	575	1,426	1,356	188	166
Yuba	2	2	1,738	1,660	1,470	1,401	517	471	790	800	163	130

^a The filing and disposition figures for fiscal year 1975-76 include, for the first time, subsequent petitions filed under Section 600, 601, and 602 of the Welfare and Institutions Code on dependent children, wards and probationers of the court alleging further acts of parental neglect or additional crimes or delinquency. Previous to fiscal year 1975-76 only filings and dispositions of original petitions were counted.

Some criminal dispositions were also shifted from contested matters to uncontested matters as a result of a change in the definition of uncontested trial on July 1, 1975. Prior to the change, uncontested matters only included defendants whose cases were disposed of on the record of the preliminary hearing but subsequently has included all defendants whose cases were disposed of following a trial in which only one party introduced evidence.

^b Number of authorized judgeships at the end of the fiscal year.

^c Statute provided for increase effective January 1, 1976.

^d Statute provided for increase effective January 7, 1975.

^e Statute provided for increase operative January 7, 1975 or on date County Board of Supervisors adopted resolution to pay local costs, whichever was later. Resolution adopted December 16, 1975.

^f Statute provided for increase effective January 15, 1975.

^g Statute provided for increase effective January 1, 1975.

^R Revised.

TABLE 12—CALIFORNIA SUPERIOR COURTS
 PROBATE AND GUARDIANSHIP FILINGS AND DISPOSITIONS
 Fiscal Years 1974-75 and 1975-76

County	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
	1973-76	1974-75	1973-76	1974-75	1973-76	1974-75	Uncontested matters	1974-75	Contested matters	1974-75
State Total	62,590	^R 61,975	61,968	^R 56,738	2,386	1,259	57,267	^R 54,281	2,315	1,198
Alameda	3,852	^R 3,886	4,392	^R 3,377	344	315	3,595	^R 2,826	453	236
Alpine	0	2	0	2	0	0	0	2	0	0
Amador	51	46	3	1	3	1	0	0	0	0
Butte	486	422	417	388	1	0	416	387	0	1
Calaveras	52	69	59	72	0	0	58	72	1	0
Colusa	63	63	48	47	0	2	47	45	1	0
Contra Costa	1,639	1,580	1,549	1,433	90	36	1,408	1,366	51	31
Del Norte	85	63	58	64	6	6	50	56	2	2
El Dorado	177	163	181	143	5	1	175	142	1	0
Fresno	1,421	1,349	1,426	1,136	15	10	1,387	1,092	24	34
Glenn	68	92	89	69	1	0	87	69	1	0
Humboldt	476	490	487	443	38	38	425	386	24	19
Imperial	238	239	203	224	14	24	188	200	1	0
Inyo	60	60	74	51	2	30	69	21	3	0
Kern	863	825	696	680	13	3	677	675	6	2
Kings	206	188	150	149	6	0	144	149	0	0
Lake	162	146	132	113	0	0	131	113	1	2
Lassen	94	87	64	61	0	0	64	61	0	0
Los Angeles	19,362	19,798	19,148	20,338	1,236	460	17,424	9,432	488	439
Madera	185	152	185	123	2	3	182	118	1	2
Marin	691	718	733	599	1	75	730	517	2	7
Mariposa	35	24	19	24	0	0	18	24	1	0
Mendocino	330	275	202	216	3	7	197	205	2	4
Merced	293	281	306	244	14	7	288	236	4	1
Modoc	47	37	29	32	6	0	23	32	0	0
Mono	26	37	26	26	0	0	26	26	0	0
Monterey	969	973	1,019	771	29	49	978	715	12	7
Napa	347	342	251	287	1	3	248	281	2	3
Nevada	124	148	120	105	1	2	116	103	3	0
Orange	3,217	3,290	2,717	2,676	8	5	2,665	2,630	44	41
Placer	257	229	235	285	0	0	234	284	1	1
Plumas	62	48	60	50	1	1	59	49	0	0
Riverside	1,767	1,719	1,788	1,628	101	74	1,587	1,491	100	63
Sacramento	1,909	1,868	1,939	1,677	4	12	1,925	1,643	10	22
San Benito	77	77	99	56	1	2	98	54	0	0
San Bernardino	1,636	1,549	1,402	1,271	8	8	1,359	1,247	35	16
San Diego	4,431	4,591	4,295	4,128	55	0	3,651	4,092	589	36
San Francisco	3,814	3,984	3,706	3,324	7	1	3,539	3,321	160	2
San Joaquin	1,275	1,102	1,194	1,221	118	20	952	1,081	124	120
San Luis Obispo	426	443	336	260	0	0	363	260	0	0
San Mateo	1,865	1,821	1,836	1,203	10	8	1,825	1,195	1	0
Santa Barbara	974	950	785	810	15	12	764	792	6	6
Santa Clara	2,480	2,194	4,187	2,000	9	1	4,148	1,979	30	20
Santa Cruz	687	634	657	666	6	7	649	659	2	0
Shasta	328	311	320	270	11	6	307	262	2	0
Sierra	15	18	11	14	0	0	10	14	1	0
Siskiyou	161	179	141	131	0	0	139	130	2	1
Solano	574	497	483	335	13	4	451	320	19	11
Sonoma	1,077	1,064	1,037	905	5	6	1,030	885	2	14
Stanislaus	693	642	653	643	59	4	586	631	8	8
Sutter	173	162	112	105	2	0	110	105	0	0
Tehama	133	104	74	86	1	0	69	86	4	0
Trinity	32	29	33	34	2	3	30	31	1	0
Tulare	587	541	381	542	11	3	368	538	2	1
Tuolumne	118	96	107	106	3	0	104	105	0	1
Ventura	806	726	719	625	19	2	617	582	83	41
Yolo	428	403	404	330	85	8	314	318	5	4
Yuba	186	149	164	137	1	0	163	137	0	0

^R Revised.

**TABLE 13—CALIFORNIA SUPERIOR COURTS
FAMILY LAW FILINGS AND DISPOSITIONS
Fiscal Years 1974-75 and 1975-76**

County	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
							Uncontested matters		Contested matters	
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
State Total	168,837	R 162,938	146,179	R 141,025	7,335	8,290	126,809	R 122,946	12,035	R 9,789
Alameda	8,848	R 8,904	7,507	R 7,587	240	197	6,592	R 6,557	675	R 833
Alpine	3	4	0	0	0	0	0	0	0	0
Amador	76	84	49	5	1	4	42	0	6	1
Butte	866	843	654	712	34	27	599	666	21	19
Calaveras	117	95	97	79	3	0	89	73	5	6
Colusa	76	85	64	85	5	4	13	59	45	22
Contra Costa	4,610	4,641	4,282	3,990	149	326	3,431	3,172	702	492
Del Norte	150	159	130	134	5	6	113	113	12	15
El Dorado	553	455	456	407	17	21	416	355	23	31
Fresno	3,314	3,020	2,381	2,302	135	151	2,231	2,093	15	53
Glenn	99	118	96	102	3	9	82	79	11	14
Humboldt	1,049	992	858	775	43	27	762	732	53	16
Imperial	514	471	436	332	8	10	400	284	28	38
Inyo	143	126	120	103	9	10	107	89	4	4
Kern	2,820	2,694	2,335	2,219	136	119	2,058	1,989	141	111
Kings	523	489	417	402	33	13	380	389	4	0
Lake	191	192	149	159	5	7	134	141	10	11
Lassen	141	147	141	143	3	19	120	109	18	15
Los Angeles	50,411	49,508	42,927	43,049	1,372	1,246	38,473	39,064	3,082	2,739
Madera	323	307	269	213	15	14	209	167	45	32
Marin	1,817	1,777	1,497	1,541	73	49	1,308	1,358	116	134
Mariposa	50	43	46	36	3	6	35	24	8	6
Mendocino	570	526	487	438	19	23	447	388	21	27
Merced	843	748	702	652	25	41	609	554	68	57
Modoc	56	57	46	42	1	1	44	40	1	1
Mono	50	42	41	34	0	2	39	31	2	1
Monterey	2,282	2,191	2,641	3,044	975	1,283	1,576	1,667	90	94
Napa	829	769	629	700	59	64	535	592	35	44
Nevada	292	263	230	310	18	92	199	196	13	22
Orange	14,971	14,425	13,416	13,963	884	1,965	11,779	11,283	753	745
Placer	710	717	648	605	29	23	480	526	139	56
Plumas	127	112	99	101	0	3	99	92	0	6
Riverside	3,937	3,873	3,333	3,688	333	568	2,714	2,873	286	247
Sacramento	6,419	6,092	5,703	5,735	191	163	5,287	5,273	225	299
San Benito	140	125	124	100	11	6	102	85	11	9
San Bernardino	5,969	5,688	4,893	4,260	153	124	4,048	3,595	692	541
San Diego	13,907	12,975	12,320	10,591	373	213	10,559	9,607	1,388	771
San Francisco	4,640	4,693	4,075	3,984	144	139	3,632	3,546	299	299
San Joaquin	2,391	2,450	2,043	1,932	86	94	1,806	1,836	151	22
San Luis Obispo	978	958	826	744	26	25	790	719	10	0
San Mateo	4,230	4,434	3,819	3,879	122	204	3,138	3,325	559	350
Santa Barbara	2,264	2,110	2,483	1,857	701	100	1,657	1,635	135	122
Santa Clara	10,247	9,223	8,650	7,359	219	267	7,543	6,437	888	653
Santa Cruz	1,408	1,259	1,212	1,066	49	41	1,113	976	50	49
Shasta	1,004	957	881	862	26	44	785	777	70	41
Sierra	16	24	21	16	0	0	11	15	10	1
Siakiyou	308	292	247	248	12	12	224	222	11	14
Solano	1,802	1,685	1,540	1,317	62	59	1,390	1,219	88	39
Sonoma	2,289	2,157	1,930	1,956	77	92	1,785	1,698	88	166
Stanislaus	2,018	1,851	1,853	1,387	112	78	1,558	1,155	183	154
Sutter	393	393	338	377	22	34	289	337	27	6
Tehama	275	225	204	173	8	4	173	157	23	12
Trinity	73	70	68	57	4	3	53	43	11	11
Tulare	1,572	1,389	1,267	1,080	85	73	764	979	418	28
Tuolumne	214	190	177	149	7	7	170	134	0	8
Ventura	3,720	3,585	3,168	2,781	138	101	2,866	2,476	164	204
Yolo	783	729	705	655	25	37	613	576	67	42
Yuba	466	507	419	488	47	40	338	394	34	54

^R Revised.

**TABLE 14—CALIFORNIA SUPERIOR COURTS
MOTOR VEHICLE PERSONAL INJURY, DEATH AND PROPERTY DAMAGE
FILINGS AND DISPOSITIONS
Fiscal Years 1974-75 and 1975-76**

County	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
State Total	52,574	R ^{49,266}	40,138	39,125	37,894	36,486	834	1,085	1,420	1,554
Alameda.....	2,862	R ^{2,777}	1,569	1,413	1,424	1,309	67	55	78	49
Alpine.....	2	3	0	1	0	1	0	0	0	0
Amador.....	39	16	11	7	11	6	0	1	0	0
Butte.....	138	134	100	99	92	88	3	2	5	9
Calaveras.....	13	13	11	6	10	6	1	0	0	0
Colusa.....	11	8	11	5	8	2	1	1	2	2
Contra Costa.....	1,254	988	736	869	678	805	27	25	31	39
Del Norte.....	28	16	12	23	11	20	0	0	1	3
El Dorado.....	194	135	115	109	104	100	4	4	7	5
Fresno.....	923	822	720	610	682	587	7	3	31	20
Glenn.....	8	16	13	20	11	13	0	5	2	2
Humboldt.....	136	114	102	91	91	78	2	0	9	13
Imperial.....	63	53	51	64	44	54	3	1	4	9
Inyo.....	20	17	15	9	15	9	0	0	0	0
Kern.....	510	490	357	332	345	302	2	6	10	24
Kings.....	76	72	51	31	50	31	0	0	1	0
Lake.....	41	39	33	41	32	35	1	1	0	5
Lassen.....	24	24	15	15	13	12	1	1	1	2
Los Angeles.....	25,323	22,885	20,658	20,420	20,082	19,608	107	213	469	599
Madera.....	61	67	35	47	27	35	2	8	6	4
Marin.....	402	394	291	297	282	281	0	2	9	14
Mariposa.....	14	7	7	5	7	5	0	0	0	0
Mendocino.....	79	113	71	54	60	47	3	0	8	7
Merced.....	182	149	102	138	97	122	2	8	3	8
Modoc.....	11	9	6	9	4	8	0	0	2	1
Mono.....	7	1	2	0	0	0	0	0	2	0
Monterey.....	306	276	381	220	356	197	13	5	12	18
Napa.....	151	158	115	115	104	110	1	1	10	4
Nevada.....	55	50	53	44	53	41	0	1	0	2
Orange.....	3,436	2,993	2,335	2,386	2,216	2,277	29	12	90	97
Placer.....	206	166	138	74	122	66	8	6	8	2
Plumas.....	5	16	7	16	7	13	0	0	0	3
Riverside.....	794	771	616	594	559	403	14	142	43	49
Sacramento.....	1,670	1,914	1,442	1,415	1,337	1,291	51	81	54	43
San Benito.....	22	19	16	15	14	14	0	0	2	1
San Bernardino.....	1,005	909	587	621	559	548	13	38	15	35
San Diego.....	1,874	1,938	1,576	1,484	1,277	1,246	208	157	91	81
San Francisco.....	3,469	3,487	2,466	2,953	2,180	2,600	136	171	150	182
San Joaquin.....	531	490	489	481	425	453	34	7	30	21
San Luis Obispo.....	119	130	78	95	74	77	1	18	3	0
San Mateo.....	1,179	1,187	738	760	692	732	0	0	46	28
Santa Barbara.....	341	305	294	226	280	207	5	6	9	13
Santa Clara.....	2,227	2,474	1,898	1,165	1,810	1,085	24	26	64	54
Santa Cruz.....	221	186	134	124	117	106	9	11	8	7
Shasta.....	101	107	49	69	45	51	1	3	3	15
Sierra.....	2	3	0	0	0	0	0	0	0	0
Siskiyou.....	67	44	29	33	22	19	1	10	6	4
Solano.....	300	285	232	222	200	188	20	17	12	17
Sonoma.....	443	452	286	307	274	290	3	5	9	12
Stanislaus.....	461	402	311	284	260	262	19	7	32	15
Sutter.....	121	113	72	50	65	47	1	0	6	3
Tehama.....	25	27	31	12	22	10	4	0	5	2
Trinity.....	12	17	12	7	10	5	1	1	1	1
Tulare.....	153	142	110	124	96	97	3	18	11	9
Tuolumne.....	33	46	25	15	23	15	0	0	2	0
Ventura.....	567	555	369	359	360	343	1	5	8	11
Yolo.....	162	161	86	79	80	72	1	1	5	6
Yuba.....	95	81	69	61	65	57	0	0	4	4

^R Revised.

**TABLE 15—CALIFORNIA SUPERIOR COURTS
OTHER PERSONAL INJURY, DEATH AND PROPERTY DAMAGE
FILINGS AND DISPOSITIONS
Fiscal Years 1974-75 and 1975-76**

County	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial					
	1973-76	1974-75	1973-76	1974-75	1973-76	1974-75	Uncontested matters	1973-76	1974-75	Contested matters	1973-76	1974-75
State Total	27,767	R ^{25,973}	20,023	18,123	18,163	16,121	603	713	1,257	1,289		
Alameda	963	R ⁹⁹⁸	1,038	1,132	963	1,063	35	30	40	39		
Alpine	2	3	0	2	0	1	0	0	0	1		
Amador	13	3	1	3	1	3	0	0	0	0		
Butte	84	110	61	48	51	40	5	1	5	7		
Calaveras	11	3	5	3	4	3	0	0	1	0		
Colusa	11	20	8	10	6	10	0	0	2	0		
Contra Costa	531	535	441	422	381	381	20	15	40	26		
Del Norte	14	16	8	9	5	7	3	1	0	1		
El Dorado	121	127	98	79	88	65	0	4	10	10		
Fresno	342	306	297	223	271	213	3	2	23	8		
Glenn	14	14	20	7	13	6	5	0	2	1		
Humboldt	203	197	119	82	96	65	7	2	16	16		
Imperial	35	28	14	33	11	32	0	0	3	1		
Inyo	29	28	27	5	21	4	4	0	2	1		
Kern	242	176	112	125	94	106	8	6	10	13		
Kings	26	19	6	0	6	0	0	0	0	0		
Lake	18	17	10	17	8	16	0	0	2	1		
Lassen	14	6	10	1	8	1	0	0	2	0		
Los Angeles	11,775	10,848	9,187	7,969	8,694	7,334	55	171	438	464		
Madera	47	29	12	17	11	15	0	1	1	1		
Marin	326	306	160	155	147	135	3	0	10	20		
Mariposa	11	8	5	13	2	13	0	0	3	0		
Mendocino	58	78	44	46	34	30	3	3	7	13		
Merced	98	127	61	37	54	35	1	0	6	2		
Modoc	4	6	2	0	1	0	0	0	1	0		
Mono	35	40	10	0	7	0	0	0	3	0		
Monterey	191	260	238	143	211	126	12	5	15	12		
Napa	74	82	60	54	57	49	0	0	3	5		
Nevada	36	45	26	21	22	20	0	0	4	1		
Orange	2,375	2,212	1,162	1,094	1,049	1,001	18	16	95	77		
Placer	133	91	88	73	78	66	2	2	8	5		
Plumas	22	9	4	4	3	4	0	0	1	0		
Riverside	530	535	352	318	315	203	7	79	30	36		
Sacramento	1,466	1,333	740	628	652	545	41	39	47	44		
San Benito	15	10	11	13	10	11	1	0	0	2		
San Bernardino	638	560	416	366	352	315	47	17	17	34		
San Diego	1,176	966	923	630	738	506	107	58	78	66		
San Francisco	2,027	2,049	1,558	1,791	1,349	1,531	88	111	121	149		
San Joaquin	280	265	211	227	191	190	5	16	15	21		
San Luis Obispo	78	86	63	48	46	43	5	5	12	0		
San Mateo	563	675	344	421	324	390	0	0	20	31		
Santa Barbara	198	202	108	148	101	130	0	6	7	12		
Santa Clara	1,097	961	872	744	757	638	52	53	63	53		
Santa Cruz	127	115	94	75	83	62	5	6	6	7		
Shasta	142	182	97	95	63	84	20	3	12	8		
Sierra	1	0	0	0	0	0	0	0	0	0		
Siskiyou	38	35	19	23	15	19	1	0	3	4		
Solano	185	129	105	62	90	41	12	9	3	12		
Sonoma	314	309	150	145	136	97	1	29	13	19		
Stanislaus	196	142	158	100	120	73	15	5	23	22		
Sutter	35	20	34	17	31	15	0	0	3	2		
Tehama	14	7	8	7	6	5	1	2	1	0		
Trinity	8	12	11	9	9	6	1	0	1	3		
Tulare	138	80	103	117	90	94	3	12	10	11		
Tuolumne	24	23	15	16	11	13	0	0	4	3		
Ventura	387	355	211	203	199	190	4	5	8	8		
Yolo	136	97	42	56	38	48	2	0	2	8		
Yuba	76	78	44	37	38	28	1	0	5	9		

^R Revised.

**TABLE 16—CALIFORNIA SUPERIOR COURTS
EMINENT DOMAIN FILINGS AND DISPOSITIONS
Fiscal Years 1974-75 and 1975-76**

County	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	Uncontested matters		Contested matters	
							1975-76	1974-75	1975-76	1974-75
State Total.....	3,622	5,299	3,241	4,341	2,672	2,443	354	1,566	215	332
Alameda	50	104	85	53	70	49	9	1	6	3
Alpine	0	0	0	0	0	0	0	0	0	0
Amador	3	4	1	1	0	1	0	0	1	0
Butte	25	32	10	21	9	14	1	5	0	2
Calaveras	0	11	0	0	0	0	0	0	0	0
Colusa	0	2	10	0	10	0	0	0	0	0
Contra Costa	152	135	26	35	11	33	8	1	7	1
Del Norte	0	0	1	1	1	0	0	0	0	1
El Dorado	6	9	9	5	2	4	3	1	4	0
Fresno	124	261	40	117	25	73	2	43	13	1
Glenn	0	18	9	4	0	4	9	0	0	0
Humboldt	3	5	1	9	1	4	0	3	0	2
Imperial	6	0	1	0	1	0	0	0	0	0
Inyo	87	0	2	0	2	0	0	0	0	0
Xern	107	205	49	76	47	65	1	8	1	3
Kings	7	39	19	27	19	27	0	0	0	0
Lake	29	31	19	22	8	8	7	12	4	2
Lassen	0	0	0	1	0	1	0	0	0	0
Los Angeles	1,177	2,004	1,714	2,344	1,621	936	2	1,246	91	162
Madera	11	176	104	168	102	156	2	12	0	0
Marin	12	13	12	8	9	3	0	0	3	5
Mariposa	0	14	29	1	29	1	0	0	0	0
Mendocino	58	8	10	5	9	5	1	0	0	0
Merced	2	13	2	2	1	0	0	0	1	2
Modoc	0	0	0	0	0	0	0	0	0	0
Mono	0	0	0	0	0	0	0	0	0	0
Monterey	35	12	25	38	24	31	0	0	1	7
Napa	23	7	13	9	4	8	8	1	1	0
Nevada	31	41	1	9	1	5	0	4	0	0
Orange	234	132	149	55	123	40	19	7	7	8
Placer	15	19	10	2	8	2	0	0	2	0
Plumas	0	7	0	0	0	0	0	0	0	0
Riverside	121	368	65	422	60	337	4	44	1	41
Sacramento	124	52	14	11	10	5	2	1	2	5
San Benito	3	2	0	1	0	0	0	1	0	0
San Bernardino	278	767	344	283	133	180	185	60	26	43
San Diego	179	199	103	148	26	128	60	0	17	20
San Francisco	28	11	4	42	1	37	2	4	1	1
San Joaquin	139	11	26	134	24	91	2	43	0	0
San Luis Obispo	83	140	66	29	57	11	4	18	5	0
San Mateo	104	41	7	14	3	12	4	1	0	1
Santa Barbara	11	40	80	48	67	44	9	2	4	2
Santa Clara	78	85	22	31	17	21	3	7	2	3
Santa Cruz	26	23	21	12	18	9	0	1	3	2
Shasta	24	27	5	8	5	7	0	0	0	1
Sierra	0	0	0	0	0	0	0	0	0	0
Siskiyou	3	25	0	17	0	17	0	0	0	0
Solano	5	15	12	25	11	5	1	17	0	3
Sonoma	16	44	32	28	31	15	0	5	1	8
Stanislaus	4	13	25	6	24	5	0	0	1	1
Sutter	4	4	1	15	0	1	1	14	0	0
Tehama	0	1	1	2	0	2	1	0	0	0
Trinity	2	8	1	7	0	7	0	0	1	0
Tulare	20	9	12	10	6	8	1	2	5	0
Tuolumne	49	18	2	5	1	4	1	1	0	0
Ventura	101	33	14	16	12	13	2	1	0	2
Yolo	20	35	30	14	28	14	0	0	2	0
Yuba	3	6	3	0	1	0	0	0	2	0

**TABLE 17—CALIFORNIA SUPERIOR COURTS
FILINGS AND DISPOSITIONS OF OTHER CIVIL COMPLAINTS
Fiscal Years 1974-75 and 1975-76**

County	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	Uncontested matters		Contested matters	
							1975-76	1974-75	1975-76	1974-75
State Total	87,405	R 81,387	50,330	R 47,985	34,095	30,644	11,359	R 12,420	4,876	4,921
Alameda	5,027	R 4,508	2,610	R 3,108	1,535	2,011	757	R 710	317	387
Alpine	11	27	5	13	1	10	0	3	4	0
Amador	100	96	48	42	15	27	13	2	20	13
Butte	256	282	159	152	113	98	37	39	9	15
Calaveras	124	141	110	96	74	46	24	34	12	16
Colusa	46	66	36	48	29	39	4	6	5	3
Contra Costa	1,388	R 1,764	917	772	604	562	159	124	154	86
Del Norte	75	59	59	48	31	22	15	13	13	13
El Dorado	660	571	501	375	297	209	119	99	85	67
Fresno	1,978	1,085	620	636	514	508	64	82	42	46
Glenn	82	71	80	48	35	30	16	10	9	8
Humboldt	113	148	125	144	53	59	49	47	23	38
Imperial	653	651	404	387	318	169	70	199	16	19
Inyo	119	99	49	27	32	19	2	3	15	5
Kern	1,823	2,179	1,110	1,163	453	478	610	644	47	41
Kings	277	237	146	173	68	121	51	45	7	7
Lake	253	173	166	137	79	79	54	25	33	33
Lassen	116	92	68	80	56	47	2	10	10	23
Los Angeles	26,163	26,196	16,913	17,008	13,449	12,148	2,266	3,587	1,200	1,273
Madera	252	272	123	94	72	56	29	21	22	17
Marin	958	880	586	769	451	659	62	48	73	62
Mariposa	64	34	28	27	24	20	3	4	1	3
Mendocino	388	350	229	183	156	127	26	21	47	35
Merced	479	R 528	354	380	272	256	48	98	34	26
Modoc	78	73	49	36	34	13	9	17	6	6
Mono	172	143	111	89	46	52	0	1	65	36
Monterey	742	564	372	412	463	299	65	50	45	63
Napa	322	386	249	228	167	163	23	31	29	34
Nevada	389	340	310	299	222	210	68	55	20	34
Orange	6,397	R 6,058	3,664	3,837	2,383	2,384	922	1,069	359	384
Placer	953	843	603	514	295	225	230	225	78	64
Plumas	74	78	45	70	18	36	9	11	18	23
Riverside	2,529	1,876	2,023	1,244	1,432	536	454	564	137	144
Sacramento	2,478	2,884	2,047	1,883	1,015	844	907	911	125	128
San Benito	75	78	59	52	43	36	4	9	12	7
San Bernardino	3,648	R 2,749	2,491	1,657	752	595	1,616	941	123	121
San Diego	8,523	7,064	2,585	2,443	2,049	1,681	235	431	301	331
San Francisco	4,192	3,804	2,697	2,350	1,809	1,520	593	481	295	349
San Joaquin	895	767	448	433	255	248	84	117	79	68
San Luis Obispo	663	689	315	427	168	226	131	195	16	6
San Mateo	1,680	1,786	847	903	612	735	96	62	139	106
Santa Barbara	1,339	795	832	494	660	329	160	95	72	70
Santa Clara	4,484	4,338	1,426	1,509	607	762	566	491	253	256
Santa Cruz	423	434	267	227	180	145	32	38	55	44
Shasta	677	499	311	338	160	219	64	45	87	74
Sierra	14	20	6	6	0	0	2	6	4	0
Siskiyou	303	218	174	139	96	91	45	26	33	22
Solano	257	283	143	157	109	105	18	29	16	23
Sonoma	627	887	380	509	268	189	50	241	62	79
Stanislaus	1,235	722	488	398	315	194	112	141	61	63
Sutter	210	242	198	136	134	105	48	20	16	11
Tehama	298	263	103	93	50	65	28	14	25	14
Trinity	50	45	46	38	20	16	6	8	20	14
Tulare	452	421	253	277	191	208	27	38	35	31
Tuolumne	204	156	170	122	129	85	28	20	13	17
Ventura	821	804	565	421	342	287	180	106	43	28
Yolo	335	327	246	172	199	124	35	35	12	13
Yuba	246	242	188	162	130	117	32	23	25	22

R Revised.

