FINDINGS – DIRECT CALENDAR SURVEY

Public Defender’s Attorneys

The survey prepared specifically for the attorneys was also distributed to attorneys from the Public Defender’s Office. A total of sixteen (16) surveys were distributed and returned completed. (see Appendix 14). It was interesting to note how different their responses were when compared to the District Attorneys’ responses.

The attorneys from the Public Defender’s office were asked which calendar system they preferred. Thirteen or 81% of the respondents preferred working with the direct calendar system and two preferred working with the master calendar system. One respondent did not have a preference. Thirteen or 81% of the sixteen respondents believe that cases reach disposition sooner under the direct calendar, and two responded that there was no change. Fourteen or 87.5% of the sixteen respondents believe that the direct calendar allows them to maintain continuity with their clients. The majority of the respondents prefer having one judge hear their case from start to finish as opposed to different judges and two preferred different judges. Twelve of the respondents have not experienced increased frustrations with the direct calendar; one responded that they had experienced increased frustrations. The majority of the respondents believe that the calendar can influence a judge in making a decision in a case as well as influencing the court’s ability to induce pleas and settlements. The majority of the respondents also believe that continuances have decreased with the direct calendar. The majority also believe that the quality of justice has been improved using the direct calendar system. The respondents were also asked to list any modifications they would recommend be
made to the existing direct calendar. The following are their recommended modifications:

- No need for three conflict departments. Two would be sufficient.
- Need to have a more equal distribution of cases among all departments.
- The conflict courtrooms should take more non-conflict cases.
- Need fewer conflict departments because they simply do less work; distribute the workload in a mathematically even manner across all departments – all departments should get the same number of pretrials and VOP’s, etc.
- If we could interview more clients before court we could reduce the number of continuances. We have less time to speak to clients before court.
- Distribute work more evenly between conflict and non-conflict departments or get rid of one of the conflict departments.
- Need a clearer system for setting Penal Code 995 motions.

**Other comments made in favor of the direct calendar are as follows:**

- Everyone (judges, attorneys, etc.) has a better understanding of the cases and a bigger stake in their resolution – this forces everyone to be more efficient.
- Direct calendaring allows you to plan trials based upon your available schedule.
- There are fewer hearings per case; less passing around of files between attorneys which causes inefficiency; less time waiting for opposing counsel which is very inefficient and occurred far more under the old system. Less duplication of tasks by the DA’s and defense attorneys after they get file from another attorney (i.e. reviewing rap sheets and priors).
- Fewer preliminary hearings and fewer trials under the direct system.
- Less waiting around for cases to be called under the direct calendar.
- Quicker resolutions. Cases aren’t passed off to trial as much, reducing expenses associated with trial preparation.
I believe it is easier to evaluate and settle cases under the direct calendaring system. I also think continuity of representation encourages settlement because more cases settle, expenses are minimized.
Findings-Direct Calendar Survey
Private Attorneys

We prepared a survey on the direct calendar for thirty (30) private attorneys (ten criminal/ten civil/ten family law) who frequently practice at the Stanislaus County Superior Court. These attorneys were selected randomly and asked to complete the questionnaire on the court’s calendar system. (see Appendix 15). 100% of these surveys were completed.

Criminal Attorneys:

The survey consisted of seventeen questions. The first question asked respondents which calendar system they preferred. Three of the ten respondents preferred working with the direct calendar system and four preferred working with the former master calendar. The remaining three attorneys stated that they did not have a preference on the type of calendar. Only one respondent felt that cases reach disposition sooner under the direct calendar. Seven respondents did not see any change in the disposition timeframe. Three attorneys believe that they are better able to manage their workload under the direct calendar; six attorneys responded that they aren’t able to better manage their workload. One attorney responded that there was no change in his ability to manage the workload.

The respondents were asked if they preferred to have one judge handle their case from start to finish rather than different judges. Four of the ten respondents preferred to have one judge handle their case; two respondents preferred different judges and three indicated no preference. Half of the attorneys believe that the calendar system can influence a judge in making a decision in a case. The majority of the attorneys believe
that the direct calendar system influences the court’s ability to induce pleas or settlements at the earliest possible times. In terms of disposition of cases, 50% of the criminal private attorneys believe that the direct calendar improves the quality of justice.

Recommendations or comments made by the criminal attorneys on the direct calendar survey are as follows:

- Need more control for multi-defendant cases-firmer handle on parties in multi and complex cases. Time is a big problem. The direct calendar is not flexible enough to allow time to efficiently manage your case.

- The direct calendar is better because the judge gets to know the case. Prosecution gets away with a little more under the old master calendar. It’s a benefit for private attorneys because there’s no jumping from judge to judge because the judge handling the case knows all the facts.

- Both systems have their pros and con’s but whatever system the judges want to use is fine with him.

- The court should try to lessen the number of courtrooms that private attorneys must appear at for retained and appointed cases. The attorneys are running all over the courthouse. This could be a result of having to shuffle the cases around due to Judge Ladine’s death. The Public Defender has an advantage with this calendar because they have their set courtrooms.

- Don’t like the “down” days in the middle of the week on some of the judges schedules. Monday or Friday is fine but not the middle of the week there’s a lot of waiting time in the court. In the old system all were handled in one courtroom. They are spending a fortune on subpoenas and have to work with witnesses.

- Master calendar was better because they spent less time running from courtroom to courtroom leaving more time to deal with witnesses and preparation.

- Scrap the direct calendar and go back to the master system.

- Judges don’t have enough bailiffs to cover the courtrooms. There is an inadequacy in the number of Sheriff Deputies.

- Setting long cause prelims. He arrives at 8:30 a.m. and has to wait until 1:30 p.m. It’s a waste of money in cases where he is appointed.
• People are being arraigned who have expressed a desire to obtain counsel which forces the client into finding an attorney instead of allowing them to come back for further arraignment. When this happens the attorney is already behind the clock as the case has progressed to pretrial by the time counsel is obtained.

Civil Attorneys:

The same survey was given to ten private attorneys who specialize in civil litigation. (see Appendix 16). Seven of the ten attorneys surveyed prefer working under the direct calendar as opposed to the master calendar system. When asked for their opinion on whether they believed that cases reach disposition sooner under the direct calendar, two attorneys felt that they do reach disposition sooner and seven felt that there was no change. Eight of the ten attorneys surveyed prefer to have one judge handle their case from start to finish as opposed to having different judges at various stages of the proceeding. Six of the respondents believe that the direct calendar system influences the court’s ability to induce settlements at the earliest times.

• Recommendations or comments made by the Civil Attorneys regarding the direct calendar are as follows:

• Cases have a greater chance of going forward under the direct calendar.

• The court should allow attorney associates to attend the case management conferences. This would help the attorneys with setting dates.

• Pleas or settlements can be induced sooner because the judge knows the case.

• The calendar should be modified so that case management conferences can be held at different times. It’s hard to be in civil Department 21 which is located five miles from the main courthouse and then have to appear at the main courthouse.

• Can’t see how the judge can hold really detailed case management conferences and then conduct trial. It would be interesting to be educated in that regard.

• Need more balance between the three civil courts. Law and motion needs to be integrated thru the entire week.
• Settlement conference should not be the same judge as the trial judge.

**Family Law Attorneys:**

The same survey was given to ten private attorneys who specialize in family law. Please see the Appendix for the detailed questions and scantron results of the completed surveys.

I have highlighted some of the responses in the following narrative. Eight of the ten attorneys surveyed preferred working under the direct calendar as opposed to the master calendar. Six of the respondents believe that cases reach disposition sooner under the direct calendar system. Seven of the attorneys feel that they are better able to manage their workload and eight believe they are able to maintain continuity with their clients. All ten attorneys prefer having one judge handle their case from start to finish. Eight of the ten respondents believe that the direct calendar system influences the courts ability to induce settlements earlier. The majority of the attorneys believe that the direct calendar improves the quality of justice.

