

**Task Force on Public Information and Education
Business Meeting**

February 8, 2008

Revised Minutes

Task Force on Public Information and Education Members Present: Hon. Judith McConnell (*Chair*), Hon. Lynn Duryee, Hon. Edward Forstenzer, Hon. Linda Lofthus, Hon. Franz Miller, Hon. David Richmond, Senator Martha Escutia, Mr. Stephen Bouch, Mr. Bert Brandenburg, Dr. Frances Chadwick, Mr. Marshall Croddy, Mr. John Fitton, Mr. José Guillén, Dean Elizabeth Parker (*via teleconference*), and Mr. Jonathan Shapiro.

Task Force on Public Information and Education Members Absent: Hon. Steven Jahr, Ms. Nanci Clarence, and Therese Stewart.

Commission Members and Liaisons: Ms. Janis Hirohama, Dr. Timothy Hodson.

Task Force Staff: Mr. Peter Allen, Mr. Phillip Carrizosa, Ms. Leanne Kozak, Ms. Claudia Ortega, and Ms. Linda Theuriet.

Guests and Additional Attendees: AOC staff Ms. Dianne Bolotte, Mr. John Larson, and Mr. Douglas Denton.

Item 1 Welcome

Justice McConnell welcomed the task force members and called the meeting to order at 10 a.m.

Item 2 Report of the Accountability Working Group

Mr. Jonathon Shapiro of the Accountability Working Group reported on what the group discussed and its general recommendations. He said that the group was not all for nor all against Judicial Performance Evaluations, but all agreed there should be some accountability. The discussion then centered on other measures of accountability, such as judicial discipline, appellate review, or the press, and how community outreach could be done to convey to the public that the judicial branch places a high priority on accountability for its responsibilities. The members discussed how the branch could capture the stories of the courts' good work and relay these stories to the public. The important role of jurors as ambassadors for the courts was also raised. The task force discussed how the branch could relay the stories of jurors who were inspired by their service, and left the court feeling that the court system is impartial, independent, and accountable. One suggestion was to conduct a survey of jurors in all counties to evaluate

the results and eventually develop articles or press releases on the positive experiences of certain jurors. Mr. Larson shared that all trial courts are required to have an exit questionnaire mechanism for jurors, but some courts do not have this in place.

ACTION - The task force recommended further study of judicial performance evaluations and referred the matter to Justice Ronald Robie's Task Force on Judicial Selection and Retention.

Discussion then shifted to how the public is educated about the court system and how the judicial branch can step in more to teach them about the courts. The members shared information concerning various trial court educational programs, including court outreach committees and leadership academies. The task force discussed the criticality of consciously conducting outreach with ethnic communities. Improving the accessibility and quality of Web communications was also raised. Sen. Escutia shared her experience with an elementary-level mock trial court project and emphasized the importance of obtaining the approval and commitment of parents when working with children.

The task force recommended researching collective accountability measures already in existence and continued education of the public on these measures.

Public Hearings

Justice McConnell asked the group for suggestions on individuals to present at the upcoming public hearings. The members suggested the following groups and professionals be invited to participate in the Commission's public hearings: National Association for the Advancement of Colored People (NAACP); Mexican American Legal Defense and Educational Fund (MALDEF); Asian Pacific Fund; the League of Women Voters; Hon. Cruz Reynoso; high school teacher, students, and parents; member of the former Access and Fairness Committee; representatives of the disabled community; news reporters; and the Department of Education.

Education

The members also discussed the importance of working directly with the State Department of Education and State Board of Education to improve K-12 education regarding the court system. The State Department of Education and the State Board of Education are scheduled to review the History & Social Science K-12 curriculum framework and evaluation criteria in 2009 and move to adoption of a new curriculum framework in 2011. Accordingly, the Judicial Council and AOC should take all steps necessary to ensure their effective participation in that review.

