

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 Web site. What follows is captured live captioning, formatted and unedited, of the meeting of October 25, 2012. The official record of each meeting, the meeting minutes, are 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 <http://www.courts.ca.gov>.

>> We'll get started then. We're on record in our business meeting of the Judicial Council of California for October 25, 2012. Good afternoon. The meeting's now in session. As you know, this is the start of a two-day session. We will adjourn this afternoon at approximately 5:10 and reconvene tomorrow at 8:30 a.m. for the second part of our agenda. At this time, I remind the Council, as always, that our meetings are audiocast live with realtime captioning on the California court's website. So for the benefit of the online audience, please speak into your microphones and address each other by name so that listeners and realtime captioning readers can follow our discussion. Portions of these meetings are also routinely videotaped for later broadcast on the California court's website. Before we begin with our first order of business, which is the swearing in of our new Judicial Council members and the ceremonial swearing in of Judge Jahr as administrative director of the courts and the new secretary to the Council. I'd like to take a few moments before the oath to put the significance of the oaths you are about to take into some historical and practical context.

You are all about to swear or affirm that you will support and defend and bear true faith and allegiance to the Constitution of the State of California. And it will be 86 years ago as of Friday next that Californians voted by a margin of more than 2-1 to create the Judicial Council. That year the California voters' pamphlet regarding the creation of the Judicial Council observed that "One of the troubles with our court system is that the work of the various courts is not correlated and nobody is responsible for seeing that the machinery of the courts is working smoothly. When it is discovered that some rule of procedure is not working well, it is nobody's business to see that the evil is corrected, but with a Judicial Council, whenever anything goes wrong, any judge or lawyer or litigant or other citizen will know to whom to make complaint and it will be the duty of the Council to propose a remedy and if this cannot be done without an amendment to the laws, the Council will recommend to the Legislature any change in the law which it deems necessary."

So you see the Council has a duty to the judges and to the courts, to the lawyers and to the people of California whom we all serve. If there is a problem with the court system, then we must identify and fix it. If it requires legislation, then we must recommend it. Interestingly, that same 1926 voters' pamphlet also noted that the amendment creating the Judicial Council had other things involved. It would also provide for a presiding judge of the Superior Court in every county and that "This amendment will aid in greatly simplifying and improving the administration of justice." So these functions remain as important today as they were back then. Maybe, I submit, even more so given the complexity of the Judicial Branch, but in essence in 1926 it was recognized that local courts provide access to justice and court services to their local communities with the Judicial Council correlating, simplifying and improving the administration

of justice at the statewide level and all of these efforts are in accord with the goal of increasing access to justice. So with the goal of equal access and the duty to correlate the courts in mind the Council will meet at least 12 times this year, with two special sessions—one a business and the other an educational informational session on the state budget. Including the items on today and tomorrow's agenda, the council will have considered 88 consent items, 62 discussion items and 33 information only agenda items of relevance to statewide administration of justice this year.

Unfortunately, as you know, this year quite a number of those information-only agenda items related to public notices by courts of court closures or reduced clerk's office hours due to the ongoing Judicial Branch cuts. Under the Judicial Council's public comment process, our agendas to date has stimulated 53 written pieces of comment and 42 individuals have come before the Council to speak on a matter affecting Judicial administration or specific agenda items. Comments have come from the Judiciary, from justice system partners, from concerned members of the public throughout our state. It is healthy for our democracy and for the work of this Council to seek and receive public comment on issues relating to our branch, their branch of government and our judicial system, their judicial system. After all, it was in 1926 that the public created this body to serve their best interests—the public's best interests—for simplifying and improving the administration of justice.

>> The next item on the agenda is the swearing in of 12 members of the Council beginning new terms. Nine are new members of the Council and three have been re-appointed. Every year, as you know, about a third of Council membership changes. This ensures continuity while creating opportunities for new participation for court leaders statewide. All council members volunteer their service on this governing body and its advisory committees and task forces. All members do not represent individual courts or individual geographic areas, but instead, all of us make decisions in the best interest of the branch of the courts statewide and of the public we serve. The new members have observed earlier Council sessions and all have received an orientation to Council rules and procedures.

I invite each of the new members to please stand at their seat for the oath. I'll mention the new members now. Judge Brandlin, Superior Court of Los Angeles County. Presiding Judge Laurie Earl, Superior Court of Sacramento County is chair of the trial presiding judges working group but she is not present with us today, presiding Judge Sherrill Ellsworth, Superior Court of Riverside County., Mr. James Fox, state bar appointee, Judge Allan Hardcastle, Superior Court of Sonoma County and current president of the California Judges Association, Judge Morris Jacobson, Superior Court of Alameda County, presiding judge Judge Brian McCabe, Superior Court of Merced County, Judge Charles Wachob, Superior Court of Placer County. Miss Mary Beth Todd, Court Executive Officer, Superior Court, Sutter County. Our three re-appointed members are Judge David De Alba, Superior Court of Sacramento County, Judge David Rosenberg, Superior Court of Yolo County, Judge Kenneth So, Superior Court of San Diego County, and last but not least I would ask Judge Steven Jahr to join us in the ceremonial swearing in. He is the fifth administrative director of the courts in California and Secretary to the Judicial Council. Please raise your right hand and repeat after me.

[ Oath of Office Repeated ]

I do solemnly swear and 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 . That I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California. That 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 am about to enter. Many congratulations. Thank you.

[Applause]

>> At this time it is my great pleasure to recognize four jurists, four outstanding Judicial Branch leaders for their years of hard work as chairs of respective advisory committees as they end their tenure. This is not “goodbye.” It’s not “farewell.” It is “so long.” Justice Ming Chin, outgoing chair of the court technology advisory committee. Justice James Lambden, outgoing chair of the Access and Fairness Committee, Justice Steven Perren, who joins us on the phone, outgoing chair of the Criminal Law Advisory Committee, and Justice Ron Robie, outgoing chair of the Governing Committee of the Center for Judicial Education and Research who could not be with us today. I know Justice Chin and Justice Lambden are present with us today. They are critical to the innovative practices that are with us today. And Judicial Council couldn’t move forward without the 400 judges, administrative assistants and Secretaries who serve on the many advisories and task forces.

We’re fortunate to have the benefit of the league expertise, their court experience, their volunteerism and their passion for justice. I’d like to name a few accomplishments of these jurists here today as we say so long. Justice Ronald B. Robie is the longest serving chair from November 2007 through November TWEF. He has been a member of the governing committee since 2003. He became chair shortly after the education rules were implemented and he has directly overseen the implementation throughout the branch. His steady and effective stewardship during the first three-year education period resulted in a positive evaluation of the education rules by the judiciary.

During his tenure as Chair, he has been an extremely strong advocate for the use of technology and distance education. As the budget crisis deepened, Justice Robie took the initiative to have CJER leveraged education to provide high quality education as inexpensively as possible. The major legacy with regard to judicial education will probably be the implementation of a new education development model and the establishment of a recurring two-year branch wide education plan. This model lays out a blueprint for education, provides transparency and accountability in the allocation of resources for the educational efforts, and enables leadership to more easily adapt to fiscal challenges while maintaining a high level of quality education.

Over and above all this, CJER staff informs me, although I know personally, that Justice Robie is funny, warm, cordial, and possesses an extremely penetrating intellect. They forgot to say he has boundless energy. Justice Steven Z. Perren, who joins us by phone, was first appointed as a member of the committee in 1995 and has served as Chair of the criminal law advisory committee since 2001, a truly remarkable tenure. The work of the advisory committee is invaluable, not only in the review of pending legislation but for overseeing the

implementation of practical solutions to issues that routinely affect the criminal justice system. Under Justice Perren's stewardship, the committee has developed numerous recommendations integral to the statewide administration of criminal proceedings, including rules of court to govern venue, habeas corpus, and inter-County probation transfer procedures. Most recently, Justice Perren has been at the forefront of the arrival of criminal justice realignment, an unprecedented restructuring of the criminal justice system. Of course the criminal law advisory committee has been extremely busy this past year. Justice Perren is leaving now as his committee has done some of his most important work. The committee has developed several key recommendations to help the branch brace for the transition of parole revocations from state executive branch to courts, including a rule of court to govern revocation proceedings for a new Court of Appeal of parole supervision called post-release community supervision.