Recommendations or comments made by the attorneys that specialize in family law matters are as follows:

• The direct calendar does require more court appearances and preparation of more documents.

• Need to drastically reduce hearing delays.

• Need to have 3 departments instead of 2.

• Need more judges.

• Need earlier mandatory settlement conferences.

• Need more judges to better serve the number of family law cases.
• Need earlier settlement conferences. Perhaps a settlement conference before a
trial date is set. Too many trials are set clogging the calendar.

• Master calendar minimizes expenses because in cases where there are no assets,
clients are forced to follow cases to conclusion instead of bifurcating and
ignoring the rest.
• Direct calendar minimizes expenses as there is less repetition.

• Under the direct calendar there are fewer continuances. judges are familiar with
cases. Direct calendar helps reduce repetition, therefore less need for hearings.

• Hearings, trials and mediations are taking longer to get on calendar – sometimes
months.

• Case management conferences seem to be just a waste of everyone’s time. Need
to set just one case management conference.
FINDINGS – DIRECT CALENDAR SURVEY
Clerk’s Office Employees

A survey on the direct calendar system was given to various Superior Court employees who had previously worked with the master calendar. This involved employees in the Civil, Criminal, Family Law and Probate units. A total of 50 surveys were distributed randomly and 47 or 94% were returned. The purpose of the survey was to determine what impact the direct calendar has had on the Clerk’s office employees. The survey also measured user satisfaction. The survey consisted of thirteen questions. (see Appendix 17). The majority of the employees surveyed believe that the direct calendar is a better system when compared to the master calendar. The majority of the respondents believe that the direct calendar has increased their workload. With the implementation of direct calendaring the units are working in teams and the majority of the respondents believe that working in teams has made processing the work easier. In addition, the majority of the respondents felt that they have more control over the files as the teams are divided by terminal digit and this makes their work easier. The employees were asked if the direct calendar system has expanded their knowledge in processing a case from beginning to end. The majority of the respondents believe that the knowledge they have gained is beneficial in their jobs.

The employees were asked to list three ways that the direct calendar has helped their unit, the responses were as follows:

- Workload is more evenly distributed.
- The work is less tedious than before.
- Direct calendaring requires more additional steps.
• Calendars are somewhat smaller.

• Direct calendar makes it easier to locate files.

• Data entry and procedures are more accurate.

• There is more accountability for lost files/errors.

• Direct calendaring has allowed them to become familiar with the judges manner of how they expect their files to be prepared for calendaring purposes.

• Direct calendaring helps them work as a team.

• Email response time is faster. You only respond to your own department.

• Because cases are assigned-it limits amount of errors when transferring cases between departments (i.e., case with conflict attorney will be in either Dept. 2, 8 or 9 only).

• It is easier to keep track of where the files are sent.

• I have a better understanding of how calendaring works.

• I have learned what process a case goes through as to scheduling.

• It has made workload a little easier because it’s more organized.

• It has helped me understand the calendar unit better.

• Consistency.

• Limits confusion-we know where the file is going.

• Eliminates customer judge shopping.

• Assigned judges, assigned cases, specify days assigned for specific hearing.

• Provides better service to customers.

The employees were then asked to list three obstacles they have experienced while working on the direct calendar. The following responses were received:
• If a judge is absent for more than two days, backlog occurs-orders go unsigned until the judge returns.

• External customers are unrelenting and non-understanding when their judge is unavailable.

• Uneven distribution of work ethics among judges. Some address their orders timely and others are not so timely.

• I have not seen any obstacles with direct calendaring. It has proven to be a smooth process.

• Separation of teamwork.

• Constant emails for extra files from the courtroom.

• Late filings from District Attorney’s office.

• More time to get in-custodies in system.

• More errors in computer entry due to entering in system.

• Much more confusion-causing loss of work time.

• Workload will always be greater than number of clerks and doing everything by hand rather than on-line. No matter how things are changed, no plan will ever work without manpower and up to date technology.

• In custody calendars are more difficult to manage.

• Working on miscellaneous items on a day to day basis is more difficult and causes more confusion/time to process over the counter documents.

• More time consuming to assign misdemeanor cases.

• Some courts have heavier workloads than others – unbalanced.

• Too many calendar changes.

• Felony complaints should be issued while doing in-custodies.

• New cases are not entered in a timely manner.

• A new file crosses the path of too many people.
• Everyone involved does not fully understand the process.
• Return on warrants and in-custody cases are delayed.
• Not enough time to complete dispositions.
• Calendars are larger and judicial vacations are an obstacle of direct calendaring.
• Not enough family law judges.
• Not enough clerks to process the amount of work.
INTERVIEW WITH PRESIDING JUDGE

The author interviewed the current Presiding Judge, Marie Silveira, of the Stanislaus County Superior Court. Here is a transcript of her comments regarding direct calendar: modified.

It's a comparison of both systems. The Superior Court never really had a pure master calendar or even a pure direct calendar. When you work on the master calendar system the way the Superior Court did it was a modified system that called for each of the judges that typically were handling both criminal and civil calendar from 8:30 to 9:30 a.m. each morning. Those were not assigned off the master calendar; they were assigned to each judge so there was a little bit of a direct calendar. The Superior Court had departments that were responsible for criminal, law and motion or civil law and motion or short discovery type issues or other things that were done at 8:30 a.m. Those matters were directly assigned to certain departments not necessarily to judges by name which is how it is handled under the direct calendar. From 9:30 a.m., and throughout the day, the Presiding judge or whoever was in charge of trial assignments communicated with the judges prior to giving the judge an assignment. There was more communication with the Presiding judge or the assignment Department on a regular basis. There was one assignment judge who with the assistance of the master calendar coordinator knew which judge was in trial, for how long and what matters were pending to be assigned. There was more cohesiveness or more communication under master calendar where there was some give and take in re-working assignments. The direct calendar is somewhat different in that it has cases assigned almost entirely without respect to the amount of time the case may require. They are assigned randomly on the criminal and the civil side either at the
time of the arraignment in the criminal cases or when the pleadings come in at the civil side. Unless the case is designated as a criminal complex case or designated as a murder case or death penalty case they are handled in the same manner. The cases just get shuffled like cards in a deck. They get shuffled to each judge so that each judge has the same number in their stacks. Judges who get assigned those have to work their way through the assigned cases. The same is true with the civil cases they are assigned and divided equally on a random basis. Our direct calendar is set up somewhat modified where the direct calendar still has teams under our version. Within the teams if someone needs help to handle their direct calendar on a day to day basis they can first look for some assistance within their team. That has probably helped develop some cooperation and coordination within the teams. However, Judge Silveira is not sure if that feeling is universal throughout the teams. This is more for back up purposes and for vacation purposes. If a judge is going on vacation they are supposed to clear their calendar but if the calendar isn’t cleared then the other judges who are on the team are the first ones to get assigned to assist. There is some opportunity to communicate within your team.

Under the direct calendar most judges are not communicating with the Presiding judge for assignments any longer. Each judge has control over their individual calendars now. The direct calendar has created some confusion. Under the master calendar, the Presiding judge has a better handle on the number of cases that need to go to trial. For example, the number of cases in the “line up” waiting to be assigned as well as knowing the strengths and weaknesses of the respective judges that can handle particular attorneys or particular issues. There is no refining system like that now. There is no sieve where somebody can take a look at and decipher which judge should handle what case. For
example, a case that may have DNA evidence and there’s some judge that’s particularly good in that area. There is no screening process for that anymore. The direct calendar divides up the work evenly and randomly. The direct calendar system does not bring judges together; each judge is now working independently. The master calendar works more under a leadership system.

