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OF CALIFORNIA

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Center for Judicial Education and Research

CJER Governing Committee

MINUTES OF OPEN MEETING

February 9, 2016

10:45am – 2pm

Sequoia Conference Room at the
Judicial Council of California

**Advisory Body
Members**

Present:

Hon. Theodore M. Weathers, Hon. Mary Thornton House, Hon. C. Todd Bottke, Mr. Alex Calvo, Ms. Mary Majich Davis, Hon. Kimberly A. Gaab, Hon. Janet Gaard, Hon. Richard D. Huffman, Hon. Mark A. Juhas, Mr. Kevin J. Lane, Hon. Jackson Lucky, Hon. Darrell S. Mavis, Hon. Rebecca S. Riley, Hon. Teresa Guerrero-Daley, Hon. Patricia M. Lucas, Dr. Diane E. Cowdrey, Mr. Bob Lowney, Mr. Gavin Lane, Ms. Karene Alvarado, Ms. Rhonda Sharbono, Ms. Stacey Munsterman

**Advisory Body
Members**

Absent:

Hon. Arthur A. Wick, Ms. Cindy Van Schooten, and Hon. Julie R. Culver

Others Present:

Linda McCulloh, Carole Simmons, Mary Ann Koory, Nanette Zavala, Wynne Nielsen, Jason Mayo, Gene Mayo, Gene Kim, Kristine Van Dorsten, Khanh Nguyen

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order during the closed session and took roll call earlier in the call.

DISCUSSION ITEMS

Item: 1 2016-18 Education Plan

Review of the draft 2016-2018 Education Plan (Judge Weathers, Curriculum Committee Chairs and Governing Committee liaisons)

Judge Weathers invited Dr. Cowdrey to open the discussion and she provided a broad overview of the draft education plan. It is organized by delivery method and each item includes the specific delivery method, frequency of delivery, recommended priority, curriculum committee, and notes. There are also new categories, such as podcasts, and several types of blended categories for delivery. The blended education categories are intended to extend the educational experience and consisted of combinations of webinars, regional courses, broadcasts, simulations, etc.

Judge Weathers then invited curriculum committee chairs or Governing Committee liaisons to provide an overview of their committee's submissions to the 2016 – 2018 education plan.

Judge Gaab, substituting for JBAEF committee Chair Judge Horn, summarized the successes and challenges from the current education plan. She specifically mentioned the Continuing the Dialogue broadcast series and emphasized that it is the only statewide fairness content that is being recommended in this plan and is of particular interest to the committee. The committee is also recommending more education in the area of cultural awareness, such as via podcast or short video series. The qualifying ethics course (now in version 6) is very high priority for committee. Unconscious/implicit bias is of particular interest for the curriculum committee. There's been a push nationwide to address this and it will be incorporated into QE6 and recommended to be included in the Institutes. The committee's overall concern is the reduction in resources to accomplish all of this education.

Justice Ikola, Chair of the Appellate Practice committee, recounted that the current education plan has been very well received, especially the appellate justice institute and appellate attorney institute. The committee is recommending more courses with less traditional means of delivery, such as webinars or discussion forums. The New Justice Orientation would be on an as needed basis because we would never know how often or how many justices will be appointed far enough to have this program on a set schedule. One audience the committee wants to provide more education to would be judges assigned to the trial court appellate division.

Ms. Smith-Fisher, Chair of the Trial and Appellate Court Operations Committee, summarized the education from her committee in the current education plan. She made note that a new appeals process class that was added to the Court Clerk Training Institute and that she is looking forward to increasing the number of job aids in the upcoming plan as well as adding more 15-20 minute tutorials in all subject areas. She did note that there continues to be a high demand to attend CCTI and echoed the concerns of other committee chairs regarding resources.

Judge Trentacosta and Ms. Tammy Grimm, co-chairs of the Judicial Branch and Leadership Development Committee, summarized what worked well and what did not work as well in the current education plan. Specifically, the individual courses and webinars for Presiding Judges and CEOs were not able to be developed given the time constraints of this audience and it was felt that there was not enough education dedicated to the mid-level management tier of the trial courts. This latter concern is being addressed by the creation earlier this year of the co-chair position Ms. Grimm occupies. It is felt that this new position will greatly assist with providing practical and useful courses for trial court managers and supervisors. The only big ticket item mentioned was the committee's recommendation that the PJ/CEO institute and Supervising Judge Institute be extended by at least one half day.

Judge DeMeo, Chair of the Probate Law Committee, also summarized what worked and what did not work so well in the current education plan. The committee was very pleased with the Advanced Issues course that was offered last year. It provided much needed education for experienced judges. The various studio video

and 10 minute mentor products were difficult to recruit faculty for and attendance was less than ideal although they appeared to be more valuable for newly assigned judicial officers. The committee recommends that the Advanced Issues in probate course go forward again in alternating years with the full Probate Institute. Also, it is recommended that a 2 night stayover be built into the program costs. The committee also suggested developing an “office hours” model where experienced probate judicial officers would be available for newer probate judicial officers through distance education at a scheduled time so they can assist with questions and issues. The Governing Committee thought very highly of this proposal. The committee continued to echo the resource concerns but also how best to reach judges handling probate and mental health cases in smaller and remote counties.