The rule represented an entirely new procedure built from scratch. It was critical to facilitating the first wave of parole transition to courts last year, and he also with the committee pioneered a legislative proposal to apply long-standing probation revocation procedures to the three new Court of Appeals of post-realignment supervision. Those are post-release community supervision, mandatory supervision, and parole beginning in July 2013. And he accomplished all of this during the most challenging fiscal climate the branch has ever faced. Justice James R. Lambden, who is present, and I ask you to stand, sir. He is the outgoing chair of the judicial council's access and fairness advisory committee. He has chaired the advisory committee for the last nine years and has served on the committee since 2001. Justice Lambden has been the ideal judge to chair this committee because of his firm belief in actions and collaboration in all statements of the branch and the partners in the legal community on initiatives relating to access and fairness.

Some of the key accomplishments for the access and fairness advisory committee under his stewardship as chair include insuring that court users with disabilities have physical and programmatic access to the courts by making necessary revisions to rule of court 1.100 and providing resources to bench officers to assist them in responding to requests for accommodations. Ensuring completion of the implementation of the recommendations in the council's gender bias study, collaborating with CJER in convening the first ever statewide conference on language access, creating a pilot mentoring program for court staff that is currently going on in four Bay Area trial courts, providing guidance to the trial court on ways to attain diversity in the appointment of temporary judges by proposing and council adopting rules 10.741 and 10.743 developing a rule of court that assists courts in tracking the diversity of their civil grand juries and providing resources to the courts that demonstrate ways to achieve representative civil grand juries. Creating judicial resources that provide guidance to bench officers on issues that might arise with LGBT court users. And finally, involving the Judicial Council and two summits on judicial diversity and he will be presenting on the 2012 summit in agenda item number one later in the meeting today. Thank you, Justice Lambden, for the last 10 years.

Justice Chin, please stand. For the court technology advisory committee and has been a dedicated champion for the advancement of information technology, to improve core practice, and to improve access to every level of the courts for all Californians. He has extensive

knowledge of and interest in technology and how it can be applied to the work of the courts. And he still has a desire to pay his traffic tickets on his smart phone. His legacy is he helped shape the future of the information and I will highlight a few of the accomplishments and in in 2003, they established that and administrative infrastructure that's led to branch time. And we thank you for your leadership and we recognize also that we're fortunate to have you continue on the bench with the benefit of your service and in the capacity to serve the people of California and we are grateful for your leadership and we are better for it and you have inspired others by your exemplary role in the branch and you deserve more and today we give you a round of applause. And Justice Perren, you might have missed it, but you received a standing ovation.

>> I can assure you it is deeply appreciated.

>> Thank you, again.

>> Thank you, Chief.

>> Chief Justice Tani Cantil Sakauye: Next on our agenda, we have public comment. Although we have 11 overall requests for public comment at this meeting, we have four for today's general comments and consent agenda related items. The remaining speakers will be reserved for tomorrow to discuss separate agenda items. And a name list is item I on tomorrow's agenda. We generally reserve this time for public comment about consent agenda items or matters generally affecting the administration of justice. Also, written comments are included in your council member material. Those written comments are posted on the Judicial Council meetings page on the California courts website and I believe there might be distribution of those matters today as well. I would like to invite now to the podium first Ms. MaryLou Aranguren.

Welcome.

>> Thank you. Good afternoon, Chief Justice and council members. Thanks for the opportunity to speak today. I am standing in for spokesperson for the California Federation of Interpreters who could not be here at the last minute, so bear with me as I am reading the comments. Chief Justice and members of the Council, thank you very much for the opportunity to address you on behalf of the California Federation of Interpreters. I am here to talk to you about one specific but pressing issue that you should be aware of, the domestic violence family law interpreter program and how confusion about this program is causing courts to needlessly deny interpreter services to victims of domestic violence. The domestic violence interpreter program is a grant funded program that reimburses courts for costs related to providing certified interpreters to domestic violence related hearings and services.

Earlier this year, the courts were informed that the funding to the program would be exhausted and courts would not be reimbursed from the grant for the remainder of the year. At least some courts responded to the news by announcing that interpreters would no longer be made available to domestic violence related civil hearings. This means that victims of domestic violence who come to the court to seek restraining orders against their abusers are effectively denied access to the courts for these hearings and related issues such as child custody, visitation, and support.

Obviously this is a serious problem. This program has been found to be a complete success for the courts and the court users. The report on the program from last year stated, "feedback from participating courts indicates that the program has been extremely helpful in improving access to California's justice system, enhancing safety for domestic violence victims and children, and improving court efficiency by reducing the need for continuances and court hearings due to lack of interpreters or continuances due to lack of interpreters. The problem is not that this funding is exhausted and the real problem is that they have about this fund and the interpreter fund in general. In fact, there is nothing unusual this year about the D.V. family fund being exhausted.

The fund is exhausted every year and courts have continued to provide interpreters and receive full reimbursements from the core interpreter budget item in the trial court trust fund. Last year the report on this program stated, the center for families, children, and the courts has been operating the program for a number of years and typically receives requests for funding that are twice as much as the funding available in the grant fund. This means, in fact, courts were providing interpreters beyond what is covered by the grant and were reimbursed out of the interpreter budget item rather than the family law interpreter program.

We know that the interpreter budget item was not exhausted. In fact, the interpreter funding item has run a surplus year after year. This as council has established should remain any reserve available for courts for ongoing interpreter costs. Nothing in the budget bill prevents the use of interpreter funding for D.V. or any other civil matters, and yet the basis for restricting interpreter services has essentially been that there is a shortfall of funds. However, this is clearly incorrect. Because courts wrongly believe that funding isn't available, independent interpreters are being told they will not be hired for domestic violence hearings and employee staff interpreters are told that they are not to interpret for non-criminal hearings, even when the interpreters are present and available to interpret hearings at no additional cost to the court.

Some courts are still refusing to provide interpreter services in these cases and there are occasions when interpreters are literally in the courtroom standing by and are told to let them go ahead without an interpreter or to have the case continued. The SEC report at page nine recommendation 7-12 states internally the finance division should not act as an impediment in the delivery of interpreter services to the courts. We do not know what the background is for this recommendation. However, we are aware from our own experience that there has been and continues to be confusion at the trial courts about what services are eligible for reimbursement from the interpreter budget item. We urge that the situation be clarified and addressed so that victims of domestic violence do not pay the price by being unnecessarily denied access to the courts.

Thank you very much for your time.

>> Chief Justice Tani Cantil Sakauye: Thank you.

>> Next, I understand three people will be sharing 10 minutes. The three people are Ms. Barbara Kauffman, Mr. Alan Ernesto and Ms. Yupa Assawasuksant.

>> Good afternoon, Chief Justice and Judicial Council members.

My name is Barbara Kauffman and I am a family law attorney. I was formerly based in Marin County but have moved to Mount Shasta which many refer to as God's country and I now practice in your stomping grounds, Judge Jahr. I submitted a written comment regarding information item 3, addressing the family court mediation working files report prepared by the family and juvenile law advisory committee. Time is short and I did prepare a lengthy written comment and I ask you to read that and I also hope you do read Emily Gallup's written comment. She is a former mediator from Nevada County.

I am here to speak very briefly about the mediation files issue as well. First, I would like to be very clear to the Council that I do not believe that family court services mediators should be making custody recommendations at all. Mediation can be an extraordinarily positive experience when the focus is on helping parents resolve issues and voluntarily come to a custody plan. That is no longer the goal when the mediator has one or two hours only to assess two parent going through a terrible, terrible time in their lives, facing complex custody issues. Suddenly that mediator's goal is to assess these two parents and try in two hours to assess which parent is going to be the best parent.

