

The Judicial Council of California is the constitutionally created policymaking body of the California courts. The council meets at least six times a year for business meetings that are open to the public and audiocast live via the California Courts website. What follows is captured live captioning, formatted and unedited, of the last meeting. The official record of each meeting, the meeting minutes, is usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts website at www.courts.ca.gov.

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>> This is the business meeting of the Judicial Council for California. The meeting is now in session. This is the start of a two-day meeting. We will adjourn this meeting at approximately 4:00 in the afternoon and reconvene tomorrow at 8:30 AM for the second part of our business meeting. This is a public meeting and I remind council members as I always do, that we audiocast live with real-time captioning on the California courts website. And portions of our meeting may also be videotaped for later use on our public website. For the benefit of the online audience, please speak into your microphones and address each other by name so that listeners and real-time captioning readers can follow our discussions. Before we begin with our regular agenda, I should mention that our audiocast listeners will be hearing a new voice today, and that the Judicial Council has a new dedicated and talented and experienced individual joining our ranks as our administrative director and secretary to the council. All of you have met him. We now welcome Martin Hoshino. As you know, after a nationwide search and many interviews, we did find the best candidate right here in California. Before we begin with the swearing in of our new judicial Council members, one reappointed member, and our new administrative director, I'd like to take a few moments to talk about the role of the Judicial Council and about the importance and value of this smooth transition and the leadership of the judicial branch of government. Those of you who regularly follow our Council meetings know that I often quote from the California voter's pamphlet from 1926. That leads to a constitutional amendment that created the Judicial Council. But not today. I won't be quoting from the pamphlet other than to highlight that we are charged with the duty of seeing that justice is being properly administered in California. What I want to say today is in relation to the council. I'm quoting from the Governor's May revision of the current budget. In that, he said, "The administration is confident that the Chief Justice and Judicial Council will continue to manage the resources of the judiciary in a manner that promotes efficiency, effectiveness, and access to justice." The Governor's budget statement is certainly in keeping with my Access 3-D vision that is physical access, remote access, and equal access. It's also in keeping with the work that will soon be led by Justice Corrigan of the California Supreme Court and Justice Will McInnes of the Court of Appeal, First Appellate District for the commission on the future of California's courts system. In a letter to the council from July of this year from our own council member, Assembly Member Bloom, he stated, "I believe this year's budget process was notable in exhibiting modest, meaningful improvement in the relationship between the executive, legislative, and judicial

branches.” During that same council meeting, Senator Evans, also our council member here today, commented quote, “This year in the capital, I saw a sea change in attitude towards the judicial branch. A lot of goodwill built up, a lot of new education and understanding happened. And we need to keep that moving forward.” And every action of the council is designed to move our branch forward. Our members are about to take the same oath that members of the other branches take. We all swear and affirm to support and defend the same Constitution that created all three coequal branches of government. And that's why it's meaningful to have representatives on council from our sister branch, the Legislature. To share their tactical insights and perspectives as we move onto our business, and it's also meaningful that we have four representatives from the State Bar of California, because as a former council member and attorney David Pasternak noted in an article on the council, the council has had a far more profound and direct effect on the daily work of California litigators and judges. Justices, judges, and commissioners are critical to the success of the Judicial Council and all of its many internal and advisory committees working groups, and task forces. The judiciary from the appellate and superior courts are represented on council as well as the Supreme Court and our court administrators. From the superior courts, the presiding judges, and court executive officers are represented here, chairs of each of those advisory committees to the council, and the professional Association of Judges, the largest association of judges—not only in California and in the country, but in the world—is also represented here by its president who will soon take the oath. And as circumstances dictate, we have expanded representation on the council as we did when we added members from my strategic evaluation committee referred to as the SEC, to support the creation and implementation of our Judicial Council directives. Approximately 500 judges, court administrators, and attorneys have served on the Judicial Council since its creation in 1927. In recent times, a further 400 dedicated public servants volunteer every year to serve on our various advisory bodies. As you know, we do not represent any constituency but we share our knowledge, skills, and expertise to enrich the council’s fact-finding and decisionmaking process on a volunteer basis. The Judicial Council of California is about policy, governance of the branch, the statewide administration of justice, and equal access for all Californians. Here's what it is not: the council is not about managing day-to-day local court operations at either the superior court, or appellate court, or the Supreme Court. The Judicial Council is not a tribunal. And cannot intervene on behalf of a party in a pending case or offer legal advice. Roscoe Pound, the historic dean of Harvard said, “Court management is no support for the short winded.” My predecessor, Chief Justice George, has described the job of a Chief Justice because he's a runner, as I quote, “A marathon without a finish line.” Today, I believe the jobs of Chief Justice and court management are more like team triathlons, requiring multiple skills, the support of many, patience, perseverance, and a lot of sweat. When it comes to advancing the goal of our impartial judiciary and equal access to justice, you can be assured like many of you that I'll be on the treadmill tomorrow morning at 6 a.m. and building stamina to continue to do this job. I thank you all for your service to the cause of justice. In a few moments, I will ask all 10 council members beginning new terms of office, our one reappointed council member, and our new administrative director to join me for their ceremonial swearing-in. I call Judge Marla Anderson, Judge Brian Back, Ms. Donna Melby, Ms. Debra Pole, Judge Martin Tangeman, Judge Daniel

Buckley, Mr. Richard Feldstein, Judge David Gunn, Presiding Judge Marsha Slough, Joan Weber, Judge Harry Hull, and Mr. Martin Hoshino so I can administer the oath of office.

>> Please raise your right hand and repeat after me. I, state your name, do solemnly swear or affirm that I will support and defend the Constitution of the United States and the Constitution of the state of California against all enemies, foreign and domestic, bear true faith and allegiance, to the Constitution of the United States, and the Constitution of the state of California. I take this obligation freely, without any mental reservation, or purpose of evasion, and that I will well and faithfully discharge the duties upon which I'm about to enter. Congratulations. Thank you for your work.

>> [Applause]

>> We are one shy? Here we go.

>> [Indiscernible -- multiple speakers]

>> One final indulgence, Justice Miller. This swearing-in ceremony represents the regular cycle of Judicial Council membership with our colleagues serving three-year and one-year terms, some being reappointed but all sharing their unique experience and background for the judicial branch. Outside of our normal appointments, Senator Noreen Evans recently announced that she will not seek reelection. She plans to return, rather to continue with her private law practice and so she will have to deal with the rules and forms she helped create on a daily basis. I take this opportunity to thank Senator Evans for her service on the council since 2011, and all your work on behalf of public access as a Senator and Assembly Member. I know that your experience as a litigator helped and informed your work as a legislator. It's been invaluable to us and conveyed the message over the years. And also especially in the capital as we sought to make our way through the budget cuts and to legislation affecting the branch. I've appreciated your enthusiasm, the late-night meetings, the advice, walking in the halls not only for the benefit of your constituents in the second and seventh districts but really with your service here for all California. So it's our practice to present to departing members a copy of the Federalist Papers, not that you'll have time to read it, but we do have it here for you. And I wanted to refer you to federal number 22, which is one of my favorite quotes, that the laws are a dead letter without courts to expound and define their true meaning and operation. This is from Alexander Hamilton. Thank you for your many years of service and to the cause of justice.

>> [Applause]

>> Now our first item of business is the approval of the minutes for our August 21 and 22 meeting. I ask you to please review those minutes if you have not already. And I hear, do I hear a motion to move adoption?

>> So moved.

>> Second.

