This is a self-paced assignment on the California Court System. It has 30 possible correct answers. Each correct answer is worth 2 points, for a total value of 60 points.

In this lesson you will learn about the organization and function of all the courts in California. When you have completed this lesson, you should be able to:

a. Identify the levels of courts in California  
b. Describe how judges are selected for the court system.  
c. Describe how each court level is organized.  
d. List the kinds of proceedings conducted in each court.  
e. Explain the jurisdictional limitations of each court level over criminal and civil cases.  
f. Describe the appellate jurisdiction of each court.

<table>
<thead>
<tr>
<th>1. QUESTION</th>
<th>1. CIRCLE ONE ANSWER</th>
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</thead>
<tbody>
<tr>
<td>True or False</td>
<td>A. True</td>
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<tr>
<td>In this lesson you will learn, among other things, the methods by which</td>
<td>B. False</td>
</tr>
<tr>
<td>judges are selected for each level of the California Court System.</td>
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</table>
2. **QUESTION**

   True or False

   This lesson will teach you how to obtain search warrants and other types of court orders from a judge.

2. **CIRCLE ONE ANSWER**

   A. True
   B. False

Before we proceed into an examination of the court system, let’s review some things which you may already know about the organization of our state government in California.

If you think back to your high school Government or Political Science classes, you can probably remember that California State government is divided into three branches, the same as the government of the United States.

Do you remember the names of those three branches of government?

If you can remember them, write their names here:

L _______________________________________________

E _______________________________________________

J _______________________________________________

Don’t be concerned if you can’t recall what they are. We’ll discuss them very briefly in the next few sentences.

From its inception, California state government has been constitutionally divided into three separate branches – the legislative, executive and judicial branches. Each of these branches plays an important and co-equal role in ensuring the basic principles of democracy, which form our system of government.

- The legislative branch enacts the laws;
- The executive branch, headed by the Governor, sees to it that the laws are carried out.
- The judicial branch, settles disputes among persons and parties, determines fairly and justly the guilt or innocence of persons charged with crimes, and interprets the laws and the Constitution of the state.
The legislative branch of California government is composed of two segments, the Senate and the Assembly. Together, they constitute the state legislature. The Senate has 40 elected members and the Assembly has 80.

The membership of both the Senate and Assembly is divided proportionately among the 58 counties of the state, based on their population. Therefore, the more populous counties, such as Los Angeles, have a greater representation in the legislature.

3. **QUESTION**

What is the combined total elected membership for both segments of the California Legislature?

3. **WRITE YOUR ANSWER HERE**

________________________

The primary function of the legislature is to create the laws that govern the conduct of people in the state. In creating these laws, which are commonly called statutes, the legislature endeavors to represent the desires of a majority of the citizens of the state.

The legislature also authorizes the creation of new courts within the state judicial system and establishes the limits of their legal jurisdiction.
4. **QUESTION**

From the list given on the right, select the word which best completes the following statement:
The primary function of the legislature is to ______________ the statute laws of the state.

4. **SELECT THE CORRECT ANSWER BELOW**

- ______ a. create
- ______ b. enforce
- ______ c. interpret
- ______ d. validate
- ______ e. explain

The Executive branch of government consists of the Governor’s Office and all of the operating departments of state government. Its primary functions are to carry out the various services, which are provided by the state for its citizens and the administration of justice.

Foremost among these services is the enforcement of laws created by the legislature. This is performed by various enforcement agencies, such as the California Highway Patrol, Bureau of Narcotics, Department of Motor Vehicles, Alcoholic Beverage Control Department, Fish and Game Department, Industrial Safety Division and the Bureau of Consumer Affairs.

Another important function of the Executive branch of state government is the appointment of new judges to fill vacancies created by retirements and resignations. The Governor with the approval of the Judicial Appointments Commission exercises this authority.

5. **QUESTION**

Complete the following statement:
Two important functions of the Executive Branch of government are the enforcement of state laws and the a______________ of j______________.

5. **WRITE YOUR ANSWER HERE**

a_________________________ of

j_________________________.
The roots of California's judicial branch reach back to the days when California controlled by the Spanish. When California was officially organized as a territory, the judicial power was vested in a superior court, inferior courts and justices of the peace.