Judge O’Malley, Chair of the Criminal Law Committee, commented that the course on electronic evidence went over very well last year and that the felony sentencing course, which has been shortened from 2.5 days to 2 days also was very well received. She recounted the survey she had sent out to presiding judges and supervising criminal judges to help focus resources and provide her committee with guidance on what to develop educationally. The current recommendation includes 10-12 regionals comprised of 4 carefully selected topics each year. In addition, the committee recommends offering online courses, bench tools, and 10 minute mentors. Judge O’Malley concluded her presentation with a strong recommendation to restore the Criminal Law Institute as an annual event. Experienced judges very much need this education.

Judge Reichert, Chair of the Civil Law committee, summarized the education which went well in the current education plan as well as the education which proved to be more challenging. The Civil Institute was very well attended and civil judges enjoyed the topics. The committee is in the process of producing a series of videos on law and motion. This process is taking a bit longer than originally planned but once completed, this series will be a great resource for judges. Judge Reichert also advocated to restore the Civil Institute to an annual event so the civil judges can meet and network. This, he felt, is essential to keep and is the best medium for learning civil assignments.

Judge Gaard, Governing Committee Liaison to the Family Law committee (filling in for Hon. Sue Alexander, the committee chair). Reported that all completed programs and products have been very well received and to echo the other committee chairs, the committee’s major concern is not having an annual institute. In the 2016 – 2018 education plan, the committee has proposed 4 statewide programs, 2 Primary Assignment Orientations, one half-day program for 1058 commissioners, and the Family law institute, a 2 day program every other year. The committee has also proposed a new experienced judicial family law institute. The model would be a 1 ½ day class for about 10-15 participants and judicial officers who would have at least two years’ experience in family law. The committee also proposed several regional programs as a 2nd priority as well as 2 webinars, 2-4 hours in length, during each fiscal year of the new education plan. Potential topics could include power imbalances, mental health issues, litigants and children, dealing with difficult litigants and attorneys, and so forth. The committee is also proposing three 10 minute mentors, two broadcasts, and updating existing job aids and bench guides. On other points, Judge Gaard mentioned that retention of family law judges is an issue, although this cannot be directly addressed via education.

Judge Jackson, Chair of the Juvenile Law Committee. Reported that the completed programs in the current education plan were very well received. The Online jurisdiction course for both delinquency and dependency was removed primarily because the changing nature of this topic makes it unsuitable for an online course. The committee proposes to develop a video on developmental disabilities for later in the year and the committee wants to add a second juvenile delinquency primary assignment orientation. And keeping in line with the other curriculum committees, this committee would also want to keep the Juvenile Law Institute as an annual event. If this is not possible then the committee would recommend regional trainings and webinars in the year in which the institute is not being offered.

Resource Analysis (Mr. Lane, Dr. Cowdrey)

Mr. Lane provided an overview of the current funding structure (i.e., general funds, IMF, and grants such as VAWEF) as well as a brief history of recent funding reductions. With respect to the draft 2016 – 2018 education plan, it appears that CJER has sufficient staffing resources to complete all of the committee recommendations. The barrier

however, is the currently projected funding levels. In sum, there is likely a shortfall in each year of the proposed education plan of approximately \$250,000. This opened up a discussion of the Governing Committee of ways to deal with this expected shortfall in the IMF budget, which is the primary source of funds for trial court programs. The Trial Court Budget Advising Committee sets funding levels of the IMF. The committee discussed options including having participants pay their own way to courses/programs that CJER cannot fully itself. The recent PJ/CEO Institute was discussed as an example of this because several participants who wanted to attend were required to pay for their own lodging due to funding limitations. Another option would be to charge participants a registration fee for education programs that were not required (i.e., NJO, the Judicial College, and PAOs for new judges and commissioners). Dr. Cowdrey briefly reviewed what other states charge for their education programming. Some members suggested a sliding scale for registration fees or waiving these fees for very small courts that would have trouble paying to send judges to programs. Another option could be that individual judges could directly pay the registration fee instead of the court. Also discussed was possibly shortening the Judicial College in order to free up funds for other items. The approach may be that if participants determine that in person, live courses/programs are the most effective, then courts may have to understand that they will need to pick up some of the costs of sending participants to them. In sum, the Governing Committee members appeared to find the registration fee option to be the most palatable than other alternatives, such as requiring participants to pay for their lodgings and meals. CJER is going forward with a pilot and will be requiring participants pay for their own lodging at the Advanced Judicial College later this year.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 2:00 p.m.