TABLE 18—CALIFORNIA SUPERIOR COURTS
 FILINGS AND DISPOSITIONS OF OTHER CIVIL PETITIONS
 Fiscal Years 1974-75 and 1975-76

County	Total filings		Total dispositions		Dispositions before hearing		Dispositions after hearing			
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	Uncontested matters		Contested matters	
							1975-76	1974-75	1975-76	1974-75
State Total	74,369	R ^{56,518}	58,722	R ^{41,349}	33,202	R ^{16,128}	24,510	R ^{24,296}	1,010	925
Alameda	1,845	R ^{1,366}	1,607	R ^{1,803}	63	177	1,406	R ^{1,563}	138	63
Alpine	1	1	0	2	0	0	0	2	0	0
Amador	23	10	13	0	4	0	7	0	2	0
Butte	647	301	274	228	95	134	175	90	4	4
Calaveras	42	26	31	16	18	2	13	14	0	0
Colusa	46	10	34	2	34	2	0	0	0	0
Contra Costa	2,848	R ^{1,753}	2,551	R ^{1,723}	1,756	R ⁶⁹⁶	730	R ^{1,009}	65	18
Del Norte	77	47	66	36	34	10	30	23	2	3
El Dorado	219	221	182	194	73	94	99	93	10	7
Fresno	1,365	795	603	462	341	207	255	238	7	17
Glenn	45	29	23	23	3	2	20	21	0	0
Humboldt	578	479	498	508	315	299	160	192	23	17
Imperial	177	124	77	167	6	98	69	63	2	6
Inyo	86	30	50	15	19	15	28	0	3	0
Kern	1,546	1,048	1,683	1,093	906	289	769	771	8	33
Lags	323	255	254	233	51	15	203	218	0	0
Lake	123	43	101	41	37	4	62	37	2	0
Lassen	95	60	63	34	27	18	24	16	12	0
Los Angeles	19,974	16,299	15,477	10,786	6,585	3,779	8,767	6,997	125	10
Madera	104	119	101	107	71	40	21	65	9	2
Marin	791	640	396	373	209	198	184	174	3	1
Mariposa	14	12	10	10	0	0	5	10	0	0
Mendocino	210	207	142	124	38	23	95	95	9	6
Merced	933	R ⁵⁷⁸	419	180	147	13	262	162	10	5
Modoc	42	8	25	4	17	0	7	4	1	0
Mono	3	6	1	4	0	0	0	0	1	4
Monterey	1,282	776	1,128	572	627	128	492	430	9	14
Napa	228	250	210	182	94	76	103	99	13	7
Nevada	168	76	110	43	48	17	59	26	3	0
Orange	6,869	R ^{4,174}	5,372	R ^{3,030}	4,398	1,419	1,240	R ^{1,602}	34	9
Placer	113	88	114	61	27	1	86	59	1	1
Plumas	44	33	21	8	1	0	20	8	0	0
Riverside	1,732	1,374	1,692	1,212	999	571	648	593	45	51
Sacramento	3,948	2,998	3,117	2,430	2,506	1,616	528	761	81	53
San Benito	83	30	82	30	51	1	30	29	1	0
San Bernardino	2,966	R ^{2,353}	1,983	2,604	1,097	1,677	859	910	27	17
San Diego	5,301	5,539	5,643	5,481	3,587	2,408	1,995	2,980	61	93
San Francisco	1,378	1,246	1,368	835	734	98	607	699	27	38
San Joaquin	782	577	442	278	100	16	333	252	9	10
San Luis Obispo	362	363	257	210	136	129	119	80	2	1
San Mateo	1,583	1,186	1,324	636	645	72	651	557	28	7
Santa Barbara	835	704	495	700	216	323	263	350	16	27
Santa Clara	6,088	3,985	3,693	1,413	2,894	425	767	836	32	152
Santa Cruz	528	372	456	309	141	50	306	246	9	13
Shasta	442	324	315	257	38	12	274	243	3	12
Sierra	1	4	0	1	0	0	0	0	0	1
Siskiyou	126	116	112	104	78	48	34	56	0	0
Soiano	542	464	438	360	244	131	185	222	9	7
Sonoma	959	480	675	291	182	15	467	250	26	26
Stanislaus	821	741	613	373	401	83	200	433	12	57
Sutter	144	129	115	73	37	19	75	54	3	0
Tehama	197	182	189	181	108	117	78	62	3	2
Trinity	42	29	27	29	16	12	7	10	4	7
Tulare	596	553	538	368	384	174	92	187	62	7
Tuolumne	83	77	79	41	34	1	43	39	2	1
Ventura	2,909	2,216	3,085	622	2,570	311	369	200	46	111
Yolo	258	180	219	143	88	7	127	131	4	5
Yuba	199	132	134	94	70	56	62	38	2	0

^R Revised.

**TABLE 19—CALIFORNIA SUPERIOR COURTS
INSANITY AND OTHER INFIRMITIES FILINGS AND DISPOSITIONS**
Fiscal Years 1974-75 and 1975-76

County	Total filings		Total dispositions		Dispositions before hearing		Dispositions after hearing			
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	Uncontested matters	Contested matters	1975-76	1974-75
State Total.....	6,514	R6,039	6,108	R5,989	305	R480	5,301	R5,000	502	R509
Alameda	48	45	158	79	8	8	127	64	23	7
Alpine	0	0	0	1	0	0	0	1	0	0
Amador	0	1	0	1	0	0	0	1	0	0
Butte	16	14	19	19	2	1	12	10	5	8
Calaveras.....	0	2	0	0	0	0	0	0	0	0
Colusa	2	2	1	2	0	0	1	2	0	0
Contra Costa	232	219	231	258	22	4	192	252	17	2
Del Norte.....	21	6	12	5	1	0	10	5	1	0
El Dorado.....	25	6	25	6	7	0	18	6	0	0
Fresno	233	216	223	236	32	35	183	179	8	22
Glenn	6	0	2	0	0	0	1	0	1	0
Humboldt.....	34	12	26	16	4	3	20	13	2	0
Imperial.....	77	64	79	72	1	1	74	71	4	0
Inyo	6	4	3	3	1	0	2	2	0	1
Kern	157	245	151	240	10	44	134	186	7	10
Kings	61	38	41	40	0	1	41	32	0	7
Lake	12	12	8	8	1	1	3	7	4	0
Lassen	0	1	0	0	0	0	0	0	0	0
Los Angeles	995	1,187	970	1,194	60	66	900	1,099	10	29
Madera	13	40	7	35	0	5	3	24	4	6
Marin	37	6	27	4	17	0	3	0	7	4
Mariposa	0	2	0	1	0	0	0	0	0	1
Mendocino	10	5	10	11	0	1	7	7	3	3
Merced	22	17	26	20	2	1	21	17	3	2
Modoc	2	2	3	1	0	0	3	1	0	0
Mono	0	0	0	0	0	0	0	0	0	0
Monterey	193	88	170	95	2	4	137	51	31	40
Napa	2	18	2	17	0	0	0	2	2	15
Nevada.....	10	11	1	11	0	1	1	7	0	3
Orange	167	177	139	228	0	0	157	227	2	1
Placer.....	8	10	8	8	0	0	8	8	0	0
Plumas.....	0	0	0	0	0	0	0	0	0	0
Riverside.....	200	311	230	273	26	44	172	153	32	76
Sacramento	70	R41	67	R41	1	R1	41	R34	25	R6
San Benito	0	0	0	0	0	0	0	0	0	0
San Bernardino	635	731	608	584	28	32	525	515	55	37
San Diego	828	745	768	671	0	0	744	652	24	19
San Francisco	287	381	349	284	12	24	318	248	19	12
San Joaquin.....	59	48	93	53	0	19	92	33	1	1
San Luis Obispo	37	44	32	12	0	0	21	10	11	2
San Mateo	108	86	75	48	0	8	57	38	18	2
Santa Barbara	98	76	86	83	6	9	67	62	13	12
Santa Clara	1,355	638	933	987	34	144	830	687	129	156
Santa Cruz	65	65	80	50	12	0	65	49	3	1
Shasta.....	0	0	0	0	0	0	0	0	0	0
Sierra	0	0	0	0	0	0	0	0	0	0
Siskiyou	7	1	7	1	4	0	3	1	0	0
Solano	31	40	28	24	1	0	26	23	1	1
Sonoma	11	6	20	4	0	0	18	0	2	4
Stanislaus.....	51	51	52	17	0	0	32	14	20	3
Sutter	8	0	7	0	0	0	7	0	0	0
Tehama	5	9	4	8	0	1	2	7	2	0
Trinity	3	3	2	3	0	0	2	1	0	2
Tulare	75	114	70	61	4	16	59	45	7	0
Tuolumne.....	3	4	3	8	0	1	3	7	0	0
Ventura	174	167	157	137	4	5	147	120	6	12
Yolo	15	24	15	29	3	0	12	27	0	0
Yuba	0	0	0	0	0	0	0	0	0	0

R Revised.

**TABLE 20—CALIFORNIA SUPERIOR COURTS
JUVENILE DELINQUENCY FILINGS AND DISPOSITIONS*
Fiscal Years 1974-75 and 1975-76**

County	Filings										Dispositions before hearing		Dispositions after hearing			
	Total filings		601 W & I			602 W & I			Total dispositions		before hearing		Uncontested matters		Contested matters	
	1975-76	1974-75	1975-76	1973-76	1973-76	1973-76	1973-76	1973-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	
State Total	93,364	63,739	11,447	8,331	3,116	81,073	47,268	33,805	89,995	60,923	15,631	12,837	62,016	41,042	12,348	7,044
Alameda	4,521	2,583	406	375	31	4,115	2,131	1,984	4,466	2,597	456	197	3,577	2,248	433	152
Alpine	2	16	0	0	0	2	1	1	1	16	0	1	1	7	0	0
Amador	22	7	1	0	1	21	18	3	12	4	0	0	8	2	4	2
Butte	428	318	83	66	17	345	229	116	429	317	70	54	335	245	24	18
Calaveras	33	20	6	6	0	27	26	1	45	23	9	2	33	21	3	0
Colusa	38	16	7	6	1	31	17	14	33	23	2	4	27	14	4	5
Contra Costa	3,281	1,631	459	349	110	2,822	1,484	1,338	2,778	1,331	69	14	2,474	1,227	235	90
Del Norte	101	38	33	24	9	68	55	13	95	34	24	13	64	19	7	2
El Dorado	195	86	20	12	8	175	111	64	161	91	22	24	130	63	9	4
Fresno	1,344	1,588	- ^b	- ^b	- ^b	- ^b	- ^b	- ^b	1,213	1,223	219	154	726	800	268	269
Glenn	43	40	10	10	0	33	25	8	47	40	1	12	39	27	7	1
Humboldt	320	227	114	46	68	206	113	93	329	163	80	32	222	108	27	23
Imperial	442	279	60	49	11	382	201	181	451	311	104	30	289	222	58	59
Inyo	51	30	7	5	2	44	35	9	27	25	0	7	26	17	1	1
Kern	1,777	1,254	131	123	8	1,646	832	814	1,871	1,197	119	77	1,398	1,044	354	76
Kings	343	198	36	33	3	307	158	149	307	187	24	21	244	151	39	15
Lake	49	48	26	21	5	23	23	0	40	52	0	2	40	41	0	9
Lassen	24	39	17	15	2	7	7	0	33	44	8	21	24	22	1	1
Los Angeles	29,010	20,564	1,794	1,221	573	27,216	16,201	11,015	28,614	20,274	9,748	8,553	12,599	7,811	6,267	3,910
Madera	480	271	57	54	3	423	184	239	461	279	33	23	385	234	43	22
Marin	817	512	391	197	194	426	161	265	646	421	77	37	532	361	37	23
Mariposa	16	11	6	3	3	10	9	1	12	11	1	4	6	7	5	0
Mendocino	198	160	37	3	3	161	132	29	199	110	37	35	150	69	12	6
Merced	469	241	34	28	11	435	265	170	452	242	21	23	332	176	99	43
Modoc	22	27	1	1	0	21	14	7	19	35	2	16	14	15	3	2
Mono	13	12	3	3	0	10	10	0	7	16	1	1	6	15	0	0
Monterey	1,538	716	168	118	50	1,370	631	739	1,373	743	83	60	969	450	321	233
Napa	326	225	74	51	23	252	167	85	282	235	9	21	240	189	33	25
Nevada	82	43	24	23	1	58	53	5	87	45	23	12	60	32	4	1
Orange	11,028	7,422	1,489	1,177	311	9,540	5,774	3,766	10,654	7,283	52	67	10,396	7,044	200	172
Placer	572	210	82	42	40	490	253	237	477	186	36	38	363	141	78	7
Plumas	52	29	14	13	1	38	36	2	43	45	2	17	33	22	8	6
Riverside	2,454	1,532	508	397	111	1,946	1,123	823	2,404	1,486	281	252	2,044	1,204	79	30

Sacramento.....	3,902	1,890	345	258	87	3,557	1,581	1,976	3,124	1,801	58	28	2,706	1,629	360	144
San Benito	46	31	19	14	5	27	17	10	41	32	0	7	40	25	1	0
San Bernardino	2,998	2,751	462	293	169	2,536	2,005	531	2,600	2,313	259	392	2,084	1,710	257	211
San Diego	6,324	4,277	417	397	20	5,907	3,807	2,100	6,384	4,241	355	353	5,570	3,612	459	276
San Francisco.....	2,624	1,864	482	394	88	2,142	1,193	949	2,458	1,824	827	98	729	1,397	902	329
San Joaquin.....	1,332	705	466	349	117	866	482	384	1,125	683	22	54	888	513	215	116
San Luis Obispo	363	272	64	47	17	299	163	136	342	321	51	32	264	271	27	18
San Mateo.....	2,531	2,144	744	360	384	1,787	1,015	772	2,308	1,403	80	0	2,008	1,307	220	96
Santa Barbara	1,330	798	326	202	124	1,004	548	456	1,444	913	82	88	1,241	766	121	59
Santa Clara	4,378	4,049	767	548	219	3,611	2,033	1,578	4,257	3,264	610	322	3,337	2,734	310	208
Santa Cruz	329	178	73	66	7	256	142	114	311	195	2	25	233	159	76	11
Shasta.....	443	239	111	63	48	355	183	149	564	250	18	18	504	208	42	24
Sierra.....	9	9	9	9	0	0	0	0	14	7	0	2	14	5	0	0
Siskiyou	33	42	14	12	2	19	16	3	33	45	5	12	23	31	5	2
Soiano	721	385	62	61	1	659	395	264	707	361	134	76	516	256	57	29
Sonoma	935	682	260	223	37	675	437	238	1,011	695	265	267	494	326	252	102
Stanislaus.....	1,323	944	136	122	14	1,187	734	453	1,344	832	207	251	962	483	175	98
Sutter.....	103	99	10	8	2	93	72	21	79	92	23	31	53	57	3	4
Tehama.....	123	53	30	27	3	93	59	34	128	73	14	1	106	68	8	4
Trinity.....	30	5	6	6	0	24	17	7	23	4	6	0	16	3	1	1
Tulare.....	1,387	503	132	114	18	1,255	594	661	973	485	82	55	827	387	64	43
Tuolumne.....	129	87	25	22	3	104	79	25	124	93	12	19	107	72	5	2
Ventura.....	1,870	1,029	242	150	92	1,628	1,009	619	2,011	1,564	872	856	1,104	687	35	21
Yolo.....	275	147	106	52	54	169	85	84	279	169	0	14	243	136	36	19
Yuba.....	235	163	42	37	5	193	123	70	243	176	28	12	161	152	54	12

^a The filing and disposition figures for fiscal year 1975-76 include, for the first time, subsequent petitions filed under Sections 601 and 602 of the Welfare and Institutions Code on wards and probationers of the court alleging additional crimes or delinquency. Previous to fiscal year 1975-76 only filings and dispositions of original petitions were counted.

^b This court did not report separately original and subsequent petitions filed under Sections 601 and 602 of the Welfare and Institutions Code.

**TABLE 21—CALIFORNIA SUPERIOR COURTS
JUVENILE DEPENDENCY FILINGS AND DISPOSITIONS *
Fiscal Years 1974-75 and 1975-76**

County	Filings				Total dispositions		Dispositions before hearing		Dispositions after hearing			
	Total		Original	Subsequent	Total dispositions		before hearing		Uncontested matters		Contested matters	
	1973-76	1974-75	1973-76	1975-76	1973-76	1974-75	1973-76	1974-75	1973-76	1974-75	1973-76	1974-75
State Total.....	14,053	13,983	1,911	902	13,669	R 13,389	1,987	R 1,671	10,283	R 10,305	1,399	R 1,413
Alameda.....	870	737	794	75	816	770	141	110	621	621	54	39
Alpine.....	0	4	0	0	0	4	0	0	0	4	0	0
Amador.....	9	5	6	3	4	6	0	0	4	4	0	2
Butte.....	190	119	187	3	149	138	18	22	90	62	41	54
Calaveras.....	16	14	12	4	21	21	7	0	10	14	4	7
Colusa.....	13	14	13	0	7	8	0	2	0	6	7	0
Contra Costa.....	432	487	357	75	566	513	7	2	479	449	80	62
Del Norte.....	50	49	44	6	38	43	8	20	25	23	5	0
El Dorado.....	23	29	17	6	18	35	4	7	13	28	1	0
Fresno.....	240	154	b	b	222	185	35	21	127	136	60	28
Glenn.....	21	22	21	0	20	20	0	9	16	9	10	2
Humboldt.....	74	66	55	19	82	70	11	10	60	47	11	13
Imperial.....	97	118	92	5	112	99	57	24	39	65	16	10
Inyo.....	11	11	11	0	7	7	0	0	7	7	0	0
Kern.....	316	367	316	0	331	356	42	36	264	283	25	37
Kings.....	74	84	68	6	68	68	24	10	42	51	2	7
Lake.....	17	20	17	0	16	8	0	0	13	8	3	0
Lassen.....	3	0	3	0	5	0	0	0	5	0	0	0
Los Angeles.....	3,147	3,524	3,026	121	3,069	R 3,313	400	R 363	2,328	R 2,487	341	R 463
Madera.....	109	81	109	0	109	81	6	2	90	69	13	10
Marin.....	97	64	81	16	122	67	19	0	97	60	6	7
Mariposa.....	0	1	0	0	0	1	0	0	0	0	0	1
Mendocino.....	52	44	50	2	52	34	15	4	32	25	5	5
Merced.....	185	145	179	6	170	112	78	18	35	91	6	3
Modoc.....	11	0	10	1	12	1	0	0	12	1	0	0
Mono.....	5	7	5	0	5	2	0	0	5	2	0	0
Monterey.....	255	258	236	19	226	223	14	10	196	202	16	11
Napa.....	93	80	82	11	81	78	14	24	56	43	11	11
Nevada.....	25	21	25	0	24	12	0	6	22	6	2	0
Orange.....	780	776	756	24	759	609	7	7	697	565	55	37
Placer.....	79	76	77	2	82	70	7	3	60	66	15	1
Plumas.....	14	9	14	0	11	17	2	3	7	12	2	2
Riverside.....	575	649	573	2	548	701	67	69	474	613	7	19

Sacramento	832	683	715	117	726	683	9	11	673	598	44	74
San Benito	3	4	1	2	4	4	0	4	4	0	0	0
San Bernardino	710	610	660	50	472	471	84	69	359	388	29	14
San Diego	1,147	1,073	1,127	20	1,153	1,035	142	185	912	761	99	89
San Francisco	374	499	358	16	573	524	241	29	232	437	100	58
San Joaquin	414	483	364	50	299	409	58	51	216	270	25	88
San Luis Obispo	66	61	58	8	80	62	8	7	59	46	13	9
San Mateo	363	306	312	51	296	260	2	0	265	239	29	21
Santa Barbara	241	211	203	38	219	222	36	51	162	152	21	19
Santa Clara	485	462	471	14	511	455	93	38	389	393	29	24
Santa Cruz	104	69	104	0	104	68	0	4	87	61	17	3
Shasta	136	59	123	8	161	65	5	12	131	45	25	8
Sierra	1	4	1	0	1	4	0	0	1	4	0	0
Siskiyou	26	24	26	0	30	15	11	11	12	1	7	3
Solano	119	130	100	19	110	97	18	17	81	66	11	14
Sonoma	223	167	186	37	234	169	45	40	124	86	65	43
Stanislaus	175	200	175	0	199	218	49	62	130	124	20	32
Sutter	36	73	32	4	38	65	12	11	25	28	1	26
Tehama	29	13	29	0	27	8	7	0	12	8	8	0
Trinity	18	9	14	4	10	8	2	6	3	2	5	0
Tulare	142	208	142	0	117	78	10	17	99	50	8	11
Tuolumne	39	30	39	0	31	23	6	2	19	20	6	1
Ventura	373	341	332	41	398	510	164	209	216	279	18	22
Yolo	74	164	58	16	88	167	0	14	76	132	12	21
Yuba	40	65	40	0	36	97	2	39	25	56	9	2

^a The filing and disposition figures for fiscal year 1975-76 include, for the first time, subsequent petitions filed under Section 600 of the Welfare and Institutions Code on dependent children alleging further acts of parental neglect. Previous to fiscal year 1975-76 only filings and dispositions of original petitions were counted.

^b This court did not report original and subsequent petitions separately.

^R Revised.

**TABLE 22—CALIFORNIA SUPERIOR COURTS
CRIMINAL FILINGS AND DISPOSITIONS °**
Fiscal Years 1974-75 and 1975-76

County	Total filings		Total dispositions		Dispositions before trial ^a						Dispositions after trial ^a			
					Total		Guilty pleas		Other		Uncontested matters		Contested matters	
	75-76	74-75	75-76	74-75	75-76	74-75	75-76	74-75	75-76	74-75	75-76	74-75	75-76	74-75
State Total	54,906	55,635	50,094	50,714	41,606	R 42,304	34,958	34,858	6,648	7,446	3,399	924	5,089	R 7,486
Alameda	2,744	2,799	2,298	2,427	1,910	2,063	1,487	1,674	423	389	192	14	196	350
Alpine	3	5	4	4	4	3	3	3	1	0	0	0	0	1
Amador	54	67	47	53	41	50	36	47	5	3	3	0	3	3
Butte	271	252	223	214	134	123	110	98	24	25	7	0	82	91
Calaveras	31	66	27	75	23	68	17	54	6	14	3	1	1	6
Cofusa	31	29	30	39	26	30	24	29	2	1	3	0	1	9
Contra Costa	1,110	1,195	1,103	985	1,003	859	856	716	147	143	8	1	92	125
Del Norte	53	61	58	28	45	12	43	8	2	4	1	0	12	16
El Dorado	222	156	182	145	172	130	138	124	34	6	2	1	8	14
Fresno	1,030	938	1,029	754	646	653	517	452	129	201	11	0	372	101
Glenn	61	82	82	57	45	56	35	45	10	11	33	0	4	1
Humboldt	259	331	273	245	231	213	158	195	73	18	23	0	19	32
Imperial	318	243	304	260	265	229	235	198	30	31	12	0	27	31
Inyo	56	71	41	24	32	22	27	17	5	5	3	0	6	2
Kern	650	735	611	690	477	588	440	491	37	97	20	4	114	88
Kings	171	162	141	176	86	134	54	66	32	68	4	0	51	42
Lake	112	144	127	129	103	108	86	95	17	13	2	0	22	21
Lassen	26	28	31	23	20	19	9	14	11	5	6	0	5	4
Los Angeles	20,119	21,129	19,212	20,257	15,884	16,407	13,388	13,467	2,496	2,940	2,229	625	1,099	3,235
Madera	87	133	81	108	61	88	28	45	33	43	1	0	19	20
Marin	495	487	354	331	285	260	243	237	42	23	13	2	56	69
Mariposa	7	19	15	14	14	10	12	7	2	3	1	0	0	4
Mendocino	150	265	173	237	128	210	92	151	36	59	13	2	32	25
Merced	394	373	377	376	292	301	243	266	49	35	21	8	64	67
Modoc	27	41	25	41	18	30	16	26	0	4	3	0	4	11
Mono	48	36	40	84	13	25	9	21	4	4	10	34	17	25
Monterey	912	948	940	801	752	684	596	536	156	148	41	13	147	104
Napa	115	139	109	131	69	106	67	98	2	8	17	0	23	25
Nevada	101	71	129	61	81	48	73	34	8	14	38	0	10	13

Orange.....	2,045	2,022	2,078	1,827	1,779	1,541	1,655	1,370	124	171	82	46	217	240
Placer.....	186	203	191	273	169	256	140	200	29	56	2	0	20	17
Plumas.....	38	55	41	48	26	39	23	24	3	15	3	2	12	7
Riverside.....	1,173	1,493	1,155	1,494	890	1,157	742	915	148	242	39	52	226	285
Sacramento.....	2,266	1,651	1,289	1,141	1,107	979	831	788	276	191	13	1	169	161
San Benito.....	29	82	43	81	35	78	31	64	4	14	7	0	1	3
San Bernardino.....	2,005	2,123	1,735	1,616	1,422	1,318	1,184	1,153	238	165	48	2	263	296
San Diego.....	4,254	4,190	3,913	3,957	3,425	3,429	3,074	2,897	351	532	114	48	374	490
San Francisco.....	2,649	2,384	2,110	2,109	1,888	1,909	1,591	1,635	297	274	47	10	175	190
San Joaquin.....	755	836	662	770	608	^R 700	436	490	172	210	1	1	53	^R 69
San Luis Obispo.....	170	247	167	196	138	170	110	153	28	17	8	1	21	25
San Mateo.....	979	1,025	757	1,226	648	1,147	568	884	80	263	6	0	103	79
Santa Barbara.....	566	532	576	502	478	449	352	328	126	121	18	2	80	51
Santa Clara.....	3,233	2,799	2,935	2,297	2,504	1,980	2,293	1,843	211	137	180	29	251	288
Santa Cruz.....	416	432	394	433	333	376	274	298	59	78	6	7	55	50
Shasta.....	474	453	532	420	470	378	402	342	68	36	1	4	61	38
Sierra.....	8	9	1	10	0	4	0	4	0	0	0	0	1	6
Siskiyou.....	86	95	72	80	58	66	40	61	18	5	0	0	14	14
Solano.....	443	519	383	505	310	436	280	406	30	30	8	4	65	65
Sonoma.....	435	518	424	415	342	381	218	281	124	100	7	2	75	32
Stanislaus.....	591	738	553	541	525	382	428	229	97	153	27	1	111	158
Sutter.....	166	206	141	188	130	174	128	171	2	3	0	2	11	12
Tehama.....	130	157	117	190	105	170	89	136	16	34	0	0	12	20
Trinity.....	57	33	41	33	30	30	27	28	3	2	2	2	9	1
Tulare.....	597	481	381	400	251	277	178	200	73	77	12	0	118	123
Tuolumne.....	70	95	60	69	50	57	39	53	11	4	3	0	7	12
Ventura.....	1,034	773	861	743	763	549	572	395	191	154	34	3	64	191
Yolo.....	185	233	144	241	128	224	100	191	28	33	3	0	13	17
Yuba.....	183	222	162	140	134	119	109	105	25	14	8	0	20	21

^a The number of defendants who plead guilty before the start of trial are shown in this table for the first time as a separate category. In addition, the definition of uncontested matters in criminal proceedings was changed due to a revision of the reporting regulations effective on July 1, 1975. In fiscal year 1974-75 and prior years uncontested matters only included defendants whose cases were disposed of on the record of the preliminary hearing. Uncontested matters commencing fiscal year 1975-76 include all defendants whose cases were disposed of following a trial in which only one party introduced evidence.

^R Revised.