If a family went to a private therapist and said, "look, we have one or two hours, please do this for us," the therapist would say, "no offense, are you crazy? I can't make a custody recommendation in one or two hours." If a family came to a lawyer and said, "here are our issues and blended families and multiple children and multiple parental partners, please figure this out and he drinks and she does this" and a lawyer would throw up their hands and say, "one or two hours? I can't do that." A judge can't do it. That is why there are multiple days of trial often. But family court mediators are told that they are to do this and that is what they do. And that is what parents are facing when they go through family court mediation. Recommending mediation.

As a litigator and that is what I do, I am stunned at the haphazard way that the committee is proposing what is child custody evidence be treated and that 58 Counties can decide what to do with that information and that decision can be made by an individual mediator, by a director, it could be made by anybody. So, for example, you are all very familiar with courtroom and with litigation and if there is a note in the mediation file that says the child reported hand-written note that the child reported that dad hits me, sometimes for fun and sometimes he means it. And we know from the history of the case that that child has come home with unexplained bruises. I as a litigator when I have to challenge a recommendation saying put this child with the father, I want to see that note. That is what I look for so I can say, "Your Honor, this recommendation is wrong."

Why isn't this report of this child that the father hits him in that recommendation? That is how I do my job and that is what parents need and it is unfathomable to think that that note could be destroyed before that report is presented to the court and that is actually what this report is suggesting. And that note should remain in that file for the majority and until the child reaches the age of majority because in contested custody cases, parents come back. The child changes, the needs of the child changes. It provides a context for the mediators to understand what is going on in the family and provides the ability of parents and of lawyers to properly present the case to the court. This is child custody evidence and it should not be destroyed. The council is

tasked with creating by the constitution and statutorily in the family code and this is in the written comment, it is tasked with creating administrative procedures and processes that are uniform and that is what has to happen with child custody evidence.

It is too important and the safety of a child and the due process of the parent to be able to question properly a custody recommendation made in by a stranger within an hour, perhaps recommending that a parent only get supervised visitation. None of you would want to be in that position. You would all want access to that note that would show the judge what is really happening. I ask you to step up, please, and protect the families and protect the children and protect the due process rights of the parents and also protect the mediators who have an impossible task of having only one or two hours to make a recommendation. They need those notes to understand what has gone on in the case. Please step up. Please make sure that this child custody evidence in the working files are kept throughout the age of majority for the youngest child.

>> Chief Justice Tani Cantil Sakauye: Thank you, Ms. Kauffman.  
Mr. Ernesto. I'm sorry, Mr. Phillips. Thank you. Mr. Phillips. Thank you.

>> Thank you, Chief Justice. Esteemed, Honorable members of the council, thank you for having me here today. As a layperson, I will apologize in advance for that. I am Alan Ernesto Phillips and am the chairman of the board of directors and reside in Shasta County. It may be noteworthy that I have served the great state for the past 13 years as a parent educator to main stream, at risk, and court mandated parents. I served the Shasta County juvenile justice center for seven years in an at risk and first time offender group counselor. I have served the Shasta interagency narcotics task force with distinction that earned me a commendation from the state Attorney General for my work in 2005 educating California's Latino parents on how to combat Latino gang and drug activities.

More important than all the other accolades related to the contributions of a loving dad to a 16-year-old daughter who was abducted 594 days ago with no contact allowed and as a loved, committing father to my loving daughter, 10-year-old who is excelling in school and primarily lives with me. In my many years of professional service, I have found myself lost in the bigness of the family law system. Under questionable practices of arrogance, intimidating mediators, and mentally questionable 19-year veteran retired assigned judge, if you are still following me, and as well I find as this bureau dumping of my respectful, properly filed complaints within the previous A.O.C. issues, I contend, that are related to the importance of retaining records and notes by family court mediators. Now, believe me, I am grateful for this opportunity, and I am speaking in support of retaining records and notes until a child reaches a majority. As an outspoken court advocate for several years, I would like to go on the record by thanking the Hon. Steven Baker whose neutrality and child focused decisions were meant to help with this model and the Hon. Steven Jahr meant to originally help my youngest daughter Eliana. I wanted to look you in the eyes today

>> Over here.

>> I wanted to look at you in the eyes today, Judge Baker and express my deepest gratitude for the service you provided and attempted to provide for my daughters. I don't want to come off as somebody who hates all judges and that sort of thing. I am grateful. My oldest daughter River was removed from our family on March 17, 2012, after a frightening so called 20-minute mediation triage in a dark courthouse hallway and after a subsequent five minute nightmare ruling under a retired rogue judge and sadistic mediator executive director, our family world was turned upside down as my daughter was removed from us without any contact allowed. There was no regard for the careful, controlled setup by Judge Baker.

No access to previous mediation records that could clearly evidence our daughter River had a long history of failing and truancy under her mother's care. There were no charges of abuse, just a unilateral examination and another 17 so-called formal mediations and the court chose to rule on opinions of court appointees rather than even reading the clear and convincing contrary evidences that were properly filed and prepared. All included disregard for the CRC's for mediators and therapists under 5.210. As a direct outcome, our daughter River went from a consistent honor roll student and a 50/50 to a failing, truant, at risk youth and she stays consistently in that preventable outcome to this day.

When it comes to the lives of children, proper records can be a strong ally in keeping litigants and court professionals on an even, ethical playing field while protecting due process and sustaining the healthiest decisions for our children. I have asserted and proven the declaration for years that an irregular Shasta County mediator and a mentally failing retired assigned judge are without oversight and select their own facts. I believe in the systemic retaliation that I do not have time to go into at this point. And to date, there are neither protections nor remedy for the harm that has befallen my children by the prejudging officers of the court but I thank God for certified court reporters. If...pardon me... if an irregular mediator or supervisor chooses to make a life altering recommendation to the court only to choose destruction and supporting documents thereafter, due process and the possibility to right wrong doing and errors will be lost. The selective destruction of a rich history of information possibly helpful for other children of unfortunate circumstances disappears.

I will close. I see the hook. In closing, it is probably too late now to help my oldest daughter River out of an at-risk, downward spiral as she goes into the passageway of adulthood. It is probably too late for critical sibling bonding to take place between my beloved daughters. There is no permanence in our lives for years. This committee has had two years has had a delayed taxpayer and by that thought and a heart broken father of an illegally abducted daughter and outraged and appear today as a mere indicator species of sorts. I used to believe in a chance at justice for my children but the court appointed mediators, retired judges, court appointed therapists and G.A.L.s, and previous A.O.C., and inept clerks, some of them, have all attacked my kids bringing them lasting harm.

And you can always bank on my civility as heartbroken as I am, but I wonder what you would do if you were in my situation. But to conclude, it is not too late to take action today. In the depths of my despair, I urgently request this powerful group of greater minds to take real steps and abolish recommending mediation as a requirement of the family law process. It fails too many kids when they have too much power in selecting their own facts to retaliate and destroy

evidence. If you truly want to save funds, abolish a fine judges program as it is and in the least, I respectfully urge that you expeditiously enact uniform practices of mediation records and retention until majority. I am not just an afterthought here, ladies and gentlemen. I'm a primary stakeholder. And I stand with my fellow protective parents and my children will thank you some day. Thank you.

>> Chief Justice Tani Cantil Sakauye: Thank you, Mr. Phillips.

>> Yupa Assawasuksant: Good afternoon. Thank you for having me today to give my testimony. Please bear with me. I come from Thailand and I try to express my concern, reasonable concern in another language. My name is Yupa Assawasuksant, I am a registered nurse who received academy award from the medical school. I receive the daisy pin for being an extraordinary nurse at Kaiser. I am also a divorced mother of 15 years old boy and I have been through Marin family court for the past 12 years. I am asking you today please make sure the mediation working fine and not destroyed.

