Domestic violence, sexual assault, stalking, dating violence, and human trafficking are critical issues facing tribal, family, criminal, and juvenile courts in California. The Violence Against Women Education Project (VAWEP) is an initiative designed to provide tribal and state courts with information, equipment, technical assistance, educational materials, and programs on the role of the courts in responding to cases involving these issues. VAWEP is a project of the Center for Families, Children & the Courts for the Judicial Council of California. The project is being implemented in collaboration with the Center for Judicial Education and Research (CJER) and is funded by the California Governor’s Office of Emergency Services (Cal OES) with resources from the federal STOP (Services, Training, Officers, Prosecutors) Violence Against Women Formula Grant Program.

Project Goals

The goal of VAWEP is to provide current education and program support in the areas of domestic violence, sexual assault, stalking, dating violence, and human trafficking.

VAWEP efforts include:

- Identifying the primary educational and informational needs of the courts;
- Initiating new judicial branch educational programming, including the delivery of regional training events and the enhancement of existing programming;
- Developing distance learning opportunities for judicial officers and court staff relating to court procedure and policy;
- Developing and compiling useful information for the courts that relates specifically to California state and tribal law and federal Indian law;
- Institutionalizing inclusion of the subject areas in all relevant judicial branch education curricula, programs, and publications;
- Creating incentives to increase attendance and participation in judicial branch education;
• Increasing communication among state and tribal courts about best practices;
• Providing jurisdiction-specific technical assistance;
• Creating educational tools that aid in the administration of justice for self-represented litigants;
• Purchasing computer or audiovisual equipment for court projects;
• Ensuring that trainings, educational resources, and other forms of assistance are available to tribal judges and tribal courts on an equal footing with state courts;
• Providing resources and technical assistance to tribal courts; and
• Supporting efforts to enhance access to and improve the administration of justice for Native American victims.

Planning Committee

The project’s planning committee is composed of a tribal court judge, state judicial officers, prosecutors, defense attorneys, attorneys with expertise in the field of domestic violence, victim advocates, and other subject matter experts. The planning committee guides the project staff in identifying key areas of focus and developing appropriate educational programming. The committee meets twice a year, once by conference call and once in-person.

Judicial Education on Domestic Violence

The Judicial Council adopted rule 10.464 of the California Rules of Court to provide education on domestic violence for state court judges, commissioners, and referees. The rule:

• Requires participation in appropriate education on domestic violence issues by each judicial officer who hears matters in criminal, family, juvenile delinquency, juvenile dependency, or probate court, and in addition, for those with primary assignments in these areas, participation in periodic updates; and
• Requires inclusion of domestic violence issues in courses at the Judicial College and in Primary Assignment Orientation courses for both new and experienced judicial officers.

The VAWEP project provides statewide programs, local programs, and distance-learning opportunities so that judges, commissioners, and referees have diverse ways to fulfill the requirement of the rule. The project also provides educational programming for various court staff including mediators, evaluators, and court clerks.
VAWEP’s planning committee supports the new rule and encourages domestic violence training. The planning committee will review prior trainings and identify further training needs. The Tribal Court-State Court Forum (forum), an advisory committee of the Judicial Council, makes recommendations to the project’s planning committee about content regarding federal Indian law and its impact on state courts. To promote the collaboration between the project’s planning committee and the forum, a tribal judge, who is a forum member, serves as liaison between the two groups.

The VAWEP project develops, staffs, and sponsors a series of in-depth courses on domestic violence, sexual assault, stalking, dating violence, and human trafficking issues that are integrated into CJER’s regular programs.