**TABLE 22A—CALIFORNIA SUPERIOR COURTS
CRIMINAL DISPOSITIONS AFTER UNCONTESTED TRIAL °
Fiscal Year 1975-76**

County	Total disposed of after uncontested trial			Acquitted or dismissed		Convicted	
	All defendants 1975-76	By court 1975-76	By jury 1975-76	By court 1975-76	By jury 1975-76	By court 1975-76	By jury 1975-76
State Total	3,399	2,553	846	673	246	1,880	600
Alameda	192	192	0	40	0	152	0
Alpine	0	0	0	0	0	0	0
Amador	3	3	0	0	0	3	0
Butte	7	1	6	0	0	1	6
Calaveras	3	1	2	0	0	1	2
Colusa	3	3	0	0	0	3	0
Contra Costa	8	8	0	2	0	6	0
Del Norte	1	0	1	0	0	0	1
El Dorado	2	2	0	1	0	1	0
Fresno	11	5	6	0	0	5	6
Glenn	33	24	9	0	0	24	9
Humboldt	23	17	6	0	3	17	3
Imperial	12	5	7	2	1	3	6
Inyo	3	1	2	0	1	1	1
Kern	20	19	1	9	0	10	1
Kings	4	2	2	0	1	2	1
Lake	2	0	2	0	0	0	2
Lassen	6	6	0	1	0	5	0
Los Angeles	2,229	1,529	700	452	224	1,077	476
Madera	1	1	0	1	0	0	0
Marin	13	11	2	2	0	9	2
Mariposa	1	1	0	0	0	1	0
Mendocino	13	8	5	1	1	7	4
Merced	21	21	0	9	0	12	0
Modoc	3	3	0	3	0	0	0
Mono	10	10	0	1	0	9	0
Monterey	41	35	6	8	2	27	4
Napa	17	16	1	3	0	13	1
Nevada	38	37	1	0	0	37	1
Orange	82	82	0	33	0	49	0
Placer	2	0	2	0	0	0	2
Plumas	3	1	2	0	1	1	1
Riverside	39	36	3	14	0	22	3
Sacramento	13	8	5	1	0	7	5
San Benito	7	6	1	2	0	4	1
San Bernardino	48	44	4	10	0	34	4
San Diego	114	103	11	20	3	83	8
San Francisco	47	36	11	9	3	27	8
San Joaquin	1	1	0	0	0	1	0
San Luis Obispo	8	8	0	0	0	8	0
San Mateo	6	6	0	0	0	6	0
Santa Barbara	18	15	3	7	1	8	2
Santa Clara	180	179	1	25	0	154	1
Santa Cruz	6	3	3	0	3	3	0
Shasta	1	1	0	0	0	1	0
Sierra	0	0	0	0	0	0	0
Siskiyou	0	0	0	0	0	0	0
Solano	8	6	2	0	1	6	1
Sonoma	7	4	3	0	0	4	3
Stanislaus	27	13	14	6	0	7	14
Sutter	0	0	0	0	0	0	0
Tehama	0	0	0	0	0	0	0
Trinity	2	2	0	2	0	0	0
Tulare	12	7	5	4	0	3	5
Tuolumne	3	2	1	0	0	2	1
Ventura	34	27	7	4	0	23	7
Yolo	3	1	2	0	0	1	2
Yuba	8	1	7	1	1	0	6

° Fiscal year 1975-76 is the first year in which the result of a trial has been reported separately. Thus, this table shows, for the first time, the number of defendants who were acquitted, dismissed or convicted following a trial in which only one party introduced evidence.

**TABLE 22B—CALIFORNIA SUPERIOR COURTS
CRIMINAL DISPOSITIONS AFTER CONTESTED TRIAL^a
Fiscal Year 1975-76**

County	Total disposed of after contested trial			Acquitted or dismissed		Convicted	
	All defendants 1975-76	By court 1975-76	By jury 1975-76	By court 1975-76	By jury 1975-76	By court 1975-76	By jury 1975-76
State Total	5,089	1,240	3,849	242	605	998	3,244
Alameda	196	11	185	4	28	7	157
Alpine	0	0	0	0	0	0	0
Amador	3	2	1	0	0	2	1
Butte	82	10	72	2	12	8	60
Calaveras	1	0	1	0	1	0	0
Colusa	1	0	1	0	0	0	1
Contra Costa	92	5	87	3	3	2	84
Del Norte	12	3	9	1	2	2	7
El Dorado	8	1	7	0	2	1	5
Fresno	372	199	173	2	9	197	164
Glenn	4	1	3	0	0	1	3
Humboldt	19	5	14	0	4	5	10
Imperial	27	3	24	1	7	2	17
Inyo	6	0	6	0	2	0	4
Kern	114	13	101	6	17	7	84
Kings	51	4	47	3	6	1	41
Lake	22	0	22	0	2	0	20
Lassen	5	0	5	0	0	0	5
Los Angeles	1,099	518	581	146	178	372	403
Madera	19	0	19	0	0	0	19
Marin	56	8	48	1	15	7	33
Mariposa	0	0	0	0	0	0	0
Mendocino	32	14	18	0	6	14	12
Merced	64	16	48	3	2	13	46
Modoc	4	1	3	0	0	1	3
Mono	17	11	6	2	1	9	5
Monterey	147	21	126	4	18	17	108
Napa	23	7	16	0	3	7	13
Nevada	10	1	9	0	0	1	9
Orange	217	21	196	10	23	11	173
Placer	20	3	17	0	1	3	16
Plumas	12	0	12	0	2	0	10
Riverside	226	36	190	10	44	28	146
Sacramento	169	22	147	1	0	21	147
San Benito	1	0	1	0	0	0	1
San Bernardino	265	19	246	0	54	19	192
San Diego	374	98	276	23	31	75	245
San Francisco	175	21	154	2	13	19	141
San Joaquin	53	1	52	0	6	1	46
San Luis Obispo	21	2	19	0	4	2	15
San Mateo	103	7	96	0	0	7	96
Santa Barbara	80	7	73	0	9	7	64
Santa Clara	251	51	200	5	17	46	183
Santa Cruz	55	2	53	0	8	2	45
Shasta	61	20	41	0	3	20	38
Sierra	1	0	1	0	1	0	0
Siskiyou	14	3	11	1	4	2	7
Solano	65	5	60	0	14	5	46
Sonoma	75	10	65	1	2	9	63
Stanislaus	111	14	97	5	10	9	87
Sutter	11	0	11	0	0	0	11
Tehama	12	4	8	0	2	4	6
Trinity	9	3	6	0	4	3	2
Tulare	118	24	94	4	25	20	68
Tuolumne	7	0	7	0	1	0	6
Ventura	64	12	52	2	3	10	49
Yolo	13	0	13	0	3	0	10
Yuba	20	1	19	0	2	1	17

^a Fiscal year 1975-76 is the first year in which the result of a trial has been reported separately. Thus this table shows, for the first time, the number of defendants who were acquitted, dismissed or convicted following a trial in which both the prosecution and the defense introduced evidence.

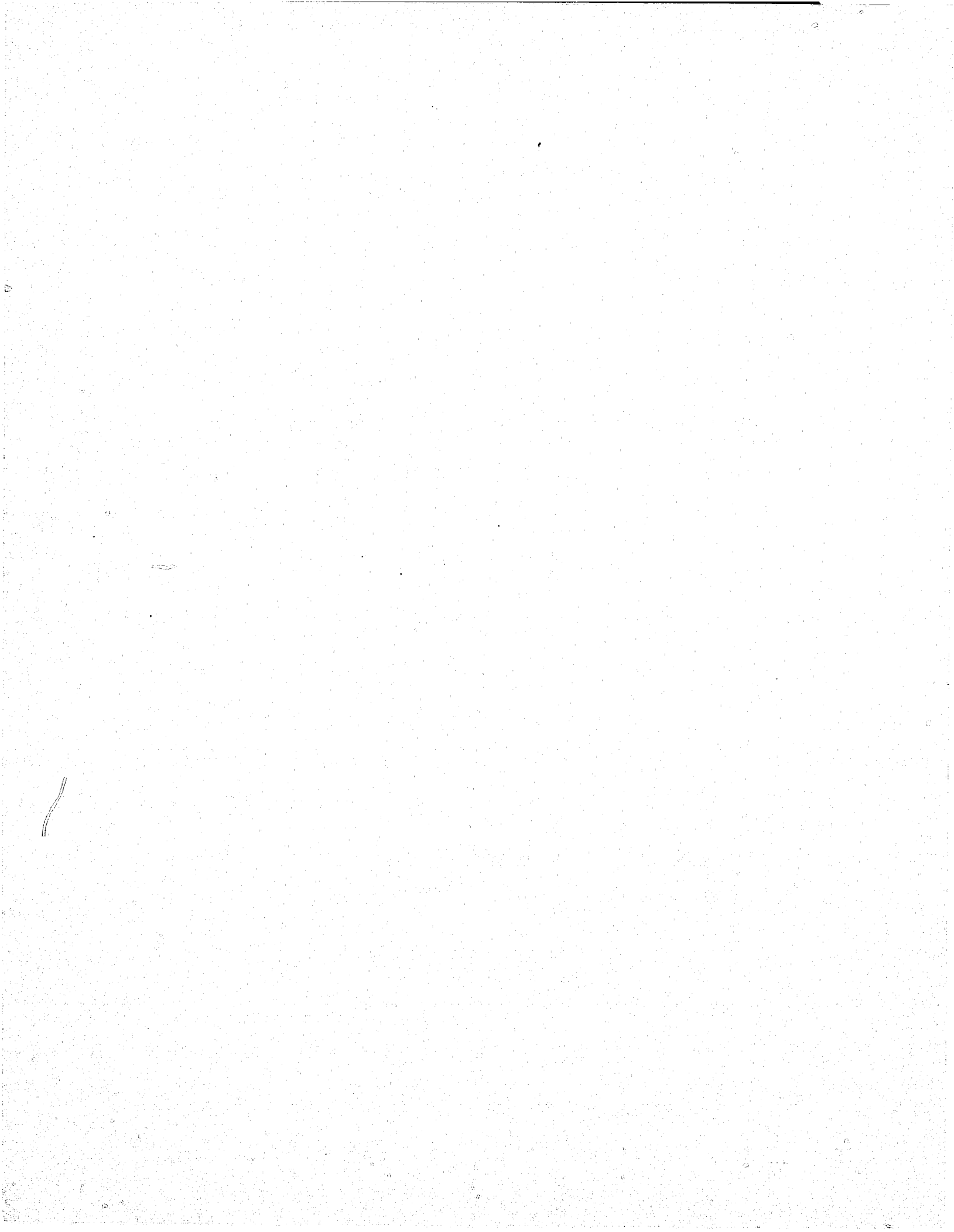
**TABLE 22C—CALIFORNIA SUPERIOR COURTS
LEVEL OF CONVICTION OF CRIMINAL DEFENDANTS *
Fiscal Year 1975-76**

County	Total defendants convicted of:			Convicted before trial on plea of guilty of:		Convicted after, court trial of:		Convicted after jury trial of:	
	All types	Felony	Misdemeanor	Felony	Misdemeanor	Felony	Misdemeanor	Felony	Misdemeanor
	State Total	41,680	38,556	3,124	32,223	2,735	2,613	283	3,720
Alameda	1,803	1,753	50	1,455	32	151	8	147	10
Alpine	3	2	1	2	1	0	0	0	0
Amador	42	21	21	17	19	4	1	0	1
Butte	185	179	6	108	2	8	1	63	3
Calaveras	20	9	11	6	11	1	0	2	0
Colusa	28	27	1	23	1	3	0	1	0
Contra Costa	948	888	60	797	59	8	0	83	1
Del Norte	53	19	34	15	28	1	1	3	5
El Dorado	145	135	10	128	10	2	0	5	0
Fresno	889	886	3	517	0	199	3	170	0
Glenn	72	20	52	7	28	2	23	11	1
Humboldt	193	138	55	111	47	17	5	10	3
Imperial	263	232	31	206	29	4	1	22	1
Inyo	33	20	13	16	11	0	1	4	1
Kern	542	534	8	435	5	17	0	82	3
Kings	99	98	1	54	0	3	0	41	1
Lake	108	105	3	84	2	0	0	21	1
Lassen	19	19	0	9	0	5	0	5	0
Los Angeles	15,716	14,480	1,236	12,311	1,077	1,321	128	848	31
Madera	47	47	0	28	0	0	0	19	0
Marin	294	294	0	243	0	16	0	35	0
Mariposa	13	4	9	4	8	0	1	0	0
Mendocino	129	62	67	41	51	8	13	13	3
Merced	314	267	47	197	46	25	0	45	1
Modoc	22	21	1	17	1	1	0	3	0
Mono	32	28	4	7	2	16	5	5	0
Monterey	752	685	67	535	61	39	5	111	1
Napa	101	96	5	64	3	19	1	13	1
Nevada	121	119	2	71	2	38	0	10	0
Orange	1,888	1,808	80	1,585	70	57	3	166	7
Placer	161	138	23	119	21	3	0	16	2
Plumas	35	34	1	22	1	1	0	11	0
Riverside	939	909	30	723	19	41	7	145	4
Sacramento	1,011	1,011	0	831	0	28	0	152	0
San Benito	37	32	5	26	5	4	0	2	0
San Bernardino	1,433	1,339	94	1,094	90	51	2	194	2
San Diego	3,485	3,082	403	2,715	359	127	31	240	13
San Francisco	1,786	1,721	65	1,530	61	44	2	147	2
San Joaquin	484	473	11	425	11	2	0	46	0
San Luis Obispo	135	125	9	101	9	10	0	15	0
San Mateo	677	558	119	449	119	13	0	96	0
Santa Barbara	433	414	19	335	17	15	0	64	2
Santa Clara	2,677	2,502	175	2,144	149	183	17	175	9
Santa Cruz	324	282	42	234	40	4	1	44	1
Shasta	461	382	79	323	79	21	0	38	0
Sierra	0	0	0	0	0	0	0	0	0
Siskiyou	49	29	20	22	18	2	0	5	2
Solano	338	315	23	259	21	10	1	46	1
Sonoma	297	293	4	217	1	12	1	64	2
Stanislaus	545	534	11	424	4	16	0	94	7
Sutter	139	123	16	112	16	0	0	11	0
Tehama	99	81	18	73	16	2	2	6	0
Trinity	32	22	10	20	7	0	3	2	0
Tulare	274	250	24	157	21	22	1	71	2
Tuolumne	48	48	0	39	0	2	0	7	0
Ventura	661	661	0	572	0	33	0	56	0
Yolo	113	98	15	85	15	1	0	12	0
Yuba	133	103	30	79	30	1	0	23	0

* Fiscal year 1975-76 is the first year in which the number of defendants who were convicted were reported separately. Thus, this table shows, for the first time, not only the number of defendants charged with felonies who were convicted of felonies but also the number of defendants charged with felonies who were convicted of misdemeanors.

**TABLE 23—CALIFORNIA SUPERIOR COURTS
FILINGS AND DISPOSITIONS OF APPEALS FROM LOWER COURTS
Fiscal Years 1974-75 and 1975-76**

County	Total filings		Total dispositions		Dispositions before hearing		Dispositions after hearing Questions of law		Trials de novo	
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
State Total	11,616	10,891	10,626	9,605	765	581	2,373	2,123	7,488	6,901
Alameda	676	728	682	690	0	0	108	111	574	579
Alpine	0	0	0	0	0	0	0	0	0	0
Amador	8	11	8	9	0	0	0	1	8	8
Butte	39	31	29	17	4	3	6	3	19	11
Calaveras	14	10	8	9	0	0	0	2	8	7
Colusa	3	14	2	5	2	5	0	0	0	0
Contra Costa	417	412	361	372	66	41	97	81	198	250
Del Norte	17	8	2	6	0	4	0	0	2	2
El Dorado	30	45	29	29	5	5	4	0	20	24
Fresno	135	130	108	115	5	18	36	18	67	79
Glenn	3	9	2	9	1	3	0	1	1	5
Humboldt	70	65	56	50	8	6	19	26	29	18
Imperial	39	21	14	16	3	2	1	3	10	11
Inyo	6	3	1	0	0	0	0	0	1	0
Kern	114	111	109	102	9	9	27	38	73	55
Kings	9	6	2	3	0	1	0	1	2	1
Lake	19	12	19	10	2	0	4	5	13	5
Lassen	13	12	10	6	1	0	6	6	3	0
Los Angeles	4,078	3,783	4,118	3,708	15	61	933	708	3,069	2,939
Madera	8	13	9	13	3	0	1	1	5	12
Marin	179	141	224	171	61	44	70	54	93	73
Mariposa	4	3	7	5	1	1	6	1	0	3
Mendocino	19	22	5	11	1	2	4	9	0	0
Merced	27	40	27	26	4	1	0	5	23	20
Modoc	7	5	9	4	5	2	2	1	2	1
Mono	14	13	14	10	1	0	1	3	12	7
Monterey	114	109	91	105	12	11	24	37	55	57
Napa	23	29	16	21	0	2	0	10	16	9
Nevada	17	21	13	17	0	0	0	0	13	17
Orange	1,005	940	911	681	60	22	195	192	656	467
Placer	40	27	23	24	0	0	0	4	23	20
Plumas	4	4	5	2	4	0	1	1	0	1
Riverside	335	325	325	304	21	19	52	39	252	246
Sacramento	341	282	293	228	21	2	44	43	228	183
San Benito	9	3	12	1	2	0	10	1	0	0
San Bernardino	280	287	293	297	49	73	52	33	192	191
San Diego	655	636	521	421	8	12	141	150	372	259
San Francisco	545	479	501	428	99	64	85	81	317	283
San Joaquin	198	129	120	108	7	1	25	18	88	89
San Luis Obispo	39	57	32	57	2	3	1	0	29	34
San Mateo	291	235	283	225	0	3	64	72	219	150
Santa Barbara	159	186	180	129	56	17	46	50	78	62
Santa Clara	712	659	457	471	42	54	118	135	297	282
Santa Cruz	89	100	74	85	18	27	22	13	34	45
Shasta	51	52	47	49	4	15	10	11	33	23
Sierra	3	1	0	0	0	0	0	0	0	0
Siskiyou	10	6	10	6	3	0	3	4	4	2
Solano	105	98	85	92	9	6	18	15	58	71
Sonoma	100	71	36	70	7	5	10	10	19	55
Stanislaus	81	124	110	76	12	6	11	29	87	41
Sutter	14	24	12	14	0	2	1	0	11	12
Tehama	10	10	9	8	1	3	3	2	5	3
Trinity	4	6	2	6	0	1	2	4	0	1
Tulare	79	73	54	40	8	1	18	5	28	34
Tuolumne	13	15	7	24	0	2	2	2	7	20
Ventura	326	295	212	187	17	17	85	77	110	93
Yolo	28	36	29	25	4	2	5	3	20	20
Yuba	8	14	8	8	1	3	0	4	7	1



CONTINUED

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**TABLE 24—CALIFORNIA SUPERIOR COURTS
HABEAS CORPUS FILINGS AND DISPOSITIONS
Fiscal Years 1974-75 and 1975-76**

County	Total filings		Total dispositions		Dispositions before hearing		Dispositions after hearing	
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	Contested matters 1975-76	1974-75
State Total	8,955	^R 8,827	8,309	8,082	5,684	5,945	2,625	2,137
Alameda	219	274	284	291	198	210	86	81
Alpine	0	0	0	0	0	0	0	0
Amador	7	3	4	2	1	2	3	0
Butte	8	9	3	3	3	2	0	1
Calaveras	0	1	0	1	0	0	0	1
Colusa	0	1	0	1	0	1	0	0
Contra Costa	120	66	109	40	78	28	31	12
Del Norte	0	6	2	5	0	2	2	3
El Dorado	12	7	12	6	8	4	4	2
Fresno	88	40	45	40	44	33	1	7
Glenn	3	0	3	0	0	0	3	0
Humboldt	28	20	15	17	4	13	11	4
Imperial	1	5	0	3	0	0	0	3
Inyo	1	1	1	1	1	1	0	0
Kern	169	119	187	115	163	97	24	18
Kings	13	11	4	3	0	1	4	2
Lake	17	17	18	16	15	10	3	6
Lassen	65	64	81	58	74	58	7	0
Los Angeles	2,153	1,932	1,559	1,553	1,150	1,276	405	277
Madera	42	11	48	8	15	2	33	6
Marin	249	450	242	451	235	450	7	1
Mariposa	0	0	0	0	0	0	0	0
Mendocino	23	10	23	8	10	3	13	5
Merced	11	7	15	14	8	1	7	13
Modoc	0	5	2	5	1	1	1	4
Mono	6	4	4	1	0	0	4	1
Monterey	329	441	360	447	267	334	93	113
Napa	585	468	568	459	221	137	347	322
Nevada	4	2	4	1	2	0	2	1
Orange	294	282	281	223	220	171	61	52
Placer	9	12	7	8	2	2	5	6
Plumas	0	2	0	1	0	1	0	0
Riverside	290	101	290	88	186	64	104	24
Sacramento	571	^R 684	537	666	458	632	79	34
San Benito	1	0	1	0	0	0	1	0
San Bernardino	351	544	241	526	148	479	93	47
San Diego	231	306	198	220	70	55	128	165
San Francisco	131	59	122	62	58	23	64	39
San Joaquin	302	219	322	215	193	166	129	49
San Luis Obispo	542	639	537	526	515	511	22	15
San Mateo	49	36	48	36	28	35	20	1
Santa Barbara	265	312	259	298	217	238	42	60
Santa Clara	167	146	165	159	111	85	54	74
Santa Cruz	35	45	36	45	21	23	15	22
Shasta	23	21	25	21	20	18	5	3
Sierra	0	1	0	1	0	0	0	1
Siskiyou	13	5	13	5	11	4	2	1
Solano	295	369	296	303	260	272	36	31
Sonoma	117	150	134	150	104	117	30	33
Stanislaus	61	24	45	20	24	11	21	9
Sutter	6	0	6	0	4	0	2	0
Tehama	6	0	9	0	3	0	6	0
Trinity	3	6	2	3	1	0	1	3
Tulare	22	19	17	15	7	3	10	12
Tuolumne	59	142	68	153	65	136	3	17
Ventura	948	709	1,040	771	448	222	592	549
Yolo	10	19	17	17	12	11	5	6
Yuba	1	1	0	1	0	0	0	1

^R Revised.

**TABLE 25—CALIFORNIA SUPERIOR COURTS
NUMBER OF JURIES SWORN***
Fiscal Years 1974-75 and 1975-76

County	Total		Personal injury, death and property damage		Criminal		All other proceedings	
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
State Total	8,485	8,249	2,447	2,648	5,028	4,600	1,010	1,001
Alameda.....	351	345	103	81	201	214	47	50
Alpine.....	1	3	0	2	0	1	1	0
Amador.....	2	4	0	1	1	2	1	1
Butte.....	53	61	6	9	44	44	5	8
Calaveras.....	7	6	3	0	3	5	1	1
Colusa.....	9	8	3	2	4	5	2	1
Contra Costa.....	176	193	62	67	95	112	19	14
Del Norte.....	13	9	1	4	10	4	2	1
El Dorado.....	24	24	14	13	7	9	3	2
Fresno.....	251	161	34	34	202	99	15	28
Glenn.....	10	8	2	2	7	5	1	1
Humboldt.....	55	59	6	19	36	18	13	22
Imperial.....	45	39	7	8	36	31	2	0
Inyo.....	10	4	1	1	8	3	1	0
Kern.....	156	116	12	26	125	80	19	10
Kings.....	53	39	3	0	47	39	3	0
Lake.....	27	37	4	8	16	18	7	11
Lassen.....	10	12	3	3	6	3	1	6
Los Angeles.....	2,587	2,747	955	985	1,393	1,499	239	263
Madera.....	30	31	4	5	25	22	1	4
Marin.....	78	100	17	34	53	50	8	16
Mariposa.....	5	4	3	0	0	3	2	1
Mendocino.....	87	60	13	16	19	33	55	11
Merced.....	63	70	3	21	50	45	12	4
Modoc.....	7	6	3	1	3	5	1	0
Mono.....	10	5	3	2	6	2	1	1
Monterey.....	172	146	22	27	137	93	13	26
Napa.....	35	26	11	9	19	12	5	5
Nevada.....	13	14	4	5	9	7	0	2
Orange.....	422	419	160	156	208	218	54	45
Placer.....	40	33	15	9	22	20	3	4
Plumas.....	14	9	1	2	13	6	0	1
Riverside.....	254	264	59	60	162	170	33	34
Sacramento.....	353	310	100	104	198	154	55	52
San Benito.....	8	8	2	1	3	7	3	0
San Bernardino.....	303	299	17	61	264	202	22	36
San Diego.....	480	525	159	123	261	329	60	73
San Francisco.....	549	554	254	318	212	174	83	62
San Joaquin.....	109	103	42	34	52	61	15	8
San Luis Obispo.....	38	33	13	11	19	16	6	6
San Mateo.....	191	166	45	61	112	65	34	40
Santa Barbara.....	103	112	17	32	71	61	15	19
Santa Clara.....	235	343	99	94	233	184	63	65
Santa Cruz.....	85	62	16	15	50	33	19	14
Shasta.....	57	46	11	18	39	26	7	2
Sierra.....	1	0	0	0	1	0	0	0
Siskiyou.....	19	18	7	7	9	11	3	0
Solano.....	90	82	15	24	65	53	10	5
Sonoma.....	76	63	20	17	48	36	8	10
Stanislaus.....	167	129	29	29	131	81	7	13
Sutter.....	26	16	9	7	17	7	0	2
Tehama.....	15	24	5	3	10	20	0	1
Trinity.....	10	7	0	3	10	4	0	0
Tulare.....	155	125	17	17	128	106	10	0
Tuolumne.....	13	17	6	6	9	10	0	1
Ventura.....	106	88	12	28	80	49	14	11
Yolo.....	25	25	6	11	15	12	4	2
Yuba.....	35	32	9	12	24	20	2	0

* "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.

**TABLE 26—CALIFORNIA SUPERIOR COURTS
TOTAL CASES AWAITING TRIAL
As of June 30, 1975 and June 30, 1976**

County	Number of judicial positions ^a		Cases awaiting trial at end of month ^b						Total cases per judicial position	
	6/30/76	6/30/75	Total		Civil		Criminal		6/30/76	6/30/75
			6/30/76	6/30/75	6/30/76	6/30/75	6/30/76	6/30/75		
State Total	619	R 599	104,687	9,856	97,149	82,941	7,538	6,915	169	150
Alameda	30	27	6,340	4,878	5,677	4,415	663	463	211	181
Alpine	1	1	5	7	4	6	1	1	5	7
Amador	1	1	22	21	22	21	0	0	22	21
Butte	3	3	549	436	516	415	33	21	183	145
Calaveras	1	1	67	43	64	41	3	2	67	43
Colusa	1	1	17	25	17	25	0	0	17	25
Contra Costa	14	13	2,405	2,473	2,291	2,349	114	124	172	190
Del Norte	1	1	24	25	22	21	2	4	24	25
El Dorado	2	2	254	221	227	213	27	8	127	111
Fresno	10	10	1,369	1,001	1,232	921	137	80	137	100
Glenn	1	1	6	12	6	12	0	0	6	12
Humboldt	3	3	452	404	419	368	33	36	151	135
Imperial	3	2	180	125	151	99	29	26	60	63
Inyo	1	1	22	17	14	17	8	0	22	17
Kern	11	9	961	553	878	488	83	65	87	61
Kings	2	1	118	81	91	68	27	13	59	81
Lake	1	1	38	66	35	50	3	10	38	66
Lassen	1	1	65	41	65	41	0	0	65	41
Los Angeles	227	227	47,738	42,763	44,199	39,131	3,539	3,632	210	188
Madera	1	1	104	56	86	48	18	8	104	56
Marin	7	7	982	782	913	735	69	47	140	112
Mariposa	1	1	41	24	40	21	1	3	41	24
Mendocino	2	2	136	142	125	129	11	13	68	71
Merced	3	3	162	217	150	187	12	30	54	72
Modoc	1	1	10	10	8	9	2	1	10	10
Mono	1	1	35	28	32	24	3	4	35	28
Monterey	6	6	691	508	596	406	95	102	115	85
Napa	2	2	276	250	268	245	8	5	138	125
Nevada	1	1	179	184	172	181	7	3	179	184
Orange	38	R 36	7,619	5,555	7,390	5,309	229	246	201	R 154
Piacer	3	3	409	447	371	424	38	23	136	149
Plumas	1	1	40	30	35	27	5	3	40	30
Riverside	14	14	1,895	1,715	1,788	1,603	107	112	135	123
Sacramento	22	20	3,614	3,252	3,420	3,072	194	180	164	163
San Benito	1	1	11	21	10	20	1	1	11	21
San Bernardino	22	19	2,477	1,755	2,323	1,592	154	163	113	92
San Diego	36	36	6,879	5,513	6,472	5,252	407	261	191	153
San Francisco	31	31	5,551	5,714	5,435	5,599	116	115	179	184
San Joaquin	8	8	1,172	1,209	1,064	1,106	108	103	147	151
San Luis Obispo	4	3	369	267	355	259	14	8	92	89
San Mateo	16	15	2,147	1,902	2,001	1,788	146	114	134	127
Santa Barbara	9	8	532	356	507	329	45	27	61	45
Santa Clara	27	27	2,665	1,843	2,164	1,520	501	323	99	68
Santa Cruz	3	3	315	240	245	198	70	42	105	80
Shasta	3	3	510	357	433	307	77	50	170	119
Sierra	1	1	1	4	1	4	0	0	1	4
Siskiyou	1	1	76	39	74	35	2	4	76	39
Solano	4	4	309	339	291	299	18	40	77	85
Sonoma	6	5	1,447	944	1,366	875	81	69	241	189
Stanislaus	7	7	702	732	644	632	58	100	109	105
Sutter	2	2	129	110	120	94	9	16	63	55
Tehama	1	1	40	38	30	33	10	5	40	38
Trinity	1	1	33	39	32	38	1	1	33	39
Tulare	4	4	543	362	438	285	105	77	136	91
Tuolumne	1	1	76	68	67	61	9	7	76	68
Ventura	9	9	1,701	1,247	1,618	1,174	83	73	189	139
Yolo	3	2	INA	244	INA	218	INA	26	INA	122
Yuba	2	2	157	121	135	96	22	25	79	61

^a Judicial positions include full-time court commissioners and referees in addition to the number of judges authorized for the court. 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.

