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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.

**PRESENTATIONS BY
The Honorable J. Stephen Czuleger,
Presiding Judge
Los Angeles Superior Court**

June 5, 2008

Chairman Ikejiri welcomed and expressed the great honor for the presentation by the Honorable Presiding Judge J. Stephen Czuleger as he was then introduced by Chair-Emeritus Robert Philibosian.

Chair-Emeritus Philibosian thanked Judge Czuleger for being there as he explained that Judge Czuleger is one of the busiest people in the state of California being the Presiding Judge in Los Angeles County with 600 judicial officers. He explained how the Presiding Judge is elected by all of the Judges in the County which is a tribute to The Honorable Presiding Judge J. Stephen Czuleger. His background as a prosecutor in the U.S. attorney's office is where Judge Czuleger distinguished himself. He also worked in private practice for awhile and then was appointed to the court, first the Municipal Court then the Superior Court. Subsequently, he was assigned by Chief Justice of California to special assignments. Chair-Emeritus Philibosian then turned it over to Judge Czuleger to talk about the court system in Los Angeles County.

Judge Czuleger expressed his thanks to Chair-Emeritus Philibosian for his kind thoughts. He then began discussing the Los Angeles Superior court and how he truly values the strong continued relationship with Los Angeles County.

Los Angeles Superior Court Overview

Judge Czuleger began explaining that several years ago the courts went from being funded by the County to being funded by the State. Judge Czuleger stated that he has a story to tell that he feels that everyone involved in County government should understand. He expressed his pride in being a part of the Los Angeles Superior Court today and in the future.

There are 2.7 million filings every single year: 470,000 criminal cases; 300,000 civil cases; 120,000 family law cases; 41,000 juvenile cases; and 1.7 million traffic citations; and others include cases in mental health, probate, appellate, etc. Last year the Los Angeles Superior Court handled 5,000 jury trials and approximately 50,000 court trials. They qualified nearly 1 million jurors a year from citizens of Los Angeles County. They need between 6,000 and 10,000 jurors everyday in Los Angeles County. There are very few institutions that touch as many citizens each and everyday.

Many people go through the courts each day as Los Angeles Superior court deals with thousands of people daily. There must be trust and confidence for the courts by the public. Judge Czuleger expressed that they work hard to keep the trust of the public. Unless the public has confidence in the courts, there is simply no court system that could function with any sort of justice or efficiency.

With 2.7 million filings they are disposing of an equal number of cases. Judge Czuleger stated that they are on top of their case loads. Years earlier the average time to trial was 5 years and now it is down to 16 months. Eighty percent of criminal cases are resolved within 120 days. He stated that they must work everyday on a regular basis to work that calendar. The Los Angeles Superior Court is in the forefront of case management techniques in both the civil and criminal arenas. They are a statewide example of how to manage case loads. The Los Angeles Superior Court is three to four times larger than the next largest courts. Every case must be resolved in a timely fashion with a fair and just manner. In regards to the dispute resolution business, not everyone is going to be happy after they process cases. The court is doing what should be done with timeliness and in a fair and just manner.

Judge Czuleger reported that the L.A. Superior Court has nearly 600 bench officers, judges, commissioners and referees. Their work regards timeliness and having things done in a fair and just manner a priority. He reported that they are down nearly 2 dozen bench officers in L.A. County. About three months ago he saw that there would be a crisis in the reduction of bench officers, due to many retiring, disability and some going into other areas. By the end of July they will be down about 35 bench officers which is a troubling situation for the courts. They plan to do the best they can with the resources they have.

One of their greatest strengths is that they have over 6,000 dedicated employees who are professional and conscientious. Those employees make sure that things get done right. Judge Czuleger expressed that they work hard to maintain a positive relationship with all the employees and the many unions that represent them. They were very successful in renegotiating the contracts which were signed before the County budget crisis. He expressed that they work hard to provide a supportive work environment and are very successful at it.

Over a year ago they opened the largest self-help center in the State. The self-help center serves over 350 people everyday, 7,000 people every month who do not have access to lawyers and now have access to the courts. There are over 50 court houses and thanks to Supervisor Antonovich, they are opening up 2 more courtrooms in Antelope Valley.