Please listen to my story from my heart to yours. Please imagine if you have a medical problem and your doctor destroy all your medical history. When you -- medical exam is penning. It will be a crime, wouldn't be? My son came home from an explanation private genital -- private genital. Nobody no why. My ex-husband was claimed that he put something at my son private genital. My son came home and talking about pornography that he was seeing at his father house. My son was exposed to the violent video game of his father at age of 6 years old.

In 2006 while we were taking our son to the doctor appointment, the father was whispered to our minor son that I'm going to be killed or died. My son told me, told the police, and told a judge in court. My request was -- my request for a restraining order was denied. We went through to custody trial in 2005 and 2007, I documented everything in my pleading. I was forced to go to the mediation, with the Court mediator, Gary Wool. During my first interview with my son, my son told her his father was hitting him. She did not include in her report to the Court. Filed in her handwritten notes that my son had informed her that his father was hitting him. She also testified during cross examination that she did not read the court file or any of my pleading, not one.

I won that trial with the 26 days a month with my son. Then Judge came into the family bench in 2007. My ex-husband file another custody motion. I ask for a different mediator. My request was denied. I challenged her, Dr. Wu sent another recommendation that I lost all the custody of my minor son and placed me on to supervised visitation per week, no holiday, no vacation, and the father did not ask any of that. During the second trial she testified again, Dr. Wu testified again during cross-examination, she did not read the file, but she head all the father's pleadings.

She testified during cross-examination she did not know the local rule and the State law. Even following the court mediation proceeding and procedure, I document everything I got all the transcript and I present all my information transcript to the legislature in support of the state audit of Marine family Court. Which is include my son pictures of -- explanation, bruises as big

as a fist side. Medical report, dental report, school report cards, and especially the note that the Court mediator, handwritten note that my son was telling her that his father hitting him. And all was destroyed before the audit could take place. Anyway, I just would like to say this before I go that we need the court reporter and the video in the Court. In the courtroom to be -- retaliation by the judge and organized crime by the court mediator. Thank you for having me today.

I thank all the speakers who came to share their public comment today. Thank you.

Next on our agenda is the approval of the minutes. From our last meeting. August 30th through 31st. Open for discussion and a motion.

>> Move to approve.

>> Second.

>> Chair Cantil-Sakauye: Judge Moss move to approve, second by Judge O'Malley. All in favor?

(A Chorus of Ayes.)

>> Chair Cantil-Sakauye: Opposed?  
Minutes are approved.

At this point of our business meeting we proceed with reports from myself and the internal chairs and we'll also have a report from the vice chair. I'd like to begin my report by addressing the establishment of the trial court funding work group. With the issuance of the May revision for 2012-2013, the governor's office administration proposed, as you recall, the establishment of a working group. And that is to conduct a comprehensive evaluation of the State's progress in achieving the goals outlined in the lock year Eisenberg trial court funding Burg Act of 1997. In the context of our own ongoing self assessment within the branch, I believe that these -- the working group's findings could well assist us with our goals of equal access to just sis for all Californians. The trial court funding work group has 10 member, six appointed by me and four appointed by the governor.

-- bless you --

I have appointed the following council members to the work group. Justice Harry Hull junior, Ms. Angela Davis, Judge Emilie Elias, from Los Angeles Judge Mary Ann O'Malley and Mr. David Yamasaki, CEO of Santa Clara. The administration and legislature will be represented by the Honorable Eisenberg, co-chair. One of the authors of the bill. Diane Cummings and Ms. Orena Ortega. Our staff will be Jody Patel, and a final report should be provided to the judicial Council by April 2013. The working group will be looking for as much information and access by all stake holder, trial courts and attorneys and court executive officers. In finding out where we are and where we need to go and achieving the goals of the 1997 trial court funding act.

I believe that given the size of this group that this work group has the breadth of knowledge, experience as judges and presiding judges, and discipline in terms of the kinds of cases these judges have handled. And the attorney involved as well as Mr. Yamasaki, who deliver what I think will be an insightful, practical report and will provide us data how we need to move forward with the judicial council. Since our June meeting in terms of scheduled meetings I've had many appearances at public forums and bar associations within California and out of state. I'll mention a few.

Earlier this month I had the pleasure of attending a number of events at the California Judge's association and State bar annual conferences. And I saw many of you there. I believe that in spite of our difficult budget year and many of the challenges facing the branch and the legal community, that there was a positive tone. And I think a feeling at every -- every engagement I attended an optimism in spite of the cuds, and maybe because of them, I think there exists even now a more collaborative effort to do whether a we can to restore justice to California and to create an environment where the bench and the bar can work together to address the difficulties our justice system is facing, in criminal law and civil law.

I also had the honor of delivering my second annual address to the State bar. Along with the pleasure of hearing Mr. Pat Kelly, new president of the State bar's address, as well as the incoming and president of CJA, who's with us today, Ellen hard castle and his inspiring speech about the unity of one voice for restoration of the branch budget in the next year. I had the pleasure of participating in a number of the State bars awards ceremonies where they recognize the hard work of many lawyers in pro bono practice and also diversity service.

I was impressed as always by the caliber of the award-winners and how they managed to achieve so much and have a passion and energy for helping those with the smallest voice in the room. I look forward later to hearing about our own distinguished service awards, the judicial council recognizes, in our agenda. In September I had the pleasure of meeting with my peers from the Hawaii Supreme Court and had the pleasure to address the ABTL in Hawaii. There is a great interest in facing the challenges in our branch. As well as many of the justices and attorneys in Hawaii were educated in California and still have an abiding interest in how California gets along. There was great interest in what we do, by not only the lawyers and bar association, but the judges who many of whom were educated in California.

While there I was able to do a little bit more to further my commitment to civics education by recording a video for Hawaiian teachers. I was also glad to be part of the community college diversity initiative video that is supported by the State bar's council on access and fairness here at home. And I was very pleased by the progress being made by the civics education summit steering committee, a meeting we held earlier this week. We're sending out save the date cards for our February 28th, 2013 summit in Sacramento where justice Sandra Day O'Connor will be the keynote. I want to thank the dean of U. C. Davis law school and Frank McGuire, who's the new clerk administrator and our Supreme Court staff which was a very successful oral argument session at King hall. The Supreme Court held oral argument on three cases there. We had very engaged and he very enthusiastic law and high school students. That concludes my report. I turn this over now to Judge Jahr, the first retired judge to hold the position, Judge Steven Jahr.

>> Hon. Steven Jahr: Thank you, Chief Justice. Members of the council. This is my first business meeting as administrative director, and I wish to reinforce my commitment to serving our chief, this council, the branch and the reliant public we all serve. I'd like to give a special thanks to Jody Patel for her exceptional leadership as the interim director during most of this past calendar year the accomplishments that she accumulated in a very difficult environment are quite inspiring and she has placed us in a position where we can move forward expeditiously. I'd like to welcome the support of the members of the bench and bar, Jody and Curt Child and Curt Soderlund and the welcome I have received from AOC directors and staff. With the good fortune I have had already to engage with numerous branch leaders and bar leaders and stakeholders, to which the chief alluded in her report, I have real enthusiasm for our prospects in the coming year. I support her characterization of what seems to be a remarkable coming together of those for whom the confident function of our branch is so important. The written report regarding the general activities of the administrative office and the council advisory committees and task forces set out in the director's report is something that was disseminated in advance of the meeting. Several of the advisory committees which are identified within the report will be the subject of further discussion tomorrow when their chairs present to you. I'd like to just highlight a couple, three points from the reports.

First with regard to budget change proposals, the council approved budget change proposals were timely submitted to the department of finance in September. The submission included information to further ongoing dialogue and structural deficiencies within the branch budget and the difficulties faced by the trial courts, which will be unable to carry over fund balances past June of 2014. The department of finance has since advised that three of the 12s will not be considered further relative to fiscal year 13-14. They are the increased operations costs for new trial court facilities, the failing trial court case management system, and case team staffing and support for the habeas corpus research center. The administrative office will of course continue to advocate for the remaining proposals submitted for consideration, budget change proposals have been an important part of the discussions between the administrative office and the department of finance at what are now standing monthly meetings that have been established to ensure mutual understanding of the issues for the judicial branch and the administration. I would note that the October meeting marked the third such gathering. With regard to trial court labor relations and negotiation it's worth reminding that the administrative office currently supports 22 trial courts in their labor negotiations and two of the four court interpreter regions in bargaining sessions. The administrative office assisted four courts with the implementation of voluntary separation programs to address budget reductions as well.