This has been an extraordinary year due to the judicial absences. The Superior Court has had tremendous challenges this year. The court has had one judge that will be absent approximately 16 months on an unpaid leave of absence and that required a modification to the calendar. The court has had a visiting judge helping with that absence. During the last twelve months the court has had one judge who completed prostate cancer treatment, another Commissioner just recently diagnosed with the same who will be out of court for six weeks. Another judge’s spouse has a serious form of breast cancer and has had necessary absences since April. One judge had whooping cough and was out for two months. One judge had her mother in intensive care at a hospital out of state. She has had to be out several times within the past three months for a week at a time to ensure the health of her mother. The court has been able to work out coverage issues for these necessary absences and the judges have managed and survived but this has not been a typical year. In addition, prior to implementing the direct calendar, the in-coming Presiding judge passed away and Judge Silveira was required to transition into this role with no preparation. She felt that she would have benefited from more judicial education and knowing more about the duties of a presiding judge, but she feels it has worked out positively.
Under the master calendar, the assignment calendar was the responsibility of the Presiding judge so that position had a very good understanding both as to the responsibilities of who was doing what and did not have a full calendar. The Presiding judge had case assignments and would assign cases and accept a certain number of preliminary hearings that he would hear. It was easier for the Presiding judge to be available for meetings, etc. Under the direct calendar, the Presiding judge has a full case calendar. The Presiding judge does not have any extra time to devote to or participate in administrative matters or check on her colleagues. The Presiding judge doesn’t have the time to determine how effective the direct calendar system has been. This has been impaired by her other judicial duties. Since having this assignment she has had jury trials. She has had one murder case, one attempted murder case each one took four weeks to try. In addition to the jury trials she is also responsible for a regular morning calendar. In the development of the direct calendar for the Superior Court, this is the model that Judge Ladine, who spearheaded the design, recommended, and the court adopted it. The current Presiding judge recommends that the person who is the Presiding judge should not have a full caseload. This would allow the Presiding judge more time to devote to administrative matters, etc. A number of courts have 100% administrative presiding judges. She is not in favor of strictly administrative responsibility as that could be too much “administration” for many of our judges. In Los Angeles and Orange County, the Presiding judge and Assistant Presiding judges are strictly administrative judges and are not assigned a caseload. In Orange County the administrative judges have terms of two years each. If you commit to serving in this capacity, you commit to a minimum of four years with no cases.
Question to the Judge Silveira: Would reducing the PJ’s caseload to 50% be something you would like to explore and recommend in our court after reviewing the results of the implementation of the direct calendar system in January 2006? Not sure at this time until all judges are fully in their positions and those that are ill are healthy again. We also need to give direct calendar at least a full year to work out whatever “kinks” it has. Before that it’s appropriate not to make any recommendations to change it. She just believes it’s a problem in the long run.

Overall, direct calendaring encourages people to be more independent and have less cohesiveness except for the modified version that we have of the teams. One of the issues was to divide up the workload so that everyone would take a certain number of cases and deal with them the best they could. Before it was viewed that some person might get a case and they might be a slow trial judge and it would take them a month to dispose of a case and someone else could complete the same case in a week. The judge then that would be done in a week could get three more cases so one judge would do one case and another judge would be hearing three or four cases in a month. One judge would apply him or herself more diligently and other judges wouldn’t. There is an element of competition or unspoken incentive that goes into direct calendaring. When you get your calendar done you’re also done with your work and if you don’t get your calendar done then you have to keep working until you’re done. Direct calendaring is not a “bond building” system. Direct calendaring really treats each judge as though they are the master of his/her own dominion. There really is very little work sharing.
Question: Are you familiar with the Courtools and ABA Case Disposition Standards? No, but I would be interested in looking at them and see how we compare to the standards.

Question: Any last comments or anything you would like to add?

It would be very hard to come up with certain opinions about the direct calendar this first year because the first year of direct calendaring is a year in which you are processing cases that already have a history. Some of these cases have been in the system for one to three years. The three year cases are the complex cases or death penalty cases which take a longer period of time to resolve. We’re also looking at statistics with new cases that are coming into the system. After you’ve gone through a year of the direct calendaring you should have time to catch up with the old cases. In the second year of direct calendaring we should be dealing with new cases that have come into the system and fewer old ones. There has been some additional time pressures with the calendar because of the old cases but hopefully that will resolve itself next year. Also, we have had such an extraordinary year of illnesses and absences in the court it’s not fair to compare this year to anything we’ve had.

Question: Which system do you like better? Master or Direct?

Personally, her life was easier under the master calendar. Under the master calendar, she wasn’t the presiding judge and she doesn’t know how much of that was related to the additional duties of being a presiding judge. It is somewhat difficult trying to manage both the administrative and judicial responsibilities. If she just had her calendar and could manage her own responsibilities, perhaps this would be a better system. She believes that most of the judges prefer the direct calendar. She has not
heard any of the judges’ state that they would like to go back to the master calendar system in the last 60 days or so. Her own view of the master calendar has to do with the “kinder and gentler” time when she was a regular judge and someone would simply hand her a case and she would handle it and not have to worry about the additional duties as a presiding judge.
FINDINGS – COURT SECURITY

Interview with Lt. Cliff Harper
Stanislaus County Sheriff's Office

Overall, Lt. Cliff Harper has heard that direct calendaring has been a positive change for the Stanislaus County Superior Court but it has not been a positive change for security personnel. The new calendaring system has negatively impacted Court security in the courthouse. Procedures followed under the former master calendar allowed Sheriff’s personnel the flexibility to bring in-custody defendants into the courthouse in smaller numbers throughout the day. The individual calendar system does not allow this flexibility. Unfortunately, the courthouse facility lacks the space to accommodate and maintain 20 to 30 prisoners for long periods of time. Under the direct calendar these periods can last up to three hours on a daily basis. Jury rooms are being used to accommodate up to 30 prisoners. This creates a security risk because the bailiffs are required to maintain large groups of variously classified prisoners together. For example, parole violators are in the same room with murderers, etc. Ideally, the "in-custodies" should be separated and segregated by classification, but the court facility lacks adequate holding facilities. The holding cells in the courthouse are not designed to hold the large number of in-custodies that are now being brought over from the jail. In addition, the one holding cell located in the old jail tunnel is also insufficient. Prisoner movement and prisoner control is one of the main priorities in the morning. When the new calendar was implemented, court security staff tried bringing one prisoner in at a time but that was too time consuming and was delaying the court. Prisoners being taken to the different courtrooms usually must traverse a public hallway. Security staff is very conscientious
when involved with prisoner movement in the public hallway. To ensure adequate security, often a courtroom is required to wait if their assigned deputy is helping with prisoner movement. Often judges have to wait longer for an in-custody defendant to be brought into their courtroom. The direct calendar system requires that court security staff bring the in-custody defendants all at one time. This requires that the Sheriff provide a “back up” deputy in all of the court departments. Prisoner transportation issues were much easier to handle under the master calendar system because all preliminary hearings were held in one courtroom at one time. If a judge sent the case to a different department moving the prisoner to another courtroom was much easier. With the direct calendar model, each judge can have up to twenty in-custodies on their calendar which means that on each side of the courthouse (there are four departments on each floor) there are approximately 40 in-custodies and the span of control of prisoners to deputies is not good.

In addition, the Sheriff’s Office has encountered prisoner transportation issues with the new calendar. The Sheriff’s Office has one van and one deputy that is used to transport the in-custodies from the main jail which is located approximately four miles from the main courthouse. The passenger van only accommodates fifteen passengers and thus the deputy is required to make three to four round trips in the morning to ensure the in-custodies are brought to court on time. Under the master calendar system the Sheriff’s Office did not experience any transportation issues because the in-custody matters were heard on a staggered basis.

