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Journal of Consumer Attorneys Associations for Southern California
ADVOCATE
February 2024



Bench update for the Los Angeles Superior Court

A LOOK AT THE VERY REAL CHALLENGES FACING THE NATION'S LARGEST TRIAL COURT

It is my utter privilege to lead the Los Angeles Superior Court (LASC), the largest consolidated trial court in the United States. The LASC, with over 500 judicial officers and 5,000 staff members, serves a population of over 10 million county residents across 4,752 square miles in 36 courthouses, from Pomona to Catalina to Lancaster. I am buoyed by our accomplishments in 2023 and excited to take on new challenges in 2024. The LASC continues our efforts to craft innovative approaches to effectively and efficiently meet the mission of the Court, which is to provide equal access to justice through the fair and timely resolution of all cases. This update discusses the initiatives the Court has undertaken in the last year and considers what 2024 has in store for the Court and the diverse communities we serve.

Court reporters: A constitutional crisis

Any discussion of access to justice in California must include recognition of the intractable lack of court reporters in California. In 2023, over 330,000 hearings took place in the Court without a court reporter or electronic recording to capture what occurred, leaving litigants without a verbatim record and severely hamstringing their right to appeal. Simply put, no record, no justice.

So there is no ambiguity, the Court greatly values our court reporters and recognizes their essential role in the justice system. If we could provide all courtrooms with a court reporter, we would. To that end, beginning in February 2023, the LASC undertook a significant court reporter recruitment and retention campaign to retain our existing

court reporters and fill over 100 court reporter vacancies. The incentives include signing and retention bonuses of up to \$50,000, competitive student loan forgiveness, and a generous \$25,000 finder's fee. The campaign has also included high-profile advertising in Southern California newspapers, including the LA Times, and on billboards and metro stations across LA County. Despite these unprecedented efforts, since announcing our incentives, 19 court reporters have left court service and only 12 court reporters have joined court service, resulting in a net loss of seven court reporters. We want to hire court reporters, but there simply are not enough court reporters available to be hired by our court in sufficient numbers to address what is accurately described as a "constitutional crisis."

There is a fix. Senate Bill 662 – Courts: Court Reporting would extend the Court’s authority to electronically record proceedings in all civil cases, including unlimited civil, family law, and probate cases, but only when a court reporter is unavailable. (Currently, electronic recording is permitted only in misdemeanor criminal cases, limited civil cases – including most eviction cases – and infractions.) The Court has worked tirelessly to raise awareness of the bill and advocate for its passage. The Court made this issue a central tenet of the legislative breakfast we hosted in April 2023, which was attended by representatives of over 75% of the Los Angeles County Legislative Delegation. We’ve also convened a coalition of bar associations, legal services organizations, and sister trial courts in Southern California to encourage them to engage their legislators and insist on the bill’s passage.

As a result of our efforts and those of other courts, legal services organizations, and bar associations, the bill passed out of the Senate Judiciary Committee and the Senate Committee on Business, Professions and Economic Development in the spring of 2023. The bill was held in Senate Appropriations in May 2023. As of this writing, the future of the bill is uncertain, but we remain hopeful that in 2024, the legislature and the governor will recognize this situation as the constitutional crisis it is and address it in the current legislative session. If not, the LASC will regroup and continue to advocate in favor of a law that reflects the realities of the labor market and the information age in which we live, where electronic recording is widely used and provides competent and accurate recordings.

We are grateful for CAALA’s efforts in spotlighting this issue and advocating in favor of passage of SB 662.

Challenging budget times

California finds itself in a challenging fiscal position, with the Newsom Administration projecting a \$37.9 billion shortfall across Fiscal Years 23/24 and

24/25 resulting from lower-than-expected tax receipts. To address the budget shortfall, the governor proposed a series of measures in his FY 24/25 state budget proposal, including drawdowns of state reserves, spending reductions, and internal borrowing. Notwithstanding some overall budget reductions across the Judicial Branch, funding for the trial courts remains largely intact.

We nevertheless recognize that, like the rest of state government, the trial courts must be part of the solution to the projected budget shortfall. To that end, the proposed state budget contains some reductions in trial court funding, including a one-time reversal of \$80 million in unrestricted funding to the trial courts, a return of certain unspent grant funding, and delays in funding for several courthouse facilities projects. At the same time, we are grateful that the FY 24/25 proposed state budget does not include reductions to baseline trial-court funding in the current fiscal year or FY 24/25. This reflects the Newsom Administration’s continued commitment to the mission of the Judicial Branch.

