



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.:

For business meeting on September 18–19, 2023

Title

Trial Courts: Exceptional Criminal Case Reporting

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

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

June 9, 2023

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Executive Summary

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). Standard 2.2(m) advises trial courts to report exceptional criminal case aging in the Judicial Branch Statistical Information System (JBSIS), though 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 in JBSIS.

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 proposed amended standard is attached at page 5.

Relevant Previous Council Action

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 of 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. This tracking can then be used to evaluate adherence to the established time standards.

Subdivision (m) of standard 2.2¹ 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.

This subdivision references the time goal in subdivision (j), which recommends that all felony cases be disposed of within one year of arraignment. Subdivision (m) affirms that exceptional criminal cases should also be disposed of within one year of arraignment. It asserts, though, that the age of exceptional and nonexceptional criminal cases should be tracked separately.

Analysis/Rationale

Subdivision (m) of standard 2.2 requires trial courts to track and report exceptional criminal case aging in JBSIS. The subdivision appears to mirror subdivision (g), which asks courts to monitor exceptional civil case aging. These two subdivisions differ in four important ways.

First, subdivision (m) explicitly states that exceptional cases must be tracked in the Judicial Branch Statistical Information System; subdivision (g) does not. Subdivision (g) advises courts to “monitor” the age of exceptional civil cases. Subdivision (m) asks courts to report the age of exceptional criminal cases in JBSIS.

Second, subdivision (g) cases are currently reportable in JBSIS; subdivision (m) cases are not. Although subdivision (g) does not explicitly require courts to report the age of exceptional civil cases in JBSIS, data rows are available for courts to provide this information. No equivalent rows are present for exceptional criminal cases.

Third, subdivision (g) clearly defines what cases are “exceptional,” whereas subdivision (m) does not. Subdivision (g) references the definitions of an exceptional civil case found in rules 3.715 and 3.400. Subdivision (m) does not explain how exceptional criminal cases are defined and does not reference a definition of an exceptional criminal case.

Fourth, subdivision (g) establishes a purpose for reporting exceptional case aging, whereas subdivision (m) does not. Subdivision (g) advises courts to track exceptional civil case aging to ensure that exceptional civil cases are disposed of within three years. The time standard for an

¹ Adopted effective January 1, 2004, and amended effective January 1, 2007.

exceptional civil case is one year greater than the time standard for a nonexceptional civil case. Subdivision (m) does not explain the utility of tracking exceptional criminal case aging. This subdivision states that the time goals of exceptional and nonexceptional criminal cases do not differ.

These four differences suggest that subdivision (m) borrows the premise of subdivision (g) without establishing necessary compliance procedures. Exceptional criminal cases, unlike exceptional civil cases, are not clearly defined. They have no explicit definition in the California Standards of Judicial Administration or Title 4 (Criminal Rules). Even if these cases were reported separately, they would still be subject to the same time standards as nonexceptional criminal cases.

Policy implications

Currently and historically, the judicial branch has not reported data according to subdivision (m), and there does not appear to be any purpose 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 reviewed and approved unanimously by the Court Executives Advisory Committee at its October 26, 2022, meeting. The proposal was then circulated for public comment for a 30-day period ending May 12, 2023. Two comments were received from trial courts, both in support of the proposal. Those comments are attached at page 6.

Alternatives considered

As an alternative to proposing the repeal of the 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 subdivision should be repealed.

Fiscal and Operational Impacts

Repealing this subdivision has 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

DRAFT

1 **Standard 2.2. Trial court case disposition time goals**

2

3 ~~(a)(l)~~ * * *

4

5 ~~(m)~~ **Exceptional criminal cases**

6

7 ~~An exceptional criminal case is not exempt from the time goal in (j), but case~~

8 ~~progress should be separately reported under the Judicial Branch Statistical~~

9 ~~Information System (JBSIS) regulations.~~

10

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

12

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

14

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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.