Lieutenant Harper was asked why the in-custodies can’t be brought over the evening before their hearing and housed in the old jail located on the same block as the
courthouse rather than bringing them from the new jail the morning of court. Lt. Harper responded that the downtown jail is at maximum capacity of 396 prisoners. There are no extra beds. Bringing in-custodies over the evening before would be an ideal solution, but there is no place to hold them. The female in-custodies are transported to the courthouse from the main jail at 6:30 a.m. as there are no facilities for female inmates at the “old jail.”

Another challenge for the Sheriff’s Security is the number of personnel currently contracted to work in the Superior Court. The total number of contracted personnel was based on the master calendar system. The contract expires next year (2006). The total number of staff contracted with the court is not sufficient for this new calendaring model. The staff consists of deputy Sheriff Coroners, deputy Sheriff Custodial officers, Contract Security Officers, Court Services Attendants and full time per diem staff. Under the direct calendar, the Sheriff’s Office would feel more comfortable with two additional deputies to accommodate the new calendar. This would make it easier for his office to cover for unexpected absences. It is also difficult for the Lieutenant and Sergeant to schedule time off for their staff. They are required to be conservative in granting time off because coverage of the courts is their priority.

The direct calendar has negatively affected morale within his division. One deputy is required to supervise fifteen to twenty in-custody defendants and the deputies do not feel entirely secure having to guard such a large number. The deputies are frustrated because they do not have any assistance. Under the master calendar system, a deputy could call another deputy for assistance to bring an in-custody defendant from a
holding cell into the courtroom. Under the direct calendar, there is no additional help available.

Another challenge that has resulted with the direct calendar is a funding issue. Although the court contracts for three per diem staff the Lieutenant and Sergeant have difficulty trying to find a per diem staff person to work in the courthouse. Often they use a regular deputy who is either scheduled off that day or has already completed their daily shift and as a result the rate they are paid is doubled because of overtime requirements. The Sheriff personnel that are usually available to assist on a per diem basis are civil or transportation personnel.

Another handicap that the Lieutenant and Sergeant have encountered with the new calendar is the Civil Attendants. Civil attendants cannot carry a firearm, and thus may only assist in the civil courtrooms or at the entrance screening station with another “armed” deputy. They cannot watch prisoners or work as a bailiff in another courtroom. When a Civil Attendant is absent due to a vacation, etc., the Lieutenant or Sergeant is required to cover the civil courtroom with a higher paid deputy.

Lieutenant Harper was asked how the court can assist to make the direct calendar work better for his department. He answered that he believes that if modifications are made to the scheduled calendar times under the direct calendar it would significantly help his division. The issue of lack of adequate holding facilities is one that plagues most California courthouses due to their age and lack of facility remodeling funds. However, if funds could be secured to fortify the existing holding cells it would aid in the safety and security of all personnel. One of the positive aspects of the direct calendar that has aided his department is the ability to do more cross training with staff. Under the direct
calendar, the judges afternoon calendars seem to end earlier in the afternoon which allows for time to cross train the deputies. Another advantage of the direct calendar is that the bailiff becomes better acquainted with the in-custody defendant as they see them repeatedly at every court appearance. The Lieutenant believes this increases the efficiency level of the deputy however the security factor is the same.
CONCLUSIONS

The primary objective of this report was to determine the effectiveness of the direct calendaring system in the Stanislaus County Superior Court during its first six month implementation period as well as to measure the goals set forth by the court. Based on the analysis conducted, the direct calendar has proven to be a more efficient calendaring system than the former master calendar system. Cases are being disposed of earlier which means fewer cases are going to trial. Cases are being equally distributed among the judges. The statistics collected reflect that there has been a reduction in the number of court appearances. In reviewing a sampling of our data in this report, guilty pleas at the pretrial stage have increased by 140%, preliminary hearings have decreased by 38%, and the number of cases set for felony jury trial was reduced by 40%. We have also experienced an improved juror utilization rate as cases are being disposed of sooner and not going to trial. In reviewing the survey results, the majority of the respondents prefer working under the direct calendar model.

There have also been savings under the direct calendar that other criminal justice agencies have witnessed. The Modesto Police Department reports that they have realized a savings in police officer overtime costs as compared to the same period last year. Police overtime has been reduced by 22%. The reduction in officers being subpoenaed for court appearances also means a reduction in the number of citizens subpoenaed as well. (see Appendix 18). Stanislaus County Chief Probation Officer, Jerry Powers, reports that the change in the calendar has not negatively affected his department.
According to Chief Powers, "The court has done a nice job of being patient and working with us as we spread our officers around each of the courtrooms."

The court has also realized cost savings. For example, fewer court appearances also means a reduction in the number of court minute orders and other documents that staff need to generate and process. Staff is able to devote more time in providing quality service to the public and in processing and imaging documents to keep the workload current. Juror costs have been reduced as well as less jurors are needed for trials. The Court Interpreters also prefer the direct calendar. Under the master calendar, since defendants' cases were not consolidated, non-English speaking defendants had difficulty finding the different courtroom(s) where they were scheduled to appear. Interpreters were required to report to various courtrooms for the same defendant for different proceedings. Court trials are now spread out more evenly throughout the week and once a case starts the interpreter knows that it will continue to be heard in the same courtroom. Under the direct calendar the interpreter assignments are smoother as all of the defendants' cases are consolidated.

Members of the Civil Bench Bar met with the court to discuss the first six months of direct calendaring. They also report that the direct calendar has been a positive change. At first, there were a few issues with unlawful detainers not being timely but now the continuity is great. They reported that there were no negative issues regarding probate matters.

Although the results of our research are positive, it is important to note some of the pre-implementation challenges the Clerk's Office staff encountered prior to the implementation of the direct calendar. Clerk's office processes had to be changed. The
supervisors in the various units met several times with their staff to develop procedures. Supervisors designated specific staff members and placed them in teams for processing each judge’s calendar.

In the Criminal Division, the real impact was with the cases that were previously scheduled to be heard in other departments. These cases had to be assigned to a specific judge and converted into the direct calendar assignment. Staff was converting up to six hundred (600) cases a day for an entire month. This meant pulling each case file with existing events (for example, diversion cases are set anywhere from six to eighteen months in advance with a return date) and assigning the case to a direct calendar department. JBSIS Codes (JBSIS is the state statistical program), had to be reprogrammed in order to capture our statistics accurately. Our technical staff made programming changes for calendar program enhancements. Courtroom clerks attended updated training on the court’s case management system as they would be required to use this system in court for calendaring cases. In addition there were facility related issues that had to be completed, such as relocating judges to various chambers, remodeling the judge’s bench and courtroom clerk station in the Ceres branch location, relocating the video arraignment equipment to another department, designating jury rooms for prisoner holding facilities and mediation sessions. Management and court security personnel also reviewed security issues such as in-custody/prisoner movement.

Once the direct calendar was implemented, the Criminal Division experienced a heavy workload and developed backlogs. It was very stressful and confusing for many of the clerks. There were also several questions that would arise as clerks were assigning the cases to a particular judge. This is an anomaly of any new system where not all
procedures are identified until a particular situation occurs. In these circumstances, the supervisors of the units would consult the calendar management unit for clarification. Staff assisted approximately one hundred to two hundred individuals on a weekly basis that had outstanding bench warrants that wanted to be placed on calendar. Under the direct calendar this meant that the clerk had to reassign this case to a specific judge in the case management system. This required several manual processes such as physically locating and pulling the case file from the filing area, stamping the outside of the case file with the appropriate stamp and entering the revised information and refilling the case. For felony bench warrants those matters were assigned to the arraignment court which is Department number 12. Under the master calendar, both felony and misdemeanor bench warrants were assigned to one department.