>> Thank you, Judge Rosenberg and Judge Jacobson. Seeing none, all in favor say aye. Any opposed? Minutes approved. Next on our agenda is my regular report as Chief Justice to the council summarizing my engagements since our last meeting in August 22. And I would say that just as we began our meeting today with our swearing-in of new members, quite a number of my engagements since August 22 began with the same words. If you will repeat after me, I do solemnly swear or affirm. Many of you here, I strongly believe in the words of the oath we all take as public servants. And it's an honor to administer it every single time. At the California Judges Association and the State Bar of California's annual meetings in San Diego, I administered the oath to Judge Weber, the California Judges Association president, and her board, the California Court Commissioners Association president, Commissioner Jerry Hanlon, and their board, the State Bar new president Mr. Craig Holden and his board, the conference of California Bar Association's new chair, Mr. Duncan Crabtree and their new officers and board members, and the California Women Lawyers new president, Ms. Wendy Sheehan and their new officers and board. At Los Angeles I was pleased to participate and administer the oath of office to the 47th president pro tem of the California State Senate, Senator Kevin De Leon, the first Latino leader in the Senate in over 100 years in California. In Sacramento, Justice Baxter and I along with members of the California Supreme Court and members of the Legislature attended a luncheon hosted by Governor Brown and first lady Anne Brown in honor of the Mexican president, who also traveled with his cabinet including his attorney general. I believe these interactions are vital to establishing and maintaining the good will and understanding that Senator Evans spoke about at our July meeting with sister branches of government. Good will can be short-lived and must be nurtured on a regular basis. Understanding is to be reestablished as leadership changes and new members join our sister branches and we have new challenges together. Unity of message and purpose in our actions in the branch has proven successful in creating good will. I've continued my regular contact with Mr. Michael Cohen, director of the Department of Finance, and apart from our ongoing discussions about budget, Mr. Cohen is also interested in the work of the commission on the future of California's court system on the administrative fiscal side. I attended part of the first meeting of the Futures Commission led by Justice Carol Corrigan and Justice William McGuinness that was here in San Francisco. And I also joined many of you at the Justice Association Education Commission in San Diego. The California Judges Association and the State Bar of California's annual meetings are regular highlights on my annual calendar. This year, along with Justice Baxter, I donned a red feather boa and a red felt hat (Justice Baxter in a top hat and coat tails of sorts) in an educational program on federalism. You did get credits for attending that on the life of Chief Justice David S. Terry and federalism, a life and doctrine in three acts. We played to a crowd of 800 people at 8:00 AM in San Diego, hot ticket. Couldn't get in. It was crowded and sold out. I played a number of characters ranging from Ms. Sarah Hill and Circuit Justice Fields to Justice Miller (not Doug Miller). The program was a collaboration between the California Judges Association, the State Bar, and the historical societies of the California Supreme Court and the U.S. District Court for the Northern District of California, and there is a DVD of that play. I also maintained my regular contacts with the federal bench by attending the federal Judicial Council meeting in

Los Angeles. I can tell you that our federal colleagues and national colleagues are very interested in the topic that's going to be addressed in item one on our agenda today dealing with immigrant juvenile status in our California court. And also—as a result of that—California's leading the pack in terms of education and training of judges and staff. They've asked me to present in San Antonio, Texas on what California is doing about that situation facing the court. It's clear that the wealth of talent, experience and diversity that exists in our California courts is always on display. It also meant a busy schedule for me at the State Bar conference in CJA along with Frank McGuire who accompanied me in that four-day period to 19 engagements. My attendance at the annual meeting began with the reception to launch an appellate self-help clinic by the San Diego Bar Association and ended, as it always does, with CJA, California Judges Association's conversation with the Chief. It's a great opportunity for me to hear from my colleagues and the bar about what's happening in the state and the concerning challenges in the future. The California Women Lawyers celebrated their 40th anniversary dinner with an achievement award for retired Justice Joyce Kennard. I was happy to attend and recognize Justice Kennard's achievements. And fellows of the American Bar Foundation hosted an interesting program on findings from a camera in a jury room; over 50 civil juries in Arizona were taped. And that understanding of jury instructions and how they interacted. It was quite interesting. The National Association of Women Judges, their informed voters project, engaged local business and community leaders and legal professionals on the importance of courts. I attended their annual conference this month with Judge Joan Weber on the theme of protecting and advancing meaningful access to justice. I participated in a plenary session with Justice Peggy Quince from the Florida Supreme Court and Bert Brandenburg from Justice at Stake on election selection, and retention of judges, and challenges to judicial independence happening nationwide. A topic that I know Administrative Presiding Justice McConnell and Joan Heary are actively involved in. It's also important to celebrate the contributions and accomplishments of groups of individuals to our justice system. This year I was pleased to participate in the state bar awards, from the president's pro bono awards to the diversity awards. This year I presented the Ronald M. George Award to Wendy Patrick and the Lauren Miller, legal services awards to buddy nor wind, two inspiring and dedicated professionals who change the lives of individuals in California. While at the annual meeting, I took the opportunity to attend the Bench-Bar Coalition's meeting with many of you and to visit with the California court commissioners. There are also bar-related activities not related to the annual meeting. I was glad to be able to join the Sacramento County Bar Association with Justice Baxter in honoring Administrative Presiding Justice Vance Raye as their Judge of the Year and to join the Santa Clara County Bar Association "Judge's Night" for their awards in honor of former council member Presiding Judge Brian Walsh who won their Outstanding Jurist Award this year. It's not every day that you are asked to create 14 meaningful words that are representative of the work you've done in your lifetime, and to try to explain why it was important. But I was glad to give my 14 words as part of an award acceptance speech at a convention on the elimination of all forms of discrimination against women, the women's humans rights awards, sponsored by the Commission on the Status of Women and by the Friends of San Francisco. I attended the Asian-American Prosecutors Association dinner gala in Oakland where I was able to share with them my experience as a female prosecutor and a minority, and things have changed by the looks of 500 people in that crowd after all these years. I was also able

to meet briefly with the joint working group for California's language access plan, ably cochaired by Justice Rivera and another judge. I also had a positive meeting with representatives from the U.S. DOJ and U.S. Attorney's office on the same subject of language access in California. We continued to work on the issue of unmet legal needs and the needs of self-represented litigants. We held our first meeting with representatives from the legal aid service providers throughout California including Disability Rights, Legal Services of Northern California, Legal Services of Los Angeles, public advocates, Legal Aid Foundation of Los Angeles, Legal Aid Association of California, Public Council of Los Angeles, and Judicial Council members and staff. Proving that you never really leave council, I was on a panel with Judge Jahr and District Judge John Bates from the District of Columbia and Mary McQueen, president of the National Center for State Courts. The theme for the panel was Justice in the Balance, the Case for Full Judicial Funding. It was presented by DRI, Defense Research Institute Center for Law and Public Policy. Funding issues remain an ongoing challenge at the federal and state level across the country. Finally, I had the opportunity to speak with the assigned judges at the Assigned Judges Program at one of their educational conferences. Last year the Assigned Judges Program provided the equivalent of 140 full judgeship positions to the judicial branch. Of all the hours they contributed, 200 of them were pro bono. That's the end of my report. Now we'll have the administrative director's report from our new director, our sixth administrative director, Mr. Martin Hoshino.

>> Thank you, Chief and members. Today is really I think marking my 17th work day. I've taken the habit of counting these days. It's something I acquired in the previous parts of my career, a habit that comes with me from the Department of Corrections and Rehabilitation. I consider all of these to be good time credits. And I do appreciate the warm welcome. I couldn't possibly overstate the amount of welcome and outreach that I've received from the judicial branch family and community up and down this state in multiple cities and multiple locations. As you would expect, I'm spending my time digging in and what I'm calling immersing myself as I think a lot of the new members of the council are doing themselves. Trying to grapple with and get a good understanding of the issues and the challenges that the branch faces, all with a purpose and an end to serving the council and the judicial family as ably as I can. There's no other way to do it than to really dive in what I call a deep dive into all of the sections in the programs. I'd like to share with you a little bit more about the actual activities of myself personally and professionally over this last month in what I have in store for the next month. But before doing that as part of a time-honored tradition I do want to submit for the record a written report that is the standing item coming from the administrative director to this particular council. This report chronicles a lot of the staff activities that are occurring, and that staff are engaged in, on behalf of the directions of the Judicial Council. I'd like to start a new tradition, which is reading verbatim the report into the record.

