

Chief Justice Tani Gorre Cantil-Sakauye
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-4797

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CHIEF JUSTICE

Chief Justice

First, let me thank you for your service. It is valuable to us as citizens of this state and as lawyers to have someone like yourself as an example of someone who dedicates their life to making this a better state and country.

I have been a criminal defense attorney for thirty eight years. I was a Deputy Public Defender in Tulare, Ventura, Riverside and Santa Barbara Counties for thirty five of those years.

I have tried to address an issue that has bothered me for some time and have been frustrated by the lack of a permanent solution.

There has been a significant increase in the number of treatment courts available in the criminal justice system. This has been a valuable addition to options available to the system to deal effectively with those with mental health issues.

The problem arises when the attorneys and judges announce in open court that the defendant is being referred to "Mental Health Treatment Court". This reveals to those in the courtroom that the defendant has a "mental illness" I am well aware that our conversations in court are "privileged" and not subject to tort action but that does not make it right.

In Santa Barbara County, where I practice, I have approached the judges and asked them to refer our clients to "Courtroom 7, Tuesday, 10:30 Calendar". Although some in the audience would be able to figure out what this refers to, this limits the scope of the disclosure. I have found the courts to be receptive but the change is not lasting.

I do not know if it is possible, but I would like to see a directive or rule from the Supreme Court addressing this issue. The Court could order the courts to choose an innocuous name for the "Mental Health Treatment Court" (Court 7a) and direct the judges and the attorneys to refrain from revealing that the defendant may have a mental illness.

Thank you for your time. If you have any questions, please do not hesitate to contact me.

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