Special arrangements had to be made for a private courier service to deliver case files to one of the civil trial departments that is located in another city, six (6) miles away from the main courthouse. Although the courier arrangements are working, civil staff has to routinely deliver case files to this location on a frequent basis.

There were also issues regarding the recent judicial vacancies, the untimely death of Judge Ladine and the vacancy created by a judicial retirement. During the first six months of the direct calendar, the court utilized the services of a visiting judge to assist with the caseload. (A superior court in California can request the assistance of a visiting judge from the Administrative Office of the Courts for unforeseen circumstances. A visiting judge is a retired judge). A visiting judge assisted the court for a total of two hundred and four (204) days. The total number of visiting judge days for the same period
last year 2004 was only seventeen (17) days. (see Appendix 19 for Comparison of Days with Visiting Judges).

A review of the first six months of the misdemeanor statistics also revealed an imbalance in the assignment of misdemeanors. This became evident after the first three months review by the Calendar Manager and Executive Officer. The six public defender courts had over 200 misdemeanor cases on average and the conflict courts had an average of 50 cases. The reason for this imbalance was that most misdemeanors are single defendant cases and are almost all represented by the public defender and those cases would be assigned to the six public defender courts. The decision in April 2005, was made to assign and distribute misdemeanors to all nine courts regardless if they are public defender cases effective July 1. The objective is that there will be a much closer balance over the nine criminal court misdemeanor courts.

As this author discerned from the research, individual/direct calendaring does place more accountability and responsibility on individual judges. Direct calendaring eliminates “judge shopping.” Judges are oriented toward disposing of cases sooner. Judges become familiar with the cases assigned to them and require less review time. Each judge carries their fair share of the workload as cases are evenly distributed. Under our model, if a judge gets behind with a case due to illness other team members can assist with the case. Judges that are normally slower in processing cases have a difficult time under the direct calendar model as opposed to a master calendar system. Judges that are more efficient are able to complete their daily calendars quicker and spend their free time reviewing cases or in other non-calendar judicial activities.
RECOMMENDATIONS:

The direct calendar has been a positive change for the Stanislaus County Superior Court. Based on the review of this calendar, the author recommends the following changes/modifications be made:

**Recommendation #1:** The court needs to review the security concerns identified by Court Security staff and address these immediately. One of the immediate needs is a review of the scheduled court times. A review and possible modification of the court calendar times would greatly assist security staff with prisoner movement. In addition, the court needs to request funding from the Administrative Office of the Courts for additional security positions. According the California Statewide Security Standards, Stanislaus Superior Court should have 38.29 deputies and currently there are only 33.5.

**Recommendation #2:** The court needs to manage the scheduling conflicts identified by the private attorneys. This was an issue under the master calendar model as well. This issue can be resolved by scheduling their main appearances in fewer departments rather than all nine. The court needs be responsive to the requests of the attorneys as scheduling conflicts ultimately affect their clients and prolongs case resolution.

**Recommendation #3:** The court needs to design a report using the courts case management system that shows the monthly activity of each judge's cases. Copies should be distributed to each judge.
Recommendation #4: The court needs to implement the Courtools, Trial Court Performance Measures for the National Center of State Courts, and measure our disposition rates. These time standards can be used by the court as a performance measure as well as demonstrating to the public its responsiveness in dispensing justice in a timely manner. This would result in building the public’s trust and confidence in the judicial system.

Recommendation #5: The court needs to consult with the National Center for State Courts to develop some type of weighted distribution system for complex cases that will require an inordinate amount of trial time such as high profile cases or multi defendant cases. A weighted factor will allow for a more equitable distribution of case assignments.

Recommendation #6: The caseload of the presiding judge of the Superior Court should be reduced so that more time can be devoted to administrative and leadership responsibilities as well as caseflow management. Reducing the caseload of the presiding judge will allow this individual the time to continuously review the caseload of the court to be aware of measurables such as number of cases pending, where backlogs exist, which courtrooms are granting excessive continuances and to meet with each judge to discuss their individual caseloads.

Recommendation #7: Quarterly meetings should be held on direct calendaring that include the presiding judge, court administration and representatives from each criminal justice agency as well as representatives from the Bar that specialize in family law, probate, civil, criminal law to discuss calendaring issues, exchange ideas and make any improvements as the need arises.
The ABA Standards on Judicial Administration relating to Trial Courts state that both the master and individual calendaring systems have their strengths and weaknesses and each has worked effectively when supported by commitment on the part of judges, administrative staff and the Bar. Neither system will work without dedicated individual effort by each judge and conscientious supervision by a presiding judge. The advantage of the direct calendar system is that work is distributed evenly among the judges, provides clear accountability for the resolution of all cases and allows the judge to follow the case from beginning to end, not having to re-educate him/herself for every proceeding. Whereas in the master calendar system there is a loss of judicial efficiency as each judge must familiarize themselves with the case they are hearing. The master calendar system also creates disparate workloads among judges and those that work faster than others are assigned more work. A disadvantage we have noted in the direct calendar is the assignment of complex cases and the difficulty judges face in balancing their caseload. The court will need to make refinements in its calendaring process going forward. The direct calendar system is working in the Stanislaus County Superior Court because of the efforts made by our judges, staff, court related agencies and the Bar.
STANISLAUS COUNTY SUPERIOR COURT
EXECUTIVE COMMITTEE BYLAWS

These bylaws were adopted by the Stanislaus County Superior Court on January 25, 1999.

Foreword: Upon the passage of Proposition 220 on June 2, 1998, the Stanislaus County Superior and Municipal Courts consolidated into the Stanislaus County Superior Court on July 31, 1998.

Executive Committee: The policy-making body of the Superior Court shall be known as the Executive Committee.

A. Composition of the Executive Committee: The Executive Committee shall be comprised of seven (7) judges. The Presiding Judge shall automatically be a member and shall chair the Committee. The Assistant Presiding Judge shall also automatically be a member of the Committee and shall act as chair in the absence of the Presiding Judge. In the absence of the Presiding Judge and Assistant Presiding Judge, the Executive Committee, by majority vote, shall designate an existing member to act as chair.

B. Terms of Executive Committee Members: Except for the terms already established for the initial Executive Committee, the term of each member of the Committee shall be two (2) years. A Committee member may be reelected to a consecutive and/or subsequent term. Committee members shall be elected by a majority vote of all judges by secret ballot at a meeting of all judges held no later than sixty (60) days prior to the expiration of an existing Committee member’s term. Members should be selected based upon interest and ability. Midterm vacancies to the Committee shall be filled by appointment by the Presiding Judge with the advice and consent of the Executive Committee. A member of the Committee may be removed by a majority vote of the Executive Committee. No Committee member may be removed without good cause. Good cause for removal shall include but not be limited to repeated and unexcused absences from Committee meetings and/or repeated failure to fulfill Executive Committee duties and responsibilities.

C. Meetings: Meetings of the Executive Committee shall be held biweekly on a day and time as the Executive Committee may designate. The Executive Officer and other staff as deemed necessary by the Executive Officer shall attend all meetings of the Executive Committee.
D. **Quorum:** No Committee business shall be recognized unless there is a quorum of Committee members.

E. **Agenda:** An agenda shall be prepared by the Executive Officer for each meeting. The agenda shall be distributed to all judges and commissioners no later than one (1) court day prior to the meeting. The Presiding Judge and Executive Officer should solicit agenda items from all judicial officers.

F. **Minutes:** The Presiding Judge shall designate a person to record the minutes of each Executive Committee meeting. The minutes shall be distributed in written form (E-mail is acceptable) by the Executive Officer or his/her designee to all judicial officers as soon as practicable after each meeting but in no event later than four (4) court days after a meeting. The Executive Officer shall be responsible for maintaining copies of all meeting minutes in a binder for future reference.