>> [Laughter]

>> Thank you for tolerance of a moment of levity. I will not start that tradition but I largely do want to draw your attention to a couple noteworthy activities. This is largely on the coattails of

my predecessor, Judge Jahr, as well as the leadership that has been underway, long before my arrival here. There are a couple noteworthy things I think you should be aware of that I draw your attention to: one is that staff has been providing technical assistance and site visits to eight juvenile courts conducting file reviews and consultations relative to the foster care procedures and maintaining of federal foster care funding. They also developed the new bench guide for judicial officers hearing cases involving elder abuse. There's also been deployment of HR payroll system now to a tenth court which is the Superior Court of Lassen County. They are now facilitating the monthly payroll for more than 3,000 court employees. Last thing I think I will draw your attention to is the courthouse groundbreaking in Alameda County. And the renovation completion of the historic Solano courthouse and dedication of the new courthouse attended by some of our officials here at the Judicial Council. For myself, my first month of activities, much of it has been spent really doing section by section reviews of all of the divisions in operation here, amongst the Judicial Council staff. I think I've touched just about every section along the way. I have two more to conduct between now and the end of the month. And I think I'll hit that particular mark. I've also been doing what I call special issue briefings. There are a number of big issues which I won't chronicle here that many of you are already aware of that I think I need to come up to speed on as quickly as I can. I've been able to introduce myself I think to virtually every member of the additional council staff in three locations by doing walk-arounds, meet and greets, as well as town hall-style meetings with them. That's been an incredibly warm and positive reception. I certainly hope that that momentum can be sustained, and I hope they will feel as good about me as I feel about them a year from now after I've had the luxury of making some zero-sum decisions that affect their workplace and their lives. But it's certainly a good start. I want to thank the Chief Justice, Judicial Council members, the recruitment committee, and all of the court leaders and also Judge Jahr for their assistance in helping me transition as quickly as I can into this particular role. I've spent time with the administrative presiding judges. I was invited to attend the Trial Court Presiding Judges Advisory Committee, TCP JAC. Another thing I'm getting very familiar with, the acronyms. This is a place that is complicated. Most of the world operates in three letters, and you guys are in the four, five, six-letter acronym world. I'm holding my own so far. I'm meeting with the Court Executive Advisory Committee, chaired by Mary Beth Todd next week. Thank you for that invitation. I also got a chance to meet with her colleagues on what's called the Small Court Consortium of executive leaders. Thank you for that invitation. It was very informative to be there. I've been able to sit in a series of advisory group meetings along the way. And when not here I've spent some time in the capital focusing on issue one, which everybody knows is the budgetary challenges presented to the branch. And so I've been trying to get reacquainted with old friends, make some new friends, and see old friends with a new set of issues along the way to see if I can't help in any way in that regard. For next steps, it is working the budget along with everybody else in the judicial family. But it's also getting out to the trial courts themselves. I did get a chance to go to the Second District Court of Appeals in Los Angeles when I was meeting the staff in Burbank already. I'm due to be in Los Angeles on Wednesday and then setting course for November through as many of the trial courts as I can so that I can talk on issues on the frontlines where a lot of the activities are happening, in the intersection so that I can get a direct (not words on paper) picture, not through voices of others, certainly all of that, but that boots on the ground feel for myself of what the challenges

are and what the issues are as well as to learn candidly how some of the actual business works. Not just what's not working but actually what is working so I can get an understanding of that here that is the professional flat spot as I call it for me. I know an awful lot about other things in terms of state government and management and operations and the like but that's a gap that I have to fill and I want to fill it quickly and luckily for me I'm getting a lot of assistance all over the state. In terms of first impressions, lots of big impressions but I have to say lots of challenges but the amount of intelligent, dedicated, and hard-working public employees that I've met has really been remarkable. And the work that has gone on even during some of the toughest times in terms of the downturn in state budgets, national budgets, and the impact that plays on everybody's ability to deliver public service is hard. And yet I've watched, I think I've witnessed the judicial branch coming to that and getting to meet the people who toil through that and weather through that. They are steadfast in their commitment and dedication that the access to court services is vital, and people will do whatever they can and rise to the call of public service. To me, there's no higher calling that I can think of. And there's no better example of folks that were rising to that calling than the folks that I met so far in the judicial branch. With this also come incredible opportunities. I'd like to talk to everybody as much as I can and speak candidly about how it is that we might come together to be many ideas, many voices, but at the end of the day, speak in a united, one-voice front in the advocacy of this branch and the effort that it will take along the way. Again, Chief, members of the council, I feel very privileged to be here. I thank you very much for this opportunity. I'm hoping to make a big difference and to do a good job for all of you. Thank you.

>> Thank you, Martin. We look forward to many more reports. At this time, we're going to hear item one: Family and Juvenile Law, Special Juvenile Immigration Status in the California Courts. And this is a nonaction item. We welcome Curt Child as well as I believe, Mr. Corby Sturges, Judicial Council Center for Families, Children & the Courts. Curt Child.

>> Good afternoon, Chief, and members of the council. We just wanted to update the Judicial Council on this very important issue of the special immigrant juvenile status for children. And the steps that the Judicial Council staff are taking to be able to assist the courts with what we are certain are going to be a number of new cases that are going to be coming into the courts to deal with this very important issue. And so we want to make sure that we can help the courts fulfill what is their obligation under what is a little bit unusual in the sense that this is a role that the state court has, under federal immigration law. Although federal law that created the special immigrant juvenile status has been the law since 1990, it's really taking on a new importance, due largely to the issue of the number of unaccompanied minors that are now coming in to the United States. The Governor and Legislature at the very end of the session passed legislation to clarify what that state court's role is in these cases. And I'll come to that in just a minute. So why this current focus? As I mentioned, it's really been this recent surge of the unaccompanied minors, from in 2011, 6,775, to in 2014, 68,541. So the numbers are really climbing quite dramatically. And those children released to sponsors, usually adult relatives, family members, friends, for this calendar year, is about 45,000 children. These children are coming largely from Central America as you can see from El Salvador, Guatemala, Honduras, and Mexico. And a lot

of this is attributable to violence, poverty, family unification issues that are being experienced in those children's home countries. And there's just an illustration of the growth now of the unaccompanied minors. The special immigrant juvenile status was really intended as a special humanitarian relief for immigrant children who've been abused, or neglected, or abandoned. It was established by Congress in 1990. There have been several amendments to that legislation since then. The essence of that federal legislation is really to provide a process for those children to be able to remain in the country. And ultimately apply for lawful permanent resident status. And there's an important function for the state courts in this process that I'll discuss for just a moment. As far as the federal process, there's really a three-step process that they go through for a juvenile ultimately to be able to obtain lawful permanent residence. And you've got to work through this process. So the request first of all is some predicate findings from the state juvenile court. And that's really what we'll talk about as the essence of our concern. After that, once those findings are made, the children can petition immigration services for classification as a special immigrant juvenile. And from that point with that status, they're entitled to lawfully remain in the United States. And ultimately apply for lawful permanent residence. So typically what happens with these children upon arrival in the U.S. is there will be a detention by the U.S. Customs and Border Protection. From that point, they're transferred to the U.S. Department of refugee resettlement. Ultimately placed in a temporary shelter and hopefully then released to a sponsor or placed in foster care. I think this is—each of these steps that we see the children ultimately going through. This lays out really, the total of the children that have been released from our custody in California and again for this calendar year, by county. So, again as I mentioned, 4,905 of them. And with the numbers in these particular counties. No surprise with Los Angeles, the most. Alameda, Orange, San Francisco are where the largest of the population is based. Interestingly I think the number for San Diego is about 105. So what is the state role in the SI JS process? This is where we come up to SB 873. This was some legislation that occurred at the very end of the session as part of the budget cleanup bill. And the intent here I think as both the Governor and legislative leaders stated, that SB 873 was intended to eliminate any ambiguity regarding the jurisdiction of the state court to make findings necessary to enable the federal government to grant these minors special immigrant juvenile status and to make the predicate findings system evidence to support them. Both the Legislature and the Governor were very upfront on this as was the Attorney General as an important issue. I think largely what this legislation does is codify existing federal law. But again, it was intended to clarify for the states that there is indeed the state role according to a number of members in the Legislature that they were hearing that there were problems with courts sometimes turning away those who were making applications and sending them to immigration, to get them resolved. So really now, the focus becomes looking at what the court's role is in making these findings for the purpose of federal law. I'll mention a couple other provisions that were in 873 that clarified that. Evidence supporting the petition can come from the declaration of the child who's seeking the status. And there is a provision that essentially provides that you shall be provided interpreters consistent with existing law. So nothing particularly added on that point. And then lastly there was \$3 million appropriated for legal aid counsel for these children in the programs that was appropriated to the state Department of Social Services to do the distribution to qualifying legal services organizations. I think they are still working on the process to get those dollars out. And