^R Revised.

INA information not available.

**TABLE 27—CALIFORNIA SUPERIOR COURTS
DAYS OF ASSISTANCE RECEIVED AND RENDERED BY COURTS
THROUGH ASSIGNMENTS^a**

Fiscal Years 1974-75 and 1975-76

County	1975-76			1974-75		
	Days received	Days rendered	Net days received (or rendered)	Days received	Days rendered	Net days received (or rendered)
State Total.....	7,616.0	2,141.0	5,475.0	R 6,675.0	2,105.0	R 4,570
Alameda.....	50	31.5	18.5	220	12	208
Alpine.....	6	143	-137	6	93	-87
Amador.....	75	15.5	59.5	16.5	30.5	-14
Butte.....	33.5	2.5	31	71	6	65
Calaveras.....	32	57	-25	33	32.5	.5
Colusa.....	32	86	-54	36.5	62	-25.5
Contra Costa.....	51.5	5	46.5	71	49	22
Del Norte.....	24	70.5	-46.5	10	41	-31
El Dorado.....	89	9.5	79.5	52.5	14	38.5
Fresno.....	135	10	125	113	21.5	91.5
Glenn.....	93	12	81	69.5	10	59.5
Humboldt.....	90	14	76	29	30	-1
Imperial.....	42.5	0	42.5	49	10.5	38.5
Inyo.....	23	29	-6	43	84	-41
Kern.....	37	47.5	-10.5	36	33.5	2.5
Kings.....	92.5	13.5	79	80	24	56
Lake.....	116.5	22	94.5	121	18	103
Lassen.....	22	5	17	24	2.5	21.5
Los Angeles.....	2,360	435.5	1,924.5	R 1,743	599.5	R 1,143.5
Madera.....	86.5	13.5	73	157	25.5	131.5
Marin.....	207.5	14	193.5	101.5	20	81.5
Mariposa.....	15	21	-6	20	31	-11
Mendocino.....	23	51.5	-28.5	13	11	2
Merced.....	22.5	20.5	2	5	33	-28
Modoc.....	18	55	-37	16	51	-35
Mono.....	8	23.5	-15.5	6	39	-33
Monterey.....	208.5	22	186.5	187	21	166
Napa.....	108.5	27	81.5	25	10	15
Nevada.....	62	51.5	10.5	30	41	-11
Orange.....	102	25	77	38	2	36
Placer.....	55	52	3	75	5	70
Plumas.....	31	56.5	-25.5	38	45	-7
Riverside.....	379	8.5	370.5	235	2.5	232.5
Sacramento.....	338	9	329	393	2	391
San Benito.....	4	103	-99	11.5	116	-104.5
San Bernardino.....	146.5	1.5	145	300	2	298
San Diego.....	374	9	365	378.5	23	355.5
San Francisco.....	388	20	368	411	0	411
San Joaquin.....	17	4	13	52	6.5	45.5
San Luis Obispo.....	105	9	96	157.5	12.5	145
San Mateo.....	51	0	51	85	0	85
Santa Barbara.....	317.5	5.5	312	230	14	216
Santa Clara.....	356	5	351	261	12.5	248.5
Santa Cruz.....	100	0	100	52.5	0	52.5
Shasta.....	37.5	50.5	-13	17.5	32.5	-65
Sierra.....	15	148	-133	12	73	-61
Siskiyou.....	38.5	22	16.5	23.5	16	7.5
Solano.....	12.5	10	2.5	38.5	39.5	-1
Sonoma.....	122	25	97	119	20	99
Stanislaus.....	0	34	-34	0	0	0
Sutter.....	68.5	35.5	33	34	58.5	-24.5
Tehama.....	60	32	28	83	16	67
Trinity.....	19	31.5	-12.5	10.5	11.5	-1
Tulare.....	66	109.5	-43.5	35.5	53	-17.5
Tuolumne.....	20	6	14	36	1	35
Ventura.....	51.5	0	51.5	45	2	43
Yolo.....	56.5	6.5	50	76.5	8.5	68
Yuba.....	118	15	103	41.5	24.5	17

^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 28—CALIFORNIA MUNICIPAL COURTS
SUMMARY OF CRIMINAL (excludes Parking) and CIVIL FILINGS AND DISPOSITIONS
Fiscal Years 1974-75 and 1975-76

County and judicial district	Number of judgeships ^a		Total filings		Total dispositions		Dispositions before trial		Dispositions after trial		Juvenile orders ^b			
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	Uncontested matters 1975-76	Contested matters 1974-75	1975-76	1974-75	1975-76	1974-75
State Total	425	406	5,768,431	5,667,110	5,222,658	5,054,557	4,722,802	4,567,457	263,048	255,552	211,462	207,225	25,346	24,323
Alameda:														
Alameda	1	1	11,682	10,813	10,392	9,658	9,396	8,661	533	580	462	417	1	0
Berkeley-Albany	4	4	30,841	39,037	30,475	30,912	26,896	27,402	1,994	1,892	1,585	1,618	0	0
Fremont-Newark- Union City	3	3	35,093	41,895	32,894	39,129	29,190	15,146	1,875	1,768	1,829	2,215	0	0
Livermore-Pleasanton ^c	2	1	35,901	28,145	32,072	24,278	30,391	22,240	681	714	1,000	1,324	0	0
Oakland-Piedmont	14	14	178,213	166,614	171,824	156,505	158,606	140,912	7,886	9,386	5,332	6,207	0	0
San Leandro-Hayward	6	6	75,584	76,469	71,753	65,686	64,560	57,478	3,481	4,138	3,709	4,070	3	0
Butte:														
Chico	1	1	10,954	10,477	10,178	10,679	8,146	8,595	597	514	855	826	580	744
Contra Costa:														
Delta	2	2	18,657	19,327	17,362	19,744	14,186	16,078	1,325	1,589	715	755	1,136	1,322
Mt. Diablo	4	3	40,343	38,074	39,590	36,513	32,919	29,639	1,817	1,872	2,226	2,066	2,628	2,936
Richmond	3	3	29,458	29,163	28,572	24,538	22,605	19,533	1,412	1,839	1,513	1,284	3,042	1,882
Walnut Creek-Danville	3	3	42,514	39,702	39,965	38,780	33,488	32,121	1,157	1,402	2,080	2,110	3,240	3,147
West	2	2	25,643	20,504	21,829	20,870	19,989	18,177	652	759	1,120	1,045	68	889
Fresno:														
Fresno	7	7	72,292	75,689	66,887	66,605	62,806	59,980	3,027	3,790	3,054	2,835	0	0
Humboldt:														
Eureka	2	1	12,118	9,594	11,727	9,770	10,214	8,599	976	784	537	387	0	0
Imperial:														
Imperial County ^d	3	-	25,287	0	15,024	0	13,899	0	648	0	474	0	3	0
Kern:														
Bakersfield	6	6	74,167	64,271	68,617	57,133	63,121	52,448	3,658	3,067	1,838	1,618	0	0
Los Angeles:														
Alhambra	3	3	44,728	41,745	43,570	38,285	39,055	34,885	2,448	1,562	2,067	1,838	0	0
Antelope	1	1	27,965	25,814	25,588	23,390	23,889	21,576	863	742	836	1,072	0	0
Beverly Hills	3	3	29,652	30,681	27,128	27,867	23,922	23,984	1,301	1,561	1,905	2,322	0	0
Burbank	2	2	24,738	26,329	21,012	24,961	19,379	22,680	795	1,043	838	1,238	0	0
Citrus	6	5	94,979	94,704	91,959	90,785	84,876	83,785	3,423	3,480	3,652	3,520	8	0
Compton	6	6	99,330	94,814	88,310	82,861	79,927	74,525	6,259	6,337	2,122	1,999	2	0
Culver	2	2	20,925	18,621	18,769	16,262	16,410	14,312	1,414	1,097	942	853	3	0
Downey	4	4	47,009	47,952	46,132	48,371	42,240	44,222	2,238	2,290	1,654	1,859	0	0

East Los Angeles.....	4	4	55,274	55,407	46,127	45,960	41,651	42,304	2,985	2,339	1,491	1,317	0	0
Glendale.....	2	2	32,832	31,144	31,134	29,122	28,428	26,423	1,297	1,344	1,408	1,355	1	0
Inglewood.....	4	4	74,642	70,251	63,321	62,515	56,031	53,976	4,549	5,613	2,741	2,926	0	0
Long Beach.....	7	7	106,600	102,142	96,774	92,259	87,233	83,444	6,225	5,237	3,311	3,575	5	3
Los Angeles.....	64	64	1,040,458	1,099,704	897,701	897,412	804,673	812,790	52,415	48,906	38,683	35,716	0	0
Los Cerritos.....	3	3	45,157	47,516	42,421	44,577	39,126	41,078	1,709	1,520	1,586	1,913	0	0
Malibu.....	1	1	27,170	27,953	25,683	24,785	24,745	23,677	329	415	609	693	0	0
Newhall.....	2	2	30,426	36,757	27,712	34,417	26,471	32,950	654	668	587	799	0	0
Pasadena.....	4	4	56,888	56,280	44,924	52,284	39,738	47,626	2,483	2,007	2,701	2,651	2	0
Pomona.....	3	3	41,768	51,784	38,405	45,324	34,734	41,573	2,173	2,111	1,498	1,640	0	0
Rio Hondo.....	4	4	51,010	58,008	42,026	53,308	38,460	49,326	2,076	2,261	1,490	1,721	0	0
San Antonio.....	-	3	27,621	46,261	25,913	41,071	23,970	37,349	1,170	2,343	773	1,379	0	0
Santa Anita.....	1	1	19,759	18,291	19,064	16,322	17,190	14,539	757	807	1,117	976	0	0
Santa Monica.....	3	3	33,490	28,112	30,456	25,248	26,670	21,826	2,239	1,863	1,547	1,559	0	0
South Bay.....	5	5	102,919	100,491	95,021	89,658	85,523	81,371	4,587	3,486	4,911	4,801	0	0
Southeast.....	5	-	32,690	0	31,573	0	29,419	0	1,381	0	773	0	0	0
South Gate.....	-	2	14,079	18,585	12,592	16,706	11,530	15,067	599	962	461	677	2	0
Whittier.....	4	4	55,358	52,499	50,579	47,395	45,608	42,382	2,265	2,011	2,706	3,002	0	0
Marin:														
Central.....	4	4	57,998	60,877	56,350	57,129	52,639	52,886	1,231	1,594	2,435	2,597	45	52
Monterey:														
Monterey-Carmel.....	3	3	24,703	23,441	21,891	22,240	19,313	19,753	1,244	1,111	1,334	1,376	0	0
Salinas.....	3	3	31,530	31,360	31,806	30,525	29,197	28,011	1,568	1,472	1,041	1,042	0	0
Napa:														
Napa-St. Helena-Calistoga.....	2	-	8,656	0	8,295	0	7,104	0	315	0	230	0	646	0
Orange:														
Central Orange County.....	11	11	132,068	129,445	115,433	119,678	105,637	110,001	5,570	5,549	4,220	4,128	6	0
North Orange County.....	9	9	123,062	115,022	117,119	101,124	104,910	89,262	6,158	6,117	5,691	5,159	360	586
Orange County Harbor.....	5	5	96,301	83,295	94,079	79,892	85,749	71,577	1,749	1,556	1,872	2,216	4,709	4,543
South Orange County.....	3	3	44,127	48,920	41,813	42,435	37,416	38,023	1,018	998	1,366	1,198	2,013	2,216
West Orange County.....	9	9	123,231	114,504	108,240	109,158	97,758	98,365	5,770	5,707	4,711	4,520	1	566
Riverside:														
Corona.....	d2	1	19,324	17,466	18,724	16,504	17,392	15,179	604	718	727	607	1	0
Desert.....	m4	m3	60,451	52,247	48,487	44,525	45,165	41,200	1,657	1,735	1,665	1,690	0	0
Mt. San Jacinto.....	n2	n1	27,396	4,259	23,308	3,842	21,774	3,500	657	151	877	191	0	0
Riverside.....	5	5	63,015	62,989	60,410	57,788	55,871	52,048	2,566	3,250	1,973	2,490	0	0
Sacramento:														
Sacramento.....	d14	13	163,131	159,652	140,896	138,594	129,332	127,730	6,610	5,874	4,954	4,990	0	0
San Bernardino:														
San Bernardino County.....	14	f14	173,769	175,134	158,347	153,514	145,823	141,864	7,652	7,064	4,866	4,586	6	0
San Diego:														
El Cajon.....	5	f5	52,460	51,364	49,477	48,980	44,978	43,373	2,296	3,036	2,199	2,571	4	0
North County.....	6	f6	88,563	86,839	85,635	86,167	79,403	79,702	2,797	3,067	3,435	3,398	0	0
San Diego.....	20	22	245,109	321,960	238,187	305,679	216,935	294,206	12,460	10,352	8,792	11,121	0	0
South Bay.....	s4	-	56,106	0	44,218	0	40,774	0	1,429	0	2,013	0	2	0

TABLE 28—CALIFORNIA MUNICIPAL COURTS—Continued
SUMMARY OF CRIMINAL (excludes Parking) and CIVIL FILINGS AND DISPOSITIONS

County and judicial district	Number of judgeships ^a		Total filings		Total dispositions		Dispositions before trial		Dispositions after trial				Juvenile orders ^b	
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	Uncontested matters		Contested matters		1975-76	1974-75
									1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
San Francisco:														
San Francisco.....	19	19	151,968	190,271	137,658	161,013	114,325	136,678	18,173	19,516	5,155	4,819	5	0
San Joaquin:														
Lodi.....	1	1	14,880	13,662	13,739	13,200	113,384	10,789	696	702	547	485	1,112	1,224
Manteca-Ripon- Escalon-Tracy.....	2	2	28,251	23,860	23,686	22,569	21,565	20,724	884	686	631	545	606	614
Stockton.....	5	5	56,066	53,501	50,730	50,738	46,594	46,020	2,618	3,084	1,518	1,634	0	0
San Luis Obispo:														
San Luis Obispo County [†] ..	3	2	55,582	22,215	45,076	19,019	39,514	16,828	1,334	366	1,224	557	3,004	1,268
San Mateo:														
Central.....	3	3	62,085	60,803	52,909	55,117	48,144	50,750	2,707	2,677	2,057	1,690	1	0
Northern.....	3	3	54,584	52,536	50,906	46,811	47,394	43,194	1,272	1,595	2,240	2,021	0	1
Southern.....	3	3	51,450	47,478	48,906	44,969	43,706	40,153	3,228	3,088	1,972	1,728	0	0
Santa Barbara:														
Lompoc ^u	1	-	3,168	0	2,993	0	2,769	0	122	102	0	0	0	0
Santa Barbara-Coleta.....	3	3	44,606	47,706	41,250	39,723	37,886	36,923	1,667	1,176	1,697	1,624	0	0
Santa Maria.....	2	2	16,895	15,004	15,855	14,494	14,259	13,036	939	699	657	759	0	0
Santa Clara:														
Los Gatos-Campbell- Saratoga.....	1	1	29,289	28,525	27,986	25,563	25,515	23,428	865	638	1,606	1,497	0	0
Palo Alto-Mountain View..	4	4	56,546	51,928	51,667	47,448	48,664	44,045	1,025	1,427	1,978	1,976	0	0
San Jose-Milpitas.....	11	11	176,918	170,099	140,633	143,644	127,982	127,916	6,211	8,377	6,433	7,351	7	0
Santa Clara.....	2	2	24,325	19,914	21,330	18,724	18,832	16,305	945	1,017	1,553	1,402	0	0
Sunnyvale-Cupertino.....	2	2	28,365	25,727	26,938	23,845	24,361	20,837	848	1,189	1,729	1,819	0	0
Santa Cruz:														
Santa Cruz County.....	3	3	45,990	47,757	42,719	43,326	37,073	37,281	2,021	1,697	1,861	2,084	1,764	2,264
Solano:														
Northern Solano ^v	3	2	43,542	38,175	40,256	35,106	38,451	33,340	646	829	1,159	937	0	0
Vullejo-Benicia ^w	2	2	18,192	15,682	16,435	14,530	14,502	12,620	805	972	1,128	938	0	0
Sonoma:														
Sonoma County.....	4	4	68,848	64,114	70,781	58,361	65,971	53,246	2,507	2,793	2,303	2,322	0	0
Stanislaus:														
Modesto ^x	5	5	43,958	44,570	42,436	42,044	38,813	38,749	1,436	1,615	2,186	1,680	1	0

Sutter:														
Sutter County ^y	'1	-	5,363	0	4,835	0	3,331	0	390	0	792	0	322	0
Tulare:														
Porterville ^z	1	^z 1	9,851	5,509	9,261	4,910	8,307	4,540	582	208	367	162	5	0
Visalia	2	^e 2	21,834	20,883	19,540	17,366	17,569	15,635	1,005	918	964	813	2	0
Ventura:														
Ventura County	8	8	110,661	116,798	106,363	112,318	97,411	103,061	4,488	4,933	4,464	4,324	0	0

^a Number of authorized judgeships at the end of the fiscal year.

^b Orders of judges acting as traffic hearing officers pursuant to Section 563 of the Welfare and Institutions Code.

^c Pleasanton Justice Court District consolidated with Livermore Municipal Court District to become the Livermore-Pleasanton Municipal Court District on July 1, 1975. An additional judgeship was authorized upon consolidation.

^d Statute provided for increase effective January 1, 1976.

^e Statute provided for increase effective January 1, 1975.

^f Statute provided for increase effective January 7, 1975.

^g Brawley, Calexico, Calpatria, El Centro, Holtville, Imperial, Westmorland and Winterhaven Justice Court Districts consolidated to become the Imperial County Municipal Court District on January 1, 1976.

^h Statute provided for increase effective March 1, 1975.

ⁱ El Monte Municipal Court District changed its name to Rio Hondo Municipal Court District on January 1, 1976.

^j San Antonio and South Gate Municipal Court Districts consolidated to become the Southeast Municipal Court District on February 1, 1976.

^k A portion of Castroville-Pajaro Justice Court District was consolidated with Salinas Municipal Court District on January 7, 1975. An additional judge was authorized upon consolidation.

^l Napa, St Helena, Calistoga Justice Court Districts consolidated to become the Napa-St. Helena-Calistoga Municipal Court District on March 1, 1976.

^m Coachella Justice Court District consolidated with Desert Municipal Court District on January 2, 1975. Statute provided for an increase effective January 7, 1975. Palo Verde Justice Court District consolidated with this municipal court on January 1, 1976. An additional judgeship was authorized upon consolidation.

ⁿ Hemet and San Jacinto Justice Court Districts consolidated to become the Hemet San Jacinto Municipal Court District on January 2, 1975. Beaumont and San Geronio Justice Court Districts consolidated with Hemet San Jacinto Municipal Court District, and the name of the district was changed to Mt. San Jacinto Municipal Court District on January 1, 1976. An additional judgeship was authorized upon consolidation.

^o Statute provided for increase effective July 1, 1974.

^p The southerly portion of Ramona Justice Court District consolidated with El Cajon Municipal Court District on January 29, 1976.

^q The northerly portion of Ramona Justice Court District consolidated with North County Municipal Court District on January 29, 1976.

^r A portion of the San Diego Municipal Court District consolidated with the new South Bay Municipal Court District on July 1, 1975. The number of judgeships was reduced by two.

^s Coronado and National Justice Court Districts and a portion of the San Diego Municipal Court District consolidated to become the South Bay Municipal Court District on July 1, 1975. Two judgeships were authorized upon consolidation. Statute provided for two additional judgeships effective January 1, 1976.

^t First, Second, Third, Fourth, and Fifth Justice Court Districts consolidated to become the San Luis Obispo County Municipal Court District on January 6, 1975. Statute provided for an increase from two to three effective January 1, 1976.

^u Lompoc Justice Court District became Lompoc Municipal Court District on January 1, 1976.

^v Dixon Justice Court District consolidated with Fairfield-Suisun-Vacaville Municipal Court District and became the Northern Solano Municipal Court District on January 1, 1976. An additional judgeship was authorized upon consolidation.

^w Benicia Justice Court District consolidated with Vallejo Municipal Court District on July 3, 1975.

^x Ceres Justice Court District consolidated with Modesto Municipal Court District on January 7, 1975. Two additional judgeships were authorized upon consolidation.

^y Butte and Yuba Justice Court Districts consolidated to become the Sutter County Municipal Court District on January 15, 1976.

^z Porterville Justice Court District became Porterville Municipal Court District on November 28, 1974.

TABLE 29—CALIFORNIA MUNICIPAL COURTS
 FELONY FILINGS AND DISPOSITIONS
 Fiscal Years 1974-75 and 1975-76

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
							Uncontested matters		Contested matters	
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
State Total	94,998	96,092	80,149	67,681	35,479	27,658	40,732	38,140	3,938	1,883
Alameda:										
Alameda	246	256	142	59	114	59	27	0	1	0
Berkeley-Albany	962	1,065	792	579	223	187	568	374	1	18
Fremont-Newark-Union City	513	414	164	186	60	31	51	141	53	14
Livermore-Pleasanton*	309	351	370	241	215	128	138	112	17	1
Oakland-Piedmont	3,711	3,553	3,188	2,029	1,773	594	1,358	1,435	57	0
San Leandro-Hayward	1,439	1,351	1,077	810	643	219	236	454	198	137
Butte:										
Chico	268	234	247	201	134	105	113	92	0	4
Contra Costa:										
Delta	267	250	235	423	73	272	134	129	28	22
Mt. Diablo	555	486	427	398	145	185	213	136	69	77
Richmond	688	706	614	512	226	133	302	309	86	70
Walnut Creek-Danville	198	205	176	168	55	72	97	76	24	20
West	268	34	83	79	8	22	71	56	4	1
Fresno:										
Fresno	2,366	2,324	1,967	1,469	1,244	936	621	490	102	43
Humboldt:										
Eureka	605	716	636	493	435	325	178	155	23	13
Imperial:										
Imperial County*	451	0	356	0	216	0	112	0	28	0
Kern:										
Bakersfield	1,486	1,577	1,357	1,185	1,008	809	257	323	92	53
Los Angeles:										
Alhambra	333	297	299	240	64	19	234	219	1	2
Antelope	130	176	120	129	26	19	87	108	7	2
Beverly Hills	326	427	323	366	41	69	272	271	10	26
Burbank	238	271	165	235	35	29	104	174	26	32

Citrus.....	992	1,108	931	1,093	459	721	467	363	5	9
Compton	1,649	1,863	1,627	1,576	342	395	1,137	1,164	148	17
Culver	180	204	163	159	37	19	122	138	4	2
Downey	591	656	525	411	163	106	356	294	6	11
East Los Angeles	810	677	741	562	95	125	619	413	27	24
Glendale.....	238	359	263	323	62	59	184	244	17	20
Inglewood	960	923	827	657	186	157	529	450	112	50
Long Beach	1,302	1,015	860	821	35	41	799	762	26	18
Los Angeles	14,257	15,822	12,230	13,880	1,780	3,097	10,336	10,721	114	62
Los Cerritos.....	405	454	370	398	60	46	292	330	18	22
Malibu ^a	110	165	92	157	15	71	75	84	2	2
Newhall.....	268	256	149	89	40	16	100	60	9	13
Pasadena.....	763	790	687	563	93	172	586	382	3	9
Pomona.....	449	327	343	275	52	33	252	234	39	8
Rio Hondo ^a	514	524	425	400	87	88	219	302	119	10
San Antonio ^a	398	619	437	562	102	99	296	449	39	14
Santa Anita	207	225	177	236	22	52	151	179	4	5
Santa Monica.....	424	360	365	287	66	54	283	210	16	23
South Bay.....	955	1,055	921	930	215	242	686	641	20	47
Southeast ^a	525	0	488	0	85	0	372	0	31	0
South Gate ^a	268	377	262	322	39	62	191	244	32	16
Whittier	567	722	507	593	94	99	399	494	14	0
Marin:										
Central	784	839	662	531	238	178	378	336	46	17
Monterey:										
Monterey-Carmel.....	671	617	695	538	303	276	331	262	61	0
Salinas ^a	721	822	584	559	168	159	392	378	24	22
Napa:										
Napa-St. Helena-Calistoga ^a	200	0	104	0	51	0	50	0	3	0
Orange:										
Central Orange County.....	1,934	1,810	1,774	1,095	1,285	759	485	306	4	30
North Orange County	1,744	1,685	1,604	897	1,254	642	260	194	90	61
Orange County Harbor	535	673	620	467	409	308	71	123	140	36
South Orange County.....	298	252	242	221	101	100	117	105	24	16
West Orange County	1,427	1,550	1,448	910	1,005	513	377	359	66	38
Riverside:										
Corona	212	306	184	216	103	91	61	115	20	10
Desert ^a	644	622	363	375	183	190	165	174	15	11
Mt. San Jacinto ^a	204	60	154	23	91	21	19	0	44	2
Riverside	1,395	1,960	1,206	1,400	841	834	357	500	8	66
Sacramento:										
Sacramento	5,406	4,360	4,646	2,550	3,505	1,767	1,039	783	102	0

TABLE 29—CALIFORNIA MUNICIPAL COURTS—Continued
FELONY FILINGS AND DISPOSITIONS

Fiscal Years 1974-75 and 1975-76

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial				
							Uncontested matters		Contested matters		
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	
San Bernardino:											
San Bernardino County	3,910	3,720	3,561	2,988	2,237	1,722	1,130	1,168	194	98	
San Diego:											
El Cajon ^a	851	896	742	589	459	306	223	237	60	46	
North County ^a	1,360	2,350	1,254	1,535	774	1,066	431	417	49	52	
San Diego ^a	5,672	5,266	4,355	3,595	2,141	1,721	1,919	1,790	295	84	
South Bay ^a	355	0	160	0	43	0	85	0	32	0	
San Francisco:											
San Francisco	5,404	6,265	4,819	3,253	2,277	1,451	2,434	1,789	108	13	
San Joaquin:											
Lodi	177	288	173	188	79	67	86	106	8	15	
Manteca-Ripon-Escalon-Tracy	321	454	303	249	199	117	85	107	19	25	
Stockton	1,382	1,569	1,448	908	893	424	519	482	36	2	
San Luis Obispo:											
San Luis Obispo County ^a	599	378	468	112	347	52	121	60	0	0	
San Mateo:											
Central	636	589	430	372	163	137	248	227	19	8	
Northern	749	801	324	299	141	119	169	160	14	20	
Southern	1,028	1,183	823	660	472	320	307	329	44	11	
Santa Barbara:											
Lompoc ^a	34	0	29	0	2	0	27	0	0	0	
Santa Barbara-Coleta	616	734	461	434	217	230	230	202	14	2	
Santa Maria	250	238	216	161	46	87	137	45	4	29	
Santa Clara:											
Los Gatos-Campbell-Saratoga	271	279	249	192	118	81	129	110	2	1	
Palo Alto-Mountain View	553	555	446	443	165	147	267	279	14	17	
San Jose-Milpitas	3,588	3,361	2,874	2,457	1,109	1,161	1,603	1,226	162	70	
Santa Clara	439	274	316	262	48	135	216	120	52	7	
Sunnyvale-Cupertino	412	419	320	300	100	108	217	191	3	1	
Santa Cruz:											
Santa Cruz County	1,163	1,008	921	720	542	294	360	418	19	8	

Solano:										
Northern Solano ^a	740	661	523	257	401	156	68	90	54	11
Vallejo-Benicia ^a	635	661	478	435	324	278	91	131	63	26
Sonoma:										
Sonoma County	1,045	837	789	723	395	399	367	321	27	3
Stanislaus:										
Modesto ^a	1,533	1,626	1,050	1,091	585	644	345	395	120	52
Sutter:										
Sutter County ^a	120	0	75	0	11	0	0	0	64	0
Tulare:										
Porterville ^a	349	198	313	140	168	97	109	30	36	13
Visalia	504	401	291	199	107	81	109	102	75	16
Ventura:										
Ventura County	1,686	2,331	1,524	1,241	507	453	974	761	43	27

^a For explanation, see footnote applicable to the court on Table 28.