I had the good fortune with the division chiefs to attend the quarterly meeting of the appellate court clerks group which of course includes Mr. McGuire, the clerk of the Supreme Court. It was helpful I believe to have a discussion with the clerks regarding the AOC realignment in relation to services to the appellate courts and also questions about the budgetary and infrastructure issues with which our appellate courts and Supreme Court are grappling. And we did indeed acknowledge the importance of our appellate courts as original and core customers of the administrative office. As to quick reminder the report includes a reference to AOC staffing metric, the report I believe at Page 19, which first was included in the report I should say at the August meeting, lay out the current circumstances and we will continue to have that as a regular part of the reports to come.

A couple of quick matters that do not appear in the report. AOC realignment, Justice Miller will discuss that during his report as chair of the executive and planning committee. I only make the observation that the new organizational structure for the administrative office is now in place. It is a simplified structure, comprised of three divisions and three division chiefs. With all offices in the administrative office reporting to one of those division chiefs. Our goals obviously are to facilitate oversight, improve decision-making and communications with the ultimate goal of improving service to all of our customers. I'd like to express appreciation to the members of the AOC staff for their commitment to the realignment process and for taking on the task of doing you meaning and tracking the many changes and initiatives that are underway to implement council's directives in addition to all of their other ongoing daily responsibilities.

The other matter that I would mention to you is the crucial matter of selecting a new director of our office of governmental affairs. As you know, Curt Child has undertaken, I'm grateful to say, the responsibilities of chief operating officer which leaves, of course, an important position to be filled. I'm also grateful to say that Justice Baxter was willing to undertake the responsibility of chairing a search committee which to my life is something of an all star team, comprised of our own Erica Yew, just recently departed from the council, Judge Rosenberg, a considerable expert, Justice Robie, likewise well-schooled and versed over a period of decades in Sacramento, and along with Justice Baxter himself, a governor's judicial appointment's secretary in an earlier life, we have Terry Flanagan and Justice Poochigian, once themselves governor's appointment secretaries. The interview process is moving briskly and it is our hope to achieve a disposition and a decision that the chief and I of course will be focused on with great seriousness in very short order. That concludes my report. Thank you.

>> Chair Cantil-Sakauye: Thank you, Judge Steven Jahr. Next we'll hear from the chairs and one vice chair from the internal judicial council committee, presentations starting with Justice Baxter for PCLC.

>> Hon. Marvin Baxter: Thank you, Chief. With the September 30 close of the 2011-12 legislative session, the meeting schedule for the policy committee has relaxed considerably since my last report to the Judicial Council. The policy committee convened once by e-mail, approving one legislative proposal to go out for public comment, and met once since that last Judicial Council meeting, and that meeting was conducted earlier today. At today's meeting is our one annual in-person meeting where we provide an orientation for new policy committee members on the operations of the policy committee. And at that annual meeting we also review and make recommendations for Judicial Council sponsored legislation, which will be presented to the full council at its December meeting. First of all I'd like to welcome our new policy committee members. Commissioner Sue Alexander. Judge James Brandlin. Judge David De Alba, Judge Alan Hardcastle, and Ms. Mary Beth Todd. Welcome aboard. At today's policy meeting the committee considered recommendations for the council's key legislative priorities for the 2013 session. All of which are familiar or continuing legislative priority items.

Relating to securing sufficient funding in the budget. Item No. 1. As well as continuing advocacy for the 17 trial court operational efficiencies, cost savings, and new revenue measures. And securing the third set of 50 new Judgeships. In addition the committee reviewed a proposal

for Judicial Council sponsored legislation that came up through the advisory committee process and public comment relating to enforcement of trial courts, civil judgment, tribal court civil judgments. These proposals will be presented to the council for sponsorship at the December meeting. This legislative year the governor signed 876 regular session bills and vetoed 120 bills. Both Judicial Council-sponsored proposals were enacted this year. SB 1574 regarding e-discovery, and AB2683 relating to notice to creditors in claims regarding decedents' estates. The legislature will reconvene on December 3 for its organizing session. The first year of the 2013-14 session. And I will be bringing you updates throughout the session on Judicial Council sponsored bills, budget issues and bills of interest to the branch.

And finally, I wanted to update you on continuing activities to identify operational efficiencies, cost savings, and new revenue opportunities for the branch. Last spring Justice Miller and I directed the creation of the ad hoc advisory committee on operational efficiencies, cost savings, and new revenue. And this group made up of members of each of the relevant subject matter advisory committees appointed by their chair, was an efficient way to review a significant number of proposals for court efficiencies, get the input of experts in the field, but be able to arrive at a conclusion in time for possible inclusion in the budget trailer bill.

Justice Miller and I at the request of the presiding judges and court executives advisory committees agree that it is both necessary and appropriate to revisit the entire list of 70-plus efficiencies proposed by the trial courts in light of the significant budget reductions imposed most recently on the branch. Justice Miller and I therefore have directed that the ad hoc advisory committee be reestablished for a short defined period of time to also make recommendations on the proposals advanced by the presiding judges and court executive officers, where the policy committee and ultimately Judicial Council consideration of sponsorship.

These groups will report to the policy committee in January and we plan to bring forward any recommendations from the policy committee for council sponsorship at the February 2000 meeting much and that completes my report, chief.

>> Chair Cantil-Sakauye: Thank you, Justice Baxter. Next we'll hear from Justice Miller, chair of executive and planning.

>> Hon. Douglas Miller: Thank you, Chief. The executive and planning committee has met six times since the council's last meeting in August. Three of those were by email and three were by telephone. In the course of those meetings we set the agenda for today's meeting and tomorrow's council meeting. We also approved a request from council member and chair of the trial court presiding judges advisory committee presiding Judge Laurie Earl, to allow vice chair Robert J. Trentacosta to attend this month's meeting in her absence. We welcome you here today in her absence. The committee's approval was based on the fact that this position is both advisory and ex officio and we felt that it was important that we have that continuity and the expertise from the presiding judges on any of the issues that we would be called upon to discuss.

We also indicated, though, that the attendance by Judge Trentacosta, would be advisory in that regard and would not be allowed for the making or seconding of any motion. We again felt it was extremely important to have that continuity and to be able to hear from the presiding judges on any of the issues we needed to discuss. We also approved the court technology

advisory committee's proposal to proceed with developing rules and a proposal for Judicial Council sponsored legislation permitting trial courts to conduct remote video hearings in traffic and truancy cases. And to develop rules for mandatory e-filing to implement AB2073. We confirmed on behalf of the JCCA conversion of vacant subordinate position officers to Judgeships at the request of two courts, and as you received today, we provided recommendations to the chief justice on the 2012-2013 Judicial Council member liaison assignments to the trial courts.

I did want to go over just for a moment the report that was provided to E&P with regards to the AOC restructuring based upon the Judicial Council directives at our August meeting.

In late September the committee reviewed the first status report on the implementation of the Judicial Council's directives to the administrative office of the courts on their restructuring and realignment. Judge Jahr was also present and spoke with the committee in considerable detail and was there to respond to any of our concerns and questions.

And just as a little background, as all of you remember, the council approved these directors back on August 31st, and specifically directed the administrative director of the courts to report to executive and planning before each Judicial Council meeting on the continuing progress of all of the directives. The information only item one included with your agenda contains my report with the status information that the AOC has provided on the efforts of the administrative director of the courts and the agency to fulfill these goals and responsibilities as was directed by the Judicial Council at our August meeting. And again, just to briefly introduce the status report and the reporting tools that I will be referring to in this report and as you will find in the informational report, there are three attachments. Attachment one is a key to the other two reporting tools. Attachment two is a status report for all 145 directives. Attachment 3 includes information on many of the directives that have been implemented or where the timeline requires information to be submitted back to the council.