federal law provides that juvenile court, for the purpose of making this determination, which it says should make the determination, is a court within the state that makes determinations about the care and custody of children. SB 873 clarifies that to be clear that a family probate juvenile court, those divisions can make the determinations about the care and custody of the children. The predicate findings are important that have to be made is that the child has been either declared a dependent of the court or legally committed to, or placed under, the custody of a state agency for example, foster care, or an individual or entity appointed by the court. There has to be a finding of reunification with one or more parents is not viable because of the abuse, neglect, and abandonment. And some federal unpublished administrative decisions indicate that a child can be placed with one parent and satisfy that requirement for federal law. And then finally, that it's been determined in the administrative or judicial proceedings that it would not be in the child's best interest to return to his or her previous country. There are still a few issues that are not resolved, and we are still working on, but they include subject matter jurisdiction, personal jurisdiction, and consistency with the conference and other federal laws. And the scope of the quantum of evidence that will be at issue, and confidentiality, and state law makes, SB 873 makes clear that these are indeed proceedings which would be confidential. What we have done thus far, as far as getting some resources out to the courts, is CJER had put together a video that is posted on CJER Online, the immigration considerations in juvenile court. Recently there was the guardianship roundtable of advanced issues in probate. We had prepared and distributed on the 29th of last month a fairly comprehensive memo outlining much of what I've talked about today—and distributed that to the PJ's and court executives. And in the conclusion of that, there is a list of indeed, all of the education opportunities that are coming up. And the other resources that are available. So the next steps are really, we have been able to get some names from Judge Slough and Mary Beth on members who will be participating with us to further determine what will be of assistance to the court so that we can continue providing the information as these cases are coming in. In addition, counsel staff are planning a forum with judicial and court leaders from California and Mexico that will be in San Diego later this year. And hopefully we'll be able to get I think the group is coming up in the very near future. Chief, as you mentioned earlier, this certainly has the eye of the Chief Justices around the country where the Chief will be presenting a session in the conference of Chief Justices in January. So the bottom line is we expect that there will be more cases that are heard. We realize the Legislature and Governor are looking to us, want to make sure that we are part of the solution for resulting these cases, and getting the hearings that they are entitled to under federal law. Anything else?

>> No. I think that covers it. Thanks, Curt.

>> Any questions? Justice Hull?

>> Thank you, Chief. Curt, obviously, this is an important undertaking. Have we done any thinking or an evaluation of the impact of any -- if any on our branch budgeting, finances? Is there going to be significant cost to this effort?

>> I think as we begin to see some of these numbers there will indeed be increased cases. The law is certainly not new. And I would suggest that even 873 isn't new in the sense that it was really just codifying the federal law. But did you have something on the numbers? The budgeting? Ultimately, we hope the group will be able to come up with some numbers, whether that will be appropriated in which to seek some additional funding. We'll have to evaluate that.

>> Thank you.

>> I'm sure we'll hear more about this. I appreciate the work that's being done on this issue. I know when I asked you several months ago where we were in California with it, I was very pleased to find out that CFCC was way ahead of the curve in terms of preparation of this material for the training of judges. Because there's a view at least nationally, then where is the state towards being involved? This is a federal issue. That's not accurate because it is a hybrid situation when it involves minors who need to be declared independent. So we're going to see this, see more of it. I appreciate the work that's been done thus far.

>> Thank you, Chief. This was a good collaboration both with CFCC and CJER on putting the materials together and providing the educational opportunities.

>> Thank you. Thank you.

>> Next on our agenda is public comment. I turn it over to Justice Miller.

>> Thank you, Chief Justice. We are going to provide an opportunity for members of the public to provide general comments on aspects of judicial administration. The Judicial Council welcomes public comment because the process enables members of the public to express their ideas and state their concerns on policy matters. There are two opportunities for public comments. The first involves general comments on issues relating to judicial administration. These are comments about matters not specifically on today's Judicial Council agenda. The second involves comments on a particular item on the agenda which will be heard when we get to those specific parts of the agenda. Before we begin hearing from members of the public, I'd like to note several important features of the public comment process for those who may be unfamiliar with the Judicial Council. The Judicial Council is the policymaking body for the judicial branch of California. The council addresses issues of statewide importance such as developing the budget for the judicial branch and the courts, seeking funding for sufficient judicial and administrative staffing, achieving court efficiencies and savings, and adopting rules and forms to enhance access to the courts. From the agenda from today's council meeting, and tomorrow, you will see that there are all types of matters about which the council is concerned and on which we invite public comment. And for me personally I can tell you that the comments that we've received both in general public comment and on the specific items have been very informative on issues we will deal with in the future and on matters that we vote on a regular basis here. On the other hand, as the Chief Justice noted, the council is not an adjudicatory body. The council unlike the courts does not make decisions in individual cases. It does not become

involved with nor does it intervene in these cases. That is outside the scope of the counsel's authority and responsibilities. Therefore in the public comment process the Judicial Council does not receive comments and suggestions about individual cases. Nor is staff authorized to distribute materially related to those individual cases. We ask that you please keep this in mind if you are presenting comments to the council today. Today we have a number of people who have requested to speak on matters of importance to judicial administration. The Judicial Council reserves 30 minutes for these public comments. The time allotted for each speaker is dependent on the number of speakers. The total number of individuals who have requested to speak at today's meeting is 29. Based on the number of requests, even though the time available may be close to what we provide, each of the members will have, those who will give public comment, will have one minute except Barbara Kauffman, who has two; Catherine Russell, who has two; Shelley Adair has provided one additional minute to Catherine Russell; and then two minutes for Elizabeth Breckhest. You've traveled a great distance. They are of matters of importance to you and to us. And so we welcome as we always do, your public comment and we ask please that you remember the rules that provide for the Judicial Council. Chief, we'll start with our first speaker, Barbara Kauffman. Will you come forward please? And speak from the podium. And I'll remind you when you have about 15 seconds. Thank you.

>> I know the time is going to fly. My name is Barbara Kauffman. I'm a family law attorney. Based formerly in Marin County. I've spoken to the Judicial Council many times before and brought my concerns about Marin County along with many other people to the Judicial Council. I'm here today because the Governor, and Attorney General, and Marin County Council, and Bob Buckley told me to bring my concerns here. And I assume you all have a copy of the Governor's letter referring me to the Judicial Council. If not, I did provide it. He was responding about my communications to him of June 22, 2014, and follow-up communications of July 22, 2014, and September 22, 2014. The issues related to the falsification and backdating of Marin family records—Marin records by Kim Turner—who is a former Judicial Council member, current Judicial Council appointee, and court executive officer. I provided proof that it happened. The Superior Court presiding judge submitted that orders were backdated. The official Turner record does not correctly reflect the date of entry of orders where the issue of date of entry is of primary importance. We asked for notice of entry of order from the court. They won't give it to us. I was told to bring this issue here. I was informed today by Nancy Carlisle that none of you have any of the materials about which I'm going to make my request. We want a public hearing about all the issues in the CJE public comment. But I want a referral by this council to the FBI and a request for an investigation of the document tampering in Marin County and other counties. I provided, in my materials, proof. I cannot believe only the Chief Justice and Justice Miller have gotten those documents. It's mind-boggling to me that the Governor, the Attorney General have referred me here, and none of you have the information to decide whether or not to refer this to the FBI. It is not true --

>> Time.

>> Finish your sentence.

>> There's no way I can cover this here now. We've asked for a public hearing. All of us here. We want a public hearing. You serve the public and we need it and you should read all of the correspondence.

>> Thank you.

>> All of you.

>> Our next speaker is Catherine Russell. Kathleen Russell, I'm sorry. Two minutes.

>> Thank you, Justice Miller, members of the council. I'm Kathleen Russell, executive director of the Center for Judicial Excellence. For those unaware—I know Martin is new on the scene here—CJE is a nonprofit that is committed to improving judicial accountability and protecting the rights of children and vulnerable populations in the courts. I'm not a litigant. I've never been a litigant in California. I'm just a concerned Californian as are many if not all of our board members. I did want to briefly echo what Barbara has requested, which is a public hearing on these issues. Related to problems in the branch that have been ongoing for the eight-plus years that our organization has been in existence. I know that the Judicial Council revamped your public comment process this summer. And I believe you did that in order to make it easier for the public to communicate with you about their concerns about the branch. But if our experience in the last couple of weeks is any indication, I don't believe that your work is done in this regard. Because we were told by Bob Buckley in September—when over 60 people came here from 16 different California counties—that we would have three minutes each to address the council. And we were not told that we would be punished by having less time depending on how many people came and that there would be a limit of 30 minutes for these very important issues. Children are being killed in California. And many times, the courts are missing what's going on. This is Domestic Violence Awareness Month. We're still in October. And we graciously request a public hearing on this issue. The family courts are forcing children into custody with abusers. It's been going on. We've been involved with the Elkins Family Law Task Force and hear a lot of those things haven't been implemented. There's a new Chief Justice. There is a new administrative director. Lots of new council members. We all saw you got sworn in today. It's time for a new era in California family courts. We encourage you to please take this seriously. Thank you.