The State's first constitution placed the judicial power in a Supreme Court and created several different types of trial courts.

Over the years since its creation, the California court system has had several different kinds and combinations of trial courts, including superior, municipal and justices of the peace, police courts, and other courts established by the Legislature.

Today, California has a three-tier court system. Article VI of the Constitution, as amended by California voters' in1998, vests the judicial power in a Supreme Court, the state's highest court with statewide jurisdiction; in courts of appeal consisting of districts established by the Legislature; and in a system of superior courts in each county having original jurisdiction over all cases and matters, civil and criminal.

Before June 1998, California's trial courts consisted of superior and municipal courts, each with its own jurisdiction and number of judges fixed by the Legislature. Proposition 220, passed in 1998, provided for court unification in order to improve service to the public and increase flexibility for the courts. As of February 2001, all 58 of California's counties had unified their municipal and superior courts into one unified countywide superior court. All of the judges of the former municipal courts became superior court judges. All judges may hear and determine different classes of cases within their respective counties.

Superior courts now have trial jurisdiction over all criminal and all civil cases. Each superior court is responsible for how it administers its own courts to ensure that all cases are fairly, impartially, and efficiently heard. A presiding judge, elected for a two-year term, has general administrative authority over all judicial personnel in the county. He or she may assign other judges throughout the county to relieve caseload and administrative backlogs.

In addition to the three levels of courts responsible for making decisions in each case brought before them, the Judicial Council of California is the constitutionally created body that is responsible for overseeing the administration of the court system.

The California courts serve nearly 34 million people. Over 8 million cases are filed in the trial courts at some 400 court locations throughout the state yearly.
**ORGANIZATION AND JURISDICTION OF CALIFORNIA'S COURT SYSTEM**

The state court system in California is comprised of three levels of courts.

The Supreme Court is the state's highest court;  
The Court of Appeals is the state's intermediate appellate court; and  
The Superior Courts in each county are the state's trial courts. The vast majority of all cases are completed (reach resolution or disposition) at the Superior Court level.

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<tr>
<th>6. QUESTION</th>
<th>6. WRITE YOUR ANSWER HERE</th>
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<tbody>
<tr>
<td>The California court system is composed of how many separate levels?</td>
<td>__________________________</td>
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<th>7. QUESTION</th>
<th>7. WRITE YOUR ANSWERS HERE (16 Points Possible)</th>
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<tbody>
<tr>
<td>Which branches of state government are responsible for the following functions?</td>
<td>a.__________________________</td>
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<tr>
<td>a. Interpretation of state laws</td>
<td>b.__________________________</td>
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<tr>
<td>b. Appointment of new judges</td>
<td>c.__________________________</td>
</tr>
<tr>
<td>c. Creation of statute law</td>
<td>d.__________________________</td>
</tr>
<tr>
<td>d. Enforcement of state laws</td>
<td>e.__________________________</td>
</tr>
<tr>
<td>e. Providing governmental services to citizens of the state</td>
<td>f.__________________________</td>
</tr>
<tr>
<td>f. Establishment of the jurisdictional limits for each level of the court system</td>
<td>g.__________________________</td>
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<tr>
<td>g. Application of the laws of the state to individual cases</td>
<td>h.__________________________</td>
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</table>
Remember that California State government is organized into three branches--Legislative, Executive and Judicial. Each branch functions independently within its own area of responsibilities while at the same time; each exercises some measure of control over the activities of the other two.

This brief review of California State government has given us a perspective view of the total organization. Now we will focus our attention on just one portion of that organization--the judicial branch.

Although not a part of the judicial branch, The California Senate has authority to act as a court for the prosecution of just one type of case: the impeachment of a state official. Because of this fact, you may sometimes hear the Senate referred to as “the highest court of the state.”

The Senate has acted in this capacity only five times in the history of the state however, so for all practical purposes, the Supreme Court must be considered the “highest court in the state.”

8. **QUESTION**
   The California Senate may act as a court for the trial of what type of case?

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<th>8. WRITE YOUR ANSWER HERE</th>
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<td>of ________________________</td>
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9. **QUESTION**
   Give the name of each level of court within the California Judicial System starting with the lowest level.

<table>
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<tr>
<th>9. WRITE YOUR ANSWERS HERE</th>
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<tbody>
<tr>
<td>a. S________________________Court</td>
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<tr>
<td>b. C_____________of ____________</td>
</tr>
<tr>
<td>c. S________________________Court</td>
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</tbody>
</table>

The Supreme Court and Court of Appeals have general superintending control over all courts and tribunals within their jurisdictions. Original remedial writs (requests for specific kinds of relief) may be issued and determined at each level of the court system.
The Supreme Court

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

Membership, Qualifications.

One Chief Justice and six associate justices are appointed by the Governor and confirmed by the Commission on Judicial Appointments. The appointments are confirmed by the public at the next general election; justices also come before voters at the end of their 12-year terms. To be considered for appointment, a person must be an attorney admitted to practice in California or have served as a judge of a court of record in this state for 10 years immediately preceding appointment.

Original Jurisdiction, Authority.

The Supreme Court has original jurisdiction (the case can start in the Supreme Court) in proceedings for extraordinary relief in the nature of mandamus (an order requiring another court to take action in a certain case), certiorari (an order granting review of another court's act), and prohibition (an order prohibiting another court from taking a specific action). The court also has original jurisdiction in habeas corpus proceedings (cases in which a person is seeking release from custody).

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 judgment of death has been pronounced by the trial court. Under state law, these cases are automatically appealed directly from the trial court to the Supreme Court (Pen. Code, § 1239(b)).
The 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, each with at least one division.

The six appellate districts are composed of 18 divisions and 93 justices. District headquarters for each Court of Appeal are located in:

- First District: San Francisco
- Second District: Los Angeles
- Third District: Sacramento
- Fourth District: San Diego
- Fifth District: Fresno
- Sixth District: San Jose

General Description

The primary role of the Court of Appeals is to hear appeals from cases in the Superior Court. Parties who disagree with the judgment rendered in the Superior Court can appeal the case to the Court of Appeals. In an appeal, a record of what occurred in the superior court is filed.

Each side generally files a brief, stating its legal arguments and the basis for them, such as past court decisions or statutes. These briefs and the record on appeal are open to the public except in cases where specific requirements regarding confidentiality apply.

The role of the Courts of Appeal is not to re-try cases heard in the Superior Court but to review the Superior Court record (case files and transcripts) to determine if legal errors were made. The Court of Appeals may hear oral argument from each side, during which each side makes a presentation and answers the judges' questions. In the Courts of Appeal, there are no juries or witnesses; the parties argue their cases before the judges, and the judges determine whether there were prejudicial mistakes made at the trial below. The public may attend oral argument.

The Court considers the briefs, oral arguments, and the transcripts, pleadings and exhibits from the trial in researching, deciding, and writing its opinions. As with all levels of courts, the Courts of Appeal must decide each case based on the Constitution and laws regardless of the judge's personal preference, politics, and any other outside influence. The Courts of Appeal can agree with the decision of the trial court, agree in part and disagree in part, or disagree and reverse the trial judge's decision.
Three-judge panels decide cases. Decisions of the panels, known as opinions, are published in the California Appellate Reports if those opinions meet certain criteria for publication.

In general, the opinion is published if it establishes a new rule of law, involves a legal issue of continuing public interest, criticizes existing law, or makes a significant contribution to legal literature.

For a more complete description of the history of the Courts of Appeal, and for information about the numbers and nature of cases handled by the Courts of Appeal go to www.courtinfo.ca.gov/courts.

Membership and Qualifications

Each division has a presiding justice and two or more associate justices, appointed by the Governor and confirmed by the Commission on Judicial Appointments. The same rules governing the selection of Supreme Court justices apply to those serving on the Courts of Appeal.

The Superior Court

General Description

The Superior Courts are the trial courts in each county in California. They have jurisdiction over all civil and criminal matters except those specifically reserved to the Supreme Court or the Courts of Appeal. Most lawsuits are started in a superior court. The kinds of cases that superior courts can hear, and that are described in more detail in other parts of this web site, include:

Civil Cases. Types of civil cases cover a wide range of disputes. For example, civil cases range from dissolution of marriage and domestic violence cases, to suits involving personal injury or property damage; from petitions to collect money for services performed or goods delivered, to evictions, and to applications for hardship driving privileges following suspension or revocation of a driver's license.

Criminal Cases. Criminal cases, on the other hand, involve violations of laws which have been enacted for the protection of society. Examples are laws against homicide, rape, assault, burglary, stealing, possession or sale of illegal drugs, and driving while intoxicated. In criminal cases, all trials are conducted in this court.

Traffic/Ordinance Violations. Violations of state and municipal traffic laws are also handled by the Superior Court. Many of these are handled administratively through a traffic violations bureau established in the court. Most municipal ordinance violations, the bulk of which are traffic related, are handled in Traffic Division Superior Court.
**Domestic Relations, Juvenile Cases and Family Courts.** The Superior Court also has jurisdiction over domestic relations matters including dissolution of marriage, child custody and support, domestic violence, and other matters related to families. The Superior Court also has jurisdiction over juvenile matters related to children less than 18 years of age. A child may come within the jurisdiction of the court for several reasons, including neglect and abuse; status offenses such as repeated truancy and incorrigibility; and juvenile delinquency, i.e., acts committed by a child that would constitute a crime if committed by an adult (for example, stealing or possessing illegal drugs). The court also hears matters involving adoption and termination of parental rights.

Proceedings in the juvenile court are confidential and are geared to protecting the privacy of the child and reducing the likelihood of adult criminal behavior. In instances where the offense is particularly serious and where it appears likely that protection is not in the best interest of the child or society, the juvenile may be transferred to the adult court.

**Probate Cases.** The Superior Court also has jurisdiction over probate matters. Probate cases include: distribution of deceased persons' property ("decedents' estates"); responsibility for people who are incapable of caring for themselves or who cannot manage their financial resources (conservatorship/guardianship); and the involuntary detention of persons who, as a result of mental illness, or alcohol or drug abuse are dangerous to themselves or others ("mental health cases").

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<tr>
<th>10. QUESTION</th>
<th>10. SELECT YOUR ANSWER</th>
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</table>
| Which of the following courts did Proposition 220 eliminate in California? | a. Supreme Court  
| | b. Superior Court  
| | c. Municipal Court  
| | d. Justice Court |

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<tr>
<th>11. QUESTION</th>
<th>11. SELECT YOUR ANSWER</th>
</tr>
</thead>
</table>
| Which of the following is not a civil case? | a. Divorce  
| | b. Child Custody  
| | c. Traffic Violations  
| | d. Evictions |
12. **QUESTION**

Which California Court of Appeal has jurisdiction over cases tried in San Jose?

<table>
<thead>
<tr>
<th>12. <strong>SELECT YOUR ANSWER</strong></th>
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<tbody>
<tr>
<td>a. First District</td>
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<tr>
<td>b. Third District</td>
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<tr>
<td>c. Fifth District</td>
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<tr>
<td>d. Sixth District</td>
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The term Magistrate is used to designate the presiding officer of any California Court. In addition, specific titles are used to identify the magistrates at the various levels of the court system.

Magistrates of all courts must be licensed attorneys. Judges of Superior Courts and Justices of the Courts of Appeal and Supreme Court must have 10 years experience before taking the bench.

In addition to the local option for the merger of superior and municipal courts in each county, Proposition 220:

Establishes an appellate division in each unified superior court to hear matters currently within the appellate jurisdiction of the superior court;

Requires any newly appointed judge of a unified superior court to be a member of the State Bar for at least 10 years immediately preceding election; and

Provides for the countywide election of the superior court judges of the unified courts, except as necessary to meet federal Voting Rights Act requirements.