While any budget reduction is unfortunate, we are confident that, given the Superior Court’s prudent fiscal management in the past several years, we will be able to withstand this reduction in unrestricted funds without disrupting our operations and ability to provide access to justice.

Over the next several months, the governor and the legislature will debate and negotiate their fiscal priorities. Later this year, adjusted state-revenue estimates will be released, resulting in the release of a revised budget in May.

Between now and July 1, when the final budget must be passed, the Court looks forward to collaborating with our partners in the judicial branch, along with justice partners, bar associations, and members of the legal community (including CAALA members), to advocate for continued sufficient funding to enable the Court to continue meeting our mission through the fair, timely, and efficient resolution of all cases.

Recurring judicial vacancies

For many reasons, courts up and down the state of California struggled with unusually high judicial-vacancy rates in 2023. It is apparent that the large number of vacancies has had a detrimental effect on the distribution of work across the Court and has affected the timely resolution of cases, especially and notably in the Civil Division.

Nonetheless, the Court continues to appreciate the opportunity to work with the Governor’s Office to facilitate programs, initiatives, and outreach, like the Court’s Judicial Mentor Program, to broaden the pipeline of judicial candidates to ensure that the governor can meet his goal of appointing a bench that reflects the rich and diverse communities we serve. We look forward to continuing to advocate for judicial appointments together with CAALA and other bar associations.

Aging facilities

Another significant challenge is our aging and rapidly deteriorating facilities. Of our 36 courthouses, only four are less than 30 years old, and more than half are more than 50 years old, which by building standards is often considered the end of a useful lifespan.

Of special concern is the state of our flagship courthouses in the Civic Center area of Downtown Los Angeles, including the Stanley Mosk Courthouse and the Clara Shortridge Foltz Criminal Justice Center. Both courthouses are more than 50 years old, welcome thousands of visitors each day, and regularly face significant maintenance issues such as “water intrusions” (floods) from aging pipes that burst, consistently out-of-service elevators and escalators, lack of temperature control, and more.

Beyond their costly maintenance issues, both courthouses carry significant seismic safety risks. According to a 2017 study by the Judicial Council of California, the Stanley Mosk Courthouse, which is technically two separate buildings attached by a relatively paltry steel band, is collectively the fourth and fifth most

seismically vulnerable courthouse in all of California. The same study placed the Foltz Criminal Justice Center at number 20.

Both buildings are included on the state's long list of courthouses slated to be replaced in the next decade or two. But given the critical need to replace them as swiftly as possible, the Court has proactively engaged our partners at the Judicial Council of California, who own and manage all of our courthouse facilities, as well as legislative leaders, members of the legal community, and representatives from the California Department of Finance, who will ultimately make decisions about whether and how to fund the projects. We were pleased to welcome key members of the Judicial Council and the Department of Finance to Los Angeles for a presentation and day-long, comprehensive tour of both courthouses. We also sought to engage the community by presenting a virtual facilities seminar for representatives of county and city government, as well as bar associations, legal service providers, and others.

Feedback from both the virtual presentation and the Department of Finance visit was overwhelmingly positive, and we hope to move forward with concrete plans in the near future. We recognize that replacing the two of the largest courthouses in the country is a monumental undertaking, but we are dedicated to making plans today to ensure continued access to justice and safety in our buildings in the future.

Prioritizing ADR and the success of Resolve Law LA

We all recognize that most cases settle prior to trial. The question is how we can work together to settle cases early and efficiently. The Court recognizes the importance of affordable and accessible Alternative Dispute Resolution (ADR) and settlement opportunities. We will revitalize our ADR Office to encourage early resolution of civil cases whenever possible. The ADR Office's aim is to develop a panel of volunteer mediators

for civil cases with the possibility of expanding to other litigation areas based on the availability of volunteer resources. We recognize the knowledge and expertise of members of CAALA and look forward to working with all of you to provide access to ADR opportunities facilitated by the Court.