>> Thank you. Steve Birdo? Just again for the record, Shelley Adair ceded her one minute to Kathleen Russell.

>> Thank you. Thank you. Madam Chief Justice, members of the Judicial Council, thanks for hearing my comments today. You're going to hear from a number of people today who want to bring some important issues to the Judicial Council. Issues that have in the opinion of many litigants, activists, and attorneys become serious access to justice issues for many in the California family courts. Issues are too numerous to list here. So we're here to ask for a meeting or a public hearing to discuss these important issues with members of the Judicial Council,

particularly the Chief Justice. One minute or less is not an appropriate amount of time to meaningfully discuss these issues or really have a good dialogue, the dialogue we need to have to discuss these issues. Now, I gather Madam Chief Justice that you don't have extensive experience in the area of family law, though I know you did serve in the Sacramento Superior Court for a while but this is why we're bringing this here today. You are a new Chief Justice. We're bringing this issue here to you. I understand that in your daily agenda you're probably dealing with 1 million things so we wanted to bring this here to you because you are the head of the courts. And now we've alerted you or we will be alerting you to these issues. The ball is in your court to make a decision to limit it to this public comment. The minutes or less or to actually say, I want to learn more about this and I can do something about it. Thank you.

>> I apologize if I mispronounce this next name. Yupa Aswazasant. I apologize if I mispronounced that. From the California Nursing Association. Thank you. One minute.

>> Hello. Everyone, all the judges and Chief Justice, my name is Yupa Aswazasant. I am a registered nurse who was [Indiscernible] for excellent nurse. I'm here today to request for public hearing so in one minute, we cannot have a decent communication. As you know we have Ebola outbreak. And we all know we cannot address Ebola outbreak in one-minute meeting. Family court corruption is like an Ebola outbreak. You know? And children are being killed, being hurt, being placed with abusers and perverts. So I am really begging you for a public hearing. You see parents sitting here, parents, grandparents, we're here today and we would like you to hear us, why are we here today? And one minute is not going to address a problem. I live in Marin County. Thank you very much for having me today.

>> Thank you.

>> Connie Valentine from California Protective Parents Association. Thank you. One minute.

>> Thank you, Madam Chair and council members. I'm Connie Valentine from the California Protective Parents Association. We've been in dialogue with your staff since September 2000. Most recently, we presented to the DV task force in October 2012 at your recommendation. We continue to have concerns about family court. Our research shows 70% of identified barriers and 90% of identified perpetrators the series full or partial custody. Two thirds of children continue to report being injured unless of course they died. Battered women often appear or get seasoned attorneys. A lack of court records preclude appeals and effective complaints. Private and public recommending professionals provide hearsay in advance of a hearing so the hearing is already done before it starts. And there's no standard form to ensure these professionals follow the laws and the rules. Finally, judges have been trained to be highly skeptical of abuse allegations. For any public hearings. Thank you very much.

>> Emilie Gallup? Thank you. One minute please.

>> I am a former family court services mediator. I work for a court but did not operate in accordance with Family Code section 5.201 or 5.2.5. Mediators were prohibited from conducting criminal background checks. Domestic violence victims were pressured to mediate in the same room with their perpetrators. Children were placed in custody of violent felons. I tried to bring these issues to the attention of my superiors. I was told to keep my opinions to myself and follow chain of command. Unable to keep quiet, I became the target of retaliation. In desperation I called the AOC for help. The representative, George Barrick, sounded generally concerned about my plight but told me that AOC could only provide education, not enforcement, of court's compliance with the law. The damage our court inflicted upon our community could have been mitigated if someone had been empowered to respond appropriately to my call. No agency should operate without oversight. The judicial branch must be held accountable for the quality of its work. Thank you.

>> Thank you.

>> Kim Robinson, family law attorney.

>> Thank you. One minute?

>> Good afternoon. My name is Kim Robinson. I'm a family law attorney that practices in a number of counties in the state of California. It is imperative that the Judicial Council has a full public hearing on the problems in the family court. There are many of them. I will say that allocating only 30 minutes today to public comment in my view, shows a lack of serious interest and concern on hearing any issues from the public about these matters. In terms of court efficiency, one of the big ways that the Judicial Council could improve the efficiency of superior courts and appellate courts is to require that the judges therein and the court-appointed professionals follow California rule of court 5.220 dealing with child custody evaluations. They are not following them. It is creating havoc in the courts, danger to children, children are ending up dead. We have a grandmother here, a great aunt, who's going to talk about that. And this is, I think, a very simple solution. Given that oath that was taken here today to follow the California Constitution and follow the laws of the state, this is a very simple one that would certainly resolve a lot of the problems. Thank you.

>> I apologize again if I don't pronounce this right. Sherri Safapo? PhD.

>> Good afternoon. I'm a mother. And today I was looking for it, after nine years, every day, they've been after my work, they've been after my job, they destroy us. They destroy us. I have 14 Judges, 14 court members. I am Persian-American. This is unacceptable. This is pure barbarian. This is unheard of. My parents said, let's get out. I said no, this is United States of America. It's a court of law. They cannot do that. But just as a mother to mother, we love our children like you guys do. Look at it. All of you. After today, you guys are going to forget about us. I just want to ask you one question: what should I tell my son? What should I tell my son? To stop the abuse? The court, this family court, Marin County, and sometimes San Francisco, are

organized criminals. Those attorneys are just robbers. They con, they plot. We cannot bend anymore because they are so experienced. You just follow the money. That's all you've got. I developed a [Indiscernible]. I've got more than 57,000 hits. Please go to my website and see all those people. What are you doing here?

>> Thank you very much. Thank you.

>> Siam Safapo?

>> That's my son. My son wanted to tell you guys how much he suffers.

>> We will give you one more minute.

>> His father throws him on the wall. The judge says, "I don't see anything." The police returned him to me 14 times. My baby had bruises. The judge did not do anything. I called Mr. Henderson. He ordered me to go to the police department and file child abuse—I cannot say—against this barbarian commissioner and judges. And I did. I went to the DA. The DA did not file or investigate. They sent me a letter as usual. We are ... we know you are a victim, but we cannot do anything. DA has to change. All of them have to change.

>> Thank you. Robin Yeamans? Attorney-at-law. Thank you. One minute.

>> Hello. I've been a certified family law specialist since 1980 which is the first time the state certified specialists. I have a lot to tell you. There's no prayer beginning it in a minute. I'm glad to get to follow that mother. Those are the people who call me up. Begging and crying for help. The situation is very desperate. In 1995–1996 in San Jose, the parents were so upset, they picketed and—you don't know this—they picketed the courthouse for a year. The struggle went on and on. Finally in year 2000 we had a superb presiding judge, Judge Kumar, who issued the protocol for change in family court that temporarily resolved some of the things, but it was only a protocol. So it's gradually turned invisible. And we have systemic problems. We need to talk about across the state. One of the most horrible is the ex parte process where CCP 1005 notice hearings, due process, went out the window. Somebody calls you up and says, "I'll be in the judge's chambers tomorrow with ex parte request." And you have one case where the judge finally told the guy who was hammering the person, you do need to give her a copy of the papers before you leave your office. You can't even find out what you have to reply to.

>> Thank you.

>> Thank you.

>> Tanya Nemcheck? I apologize if I mispronounced it.

>> One minute.