Judge Czuleger expressed his pride and his over 20 years on the bench and involvement in state-wide judicial activities. He is the Vice President of the California Judges Association and sat as a Superior Court Judge in Orange County. He has seen the court system throughout the state. Judge Czuleger expressed that the Los Angeles Superior Court is truly the finest trial court in the entire State.

Funding for the L.A. Superior Courts

Judge Czuleger explained the funding flow from Sacramento to the court system in San Francisco and eventually to the Los Angeles Superior Court. He emphasized that in order to serve the people of L.A. County effectively; the relationships are critical and key to doing their jobs. They are funded by the State and partnered with many County agencies. He explained that they work directly and intimately with the Sheriff's office, the D.A.'s office, Public Defenders office, Probation, Children Services and Mental health.

The Los Angeles Superior Court is housed in a County building and serviced by County contracts. A positive relationship is very important to maintain with the County and they work on those relationships. Judge Czuleger expressed his appreciation for the County's work and the work that the Commissioners do on behalf of the County.

Having the sufficient resources is always the biggest problem. Judge Czuleger explained how there are never enough resources, yet some years are better than others. This year he explained that it is going to be a huge struggle.

Los Angeles Superior Court is the largest trial court in the State and in the country. Judge Czuleger has made obtaining more resources for the L.A. superior court a priority during his administration and is happy to report that he has had some successes.

The most immediate challenge is an underfunding for security that is currently about \$12 million and they anticipate it will rise to \$18 million in the coming year. The courts have a contract with the L.A. County Sheriff. They plan to meet the challenge of underfunding issues. They cut \$3.2 million in cost by removing deputy sheriffs in court rooms, reducing security in the building and making other changes. They have also reduced judicial security and have taken the bailiff out of his courts, although they feel it is important to have some security around. Judge Czuleger went to A.O.C. in San Francisco and lobbied heavily and obtained some monies for the courts. The courts have taken money out of operating funds. Judge Czuleger emphasized their security concerns in that everyone goes home safely at the end of the day.

Judge Czuleger explained the daily security challenges they face in their building. They plan to bridge financing to pay security. The biggest crime problems in Los Angeles County are gangs. As far as security in the courts, some defendants in custody are gang members, the victims are members and friends of the defendants and victims are also gang members. There is major policing operation in each of the court houses. They receive bomb threats fairly regularly.

Judge Czuleger has traveled to Sacramento many times to tell the story of the L.A. Superior Court and has some success there. He mentions the budget cut and underfunding and talks about the gang members and shootings in the court houses to the members of Legislature and they become more interested. Also with certain celebrities he knows that there is an administrative problem needed to be dealt with the night before. Because by 7a.m. many press trucks are lined up with their satellite dishes outside of the building and parking areas.

The budget crisis that the State is planning has been doing contingency planning for several months. The administrative office of the courts asks them to make plans based on a \$47 million dollar cut to the budget. The only way that the L.A. Superior court could meet it, is by closing court houses which is on their agenda. They will close the ones that make most economic sense and by cutting any number of programs.

The Senate of Assembly wants even deeper cuts from Los Angeles County alone. Because the State has a \$17 billion dollar hole in its budget, even though the courts represent a small percentage of that, they will be asked to take a cut.

Judge Czuleger asked for the help in keeping the courts the finest by doing are things that can be done as citizens and most importantly, carrying out the message he has shared. He thanked the Commissioners for the opportunity to speak and expressed his appreciation for their time.

Questions and Comments

Commissioner Mindlin thanked Judge Czuleger for being there, and expressed that he has definitely gotten a lot of insight from the information he has shared. He added that he has seen first hand what Judge Czuleger and the courts have done which is amazing. He remarked that jurors still hate to be on jury duty and the difficulty it is for most to be taken away from work and noted that there are mostly government employees or those for whom companies pay for them to be there, while others cannot afford to leave their business. Judge Czuleger agreed that it is the biggest complaint. He explained that they have a population expert which has to keep redrawing the circles. Ten years ago nobody lived in downtown and now they are accounted for and jurors may be made up of representative groups in which everybody serves. Judge Czuleger added that one of the things in working closely with Bill Fujioka is getting wireless internet into the court houses. They plan to have at least one wireless location in every courthouse by the end of the year.