**Primary Assignment Orientation Courses**
The Judicial Council offers week-long Primary Assignment Orientation programs in family law, juvenile law, criminal law, and probate designed for judicial officers new to their relevant assignments. The courses are designed to satisfy the content-based requirements of rule 10.462(c)(1)(B) of the California Rules of Court applicable to new judges and subordinate judicial officers. The courses also satisfy the expectations and requirements of rule 10.462(c)(4) applicable to experienced judges and subordinate judicial officers new to, or returning to, an assignment. The VAWEP project has developed components on domestic violence issues for each of these programs. Generally the Family Law Primary Assignment Orientation includes components on the effects of domestic violence on children and an overview of domestic violence law. The Criminal Law Primary Assignment Orientation includes a segment on criminal procedure in domestic violence cases. The Juvenile Law Primary Assignment Orientation includes a course on the effects of domestic violence on children in dependency and delinquency proceedings. The Probate Law Primary Assignment Orientation offers a segment on civil protective orders for elderly adults experiencing domestic violence, sexual assault, and stalking. The following orientation courses are offered during this grant cycle:

- **October 2017**  
  Juvenile Law (Delinquency) Primary Assignment Orientation  
  San Francisco

- **January 2018**  
  Criminal Law Primary Assignment Orientation  
  Family Law Primary Assignment Orientation  
  Juvenile Law (Dependency) Primary Assignment Orientation  
  San Francisco

- **March 2018**  
  Juvenile Law (Delinquency) Primary Assignment Orientation  
  Sacramento
June 2018  
**Juvenile Law (Dependency) Primary Assignment Orientation**  
San Francisco

**Experienced Assignment Courses**

CJER develops and implements programming designed to satisfy the content-based expectations of California Rules of Court, rule 10.462(c)(4) for experienced judges returning to a criminal assignment and to others seeking hours-based continuing education under rule 10.452(d). The following courses are offered during this grant cycle:

**November 2017**  
*Immigration Issues in Domestic Violence Cases, Sacramento*

Issues of immigration increasingly affect judicial decisionmaking, the nature of the information presented to the court, and the safety issues in family, juvenile, and criminal law matters that contain allegations of domestic violence. This 1½-day course provides a broad overview of the elements of immigration law that may affect decisions in these cases and an understanding of the challenges facing victims of domestic violence as a result of the immigration concerns and status of the parties.

**March 2018**  
*Handling Sexual Assault Cases, Sacramento*

Sexual assault cases require the judge to be familiar with a unique body of substantive and procedural law that is not necessarily applicable in other criminal cases. The judge must also be aware of and understand the dynamics of sexual assault cases, the needs of the victim and specially mandated accommodations, and myths and misconceptions about sexual assault victims and offenders. This two-day course emphasizes these key issues and guides the judge through managing a sexual assault trial from arraignment to sentencing and postsentencing procedures.

**June 2018**  
*Human Trafficking, Sacramento*

This two-day course focuses on how trafficking victims appear in juvenile and criminal courts as dependents, delinquents, defendants, and witnesses. This course also looks at dynamics of trafficking, myths and misconceptions, risk factors, and characteristics of victims and perpetrators. The course addresses the legal definitions of human trafficking, and the many crossover issues that must be grappled with when trafficking victims appear before juvenile or criminal court judges.
Judicial Institutes

VAWEP courses are included as part of the Criminal Law Institute, Domestic Violence Institute, and the B. E. Witkin Judicial College. These institute trainings and educational events provide information specific to target audiences.

Criminal Law Institute (October 2017)
The Criminal Law Institute is designed to meet the needs of both judges and judicial officers new to a criminal law assignment and those with greater experience. Two courses focus on VAWEP-related content:

*Abused in Later Life: Sexual Assault and Domestic Violence Against the Aging.* This course emphasizes the unique and complex issues when handling cases involving abuse in later life, where elderly victims may be more vulnerable to domestic violence, sexual assault, or stalking, due to perpetrators’ abusive tactics that exploit elderly victims’ perceived frailty, cognitive decline, or mental illness. In this course, judicial officers will explore the myths and misconceptions about victims and perpetrators, the interpersonal dynamics between victims and perpetrators, and perpetrators’ use of abusive tactics and the impact on victims.