>> My name is Tanya Nemcheck, I am a litigant in Contra Costa County. The issues of lack of accountability that allow corruption to continue are too great to list in the short time period and too far great for you guys to really understand the depth that it reaches to our children, and our lives, and affects all of us. We need to have a public hearing where we can address all of these issues so that you guys can truly understand the suffering that's going on with our children and with ourselves. The appeals court remands their decisions back to the trial court. The trial courts laugh in our faces and say we don't have to do anything the appeal court says. Ha, ha, ha. There's no accountability. There's no consequences for their actions. They continue with the corruption. They continue with bribing each other. The attorneys need to be held accountable. The judges need to be held accountable. CPS workers need to be held accountable. The police officers need to be held accountable. We have to give power back to our teachers and pediatricians so that they can't get threatened, and therapists can't get threatened and bribed. The complaint system is just, it doesn't work at all. You complain and they send you a nice letter saying thank you for your complaint. We'll look into it. And nothing happens, and corruption continues, and the children continue to suffer and nothing is being done.

>> Thank you. Michael Warnkin?

>> I appreciate it. Unfortunately one minute is not going to do it but that's what I get. You started, I want to first of all tell you that I appreciate you for letting me speak here. This is the grievance process and the First Amendment. There is no good will. I'm sorry. You started by saying that but it doesn't exist. I've been dealing with court crap for about 12 years. It's embarrassing. There are no checks and balances in the system. I'm a constitutional specialist. I study constitutional law all the way back through history. It's embarrassing. There are no checks and balances. We've had three impeachments in California history of judges. I'll tell you the things I watch go on. Go over the top of the three impeachments that we had in California. The judiciary is an aristocracy by design. But you need to feel what the people who pay your salaries feel about the system. Federal 79, power over a man's assistance amounts to power over his will. That buffer has become too great. The harm that you guys commit is far greater than the good that you provide. That is a harsh thing to hear, I'm sure. But unfortunately at this point in time, it's true. All of you, need to be aware of it. I don't expect you to do anything, but you need to be aware of it.

>> Thank you. Sharon Kramer? One minute please.

>> Good afternoon. First of all, I'd like to thank the Judicial Council for adding this segment where public comments are made on things that are not on the agenda. As you can tell, this has really been a great way to open the door for you all to see what problems the public sees, that you may not be aware of. And seeing them is the first step to addressing them. I'd like to follow-up on what Barbara Kauffman said. There's a severe ethics problem in our courts. And it's happening in very many counties. I'm here from San Diego County. I have a degree in marketing. I'm a medical journal-published author on the subject of how it became a false concept in U.S. public health policy that toxic, moldy buildings do not harm. So I do a lot of

research on how information moves. That's what marketing is about. And in my decade of travels through the California legal system, it has come to my attention many times over that clerks and judges sometimes falsified court documents and they sometimes falsified electronic records. That, under California Penal Code 134, is a felony. It's fraud upon the court. I joined with the Center for Judicial Excellence, Barbara Kauffman, Governor Edward Brown, and California Attorney General Kamala Harris in the understanding that you all are responsible to stop this pervasive problem in the courts. You need to stop the fraud upon the court. Thank you very much for your time. Angelique Barbo?

>> One minute. Thank you.

>> Thank you, ladies and gentlemen, for hearing me. You mentioned boots on the ground. I'm a United States sailor, 11 years. And it's one thing to be away from your children, but it's another thing actually when your children are legally taken away from you, and I say legally to illegally. I echo everything that has been said here because it happened to me. I did my own investigation. I'm from Riverside County and I have been doing investigations throughout the area of the County. And outside the county as well. I've talked to many parents who have lost their children. There was one parent who was given her child up—she was forced to do that. And four times she's made the claim to the court that her child attempted suicide. She has documentation. Domestic violence, as a United States sailor, but I'm also a victim of domestic violence. I'm standing here too because what happens through all the parents is happening to people like myself. It's across the board. It's horrendous. And I believe that, coming forth today I believe truly in your hearts, if this happened to you, you would do the same thing, because our children matter. And that's what you should do here today. Children who are asking for a hearing, this is the necessity. I appreciate your time. And there's more. Thank you very much.

>> Thank you. Tamme Winnernitz? I apologize if I miss pronounce that. One minute please.

>> Hello. My name is Tammy. I'm here from San Diego County, but also I live at the moment in Butte County and I work for a nonprofit agency funded by state and federal funds for children's services. I have a graduate degree in child development from UC Davis and University of San Diego. I come here with concerns about our judicial system. The California Rules of Court, specifically 5.220, have been violated grotesquely in a number of counties that I'm aware of specifically, San Diego County. I'm concerned about as a result of the Elkins Task Force, our Family Code 3042, the children's voice, the mature articulate child's voice, is not heard. Judges refused to listen to a child who is 12, 13, 14 years old. I'm concerned that ex parte documents are being shared behind the scenes. I've seen it firsthand. And also been involved in cases where this is happening. I ask that you as the judicial oversight committee, please take note of what's going on here. Most of this to my awareness is happening at the trial court levels, but it is your charge to make sure that our policies or rules are followed. People are being hurt, children are being plucked out of lifelong primary, custodial, stable environments and placed with a parent who has—they've never lived with and have also been negatively affected by. I'm just very concerned that these rules aren't being followed. Please.

>> Thank you. Charles Wagner?

>> My name is Charles A. Wagner. Thank you for this opportunity to speak today. I'm 81 years old. On Social Security. I am the one that filed the [Indiscernible] against Judge Halpin, Shasta County, and was successful. It was all done with facts. No hearsay. I urge you to please step forward and give us a public meeting on this. I'll close with this very short part. I failed to realize why I had to spend my funds, that are so meager, to do your job. This was your job. Not mine. But I took it on. Because it was honest, it was direct, and it was successful. I really appreciate your time today. Please, please, put your heads together and give us a public meeting on this. Thank you very much. I appreciate you.

>> Thank you.

>> I do believe in this. I do believe in it.

>> Thank you.

>> Archie Overton? One minute please.

>> Thank you for your time. I'm from Alameda County. I didn't know how many people here, I have five copies that I can give out or leave with you guys that further explain what I want to talk about. Welfare and Institutions Code 355 allows hearsay, straight up violation of Idaho versus right. It allows hearsay. You cannot do that. PACU can object, but because of the draft, contract made up by the AOC, dependency representation administration funding and training, that contract violates all attorney ethics because of the way it's written. And it's explained more in detail. One minute is not enough, a public forum would be great, opening up the child protective courts would be good. California Rule of Court 5.684 requires the judge to accept that hearsay as competent evidence because of the draft. Your attorney will never object. You are told you can't object because you have an attorney. The way the contract is written, it basically comes out and says that the attorney, representative gets paid for that hearing. If they object and that hearing goes to an hour, you don't get time to get paid for that hearing. And open up the courts. This explains more about how, where of my way -- but my case is not important. It's the issue of what 355 and the draft contract has written.

>> All right. Thank you.

>> Where should I leave these? But you can give it to Nancy and I'll take a look. If you would give it to Nancy Carlisle? Thank you. Ray Martelli?

>> Ray Martelli. I'm here to discuss constitutional law and administrative law. I'm concerned about the loss of our rights regarding the Constitution. The state constitution does the same as the federal Constitution. Everybody in my opinion is asleep regarding our state Constitution. Administrative law has taken over. Administrative law used to be called prerogative law and we

have too many politicians who make laws on their own prerogative, not the Constitution. We need the courts to write a decision connecting to the Constitution. Every judge should make his statement, write his brief, and link it to the Constitution. Because it's only going to end up 2,000 miles away in the Supreme Court, which makes the final decision based on the Constitution. So let's start the Constitution right here. Where it is. So we can avoid a lot of expense and time. And have every judge base his decision, write it up, state it, link it to the Constitution. Because that's where it will end up. And I'd like to state that I think there's too much cronyism in the state of California. It would be nice if we abolished the State Bar. It's linked to state government, it's more powerful than Standard Wyoming and AT&T used to be.

>> Thank you. Thank you. Stacey Hart? One minute please.

>> Thank you for hearing me today. My name is Stacy. I'm from California. There are a lot of fathers and mothers that are suffering in that county and all counties in California. I hope we can get a public meeting as Kathleen Russell has asked for. I would also like to say the most important thing I feel is we have to have court reporters back, due to so much corruption. Court reporters or at least CCTV would do amazing things. That's all I'd like to say. Thank you very much.

>> Thank you. Barbara Monti? One minute please.

