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Economy & Efficiency Commission Presentation

Editorial Note: Although every effort has been made to insure the accuracy of the material in this presentation, the scope of the material covered and the discussions undertaken lends itself to the possibility of minor transcription misinterpretations.

**PRESENTATION BY
Ms. Joi Sorensen
Assistant to the Executive Officer, Los Angeles Superior Court
Topic: Los Angeles Trial Court Unification
January 6, 2000**

Chairman Abel, in welcoming Ms. Sorensen, said that the consolidation of the Municipal and Superior Courts and its effects on Los Angeles are of importance to the County.

In Ms. Sorensen's opening remarks she discussed what has happened in the past regarding the coordination and consolidation of the Municipal and Superior Courts, an explanation of terms, and the present status of these efforts.

Ms. Sorensen commented that there has been talk, over the past twenty years, regarding the coordination, consolidation and the structure of the trial court system in California. These courts serve the public in resolving legal matters. In 1991 the State took a proactive step in trying to formalize these talks by passing the Trial Court Efficiency and Realignment Act. That Act placed its focus on the coordination of the trial courts. Originally the trial courts were three separate entities, the Superior Court, the Municipal Court, and the Justice Court. Coordination within those courts involved the courts working together to more efficiently serve the public, by sharing resources and developing better means of providing court services.

Ms. Sorensen said the Trial Court Efficiency and Realignment Act placed a requirement upon each county court system to work together to develop coordination plans. These plans were to have specific items for the courts to consider sharing judicial resources and administrative resources and working together to develop shared information technology systems. Los Angeles County complied with these requirements, submitting coordination plans on a bi-yearly basis as required.

In 1995 the 1991 Act was strengthened with the specification of 31 items that the courts were to focus on. These terms of coordination included time frames for completion. The final time frame for completion was July 1999. With the passage of the new standards the courts in Los Angeles County started to actively work together to meet them. The courts not only submitted the required documentation to the state, but also went through both a self-assessment and a State assessment from the State Administrative Office of the Courts. Working under the direction of the Chief Justice, the State Administrative Office of the Courts supports the State Judicial Council and has an active role in the planning and support of local courts. Los Angeles County, working with the Administrative Office of the Courts moved ahead to coordinate the various aspects having to do with efficiency in the County. Chairman Abel asked what the sanctions were if the

standards were not met. Ms. Sorensen replied that in 1995 there were few substantive sanctions.

Ms. Sorensen explained that in 1997 the Trial Court Budget Act was enacted which brought state court funding to local courts. Prior to this 70% of the court's funding was local, with the balance coming from the State. Since the passage of the Trial Court Budget Act the State supplies the majority of court funding. The remaining 10% is local funding which is primarily used for facility issues and maintenance. The funding act was tied to the coordination of the trial courts in order to receive additional monies to make improvements and implement programs.

Ms. Sorensen went on to say that in June 1998 State Constitutional Amendment (SCA) 4 was placed on the ballot and passed by the voters. What SCA 4 did was to give the judges in each county the responsibility to decide whether or not they wanted to abolish the municipal courts. On a county by county basis the judges of each of the 58 counties would have the ability to conduct a vote. If a majority of both the Superior and Municipal Court judges voted to unify the court system, the unification would go into effect. Since the passage of SCA 4, 54 of California counties have voted to abolish the municipal courts. Commissioner Stoke asked if abolished meant that these courts were eliminated or converted. Ms. Sorensen replied that converted would be a more appropriate word. She said that as a result of this unification all municipal court judges would become superior court judges. Municipal court matters would be heard under the Superior Court.

Ms. Sorensen explained the dynamics of the amendment, in terms of calling for a vote in each county. The ability to call for a unification vote was given to the presiding judge of the Superior Court; the presiding judge of the Municipal Court in the county seat; or a majority of the Municipal Court judges. She commented that currently in Los Angeles County there are 24 separate judicial districts of the municipal court, 24 separate municipal court entities.

Soon after SCA 4 was passed, the Presiding Judge of the Los Angeles Municipal Court on behalf of the Municipal Court judges in the county, called for a vote. At that time a majority, approximately 90%, of the Municipal Court judges approved unification. The superior court judges did not. Immediately following that vote the Presiding Judge of the Superior Court convened a committee of Superior Court judges to look at the issue of unification and to identify, for all the judges, the background of how this point was reached. In addition, it was to identify all the issues involved in unifying the court system in Los Angeles County.

After a six-month study several substantial issues surfaced. One was a concern over the Voting Rights Act. Of the 54 counties that voted to unify, two are awaiting pre-clearance from the Federal Government as a result of voting rights standards in those counties. Los Angeles County does not have a requirement to obtain pre-clearance to change its voting structure, but it is still subject to the provisions of the Voting Rights Act. The provisions of this act have to do with whether a change in structure would disadvantage the minority voting ability. Another concern was whether any substantive documentation existed as to whether unification provided efficiencies and cost savings.

Ms. Sorensen went on to say that in May of 1999 the Municipal Courts called another unification vote that also failed. In November 1999, as a result of the work done by a joint committee of Superior and Municipal court judges, it was determined that it would assist the courts to develop a Memorandum of Agreement (MOA) on how the court system would be structured if it unified. In December 1999 both the Superior Court and the Municipal Courts signed a MOA which specifies the governance structure of the courts, judges seniority, and assignments. Upon signing the MOA the Presiding Judge of the Superior Court called for another vote on unification, to be held on December 15, 1999. The voting period is 30 days and will end on January 14, 2000. All voting results will be submitted to the State Judicial Council. During the week following they will certify the vote and issue the results. Ms. Sorensen commented that in terms of the budget, current levels would be maintained if the courts were to unify. In addition the State Judicial Council provides for additional funding as an incentive in the amount of approximately \$24M should the courts unify.

Commissioner Padilla asked about the status of the potential bottle-neck of civil verses criminal cases. Ms. Sorensen replied that there had been a significant bottle-neck in civil cases, some years ago however an

aggressive civil delay reduction program eliminated this situation.

Commissioner Kimbrough asked to which courts the County Clerk's office supplied service. Ms. Sorensen said that the County Clerk's office is no longer affiliated with the courts. In 1985 the department of the County Clerk was merged with the Superior Court. At that time the Superior Court Executive Office assumed all of the support functions for the court. The remaining County Clerk functions were given to the Registrar Recorder. Commissioner Kimbrough wanted to know if the Municipal Courts had an administrative counterpart to the Superior Court. Ms. Sorensen replied that each Municipal Court Judicial District has its own administrative organization. Each has a court administrator who oversees non-judicial functions. With 24 separate Municipal Courts there were 24 separate administrators. Under coordination the Superior Court has administratively consolidated with 20 of the 24 Municipal Courts, so that the Superior Court Executive Officer is the Court Administrator of 20 of those courts.

Chairman Abel thanked Ms. Sorensen for her presentation, saying this was a fundamental building block of the Economy and Efficiency Commission's work, and asked Ms. Sorensen to return with an update on this and any other pertinent issues.

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