After the business meeting, Dr. Hodson presented this recommendation, which will be placed on the task force's next agenda for a vote:

The Judicial Council and AOC should:

1. Designate staff to research the curriculum review process, identify timelines, determine opportunities for testimony and participation, and identify key players;
2. Submit a formal letter from the Chief Justice to the reviewing body to request direct and continued participation in the review process;
3. Designate staff to monitor the review process;
4. Develop a plan for ensuring that the Judicial Council and AOC are represented during the review process; and
5. Develop specific proposals for guidelines and standards regarding judicial impartiality and independence to propose to the reviewing body.

Voter Education

Ms. Hirohama reported that the judicial branch needs to interact with the Secretary of State to receive guidelines on what can be included in a voter pamphlet for judicial candidates. The current language does not fit for judicial candidates.

Item 3 Prioritized Recommendations

Ms. Theuriet directed the members' attention to the prioritized recommendations that were included in their meeting materials. These recommendations were developed by the task force's working groups. She explained how the recommendations were grouped together and prioritized. Ms. Patton said the recommendations should include the pros and cons, but leave implementation to the commission.

Item 4 Working Group Goal Statements (attached)

Draft working group goals were disseminated. Mr. Croddy, chair of the Education Working Group, presented his group's goal statement. Ms. Hirohama delivered the goal statement for Voter Education Working Group. Ms. Clarence, the chair of the Public Outreach and Response to Criticism was unable to attend. Judge Lofthus said she would work on the goal statement. Mr. Shapiro said the Accountability Working Group would revise its statement.

Item 5 Response to Criticism - Working Lunch

Mr. Brandenburg recommended that a rapid response plan should include law school deans, retired judges and business leaders to talk about the independence of the judiciary and judicial review. For example, in a case like the same-sex marriage case, the people should be lined up and be ready to speak and be interviewed by reporters and editorial boards in advance of the oral arguments and on the day the court's opinion is issued. This is a "teachable moment." There should be a permanent plan in place for every high-profile case so it can be used repeatedly.

It was recommended that both judicial incumbents and candidates be required to take a course in judicial ethics. Some counties have it, he said, but it is not done statewide.

Item 6 Interim Report Plan

The interim report is currently being drafted and will be forwarded to the task force for review in April.

Item 7 Next Steps – Future Work Plan

Justice McConnell stated that public hearings have been scheduled for April 30 in Sacramento and May 14 in Los Angeles. The task force’s meeting scheduled for May 2 had to be rescheduled to May 6 because the previous date conflicts with the mid-year meeting of the California Judges Association.

The task force then continued to discuss who should be lined up to testify at the public hearings and what topic should be covered. Dean Parker recommended U.S. District Judge Frank Damrell, who founded Operation Protect and Defend in which teams of federal and state judges and lawyers teach high school government classes about historical and current issues concerning the Constitution and civic values. She also recommended former state Senator Gary K. Hart, a former teacher with a strong interest in education. Mr. Shapiro recommended John Motley, a business lobbyist who has also worked for the Los Angeles school district. Mr. Larson recommended enlisting former jurors, especially if any are public figures. Sen. Escutia recommended a representative from MALDEF and Mr. Brandenburg recommended including a reporter or two. Mr. Guillen recommended Jose Padilla of California Rural Legal Assistance and former Supreme Court Justice Cruz Reynoso. Ms. Patton recommended representatives of some of the groups represented on the task force, but not actual task force members.

Item 8 Joint Meeting with the Commission’s Public Hearings Sub-Committee

Joint meeting of the Commission for Impartial Courts Public Hearings Sub-Committee and the Task Force on Public Information and Education called to order at 1:10 p.m. by Mr. Cotchett.

Mr. Cotchett focused on the goals and purpose of the hearings. Initial discussion was to consider the need for public education as the focus of the first hearings with an emphasis on how little people know about the courts.

Justice McConnell provided a list of potential contributors to speak on educational related public hearings.

Messaging

Mr. Cotchett shared that the theme of the upcoming hearings are “What should you know about judges?” The purposes of the hearings are to encourage media coverage of the

courts, educate ourselves on the needs and issues of the public, respond to the needs and issues raised by the public; cultivate public support for the branch; and educate the public about the impartiality of the courts. Mr. Cotchett stressed the importance of cultivating a clear message that could be used to educate the public at these meetings. The attendees then began discussing how the hearings would benefit most from a two-way dialogue, rather than from a formal presentation structure. The attendees expressed how much more beneficial the hearings would be if the public had an opportunity to voice their concerns, questions, and experiences. The attendees also discussed obtaining community feedback via focus groups. The assembly of focus groups on task force issues and charges was discussed.