Commissioner Mindlin also addressed the issues regarding dispute resolution and alternative dispute resolution. He asked how they will get people out of court by alternative measures if they are losing their budget. He commented that he sees and has dealt with people who use the courts as negotiating tools because the fees are so low. Judge Czuleger explained that family law is a little more difficult because it is

so personal and they do offer family mediation. He added because those cases are personal they sometimes never go away. Alternate Dispute Resolution (ADR) is a large issue and this is why they encourage people to attempt to resolve in the forefront. There are hundred of such cases and early mediation is the best as they force the lawyers to talk to each other in order to frontload and settle early. They have an entire ADR. office and there is also private judges to mediate cases. Judge Czuleger explained that both bench officers and two full-time lawyers who are in mandatory settlement courts settle a lot of cases. Commissioner Mindlin asked how a lawyer would be able to volunteer. Judge Czuleger answered that there is one ADR. and pro-temp judges for a day for some family law, and some small claims one could apply and be trained by the pro-temp committee. Commissioner Mindlin suggested having information added in the State Bar dues and offer pro-bono work by sitting on the courts. Judge Czuleger responded that if the Bar Association would do that it would be great.

Commissioner Padilla addressed the issue of punishment, judgment and revenge verses rehabilitation on seemingly intractable issues with gang violence. He asked where does there need to be focus as individuals and folks at work on behalf of government regarding these different problems. Judge Czuleger answered family, school and education which are things that courts aren't involved. Juvenile courts are very aggressive in pushing and stopping kids from reaching the point to play with gang activity and try to get them to school and education that may help. This is the same with social services and what Probation and Mental Health Departments can offer. He went on to explain that one of the largest areas of concern is dependency, where children are taken away from their parents. These are parents and children with drug problems from 8, 10, 12, 14 years old. In terms of solving the societal problem, unfortunately everyone turns to the courts as the final arbitrator of what is going to happen. He explained that there is dispute resolution and many drug courts to keep them in rehabilitation drug programs if they don't do it. When it comes to State prisons and County jails, defendants know it's a "book and release" if they insist they won't go to the State program. Some know the system and the problems and work with the resources available.

Commissioner Fuhrman commented on going back to serving on juries and colleagues that serve on juries, the single comment everyone says is the lack of respect or value for the juror's time. Judge Czuleger replied that they are trained to manage their calendars. The jurors are also given exit surveys to get feedback. There are 20 cases set for trial until the case is called and many times at the last minute, the defendant pleads. He explained that the utilization is something that they are working on.

Commissioner Otto expressed her concern when they close certain courtrooms and asked if there is a contingency plan. She noted how people are late to court in Long Beach because they can't get in the elevator and the escalators are broken. Judge Czuleger responded with two things: one that the courts belong to the County but by State law they are transferring the courts to State ownership; secondly, Bill Fujioka is in negotiations to transfer all of the court houses to the State. Judge Czuleger explained that he is on a committee doing the planning to build a new Long Beach courthouse. Commissioner Otto asked where are they planning to send other cases from closed courthouses and are they able to accept additional case loads. Judge Czuleger explained that the decision is not made by what is fair, but by what it would cost to run the building or what would be saved by closing the building, not necessarily by community. They have been fiscally very conservative with a \$60 to \$80 million cut and there are not expanded operations because they anticipated a two year fiscal problem. The State will run out of cash about August 15th as they discussed the cash flow problem.

Commissioner Cole asked if they have considered discussing the filing fees. Judge Czuleger replied that they cannot do that because it has to be done by the State. There has been discussion in Sacramento to raise the filling fees. If the purpose is revenue generation, there is also a point of diminishing returns. They would have to come up with a figure that they know they can generate. There is a tipping point and people may stop paying their fines therefore it has to be done intelligently. Judge Czuleger added that they should not be a cash generating source, but rather a justice source. Civil filing fees probably rise and then smaller portions of the filing public pay a larger portion of money and then it diminishes the returns. They are considering and looking at the issue.