*Character Evidence in Domestic Violence and Sexual Assault Cases.* This course seeks to answer the question “how much does character count?” by examining the admissibility of character evidence in domestic violence and sexual assault cases under Evidence Code sections 782, 1101(b), 1107, 1108 and 1109.

Domestic Violence Institute (May 2018)
The VAWEP project uses an interdisciplinary curriculum developed by the National Council of Juvenile and Family Court Judges and Futures Without Violence (formerly the Family Violence Prevention Fund) to present an educational institute based on the curriculum. The 3½-day institute includes workshops on fact-finding, judicial officers’ roles in a community response to domestic violence, fairness and cultural issues in domestic violence cases, decisionmaking skills and enforcement, victim behavior, and perpetrator behavior. The institute also includes sessions designed to engage judicial officers in practical courtroom exercises addressing the complexity of domestic violence cases and the specific issues facing California courts.

Course agenda and outline:

- Judicial Application of Domestic Violence (Nuts and Bolts)
- Address domestic violence issues in various hypotheticals
- Procedural Fairness, Bias, Communication and Language Access
- Victim and Perpetrator Behavior
- Fact-Finding: How to Get the Right Information
- Immigration Issues in Domestic Violence Cases
- Fairness & Cultural Issues in Domestic Violence Cases
- Access to Justice: Role of the Judge in Court and Community
- Fairness & Cultural Issues in Domestic Violence Cases
- Vicarious Trauma
- Tribal Court Issues
- Developing a Judicial Philosophy for Cases Involving Domestic Violence

B. E. Witkin Judicial College (July 2018)
A course on issues of domestic violence is part of the nationally recognized B. E. Witkin Judicial College of California, a program providing comprehensive education for all new superior court judges, commissioners, and referees. The course provides background information on domestic violence and is mandatory for all program participants as required by Government Code section 68555. A description of the course follows:

Domestic Violence: What Everyone New to the Bench Should Know. By the time any judge completes five years on the bench, he or she will have presided over several cases involving domestic violence issues. Many judges will have handled dozens of these cases, some daily, some weekly, some yearly. This course explores the complexities confronting judicial officers handling domestic violence cases and promotes an understanding of victim and perpetrator dynamics, recanting witnesses, effects of domestic violence on children, and ways to assess risks of dangerousness and lethality. Judges will acquire knowledge of the varying legal standards and technical requirements in different case types, including criminal law, family law, juvenile law, and occasionally other proceedings. Faculty will present information and conduct interactive discussions to better prepare the judicial officer new to the bench for these difficult and important cases.

Domestic Violence Faculty Development Course (August 2018)
Faculty development programs are necessary for improving teaching skills and ensuring that domestic violence educators understand its complexities. CJER trains judicial officers interested in serving as faculty for judicial educational courses.

Court Staff Education
Family Dispute Resolution Institute for New Court Professionals (October 2017; Spring/Summer 2018)
The Family Dispute Resolution Institute for New Court Professionals provides training on the California family law legal system, how laws and rules are made and
interpreted by the courts, and confidentiality in the context of child custody mediation. The complexity of domestic violence is discussed throughout the two-day training. Courses include:

**Legal Framework: Child Custody and Domestic Violence.** This session provides information about relevant statues and cases, how domestic violence factors into the court’s decisions, how the court assesses move-away requests and custody orders, and information on restraining orders with a focus on how to reduce the likelihood of conflicts between orders as they relate to child custody and visitation.

**Mediation Skills and Concepts.** This segment addresses the key elements of the child custody mediation process and how to incorporate safety and domestic violence concerns.

**Mediating When Domestic Violence Is an Issue: Separate Sessions, Support Persons and Other Key Legal Issues for Family Court Services.** This course examines the issues of domestic violence in the context of family law proceedings, and specific laws covering mediation and domestic violence are explained.