The AOC is utilizing an activity and proposal form to transmit this information. And I don't intend to go through the entire report. Only I wanted to refer to a couple of items. And also to indicate that the report within short period of time will be available on the Web so it will be capable of being viewed by anyone who would want to access it. But the AOC offices appear to be making in E&P's estimation good progress on implementation of the direct tiffs in accordance with the timelines for implementation that we set in August. The AOC has fully implemented many of the directives and has provided specific information on the completion of 55 of those. The details again are in the status report that's attached.

The AOC has indicated for two of those directives that AOC staff will be returning to the council in December to present a proposal for modifying implementation. That's directive 40 on the conditions for presenting requests for additional resources to the council and on directive 42 on the presentation of fiscal information to the council. Finally, Judge Jahr indicates that the structure and activities related to these directives reinforced the need for the organization to revisit its existing policies and procedures. Consequently the AOC will be returning to the council in December to request council's formal direction to review the existing policy and procedure program to ensure that AOC's policies and procedures are uniform, current and accessible.

And chief, that completes my report.

>> Chair Cantil-Sakauye: Thank you, Justice Miller.

Next we'll hear from Justice Judith Ashmann-Gerst, vice chair of RUPRO.

>> Judith Ashmann-Gerst: Thank you. Justice Hull is off on his law school reunion and asked if I would fill in for him today. RUPRO, met five times by telephone since the August meeting. We met by phone on September 6th, 10th and 12th and reviewed 28 proposals. New and amended rules and forms. And one proposal for guideline, all of which circulated for public comment during the spring rule cycle. RUPRO, recommends approval of the proposals which you all have, items A1 through A14 and A17 through A29 on tomorrow's consent agenda. There are two proposals that I do want to briefly mention. Although form EPO 001 which is the emergency protective order is on the consent agenda tomorrow as item 26, RUPRO members asked that I highlight this for the council, indicate the importance of one of the revisions to this form.

The revision provides significant benefits to the public and to judicial officers. The four revisions are proposed by the Judicial Council domestic violence and practice task force chaired by retired Justice Laurence Kay, who I think is here today. Yes, hi, Larry. The form is used by a law enforcement officer to request an emergency order to protect someone from domestic violence, stalking, elder abuse or child abduction. The revisions to the form place firearms prohibitions prominently on the front page of the protective order and add check boxes for law enforcement to note whether firearms were observed, reported, searched for or seized.

These revisions to the form will enhance public safety by highlighting for judicial officers and law enforcement importance of asking about the presence or threat of firearms at the time that an emergency protective order is requested. Thereby increasing the likelihood that firearms will be relinquished or seized at the time the order is issued. The revisions will also create a record that may be utilized in future matters to determine whether the restrained person has complied with the order to relinquish his or her firearms. RUPRO also requested that we highlight one other item on the request agenda, A20 regarding juvenile dependency, the council collections program. We're highlighting this item because it does have potential to impact the trial court's workload and budget. And because many of us, Judicial Council member, have discussed this on our own court liaison visits. Assembly bill 131 required us, required the council to establish a program to collect reimbursement for the cost of appointing counsel independent in proceedings from parents and guardians who are available or able to pay.

A joint working group of the trial court budget working group and the family and juvenile law advisory committee, chaired by Judge Cindy Mayfield from superior court in Mendocino and Councilman Judge Mary Ann O'Malley, spend over a year analyzing the statutory requirements and developing the framework for the mandatory program. Their proposal was then referred to family and juvenile law advisory committee which after review recommends we adopt it. The focus of the working group was to comply with the statute and collect any available reimbursements while giving the trial courts the broadest flexibility consistent with the

statute to choose the methods and procedures that minimize their program implementation costs and are tailored to local needs and circumstances.

To this end the working group and the advisory committee recommended establishing the program through a set of guidelines and optional forms rather than rules of court. During the September 10th meeting RUPRO also considered suggestions from advisory committees for rule and form proposals that would bring cost savings and efficiencies. RUPRO also received suggestions from individual court exec, RUPRO approved for inclusion on the advisory committee's annual agenda for 2013 all suggestions for rules and form proposals and at the request of the chair and vice chair of the court execs advisory committee, the suggestions will be provided to all the court executives.

At the September 12th meeting RUPRO also approved revisions to the annual agendas of the civil and small claims, family and juvenile law and traffic advisory committees to allow them to work on urge gentle and necessary projects. In addition RUPRO approved three urgent proposals to circulate on a special cycle. We haven't had too much work to do, have we two of the proposals recommend changes to comply with criminal justice realignment legislation and the third proposal complies with recently enacted legislation requiring the council to adopt a rule of court that establishes a process for resolving disputes that may arise related to a memorandum of understanding for court security services.

RUPRO met on October 5th to consider a request to circulate on a special cycle, proposal that would authorize trial courts to establish pry lot projects permitting remote video trials in cases involving traffic infraction vie laces and violations of the law on compulsory school attend dance which Justice Miller referred to. That was approved for circulation. Following public circulation further review by the advisory committees and RUPRO's, we're hoping to bring this proposal before the council at the December business meetings. We also met on October 15 to consider all three proposals that circulated on the special cycles. RUPRO recommends these, A 15, 16 and 30 on tomorrow's consent agenda. They involve criminal justice realignment, inter-county transfers, procedures for revoking patrol and post release community supervision and trial court security. Those are from the October 15th agenda. Recommendation, RUPRO members also began discussing the two recommendations that the Judicial Council adopted at its last meeting that originated with the SEC report and have been referred to RUPRO for its consideration.

The council's recommendation No. 6 directs RUPRO to consider SEC recommendation 6-8 and report on any changes to the rule making process to the Judicial Council. And just to remind everyone, SEC recommendation 6-8 says that the AOC has to develop a process to better assess the fiscal and operational impacts of proposed rules on the Courts. Including getting earlier input from the Courts before proposed rules are subject. I'm sorry. Before the proposed rules are submitted for formal review. The AOC should also establish a process to survey judges and court execs about the fiscal and operational impacts of rules that are adopted and recommend revisions to the rules where appropriated -- or appropriate.

It was also suggested the AOC recommend changes in the rules and processes for consideration by the council to limit the number of proposals for new rules. Including by

focusing on rule changes that are required by statutory changes. Indeed at the recent RUPRO meeting we did consider the changes to the rule making process that have occurred over the last approximately 18 months. In that time RUPRO has an institute of practices, designed to reduce the number of rule and form proposals, prioritize necessary changes to rules and forms, provide additional information for council consideration on the cost and the operational impact of changes for the Courts, and seek suggestions from advisory committees for changes to rules and forms that could result in significant cost savings or efficiencies for the courts.

RUPRO also discussed the work of the trial court presiding judges advisory committee and the court execs advisory committee which reviewed proposals that will significantly affect court administration and provide comments on operational impacts. Before, during and after the public comment process. RUPRO also discussed additional options that would be responsive to the recommendation including how to involve the trial courts earlier in the rule-making process. The second recommendation from the SEC deals with relaxation of mandatory education requirements. For AOC and for court staff.

RUPRO briefly discussed the need to get input on this issue from the administrative director. And from the Court executives. And to consider whether rule amendments would be the appropriate way to go. And RUPRO will continue to address the two recommendations from the SEC at its future meetings. So in addition to the five meetings, I've just summarized, RUPRO also attended the new RUPRO members also attended an orientation by phone on October 4th. So I'm sorry, I apologize that this report is so much longer than justice Hull's normal reports. He managed to skip out on the winter cycle. And leave me with this report which probably feels like you've been buried in a avalanche of material but not to worry, drinks will be on him tonight at the hotel.

(Laughter)

>> Chair Cantil-Sakauye: Thank you, thank you justice Judith Ashman-Gerst. Many of us who served on RUPRO know well the hard work and big binders that accompany RUPRO. Thank you.

