



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-148

For business meeting on September 19, 2023

Title

Trial Courts: Exceptional Criminal Case Reporting

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Stds. Jud. Admin., standard 2.2

Effective Date

January 1, 2024

Recommended by

Court Executives Advisory Committee
Rebecca Fleming, Chair
Judicial Branch Statistical Information System Subcommittee
Jake Chatters, Chair

Date of Report

August 1, 2023

Contact

Leah Rose-Goodwin, 415-865-7708
leah.rose-goodwin@jud.ca.gov

Executive Summary

The Court Executives Advisory Committee recommends that the Judicial Council amend the standard of judicial administration that provides guidance on trial court case disposition time goals to repeal a subdivision that advises trial courts to report exceptional criminal case aging. This subdivision is confusing because there is no definition of exceptional criminal cases nor any specific time standards associated with these cases. Eliminating this subdivision is intended to clarify required data reporting.

Recommendation

The Court Executives Advisory Committee recommends that the Judicial Council amend standard 2.2 of the California Standards of Judicial Administration to repeal subdivision (m), effective January 1, 2024.

The standard appears at page 5 of this report.

Relevant Previous Council Action

Standard 2.1(m), the predecessor to standard 2.2(m), was approved by the Judicial Council at its October 21, 2003, meeting and became effective January 1, 2004. At its June 30, 2006, meeting, the Judicial Council adopted a proposal to revise and reorganize the rules of court. A global change was made to standard 2.1 (Trial court case disposition time standards) to replace the word “standard” with “goal.” Also, as part of a broader reorganization of the Standards of Judicial Administration, standard 2.1(m) was renumbered to standard 2.2(m). Both changes became effective January 1, 2007.

Analysis/Rationale

Standard 2.2 of the California Standards of Judicial Administration provides guidance on trial court case disposition time goals. Subdivisions of this section establish time standards for unlimited civil, limited civil, small claims, unlawful detainer, felony, and misdemeanor cases. For example, subdivisions (f), (j), and (k) recommend that courts establish case management practices to dispose all civil cases within two years, all felony cases within one year, and all misdemeanor cases within 120 days, respectively. Other subdivisions of standard 2.2 advise courts to track the aging of different case types, which can then be used to evaluate adherence to the established time standards. For example, subdivision (g) of standard 2.2 asks courts to monitor exceptional civil case aging.

Subdivision (m) of standard 2.2 is similar in concept to subdivision (g). It recommends that courts track the age of exceptional criminal cases, stating:

An exceptional criminal case is not exempt from the time goal in (j), but case progress should be separately reported under the Judicial Branch Statistical Information System (JBSIS) regulations.

For the reasons discussed below, however this subdivision is confusing and does not appear to serve any useful purpose.

First, unlike subdivision (g), which clearly defines “exceptional” civil cases by referencing the definitions found in California Rules of Court, rules 3.715 and 3.400,¹ subdivision (m) does not provide a definition of an exceptional criminal case. There is also no definition of this term in title 4 of the rules (Criminal Rules). As a result, there is no definition for courts to use to identify these cases for purposes of the tracking recommended by subdivision (m).

Second, subdivision (m) does not establish a purpose for reporting exceptional criminal case aging. Subdivision (g) advises courts to track exceptional civil case aging for the purpose of ensuring that exceptional civil cases are disposed within a special three-year time standard (this is one year greater than the time standard for a nonexceptional civil case). In contrast, subdivision (m) does not explain the utility of tracking exceptional criminal case aging. In

¹ All further rule references are to the California Rules of Court.

addition, subdivision (m) specifically states that an exceptional criminal case “is not exempt from the time goal in (j),” which recommends that all felony cases be disposed within one year of arraignment. Thus, the time goals for exceptional criminal cases and regular felony cases do not differ, eliminating this as a possible reason for separately tracking the progress of exceptional criminal cases.

Finally, courts cannot carry out separate tracking of exceptional civil cases in the way recommended by subdivision (m). Subdivision (m) explicitly states that the progress of exceptional criminal cases should be “separately reported under the Judicial Branch Statistical Information System (JBSIS) regulations.” This is the only subdivision of standard 2.2 that explicitly recommends that courts track a type of case aging in JBSIS. Despite this advisement, exceptional criminal case aging has not been reportable in any version of JBSIS—and is not reportable in its current version, JBSIS 3.0. Although the subdivision was adopted in 2004, no case type has been designated in JBSIS to specifically record exceptional criminal cases. Additionally, no data rows have been created to track exceptional criminal case aging within existing case types. Therefore, courts have not been tracking and cannot currently track the progress of exceptional criminal cases in the manner recommended by subdivision (m).

For all of the reasons above, the committee concluded that subdivision (m) is confusing and does not appear to serve a useful purpose.

Policy implications

Currently and historically, the judicial branch has not reported data as recommended in subdivision (m), and there does not appear to be any purpose for or benefit of reporting or tracking this information since these cases are subject to the same time standards as nonexceptional criminal cases. Eliminating this subsection will clarify reporting requirements for trial courts in this case type area.

Comments

This proposal was circulated for public comment between March 30 and May 12, 2023, as part of the regular spring invitation-to-comment cycle. Two comments were received from trial courts, both in support of the proposal. A chart with the full text of those comments and the committee’s responses is attached at page 6.

Alternatives considered

As an alternative to proposing the repeal of subdivision (m), the Court Executives Advisory Committee considered the necessary steps for ensuring that subdivision (m) is fulfilled. The Judicial Council would need to adopt a rule or standard defining an exceptional criminal case. Judicial Council staff would need to update the JBSIS data infrastructure and JBSIS manual to allow for reporting and aging such cases. Trial courts would need to review criminal cases and apply exceptional criminal case designations within their case management systems, databases, and/or statistical tools. The completion of these steps would require advisory committee time and effort to develop recommendations for a new rule or standard, Judicial Council staff time to update JBSIS, trial courts’ staff time to update their business and reporting procedures and, for

some trial courts, case management system vendor updates. The committee found that, because subdivision (m) provides no stated purpose, it is unclear how the expenditure of these resources would benefit the judicial branch or the public, and so concluded that the subdivision should be repealed.

Fiscal and Operational Impacts

Because the judicial branch is not currently following the recommendations in standard 2.2(m), repealing this subdivision will have no fiscal or operational impacts other than minor staff time costs incurred to update the standards.

Attachments and Links

1. Cal. Stds. Jud. Admin., standard 2.2(m), at page 5
2. Chart of comments, at page 6

Standard 2.2 of the California Standards of Judicial Administration is amended, effective January 1, 2024, to read:

Title 2. Standards for Proceedings in the Trial Courts

Standard 2.2. Trial court case disposition time goals

~~(a)-(l)~~ * * *

~~(m) Exceptional criminal cases~~

~~An exceptional criminal case is not exempt from the time goal in (j), but case progress should be separately reported under the Judicial Branch Statistical Information System (JBSIS) regulations.~~

~~(n)(m)~~ * * *

~~(o)(n)~~ * * *

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All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Iyana Doherty, Courtroom Operations Supervisor, Superior Court of the County of Orange	A	We agree with the suggested change to repeal that standard as we are currently not tracking “Exceptional Cases” through JBSIS or other means.	No response required.
2.	Lester Perpall, Court Executive Officer, Superior Court of the County of Mono	A	Without a clear definition or use for exceptional criminal cases and their aging, it is appropriate to repeal subdivision m.	No response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated