

Bench Bar Meeting Notes, 12/6/2023

Investiture Announcement

New Judge Erika Zeigenhorn has been working in Dependency. Her investiture is on 12/15/2023 at 4:30 PM

Judicial Assignments

Judge Cogliati starts as Presiding Judge on January 1st. Judge Vinluan will be the new Assistant Presiding Judge

Starting the April 2nd there will be the following assignments:

--Judge Cogliati will be moving to Dept 5, civil.

--Judge Schmal will be staying in Dept 10, handling civil and probate

--Judge de la Pena will be moving to Dept 6 (felonies) and will be the new supervising judge in the criminal department

--Judge Sayar will be moving to Dept 4 (domestic violence calendar)

--There will be a visiting judge in Dept 2

--They are vetting judicial candidates right now. Hopefully the turnaround to have a new judge instated will be rapid, possibly in May of 2024.

Bench Bar Dates for 2024

The Bench Bar dates for 2024 will be March 6, June 5, September 11, December 4th

Trials Update

Civil (and criminal) jury trials are continuing. There are no difficulties re: Covid. About one in eight prospective jurors are wearing a mask. No one is required to wear or not wear a mask. Jurors don't express concerns to serve related to Covid. This is a dramatic changes from 2020, 2021 and event into 2022.

The courts have been conducting jury trials full time since April of 2022.

Responsiveness to jury summons is better now than before Covid. In 2019, about 21% of people would fail to respond. Today, that number has dropped to 9.2%

There are 134 jury trials currently set (to the end of 2024). Judge Volkmann is currently conducting civil jury trials. Non-jury trials can be heard in Dept. 10 with Judge Schmal.

Judicial Mediation

Judicial mediation is going well. They are held the first Monday of every month for Dept 5th and the 3rd Monday for Dept 10. Judge Volkmann is doing Dept 5 mediations and Judge Schmal is doing them for Dept 10.

There are twelve mediations set per month and they are currently set about three months out. A high percentage of judicial mediations lead to resolution

Law and Motion

--Going fine. Motion practice is under control, not inundates. People are not improperly using the demurrer process. For the most part, there are no motions to compel without a legitimate basis.

Reminder: there is an informal discovery conference process

If there is a problem with discovery, the parties can set this for 9 AM after the standard law and motion/ CMC calendar to discuss discovery issues and see if they can be resolved. The Court can give a preview as to how it would end up if it were formally on the law and motion calendar. A week prior to the date, both parties need to file a joint informal discovery statement to outline the problems. If there is a total breakdown, plaintiff and defendant can file separately (bifurcated)

Technology Update

--Judge Volkmann is a proponent of Zoom in civil cases. For mediation, the parties can appear remotely or in person

Other updates

--Christine Serbin has taken a new job. Ms. Myers will be handling probate for now and the goal is to hire someone for that position soon.

--Director Tim Newman will be leaving on December 20th. He will be the CEO of the San Benito Superior Court

--Florence Patten is going to be the Director of all operations (civil and criminal)

--There will be a number of changes in the court forms in January 2024 including: unlawful detainer, civil restraining orders.

--The Allied Legal Professionals, a non attorney section of the Santa Cruz County Bar Association has been formally established. Lawyers can invest in professionalism and learning for their support staff.