Judge James Herman.

>> Hon. James Herman: Now reporting as chair of the technology committee, that avalanche is going to continue to flow because we have been an active and busy committee since our last Judicial Council meeting. We've engaged in weekly check point meetings. Myself and our vice chair, justice Judith Ashmann-Gerst, and former vice chair Judge Kaufman as well as Judge Moss, who chairs the technology initiatives working group that's been assisting from the grassroots level in terms of special -- we call them crash cart initiatives to establish near term technology from within the branch. We met as a committee by telephone on September 13th and our topics at that time included grant funding for the expanding California courts protective order registry, which I'll circle back on in terms of the meeting that we held yesterday. Judicial branch technology funding, a difficult issue in this financial period. Budget change proposals for failing court case management systems, which are a place holder at this point among the BCP requests.

And we also -- I also provided as chair updates to the trial court presiding judges advisory committee as well as the court executive advisory committee.

In June of last year I met with and attended the CTAC meeting up in San Francisco. And they had their face to face meeting. And since then I've been working with Justice Bruiniers, the vice chair of CTAC, to coordinate activities between technology committees and the CTAC committee to establish sort of a structure, if you will, to make sure that we were cooperating and collaborating on efforts as well as not duplicating each other and stepping on each other's toes. And some of the evidence of that for example is the AB2073 working group which is the working group on legislation that originated with orange County to allow trial courts to plan date e-filing of civil cases which as a business practice will be to a tremendous advantage to those courts that adopt it in terms of cost savings as well as increase in some cases increased fee cash flow. In addition we worked with CTAC to prepare for our two-day technology summit. And I also met with -- that started actually with an early 2-hour meeting with CTAC whereas chair of the technology committee I made a presentation on behalf of the technology committee and updated CTAC on our activities. And that meeting was also attended by Judge Moss, who is I think liaison from the council to CTAC as well as justice Judith Ashmann-Gerst, who continues to act as chair of the appellate court e-filing subcommittee to CTAC.

The judicial branch technology initiatives working group again also met regularly with Judge Moss as chair. I just want to tip the hat to him. He's done a tremendous job in terms of coordinating that effort. And sort of escorting it along the timeline in terms of what their short term results are going to be. Most of those working group work stream efforts are sort of at the halfway mark at this particular point. And the idea of all of those work streams was they would be approximately six months projects. Which would in turn result in real benefits to the trial courts in terms of technology. And the work streams included technology road map, what to do with V2 and V3 in terms of maintenance and support and ongoing use as a product, a case management system request for proposal which I will talk about a little bit. That's kind of an early win, sort of a universal request for proposal. There's developed out of the RFPs that AOC staff and -- and the trial courts worked on to send out for San Luis Obispo and Saints County. And an e-filing work stream. We hosted a two-day summit again starting with the CTAC meeting. And then going through yesterday -- yesterday or -- going through the afternoon of the 23rd and yesterday morning. And the idea of this -- and consistent with direction from the JCCA was to assemble all of the branch stakeholders that were involved in technology efforts -- I might add that part of our going to go forward is to work together to consolidate and coordinate and identify all of the various commissions, committees, task forces, advisory committees, working groups, et cetera, that are involved on technology to make sure that, number one, we're not overburdening AOC staff in terms of support, number two, they're not duplicated efforts, and number three, that they are coordinated.

In March 27th, the Judicial Council directed our committee and I want to emphasize, quote unquote, in partnership with the trial courts to develop timelines and recommendations for bullet point, establishing an approach and vision for many -- technology that basically serves all of our stakeholders in the trial courts. And an important piece of this is that we consider available resources. Of course that's going to be a huge issue in terms of technology that we work to provide technology solutions in the near term to improve efficiencies in trial court operations.

And the trial courts, frankly, are very excited about the ability of technology -- and I think Alan Carlson could verify this -- the ability of technology business practices to save for the trial courts, to establish a judicial branch governance structure which is becoming a bigger and bigger issue. I will discuss in terms of the actual content of the summit and develop strategies to assist trial courts with existing critical case management needs.

The summit participants included of course the technology committee, CTAC, the judicial branch technology initiatives working group chaired by Judge Moss, and representatives across the board from the trial courts, and the courts of review, trial court judges advisory committee, the court executive advisory committee and court information technology management forum, which is the CIO group, independent CIO group. We had over 70 attending by WebEx, all PJs, CEOs were invited. And I believe our room count of those physically present who took two days with us was about 50 CIOs, PJs, and COOs. Setting the stage for the discussion were a number of branch leaders. First of all chief, change you, chief came down and addressed all of our participants and acknowledging the group for accepting the challenge to the branch on how we were going to move forward with the technology.

Justice Chin, of course, who we honored today as long time chair of CTAC provided his perspective on where we come from, where we are and where we're going in terms of technology related to the judicial branch. As sort of a spring board for the facilitator which I will talk about, Robert L. Young of the Santa Clara superior court, one of the architects of the work streams, and the court information technology manager's forum talked about the grassroots efforts that the work streams were engaged in. And an important piece of this is that this group of volunteers has put in an amazing amount of work since they last formed, simply the working group. And importantly, except for some tech staff support on the AOC side, its satisfy at no cost. All of their efforts have been at no cost to us. On a volunteer basis. The facilitator was Mary Winkley who was assistant secretary portfolio management for the California technology agency, the executive branch agency that oversees technology and her background is really tremendous in terms of being involved both legislatively in the private sector as well as on the executive side with significant technological initiatives and enterprises, including the child welfare case management system. Which as a precursor of our case management system, CCMS, ran through many of the difficulties that we encountered with CCMS.

So she's been to an a number of rodeos and was an ideal choice to be a facilitator. I want to throw out a change you to Curt Soderlund because he's the one who suggested her and I think she was an excellent choice. She brought the group together. And it's a written here, a dynamic discussion on governance funding and short and long-term goals for judicial branch technology. There was vigorous discussion and obviously with any discussions that happen within the branch, there were disagreements on some points and agreements on other points. She really emphasized the need for us to -- she let a lot of her comments went well in my world, quote unquote. Meaning that it's important for us to recognize if we're going to interface with the executive branch as well as the legislative branch on particularly funding issues for court technology, that we need to work collaboratively as a branch, both at the branch level as well as the trial court level. And she really challenged us to work together for solutions in a unified -- she repeatedly emphasized this -- a unified long-term plan.

And she emphasized that this long-term plan, a business plan, needed to be carefully thought through, both from the branch level with also the initiative, her phrase was bubbling up from the trial courts. 9 importance of, again, working with our trial court stakeholders in terms of developing this business plan. Interestingly out of the -- out of the two-day summit, we reached a consensus at the end that among the participants in the summit, at the high level importance of technology to improve business practices and cost savings, and the importance of keeping the, quote, electronic court house doors open.

Key points included importance of governance, governance was a huge pivot point in terms of the discussion, both from the facilitator's perspective as well as from the participants. The need for a business plan, the need to explore what was appropriate for local funding versus branch funding. Relative to technology. And you know, the uniform agreement about the need for a long-term unified business plan to achieve funding stability. And interestingly these echo a number of the criticisms that the BSA report pointed out relative to before on the CCMS system, that is we didn't have stable funding, we didn't have complete buy-in from our stakeholders, we didn't have complete support from the legislature, and the executive.

Conversations continued into the next day. After the facilitated discussion and -- and the next day was led off by the working group going through piece by piece. The various initiatives that I've already discussed. Gene, my appreciation to Judge Reiser, and Jake Chatters who worked on the technology road map and Allen Carlson's recommendation on the V2 V3 recommendations and Heather Petit from Sacramento and -- who presented on the draft RFP, and Sonario, who reported on the filing work stream. Stakeholders reports included Justice Judith Ashmann-Gerst, who presented on appellate e-filing, the sustained user group, I think there's about 17 courts in the state that are currently on sustained. A number of them are upgrading to e-court. That group meets regularly in terms of how they can work as a consortium in order to leverage relative to interaction and upgrading of sustained. And there was an overview of the CTAC inventory projects by Justice Bruiniers. We closed out the summit with a high level agreement that everyone that attended the summit could support that we need to develop in the short term a technology governance and business plan so that with that plan we can successfully either in the short term or certainly in the long term interface with the executive and the legislature to obtain legislative and executive support for funding for court technology.