**Family Court Services Directors Training (October 2017)**

This training was designed for directors, managers, supervisors, and administrators of court-connected family dispute resolution programs throughout the courts. This session provided Family Court Services (FCS) directors with key strategies and tools for analyzing and addressing critical incidents by addressing lethality factors and identifying staff roles and responsibilities and the decisionmaking process in child custody disputes where domestic violence is indicated. The workshop highlighted safety concerns and the measures that should be taken in a case of child abduction. The discussion included information on the prevalence of child abduction and risk factors, including steps that family court personnel should take to assess risk potential and prevent abduction, and how to be prepared to work with law enforcement, social service agencies, and district attorney’s offices if an abduction occurs. FCS directors also explored supervision of staff and effective interventions when critical incidents occur in efforts to alleviate and cope with secondary trauma.

**Family Dispute Resolution End-of-the-Year Training & Webinar (November 2017)**

*How Cultural Differences Get Used in Domestic Violence and Human Trafficking.* This training was designed to enhance recognition of how culture is misused to justify violence against women, LGBTQ people, and children; blame victims; intensify isolation for culturally marginalized people; decrease victim awareness about systems and rights; ensure that victims not make necessary reports (e.g., a “good cause report”) in ways that later criminalize victims’ actions; intimidate people
from participation in public systems; and affect first responder decisions that impact the direction of a case.

*How Violence and Trauma Affects Children: A Look at How Interpersonal, Familial Community and Societal Violence Impacts Children.* This workshop examined the effects of exposure to domestic violence and psychological trauma on children; the relationship between child physical abuse, child sexual abuse, and domestic violence; the differential family dynamics related to parent-child attachments in families with domestic violence; intergenerational transmission of familial violence; manifestations of posttraumatic stress disorders in children and how the macro-level change in the societal-political climate may be affecting families, especially immigrant communities and families from diverse religious affiliations.

**Trial Court Judicial Attorneys Institute (March 2018)**
The purpose of the program is to provide updates on substantive law and procedure, as well as a forum for refining skills and sharing innovative ideas.

*Legal Protection Provided by Restraining Orders: What Do They Mean?* This course outlines and reviews recent developments and trouble areas encountered in the issuance of restraining orders. Faculty provide valuable insight on the analysis and application of the restraining order process, both theoretical and practical. This course focuses on the intersection of domestic violence and civil harassment, including comparison with workplace and school violence prevention restraining orders.

**Multidisciplinary Education**

**Beyond the Bench (December 2017)**
The VAWEP project features a series of domestic violence-related courses at the Beyond the Bench conference. This is a multidisciplinary conference of judicial officers, court professionals, mediators, attorneys, evaluators, probation officers, mental health workers, Court Appointed Special Advocates, social workers, Child Custody Recommending Counselors, self-help staff, educators, psychologists, practitioners, youth, and others working with families and children coming to court to address and discuss problems affecting the populations served.

The courses include:

- Expert Guidance on Responding to U-Visa and Certification Requests (judicial officers only)
- I’m a Human Trafficking Victim! The New Affirmative Defense and Postconviction Relief for Victim-Defendants (judicial officers only)
• Domestic Violence in Dependency Court: What Judges and Attorneys Should Know
• From Criminals to Victims: Los Angeles’ Evolving Response to Commercially Sexually Exploited Children
• Staying Safe: Housing Rights and Challenges for Domestic Violence Victims
• Ending Domestic Violence: Treating People Who Hurt Other People
• Trafficking & Tribal Communities
• Victims Reclaiming Technology: Becoming “Techsafe” in a World of Cyber-abuse, Harassment, and Hacking
• Why Don’t They Leave? Understanding Why Domestic Violence Victims Stay

Self-Represented Litigants Network Conference (February 2018)
The Judicial Council and the Legal Aid Association of California co-sponsor the national Self-Represented Litigants Network annual conference. The training the conference provides meets the most pressing education and practice needs of a wide range of lawyers, paralegals, self-help providers, facilitators, advocates, and volunteers providing assistance to self-represented individuals in California.