G. **Other Committees:** The Executive Committee shall be responsible for establishing standing and ad hoc committees for the purpose of addressing specific court and justice-related issues. Once each year, prior to August 1, the Presiding Judge shall solicit from judicial officers interest in being members of the various committees. Upon receipt of expressions of interest, the Presiding Judge with the advice of the Executive Committee shall designate which judicial officers shall be members of which committees. In assigning judicial officers to committees, consideration shall be given to the judicial officers' interests, expertise, current court assignments, and needs of the court. The Presiding Judge shall appoint, with the advice of the Executive Committee, a chair to each committee. The Presiding Judge shall appoint a liaison judicial officer from the Executive Committee to each committee. The committee chair shall be responsible for: distributing written minutes (E-mail is acceptable) to all judicial officers within five (5) court days of any committee's meeting; meeting with other standing and ad hoc committees as necessary; and, meeting with members of the community as deemed appropriate. All standing and ad hoc committee members shall serve terms of one (1) year unless removed or a term is extended by the Presiding Judge with the advice of the Executive Committee.

H. **Special Sessions:**
1. The Presiding Judge with the consent of the Executive committee may order the Executive Committee to meet to address any issue which is deserving of a special meeting or considered an emergency.
2. The Presiding Judge with the consent of the Executive Committee may call a closed meeting of the bench with the attendance limited to judges only.

I. **Attendance at Executive Committee Meetings by Nonmembers:** Any judicial officer may attend any Executive Committee meeting and comment on any matter on the agenda.
J. **Reconsideration of Executive Committee Action:** Any six (6) judges may request reconsideration of an Executive Committee action by notifying the Presiding Judge. The Presiding Judge shall then call a special meeting of the entire bench which can by majority vote overturn the action of the Executive Committee.

K. **Meetings of the Entire Bench:** All judicial officers shall meet biweekly on a day of the week and time selected by a majority of all judicial officers. These meetings will serve to promote discussion and inform judges of the actions taken by and business pending before the Executive Committee. Special meetings of the entire bench may be called by the Presiding Judge or by any six (6) judges as specific in subdivision J above. The Executive Officer will be responsible for preparing and maintaining the agendas and minutes of any action items from these meetings.

L. **Commissioners:** Commissioners may be voting members of standing and ad hoc committees unless specifically excluded from membership by statute or the standing or ad hoc committee is voting on a personnel matter related to commissioners.

M. **Complaints Against Commissioners and Referees:** Consistent with the California Rules of Court and the Standards of Judicial Administration, Section 16, written policies and procedures shall be maintained by the Superior Court for the investigation of complaints against commissioners. These policies and procedures shall be developed and revised as necessary by the Executive Committee for adoption by a majority of all judicial officers.

N. **Bylaw Amendments:** These bylaws may be amended from time to time upon a majority vote of all of the Executive Committee except for Sections A and B above which requires a vote of 3/4ths of the judges.
AGREEMENT RE UNIFICATION OF THE STANISLAUS COUNTY SUPERIOR & MUNICIPAL COURTS

This Memorandum of Understanding between the Judges of the Superior Court and the Judges of the Municipal Court is entered into to govern the Stanislaus County Unified Superior Court if it is created as is authorized by the passage of Proposition 220 on June 2, 1998. Effective upon the signing of this document, the terms and conditions contained herein shall govern the operation of such Unified Superior Court.

I. Governance

A. Presiding Judge

The Presiding Judge of the Stanislaus County Superior Court elected for the 1998-1999 term shall be the first Presiding Judge of the Unified Superior Court. The term of the Presiding Judge shall be two years. The Assistant Presiding judge shall be elected by the judges of the Unified Superior Court. The Assistant Presiding Judge shall become the Presiding Judge of the Unified Superior Court at the conclusion of the elected Presiding Judge's term. The election of the Assistant Presiding Judge shall take place within 30 days of the Presiding Judge's term that begins in fiscal year 1998-99. Following the election of the Assistant Presiding Judge for 1998-99, each subsequent Assistant Presiding Judge shall be elected within 30 days of the expiration of the term of the then Presiding Judge.

B. Court Executive Officer

The administrative and clerical operations of the Court will be performed by a Management Team consisting of an Executive Officer, Assistant Executive Officer and Deputy Executive Officer.

The Management Team shall be formed on or before July 1, 1998.

The position of Executive Officer and Assistant Executive Officer shall be two year terms and shall rotate between the current Superior Court and Municipal Court Administrators, Michael Tozzi and Donald Lundy. The Assistant Municipal Court Administrator, Linda Romero Solis, shall be appointed to the position of Deputy Executive Officer, which shall not rotate. Upon a vote in favor of unification under SCA 4 by both benches, the current Superior Court Executive Officer, Michael Tozzi, shall serve the first two year term as Executive Officer, beginning on July 1, 1998 and the current Municipal Court Administrator, Donald Lundy shall serve the second term as Executive Officer. This rotation agreement shall continue until either 1) it is dissolved by mutual agreement of the current Superior Court Executive Officer, Michael Tozzi, and current Municipal Court Administrator, Donald Lundy, or 2) by a 3/4 vote of the judges, or 3) Mr. Tozzi or Mr. Lundy retires or otherwise leaves his position with the Management Team. The
Executive Officer and Assistant Executive Officer shall both be compensated at the same rate while rotating between Mr. Tozzi and Mr. Lundy. Neither person shall lose any department head benefit granted prior to this agreement as a part of their employment as Court Administrator while this position is rotated.

1. A Courts' Strategic Plan shall be prepared by the Management Team and approved by the Executive Committee on behalf of the Courts on or before October 1, 1998.

2. The Superior and Municipal Courts administrative, managerial and clerical operations will be consolidated on or before December 1, 1998.

3. A two-year goals statement shall be prepared by the Management Team and approved by the Executive Committee on behalf of the Court one month prior to the Executive Officer and Assistant Executive Officer rotation, save and except the initial term. A one-year goal statement covering FY 1999-2000 shall be filed and approved by October 1, 1998. A goals statement may be changed with additions and/or deletions by agreement of the Management Team with subsequent approval by the Executive Committee on behalf of the Court.

4. The division of labor, i.e., assignment of responsibilities within the Management Team shall be by agreement of the Management Team and reviewed by the Executive Committee. Assignments may be changed by agreement of the Management Team with sufficient notice to the Executive Committee.

C. Executive Committee

1. Role of the Executive Committee

The policy making body of the Unified Superior Court will be the Executive Committee. The Executive Committee will meet weekly and establish rules and regulations for the operation of the Court and the Executive Committee. The initial rules shall be presented for adoption within 120 days of the unification of the court. Any judge, and with the consent of the majority of the Executive Committee, any Commissioner may attend any Executive Committee meeting and comment on any matter on the agenda. Special meetings may be called, as necessary, by the Chair. Agendas of Executive Committee Meetings will be distributed in advance to all judicial officers including Commissioners. Minutes will be prepared following Executive Committee meetings and distributed to all judicial officers.

Any six judges can request reconsideration of an Executive Committee action by notifying the Presiding Judge. The Presiding Judge will then call a special meeting of the entire bench which can vote to overturn the action of the Executive Committee.

2
2. Composition

The Executive Committee will be comprised of seven judges. The Presiding Judge shall be a member and chair the Executive Committee. The Assistant Presiding Judge shall be a member of the Executive Committee and shall act as chair in the absence of the Presiding Judge. In the absence of the Presiding Judge and Assistant Presiding Judge, the Executive Committee shall designate a member to act as Chair.