**TABLE 30—CALIFORNIA MUNICIPAL COURTS
SUMMARY OF NONTRAFFIC MISDEMEANORS AND INFRACTIONS**

Fiscal Years 1974-75 and 1975-76

[Excludes felonies reduced to misdemeanors by 17b PC]

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial			
							Uncontested matters		Contested matters	
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
State Total	541,712	525,895	499,663	484,942	483,845	471,967	5,259	2,383	10,559	10,592
Alameda:										
Alameda	1,366	1,359	1,170	968	1,136	932	6	12	28	24
Berkeley-Albany	3,103	3,699	2,850	2,533	2,515	2,336	243	154	92	43
Fremont-Newark-Union City	2,875	3,075	2,467	2,274	2,241	2,009	77	120	149	145
Livermore-Pleasanton ^a	1,865	1,284	1,560	1,605	1,499	1,319	28	64	33	222
Oakland-Piedmont	12,541	9,884	11,590	8,072	11,282	7,788	120	82	192	202
San Leandro-Hayward	6,397	6,353	5,900	4,999	5,313	4,558	401	343	186	98
Butte:										
Chico	1,224	1,586	1,208	1,604	1,114	1,513	12	0	82	91
Contra Costa:										
Delta	2,462	2,450	2,390	3,154	2,321	3,085	26	37	43	32
Mt. Diablo	3,584	4,145	3,948	4,335	3,821	4,230	42	22	85	83
Richmond	3,271	3,864	2,869	2,924	2,768	2,830	13	6	88	88
Walnut Creek-Danville	2,026	2,139	1,950	2,496	1,861	2,414	40	20	49	62
West	2,988	2,789	2,020	2,600	1,926	2,499	19	2	75	99
Fresno:										
Fresno	6,492	6,203	5,551	5,201	5,429	5,107	22	1	100	93
Humboldt:										
Eureka	1,440	1,384	1,442	1,488	1,409	1,460	6	5	27	23
Imperial:										
Imperial County ^a	1,801	0	1,341	0	1,179	0	119	0	43	0
Kern:										
Bakersfield	11,124	9,103	11,735	10,603	11,588	10,339	18	38	129	226
Los Angeles:										
Alhambra	2,673	2,035	2,678	1,892	2,439	1,826	184	1	55	65
Antelope	1,632	1,747	1,643	1,662	1,564	1,561	21	3	58	98
Beverly Hills	2,461	2,242	2,217	1,981	2,010	1,857	43	5	164	119
Burbank	1,817	1,962	1,667	2,038	1,632	2,011	11	6	24	21

Citrus.....	7,818	7,320	7,669	7,050	7,385	6,829	31	6	253	215
Compton.....	10,996	7,558	7,928	7,294	7,728	7,046	64	71	136	177
Culver.....	2,089	1,573	1,920	1,360	1,863	1,304	10	19	47	37
Downey.....	4,402	4,602	4,369	4,373	4,239	4,142	91	141	39	90
East Los Angeles.....	4,512	4,776	4,762	4,303	3,616	4,212	82	30	64	51
Glendale.....	2,307	2,448	2,767	2,679	2,652	2,567	17	19	93	93
Inglewood.....	9,090	8,377	7,289	7,855	6,870	7,712	220	56	199	87
Long Beach.....	14,236	11,796	12,340	10,478	12,004	10,167	184	51	152	260
Los Angeles.....	106,097	106,817	96,838	92,568	95,093	90,945	464	279	1,281	1,344
Los Cerritos.....	3,793	3,601	3,833	3,509	3,726	3,420	30	0	77	89
Malibu.....	1,954	2,236	2,004	2,198	1,947	2,098	24	36	33	64
Newhall.....	2,085	1,843	1,675	1,618	1,620	1,546	7	2	48	70
Pasadena.....	4,374	4,344	4,082	3,485	3,760	3,243	67	57	255	185
Pomona.....	4,455	5,439	2,933	3,735	2,798	3,636	26	21	109	78
Rio Hondo.....	4,344	4,080	4,166	3,673	4,077	3,538	23	14	66	121
San Antonio.....	3,554	6,025	3,425	5,238	3,270	5,067	28	21	127	150
Santa Anita.....	1,713	1,611	1,431	1,482	1,317	1,388	0	0	114	94
Santa Monica.....	3,757	3,707	3,477	3,541	3,331	3,451	58	11	88	79
South Bay.....	12,145	10,934	10,621	9,382	10,220	9,103	65	50	336	229
Southeast.....	4,977	0	4,371	0	4,244	0	43	0	84	0
South Gate.....	1,750	3,200	1,632	3,043	1,600	2,974	11	1	21	68
Whittier.....	5,133	4,988	4,353	4,608	4,142	4,268	31	0	180	340
Marin:										
Central.....	4,181	6,023	4,620	5,619	4,539	5,560	22	13	59	46
Monterey:										
Monterey-Carmel.....	2,817	2,782	2,721	2,701	2,569	2,569	7	3	145	122
Salinas.....	2,472	2,710	2,463	2,860	2,362	2,774	37	23	64	63
Napa:										
Napa-St. Helena-Calistoga.....	914	0	904	0	860	0	22	0	22	0
Orange:										
Central Orange County.....	18,709	16,796	18,458	15,355	18,233	15,179	83	44	142	132
North Orange County.....	12,927	10,911	12,265	10,585	12,085	10,469	32	4	148	172
Orange County Harbor.....	9,701	8,700	8,283	8,385	8,049	8,332	189	3	45	50
South Orange County.....	5,822	4,214	5,138	3,395	5,087	3,351	6	2	95	42
West Orange County.....	13,783	13,620	12,311	12,809	12,157	12,683	26	0	128	126
Riverside:										
Corona.....	2,674	3,003	2,779	3,040	2,716	3,007	3	1	60	32
Desert.....	5,924	3,943	5,004	3,423	4,895	3,358	19	1	90	64
Mt. San Jacinto.....	1,763	582	1,823	535	1,503	533	135	0	185	2
Riverside.....	7,280	7,121	7,274	7,059	7,150	6,876	11	13	113	170
Sacramento:										
Sacramento.....	10,952	13,555	11,614	15,002	11,461	14,827	4	2	149	173

TABLE 30—CALIFORNIA MUNICIPAL COURTS—Continued
SUMMARY OF NONTRAFFIC MISDEMEANORS AND INFRACTIONS

Fiscal Years 1974-75 and 1975-76

[Excludes felonies reduced to misdemeanors by 17b PC]

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions after trial				
							Uncontested matters		Contested matters		
	1973-76	1974-75	1973-76	1974-75	1973-76	1974-75	1973-76	1974-75	1973-76	1974-75	
San Bernardino:											
San Bernardino County	14,027	10,403	12,229	10,709	11,837	10,440	80	25	312	244	
San Diego:											
El Cajon ^a	4,395	4,995	4,775	4,822	4,646	4,622	8	16	121	184	
North County ^a	6,216	6,686	5,722	6,169	5,377	5,812	35	22	310	335	
San Diego ^a	25,346	34,518	23,871	31,379	22,779	30,137	180	99	912	1,143	
South Bay ^a	3,780	0	2,030	0	1,855	0	90	0	85	0	
San Francisco:											
San Francisco	16,243	25,182	15,613	25,667	16,298	25,493	166	18	149	156	
San Joaquin:											
Lodi	1,210	1,598	1,197	1,517	1,167	1,488	1	9	29	20	
Manteca-Ripon-Escalon-Tracy	1,446	1,268	1,475	1,722	1,467	1,693	43	15	25	14	
Stockton	8,888	7,334	7,396	6,489	7,341	6,600	14	15	41	74	
San Luis Obispo:											
San Luis Obispo County ^a	3,192	1,464	2,964	1,085	2,887	1,067	8	0	69	18	
San Mateo:											
Central	1,688	1,714	1,975	1,938	1,909	1,894	12	1	54	43	
Northern	3,529	2,971	3,184	3,142	3,100	3,099	15	10	69	33	
Southern	2,660	1,903	3,518	1,865	3,234	1,790	175	24	103	51	
Santa Barbara:											
Lompoc ^a	423	0	431	0	389	0	31	0	11	0	
Santa Barbara-Coleta	7,435	6,692	6,284	3,803	6,204	3,753	0	0	80	50	
Santa Maria	1,187	1,315	1,637	1,305	1,602	1,251	17	2	18	52	
Santa Clara:											
Los Gatos-Campbell-Saratoga	1,379	1,465	1,567	1,050	1,521	1,004	22	0	24	46	
Palo Alto-Mountain View	2,636	3,208	2,531	2,980	2,479	2,858	18	21	34	101	
San Jose-Milpitas	11,096	10,980	9,389	10,015	9,063	9,819	102	12	224	184	
Santa Clara	1,071	857	1,060	953	1,039	932	2	3	19	18	
Sunnyvale-Cupertino	1,559	1,453	1,371	1,280	1,300	1,180	12	1	59	99	
Santa Cruz:											
Santa Cruz County	5,553	5,359	5,094	4,428	4,937	4,240	51	33	106	155	

Solano:											
Northern Solano ^a	1,966	1,582	1,817	1,534	1,740	1,478	16	8	61	48	
Vallejo-Benicia ^a	1,889	1,591	1,908	1,616	1,762	1,446	25	23	120	147	
Sonoma:											
Sonoma County	6,400	5,077	6,487	5,394	6,049	5,339	389	6	49	49	
Stanislaus:											
Modesto ^a	3,661	2,669	3,607	3,080	3,497	2,973	9	28	101	79	
Sutter:											
Sutter County ^a	315	0	244	0	69	0	80	0	95	0	
Tulare:											
Porterville ^a	1,639	678	1,571	684	1,533	673	11	2	27	9	
Visalia	1,639	1,871	1,385	1,568	1,325	1,481	0	43	60	44	
Ventura:											
Ventura County	10,645	12,524	9,543	12,079	9,284	11,817	23	32	236	230	

^a For explanation, see footnote applicable to the court on Table 28.

**TABLE 30A—CALIFORNIA MUNICIPAL COURTS
NONTRAFFIC FILINGS AND DISPOSITIONS BY TYPE**

Fiscal Year 1975-76°

(Excludes felonies reduced to misdemeanors by 17b PC)

County and Judicial District	Group A Misdemeanors			Group B Misdemeanors			Infractions		
	Total Filings	Total Dispos	Dispositions After Trial	Total Filings	Total Dispos	Dispositions After Trial	Total Filings	Total Dispos	Dispositions After Trial
State Total	315,831	286,299	12,129	200,631	191,900	3,142	25,250	21,564	547
Alameda:									
Alameda	655	702	22	645	429	12	66	39	0
Berkeley-Albany	2,202	2,133	295	855	616	35	46	101	5
Fremont-Newark- Union City	2,495	2,015	130	379	437	93	1	15	3
Livermore- Pleasanton ^b	1,616	1,322	49	143	115	7	106	123	5
Oakland-Piedmont	8,215	7,457	269	4,326	4,133	39	0	0	0
San Leandro- Hayward	5,279	3,745	407	1,117	2,144	180	1	11	0
Butte:									
Chico	645	716	73	127	109	8	452	383	13
Contra Costa:									
Delta	1,013	1,035	34	1,447	1,353	35	2	2	0
Mt. Diablo	1,924	2,292	91	1,656	1,651	35	4	5	1
Richmond	1,788	1,533	72	1,478	1,336	29	5	0	0
Walnut Creek- Danville	893	856	62	1,124	1,085	23	9	9	4
West	1,256	1,071	66	1,614	843	27	118	106	1
Fresno:									
Fresno	4,353	3,756	121	1,863	1,648	1	276	147	0
Humboldt:									
Eureka	762	750	23	629	640	5	49	52	5
Imperial:									
Imperial County ^b ..	875	591	93	919	745	69	7	5	0
Kern:									
Bakersfield	5,915	6,124	113	3,217	3,630	34	1,992	1,981	0
Los Angeles:									
Alhambra	2,100	1,893	164	568	764	75	5	21	0
Antelope	1,485	1,489	56	147	154	23	0	0	0
Beverly Hills	1,228	1,591	178	1,233	392	28	0	34	1
Burbank	1,127	994	25	690	672	10	0	1	0
Citrus	6,112	5,836	232	641	911	23	1,065	922	29
Compton	6,195	4,238	195	3,426	2,645	4	1,375	1,045	0
Culver City	1,098	983	29	883	841	20	108	96	8
Downey	2,814	2,644	100	1,588	1,725	30	0	0	0
East Los Angeles ...	3,019	2,035	105	1,493	1,727	41	0	0	0
Glendale	1,323	1,785	77	982	974	30	2	8	8
Inglewood	5,893	4,543	256	2,941	2,636	95	256	110	68
Long Beach	6,941	6,056	312	7,295	6,284	24	0	0	0
Los Angeles	55,514	47,524	1,642	44,993	45,826	84	5,590	3,488	19
Los Cerritos	2,640	2,677	93	1,153	1,156	14	0	0	0
Malibu	868	914	41	1,086	1,090	16	0	0	0
Newhall	1,205	908	40	880	767	15	0	0	0
Pasadena	3,085	2,634	263	1,289	1,416	41	0	32	18
Pomona	2,806	1,936	125	1,649	996	10	0	1	0
Rio Hondo ^b	2,700	2,290	76	1,629	1,873	13	15	3	0
San Antonio ^b	2,157	2,073	144	1,397	1,344	11	0	3	0
Santa Anita	1,248	1,016	94	465	415	20	0	0	0
Santa Monica	1,532	1,837	102	859	743	14	1,366	897	30
South Bay	4,810	4,302	290	7,335	6,318	111	0	0	0
Southeast ^b	2,422	2,388	121	2,555	1,983	6	0	0	0
South Gate ^b	930	822	23	820	807	7	0	3	2
Whittier	3,362	2,669	165	1,771	1,684	46	0	0	0

TABLE 30A—CALIFORNIA MUNICIPAL COURTS—Continued
NONTRAFFIC FILINGS AND DISPOSITIONS BY TYPE
Fiscal Year 1975-76^a
(Excludes felonies reduced to misdemeanors by 17b PC)

County and Judicial District	Group A Misdemeanors			Group B Misdemeanors			Infractions		
	Total Filings	Total Dispos	Dispositions After Trial	Total Filings	Total Dispos	Dispositions After Trial	Total Filings	Total Dispos	Dispositions After Trial
Marin:									
Central	1,692	1,786	61	526	597	14	1,963	2,237	6
Monterey:									
Monterey-Carmel ..	1,733	1,660	120	943	882	25	141	179	7
Salinas ^b	1,659	1,740	90	813	721	11	0	2	0
Napa:									
Napa-St. Helena- Calistoga ^b	464	487	29	450	413	15	0	4	0
Orange:									
Central Orange County	11,884	11,734	171	6,573	6,425	52	252	299	2
North Orange County	8,869	7,622	163	4,058	4,643	17	0	0	0
Orange County Harbor	4,406	3,370	54	5,295	4,913	180	0	0	0
South Orange County	2,378	2,562	67	3,450	2,613	34	0	13	0
West Orange County	7,851	7,202	124	5,095	4,416	26	787	693	4
Riverside:									
Corona	564	755	37	2,072	1,980	26	39	44	0
Desert ^b	2,995	2,298	77	2,404	2,307	27	525	399	5
Mt. San Jacinto ^b ..	750	799	184	1,013	1,024	136	0	0	0
Riverside	4,291	4,357	113	2,103	2,046	7	866	871	4
Sacramento:									
Sacramento	8,387	9,155	135	2,565	2,459	18	0	0	0
San Bernardino:									
San Bernardino County	6,803	6,320	293	7,128	5,735	99	96	174	0
San Diego:									
El Cajon ^b	3,368	3,249	98	925	1,283	30	102	243	1
North County ^b	4,126	3,974	290	1,355	1,112	44	735	636	11
San Diego ^b	16,148	13,402	880	9,198	10,467	210	0	2	2
South Bay ^b	2,639	1,289	129	1,135	741	46	6	0	0
San Francisco:									
San Francisco	11,011	11,558	290	4,340	4,457	25	892	598	0
San Joaquin:									
Lodi	866	778	13	297	364	13	47	55	4
Manteca-Ripon- Escalon-Tracy ..	1,042	997	48	359	384	15	45	94	5
Stockton	3,515	3,227	45	5,373	4,169	10	0	0	0
San Luis Obispo:									
San Luis Obispo County ^b	1,641	1,453	50	1,551	1,511	27	0	0	0
San Mateo:									
Central	1,392	1,686	61	166	213	3	130	76	2
Northern	2,294	2,386	72	1,229	771	11	6	27	1
Southern	1,239	1,223	46	1,238	1,054	42	183	1,241	196
Santa Barbara:									
Lompoc ^b	171	210	36	252	221	6	0	0	0
Santa Barbara- Goleta	3,243	2,936	75	2,925	2,344	5	1,267	1,004	0
Santa Maria	707	898	24	480	739	11	0	0	0

TABLE 30A—CALIFORNIA MUNICIPAL COURTS—Continued
NONTRAFFIC FILINGS AND DISPOSITIONS BY TYPE
Fiscal Year 1975-76^a

(Excludes felonies reduced to misdemeanors by 17b PC)

County and Judicial District	Group A Misdemeanors			Group B Misdemeanors			Infractions		
	Total Filings	Total Dispos	Dispositions After Trial	Total Filings	Total Dispos	Dispositions After Trial	Total Filings	Total Dispos	Dispositions After Trial
Santa Clara:									
Los Gatos-									
Campbell-									
Saratoga	974	1,101	29	257	426	17	148	40	0
Palo Alto-Mountain									
View	1,576	1,549	42	258	246	10	802	736	0
San Jose-Milpitas	8,552	7,034	260	1,702	2,256	42	842	99	24
Santa Clara	931	909	17	139	151	4	1	0	0
Sunnyvale-									
Cupertino	1,207	1,059	50	268	270	18	84	42	3
Santa Cruz:									
Santa Cruz County	2,705	2,471	93	836	731	29	2,012	1,892	35
Solano:									
Northern Solano ^b ..	1,686	1,526	66	265	282	11	15	9	0
Vallejo-Benicia ^b	1,318	1,316	102	571	592	44	0	0	0
Sonoma:									
Sonoma County	3,155	3,298	215	3,135	3,103	220	110	86	3
Stanislaus:									
Modesto ^b	2,209	2,484	97	1,448	1,122	13	4	1	0
Sutter:									
Sutter County ^b	233	181	140	82	63	35	0	0	0
Tulare:									
Porterville ^b	789	855	34	850	703	2	0	13	2
Visalia	975	886	46	664	499	14	0	0	0
Ventura:									
Ventura County	6,893	6,336	194	3,538	3,095	55	214	112	10

^a The Summary Report Form (2-A) was revised July 1, 1975 to permit collection of nontraffic filings and dispositions by Group A and Group B Misdemeanors and Nontraffic Infractions. A two-year comparison of these categories will be presented next year. Some examples of Group A Misdemeanors are: Battery (242 PC), Disturbing the Peace (415 PC), Disorderly Conduct (647 PC), Joy Ride (499 b PC) and Trespass (602 PC). Group B Misdemeanors include Fish & Game violations, Intoxication and city and county ordinances. Nontraffic infractions are also city and county ordinances specified as infractions.

^b For explanation, see footnote applicable to the court on table 28.

**TABLE 31—CALIFORNIA MUNICIPAL COURTS
SUMMARY OF TRAFFIC MISDEMEANORS AND INFRACTIONS (excludes Parking)
Fiscal Years 1974-75 and 1975-76**

County and Judicial District	Total Filings		Total Dispositions		Dispositions Before Trial		Dispositions After Trial				Juvenile Orders ^a	
	1973-76	1974-75	1973-76	1974-75	1973-76	1974-75	Uncontested Matters		Contested Matters		1973-76	1974-75
							1973-76	1974-75	1973-76	1974-75		
State total.....	4,423,860	4,333,051	4,104,938	3,979,870	3,963,834	3,854,352	37,394	23,954	78,584	77,241	25,126	24,323
Alameda:												
Alameda.....	8,309	7,283	7,711	7,224	7,622	7,132	15	8	73	84	1	0
Berkeley-Albany.....	22,748	30,013	23,507	24,435	22,857	23,610	191	287	459	538	0	0
Fremont-Newark-Union City.....	27,138	34,037	26,728	33,165	25,605	32,028	402	40	721	1,097	0	0
Livermore-Pleasanton ^a	31,687	25,087	28,481	20,707	28,039	20,088	96	159	346	460	0	0
Oakland-Piedmont.....	136,247	128,190	138,432	127,129	136,251	124,596	488	56	1,693	2,471	0	0
San Leandro-Hayward.....	57,541	59,383	56,651	52,819	54,743	50,062	609	478	1,296	2,279	3	0
Butte:												
Chico.....	7,600	6,943	7,113	7,459	6,061	6,378	113	0	365	337	574	744
Contra Costa:												
Delta.....	13,256	13,483	12,221	13,501	10,779	11,833	90	55	222	291	1,130	1,322
Mt. Diablo.....	30,678	28,005	30,739	27,455	26,826	23,349	327	274	958	896	2,626	2,936
Richmond.....	21,263	20,001	21,737	17,650	17,894	15,103	25	96	775	569	3,042	1,882
Walnut Creek-Danville.....	35,999	32,414	34,351	32,586	29,899	28,236	162	139	1,075	1,064	3,215	3,147
West.....	19,663	15,132	17,734	16,239	17,048	15,037	80	37	539	426	67	889
Fresno:												
Fresno.....	50,026	53,149	51,097	49,300	50,507	48,621	3	24	587	655	0	0
Humboldt:												
Eureka.....	8,100	5,609	7,965	5,601	7,635	5,490	183	32	147	89	0	0
Imperial:												
Imperial County ^a	21,981	0	12,781	0	12,276	0	210	0	292	0	3	0
Kern:												
Bakersfield.....	52,405	44,738	48,255	38,762	47,144	38,176	316	1	755	585	0	0
Los Angeles:												
Alhambra.....	36,052	34,236	36,184	32,239	34,845	31,416	461	1	878	822	0	0
Antelope.....	23,629	21,468	21,902	19,825	21,481	19,351	105	53	316	421	0	0
Beverly Hills.....	19,695	20,538	19,427	20,010	18,894	19,326	30	6	503	678	0	0
Burbank.....	20,123	21,238	17,250	20,648	16,909	19,752	104	247	237	649	0	0
Citrus.....	76,407	75,376	75,745	74,588	74,250	73,213	55	7	1,435	1,368	5	0
Compton.....	73,943	72,012	69,649	64,657	68,352	63,765	870	548	425	344	2	0
Culver City.....	14,710	13,265	14,003	12,266	13,429	12,027	301	0	270	239	3	0

TABLE 31—CALIFORNIA MUNICIPAL COURTS—Continued
SUMMARY OF TRAFFIC MISDEMEANORS AND INFRACTIONS (excludes Parking)
Fiscal Years 1974-75 and 1975-76

County and Judicial District	Total Filings		Total Dispositions		Dispositions Before Trial		Dispositions After Trial				Juvenile Orders ^a	
							Uncontested Matters		Contested Matters			
	1973-76	1974-75	1973-76	1974-75	1973-76	1974-75	1973-76	1974-75	1973-76	1974-75	1973-76	1974-75
Downey	35,540	35,849	36,505	38,704	35,929	38,112	112	81	464	511	0	0
East Los Angeles	44,475	44,019	37,685	37,371	36,603	37,010	658	225	424	335	0	0
Glendale	25,781	23,985	24,954	23,007	24,355	22,636	177	30	421	341	1	0
Inglewood	51,110	46,901	46,824	45,052	45,596	43,296	611	880	617	876	0	0
Long Beach	75,536	74,316	71,656	69,640	69,304	68,385	1,115	73	1,232	1,179	5	3
Los Angeles	789,149	842,465	689,722	696,571	668,863	681,029	3,873	755	16,986	14,787	0	0
Los Cerritos	35,734	38,523	34,420	37,102	33,788	36,177	40	0	592	859	0	66
Malibu	24,140	24,584	22,909	21,762	22,547	21,276	42	94	320	392	0	0
Newhall	26,793	33,374	24,959	32,000	24,447	31,266	266	322	246	412	0	0
Pasadena	45,009	43,933	35,213	43,639	34,074	42,609	149	131	988	899	2	0
Pomona	31,627	40,296	30,976	37,173	30,390	36,564	65	2	521	607	0	0
Rio Hondo	41,038	47,660	33,578	44,747	32,862	44,132	259	49	457	566	0	0
San Antonio ^a	20,405	33,760	19,842	31,040	19,738	30,781	7	5	97	254	0	0
Santa Anita	15,599	14,204	15,777	12,782	15,229	12,398	23	22	525	362	0	0
Santa Monica	24,345	18,915	23,089	17,765	21,731	16,747	851	559	507	459	0	0
South Bay	77,954	75,881	74,987	71,313	71,930	68,824	779	72	2,278	2,417	0	0
Southeast ^a	24,136	0	24,398	0	24,192	0	5	0	201	0	0	0
South Gate ^a	10,865	12,682	9,709	11,398	9,458	11,395	66	2	185	201	0	0
Whittier	43,713	40,522	41,104	37,423	39,138	35,920	539	0	1,427	1,503	0	0
Marin:												
Central	47,124	48,310	45,670	45,906	44,487	44,469	136	160	1,002	1,225	45	52
Monterey:												
Monterey-Carmel	17,746	16,682	15,724	16,459	15,089	15,734	101	87	534	638	0	0
Salinas ^a	24,459	23,840	25,835	24,100	25,247	23,585	112	105	476	410	0	0
Napa:												
Napa-St. Helena-Calistoga ^a	6,862	0	6,927	0	6,071	0	119	0	91	0	646	0
Orange:												
Central Orange County	92,236	91,076	81,727	89,875	80,384	88,550	52	101	1,285	1,224	6	0
North Orange County	88,790	81,095	88,709	75,210	85,878	73,091	295	2	2,176	1,531	360	586
Orange County Harbor	78,872	66,637	80,059	66,060	74,860	60,793	398	0	248	724	4,553	4,543
South Orange County	34,150	40,449	33,649	36,128	31,109	33,559	69	21	458	332	2,013	2,216
West Orange County	92,907	83,057	81,983	82,619	79,310	79,864	1,311	1,191	1,361	998	1	566

Riverside:												
Corona	14,681	12,090	14,392	11,622	14,100	11,464	30	4	262	154	0	0
Desert ^a	42,280	47,990	38,605	36,574	38,190	36,128	69	20	346	426	0	0
Mt. San Jacinto ^a	23,996	3,037	20,366	2,959	19,844	2,850	241	28	281	81	0	0
Riverside	46,577	45,061	45,835	42,750	45,280	42,194	76	51	479	505	0	0
Sacramento												
	120,712	117,299	104,124	102,729	103,596	101,974	3	24	525	731	0	0
San Bernardino:												
San Bernardino County	137,957	143,852	128,437	126,478	126,012	124,696	768	229	1,652	1,553	5	0
San Diego:												
El Cajon ^a	40,385	38,958	38,731	38,172	37,380	36,804	797	694	552	674	2	0
North County ^a	72,502	69,265	70,992	72,146	69,308	70,374	184	240	1,500	1,532	0	0
San Diego ^a	187,398	252,422	188,100	247,846	182,716	243,256	2,513	58	2,871	4,532	0	0
South Bay ^a	46,944	0	38,604	0	37,413	0	357	0	834	0	0	0
San Francisco:												
San Francisco	102,008	132,095	95,932	112,488	86,940	101,469	8,616	10,830	371	189	5	0
San Joaquin:												
Lodi	11,708	9,940	10,856	10,109	9,493	8,672	26	41	225	172	1,112	1,224
Manteca-Ripon-Escalon-Tracy	24,662	20,254	20,454	19,135	19,415	18,316	235	43	208	162	596	614
Stockton	37,779	35,778	35,798	36,303	35,327	35,763	67	71	404	469	0	0
San Luis Obispo:												
San Luis Obispo County ^a	47,690	18,550	38,539	16,625	34,757	15,175	332	0	426	182	3,004	1,268
San Mateo:												
Central	55,524	54,035	46,804	49,181	44,479	47,178	1,281	1,266	1,043	737	1	0
Northern	45,090	43,566	43,529	39,858	41,943	38,401	296	335	1,290	1,121	0	1
Southern	43,339	39,601	40,955	38,641	38,535	36,416	1,612	1,597	808	628	0	0
Santa Barbara:												
Lompoc ^a	2,345	0	2,317	0	2,243	0	3	0	71	0	0	0
Santa Barbara-Goleta	31,543	35,153	30,088	31,134	29,686	30,777	72	32	330	325	0	0
Santa Maria	12,896	11,091	11,777	10,827	11,522	10,612	44	15	211	200	0	0
Santa Clara:												
Los Gatos-Campbell	25,297	24,272	24,112	22,527	22,899	21,563	250	1	963	963	0	0
Palo Alto-Mountain View	49,070	43,233	45,471	40,250	44,262	39,158	49	59	1,160	1,033	0	0
San Jose-Milpitas	135,012	128,958	109,169	112,191	106,299	108,905	123	16	2,743	3,270	4	0
Santa Clara	19,943	15,783	17,928	15,317	16,953	14,515	24	5	951	797	0	0
Sunnyvale-Cupertino	22,294	19,617	22,119	19,482	21,141	18,506	57	3	921	973	0	0
Santa Cruz:												
Santa Cruz County	34,555	36,168	32,942	34,158	29,803	30,792	576	198	799	904	1,764	2,264

TABLE 31—CALIFORNIA MUNICIPAL COURTS—Continued
SUMMARY OF TRAFFIC MISDEMEANORS AND INFRACTIONS (excludes Parking)
Fiscal Years 1974-75 and 1975-76

<i>County and Judicial District</i>	<i>Total Filings</i>		<i>Total Dispositions</i>		<i>Dispositions Before Trial</i>		<i>Dispositions After Trial</i>				<i>Juvenile Orders^a</i>	
							<i>Uncontested Matters</i>		<i>Contested Matters</i>			
	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>	<i>1975-76</i>	<i>1974-75</i>
Solano:												
Northern Solano ^a	38,999	33,833	36,382	31,620	35,587	31,018	174	129	621	475	0	0
Vallejo-Benicia ^a	12,568	10,813	11,813	10,616	11,351	10,168	47	72	415	376	0	0
Sonoma:												
Sonoma County	51,603	49,978	57,594	46,077	56,608	45,303	263	89	723	685	0	0
Stanislaus:												
Modesto ^a	32,660	34,015	33,012	33,128	31,747	32,170	74	110	1,191	848	0	0
Sutter:												
Sutter County ^a	4,399	0	4,081	0	3,043	0	193	0	523	0	322	0
Tulare:												
Porterville ^a	6,522	3,954	6,339	3,463	6,136	3,425	89	7	110	31	4	0
Visalia	16,881	15,592	15,727	13,294	15,131	12,936	250	51	344	307	2	0
Ventura:												
Ventura County	84,636	87,575	84,761	88,509	82,740	86,593	116	118	1,905	1,798	0	0

^a For explanation, see footnote applicable to the court on Table 28.