Chair Emeritus Philibosian asked what the budget is and in regards to the \$100 million dollar decrease.

Judge Czuleger said it is \$821 million. Commissioner Padilla asked if he can go over the distinction. Judge Czuleger said that historically in California the courts were County courts which consisted of L.A. Superior Court, and L.A. Municipal Court which is one court system funded by the County. Commissioner Padilla asked if county gets funding from the State and the State makes the code that collects property and sales tax. Judge Czuleger responded in reference to State versus County financing the courts. A bill past that the State will take over financing the courts and relieve County obligation with the exception that they had to contribute a certain amount that goes to the State which gets smaller every year. Once they became State financed they are now thrown in a pool with 57 other trial courts throughout the State. The legislature comes up with a figure and administers out the money.

Commissioner Padilla stated that therefore L.A. County Superior Courts have to go to the State to get more leverage and so it is basically more of a functional problem relationship. Judge Czuleger expressed how he cares about the L.A. Superior Court and is hired to be Presiding judge of Los Angeles and that is his interest and operation he is hired to run. When he goes to members of Legislature they understand yet the priority is if hospitals are closing, teachers are getting laid off, or prison overcrowding. The courts simply aren't top priority and that is the reality.

Commissioner Mindlin added that 16% cuts to all courthouses affects all counties differently, depending on their size. Judge Czuleger added that 10,000 people come into the L.A. Superior Court a day.

Commissioner Fuhrman commented that if a very large percent of inmates are there as detainees prior to trial, the more rapidly they can get to trial and get their cases resolved they'll be either out of County court and get out free or to State prison. If that population could be reduced by even a third there would be a substantial reduction in County cost and perhaps court cost as well. He asked if they have addressed that specifically and what can be done on the Judge's end in accelerating the process of inmates.

Judge Czuleger agreed that he would like to see it reduced by 50% and that they are trying to push the early disposition courts. The D.A., P.D. and judge are working together. They need more cooperation which is key for early disposition. He told Bill Fujioka he wants to work with him on his jail overcrowding plan. Last status of early disposition is around 20% and he thinks he could get 50%.

Commissioner Fuhrman asked how many times they have found continuances because of unavailability of P.D. or County staff. Judge Czuleger responded that he has not heard that it is a problem state-wide. Although it can be a problem on a particular case, and one thing they try to do is to have the same P.D. and D.A. in the same court rooms all of the time. Ninety percent of the cases, particularly with P.D. or the D.A., get backlogged because of so many trials going. They are so aggressive in terms of case management and not granting continuances. They have a hard and fast rule that continuances must be based on good cause and on a written motion. It is easy to put a case over for a couple of weeks but also remembering they are put over with 20,000 other cases and that there will be an impact.

Commissioner Glassman asked in regards to all the budget cuts and everything happening if it is possible and maybe likely that Judge Henderson is overseeing the State correction system and will order the release of some prisoners and a large number of them are coming back to Los Angeles County and therefore could one speculate of the recidivism that would occur. Judge Czuleger answered that there are about 10,000 that will re-offend. Looking at how many L.A. County send to the State prison system, depending on the crime anywhere from 30% - 40% will re-offend. Commissioner Glassman asked if there is a possibility or likelihood of incredible overcrowding in the courts. Judge Czuleger replied that what is seen in the State prison system has been going on in L.A. County for the last several years. There is no one place to send anybody as they are aware and now very concerned. Some of the proposals talk about transferring parole supervision to the courts and the concern is what they do with an extra couple thousand people paroled.

Chair Ikejiri thanked Judge Czuleger very much and expressed the confidence in that the courtroom is fair and just with Judge Czuleger's administration. Judge Czuleger expressed that he encourages complaints being that is how they learn with a system as large as theirs, whether they be judges, jurors, he needs to be told. Judge Czuleger expressed his thanks to everybody.

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