Helping Self-Represented Survivors of Domestic Violence and Other Trauma. Challenges typically faced by self-represented litigants are magnified for survivors of domestic violence and other trauma, and often the abuse is not disclosed. This session explains the additional burdens for survivors, including the impact that trauma has on a survivor’s behavior and capacity to pursue a court case effectively. The session describes a universal approach to mitigate the challenges for even undisclosed survivors and suggests practical tools and tips for all court practitioners to help enable survivors to participate fully in court and court-related proceedings.

Family Law Self-Help Conference (July 2018)
The Judicial Council and the Legal Aid Association of California co-sponsor the annual Family Law and Self-Help Conference. The training meets the most pressing education and practice needs of a wide range of lawyers, paralegals, self-help providers, facilitators, advocates and volunteers providing family law and domestic violence assistance to low-income individuals in California. The courses are to be determined.

Training and Technical Assistance
Domestic Violence Safety Partnership Program (Ongoing 2017–2018)
Under the auspices of the Domestic Violence Safety Partnership (DVSP) project, VAWEP provided targeted, local technical assistance to applicant courts that have
identified a need for training. DVSP distributes a self-assessment tool that enumerates required procedures, recommended practices, and provides training and technical assistance based on the issues identified. Courts have identified needs ranging from understanding warning signs for lethality in domestic violence cases to improving communication between the many types of courts that may be involved in a particular case.

The project provides experts whose specialties vary based on the needs of the specific court. This assistance is accomplished by delivering a subject matter expert to speak to the issues at hand, providing speakers at trainings with expertise in issues related to violence against women, or facilitating a peer-mentoring meeting in which courts come together to learn about individual best practices. Recipients of this assistance are asked to evaluate what they have received. Assistance can also include purchasing audiovisual and technological equipment that courts may use to enhance the administration of justice in domestic violence and related cases.

Training supported by DVSP:

*The Invisible Traumas of Intimate-Partner Violence: Traumatic Brain Injury and Strangulation.* Training for staff of the Superior Court of Santa Clara County.

*The 24th Annual Domestic Violence Conference.* Training for justice partners and staff of the Superior Court of Santa Clara County.

**HotDocs (Ongoing 2017–2018)**

The VAWEP project team provides ongoing technical support to trial courts that use document assembly software programs to help litigants involved in domestic violence file petitions for restraining orders. The Judicial Council developed an interview to allow litigants to complete their forms by answering guided questions in HotDocs, a document assembly program. The program is currently being used by more than 25 courts and service providers.

**Publications**

The VAWEP project reviews various benchguides, pamphlets, and other publications to determine if updates are required during the grant period, including the *Domestic Violence Criminal Benchbook.*

**Tribal-State Activities**

The Judicial Council shares educational resources between the state’s judicial branch and the tribal justice systems and incorporates content on federal Indian law and its impact on state courts into judicial education institutes, multidisciplinary symposia, distance learning, and other educational materials. The educational resources and
programs for tribal-state projects relate specifically to domestic violence sexual assault, stalking, dating violence, and human trafficking.

**Educational Programs**
The VAWEP tribal project team develops tribal court and state court training relating to domestic violence and tribal communities. This grant year the following tribal educational courses were held:

- Trafficking and Tribal Communities (Beyond the Bench, December 2017)
- Jurisdiction and Safety in Tribal Communities (Tribal Forum, February 2018)
- Trafficking in Tribal Communities—Unique Problems and Proposed Solutions (Tribal Forum, February 2018)
- Law Enforcement Collaboration (Tribal Forum, February 2018)

The VAWEP tribal project team will work with a website designer to create online education modules for tribal court staff and advocates to assist victims of domestic violence with restraining order applications.

**Tribal Training and Technical Assistance**
Modeled after the Domestic Violence Safety Partnership, the S.T.E.P.S. (State-Tribal Education, Partnerships, and Services) to Justice—Domestic Violence provides local educational and technical assistance to tribal courts and state courts on issues relating to domestic violence and tribal communities. At the request of judges, S.T.E.P.S. to Justice—Domestic Violence can tailor an educational event to meet local educational needs or provide technical assistance in response to locally identified and targeted needs.

