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Reports: Introduction

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Introduction

On December 7, 1992, Senator Bill Lockyer introduced Senate Constitutional Amendment 3 ("SCA 3"), pursuant to which the superior, municipal and justice courts would be merged into one district court. Senator Lockyer invited California's Judicial Council to review SCA 3 and comment upon its provisions. The Council responded by requesting several of its committees to review SCA 3, and directed two committees, the Presiding Judges Standing Advisory Committee and the Court Administrators Standing Advisory Committee, to prepare a report with recommendations regarding SCA 3 and trial court unification. The single report from these two committees, which met jointly throughout the Spring and Summer of 1993, was approved with only minor amendments by the Judicial Council at its business meeting on September 23, 1993, and was then forwarded to Senator Lockyer for his consideration.

I am pleased that the editors of the *Pacific Law Journal* have agreed to publish the Judicial Council's report entitled, *Trial Court Unification: Proposed Constitutional Amendments and Commentary as Amended and Adopted by the Judicial Council*, in the annual legislative review issue of the *Journal*. The Council's report, widely known as the "Warren Report" in honor of Judge Roger K. Warren, who presided over the two committees charged with the primary drafting responsibility, is a significant document in the history of trial court unification efforts in California. Senator Lockyer's SCA 3 is virtually certain to be enacted by the Legislature sometime in 1994, and will appear on either the June or November ballot. As of this writing in early October 1993, it is not entirely clear which recommendations contained in the Warren Report will ultimately make their way into the final version of SCA 3, although Senator Lockyer has expressed his gratitude to the Judicial Council for its comprehensive, detailed review of SCA 3. If the voters approve SCA 3 in 1994, the Warren Report will be an important piece of the legislative history explaining why certain changes were made.

The *Journal's* timely publication of the Warren Report serves a more immediate objective as well, guaranteeing the widespread dissemination of the Council's recommendations prior to final legislative action on SCA 3 and prior to the public's consideration of trial court unification. Publication

thus serves an important educational role, particularly with respect to those many thousands of members of the bar and to academics who may never have heard about Senator Lockyer's trial court unification proposal.

Other studies of SCA 3 are underway. By February 1, 1994, the California Law Revision Commission will issue its report to the Legislature on the appropriate drafting and composition of SCA 3. In early 1994, the National Center for State Courts will complete a report on the fiscal impact of trial court unification. The Judicial Management Institute is also conducting a study of trial court coordination activities over the past two years and will issue a report February 1, 1994.

The widespread dissemination of the Warren Report triggered a blizzard of responses from judges and courts around the state. To give the readers a flavor of the debate surrounding SCA 3, the Editors of the *Pacific Law Journal* have decided to include in this issue one of those responses, a memorandum from justices on the Court of Appeal for the Third Appellate District, dealing with just a few of the many issues raised by the trial court unification. The next issue of the *Journal*, which will be published in April of 1994, will contain a more formal review and summary of the responses to SCA 3, a summary of the findings contained in the reports described above, and a copy of SCA 3 as finally amended by the Legislature.

J. Clark Kelso