

Bench-Bar-Media Steering Committee Business Meeting

**Administrative Office of the Courts
Third Floor, Sequoia Room
455 Golden Gate Avenue
San Francisco, California 94102-3688**

December 16, 2008

Minutes

Members Present: Hon. Carlos R. Moreno (Chair); Mr. Ralph Alldredge; Mr. Anthony P. Capozzi; Hon. Peter Paul Espinoza; Mr. Rex S. Heinke; Hon. Jamie A. Jacobs-May; Hon. Judith D. McConnell; Hon. William J. Murray, Jr.; Mr. Ronald G. Overholt; Mr. John Raess; Ms. Kelli Sager; Mr. Peter Scheer; Mr. Stan Statham; and Mr. William C. Vickrey.

Mr. Devallis Rutledge (Counsel to the District Attorney, District Attorney's Office, County of Los Angeles) attended on behalf of Mr. Steve Cooley.

Member Absent: Ms. Cristina C. Arguedas.

Staff Present: Mr. Peter Allen and Ms. Claudia Ortega.

Additional Attendees: Administrative Office of the Courts (AOC) staff Mr. Philip Carrizosa, Ms. Lynn Holton, Mr. Kenneth L. Kann, Ms. Leanne Kozak, and Ms. Linda Theuriet.

Item 1 Welcome and Overview

Justice Carlos R. Moreno called the committee's first meeting to order at 10:10 a.m. He thanked the committee members for contributing their time and expertise to this endeavor. He also thanked them for their patience. He explained that although there was an initial organizational meeting in the spring of 2007, there was a delay in kick-starting this effort because of staff assignments to other projects, including the Judicial Council's Commission for Impartial Courts. He explained that the Commission will present its recommendations to the Judicial Council and these proposals may shape this committee's work. Justice Moreno acknowledged the following committee members for their participation on the Commission: Hon. Judith D. McConnell (who chaired the Commission's Task Force on Public Information and Education); Hon. Peter Paul Espinoza; Hon. William J. Murray, Jr.; Mr. Ralph Alldredge; Mr. William C. Vickrey; and Mr. Ronald G. Overholt.

Item 2 Introductions of Members and Staff

Committee members and AOC staff introduced themselves and shared their particular interests in bench-bar-media relations.

Item 3 How Judicial Council Committees Work

Mr. Kenneth L. Kann provided an overview of the Judicial Council's governance structure. Mr. Kann is the Director of the AOC's Executive Office Programs Division, which works closely with the council's numerous advisory groups and directly supports the business meetings of the council. Mr. Kann explained that this committee's main role would be to develop statewide policy recommendations for the council's consideration. If the council approves the recommendations, the appropriate implementation steps would then be taken by the AOC. These implementation steps can include proposing legislative changes, creating new or amending existing California Rules of Court, developing an implementation committee, or taking any other actions to bring the approved recommendations to fruition.

Item 4 Bench-Bar-Media Experiences

Justice Moreno introduced Judge William J. Murray, Jr. (Presiding Judge, Superior Court of San Joaquin County) and Ms. Leanne Kozak (Senior Communications Specialist, Office of Communications, AOC). Several years ago, Judge Murray and Ms. Kozak (then the Public Information Officer at the Superior Court of San Joaquin County) worked together to create a bench-bar-media committee at the court. In their presentation, they explained that bench-bar-media committees can take many shapes and have different charges, but essentially they focus on strengthening communication among court representatives, attorneys, and the press. Ms. Kozak provided a statewide landscape – the increasing number of reporter layoffs, the impact of reduced budgets on news reporting, and the number of trial courts that have a bench-bar-media committee. Judge Murray detailed his experience forming and running San Joaquin's committee. He discussed how the committee developed the Legal Academy for Journalists to provide further education on the court system. He described how the academy and committee later dwindled away due to poor media participation. Judge Murray stated the following were needed to develop effective and lasting communications among the courts, media, and bar:

- Leadership at the statewide level working together to create forums for dialogue and encourage participation in educational events;
- The active participation and presence of the courts' presiding judges, executive officers, and public information officers at meetings with the local media; and
- The development of local or regional public information offices for those trial courts still lacking this office.