There are also Court Commissioners, who must be attorneys. Commissioners serve as civil service appointees at the pleasure of the judges of a court, rather than being elected. They can perform all the functions of a regular judge, even to conducting the trial of death sentence cases; however they can be challenged and must be replaced if either side in the case demands to have a regular judge. They are usually assigned to the less serious matters, such as small claims cases, traffic court, or as bail or jury commissioners.

Superior court limited jurisdiction facilities can try civil cases in amounts up to $25,000. Civil cases of over $25,000 must be tried in Superior Court.
There is one final topic to be considered before leaving the lower court of our judicial system.

When confronted with a minor grievance, the average citizen usually fails to pursue his rights under the law because of the complexities and expense of initiating a lawsuit.

It was because of this problem that the small claims court was founded. Actually, the phrase “small claims court” is a misnomer. It is not really a court. It is not one of the three established levels of our state judicial system.

The term “small claims” refers to a type of lawsuit which can be brought in a Superior court facility. It provides a simple form of legal proceeding for resolving minor civil disputes.

The maximum amount of a small claims lawsuit is $10,000. The court costs are minimal and the necessary legal documents are easily prepared. The parties to the case appear in a very informal hearing before a judge. Each one tells his side of the story and neither is permitted to have an attorney present.

The judge issues a decision quickly and the case is usually completed within 3 or 4 weeks after it is filed. Only the defendant may appeal. An appeal goes to the Superior Court.

Remember that this is not a separate court but merely a special form of lawsuit that is heard in a Superior Court facility.

13. **QUESTION**

   What is the maximum amount for which you can sue someone in a small claims action?

13. **WRITE YOUR ANSWER HERE**

   _______________________

14. **QUESTION**

   True or False

   Most small claims lawsuits are argued by young and relatively inexperienced attorneys.

14. **SELECT YOUR ANSWER**

   a. True

   b. False
The Superior court is the highest trial court in California. The courts above it - The Supreme Court and the Court of Appeals - do not conduct trials. You will learn more about their functions later.

There is only one Superior court in each of the 58 counties of the state. Each court may be divided into several departments, however. For example, the Santa Clara County Superior Court has a Criminal Division, Juvenile Delinquency Division, Civil Division and Family Court.

The judges of the Superior court must have 10 years of legal experience. Initially, they may be either elected or appointed by the Governor. After election, they hold office for a period of 6 years and then must run for reelection.

15. QUESTION (4 Points Possible)

Los Angeles County, with the largest population in the state, has ____________ Superior Court(s). Alpine County, with the smallest population, has _________ Superior Court(s).

16. QUESTION (4 Points Possible)

Superior Court judges hold office for ________ years.
They must have ___________ year’s legal experience.

17. QUESTION (6 Points Possible)

You are already familiar with some of the functions of the Superior court. In criminal cases, all _______________ are conducted in this court. In civil cases, all lawsuits of over $__________________ are tried in Superior court. Suits of less than that amount are heard in a _______________ _______________ facility.
Santa Clara County Courts

The Superior Court has jurisdiction over all felonies, all juvenile cases, asset forfeiture proceedings in narcotics cases, abatement of nuisances and all consumer protection lawsuits filed in the name of the People of the State of California. The Superior Court also has jurisdiction over many types of civil cases including claims exceeding $25,000, family law matters, probate, civil restraining orders, and cases involving title to real property. Due to unification the Superior Court has jurisdiction over the prosecutions of misdemeanor crimes and infractions. The court also has jurisdiction over some civil matters including claims of $25,000 or less and most eviction actions. The Small Claims Court and Traffic Court are now a part of the Superior Court.

The Superior Court announces the following information for all attorneys and others using the Santa Clara County Court:

1. The Superior Court and the Municipal Court have unified into a single Court which is entitled the Superior Court of California, County of Santa Clara, effective July 30, 1998.

2. All cases and matters, which would previously have been filed in the Municipal Court, are designated as Limited Jurisdiction cases. All other cases and matters are designated as General Jurisdiction cases.

3. All cases and matters, limited jurisdiction and general jurisdiction, shall bear the title Superior Court of California, County of Santa Clara.

4. All cases and matters shall be filed in the venue and facility in which they would have been filed prior to unification of the Courts but are now referred to as a Superior Court Facility.