We all continue to reap the benefits of the success of Resolve Law LA (RLLA). It represents the epitome of collaboration among bar associations and attorneys and leverages the talent of qualified volunteer lawyers from members of numerous Los Angeles County-area bar associations, including CAALA, to resolve certain civil cases before they proceed to trial. As a result of the pandemic, we learned that settlement conferences can be successfully conducted virtually. Resolve Law enables participants to engage in a three-hour virtual Mandatory Settlement Conference at no cost for personal-injury and non-complex employment cases. Each MSC includes two settlement officers who are volunteer attorneys, one from the plaintiff's bar and one from the defense bar. The program provides the lawyers with an opportunity to work together to settle cases and has resulted not only in the successful resolution of a significant number of cases, but also a means to foster partnership and civility among members of the bar.

In response to the growing need to address an increased unlawful detainer (UD) caseload, the Court launched the UD MSC Pilot Program. The program deploys temporary judges who have been trained as settlement officers to four UD court locations on a designated day each week to facilitate settlement of unlawful detainer cases on the day of trial. There is no charge to litigants. This is yet another example of members of the bar working with the Court to resolve cases efficiently and economically prior to trial.

The Court also offers the Mediation Center of Los Angeles (MCLA) Referral Program. MCLA is a nonprofit organization that manages a panel of highly qualified mediators. MCLA has contracted with the Court to provide

mediation services in unlimited civil cases at a very low cost. Judges sitting in one of five judicial districts – North Central, East, Southwest, Northwest, and North Valley – may refer unlimited civil cases to mediation. MCLA assigns a mediator based on the type of case presented and the availability of the mediator to complete the mediation in an appropriate time frame.

Together, the legal community and the Court can work collaboratively to resolve matters early, effectively, and at little to no cost.

Partnering with Stanford Law School

Recognizing our court's significant role in leading innovative efforts to expand and improve access to justice, the Court is launching a groundbreaking new partnership with Stanford Law School's Deborah L. Rhode Center on the Legal Profession and Legal Design Lab. The partnership's primary purpose is to research, design and implement innovative, evidence-based approaches to reduce barriers to participation in the judicial process and to improve access to justice for all court users.

The unique partnership among the Court, Stanford's leading legal scholars, and undergraduate and graduate students across disciplines will examine and map the barriers to full participation in the judicial system. The primary focus will be on case types with high percentages of self-represented litigants, including UD (eviction), debt collection and child support actions. The goal of the partnership is to raise participation rates, in part, by increasing court users' ability to more easily navigate complex and often life-altering legal proceedings.

The first phase of the partnership commenced in January 2024. During this phase, the Stanford Law's research team will work collaboratively with court administrators across the Court to study existing processes and procedures and identify methods to improve participation, engagement and access for all residents of Los Angeles County.

The second phase will engage experts in design, piloting and rigorous evaluation of new approaches. By leveraging the latest research regarding how to combine user-centered design, digital self-help, human assistance and expert court administration, the partnership will empower court users to navigate legal proceedings with greater ease. Data and findings from this collaboration will also be used to develop new forms of digital self-help options to expand meaningful participation in cases and improve overall administration.

Final word

It is the honor of a lifetime to sit at the helm of the largest and most influential trial court in the nation,

addressing the challenges head on. I am reminded every day of how fortunate I am to work with an exemplary team comprising subject-matter experts who are genuinely committed to thinking expansively about how to achieve the mission of the Court, including Assistant Presiding Judge Sergio C. Tapia II and Executive Officer and Clerk of Court David W. Slayton. I have no doubt that 2024 will present us with more opportunities to excel, more challenges to meet and overcome, and more opportunities to work with the bar to think deeply and critically about transformative innovation in the judicial branch and achieving equal and fair access to the Court now and in the future.

Judge Samantha Phillips Jessner is the Presiding Judge (2023-2024) of the Los Angeles Superior Court, where she has served as assistant presiding judge, supervising judge of the civil division, supervising judge of the mental health court, and on many LASC committees. Judge Jessner is a member of the Supreme Court Committee on Judicial Ethics Opinions, the Information Technology Advisory Committee, and the Civil and Small Claims Advisory Committee of the Judicial Council of California. For many years, she has taught New Judge Orientation and CJER Qualifying Ethics curriculum, in addition to teaching other subjects. Judge Jessner is a founding member of the Association of African American California Judicial Officers and a member of the National Association of Women Judges.