

## CALIFORNIA JUDICIAL BRANCH

The California court system—the largest in the nation, with approximately 2,000 judicial officers and more than 6 million cases—serves more than 39 million people. The state Constitution vests the judicial power of California in the Supreme Court, Courts of Appeal, and superior courts. The Constitution also provides for the formation and functions of the Judicial Council, the policymaking body for the judicial branch.

### COURT STRUCTURE

#### **State Supreme Court**

The Supreme Court of California is the state’s highest court. Its decisions are binding on all other California courts. The court conducts regular sessions in San Francisco, Los Angeles, and Sacramento; it also occasionally holds special sessions elsewhere.

#### *Membership, qualifications*

One Chief Justice and six associate justices are appointed by the Governor, confirmed by the Commission on Judicial Appointments, and confirmed by the public at the next general election. A justice also comes before the voters at the end of his or her 12-year term. To be eligible for appointment, a person must have been a member of the State Bar of California or a judge of a court in this state for at least 10 years.

#### *Jurisdiction*

The state Constitution gives the Supreme Court the authority to review decisions of the state Courts of Appeal. This reviewing power enables the Supreme Court to decide important legal questions and to maintain uniformity in the law. The court selects specific issues for review, or it may decide all the issues in a case. The Constitution also directs the high court to review all cases in which a trial court has pronounced a judgment of death. Under state law, these cases are automatically appealed directly from a trial court to the Supreme Court.

The Supreme Court adopts rules governing the conduct of judges, both on and off the bench, and the conduct of judicial candidates in their campaigns. These rules are known as the Code of Judicial Ethics.

The Supreme Court has discretionary review of decisions by the Commission on Judicial Performance to admonish, censure, or remove a judge for misconduct. The Supreme Court also reviews the recommendations of the State Bar of California concerning the disciplining of attorneys for misconduct. The only other matters coming directly to the Supreme Court are appeals from decisions of the Public Utilities Commission.

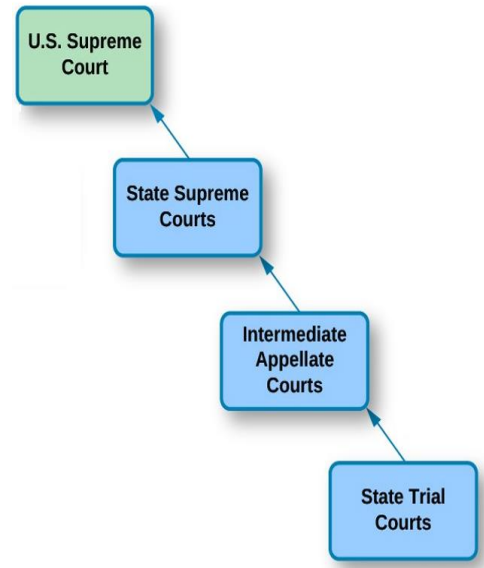
The Supreme Court received 8,079 filings during fiscal year 2015–2016.

#### **State Courts of Appeal**

Established by a constitutional amendment in 1904, the Courts of Appeal are California’s intermediate courts of review. California has six appellate districts (three of which have multiple divisions) and a total of 105 justices. The district headquarters are situated as follows: First Appellate District, San Francisco; Second Appellate District, Los Angeles; Third Appellate District, Sacramento; Fourth Appellate District, San Diego; Fifth Appellate District, Fresno; and Sixth Appellate District, San Jose. The Legislature has constitutional authority to create new appellate districts and divisions.

#### *Membership, qualifications*

Each district (or division, in the case of the First, Second, and Fourth Appellate Districts) has a presiding justice and two or more associate justices. Appellate justices are appointed by the Governor and confirmed by the Commission on Judicial Appointments. The same rules that govern the selection of Supreme Court justices apply to those serving on the Courts of Appeal.



### *Jurisdiction*

Courts of Appeal have appellate jurisdiction in cases where superior courts have original jurisdiction and in certain other cases prescribed by statute. There were 20,217 filings in the Courts of Appeal during fiscal year 2015–2016.

### **State Superior Courts**

California has 58 superior courts, or trial courts, in each county. In superior courts, a judge and sometimes a jury hears witnesses' testimony and other evidence and decides cases by applying the relevant law to the relevant facts.

### *Membership, qualifications*

The superior courts have 1,732 authorized judges and hundreds (in terms of full-time equivalents) of authorized commissioners and referees. The California Legislature determines the number of judges in each court. Superior court judges serve six-year terms and are elected by county voters on a nonpartisan ballot at a general election. Vacancies are filled through appointment by the Governor. A superior court judge must have been an attorney admitted to practice law in California or have served as a judge of a court of record in this state for at least 10 years immediately preceding election or appointment.

### *Jurisdiction*

Superior courts have trial jurisdiction over all criminal and civil cases. During 2015–2016, more than 6 million cases were filed in these courts.

## ***CASES HANDLED BY THE CALIFORNIA COURTS***

**Civil Law** - Governs the relations between individuals and defines their legal rights.

- Family law (divorce, child custody, child support), torts (lawsuits on harm caused intentionally or by negligence), contract disputes, landlord-tenant cases, probate cases (wills, trusts, and inheritances)

**Criminal Law** - Defines crimes against the public order and provides for punishment.

- Murder, assault, rape, robbery, burglary, car theft, theft, drug offenses

## ***JURY SERVICE***

Jury duty is an obligation of citizenship. Just like paying your taxes or voting, jury duty is an essential part of maintaining the civic infrastructure most of us take for granted. There are circumstances in which the law is unjust and it is your duty as a juror to represent the opinion of the people. California law says you are qualified to be a juror if you:

1. Are a U.S. citizen
  2. Are at least 18 years old
  3. Can understand English enough to understand and discuss the case
  4. Are a resident of the county that sent you the jury summons
  5. Have not served on a jury in the last 12 months
- Jury pay: \$15/day starting with second day of service and 34 cents per mile, one way
  - Number of Californians summoned to jury service in fiscal year 2016–17: ~9 million
  - Number of Californians summoned to jury service who were qualified and available to serve in fiscal year 2016–17: ~4 million
  - Number of Californians sworn in to serve as jurors in fiscal year 2016–17: ~141,000

## **QUESTIONS TO ANSWER (Use a separate sheet of paper to complete your answers)**

1. ***Explain each level of court (Supreme Court, Court of Appeals, and Superior Court) in California.***
2. ***Describe the difference between criminal law and civil law.***
3. ***What are the qualifications to serve on a jury?***
4. ***Why do you have to serve jury duty?***