Hearing Logistics

Original discussion revolved around concentrating the hearings on public information and education during the first two meetings, one in Sacramento and one in the Los Angeles area, followed by a series of future public hearings on selection and retention, campaign finance and conduct. Combining the latter two was suggested.

After further discussion, the committee decided the focus of the first set of hearings should be informing the public about the problem in other states. The committee agreed that educating the public on the growing threats to an impartial and accountable judiciary and exposure to the purpose of the commission, is an important element to gather public interest and input in order to carry out its charge.

The Commission for Impartial Courts is budgeted for up to six (6) public hearings over the two years. Based on the concept that Northern and Southern California are uniquely different, the commission will have hearings on the same topic in both venues.

The following locations are reserved for the Steering Committee to hold the first two public forums:

- April 30, 2008 in Sacramento at the Auditorium – Health Services Building 1500 Capitol Avenue (at 15th Street)
- May 14, 2008 in Los Angeles at the Ronald Reagan State Building Auditorium 300 South Spring Street

The time initially proposed is 10:00 am – 3:00 pm including public testimony hearing. It was subsequently suggested that the time be reduced to approximately two or three hours.

Media

Discussions related to media centered on utilizing all means of communication to cover the public hearings – news releases, television coverage, CCN broadcasts, CNU announcements, California Channel coverage, public service announcements and newspaper advertising.

The group agreed that taping the hearings, both audio and visual, would be beneficial to have as an education tool. It is suggested that the hearings include the original television commercials that were shown during the plenary meetings of the commission as they have a lot of impact.

Further considerations are multi-camera productions, DVD's, and audios.

ACTION - Staff to involve the Media Production Audio/Visual team at the AOC in discussions related to the AV needs and venue capabilities. Leanne Kozak to check on, CCN broadcasts and the AOC AV team to check on the availability of California Channel coverage.

Media messaging theme – Getting the word out on all subjects associated with the commission's charge. These forums would set the stage for future hearings.

Public hearing themes suggested include: "It Can Happen Here – The Growing Threats to Impartial and Accountable Courts."

Advocacy Groups/Speakers

Considerations for theme witness/speakers were discussed. Attention-grabbing speakers that would spark public interest were mentioned including possible keynote speakers:

- Author John Grisham, whose recent book "*The Appeal*" has information in it that relates to the subjects in which the commission is involved.
- U.S. Supreme Court Justice Sandra Day O'Connor (ret).

Other potential speakers include Paul Chan, former president of the Denver Bar Association; Tom Gottschalk, former general counsel to General Motors; Jack O'Connell, state Superintendent of Public Instruction; Jerry Yang, CEO of Google or David Drummond, chief legal officer at Google; Sherri Lansing, former chief executive of Paramount Pictures; and state Assembly member Karen Bass, (now majority leader).

Steering Committee ACTION -

- *Justice Chin agrees to sign letters inviting speakers to join the hearings.*
- *Committee attendees are to forward the names of potential speakers with correct spelling and contact information to staff*
- *A roster of the Public Hearings Sub-Committee members including e-mail addresses and contact information will be distributed to the sub-committee members by staff*

Questions are to be formulated and scenarios drafted for use at the public forums.

Action – Jonathan Shapiro will work on framing the meeting dialog.

Next Steps

Invite key speakers to the Sacramento and Los Angeles area public forums. A letter to author John Grisham through his publisher is required in order to contact him concerning his availability and willingness to be part of the hearings. Contact information for Sandra Day O'Connor is needed and may be available through Chief Justice Ronald M. George.

Actions – Staff to research contact information related to author John Grisham and Justice Sandra Day O'Connor and prepare invitation letters or correspondence. Justice Chin to sign invitation letters.

Item 9 Adjournment

Justice McConnell thanked the Commission and Task Force members for their participation and adjourned the meeting at 4:15 p.m.