

Hi, this is Chris Micheli of the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law. Today's podcast is to provide an overview of California's judicial branch of government.

Just like the federal government, California has three branches of its state government - legislative, executive, and judicial. Article VI of the state constitution provides for the judicial branch of government. As we learned in our high school civics course, the judicial branch has the authority to interpret the laws of the state. With a population just shy of 40 million, this state, it's not a surprise that California's judicial branch of government is the largest in the country.

It handles over 10 million criminal and civil cases each year. There are more than 2,000 judicial officers in this state and over 18,000 employees in the judicial branch of the state. The court system in this state is led by the Chief Justice of the State Supreme Court and there are three levels of courts in California. The Superior Courts, which serve as the trial courts; the Courts of Appeal, which serve as the intermediate appellate courts; and the Supreme Court, which is the highest court in the state. The administration of the courts, including the adoption of court rules, is overseen by the Judicial Council.

There are also several other support entities for the judicial branch of government in California. The Commission on Judicial Performance, the Commission on Judicial Appointments, the State Bar of California, and the Commission on Judicial Nominees. California initially had a Supreme Court of only three justices. Eventually, in the late 1800s, a constitutional change established a seven-member high court with 12-year terms that exist today. The Supreme Court's decisions were also required to be in writing as that was not a requirement earlier. In the early 1900s, the Courts of Appeal were created. Around that time, the current system of gubernatorial appointments of the justices was adopted.

The Superior Courts, of which there are over 400 locations up and down the state, has over 2,000 judges and they're located in each of the 58 counties of the state of California. These trial courts have jurisdiction over criminal and civil cases, including specialized areas of the law such as family and probate law. Cases in this state are tried before juries and judges. Superior court judges are appointed by the governor when a vacancy occurs and they serve six-year terms. These trial court judges are also elected by counties in general elections.

Now, the Courts of Appeal are located in six districts numbered one through six. These six districts cover the entire state of California. These intermediate appellate courts have jurisdiction over appeals from cases tried in the superior courts. They also have jurisdiction over certain cases, such as: habeas corpus, which is challenging the confinement of an individual, mandamus, forcing an official duty to occur, prohibition, restraining certain action, certiorari, the review of a judicial action, and challenges to decisions that are made by certain state boards including the Workers Compensation Appeals Board, the Agricultural Labor Relations Board, the Public Employment Relations Board, the Department of Alcoholic Beverage Control, and some of the decisions of the Public Utilities Commission.

Now, the Courts of Appeal justices are appointed by the Governor and confirmed by the Commission on Judicial Appointments. At the end of their terms, and in

gubernatorial elections, the justices must also be approved by the voters. There are just over 100 justices who serve on the appeals courts.

Finally, there is the state Supreme Court, which is the highest court in the state. Among its numerous duties, the Supreme Court must review all death penalty cases. However, the high court has discretion to review civil appeals and other criminal appeals from the state's Courts of Appeal. Cases from the appellate courts are based upon petitions for review and the justices decide to accept or decline the cases at their weekly conferences. Only a small number of cases are accepted for review. The Chief Justice and the six Associate Justices of the Supreme Court are appointed for 12-year terms by the governor.

After a review by the State Bar's Commission on Judicial Nominees evaluation, these appointees are then confirmed by the Commission on Judicial Appointments. At the end of their 12-year terms, the Supreme Court justices must also stand for election to continue to serve.

The Judicial Council of California is the administrative office of the State Court System. The Judicial Council has 21 voting members and six advisory members. The Council is chaired by the state's Chief Justice. The administrative office of the courts provides policy support, handling budgets, fiscal services, technology, education, human resources, research, and much more.

There are a number of other agencies that support the judicial branch of state government, including the Habeas Corpus Resource Center, which exists to represent anyone who cannot afford to hire appellate counsel in capital cases. Note that the Commission on Judicial Performance is charged with investigating judicial misconduct or incapacity and imposing discipline or making recommendations.

The State Bar of California is also considered part of the judicial branch, although it is a public corporation. The State Bar examines all candidates who want to practice law in the state and all attorney's license in California must join the State Bar. It also formulates and enforces rules of professional conduct.

Finally, the judicial branch receives over \$3 billion in funding each year with roughly 2.8 billion being provided to the trial courts, and just over \$200 million is allocated to the appellate courts throughout the state.

Thanks for joining this brief overview of the judicial branch of California state government. I hope you enjoyed it.