**TABLE 31 A—CALIFORNIA MUNICIPAL COURTS
TRAFFIC FILINGS AND DISPOSITIONS BY TYPE
Fiscal Year 1975-76^c**

County and judicial district	Group C. Misdemeanors			Group D. Misdemeanors			Infractions		Dispositions after trial
	Total filings	Total dispos	Dispositions after trial	Total filings	Total dispos	Dispositions after trial	Total filings	Total dispos	
State Total	247,664	199,244	7,299	147,540	281,858	10,072	4,029,656	3,623,836	123,733
Alameda:									
Alameda.....	268	208	3	39	84	4	8,002	7,419	82
Berkeley-Albany	611	572	85	611	742	94	21,526	22,193	471
Fremont-Newark-Union City	1,211	1,113	77	854	1,049	117	25,073	24,566	929
Livermore-Pleasanton ^b	1,118	876	41	1,883	1,602	8	29,686	28,003	393
Oakland-Piedmont	4,702	3,902	102	6,269	7,591	102	125,276	126,939	1,977
San Leandro-Hayward	3,472	3,660	339	2,380	3,128	235	51,689	49,863	1,334
Butte:									
Chico	371	376	50	355	277	31	6,874	6,460	971
Contra Costa:									
Delta.....	666	639	13	1,076	932	88	11,514	10,650	1,341
Mt. Diablo.....	1,745	1,675	67	861	3,290	110	28,072	25,774	3,736
Richmond	798	982	158	1,081	3,553	372	19,484	17,202	3,313
Walnut Creek-Danville	1,291	1,074	84	2,164	4,845	368	32,544	28,432	4,000
West	959	414	39	743	1,029	53	17,961	16,291	594
Fresno:									
Fresno	3,072	2,795	64	905	1,961	36	46,049	46,341	490
Humboldt:									
Eureka	842	543	17	392	514	36	6,866	6,903	277
Imperial:									
Imperial County ^b	1,026	1,413	290	725	1,012	58	20,230	10,356	167
Kern:									
Bakersfield	3,282	2,812	85	741	1,233	194	48,382	44,210	832
Los Angeles:									
Alhambra.....	2,455	1,970	185	804	5,135	86	32,793	29,079	1,068
Antelope	1,304	841	30	309	1,063	35	22,016	19,998	356
Beverly Hills.....	797	893	64	141	4,290	4	18,757	14,244	465
Burbank.....	916	770	20	391	1,111	31	18,816	15,369	290
Citrus	4,798	3,864	80	1,988	14,729	298	69,621	57,152	1,117
Compton	3,030	2,780	81	509	1,438	30	70,404	63,431	1,186

TABLE 31 A—CALIFORNIA MUNICIPAL COURTS—Continued
TRAFFIC FILINGS AND DISPOSITIONS BY TYPE
Fiscal Year 1975-76^a

County and judicial district	Group C Misdemeanors			Group D Misdemeanors			Infractions		
	Total filings	Total dispos	Dispositions after trial	Total filings	Total dispos	Dispositions after trial	Total filings	Total dispos	Dispositions after trial
Culver	608	451	12	256	374	10	13,846	13,178	552
Downey	2,462	1,257	32	712	1,237	48	32,366	34,011	496
East Los Angeles	2,646	1,432	25	739	3,358	126	41,090	32,895	931
Glendale	1,072	865	37	265	1,219	58	24,444	22,870	504
Inglewood	2,152	1,944	102	5,961	8,535	135	42,997	36,345	991
Long Beach	4,199	3,860	289	1,263	4,366	397	70,074	63,430	1,666
Los Angeles	52,901	41,929	544	5,642	8,385	20	730,606	639,408	20,115
Los Cerritos	2,054	2,090	21	433	995	16	33,247	31,335	595
Malibu	895	511	9	318	521	2	22,927	21,877	351
Newhall	1,249	816	20	1,327	1,934	12	24,217	22,209	480
Pasadena	1,998	2,476	154	306	166	45	42,705	32,571	940
Pomona	1,219	1,076	32	1,018	588	17	29,390	29,312	537
Rio Hondo ^b	3,082	2,915	16	273	536	30	37,683	30,127	670
San Antonio ^b	1,628	1,677	23	685	4,486	11	18,092	13,679	70
Santa Anita	598	498	36	753	862	34	14,248	14,417	478
Santa Monica	1,428	870	51	416	1,009	23	22,501	21,210	1,284
South Bay	2,779	1,851	84	2,304	14,640	237	72,871	58,496	2,736
Southeast ^b	1,902	1,834	22	813	3,253	22	21,421	19,311	162
South Gate ^b	984	823	12	194	106	4	9,687	8,780	235
Whittier	3,654	2,953	94	956	1,015	85	39,103	37,136	1,787
Murin:									
Central	2,456	2,025	59	1,886	2,572	115	42,782	41,073	1,009
Monterey:									
Monterey-Carmel	1,081	889	81	1,441	1,710	112	15,224	13,125	442
Salinas ^b	1,069	930	60	3,230	5,948	91	20,160	18,957	437
Napa:									
Napa-St. Helena-Calistoga ^b	450	417	20	63	35	3	6,349	6,475	833
Orange:									
Central Orange County	5,399	3,364	85	2,411	2,603	29	84,426	75,760	1,229
North Orange County	4,794	3,028	131	1,793	1,847	95	82,203	83,834	2,605
Orange County Harbor	2,224	1,496	51	928	678	18	75,720	77,885	5,130
South Orange County	1,351	735	23	294	2,281	12	32,505	30,633	2,505
West Orange County	4,688	3,235	87	1,102	5,537	48	87,117	73,211	2,538

Riverside:									
Corona	613	370	9	235	341	48	13,833	13,681	235
Desert ^b	2,257	1,955	32	1,902	2,186	41	43,831	34,464	342
Mt. San Jacinto ^b	1,207	702	156	1,344	1,594	76	21,445	18,070	290
Riverside	2,551	2,097	52	1,552	5,176	62	42,474	38,562	441
Sacramento:									
Sacramento	9,481	9,108	111	10,451	7,344	60	100,780	87,672	357
San Bernardino:									
San Bernardino County	8,728	5,888	356	10,119	16,348	607	119,110	106,201	1,462
San Diego:									
El Cajon ^b	2,758	2,106	58	3,010	4,680	163	34,617	31,945	1,130
North County ^b	3,817	2,989	112	6,115	14,626	91	62,570	53,377	1,481
San Diego ^b	13,069	6,843	417	7,080	23,195	201	167,249	156,052	4,766
South Bay ^b	3,828	1,797	73	3,081	1,436	45	40,035	35,371	1,073
San Francisco:									
San Francisco	5,482	5,448	146	2,419	5,481	1,505	94,107	85,003	7,341
San Joaquin:									
Lodi	485	494	4	360	422	60	10,863	9,940	1,299
Manteca-Ripon-Escalon-Tracy	818	767	34	655	984	141	23,189	18,703	864
Stockton	2,105	2,048	24	1,438	1,354	14	34,236	32,396	433
San Luis Obispo:									
San Luis Obispo County ^b	1,433	1,222	39	1,004	812	67	45,253	36,505	3,676
San Mateo:									
Central	1,990	1,732	51	519	1,183	124	53,015	43,889	2,150
Northern	2,022	1,556	46	4,900	3,315	96	38,168	38,658	1,444
Southern	2,533	1,403	65	401	6,081	139	40,683	33,471	2,216
Santa Barbara:									
Lompoc ^b	171	185	4	129	173	6	2,045	1,959	64
Santa Barbara-Goleta	2,082	2,199	43	877	895	54	28,584	26,994	305
Santa Maria	688	551	10	392	728	68	11,816	10,498	177
Santa Clara:									
Los Gatos-Campbell-Saratoga	1,003	901	48	825	1,069	42	23,469	22,142	1,123
Palo Alto-Mountain View	1,353	1,360	44	275	815	50	47,442	43,296	1,115
San Jose-Milpitas	6,913	5,513	235	5,448	8,744	211	122,651	94,912	2,424
Santa Clara	1,215	1,122	38	1,844	1,689	55	16,883	15,117	882
Sunnyvale-Cupertino	1,170	1,004	30	628	1,046	73	20,496	20,069	825
Santa Cruz:									
Santa Cruz County	1,935	1,567	98	751	1,597	350	31,869	29,778	2,691

TABLE 31 A—CALIFORNIA MUNICIPAL COURTS—Continued
TRAFFIC FILINGS AND DISPOSITIONS BY TYPE
Fiscal Year 1975-76^a

County and judicial district	Group C Misdemeanors			Group D Misdemeanors			Infractions		
	Total filings	Total dispos	Dispositions after trial	Total filings	Total dispos	Dispositions after trial	Total filings	Total dispos	Dispositions after trial
Solano:									
Northern Solano ^b	1,445	1,365	47	1,607	3,486	116	35,947	31,531	632
Vallejo-Benicia ^b	1,491	1,201	91	1,091	1,907	60	10,286	8,705	311
Sonoma:									
Sonoma County	2,152	1,472	39	2,836	5,308	80	46,615	50,814	867
Stanislaus:									
Modesto ^b	2,869	2,629	73	2,743	1,989	131	27,048	28,394	1,061
Sutter:									
Sutter County ^b	228	189	181	1,943	1,844	463	2,228	2,048	394
Tulare:									
Porterville ^b	628	550	18	450	685	42	5,444	5,104	143
Visalia	914	741	149	1,250	984	93	14,717	14,002	354
Ventura:									
Ventura County	4,753	5,751	140	4,863	3,937	213	75,020	70,073	1,668

^a The Summary Report Form (2-A) was revised July 1, 1975 to permit collection of traffic filings and dispositions by Group C and Group D Misdemeanors and Traffic Infractions. A two year comparison of these categories will be presented next year. Group C is comprised of the following misdemeanors: Hit and run (20002 VC), Drunk driving (23102 VC), Reckless driving—injury (23104 VC) and Driving under the influence of drugs (23105 VC). Group D Misdemeanors are considered less serious than Group C. Some examples of Group D Misdemeanors are: Unlicensed driver (12500 VC), Speed contests (23109 VC) and Exceed allowable load limit (35653a). Examples of Traffic Infractions are: Exceed speed limit (22350 VC), Run stop sign (21453 VC), Failure to drive on right (21630 VC) and Following too closely (21703 VC).

^b For explanation, see footnote applicable to the court on Table 28.

**TABLE 32—CALIFORNIA MUNICIPAL COURTS
SUMMARY OF SMALL CLAIMS FILINGS AND DISPOSITIONS
Fiscal Years 1974-75 and 1975-76**

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions After Trial			
							Uncontested matters		Contested matters	
	1973-76	1974-75	1973-76	1974-75	1973-76	1974-75	1973-76	1974-75	1973-76	1974-75
State Total	390,423	410,019	298,112	301,165	70,798	65,244	121,680	129,483	105,634	106,436
Alameda:										
Alameda	1,084	1,272	882	992	153	278	404	436	325	284
Berkeley-Albany	2,140	2,456	2,029	1,825	392	305	711	621	925	899
Fremont-Newark-Union City.....	2,423	2,738	2,007	2,321	353	414	848	1,038	806	869
Livermore-Pleasanton ^a	1,149	902	1,077	1,062	188	241	352	314	537	507
Oakland-Piedmont	13,122	12,977	9,553	9,701	1,529	1,463	4,936	5,004	3,088	3,234
San Leandro-Hayward.....	5,970	5,796	4,799	4,295	972	969	2,032	1,864	1,795	1,462
Butte:										
Chico	1,111	989	853	749	168	139	335	273	350	337
Contra Costa										
Delta	1,709	2,255	1,657	1,979	451	431	823	1,160	383	388
Mt. Diablo.....	3,518	3,616	2,846	2,796	660	750	1,146	1,306	1,040	940
Richmond.....	2,027	2,592	1,626	1,884	317	381	794	1,009	515	494
Walnut Creek-Danville.....	2,871	3,461	2,398	2,527	714	734	839	924	845	869
West	1,579	1,559	1,134	1,064	228	148	436	447	470	489
Fresno:										
Fresno	7,192	8,024	5,430	5,585	1,185	1,124	2,070	2,525	2,175	1,936
Humboldt:										
Eureka.....	1,177	1,157	1,051	1,588	218	839	539	509	294	240
Imperial										
Imperial County ^a	652	0	411	0	137	0	172	0	102	0
Kern:										
Bakersfield	5,745	5,295	4,469	3,890	1,084	770	2,642	2,431	743	689
Los Angeles:										
Alhambra	4,006	3,611	3,185	2,693	880	711	1,243	1,073	1,062	909
Antelope	1,749	1,657	1,315	1,315	361	306	541	496	413	513
Beverly Hills	3,338	3,589	2,600	3,205	641	665	870	1,206	1,089	1,334
Burbank.....	1,477	1,731	1,107	1,339	182	355	415	480	510	504
Citrus	6,167	7,135	4,774	5,005	947	1,066	2,022	2,143	1,805	1,796

TABLE 32—CALIFORNIA MUNICIPAL COURTS—Continued
SUMMARY OF SMALL CLAIMS FILINGS AND DISPOSITIONS
Fiscal Years 1974-75 and 1975-76

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions After Trial			
							Uncontested matters		Contested matters	
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
Los Angeles (cont.)										
Compton.....	7,109	7,785	5,001	5,258	1,203	945	2,533	2,979	1,265	1,334
Culver.....	2,224	1,981	1,566	1,365	416	290	562	538	588	537
Downey.....	4,225	4,620	3,057	3,267	769	740	1,250	1,350	1,038	1,177
East Los Angeles.....	4,238	4,614	2,807	2,756	553	505	1,350	1,410	904	841
Glendale.....	2,874	2,912	2,146	2,058	509	429	825	798	812	831
Inglewood.....	7,457	8,620	4,302	5,444	510	1,053	2,217	2,679	1,575	1,712
Long Beach.....	9,261	8,884	7,084	6,777	1,592	1,329	3,752	3,523	1,740	1,925
Los Angeles.....	53,212	58,024	38,963	39,888	7,573	6,067	14,654	16,901	16,736	16,920
Los Cerritos.....	3,207	2,889	2,302	1,984	596	329	883	823	823	832
Malibu.....	586	575	392	405	45	49	129	150	218	206
Newhall.....	838	838	682	604	160	61	260	267	262	276
Pasadena.....	3,789	4,336	3,118	2,919	498	153	1,320	1,350	1,300	1,416
Pomona.....	2,882	3,526	2,061	2,398	359	355	915	1,137	787	906
Rio Hondo ^a	3,058	3,562	2,281	2,844	481	538	1,038	1,366	762	940
San Antonio ^a	2,160	4,042	1,400	2,979	264	534	632	1,510	504	935
Santa Anita.....	1,321	1,382	938	1,091	171	201	331	400	436	490
Santa Monica.....	2,737	3,025	1,928	2,129	425	481	667	739	836	909
Scuth Bay.....	6,819	7,767	5,175	4,801	1,154	1,225	1,974	1,787	2,047	1,789
Southeast ^a	1,835	0	1,456	0	352	0	672	0	432	0
South Gate ^a	784	1,495	658	1,245	209	338	242	549	207	358
Whittier.....	3,397	3,706	2,517	2,880	545	711	995	1,122	977	1,047
Marin:										
Central.....	3,203	3,386	3,128	3,264	1,274	1,100	673	701	1,181	1,151
Monterey:										
Monterey-Carmel.....	1,865	1,787	1,416	1,299	300	269	615	512	501	518
Salinas ^a	2,489	2,320	1,709	1,693	431	415	860	797	418	481
Napa:										
Napa-St. Helena-Calistoga ^a	416	0	253	0	28	0	115	0	110	0
Orange:										
Central Orange County.....	12,364	12,825	8,800	8,534	2,495	2,004	3,820	4,044	2,485	2,486
North Orange County.....	12,977	14,980	10,008	10,400	2,598	2,269	4,401	4,932	3,009	3,199
Orange County Harbor.....	4,167	4,706	3,043	3,196	604	723	1,141	1,198	1,298	1,275
South Orange County.....	2,382	2,704	1,763	1,873	433	433	601	692	729	748
West Orange County.....	9,831	11,521	8,902	9,487	2,948	3,083	3,073	3,240	2,881	3,164

Riverside:										
Corona.....	1,309	1,508	1,044	1,167	218	245	456	536	370	386
Desert ^a	4,304	3,872	3,331	3,075	847	756	1,348	1,222	1,136	1,097
Mt. San Jacinto ^a	1,137	475	781	293	211	70	232	119	338	104
Riverside.....	5,579	6,521	4,305	5,021	962	1,083	2,070	2,308	1,273	1,630
Sacramento:										
Sacramento.....	12,597	12,281	9,987	9,438	2,564	2,100	3,722	3,668	3,701	3,670
San Bernardino:										
San Bernardino County.....	12,847	12,663	10,055	10,078	3,025	2,658	4,513	4,908	2,517	2,512
San Diego:										
El Cajon ^a	4,363	4,266	3,379	3,678	775	669	1,254	1,437	1,350	1,572
North County ^a	6,150	6,254	6,018	4,707	2,783	1,391	1,758	1,918	1,477	1,398
San Diego ^a	15,079	18,480	12,516	14,474	3,749	4,407	4,467	5,111	4,300	4,956
South Bay ^a	3,470	0	2,470	0	558	0	887	0	1,025	0
San Francisco:										
San Francisco.....	12,923	12,977	8,972	9,523	1,579	1,612	3,455	3,940	3,938	3,971
San Joaquin:										
Lodi.....	1,346	1,470	1,080	1,039	267	273	551	510	262	256
Manteca-Ripon-Escalon-Tracy.....	1,168	1,268	963	1,021	215	229	460	479	288	313
Stockton.....	4,042	4,896	3,140	3,878	867	1,132	1,380	1,841	893	905
San Luis Obispo:										
San Luis Obispo County ^a	2,764	1,119	2,012	803	593	203	779	265	640	335
San Mateo:										
Central.....	2,041	2,338	1,935	1,996	347	394	759	817	829	785
Northern.....	2,598	2,797	1,999	1,981	419	420	788	775	792	786
Southern.....	2,427	2,710	1,951	2,048	461	497	629	683	861	868
Santa Barbara:										
Lompoc ^a	258	0	138	0	59	0	59	0	20	0
Santa Barbara-Goleta.....	3,270	3,509	3,029	2,967	962	990	862	796	1,205	1,181
Santa Maria.....	1,794	1,612	1,454	1,344	415	348	663	550	376	446
Santa Clara:										
Los Gatos-Campbell-Saratoga.....	1,450	1,457	1,222	962	351	186	309	341	562	435
Palo Alto-Mountain View.....	2,180	2,541	1,690	1,917	458	498	537	679	695	740
San Jose-Milpitas.....	13,659	13,662	9,271	9,117	2,302	1,395	3,985	4,289	2,984	3,433
Santa Clara.....	1,757	1,951	1,309	1,451	264	320	543	600	502	531
Sunnyvale-Cupertino.....	2,281	2,492	1,698	1,649	458	357	557	611	683	681
Santa Cruz:										
Santa Cruz County.....	2,585	3,005	2,056	2,304	485	600	751	752	820	952

TABLE 32—CALIFORNIA MUNICIPAL COURTS—Continued
SUMMARY OF SMALL CLAIMS FILINGS AND DISPOSITIONS
Fiscal Years 1974-75 and 1975-76

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions After Trial			
							Uncontested matters		Contested matters	
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
Solano:										
Northern Solano ^a	1,144	1,328	997	1,089	231	217	367	498	399	374
Vallejo-Benicia ^a	1,695	1,530	1,321	1,083	235	169	585	548	501	366
Sonoma:										
Sonoma County	4,710	5,616	3,581	4,216	781	812	1,413	1,920	1,387	1,484
Stanislaus:										
Modesto ^a	2,023	2,266	1,481	1,627	161	203	678	812	642	612
Sutter:										
Sutter County ^a	301	0	219	0	8	0	114	0	97	0
Tulare:										
Porterville ^a	672	357	506	329	115	73	221	154	170	102
Visalia	1,272	1,339	1,097	1,131	143	190	566	568	388	373
Ventura:										
Ventura County	9,265	9,735	7,046	7,086	1,675	1,717	3,292	3,283	2,079	2,086

^a For explanation, see footnote applicable to the court on Table 28.

**TABLE 33—CALIFORNIA MUNICIPAL COURTS
SUMMARY OF CIVIL (EXCLUDES SMALL CLAIMS) FILINGS AND DISPOSITIONS^a
Fiscal Years 1974-75 and 1975-76**

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions After Trial			
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	Uncontested matters		Contested matters	
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
State Total	317,438	302,053	239,796	220,889	168,846	148,236	58,203	61,590	12,747	11,073
Alameda:										
Alameda	677	643	487	415	371	260	81	130	35	25
Berkeley-Albany	1,888	1,804	1,297	1,540	909	964	281	456	107	120
Fremont-Newark-Union City.....	2,144	1,631	1,323	1,183	931	664	497	429	100	90
Livermore-Pleasanton ^b	691	521	584	663	450	464	67	65	67	134
Oakland-Piedmont	12,592	12,010	9,061	9,574	7,771	6,471	984	2,809	306	294
San Leandro-Hayward.....	4,237	3,586	3,326	2,763	2,889	1,670	203	999	234	94
Butte:										
Chico	751	725	757	666	669	460	30	149	58	57
Contra Costa:										
Delta	963	889	859	687	562	457	258	208	39	22
Mt. Diablo.....	2,008	1,822	1,630	1,529	1,467	1,125	89	334	74	70
Richmond	2,109	2,000	1,726	1,568	1,400	1,086	277	419	49	63
Walnut Creek-Danville.....	1,420	1,455	1,090	1,003	959	665	44	243	87	95
West	1,145	990	858	718	779	471	47	217	32	30
Fresno:										
Fresno	6,216	5,989	4,842	5,080	4,441	4,192	311	750	90	108
Humboldt:										
Eureka	796	728	633	600	517	495	70	83	46	22
Imperial:										
Imperial County ^b	402	0	135	0	91	0	35	0	9	0
Kern:										
Bakersfield	3,407	3,558	2,801	2,693	2,297	2,354	425	274	79	65
Los Angeles:										
Alhambra	1,664	1,566	1,224	1,221	827	913	326	268	71	40
Antelope	825	766	606	459	457	339	109	82	42	38
Beverly Hills	3,832	3,885	2,561	2,305	2,336	2,067	86	73	139	165
Burbank.....	1,083	1,127	823	701	621	533	161	136	41	32
Citrus	3,595	3,765	2,840	3,049	1,835	1,956	851	961	154	132

TABLE 33—CALIFORNIA MUNICIPAL COURTS—Continued
SUMMARY OF CIVIL (EXCLUDES SMALL CLAIMS) FILINGS AND DISPOSITIONS^a
Fiscal Years 1974-75 and 1975-76

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions After Trial			
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	Uncontested matters		Contested matters	
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
Los Angeles (cont.)										
Compton.....	5,633	5,596	4,105	4,076	2,302	2,374	1,655	1,575	148	127
Culver.....	1,722	1,598	1,117	1,112	665	672	419	402	33	38
Downey.....	2,251	2,225	1,676	1,616	1,140	1,122	429	424	107	70
East Los Angeles.....	1,239	1,321	1,132	768	784	452	276	260	72	56
Glendale.....	1,582	1,440	1,004	1,055	850	732	94	253	60	70
Inglewood.....	6,025	5,430	4,079	3,507	2,869	1,758	972	1,548	238	201
Long Beach.....	6,265	6,131	4,834	4,543	4,298	3,522	375	828	161	193
Los Angeles.....	77,743	76,575	59,948	54,505	31,364	31,652	25,018	20,250	3,566	2,603
Los Cerritos.....	2,018	2,052	1,496	1,584	956	1,106	464	367	76	111
Malibu.....	380	393	286	263	191	183	59	51	36	29
Newhall.....	392	446	247	106	204	61	21	17	22	28
Pasadena.....	2,953	2,877	1,824	1,678	1,308	1,449	361	87	155	142
Pomona.....	2,355	2,196	2,092	1,743	1,135	985	915	717	42	41
Rio Hondo ^b	2,056	2,182	1,576	1,644	953	1,030	537	530	86	84
San Antonio ^b	1,104	1,815	809	1,252	596	868	207	358	6	26
Santa Anita.....	919	869	741	731	451	500	252	206	38	25
Santa Monica.....	2,227	2,105	1,597	1,526	1,117	1,093	380	344	100	89
South Bay.....	5,046	4,854	3,317	3,232	2,004	1,977	1,083	936	230	319
Southeast ^b	1,217	0	860	0	546	0	289	0	25	0
South Gate ^b	412	831	331	498	224	298	91	166	16	34
Whittier.....	2,548	2,561	2,098	1,891	1,689	1,384	301	395	108	112
Marin:										
Central.....	2,706	2,319	2,270	1,809	2,101	1,267	22	384	147	158
Monterey:										
Monterey-Carmel.....	1,604	1,573	1,335	1,243	1,052	905	190	247	93	91
Salinas ^b	1,389	1,668	1,215	1,313	989	1,078	167	169	59	66
Napa:										
Napa-St. Helena-Calistoga ^b	264	0	107	0	94	0	9	0	4	0
Orange:										
Central Orange County.....	6,825	6,938	4,674	4,819	3,240	3,509	1,130	1,054	304	256
North Orange County.....	6,624	6,351	4,533	4,032	3,095	2,851	1,170	985	268	196
Orange County Harbor.....	3,026	2,559	2,074	1,784	1,427	1,06	106	232	141	131
South Orange County.....	1,469	1,301	971	818	686	580	225	178	60	60
West Orange County.....	5,333	4,756	3,596	3,333	2,338	2,222	983	917	275	194

