CALIFORNIA SUPERIOR COURT SYSTEM

The Superior Courts of California are the largest superior court system in the United States. Californian’s superior court system has general jurisdiction to hear and decide any civil or criminal action designated to be adjudicated. In addition hearing matters before a government agency. As mandated by the California Constitution, each of the 58 counties in California has a superior court. http://www.courts.ca.gov/ [1]

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Organization

The Superior courts are the lowest level of State courts in California holding general jurisdiction on civil and criminal matters. California has six Courts of Appeal exercising jurisdiction over the Superior courts within their districts, and the Supreme Court of California. As of 2007, the Superior Courts of California consisted of 1,500 judges, which are largest part of California’s judicial system, and the largest court systems in the United States.

Superior court judges are elected by each county’s voters to six-year terms. California attorneys are allowed to run against sitting superior court judges at their retention elections, and have occasionally succeeded in doing so. Vacancies in the superior courts are filled by appointments made by the Governor.

Because Los Angeles County has the largest population of any county in the United States, it also has the largest Superior Court. The Los Angeles County Superior Court is organized into highly specialized departments dealing with everything from moving violations to mental health. California superior court system preside over 2.5 million legal matters annually, which 4,000 terminate in jury trials; this works out to about 4,300 matters per judge. California superior court 429 judges are assisted by 140 commissioners and 14 referees.

In contrast, many of California’s smallest counties, like Alpine, Del Norte, Inyo, Lake, Lassen, Mono, and Trinity, typically have only two Superior Court judges each, who are usually assisted by a single part-time commissioner.

To be eligible to become a superior court judge in California, one must have been a member of the State Bar of California for at least 10 years. [2]
One quirk of California law is that when a party petitions the appellate courts for a writ of mandate—California’s version of mandamus—that the case name becomes [petitioner name] v. Superior Court—that is, the Superior Court is the respondent on appeal, and the real opponent is then listed below those names as the “real party in interest.” This is why several U. S. Supreme Court decisions in cases that originated in California bear names like Asahi Metal Industry Co. v. Superior Court 480 U.S. 102 (1987) and Burnham v. Superior Court of California 495 U.S. 604 (1990).

The underlying justification is that the writ jurisdiction of the California Courts of Appeal is to make an order directing the Superior Court to enter an order in its records, while the real party in interest has standing to oppose the appellate application for a writ. Normally, there is “no appearance for respondent,” but in certain rare circumstances, the Superior Court does have standing to oppose an application for a writ, and has actually done so.

Another quirk is that because the superior courts are now fully unified with all courts of inferior jurisdiction, the superior courts must hear relatively minor cases that previously would have been heard in such courts, such as infractions, misdemeanors, and “limited civil” actions (actions where the amount in controversy is below $25,000). The superior courts have appellate divisions (superior court judges sitting as appellate judges) which were previously responsible for hearing appeals from inferior courts. Now, the appellate divisions hear appeals from decisions of other superior court judges (or commissioners, or judges pro tem) who heard and decided such minor cases. Unlike appellate divisions in other states (such as the New York Supreme Court, Appellate Division), the appellate divisions of the superior courts are not considered to be separate courts.

History

The concept of having a Superior Court of general jurisdiction in each of California’s counties dates back to the ratification of the second California Constitution in 1879. Previously, the California Judiciary Act of 1851 had created multi-county District Courts of general jurisdiction, which supervised County Courts, and Justice of the Peace Courts of limited jurisdiction.

Notably, the superior courts did not always enjoy the unified jurisdiction that they possess now. At one point in the early 20th century, California had as many as six types of inferior courts of limited jurisdiction under the superior courts. The Municipal and Justice Courts Act of 1949 reduced the number of inferior courts to two: municipal courts and “justice of the peace” courts.

Commencing in the late 1970s, California began to slowly phase out the use of justice courts (in which non-lawyers were often allowed by statute to preside as judges) after a landmark 1974 decision in which the Supreme Court of California unanimously held that it was a violation of due process to allow a non-lawyer to preside over a criminal trial which could result in incarceration of the defendant. [3]
In 1998, Proposition 220 was approved by the state’s voters; it amended the state Constitution to authorize judges in each county to decide whether or not to retain municipal or justice courts. By 2001, every California County had consolidated its municipal and justice courts into the superior courts. Thus, at present, the superior courts are actually not “superior” to any inferior courts within the judicial branch. They are still superior to certain types of administrative hearings within the executive branch; dissatisfied litigants can appeal to superior courts through administrative mandamus.

Many of California’s larger Superior courts have specialised departments for different cases, such as, criminal, civil, traffic, small claims, probate, family, juvenile, and complex litigation. However, these departments are simply administrative assignments, which can be rearranged at the discretion of each Superior Court’s presiding Judge in response to changing caseloads—that is, regardless of the department title; all orders are issued by judges of the superior court. In contrast, inferior courts were creatures of statute and thus were slightly more difficult to rearrange.

Another peculiarity of California law is that traditionally, the superior courts did not own their own buildings, and the state was not required to provide them with buildings, even though the superior courts were part of the judicial branch of the state government. Rather, county governments were supposed to provide buildings and security for the superior courts out of their own local budgets.

At the same time, courthouse construction and maintenance were often overlooked among the numerous mandatory responsibilities placed upon counties by California law. After several decades of complaints about dilapidated courthouses, the California Legislature passed the Trial Court Funding Act of 1997 and then the Trial Court Facilities Act of 2002 to begin the process of transferring courthouses from county to state ownership. The first transfer, in Riverside County, took place in October 2004. On December 29, 2009, the Administrative Office of the Courts announced that the process of transferring 532 facilities to state control was complete with the transfer of the Glenn County Superior Courthouse. [4]

List of Superior Courts

- Superior Court of Alameda County, Alameda County, California
- Superior Court of Alpine County, Alpine County, California
- Superior Court of Amador County, Amador County, California
- Superior Court of Butte County, Butte County, California
- Superior Court of Calaveras County, Calaveras County, California
- Superior Court of Colusa County, Colusa County, California
- Superior Court of Contra Costa County, Contra Costa County, California
- Superior Court of Del Norte County, Del Norte County, California
- Superior Court of El Dorado County, El Dorado County, California
- Superior Court of Fresno County, Fresno County, California
- Superior Court of Glenn County, Glenn County, California
- Superior Court of Humboldt County, Humboldt County, California
- Superior Court of Imperial County, Imperial County, California
- Superior Court of Inyo County, Inyo County, California
- Superior Court of Kern County, Kern County, California
See also

- **Courts of California**
References

2. ^ Calif. Const., art. VI, sec. 15.

External links

- Judicial Council of California website
- Locations and contact information of all Superior Courts statewide, from the Judicial Council
- California Trial Court Roster, listing officers of all trial courts statewide, from the Judicial Council