>> Good afternoon. My name is Barbara Monti. I've been practicing law in the Bay Area for 27 years. I live in Marin County. I have a child. I have experienced divorce. However, I'm here today in response to the attack on the Marin County bench. I'm also a member of the Marin County Judicial Fairness Committee and chair of the Administration of Justice, Bench-Bar Committee. The Judicial Fairness Committee hears complaints by the public or attorneys, parties and judges, all issues are dealt with seriously, thoroughly and quickly. In the 15 years of operation of the committee, I can say without reservation, that there is absolutely no systemic problem with the Marin County bench. I'm also chair of the Bench-Bar Committee where we certainly gave --

>> 15 seconds.

>> As chair of the Bench-Bar Committee, I worked with lawyers and judges to make the operation of the local court run smoothly and fairly. We have found our judges to be hard-working and concerned. Their actions and rulings are appropriate, and they are committed to serving the community.

>> Time. Thank you.

>> Please.

>> If there are any further disruptions for the speakers, I'm going to ask CHP to remove the speaker and explain our protocol out in the hall.

>> Roberta Fitzpatrick?

>> One minute please.

>> Chief Justice and members of the council, the AMA reports that five children die each day by firearms and at least three die from abuse or neglect. Please use your power and your policies to keep children safe in family court. Require that judges make custody decisions based on facts, not on feelings or discretion. Protect abused children as opposed to section 3027 which says you don't have to. Stop enabling child abusers, child molesters, and child murderers. Please show yourselves to be trustworthy. Please be accountable. And I think my great niece's life was worth more than a minute. Thank you.

>> Jennifer Green? One minute please.

>> Thank you very much for your time. I'm here for concerns of our family court system. We have one branch of government where a judge can say, this is my courtroom. I don't have to follow the law. This is my court and I can do whatever I want. This is my courtroom. I'm going to ignore that sexual abuse happened. I'm going to pretend it didn't. There's nobody you can go to for help. That's a big problem. We have a right to go to our court system and expect our laws to be followed. We have a right to go to our court system and expect our children to be safe. When police and CPS see that a child is being molested and a judge can take that child and give them to the abuser, that is a huge problem. We need oversight for these judges, and we need a public hearing on our family court system. Thank you.

>> Thank you. Susan Ferris?

>> One minute.

>> I'm Susan Ferris. And my case is in Sacramento, California. I have a child custody case. And many of us here haven't seen our children in years. We're not going to see our children for holidays, Thanksgiving, Christmas. I stopped buying presents for Maggie because I know she's getting too big. The judges in my experience, what I've witnessed, what I have court-watched, they're not following the law. There is no oversight or accountability. We have nowhere to turn. Commission on Judicial Performance, I think they just don't have enough funding to really follow or go after the reports that we put in there. So please give us a public hearing. One incredible thing that happened in my case is James Brosnahan at Morrison Foerster heard about my case and he took it on pro bono. It's in the appeals court. But it's been sitting there for nearly a year waiting for oral argument. So please give us a public hearing. Thank you.

>> Erin Hale?

>> One minute please. Thank you.

>> Good afternoon. My name is Erin Hale. I have a case in Placer County, California. I'd like to thank you for hearing Placer County, California. For so many of us, who entered the family court system with the belief it would save us from further abuse, only to be revictimized due to the lack of court accountability, I requested a public hearing in order to fully present the myriad of issues plaguing family court systems. Children are dying. Children are being taken away from their protective parent, children are being abused by the judges and the people that were supposed to protect them. Thank you.

>> Thank you. Ronald Pierce? One minute please.

>> What I have to say will probably take just about a minute. My name is Ron Pierce of Ron Pierce et al versus the Chief Justice et al, currently before the Ninth Circuit court. That regards me being put on the vexatious litigant list by that appellate court on its own motion, no defendant. About a week after, I started trying to get public records from the AOC. So my experience through the court system is first it's a local corruption but it connects to the greater corruption of the Administrative Office of the Courts, which I guess now calls itself Judicial Council staff. The underlying issue that all of these people are bringing up is they're not being provided access at all. If anything, they're experiencing corruption. I myself was accused of domestic violence, but I know many mothers that have reported legitimate abuse of their children and their result is they lose the child. The child gets put with the father. I know one lady, she lost her daughter for five years, and on the other side you've got a bunch of men that are being railroaded out of their kids too. There really needs to be a meaningful opportunity to be heard. It's an access issue. Especially for the disabled. And I want to incorporate the very articulate rendering of the problem for access for the disabled rendered by Justice Hill five years ago.

>> Thank you.

>> Rolene Walker? One minute please.

>> Thank you. I am not a litigant. But I do have a friend who is a litigant. And it's been a real eye-opener for me as just a normal citizen as to how difficult it is to get a real hearing in the superior court family law system. So I'm here from San Francisco County. And I would like to reiterate three of the areas that have I personally witnessed a judge refusing to follow the law, no effective oversight. I complained to this council two and half years ago. And other than having my complaint acknowledged, I have not heard a word. And I have been shocked by watching a judge use information that was not part of the court record about one of the people involved in the courtroom. I am the retired director of enforcement for the U.S. Department of Labor, Wage and Hour Division, and have quite a bit of experience with U.S. District Court. And I do have to say that I was pretty disturbed at the abuse of judicial discretion and the unprofessional behavior that I witnessed in superior court. I looked for an attorney for my friend. I talked to three attorneys who did not want the details of the case, they wanted to know what county it was.

When I told them it was Solano County, they refused to take the case without even hearing the details of it. You've got a problem and I'm really encouraged to hear that you are interested in excellence and that your concern about public perception. Because, in my case, it's gone way downhill.

>> Thank you.

>> Michelle Saeda?

>> One minute please.

>> Hi. My name is Michelle Saeda. Born and raised in San Francisco. My mother is from France. My father is from Assyria. I'm very disturbed about what I've endured as a citizen of the United States: 50-50 should be abolished. There shouldn't be any 50-50. When there is any child abuse whatsoever, in any case, it should be treated criminally, not in family court. Family courts are not educated in abuse, domestic violence, sexual abuse, anything of that kind. And he should be treated criminally. If you don't do something, this is ... I'm not imploring you. I'm demanding that you guys do something about this because I've experienced it for the last 12 years. And it doesn't stop. It is rape, it's slavery, it's court-ordered abuse, and it shouldn't happen to a little girl. I appreciate your time. Thank you.

>> Clay Greene? One minute.

>> My name is Clay Greene. I've been a family law attorney for 37 years. I've practiced in all the courts in the Bay Area. And I've taken to trial dozens of cases and had hundreds of hearings. And I've had my share of wins and losses. But I have never felt that any case I've lost was a result of judicial corruption. The Marin County bench where I primarily practiced has two fine judges. I couldn't say anything more positive about the two judges that we have. Whatever people's complaints are, about the child custody system, they relate to, perhaps, resources. We do need court reporters. We do need more judges. We do need more assistance at the family court services level. But the problem is not corruption. Thank you.

>> Thank you. Elizabeth Breckus? Two minutes.

>> Thank you. My name is Elizabeth Breckus. And I am a civil litigation attorney in Marin County. I am the president of the Marin County bar and I am a Marin County native. I'm speaking here on behalf of the Marin County Bar Association which has approximately 700 members of attorneys in Marin County. I'm speaking in support of the Marin County Superior Court. Because we strongly disagree with the past criticism of the court by the so-called Center for Judicial Excellence. We are deeply concerned about the irresponsible and relentless allegations by these family court critics. There have been three independent investigations, reviews, and audits that have all concluded that their claims of judicial misconduct, cronyism, waste of public funds, favoritism, and bias are all unfounded and baseless allegations. There is

no need for a hearing or a meeting regarding the Marin County family court bench. These criticisms are undermining the public's confidence in our court system, and they are doing a disservice to families that need help from the court. And this affects us as attorneys practicing in Marin County. They're also doing great harm with respect to court officials who are doing important work, providing assistance to families, especially children, when they are under stress and undergoing a life transition. So many precious public resources have already been spent on this meritless criticism. It is time for the Judicial Council and for the public to reject these critics. Thank you.

>> Chief Justice, that concludes public comment. Again, on behalf of the council, I want to thank all of you. Thank you for your comments, thank you for traveling here. Chief Justice, that concludes the general public comment portion.

>> Thank you. We're going to stand in recess for 10 minutes and then take the next few items. That's the order.

>> [Recess]

>> [Event is in recess until approximately 3:48.]

>> So we welcome item number three, and that is no action. Trial courts, recidivism reduction fund, court grant programs. We welcome Shelley Curran and Curt Child.