The initial Executive Committee of the Unified Superior Court will be the formerly designated six Executive Committee members of the Courts prior to unification and one additional judge appointed by the Presiding Judge of the Unified Superior Court to make a total of seven members. This appointed judge shall be the elected Assistant Presiding Judge unless the elected Assistant Presiding Judge is a current member of the Executive Committee.

3. Terms

Except for the terms established for the initial Executive Committee, the term of the members of the Executive Committee shall be two years. Additional terms are permitted and subject to the general appointment provisions found below. The terms for the initial Executive Committee will be determined by lot or any other method approved by the members with two judges serving one year, two judges serving two years and two judges serving three years.

Subsequent members of the Executive Committee will be elected by the Judges of the Unified Superior Court. Members should be selected based on interest and ability. Mid term vacancies to the Executive Committee shall be filled by appointment by the Presiding Judge with confirmation by the Executive Committee. A member of the Executive Committee may be removed by a majority vote of the Executive Committee.

D. Meetings of the Entire Bench

Meetings of all judicial officers shall be held bi-weekly. These meetings will serve to promote discussion and inform judges of the actions taken by and business pending before the Executive Committee. Special meetings of the entire bench may be called by the Presiding Judge or by any six judges as specified in I (C)(1) above.

E. Members of Other Committees

Any other committees established by the Unified Superior Court may include both Judges and Commissioners except those committees whose membership is set forth by statute to be limited to judges. Appointment to committees will be made by the Presiding Judge with confirmation by the Executive Committee. A member of any committee shall serve
until the end of the term of the Presiding Judge or otherwise removed by the Presiding Judge. Administrative staff to committees will be appointed by the Executive Officer and shall attend all committee meetings.

II. Conditions Upon Unification

A. Unified Superior Court Assignments

1. The judges of the Unified Superior Court who were Superior Court Judges prior to unification, David G. Vander Wall, A. Girolami, John G. Whiteside, William A. Mayhew, Hugh Rose, III, John E. Griffin, Jr., Edward M. Lacy, Jr., Glenn A. Ritchey, Jr., and Hurl W. Johnson shall not be required to accept an assignment to any calendar that was formerly an exclusive Municipal Court calendar.

2. The existing Superior Court and Municipal Court Commissioners, Lee Hagan, Tim Helfer, Lynne Meredith, and Richard Allen shall continue in their respective assignments (Commissioners Hagan and Helfer in Juvenile Court; Commissioner Meredith in Family Support Court and Commissioner Allen in Traffic and Small Claims Court) and shall not be reassigned during their term of employment with the Unified Superior Court without their consent.

B. Rotation of Chambers

The judges of the Unified Superior Court who were Superior Court Judges prior to unification (see names under II A) shall not be required to rotate to other chambers while a member of the Unified Superior Court. Newly constructed Department 12 shall be deemed to be a Superior Court courtroom prior to unification.

C. Filling of Vacancies

1. The provisions of II (A) and (B) will not apply to judges appointed to fill judicial vacancies on the Unified Superior Court or to judges who rotate to pre-existing Superior Court courtrooms unoccupied as a result of a judicial vacancy.

2. Any Unified Superior Court Judge who was a Superior Court Judge prior to unification (see names under II A) shall have first choice of any pre-existing Superior Court courtroom that becomes vacant before the provisions of II C(1), II C(3) are invoked.

3. If a judge who was a Superior Court Judge prior to the passage of SCA 4 retires, resigns or is otherwise not occupying his existing chambers, those chambers shall be filled by a judge who was a Municipal Court Judge prior to the passage of SCA 4. The selection of the judge to occupy those chambers shall be made by the Presiding Judge with the advice and consent of the Executive Committee. The factors for the selection shall include, but
not be limited to, the needs of the court, seniority on the bench, breadth of judicial experience, previous training and interest of the candidate judge in a particular assignment. Primary consideration shall be given to seniority on the bench and breadth of judicial experience. These chamber assignments are subject to rotation.

4. Any Unified Superior Court Judge who was a Superior Court Judge (see names under IIA) prior to unification may voluntarily take an assignment requiring the judge to relocate to another courtroom. The judge shall retain the rights outlined in II (B) and will return to his original chambers or his choice of another available courtroom that was a Superior Court courtroom prior to unification upon conclusion of that assignment.

D. Assignment of Calendars

The Presiding Judge of the Unified Superior Court will be responsible for the assignment of judges to calendars beginning in FY 1999/2000. Assignments will be made in accordance with the limitations of II (A) and (B) and will be for one year terms except for those calendars where multiple year assignments are mandated by statute or by policy established by the Executive Committee.

III. Resolution of Conflicting Policies

A policy regarding judicial education, travel, vacation accrual (including credit for on call duty and carryover will be recommended by the Executive Committee within 60 days of the signing of this agreement. Judges with existing vacation balances shall not lose any accrued vacation time as a result of any policy change.

IV. Organization of Non-Judicial Staff

The Management Team will adopt a personnel structure and policies to govern the administrative structure of the court subject to revision of the Executive Committee.

V. Courtroom Designations

All courtrooms will be numerically designated upon unification. The Executive Committee will determine the numbering sequence of the various departments.

VI. Modification of Agreement

This agreement may be modified at any time upon a vote of 3/4 of the judges. However, no modification shall effect the calendar and chamber assignment provisions of this agreement as set forth in paragraphs II(A)(1), II(B), II(C)(2), and II(C)(4).
VII Pre-Existing Courtrooms and Calendars

A. For purposes of determining pre-existing Superior Court and Municipal Court calendars, the calendars for both courts for the 1997-98 court year are attached and incorporated herein.

B. Pre-existing Superior Court courtrooms and chambers for the purposes of this agreement are the departments now designated as 1, 2, 3, 4, 5, 6, 7, 8, and the newly constructed department 12.

C. The word “pre-existing” when used in this agreement means existing prior to the date of this agreement.

DATED: June 16, 1998

JOHN G. WHITESIDE
Presiding Judge of the Superior Court

DATED: June 16, 1998

LORETTA MURPHY BEGEN
Presiding Judge of the Municipal Court
APPENDIX 4

Calendaring Questionnaire

Question 1: Do you want to change to some form of direct/individual calendaring system or do you want to keep our present master calendar system?

- Change to direct
- Do it in stages - civil first

Question 2: Do you prefer any one of the calendaring systems (San Luis Obispo, Santa Barbara, San Joaquin, Marin or Monterey) presented at the April 5th meeting?

- Probably Marin - perhaps soon Johnson

Question 3: What questions or concerns do you have about direct/individual calendaring?

- Only concern I have is getting buy in from PP/ID on a criminal direct calendaring system
- Civil can be no problem

Question 4: How do you feel about the rotation of judges between/among teams?

I think that falls under FV and PJ

Question 5: If you designed a filing/calendaring/assignment system, what would it be?

Team A: 3 beds civil direct
Team B: Formerly AMI, Formerly Law, Probate & Juvenile
Team C: Criminal
Memorandum

Date: June 3, 2004
To: Jim Brazelton, District Attorney
Tim Bazar, Public Defender
Grisez, Orenstein & Hertle
Perry & Associates
Criminal Defense Bar President
Family Law Bar President
Stanislaus County Bar Association (Civil Bar)
Jerry Powers, Chief Probation Officer

From: Donald H. Lundy, Court Administrator

RE: PROPOSED COURT CALENDAR 2005

On June 2, 2004, the Superior Court met and adopted a revised calendar to be implemented January 1, 2005. This new calendar is commonly referred to as a Direct Calendar Model for criminal, civil and family law cases. As you will see from the attached graphic, criminal cases are to be distributed over nine departments, civil cases over three departments and family law cases over two departments. The general principle of a direct calendar is that a case will be assigned to a judge who will be responsible for that case until the final disposition.