Examples of local educational assistance include:

- Identifying faculty and facilitators;
- Paying faculty or facilitator expenses;
- Developing educational materials and curriculum for court-sponsored events; and
- Planning or otherwise assisting with other cross-court educational opportunities, such as judge-to-judge or court-to-court informational exchanges, cross-site visits, or cross-court educational exchanges.

Examples of local technical assistance include:

- Sharing state judicial branch resources, such as statewide forms, the statewide domestic violence order database (California Courts Protective Order Registry), the extensive judicial resources on the court extranet and CJER Online, and access to all state judicial branch educational opportunities;
Consultation on court operations; and

Access to information about grant opportunities as well as partnerships expressed in letters of support for tribal court grant applications.

Ongoing projects include:

• State and Tribal Court Toolkit
  The project developed a toolkit to both encourage and assist court administrators (tribal, state, and federal) to learn about each other’s justice systems through visits and the sharing of knowledge, expertise, and resources on a number of topics, including court operations relating to cases involving domestic violence, sexual assault, stalking, teen dating violence, and human trafficking.

• Bench cards and educational tools
  The project developed a judicial resource in the form of a judicial script, fact sheet, and bench card for new judicial officers in domestic violence assignments who have tribal lands and/or tribal courts within their jurisdictions. The tool alerts the court to issues to be aware of concerning federal Indian law.

• Local tribal-state agreements to improve recognition of tribal protective orders
  The project promoted innovative procedures developed by tribal and state courts that improve recognition and enforcement of tribal protective orders. The project showcased these innovative procedures on the Judicial Council’s Knowledge Center, an online resource center featuring numerous initiatives that have been implemented statewide. Last year the project created a short film that includes California Attorney General Xavier Becerra expressing the importance of the enforcement of tribal protective orders.

• Jurisdictional tools for law enforcement and judges
  Existing state and tribal laws are insufficient to guide the handling of all interactions between state and tribal authorities and their agents. For example, the law on service of process leaves gaps and unanswered questions in a way that balances the tribe’s sovereignty with the state’s responsibility and interest in enforcing criminal law. There are other situations where state and tribal authorities complement one another, by providing standby and backup at calls for services, or when one detains a suspect for the other. Likewise, state and tribal courts may more effectively handle matters when they work collaboratively, whether on issues of enforcement of domestic violence restraining/protection orders or holding an offender accountable. The project brought together law enforcement and judges to develop jurisdictional tools for these audiences.
Tribal Resource Fairs

In response to the research report of the Native American Communities Justice Project describing how “access to courts is effectively blocked by a lack of understanding about what courts can and should do to address family violence issues,”¹ the project will continue to share information at statewide and national events. VAWEP tribal project staff attended the following resource fairs:

- American Indian/Alaska Native Mental Health Conference (Los Angeles, November 2017)
- Tribal Law and Policy Institute, Enforcement of Tribal Protective Orders (Palm Springs, December 2017)
- Battered Women’s Justice Project of the National Center on Protection Orders and Full Faith & Credit, Tribal Steering Committee meeting (San Diego, February 13, 2018)

For Further Information

For additional information about VAWEP activities, please contact:

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### Planning Committee

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<th>Title/Position</th>
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<tbody>
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<td>Judge of the Superior Court of California, County of Los Angeles</td>
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<td>Hon. Jerilyn L. Borack, Cochair</td>
<td>Judge of the Superior Court of California, County of Sacramento</td>
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<td>Judge of the Superior Court of California, County of San Francisco</td>
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<td>Ms. Lynda Smallenberger</td>
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*Note: This text is a verbatim transcription of the content visible in the image.*
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Ventura County Probation Agency

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Assistant Chief Executive Officer  
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