



Chambers of
THOMAS H. CAHRAMAN
Presiding Judge

4050 Main Street
Riverside, CA 92501

Superior Court of California
County of Riverside

TO: All Judges and Commissioners
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Southwest Bar President John Siciliano
Desert Bar President Donald Griffith
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Civil Bench-Bar Committee Members
District Attorney Rod Pacheco, Asst. Sue Steding
Public Defender Gary Windom, Asst. Robert Willey
County Counsel Pamela J. Walls, Asst. Dorothy Honn
CDL Attorneys Steve Harmon, Paul Grech, Barbara Brand

FROM: Presiding Judge Thomas H. Cahraman

DATE: April 14, 2009

RE: (1) REOPENING AN ADDITIONAL CIVIL COURT
(2) ASSIGNMENT OF NEW JUDGES

Colleagues, Counsel, & Friends of the Court:

Today it was my pleasure to administer the oath of office to Hon. Mark E. Johnson. Now all four of our newest appointees have been sworn, and each will be a valuable colleague.

Judge Johnson has extensive civil and criminal experience. After consulting with the judges on the Executive Committee I have assigned him to Department 5 of the Historic Courthouse. This is important because we have had a vacancy in Riverside civil since Judge Cunnison retired over a year ago. It will be very helpful to the bench and bar to split the law & motion work among eight judges instead of seven. (Of course Comm. Barkley will continue to handle certain categories of law & motion as well, and three judges in the desert handle the motion work for that region.)

In two previous memoranda I set forth the problems we face with regard to our inventory of pending civil cases, and the progress we have made in criminal case management. I set forth the public interest test established by *People v. Gurdian*, 165 Cal. App. 4th Supp. 1 (2008) and explained how I weighed various factors in light of that legal standard. After

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allowing a period for comment and considering all points of view, I reinstated Department 2G in the desert, and Department 1 in Riverside, as civil trial courtrooms. This took us from five such courtrooms to seven (including the three Hawthorne courts and the Autry court). At the time I noted that historically we have had 11 busy civil trial courtrooms, and that seven was not enough, but that we were simply taking an appropriate first step.

Now we have a narrower question: whether filling Department 5 of the Historic Courthouse should create another criminal trial courtroom, or another civil trial courtroom.

After carefully considering all factors, including the legal standard mentioned above and the practical aspects of administering our busy court, I have determined that we should devote this important new resource to civil trials. Therefore, although Judge Johnson will be handling criminal trials (after finishing his daily allotment of civil law & motion), I have asked Judge Weathers in Department 3 to devote his department to civil trials, as soon as he finishes his current string of "Dateline" cases.

With this addition we now have eight civil trial courtrooms. I have accordingly asked Judge Gloria Trask, who handles the civil master calendar, to set 40-45 civil trials every Monday. (Since open courtrooms tend to settle civil cases, we have found over the years that we can set five or six times as many trials as we have courtrooms.) She has communicated to all 11 law & motion judges in the county that, anytime they see a case over three years old, they should send it to her for a trial setting conference. She has also made clear that they should feel free to send any case to her for TSC if it is ready for trial, or should be ready for trial, even if counsel say they have more discovery to do or motions to file.

As a practical matter the civil bar has gotten accustomed to thinking that civil cases won't get out to trial in Riverside County unless they are several years old. Now we will have a period of readjustment, in which the bar will find some very young cases will go to TSC and trial. Naturally it will depend on the complexity of the case, but we intend to keep our civil trial courtrooms very busy.

During this adjustment period, there will be Mondays in which Judge Trask will not have anything close to 45 trials set, and in that instance she may find that she simply cannot fill eight civil courtrooms. Of course she will first fill the Hawthorne courtrooms, the Autry courtroom, and Judge Tranbarger's courtroom. Then, if she cannot fill Department 1, 3, or 2G, she will immediately call Judge Webster and indicate that one or more of those departments is ready for a short criminal trial. Judges Weathers and Hopp have been similarly requested to call or e-mail Judge Webster (and Judge Hopp will also contact Judge Jorge Hernandez) as soon as they find that they are open and won't be assigned a civil trial for any particular week.

It is well to remember that two of the four recent appointees will go straight into criminal trials. Judge Kelly Hansen will be trying misdemeanors and occasional out-of-custody felonies in our new Department S 205 at the Southwest Justice Center. Judge David Gunn will be trying criminal trials in Department 35 of the Hall of Justice. Since we have built out S 205 and also Department 55 as new courtrooms, Judges Hansen and Gunn will not simply be displacing

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judges sitting on assignment. Rather, with these two new judges (both highly experienced in criminal law), we will gain two new criminal trial courtrooms. Of course, we like to see new judges gain a diversity of experience, so Judges Hansen and Gunn may not find themselves in criminal law indefinitely, but the two new courtrooms will help with our criminal law inventory, no matter who fills those chairs.

Our fourth outstanding appointee, Samuel Diaz, will sit briefly in Hall of Justice, then move to Department 240 (Indio dependency) on May 11, 2009.

Our latest statistics show that we are now down 1,057 felonies since March of 2008, from 6,325 to 5,268.

Thanks to the help afforded by dozens of volunteer attorneys, our expanded civil mediation program is well underway and will help in reducing our inventory of pending civil cases.

We remain with serious challenges. The economic downturn has increased civil filings, most dramatically with regard to unlawful detainers, but in other fields as well. We have 48 pending death penalty cases, which is a staggering number for a county our size. Each of those cases will occupy a judge, for trial and pretrial work, for about 12-15 weeks, and will of necessity displace other judicial work that we could accomplish.

Despite these challenges I remain optimistic. Our county is blessed with hard-working, courageous judges, along with professional and diligent staff. The statistics prove that we have made progress—indeed, as I travel the county and visit my colleagues, that progress is obvious and tangible. Now our stellar bench has been further enhanced by appointment of Judges Diaz, Hansen, Johnson, and Gunn.

I have spoken again recently to Ms. Sharon Majors-Lewis, judicial appointments secretary to the Governor, to thank her for those appointments. I also emphasized the importance of filling our remaining vacancy, and reminded her that we have certain retirements approaching.

In my previous memoranda I have expressed recognition and thanks to all those who have contributed to the progress we have made. I will not repeat those names here, but I still have firmly in mind the teamwork it took to get to this point.

THOMAS H. CAHRAMAN
PRESIDING JUDGE
RIVERSIDE COUNTY SUPERIOR COURT