In the criminal departments, three of the nine courts will be assigned those cases involving Conflict I and Conflict II firms. The remaining six courts will share the balance of the cases equally. In addition to the direct calendar courts, there will be an arraignment court (felony and misdemeanor) and a specialty calendar court (Drug Court, Proposition 36 Court and Domestic Violence Court).

In the three civil courts, you will note that one of the three departments has a reduced caseload to allow that department to handle the probate calendar. The civil calendar does not reflect this but
one of the three civil departments will be the Ceres court. Civil cases will be equally divided among these three courts.

Family law cases will continue to be in two departments using the direct calendar approach as opposed to the current division of work.

We have researched this method thoroughly and found that other courts have had a great degree of success with the direct calendar approach. We ask that you review the attached and provide any comments to us by June 18, 2004. You may provide your written comments by email or letter on or before the due date to either Debbie Perry or me. If using email, please use these addresses: Don.Lundy@stanct.org and Debbie.Perry@stanct.org. We will make ourselves available to anyone who would like to meet with us to provide input or answer any questions you might have by calling 525-6348 to set up an appointment.

Following this review period, the comments will be taken back to the bench, and a final calendar for 2005 will be adopted by July 15, 2004. This will allow ample time to prepare for the implementation date of January 1, 2005. Thanks in advance for assisting us in the initial meetings and for your constructive comments to date.

DHL/dmd
<table>
<thead>
<tr>
<th>Department</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal MDC</td>
<td>9:30 Trial</td>
<td>Long Cause Problem</td>
<td>SCR &amp; Misd. Problems</td>
<td>8:30 TRIAL DAY</td>
<td>Misd. Problems</td>
</tr>
</tbody>
</table>

Proposed Superior Court Calendar 2005
<table>
<thead>
<tr>
<th>Time</th>
<th>CRIMINAL COURT</th>
<th>CRIMINAL COURT</th>
<th>CRIMINAL COURT</th>
<th>TEAM TWO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>NON-TRIAL DAY</strong></td>
<td><strong>NON-TRIAL DAY</strong></td>
<td><strong>NON-TRIAL DAY</strong></td>
<td><strong>NON-TRIAL DAY</strong></td>
</tr>
<tr>
<td>1:30</td>
<td>Fel. JT Pretrials</td>
<td>1:30</td>
<td>PX/PT</td>
<td>8:30 Fel. JT Pretrials</td>
</tr>
<tr>
<td>10:00</td>
<td>SCR</td>
<td>9:30</td>
<td>PX/PT</td>
<td>PX/PT</td>
</tr>
<tr>
<td>9:30</td>
<td>Criminal LAM</td>
<td>8:30 Criminal LAM</td>
<td>8:30 PX/PT</td>
<td>PX/PT</td>
</tr>
<tr>
<td>9:00</td>
<td>SCR</td>
<td>PX Hearing (set by Judge)</td>
<td>PX Hearing (set by Judge)</td>
<td>PX Hearing (set by Judge)</td>
</tr>
<tr>
<td>8:30</td>
<td>Preliminary Hearing</td>
<td>SCR</td>
<td>SCR</td>
<td>SCR</td>
</tr>
<tr>
<td>9:00</td>
<td>JTCC</td>
<td>SCR</td>
<td>JTCC</td>
<td>JTCC</td>
</tr>
<tr>
<td>8:30</td>
<td>Set by Judge</td>
<td>SCR</td>
<td>11:00 Preliminary Hearing</td>
<td>1:30 SCR</td>
</tr>
<tr>
<td>9:30</td>
<td>9:30</td>
<td>9:30</td>
<td>10:30 PX/PT</td>
<td>10:30 PX/PT</td>
</tr>
<tr>
<td>8:30</td>
<td>8:30</td>
<td>8:30</td>
<td>PX/PT</td>
<td>PX/PT</td>
</tr>
<tr>
<td>9:30</td>
<td>Trial</td>
<td>Trial</td>
<td>Trial</td>
<td>Trial</td>
</tr>
<tr>
<td>8:30</td>
<td>Trial</td>
<td>Trial</td>
<td>Trial</td>
<td>Trial</td>
</tr>
<tr>
<td>9:30</td>
<td>Trial</td>
<td>Trial</td>
<td>Trial</td>
<td>Trial</td>
</tr>
<tr>
<td>8:30</td>
<td>Trial</td>
<td>Trial</td>
<td>Trial</td>
<td>Trial</td>
</tr>
<tr>
<td>Time</td>
<td>SCR</td>
<td>SCC</td>
<td>ICC</td>
<td>COURT</td>
</tr>
<tr>
<td>------------</td>
<td>--------------</td>
<td>--------------</td>
<td>--------------</td>
<td>----------------</td>
</tr>
<tr>
<td>9:30 Trial</td>
<td>11:00 Prelims</td>
<td>9:00 Prelims</td>
<td>10:30 Prelims</td>
<td>NON-TRIAL DAY</td>
</tr>
<tr>
<td>9:30 Trial</td>
<td>11:00 Prelims</td>
<td>9:00 Sentences</td>
<td>10:30 Prelims</td>
<td>NON-TRIAL DAY</td>
</tr>
<tr>
<td>9:30 Trial</td>
<td>11:00 Prelims</td>
<td>9:00 Sentences</td>
<td>10:30 Prelims</td>
<td>NON-TRIAL DAY</td>
</tr>
<tr>
<td>9:30 Trial</td>
<td>11:00 Prelims</td>
<td>9:00 Sentences</td>
<td>10:30 Prelims</td>
<td>NON-TRIAL DAY</td>
</tr>
<tr>
<td>9:30 Trial</td>
<td>11:00 Prelims</td>
<td>9:00 Sentences</td>
<td>10:30 Prelims</td>
<td>NON-TRIAL DAY</td>
</tr>
<tr>
<td>9:30 Trial</td>
<td>11:00 Prelims</td>
<td>9:00 Sentences</td>
<td>10:30 Prelims</td>
<td>NON-TRIAL DAY</td>
</tr>
<tr>
<td>9:30 Trial</td>
<td>11:00 Prelims</td>
<td>9:00 Sentences</td>
<td>10:30 Prelims</td>
<td>NON-TRIAL DAY</td>
</tr>
<tr>
<td>9:30 Trial</td>
<td>11:00 Prelims</td>
<td>9:00 Sentences</td>
<td>10:30 Prelims</td>
<td>NON-TRIAL DAY</td>
</tr>
<tr>
<td>9:30 Trial</td>
<td>11:00 Prelims</td>
<td>9:00 Sentences</td>
<td>10:30 Prelims</td>
<td>NON-TRIAL DAY</td>
</tr>
<tr>
<td>9:30 Trial</td>
<td>11:00 Prelims</td>
<td>9:00 Sentences</td>
<td>10:30 Prelims</td>
<td>NON-TRIAL DAY</td>
</tr>
<tr>
<td>Possible Timebook Coverage</td>
<td>Proposition 36 Court</td>
<td>Domestic Violence</td>
<td>Drug Court</td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
<td>---------------------</td>
<td>------------------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>Felony Arraignments</td>
<td>Felony Arraignments</td>
<td>Felony Arraignments</td>
<td>Felony Arraignments</td>
<td></td>
</tr>
<tr>
<td>P.M.</td>
<td>P.M.</td>
<td>P.M.</td>
<td>P.M.</td>
<td></td>
</tr>
<tr>
<td>Misdemeanor</td>
<td>Misdemeanor</td>
<td>Misdemeanor</td>
<td>Misdemeanor</td>
<td></td>
</tr>
<tr>
<td>A.M.</td>
<td>A.M.</td>
<td>A.M.</td>
<td>A.M.</td>
<td></td>
</tr>
</tbody>
</table>