Mr. Ralph Alldredge conveyed that if senior staff within the press view a workshop or other event as a training, they would be more interested in attending and having their staff attend because the event would represent a rare opportunity at a time of dwindling resources for reporter education.

One member suggested looking at the NewsTrain project of the Associated Press Managing Editors (APME) as an educational model. APME is an association of U.S. and Canadian editors whose newspapers are members of The Associated Press. NewsTrain offers practical advice and techniques designed to help frontline editors polish their editing and management skills, and to become more effective editors for print and online news coverage. Nationally recognized trainers teach skills that editors can immediately use on the job. The program features workshops in management/leadership, editing/coaching, online news, and credibility/ethics.

Members also discussed the need for the judicial branch and bar to take the initiative in establishing comprehensive communications with the press. The press is eager to have greater access to the courts and prisons, and therefore, willing to strengthen relations with the bar and judicial branch.

Item 5 Discussion of Purpose, Issues, and Formation of Working Groups

Purpose

Justice Moreno directed the members' attention to the document titled, "Proposed Purpose." He explained that the document was drafted by staff to capture the main strategies the committee should pursue to fulfill its purpose. The members briefly discussed the document and suggested only one change – that language be added to state that fairness and accuracy in reporting is an important principle.

<p><i>ACTION – Staff will revise the "Proposed Purpose" document to state that fairness and accuracy in reporting is an important principle.</i></p>
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Issues

The committee then reviewed the document titled, "Possible Issues for Discussion." Justice Moreno, Mr. Peter Allen, and Mr. Ralph Alldredge explained that staff drafted this document as a starting point to identify the main issues the committee should address during its term. The document consisted of a list of critical issues facing the bench, bar, and media. The document originally divided the issues under the categories of "Access", "Education", and "Fostering Collegiality." The committee members refined the proposed issues and added new ones to the list. The committee also changed the categories of issues to "Access to Court Proceedings", "Educational Programming", and "Conflict Resolution," which would cover such issues as high-profile trials, "fire brigades," and accuracy and fairness.

ACTION – Staff will revise the “Possible Issues for Discussion” document to reflect the changes and additions made during the meeting.

Working Groups

Mr. Allen and Mr. Alldredge proposed that the committee form three working groups to address the three new categories of issues – “Access to Court Proceedings”, “Educational Programming”, and “Conflict Resolution.” They suggested that the working groups meet regularly via conference calls to thoroughly delve into the issues and develop statewide level policy recommendations. These draft recommendations would be presented to the full committee and, if approved, they would be included in the final report to the Judicial Council. The committee members agreed with this approach.

ACTION – When the issues document is revised by staff, Mr. Allen will send an e-mail to the members asking them to volunteer for one or more working groups.

Item 6 Nomination of Candidates for Membership on the Full Committee; Identification of Constituency Groups

Mr. Allen explained that when this committee was formed, it was created as a Steering Committee. The thought was that a Full Committee would also be formed to help develop and implement the Steering Committee’s recommendations at the local trial court level. For example, court representatives on the Full Committee could help with developing bench-bar-media committees in their courts. As Mr. Allen provided this background, the committee members began to discuss how the Full Committee would work with the Steering Committee and the necessity of forming a Full Committee. After significant discussion, the members decided that it would be more effective to simply add new members to this committee, rather than creating a Full Committee or any other body. The members concluded that new members should represent critical professional fields not currently included on this committee’s membership. The members suggested recruiting the following professionals:

- Law school dean or professor
- Journalism school dean or professor
- News directors
- Reporters who cover legal issues
- Members of law enforcement (including police officers and sheriffs)
- Criminal defense attorneys

ACTION – Mr. Allen will e-mail to the members a revised nomination form and ask them to nominate interested and qualified persons from the above-mentioned fields.

Item 7 Schedule and Next Steps

The members reviewed the “Proposed Key Dates” document, which set forth a timeline for future conference calls and meetings.

ACTION – Because the committee will now be augmented and a Full Committee will not be formed, staff will revise the timeline.

The members identified several dates in May as possible dates for the next in-person committee meeting, but the exact date would be confirmed later.

ACTION – Mr. Allen stated he would contact the members who are not present and verify their availability before confirming the date.

Item 8 Adjournment

Justice Moreno thanked the committee members for their participation and adjourned the meeting at 2:00 p.m.