>> [Indiscernible -- low volume] background of the recidivism reduction project that is now getting underway. As you recall, the Legislature appropriated \$50 million from the recidivism reduction fund for the purpose of competitive grants to reduce adult offender recidivism. And Shelley will talk about this on how the Criminal Justice Services staff developed a grant application process, RFP, that has now gone out to all of the courts. In the course of that, the office solicited comments from PJ's, court execs, and collaborative courts and Criminal Law Committee on the structure of that RFP. It is a competitive grant process. We want to be a little careful right now about how much we say and who will ultimately be in the mix for competing, but the court proposals are due on December 15. And at that point, the office staff will begin scoring those proposals and the expectation that we'll be coming back to the council in February for the allocation on those grants. With that, I'll turn it over to Shelley to talk a little bit about the process.

>> Good afternoon, Chief, and members of the council. Thank you very much for having me this afternoon. I'm going to provide a little bit of background on the actual recidivism reduction fund and talk about some of the highlights that were included in the request for proposals. The recidivism reduction fund came into being with the passage of SB 105, passed at the end of last year, that was supposed to deal with some of the prison overcrowding issues. In that legislation, \$350 million was allocated to house adult criminal offenders either in private entities or out-of-state. The Legislature insisted at the end of the legislative session that in the event that all of

those funds were not used to house criminal offenders, the first \$75 million of those funds would be put in a recidivism reduction fund and the remaining funds would be split halfway between the general fund and the recidivism reduction fund for these adult programs to reduce recidivism so that the grant total ended up being \$91 million that was allocated in this past budget that passed in July. \$15 million as Curt mentioned was provided to the Judicial Council for the administration of a competitive grant program. The specific programs that the Legislature included in that budget bill were collaborative courts for high and moderate risk offenders, pretrial programs, and the use of risk and needs assessment by the courts. Courts have until April 30, 2017, to spend all of these dollars. The RFP includes two different phases in addition to the three categories of those three programs I just mentioned. There are two phases of funding available. One is planning an implementation for courts who want to sit down and begin one of these three programs. The second is for an enhancement grant for courts that actually already have these sorts of programs that are operating. And either they would like to expand the scope of the project or they could actually use them to fund existing programs as they are now. Typical grant awards will be between \$300,000 and \$600,000. I just want to mention that the Judicial Council has some specific requirements that were included in the budget bill: administration of the program, reporting requirements, and ultimately an evaluation of the program itself. In terms of the RFP, there are a couple things I want to highlight now for the council. The first is that we divided up the courts into different pools of applicants. And the pools of applicants are based upon the numbers of individuals in a given county who are supervised under some form of supervision. The reason we did this—as you can imagine smaller courts, medium courts, high-volume courts—we did this after consultation with legislative staff and Department of Finance. Simply ask them, are you interested? Is the objective to cover many offenders' orders the objective to have various programs throughout the state? They wanted various programs throughout the state. That's why we went with that model of considering the applications. Another thing that we did in response to some of the feedback that we received from court executives and PJs is we divided up the contracts, the first bit of contract is going to be a deliverable-based contract which essentially is going to allow the courts at the beginning of the grant application process, to receive up to 20% of the funding. We wanted to do this because we recognized that there are going to be some courts where, especially in times of no reserves, don't have money for start-up costs. So we divided it up with a deliverable-based contract at the beginning and then we'll switch to reimbursement at the beginning of the next fiscal year. We have a training component that's included as part of the program. Those were all included in the RFP for each one of those program categories. And the last thing I did want to mention is the significant emphasis that the Legislature included in the budget bill language on local collaboration. That's another significant part that is included in the RFP. It was specifically stated in the budget language that the courts or the applicants, they needed to work very closely in collaboration with other local justice system partners. So thank you.

>> Thank you. Any questions or comments? Mary Beth Todd?

>> I wanted to make one comment and Shelley did touch on it. That was the efforts that they've made to front some of the money because of the difficulty for trial courts to advance the funds

for this program. I had the opportunity to talk with quite a few courts last week about this issue. And the reality is even the 20% isn't enough for some courts to apply for this grant. They're very concerned they would not be able to meet the cash flow demands of the program. That's just really unfortunate. I wanted to call that out.

>> Thank you.

>> And so Curt and Shelley, when will we hear back on the grant awardees?

>> We'll come to the council at the February meeting with recommendations for your consideration and approval.

>> Very good. Thank you for the update.

>> Next we have item four. This is an action item. Judicial branch administration update to court technology, the governance and strategic plan. We welcome Judge Herman.

>> We do have one individual here to make public comment on the update to the court technology governance and strategic plan. That is Mary Arangan. You have three minutes. There isn't anyone else according to my records, who has come forward to talk on that particular item.

>> So thank you. Three minutes?

>> Good afternoon, Chief Justice and council members. Thanks for the opportunity to comment on the video remote interpreting pilot project in the technology plan. CFI has advocated for a pilot project for spoken language, VRI. A pilot project is needed to evaluate the efficacy of VRI and develop informed recommendations of how VRI can expand and protect access. Unfortunately, courts are proceeding with VRI prematurely without the benefit of a pilot. Our observations and research into the push for VRI at the state and national level indicate the driving force is a pursuit of cost savings, and the potential to expand services is overstated. The strategic plan before you asserts that VRI has been successfully implemented for sign language in California and for spoken language in other states. The reality is that VRI has not been implemented broadly anywhere due to its limitations and has not been submitted to serious analysis that looks at the true financial cost or the impacts on LEP rights and meaningful participation. The success of VRI is assumed but has not been validated. And significant evidence that VRI compromises LEP rights is being ignored. That's why in a recent letter to the Chief Justice, and working group, the ACLU, California Public defenders Association, and nearly a dozen immigrant rights organizations cautioned that current VRI initiatives lack sufficient safeguards and they object to expansion of VRI without appropriate limitations. We are very concerned that the rush to create efficiencies and the enthusiasm for technology generally are leading the council to make decisions without complete and accurate information and without adequate analysis. Any pilot must include sufficient stakeholder participation and ensure VRI actually expands access without compromising meaningful participation and

communication. We also urge that the council's influence and authority be used to discourage premature implementation of VRI before a pilot is completed. This would be the prudent approach since the purpose of a pilot is to evaluate something, before implementing it more broadly. While the LEP working group and Technology Committee are aligned in recommending a pilot, the LEP working group has stated the pilot should not limit courts from proceeding with their own VRI experiments. We disagree. What is happening right now with VRI in the courts is not the responsible approach. Courts are planning to implement VRI before standards are established and coming to the table without a viable plan or an understanding of VRI's inherent limitations. We caution that this shotgun approach can do a lot of damage. Implemented in an ad hoc manner and without strict statewide standards, VRI will damage the judiciary's reputation in the eyes of lawmakers and the public and—of greatest concern—it will interfere with access and fairness for LEP court users. Statewide standards and safeguards must be adopted. Thank you.

>> Thank you. Thank you very much. That concludes public comment on this item. Judge Herman?

>> All right. Just to bring our new members and those who were not at the August meeting up-to-date, at the August council meeting, the Judicial Council approved the court technology governance and strategic plan with the understanding that we would push the issue over onto today's agenda to get additional feedback from the joint working group for California's language access according to their plan. So we have incorporated additional language from the working group into the present document, and it is here today for council's final approval. The task force was disbanded as of the August meeting. So that is the action item that is on today for the council.

>> Thank you. I'm looking at the recommendation found on page two. To adopt the updated court technology governance and strategic plan. Et cetera.

>> [Indiscernible -- low volume]

>> I'm sorry? Judge moves approval. Second by Judge Jacobson. Any discussion on the matter?

>> Just have one question if I may, Chief. Let me ask the chair. Was there any disagreement in the discussion on your committee?

>> Not amongst our committee. And this is language access, has looked at this carefully in terms of the input that they've given us in terms of putting issues or developing additional language in support of language access as well as in support of self-represented litigants, so it aligns with Access 3D.

>> Thank you.

>> Thank you.

>> Not seeing any hands for further discussion, all in favor please say aye. Any opposed? Motion carries. Thank you, Judge Herman.

>> You're welcome.

>> This convenes our first day of Judicial Council, our business meeting. We will recess and start again tomorrow at 8:30 in the morning. Thank you.

>> [event concluded]