Riverside:										
Corona.....	447	459	325	459	255	372	55	62	15	25
Desert.....	1,589	1,530	1,184	1,078	1,050	768	56	218	78	92
Mt. San Jacinto ^b	296	105	184	32	125	26	30	4	29	2
Riverside.....	2,184	2,326	1,790	1,558	1,638	1,061	52	378	100	119
Sacramento:										
Sacramento.....	13,464	12,157	10,525	8,875	8,206	7,062	1,842	1,397	477	416
San Bernardino:										
San Bernardino County.....	5,028	4,496	4,065	3,261	2,712	2,348	1,162	734	191	179
San Diego:										
El Cajon ^b	2,466	2,249	1,850	1,719	1,718	972	16	652	116	95
North County ^b	2,335	2,284	1,649	1,610	1,161	1,059	389	470	99	81
San Diego ^b	11,614	11,274	9,245	8,385	5,550	4,685	3,381	3,294	414	406
South Bay ^b	1,557	0	954	0	905	0	12	0	37	0
San Francisco:										
San Francisco.....	15,390	13,752	11,322	10,082	7,231	6,653	3,502	2,939	529	490
San Joaquin:										
Lodi.....	439	366	433	347	378	289	32	36	23	22
Manteca-Ripon-Escalon-Tracy.....	654	616	491	442	329	369	71	42	91	31
Stockton.....	3,975	3,924	2,948	3,160	2,166	2,301	638	675	144	184
San Luis Obispo:										
San Luis Obispo County ^b	1,337	704	1,093	394	930	331	74	41	89	22
San Mateo:										
Central.....	2,196	2,127	1,765	1,630	1,246	1,147	407	366	112	117
Northern.....	2,618	2,401	1,870	1,531	1,791	1,155	4	315	75	61
Southern.....	1,996	2,081	1,659	1,755	1,004	1,130	505	455	150	170
Santa Barbara:										
Lompoc ^b	108	0	78	0	76	0	2	0	0	0
Santa Barbara-Goleta.....	1,742	1,618	1,388	1,385	817	1,173	503	146	68	66
Santa Maria.....	768	748	771	857	674	738	78	87	19	32
Santa Clara:										
Los Gatos-Campbell-Saratoga.....	892	1,052	836	832	626	594	155	186	55	52
Palo Alto-Mountain View.....	2,107	2,391	1,529	1,858	1,300	1,384	154	389	75	85
San Jose-Milpitas.....	13,563	13,138	9,930	9,864	9,209	6,636	401	2,834	320	394
Santa Clara.....	1,115	1,049	717	741	528	403	160	289	29	49
Sunnyvale-Cupertino.....	1,819	1,743	1,430	1,134	1,362	686	5	383	63	65
Santa Cruz:										
Santa Cruz County.....	2,134	2,217	1,706	1,716	1,306	1,355	283	296	117	65

TABLE 33—CALIFORNIA MUNICIPAL COURTS—Continued
SUMMARY OF CIVIL (EXCLUDES SMALL CLAIMS) FILINGS AND DISPOSITIONS^a
Fiscal Years 1974-75 and 1975-76

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions After Trial			
							Uncontested matters		Contested matters	
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
Solano:										
Northern Solano ^b	693	771	537	606	492	471	21	104	24	31
Vallejo-Benicia ^b	1,105	1,087	915	780	830	559	56	198	29	23
Sonoma:										
Sonoma County	3,090	2,606	2,330	1,951	2,138	1,393	75	457	117	101
Stanislaus:										
Modesto ^b	4,081	3,994	3,286	3,118	2,823	2,759	331	270	132	89
Sutter:										
Sutter County ^b	228	0	216	0	200	0	3	0	13	0
Tulare:										
Porterville ^b	669	322	532	294	355	272	153	15	24	7
Visalia	1,538	1,686	1,040	1,174	863	947	80	154	97	73
Ventura:										
Ventura County	4,429	4,333	3,489	3,403	3,205	2,481	83	739	201	183

^a The report form was revised July 1, 1975 and no longer collects separate information on torts.

^b For explanation, see footnote applicable to the court on Table 28.

**TABLE 34—CALIFORNIA MUNICIPAL COURTS
SUMMARY OF ILLEGAL PARKING FILINGS AND AND DISPOSITIONS*
Fiscal Years 1974-75 and 1975-76**

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions After Trial			
							Uncontested matters		Contested matters	
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
State Total	8,403,381	7,675,114	7,226,615	6,567,655	7,177,362	6,561,874	46,476	3,467	2,777	2,314
Alameda:										
Alameda	1,444	1,835	1,943	1,077	1,930	1,066	6	2	7	9
Berkeley-Albany	306,457	295,129	299,232	280,455	299,148	280,177	24	244	60	34
Fremont-Newark-Union City	8,171	5,789	1,056	898	1,029	898	4	0	23	0
Livermore-Pleasanton	4,962	3,483	3,599	2,131	3,574	2,130	5	0	20	1
Oakland-Piedmont	397,579	406,471	406,286	433,249	405,929	432,986	276	29	81	234
San Leandro-Hayward	25,725	24,249	23,229	22,647	23,095	22,586	114	48	20	13
Butte:										
Chico	47,865	46,505	48,109	47,145	48,065	47,056	0	0	44	89
Contra Costa:										
Delta	4,339	3,603	4,259	4,011	4,244	3,996	14	3	1	12
Mt. Diablo	34,966	36,610	34,517	35,888	34,478	35,846	19	12	20	30
Richmond	19,901	16,815	16,254	13,870	16,211	13,866	15	0	28	4
Walnut Creek-Danville	46,390	48,535	46,366	49,043	46,341	49,016	11	3	14	24
West	10,015	12,096	9,618	12,837	9,586	12,799	13	6	19	32
Fresno:										
Fresno	97,543	89,995	83,173	83,160	83,133	83,160	0	0	40	0
Humboldt:										
Eureka	40,572	34,850	39,771	33,570	39,769	33,568	2	0	0	2
Imperial:										
Imperial County	6,080	0	3,331	0	3,323	0	2	0	6	0
Kern:										
Bakersfield	38,794	26,932	35,392	25,981	35,392	25,981	0	0	0	0
Los Angeles:										
Alhambra	26,722	25,173	27,605	23,499	27,582	23,493	7	0	16	6
Antelope	2,033	1,726	1,834	1,420	1,834	1,420	0	0	0	0
Beverly Hills	249,571	164,175	204,118	150,380	204,107	150,375	0	1	11	4
Burbank	59,127	55,436	58,851	52,929	58,818	52,881	25	21	8	27
Citrus	25,301	16,300	19,411	15,515	19,382	15,501	11	0	18	14

TABLE 34—CALIFORNIA MUNICIPAL COURTS—Continued
SUMMARY OF ILLEGAL PARKING FILINGS AND AND DISPOSITIONS*
Fiscal Years 1974-75 and 1975-76

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions After Trial				
							Uncontested matters		Contested matters		
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	
Los Angeles (cont.)											
Compton.....	42,786	35,180	24,111	22,770	24,089	2,270	14	0	8	0	
Culver.....	27,768	25,241	25,047	24,574	24,941	24,555	51	0	51	19	
Downey.....	37,443	28,176	31,130	29,406	31,115	29,391	2	0	21	15	
East Los Angeles.....	47,776	44,665	42,217	39,187	42,184	39,186	32	1	1	0	
Glendale.....	72,364	67,483	71,958	58,859	71,925	58,817	6	2	21	40	
Inglewood.....	107,368	106,199	93,344	84,208	93,336	84,208	1	0	7	0	
Long Beach.....	318,085	194,282	253,930	166,888	253,735	166,881	182	0	13	7	
Los Angeles.....	1,603,958	1,435,675	1,097,477	1,159,673	1,095,794	1,158,839	540	15	1,143	819	
Los Cerritos.....	33,267	16,873	28,532	17,703	28,511	17,685	1	0	10	18	
Malibu.....	7,018	6,121	5,605	5,259	5,603	5,248	3	2	19	6	
Newhall.....	2,190	1,731	1,949	1,526	1,839	1,507	9	6	1	13	
Pasadena.....	99,237	95,774	94,182	72,565	94,127	72,547	8	2	47	16	
Pomona.....	33,487	31,550	32,004	30,183	31,961	30,174	8	0	35	9	
Rio Hondo ^a	15,796	17,469	15,850	14,687	15,849	14,687	1	0	0	0	
San Antonio ^a	39,970	65,053	32,775	61,633	32,772	61,632	9	0	3	1	
Santa Anita.....	7,666	7,947	8,344	7,354	8,343	7,345	1	1	0	7	
Santa Monica.....	255,807	195,299	216,120	198,558	215,644	198,152	401	268	75	138	
South Bay.....	215,180	227,143	224,749	213,165	224,544	212,933	42	1	163	171	
Southeast ^a	33,542	0	26,161	0	26,160	0	0	0	1	0	
South Gate ^a	11,251	16,607	8,411	13,498	8,398	13,400	7	3	6	5	
Whittier.....	23,203	19,495	21,769	18,165	21,684	18,155	59	0	26	10	
Marin:											
Central.....	163,962	146,456	147,188	134,742	147,104	134,602	16	15	68	44	
Monterey:											
Monterey-Carmel.....	115,458	87,574	112,396	87,623	112,312	87,534	54	49	30	40	
Salinas ^a	23,164	21,900	23,029	21,370	23,023	21,360	1	3	5	7	
Napa:											
Napa-St. Helena-Calistoga ^a	10,542	0	8,795	0	8,793	0	2	0	0	0	
Orange:											
Central Orange County.....	42,765	40,182	38,817	39,230	38,810	39,219	0	1	7	10	
North Orange County.....	119,487	101,047	107,863	100,231	107,788	100,197	9	0	66	34	
Orange County Harbor.....	122,853	105,356	127,332	72,249	126,048	72,235	1,283	1	1	12	
South Orange County.....	54,841	47,538	46,180	38,561	46,176	38,552	0	0	4	9	
West Orange County.....	86,139	52,185	67,719	39,743	67,697	39,737	5	1	17	5	

Riverside:										
Corona	888	648	754	542	754	542	0	0	0	0
Desert	15,634	13,980	15,166	11,921	15,157	11,906	2	2	7	13
Mt. San Jacinto	470	250	470	173	467	173	3	0	0	0
Riverside	35,684	48,082	33,090	44,710	33,083	44,704	0	1	7	5
Sacramento:										
Sacramento	203,138	182,660	192,083	182,299	192,072	182,292	0	0	11	7
San Bernardino:										
San Bernardino County	35,445	30,772	26,286	24,785	26,269	24,770	1	1	16	14
San Diego:										
El Cajon	14,470	11,209	7,755	8,910	7,746	8,888	7	14	2	8
North County	23,132	22,334	22,410	22,548	22,407	22,528	3	2	0	18
San Diego	447,848	399,751	375,812	360,652	375,303	360,598	448	1	61	53
South Bay	19,780	0	16,153	0	16,146	0	6	0	1	0
San Francisco:										
San Francisco	1,303,496	1,393,224	1,228,373	1,001,260	1,186,621	999,304	41,752	1,956	0	0
San Joaquin:										
Lodi	38,739	29,645	37,198	27,954	37,195	27,950	2	3	1	1
Manteca-Ripon-Escalon-Tracy	4,369	2,777	3,625	2,367	3,622	2,340	2	23	1	4
Stockton	92,226	101,606	103,018	91,473	103,004	91,470	1	0	13	9
San Luis Obispo:										
San Luis Obispo County	29,236	41,542	28,598	0	28,557	0	0	0	41	0
San Mateo:										
Central	101,466	90,707	81,949	71,637	81,479	71,258	469	377	1	2
Northern	91,692	80,105	78,746	67,722	78,743	67,721	2	0	1	1
Southern	43,339	45,090	33,025	38,007	32,634	37,687	357	315	34	5
Santa Barbara:										
Lompoc	786	0	638	0	631	0	1	0	6	0
Santa Barbara-Coleta	65,570	68,077	60,429	54,575	60,379	54,554	19	0	31	21
Santa Maria	5,801	3,609	5,583	2,176	5,578	2,175	2	0	3	1
Santa Clara:										
Los Gatos-Campbell-Saratoga	20,762	18,939	17,469	17,793	17,425	17,777	1	0	43	16
Palo Alto-Mountain View	91,026	74,197	72,496	71,441	72,431	71,416	9	1	36	24
San Jose-Milpitas	162,393	167,409	135,372	122,706	135,371	122,705	0	0	1	1
Santa Clara	5,983	4,045	5,334	4,200	5,322	4,176	0	0	12	24
Sunnyvale-Cupertino	9,179	8,153	8,414	8,059	8,413	8,029	0	0	1	30
Santa Cruz:										
Santa Cruz County	110,728	107,688	106,301	106,637	106,106	106,549	96	28	99	60

TABLE 34—CALIFORNIA MUNICIPAL COURTS—Continued
SUMMARY OF ILLEGAL PARKING FILINGS AND AND DISPOSITIONS^a
Fiscal Years 1974-75 and 1975-76

County and judicial district	Total filings		Total dispositions		Dispositions before trial		Dispositions After Trial			
							Uncontested matters		Contested matters	
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
Solano:										
Northern Solano ^a	6,155	4,333	5,124	3,282	5,123	3,280	0	0	1	2
Vallejo-Benicia ^a	12,365	13,415	10,604	12,913	10,593	12,906	1	1	10	6
Sonoma:										
Sonoma County	75,757	68,118	61,587	67,558	61,586	67,554	1	1	0	3
Stanislaus:										
Modesto ^a	37,194	33,391	34,001	32,298	33,970	32,298	4	0	27	0
Sutter:										
Sutter County ^a	578	0	1,143	0	1,143	0	0	0	0	0
Tulare:										
Porterville ^a	3,257	565	2,810	651	2,809	651	1	0	0	0
Visalia	14,169	8,200	8,480	5,855	8,479	5,855	0	0	1	0
Ventura:										
Ventura County	53,569	42,663	43,473	37,329	43,469	37,327	0	0	4	2

^a For explanation, see footnote applicable to the court on Table 28.

**TABLE 35—CALIFORNIA MUNICIPAL COURTS
NUMBER OF JURIES SELECTED AND SWORN^a**

Fiscal Years 1974-75 and 1975-76

County and judicial district	Juries selected and sworn												
	Reduced felonies (includes traffic and nontraffic)					Misdemeanors							
	Total		Nontraffic		1974-75	Total		Traffic		Other		Civil ^c	
	1975-76	1974-75	1975-76	1975-76		1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
State Total.....	10,264	10,730	129	5,436	5,692	4,193	4,547	3,892	4,270	301	277	506	491
Alameda:													
Alameda.....	14	6	0	2	3	0	2	0	2	0	0	12	1
Berkeley-Albany.....	38	43	0	25	33	5	3	5	3	0	0	8	7
Fremont-Newark-Union City.....	84	113	0	63	78	21	30	20	30	1	0	0	5
Livermore-Pleasanton ^d	23	40	0	12	17	11	16	11	16	0	0	0	7
Oakland-Piedmont.....	323	296	9	174	152	123	129	114	129	9	0	17	17
San Leandro-Hayward.....	165	124	3	65	55	86	61	84	59	2	2	11	8
Butte:													
Chico.....	35	30	0	12	12	20	15	19	15	1	0	3	3
Contra Costa:													
Delta.....	30	44	0	15	16	13	26	13	26	0	0	2	2
Mt. Diablo.....	108	63	0	43	19	64	43	62	43	2	0	1	1
Richmond.....	101	132	0	63	57	34	66	29	57	5	9	4	9
Walnut Creek-Danville.....	68	62	1	13	11	50	48	49	48	1	0	4	3
West.....	87	108	0	35	43	51	64	43	63	8	1	1	1
Fresno:													
Fresno.....	198	206	15	104	93	70	105	65	105	5	0	9	8
Humboldt:													
Eureka.....	27	34	0	8	14	16	18	15	18	1	0	3	2
Imperial:													
Imperial County ^d	22	0	0	10	0	11	0	11	0	0	0	1	0
Kern:													
Bakersfield.....	119	202	0	68	164	49	34	44	33	5	1	2	4
Los Angeles:													
Alhambra.....	84	102	0	48	52	34	50	28	49	6	1	2	0
Antelope.....	92	92	0	61	50	31	39	20	33	11	6	0	3

TABLE 35—CALIFORNIA MUNICIPAL COURTS—Continued
NUMBER OF JURIES SELECTED AND SWORN °

Fiscal Years 1974-75 and 1975-76

County and judicial district	Juries selected and sworn													
	Reduced felonies (includes traffic and nontraffic)					Misdemeanors								
	Total		Nontraffic			Total		Traffic Selected ^b		Other		Civil ^c		
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75
Los Angeles (cont.)														
Beverly Hills	160	150	0	103	77	50	62	47	62	3	0	7	11	
Burbank	21	36	0	12	7	9	28	8	28	1	0	0	1	
Citrus	200	164	1	116	93	79	65	55	64	24	1	4	6	
Compton	164	132	0	115	107	40	37	39	22	1	15	9	8	
Culver	29	53	0	18	29	10	23	8	23	2	0	1	1	
Downey	68	67	0	32	42	35	24	29	23	6	1	1	1	
East Los Angeles	67	112	0	47	53	18	55	13	9	5	46	2	4	
Glendale	91	108	0	50	64	37	43	27	40	10	2	4	2	
Inglewood	96	87	0	65	57	26	24	25	21	1	3	5	6	
Long Beach	164	194	0	100	104	57	79	56	76	1	3	7	11	
Los Angeles	1,565	1,604	1	954	1,032	481	455	438	431	23	24	129	117	
Los Cerritos	52	63	0	38	41	14	19	14	16	0	3	0	3	
Malibu	35	38	0	18	16	11	18	8	17	3	1	6	4	
Newhall	48	63	3	19	31	26	30	22	28	4	2	0	2	
Pasadena	140	153	0	83	80	56	70	55	64	1	6	1	3	
Pomona	88	74	0	68	51	18	22	18	21	0	1	2	1	
Rio Hondo ^d	49	116	1	32	86	8	29	8	29	0	0	8	1	
San Antonio ^d	100	120	7	78	98	15	22	13	19	2	3	0	0	
Santa Anita	94	85	0	65	53	26	29	24	26	2	3	3	3	
Santa Monica	81	80	3	37	52	37	26	34	23	3	3	4	2	
South Bay	203	180	0	139	92	54	81	46	79	8	2	10	7	
Southeast ^d	79	0	3	53	0	23	0	23	0	0	0	0	0	
South Gate ^d	30	65	0	20	53	10	11	9	11	1	0	0	1	
Whittier	127	239	0	63	137	57	102	47	100	10	2	7	0	
Marin:														
Central	80	86	1	25	30	46	52	39	52	7	0	8	4	
Monterey:														
Monterey-Carmel	122	122	0	58	67	61	53	60	52	1	1	3	2	
Salinas ^d	123	98	0	54	45	69	53	56	47	13	6	0	0	
Napa:														
Napa-St. Helena-Calistoga ^d	17	0	0	9	0	8	0	8	0	0	0	0	0	

Orange:													
Central Orange County	173	175	0	97	94	71	75	70	66	1	9	5	6
North Orange County	180	181	10	108	84	59	92	56	89	3	3	3	5
Orange County Harbor	69	48	0	33	23	30	22	28	15	2	7	6	3
South Orange County	82	44	0	57	20	23	23	19	22	4	1	2	1
West Orange County	193	178	10	74	68	104	106	101	101	3	5	5	4
Riverside:													
Corona	30	36	0	24	16	6	18	4	15	2	3	0	2
Desert ^d	81	97	0	43	48	35	44	34	43	1	1	3	5
Mt. San Jacinto ^d	20	14	0	6	5	6	9	5	7	1	2	8	0
Riverside	138	232	0	98	138	39	94	35	75	4	19	1	0
Sacramento:													
Sacramento	273	229	14	111	98	133	119	131	118	2	1	15	12
San Bernardino:													
San Bernardino County	421	425	8	163	193	245	224	233	202	12	22	5	8
San Diego:													
El Cajon ^d	116	210	2	58	123	50	83	48	80	2	3	6	4
North County ^d	200	116	0	69	59	108	56	106	54	2	2	3	1
San Diego ^d	599	666	10	340	399	230	241	222	233	8	8	19	26
South Bay ^d	106	0	0	54	0	52	0	44	0	8	0	0	0
San Francisco:													
San Francisco	214	337	4	119	203	44	79	40	75	4	4	47	55
San Joaquin:													
Lodi	14	16	0	9	4	3	9	1	9	2	0	2	3
Manteca-Ripon-Escalon-Tracy	29	27	2	16	18	4	8	4	8	0	0	7	1
Stockton	65	63	1	27	36	25	15	24	15	1	0	12	12
San Luis Obispo:													
San Luis Obispo County ^d	52	41	0	16	14	33	25	31	25	2	0	3	2
San Mateo:													
Central	60	65	0	27	11	32	53	32	51	0	2	1	1
Northern	82	45	1	44	22	33	20	28	19	5	1	4	3
Southern	62	80	0	24	22	38	53	37	53	1	0	0	5
Santa Barbara:													
Lompoc ^d	5	0	0	1	0	4	0	4	0	0	0	0	0
Santa Barbara-Goleta	108	42	0	60	25	46	15	45	15	1	0	2	2
Santa Maria	21	42	0	13	19	8	23	7	22	1	1	0	0

**TABLE 35—CALIFORNIA MUNICIPAL COURTS—Continued
NUMBER OF JURIES SELECTED AND SWORN^a**

Fiscal Years 1974-75 and 1975-76

County and judicial district	Juries selected and sworn												
	Reduced felonies (includes traffic and nontraffic)				Misdemeanors								
	Total		Nontraffic		Total		Traffic Selected ^b		Other		Civil ^c		
	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	1975-76	1974-75	
Santa Clara:													
Los Gatos-Campbell-Saratoga	24	58	0	7	15	17	41	13	37	4	4	0	2
Palo Alto-Mountain View	47	78	0	14	30	30	44	28	42	2	2	3	4
San Jose-Milpitas	317	302	10	111	127	186	156	173	150	13	6	10	19
Santa Clara	25	30	0	3	5	21	25	21	25	0	0	1	0
Sunnyvale-Cupertino	47	44	0	10	16	34	22	33	22	1	0	3	6
Santa Cruz:													
Santa Cruz County	80	81	0	29	30	48	48	45	48	3	0	3	3
Solano:													
Northern Solano ^d	58	79	0	19	25	37	54	37	50	0	4	2	0
Vallejo-Benicia ^d	75	94	3	17	29	53	65	52	64	1	1	2	0
Sonoma:													
Sonoma County	90	57	0	42	34	41	22	37	22	4	0	7	1
Stanislaus:													
Modesto ^d	147	161	0	64	47	78	111	74	100	4	11	5	3
Sutter:													
Sutter County ^d	15		0	4	0	10	0	10	0	0	0	1	0
Tulare:													
Porterville ^d	39	13	2	20	7	17	6	15	6	2	0	0	0
Visalia	110	123	4	56	37	45	77	44	76	1	1	5	9
Ventura:													
Ventura County	86	193	0	37	82	45	110	40	104	5	6	4	1

^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 for 1974-75 and 20002, 23102, 23104 and 23106 for 1975-76.

^c Data for 1975-76 are for jury trials rather than juries sworn.

^d For explanation, see footnote applicable to the court on Table 28.

**TABLE 36—CALIFORNIA MUNICIPAL COURTS
DAYS OF ASSISTANCE RECEIVED AND RENDERED BY COURTS
THROUGH ASSIGNMENTS ^a**

Fiscal Years 1974-75 and 1975-76

County and judicial district	1975-76			1974-75		
	Days received	Days rendered	Net days received (or rendered) ^a	Days received	Days rendered	Net days received (or rendered) ^a
State Total	4,372.0	813.0	3,559.0	4,298.5	R 726.0	R 3,572.5
Alameda:						
Alameda	10	0	10	34	2	22
Berkeley-Albany	0	18	-18	0	2	-2
Fremont-Newark-Union City.....	10	2	8	13	3	10
Livermore-Pleasanton ^b	34	1	33	27	3	24
Oakland-Piedmont	263.5	0	263.5	179.5	0	179.5
San Leandro-Hayward.....	126	3	123	169	1	168
Butte:						
Chico	79	0	79	26	0	26
Contra Costa:						
Delta	7	0	7	8	0	8
Mt. Diablo.....	241.5	0	241.5	217.5	0	217.5
Richmond	68	0	68	0	0	0
Walnut Creek-Danville.....	17	1	16	61	1	60
West	47.5	37.5	10	108	0	108
Fresno:						
Fresno	264	30	234	314	2	312
Humboldt:						
Eureka	116	0	116	94	0	94
Imperial:						
Imperial County ^b	1	21.5	-20.5	-	-	-
Kern:						
Bakersfield	110	4	106	11	2	9
Los Angeles:						
Alhambra	0	2	-2	0	1	-1
Antelope	8	10	-2	45	0	45
Beverly Hills	8 ^c	19	-11	12	0	12
Burbank.....	103	0	103	10	0	10
Citrus	0	10	-10	21	3	18
Compton	22	19	3	13	17	-4
Culver	26.5	0	26.5	24	0	24
Downey	0	0	0	0	4	-4
East Los Angeles.....	28	0	28	0	0	0
Glendale	0	0	0	0	0	0
Inglewood.....	47	0	47	37	23	17
Long Beach	0	0	0	5	0	5
Los Angeles	59	6	53	22	80	-58
Los Cerritos	17	0	17	0	0	0
Malibu	19	0	19	23	0	23
Newhall	0	8	-8	2	3	-1
Pasadena	0	0	0	4	1	3
Pomona	36	33	3	37	R 20	R 7
Rio Hondo ^b	29	95	-66	23.5	R 20	R 3.5
San Antonio ^b	35	0	35	3	0	3
Santa Anita	40	0	40	24	8.5	15.5
Santa Monica	0	2	-2	0	0	0
South Bay	0	9	-9	1	59	-58
Southeast ^b	11	0	11	-	-	-
South Gate ^b	0	0	0	0	0	0
Whittier.....	0	0	0	10	0	10

TABLE 36—CALIFORNIA MUNICIPAL COURTS—Continued
DAYS OF ASSISTANCE RECEIVED AND RENDERED BY COURTS
THROUGH ASSIGNMENTS^a

Fiscal Years 1974-75 and 1975-76

County and judicial district	1975-76			1974-75		
	Days received	Days rendered	Net days received (or rendered) ^a	Days received	Days rendered	Net days received (or rendered) ^a
Marin:						
Central.....	36	0	36	1	0	1
Monterey:						
Monterey-Carmel.....	26	37.5	-11.5	59	19.5	39.5
Salinas ^b	64	11.5	52.5	149	3.5	145.5
Napa:						
Napa-St. Helena-Calistoga ^b	17.5	0	17.5	-	-	-
Orange:						
Central Orange County.....	0	71	-71	0	0	0
North Orange County.....	0	0	0	3	0	3
Orange County Harbor.....	22	7	15	47	0	47
South Orange County.....	37	2	35	53	0	53
West Orange County.....	69	9	60	134	0	134
Riverside:						
Corona.....	100	1	99	69	7	62
Desert ^b	141	11.5	129.5	216	12	204
Mt. San Jacinto ^b	36	0	36	1	0	1
Riverside.....	56.5	0	56.5	68	7	61
Sacramento:						
Sacramento.....	165	3	162	112	5	107
San Bernardino:						
San Bernardino County.....	326	0.5	325.5	390.5	0	390.5
San Diego:						
El Cajon ^b	20	0	20	10	3	7
North County ^b	0	0	0	18	0	18
San Diego ^b	10	18	-8	184	222.5	-34.5
South Bay ^b	80	0	80	-	-	-
San Francisco:						
San Francisco.....	22	37	-15	18	29	-11
San Joaquin:						
Lodi.....	35	0	35	26	2	24
Manteca-Ripon-Escalon-Tracy.....	32	17	15	59.5	2.5	57
Stockton.....	35	10	25	77	0	77
San Luis Obispo:						
San Luis Obispo County ^b	167.5	12	155.5	82.5	2	80.5
San Mateo:						
Central.....	25	0	25	35	0	35
Northern.....	106	0	106	52	0	52
Southern.....	57	0	57	73	1	72
Santa Barbara:						
Lompoc ^b	8	12	-4	-	-	-
Santa Barbara-Coleta.....	106.5	7	99.5	29.5	28.5	1
Santa Maria.....	4	90	-86	5	58.5	-53.5
Santa Clara:						
Los Gatos-Campbell-Saratoga.....	32	0	32	60	0	60
Palo Alto-Mountain View.....	6	2	4	0	0	0
San Jose-Milpitas.....	46	23	23	35	10	25
Santa Clara.....	0	15	-15	0	16	-16
Sunnyvale-Cupertino.....	0	17	-17	7	0	7

TABLE 36—CALIFORNIA MUNICIPAL COURTS—Continued
DAYS OF ASSISTANCE RECEIVED AND RENDERED BY COURTS
THROUGH ASSIGNMENTS^a

Fiscal Years 1974-75 and 1975-76

County and judicial district	1975-76			1974-75		
	Days received	Days rendered	Net days received (or rendered) ^a	Days received	Days rendered	Net days received (or rendered) ^a
Santa Cruz:						
Santa Cruz County.....	107	0	107	194	8.5	185.5
Solano:						
Northern Solano ^b	71	1	70	90	4	86
Vallejo-Benicia ^b	5	4.5	0.5	77	1	76
Sonoma:						
Sonoma County.....	55	8	47	66	16	50
Stanislaus:						
Modesto ^b	46	2	44	21	0	21
Sutter:						
Sutter County ^b	102	0	102	-	-	-
Tulare:						
Porterville ^b	35	6	30	5	0	5
Visalia.....	70	22	48	92	3	89
Ventura:						
Ventura County.....	109	6.5	102.5	81	2	79

^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.

^b For explanation, see footnote applicable to the court on Table 28.

^R Revised

**TABLE 37—CALIFORNIA JUSTICE COURTS
SUMMARY OF NONPARKING AND ILLEGAL PARKING FILINGS
FISCAL YEARS 1974-75 AND 1975-76^a**

County and judicial district	Total nonparking filings ^b		1975-76 filings by proceedings									
			Criminal					Traffic			Civil	
	1975-76	1974-75	Felonies	Nontraffic Misdemeanors		Infractions	Misdemeanors		Infractions	Illegal parking	Small claims	Other
				Group A	Group B		Group C	Group D				
State Total.....	800,147	975,157	10,423	35,417	32,975	4,048	32,509	40,777	584,967	271,356	44,219	13,812
Alameda:												
Pleasanton ^c	0	8,919	0	0	0	0	0	0	0	0	0	0
Alpine:												
Alpine.....	810	929	2	7	47	0	31	0	723	86	0	0
Amador:												
Amador.....	4,773	4,866	127	176	125	0	107	257	3,586	1,163	364	31
Butte:												
Biggs.....	1,076	1,080	6	79	36	0	42	76	808	89	18	11
Cridley.....	2,191	2,469	32	217	127	0	129	275	1,260	290	101	50
Oroville.....	6,106	7,548	182	616	227	1	456	471	3,437	786	439	277
Paradise.....	2,743	2,434	71	320	73	13	123	54	1,547	788	462	80
Calaveras:												
Angels-Murphys.....	2,249	2,201	14	87	41	13	62	101	1,594	170	283	54
San Andreas.....	2,760	2,324	101	142	68	3	92	85	1,514	121	682	73
West Point.....	142	119	1	9	21	4	8	44	27	8	22	6
Colusa:												
Colusa ^d	0	1,215	0	0	0	0	0	0	0	0	0	0
Colusa-William ^d	9,328	1,100	50	148	317	0	321	151	7,928	377	345	68
Williams ^d	0	8,004	0	0	0	0	0	0	0	0	0	0
Del Norte:												
Del Norte County.....	6,929	6,205	75	327	74	29	285	51	5,614	199	387	87
Ei Dorado:												
El Dorado.....	12,288	11,109	60	163	274	0	217	237	11,023	893	274	40
Georgetown-Divide.....	666	547	0	121	17	0	17	0	322	48	168	21
Lake Valley.....	12,661	14,069	283	807	416	101	320	556	9,187	1,730	784	207
Placerville.....	8,704	8,792	134	445	194	0	341	272	6,550	4,268	548	220

Fresno:												
Caruthers	831	678	38	74	15	0	73	49	509	13	70	3
Clovis	4,394	4,452	176	229	137	0	192	195	3,009	1,432	344	52
Coalinga	8,880	10,529	91	290	406	0	248	589	7,060	76	123	73
Dunlap	192	203	17	32	54	0	0	5	69	3	13	2
Firebaugh	9,280	10,938	148	396	920	15	772	701	6,156	247	143	29
Fowler	4,379	3,935	25	40	27	0	141	177	3,902	18	64	3
Kerman	1,967	2,407	90	193	71	5	117	146	1,163	23	146	31
Kingsburg	2,866	2,147	23	107	60	0	94	81	2,360	32	126	15
Parlier	1,647	1,420	30	220	180	0	88	225	864	242	35	5
Ponderosa	1,327	1,247	1	44	102	0	27	214	909	60	29	1
Reedley	3,411	2,980	78	368	25	20	241	419	1,540	3,120	683	37
Riverdale	1,078	1,020	22	64	12	0	63	64	740	8	95	18
Sanger	3,175	2,829	91	217	233	0	146	103	1,905	518	450	30
Selma	5,002	4,557	69	160	221	1	172	73	4,035	743	232	39
Glenn:												
Orland	3,009	3,832	59	100	80	0	225	133	2,293	72	76	43
Willows	4,615	5,183	34	61	94	0	211	0	3,970	22	191	54
Humboldt:												
Arcata	9,347	9,225	0	478	234	183	331	158	7,214	19,836	425	324
Fortuna	4,371	4,071	0	296	141	0	322	294	2,770	353	395	153
Garberville	2,043	2,145	0	75	95	0	123	137	1,393	91	186	32
Klamath-Trinity	1,629	1,192	0	188	116	0	92	207	701	23	301	24
Imperial:												
Brawley	2,716	4,922	129	65	209	0	101	54	1,955	645	150	32
Calexico	1,957	4,469	116	209	164	0	211	68	1,059	2,183	102	28
Calipatria	872	1,738	12	50	249	0	33	26	480	0	15	7
El Centro	8,240	13,315	157	95	55	0	396	252	6,819	113	314	161
Holtville	1,213	4,623	2	13	41	9	13	26	1,078	41	15	16
Imperial	1,585	3,660	20	78	42	0	119	49	1,106	255	79	92
Westmorland	1,917	3,316	9	27	65	0	36	210	1,557	0	9	4
Winterhaven	3,117	6,436	17	68	239	0	68	425	2,290	28	4	6
Inyo:												
Northern Inyo	5,319	3,920	77	161	125	234	213	203	4,019	1,050	253	34
Southern Inyo	3,311	3,450	48	104	91	50	49	227	2,656	22	79	7
Kern:												
Arvin-Lamont	5,651	5,917	0	311	376	1	296	479	3,906	204	279	3
Buttonwillow	2,878	3,961	0	42	73	0	19	32	2,637	8	69	6
Delano-McFarland	7,103	7,187	0	543	730	173	174	482	4,312	863	385	304
Indian Wells	5,171	5,540	0	253	307	0	166	283	3,530	96	549	83
Kern River-Rand	609	1,836	0	0	0	0	34	0	415	14	154	6
Maricopa-Taft	19,893	23,142	0	546	437	0	365	541	17,547	454	248	189
Mojave	7,667	8,515	0	328	89	25	267	227	6,434	12	287	10

TABLE 37—CALIFORNIA JUSTICE COURTS—Continued
SUMMARY OF NONPARKING AND ILLEGAL PARKING FILINGS
FISCAL YEARS 1974-75 AND 1975-76 *

County and judicial district	Total nonparking filings ^b		1975-76 filings by proceedings									Civil Small claims Other	
			Criminal						Traffic				
			Nontraffic			Traffic			Illegal parking				
			Misdemeanors		Infractions	Misdemeanors		Infractions					
1975-76	1974-75	Felony	Group A	Group B	Infractions	Group C	Group D	Infractions					
Shafter	7,271	7,136	0	244	242	2	64	238	6,277	196	163	41	
Tehachapi	6,001	7,097	0	180	84	7	45	147	5,447	89	83	8	
Wasco	6,448	6,018	0	410	245	0	143	1,310	4,143	34	88	109	
Kings:													
Avenal	4,336	5,917	52	139	63	0	227	134	3,615	1	70	36	
Corcoran	1,948	2,073	60	229	243	48	57	176	736	69	349	50	
Hanford	9,084	8,219	417	730	515	0	129	0	6,394	4,954	441	358	
Lemoore	4,103	4,143	91	277	295	0	284	365	2,580	501	141	70	
Lake:													
Clearlake Highlands	1,536	1,909	108	66	274	0	127	120	556	51	221	64	
Kelseyville	704	757	0	12	170	0	35	77	353	0	43	14	
Lakeport	2,043	1,908	131	220	135	0	203	94	839	344	364	57	
Middletown-Lower Lake	1,091	970	1	54	27	0	39	12	640	4	305	13	
Upper Lake	1,176	1,226	0	77	116	0	82	94	711	25	89	7	
Lassen:													
Big Valley	59	66	0	4	3	3	0	1	23	0	22	2	
Central	4,092	4,496	87	193	110	43	134	203	2,566	1,105	710	46	
Los Angeles:													
Catalina	552	309	5	71	116	0	0	3	289	507	60	8	
Madera:													
Chowchilla	5,604	5,798	54	189	62	0	101	164	4,755	194	214	65	
Madera	0	8,739	0	0	0	0	0	0	0	0	0	0	
Madera-Sierra	12,143	2,234	251	506	389	12	938	336	8,385	4,779	1,110	216	
Sierra	0	1,260	0	0	0	0	0	0	0	0	0	0	
Mariposa:													
Coulterville	66	76	0	16	1	0	1	0	40	2	6	2	
Mariposa	1,616	1,487	15	137	107	0	95	71	1,091	103	86	14	

Mendocino:												
Anderson.....	255	324	0	61	3	0	4	6	151	1	20	10
Arena.....	378	454	0	17	160	0	6	21	133	243	26	15
Big River.....	873	874	0	159	37	6	16	49	551	559	36	19
Little Lake.....	2,146	3,169	0	252	44	0	108	154	1,324	150	222	42
Long Valley.....	1,014	986	0	78	49	0	36	43	766	1	31	11
Round Valley.....	244	180	0	34	56	0	4	10	81	0	45	14
Sanel.....	250	435	0	4	10	0	11	17	196	7	9	3
Ten Mile River.....	2,777	2,698	0	137	156	0	122	39	1,922	948	325	76
Ukiah.....	9,666	9,626	302	292	592	0	504	350	6,183	7,953	1,476	267
Merced:												
Atwater.....	5,934	6,697	151	337	199	0	570	599	3,816	319	192	70
Dos Palos.....	3,166	3,858	57	95	149	0	123	235	2,351	363	112	39
Gustine.....	5,685	7,492	17	129	145	0	88	231	4,945	103	112	18
Le Grand.....	4,542	4,470	27	53	84	0	222	223	3,837	11	92	4
Livingston.....	12,708	12,839	98	227	177	0	521	1,038	10,445	239	152	50
Los Banos.....	8,331	11,670	88	346	257	0	408	38	6,732	563	312	150
Merced.....	15,073	13,442	350	787	300	0	898	418	10,580	22,498	983	757
Snelling.....	111	124	3	32	16	0	11	2	46	13	0	1
Modoc:												
Adin-Lookout.....	24	15	0	0	7	0	0	0	1	0	15	1
Alturas.....	1,463	1,634	36	109	56	1	22	26	850	90	327	41
Newell.....	758	853	0	0	27	0	4	3	679	0	39	6
Surprise Valley.....	48	43	0	0	2	0	0	0	0	0	45	1
Mono:												
Mono.....	3,657	3,902	58	103	342	239	84	161	2,403	701	233	34
Monterey:												
Castroville-Pajaro ^B	8,543	7,311	76	276	114	20	544	1,107	6,203	214	4	39
King City-Greenfield.....	11,286	11,163	40	192	75	0	198	390	10,027	51	304	60
Pacific Grove.....	3,165	2,335	64	141	75	309	110	39	2,229	5,856	156	42
San Ardo.....	3,807	4,562	15	101	156	0	18	50	3,451	19	13	3
Soledad-Gonzales.....	6,502	8,258	49	176	83	17	150	768	5,059	76	176	24
Napa:												
Calistoga ^h	793	1,184	21	7	20	1	32	22	579	596	101	10
Napa ^h	11,458	18,670	222	614	208	0	909	23	8,525	17,321	650	307
St. Helena ^h	2,110	2,697	48	15	10	0	28	0	1,904	529	85	20
Nevada:												
Nevada.....	5,829	5,931	165	300	192	0	463	154	3,707	7,160	657	191
Truckee.....	6,828	7,097	28	77	138	0	116	115	6,136	343	180	38

TABLE 37—CALIFORNIA JUSTICE COURTS—Continued
SUMMARY OF NONPARKING AND ILLEGAL PARKING FILINGS
FISCAL YEARS 1974-75 AND 1975-76^a

County and judicial district	Total nonparking filings ^b		1975-76 filings by proceedings									Civil	
	1975-76	1974-75	Criminal				Traffic			Illegal parking	Small claims	Other	
			Nontraffic				Misdemeanors						
			Felonies	Group A	Group B	Infract.	Group C	Group D	Infract.				
Placer:													
Auburn	9,020	9,402	342	405	272	0	166	325	6,835	4,905	492	183	
Cofax-Alta-Dutch Flat	9,602	8,499	0	98	69	32	65	338	8,883	324	104	13	
Foresthill	216	233	0	41	53	0	1	16	83	3	16	6	
Lincoln	733	770	0	62	68	0	58	84	358	30	79	24	
Loomis	5,258	6,353	0	306	48	0	149	153	4,385	667	168	49	
Roseville	6,782	8,757	92	289	281	0	312	64	5,043	4,790	384	317	
Tahoe	4,654	4,462	105	496	192	0	160	202	2,683	1,923	705	111	
Plumas:													
Almanor	1,668	1,294	18	162	331	0	69	110	696	31	263	19	
Beckworth	607	460	13	51	97	86	16	24	279	110	37	4	
Plumas	1,826	1,822	35	143	98	169	53	438	670	163	175	45	
Riverside:													
Beaumont ^l	3,934	9,926	0	136	35	0	101	258	3,301	10	84	19	
Couchella ^j	0	2,176	0	0	0	0	0	0	0	0	0	0	
Elsinore	3,186	3,824	0	333	544	52	160	207	1,595	12	251	44	
Hemet ^k	0	3,063	0	0	0	0	0	0	0	0	0	0	
Murrieta	2,854	2,390	0	162	36	16	29	59	2,359	16	170	23	
Palo Verde ^l	5,372	11,422	66	297	508	6	215	210	3,783	54	275	12	
Perris	6,887	8,335	0	732	516	247	156	422	4,470	148	282	62	
San Geronimo ^l	9,970	31,207	0	174	30	0	162	713	8,725	54	132	30	
San Jacinto ^k	0	1,320	0	0	0	0	0	0	0	0	0	0	
Sacramento:													
Elk Grove-Galt	4,057	3,287	0	205	103	0	208	5	3,204	412	315	17	
Fair Oaks-Folsom	8,753	6,916	2	318	221	59	342	882	6,803	76	97	29	
Walnut Grove-Isleton	1,348	1,341	0	157	550	0	18	104	471	19	45	3	
San Benito:													
Hollister	3,431	3,571	70	294	410	4	383	411	1,136	1,756	587	136	
San Juan	1,990	2,398	13	88	56	0	82	187	1,528	36	25	11	

San Bernardino:

Bear Valley.....	3,989	3,671	0	178	490	0	107	244	2,407	702	533	30
Bloomington.....	5,480	4,752	0	74	262	0	583	400	3,867	79	256	38
Calzona.....	1,632	1,117	4	121	202	0	18	202	1,102	0	3	0
Colton.....	11,094	14,511	31	258	702	0	347	2,114	6,850	1,413	697	95
Crest Forest.....	2,200	2,654	0	240	417	0	60	41	993	343	414	65
Cucamonga.....	3,519	2,934	65	113	404	4	331	153	2,124	883	228	97
Etiwanda.....	2,253	3,722	0	10	74	0	58	8	1,813	0	12	278
Highland.....	4,159	3,579	0	273	300	0	267	437	2,696	668	140	46
Mission.....	4,860	4,923	0	33	530	0	141	660	3,373	5,667	83	40
Needles.....	5,789	7,629	39	161	159	120	93	173	4,930	586	111	3
Trona.....	780	650	0	21	2	0	33	3	601	3	113	7
Twentynine Palms.....	5,953	5,649	80	232	182	0	344	32	4,727	40	323	33
Yucaipa.....	4,372	4,370	46	121	23	183	331	127	3,351	0	165	25

San Diego:

Coronado ^m	0	5,348	0	0	0	0	0	0	0	0	0	0
East County.....	1,165	1,540	0	49	42	0	5	2	995	0	68	4
Fallbrook.....	2,944	3,130	0	150	41	29	89	447	1,881	39	254	53
National ^m	0	9,344	0	0	0	0	0	0	0	0	0	0
Ramona ⁿ	2,236	3,544	0	108	348	20	99	102	1,341	92	201	17

San Luis Obispo:

First ^o	0	5,067	0	0	0	0	0	0	0	0	0	0
Second ^o	0	2,752	0	0	0	0	0	0	0	0	0	0
Third ^o	0	6,913	0	0	0	0	0	0	0	0	0	0
Fourth ^o	0	5,475	0	0	0	0	0	0	0	0	0	0
Fifth ^o	0	4,754	0	0	0	0	0	0	0	0	0	0

Santa Barbara:

Carpinteria-Mortecito.....	4,517	5,529	0	262	351	0	271	206	3,231	825	173	23
Guadalupe.....	995	1,085	3	83	27	0	102	60	693	1,335	23	4
Lompoc ^p	2,619	5,243	26	282	184	0	188	82	1,576	422	225	56
Solvang.....	7,283	6,075	9	103	324	0	152	96	6,403	124	182	14

Santa Clara:

Gilroy-Morgan Hill.....	19,478	18,465	139	573	550	0	602	515	15,795	4,100	950	354
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Shasta:

Anderson.....	3,458	5,491	1	224	294	0	177	151	2,201	228	295	115
Burney.....	1,179	1,281	9	50	140	97	51	29	664	11	136	13
Castella.....	1,586	2,114	0	11	18	0	18	3	1,502	7	26	8
Central Valley.....	7,958	10,270	482	538	531	22	256	249	5,458	1,757	279	143
Cottonwood.....	703	790	45	38	48	0	30	8	404	0	106	24
Fall River Valley.....	247	313	8	21	42	12	16	1	86	1	49	12
Mountain.....	157	207	1	5	15	0	3	0	124	0	8	1
Redding.....	11,594	10,203	259	948	285	197	630	1,069	6,223	38,279	1,161	800

TABLE 37—CALIFORNIA JUSTICE COURTS—Continued
SUMMARY OF NONPARKING AND ILLEGAL PARKING FILINGS
FISCAL YEARS 1974-75 AND 1975-76 *

County and judicial district	Total nonparking filings ^b		1975-76 filings by proceedings									
	1975-76	1974-75	Criminal							Civil		
			Nontraffic			Traffic				Illegal parking	Small claims	Other
			Felonies	Group A	Group B	Infractions	Group C	Group D	Infractions			
Sierra:												
Sierra County.....	912	791	27	60	263	0	55	85	385	26	34	3
Siskiyou:												
Dorris ^q	477	976	0	30	45	0	10	72	295	2	11	14
Dorris-Tulelake ^q	607	0	0	38	38	5	26	60	404	28	29	7
Dunsmuir-Mt. Shasta.....	7,826	7,766	0	172	118	89	148	388	6,565	725	306	40
Happy Camp.....	958	773	0	73	60	0	16	36	701	8	60	12
McCloud.....	350	365	6	45	18	3	28	64	83	17	93	10
Scott Valley.....	425	466	0	33	27	0	25	9	162	38	160	9
Shasta Valley.....	4,142	3,633	0	192	137	107	64	502	2,510	731	581	49
Tulelake ^q	233	466	0	36	24	0	4	16	124	16	22	7
Yreka.....	6,100	7,170	176	208	151	38	125	98	4,956	1,404	214	134
Solano:												
Benicia ^r	11	2,681	0	0	0	0	1	0	10	3	0	0
Dixon ^s	2,900	5,161	34	8	58	0	64	175	2,479	581	72	10
Rio Vista.....	888	1,064	23	38	35	2	33	81	535	88	110	11
Stanislaus:												
Ceres ^t	0	2,835	0	0	0	0	0	0	0	0	0	0
Newman-Patterson.....	4,490	5,744	23	90	212	23	121	780	2,988	97	204	49
Oakdale-Waterford.....	3,464	2,858	54	307	285	97	174	367	1,906	1,507	152	122
Riverbank.....	1,684	1,294	13	148	87	211	182	122	828	60	64	39
Turlock.....	7,635	7,915	64	314	20	58	415	870	5,053	9,771	280	561
Sutter:												
Butte ^u	938	1,260	3	9	34	0	28	50	789	55	22	3
Yuba ^u	5,622	8,456	142	175	140	0	150	239	4,229	786	328	219
Tehama:												
Corning.....	3,889	4,348	97	168	78	0	149	174	2,957	353	235	27
Red Bluff.....	10,646	11,589	173	499	185	8	232	408	8,428	412	529	184

Trinity:												
Hayfork ^v	0	287	0	0	0	0	0	0	0	0	0	0
Hayfork-Mad River ^v	430	121	0	34	38	0	14	7	266	8	69	2
Junction City-Salyer ^w	0	9	0	0	0	0	0	0	0	0	0	0
Mad River ^v	0	101	0	0	0	0	0	0	0	0	0	0
Trinity Center.....	59	61	0	2	14	0	0	0	29	0	12	2
Trinity River ^w	1,387	240	71	72	119	0	64	80	788	31	159	34
Weaverville ^w	0	1,057	0	0	0	0	0	0	0	0	0	0
Tulare:												
Dinuba.....	8,278	10,011	190	532	230	0	397	136	6,272	177	458	63
Exeter-Farmersville.....	3,209	3,288	67	262	174	198	302	365	1,646	52	177	18
Lindsay.....	1,543	2,036	76	80	112	0	183	58	1,270	192	149	15
Pixley.....	7,436	7,623	115	212	166	0	128	258	6,451	11	72	34
Porterville ^x	0	3,336	0	0	0	0	0	0	0	0	0	0
Tulare.....	10,914	12,695	132	397	227	179	348	224	8,547	674	696	164
Woodlake.....	1,394	1,690	72	76	293	0	85	0	720	263	133	15
Tuolumne:												
First.....	1,305	1,625	46	154	74	0	70	46	500	4,770	255	160
Second.....	736	513	1	16	30	0	12	7	545	31	121	4
Third.....	1,924	1,997	0	109	232	0	98	61	1,310	278	92	22
Fourth.....	399	438	6	27	156	0	10	9	124	1	62	5
Fifth.....	2,328	2,196	33	125	50	0	123	89	1,804	101	89	15
Yolo:												
Davis.....	6,167	8,037	107	208	71	0	218	59	5,016	29,119	391	97
Esparto.....	533	583	17	30	49	0	36	26	283	4	76	16
Grafton.....	146	144	1	23	29	0	10	0	76	0	5	2
Washington.....	9,279	11,662	270	494	619	8	871	126	6,300	549	418	173
Winters.....	699	525	15	41	55	0	29	105	350	132	82	21
Woodland.....	14,953	13,769	173	651	596	0	508	1,287	10,461	6,653	761	516
Yuba:												
Camptonville.....	22	27	0	2	1	0	0	0	19	3	0	0
Marysville.....	8,946	10,292	284	773	333	89	668	299	5,171	15,012	660	669
Wheatland.....	1,388	1,243	5	45	39	0	48	32	1,191	61	22	6

^a The summary Report Form (2-a) was revised July 1, 1975 to permit collection of nontraffic filing and dispositions by Group A and Group B misdemeanors and nontraffic infractions and to collect data in traffic proceedings by Group C and Group D misdemeanors and traffic infractions. See footnotes on Table 30A and 31A for definitions and examples of types of proceedings.

^b Excludes illegal parking filings.

^c Pleasanton Justice Court District consolidated with Livermore Municipal Court District to become Livermore-Pleasanton Justice Court District on July 1, 1975.

^d Colusa and Williams Justice Court Districts consolidated to become Colusa-Williams Justice Court District on May 15, 1975.

^e Justice Courts of Brawley, Calxico, Calipatria, El Centro, Holtville, Imperial, Westmorland, and Winterhaven consolidated to become Imperial County Municipal Court District on January 1, 1976.

^f Madera and Sierra Justice Court Districts consolidated to become Madera-Sierra Justice Court District on May 1, 1975; this court has two judgeships.

^g A portion of Castroville-Pajaro Justice Court district was annexed to Salinas Municipal Court District on January 7, 1975.

- ^h Napa-St. Helena-Calistoga Justice Court Districts consolidated to become Napa-St. Helena-Calistoga Municipal Court District on March 1, 1976.
- ⁱ Beaumont and San Geronimo Justice Court Districts consolidated with Hemet San Jacinto Municipal Court District, and the name of the district was changed to Mt. San Jacinto Municipal Court District on January 1, 1976.
- ^j Coachella Justice Court District consolidated with Desert Municipal Court District on January 2, 1975.
- ^k Hemet and San Jacinto Justice Court Districts consolidated to become Hemet San Jacinto Municipal Court District on January 2, 1975.
- ^l Palo Verde Justice Court District consolidated with Desert Municipal Court District on January 1, 1976.
- ^m Coronado and National Justice Court Districts and a portion of the San Diego Municipal Court District consolidated to become South Bay Municipal Court District on July 1, 1975.
- ⁿ The southerly portion of Ramona Justice Court District consolidated with El Cajon Municipal Court District; the northerly portion consolidated with North County Municipal Court District on January 29, 1976.
- ^o First, Second, Third, Fourth and Fifth Justice Court Districts consolidated to become the San Luis Obispo County Municipal Court District on January 6, 1975.
- ^p Lompoc Justice Court District became Lompoc Municipal Court District on January 1, 1976.
- ^q Dorris and Tulelake Justice Court Districts consolidated to become Dorris-Tulelake Justice Court District on January 9, 1976.
- ^r Benicia Justice Court District consolidated with Vallejo Municipal Court District to become Vallejo-Benicia Municipal Court District on July 3, 1975.
- ^s Dixon Justice Court District consolidated with Fairfield-Suisun-Vacaville Municipal Court District and became Northern Seleno Municipal Court District on January 1, 1976.
- ^t Ceres Justice Court District consolidated with Modesto Municipal Court District on January 7, 1975.
- ^u Butte and Yuba Justice Court Districts consolidated to become Sutter County Municipal Court District on January 15, 1976.
- ^v Hayfork and Mad River Justice Court Districts consolidated to become Hayfork-Mad River Justice Court District on April 28, 1975.
- ^w Junction City-Salyer and Weaverville Justice Court Districts consolidated to become Trinity River Justice Court District on April 28, 1975.
- ^x Porterville Justice Court District became Porterville Municipal Court District on November 28, 1974.



END