We held our court technology meeting immediately after the end of the summit. Our -- this was our face to face meeting. Topics included technology funding update, Judicial Council technology recommendations relative to the SEC report, which will come back to the council at the June meeting. Governance, case management systems request for proposal, the -- the work stream and -- is going to go forward with that proposal. As a -- as a committee of the council, we did not approve or disapprove that effort. And the primary reason for it is that although it's developed out of the Judicial Council -- I'm sorry, the AOC, ITSO request for proposal, it's going to be hosted in Sacramento and therefore it's not a Judicial Council effort but a fine effort that will be of benefit to trial courts throughout the state who want to upgrade their technologies through identified vendors who meet statewide standards.

We discussed the protective order registry and authorized staff to proceed forward with the courts that have indicated an interest in becoming part of the protective -- court's protective order

registry. E-citations, the court technology survey. And next step for the work streams. That sort of closed out -- we also -- we also discussed the -- and responded to the bureau of state ought audits showing a complete issue of reports back to technology. I'd like to close by first of all welcoming our now battle-hardened over two days new members of our committee, Judge Elias, Mr. Fox, Mr. Carlson, and Angela Davis, who unfortunately could not attend. Would I note at the end of the two days as a group, two days on technology, a number of us went out to dinner and had a bet that the first one to mention technology had to buy a round of drinks. And I lost that bet.

(Laughter)

>> Hon. James Herman: And I also --

>> I'll make that bet again.

>> Hon. James Herman: I also can't close without really emphasizing the tremendous support and help that we've had as a committee from our excellent AOC staff on the administrative side, led by Curt Soderlund and Mark Dusman, on the information technology services organization. An acronym that you can pronounce. Think about that a little bit. And Miss Sanders-Hines and Jessica Craven, who's our committee coordinator. All of us that are on this committee probably received 5 or 6 e-mails a day. I had to empty out my in box six times so I could keep sending messages, she's really tremendous. Thank you, Chief.

>> Chair Cantil-Sakauye: Thank you, Judge Herman. You described a lot of work, a lot of complicated work that many of us can't even begin to understand about the technology. But I will tell you we are all eager and waiting.

(Chuckling)

>> Chair Cantil-Sakauye: At this time, then, I'd like to welcome for item 1 the Judicial Branch report and recommendations from the 2011 Summit on Judicial Diversity. The Honorable Brenda Harbin-Forte, Chair of the Judicial Summit Planning Committee, the Honorable James Lambden, Judicial Summit Planning Committee Chair, Access and Fairness Advisory Committee. And Senator Joe Dunn, Judicial Summit Planning Committee and Executive Director of the State Bar to present...

>> Hon. Brenda Harbin-Forte: Good afternoon Madame Chief Justice, members of Judicial Council and guests. I wish to thank for you for the opportunity to present to you the report and recommendations from the second Summit on Judicial Diversity which was held on September 7th, 2011 here at the AOC. I'm Judge Brenda Harbin-Forte of the Alameda Superior Court. I served on the Judicial Council, had the honor of serving the judiciary and the people of the state from 1996 to 1999. I chaired RUPRO during my term. I'm also former Dean of the Judicial College and chair of the new Judge Education Planning Committee. I've also served as the first chair of the state bar's council on access and fairness when the then board of governors established the council in 2007 as a diversity pipeline think tank.

I want to thank you chief justice and current and past members of the Judicial Council, particularly Judge Erica Yew, past member for your support and leadership in promoting judicial branch diversity. Thank Justice Miller for inviting me here to present this report as an opportunity to inform and educate the council on the status of judicial diversity in California and present the recommendations that have been made by colleagues on the bench and state bar leaders. Finally I want to thank the members of the Summit Planning Committee, two of whom are sitting here next to me this afternoon. Justice James Lambden, ago you know, from the first district court of appeals, as well as Senator Joe Dunn, who's the executive director and CEO of the State bar. I want also to thank AOC senior attorney Donna Clay-Conti, who's out in the audience there as well as state bar attorney Pat Lee, who is the special assistant for diversity and bar relations at the State bar.

You each have the 2011 final report and recommendations that was issued following the summit. I know you've read every page of it already. So I'm not going to go through all of it. I'm going to talk generally about the status of diversity in our courts. Senator Dunn will then briefly talk about the State Bar Board of Trustees review of the report and the action that the board of trustees took as well as recommendations for future collaborative efforts by the State bar and the Judicial Council. And then Justice James Lambden will put forward the recommendation to the council. As a former council member I know that tackling sensitive issues of state-wide importance is a necessary component of the job. When I was on the council in the mid '90, the council received and acted upon the report and recommendations regarding racial and ethnic bias in the courts. We also took on and discussed other transformative issues for our branch, including things such as one day, one trial rule. We knew that what we were doing would not always be the popular thing to do. But we knew that with courage and with strong leadership and with resolve, that we could do what was the right thing to do.

But I'm going to do -- what I'm going to do now is to go through some slides and talk with you about some recommendations, first a word from our sponsor, the State bar, our State bar access and fairness activities, are funded through voluntarily contributions to the State bar. No mandatory dues are used. I'm going to give you a little history about how these summits came about. In 2005 the state bar created a diversity pipeline task force. And I was fortunate to chair the court's working group. The state bar started planning for its first summit in June of 2006 and I was given a task of contacting Chief Justice George and Chief Justice George would support that summit. And would participate in it and serve as the keynote speaker. He enthusiastically supported the summit, served as the keynote speaker. This was part of the work that he had already been doing with the legislative branch as well as with the governor's office in terms of increasing diversity on the bench.

The Judicial Council and administrative office of the courts through the access and fairness advisory committee which was chaired by Justice James Lambden at the time, co-sponsored that June 2006 summit. SB56, a bill by Senator Dunn required collection of demographic data by the governor, the state bar and the AOC. That passed the state legislature tied new Judgeships to increased judicial diversity, partly through AB159. And at the end of that summit the 2006 summit stakeholders agreed to hold another summit in five years. So in May 2010 we began planning for the 2011 summit as a means of providing a five-year status report on what efforts we made since the 2006 summit. And what accomplishments and achievements we could

celebrate. In June of 2011 executive and planning committee authorized co-sponsorship of that 2011 summit and in July 2011 Chief Justice Cantil-Sakauye, and -- inviting more than 200 members of the legislative, executive and the judicial branch to attend the summit. When the state bar members and members of the legal community. And in September 2011 that summit was convened at the administrative office of the courts final report issued in August of this year.

Why do we value judicial diversity?

As former Chief Justice Ronald George stated when he gave his remarks at our 2006 summit, a diverse bench will not only maintain and enhance our state's tradition of having an excellent judicial but reinforce the guiding principle that we're committed to making our system fair to all. Past ABA president Dennis Archer said if you recognize the ability of citizens to come into court, to make sure that they can have their disputes resolved is what keeps people from taking to the streets to resolve their disputes. And we understand that diversity in the legal profession is critical for our democracy to survive. In an editorial in the American Adjudicature Society magazine in March and April of 2010, there was an observation -- which I think we all know -- that judges can and do influence each other. We talk about cases. On and on the bench. We exchange ideas. And a diverse judicial lead toss an ink interchange and exchange of viewpoints and -- bias and leads to a more inferred decision making process. Let me talk a little bit about what our diversity in the court looks like.

This slide shows you what population is as compared to the judiciary statewide. This is as of December of 2011. End of last year. You'll see that California has, as we knew -- has become a majority minority state. Caucasians comprise less than 40 percent of our state's population. They are more than 72 percent of our bench. African-Americans are about 6.2 percent of the population, with about 5.7 percent of the bench. Asian Pacific Islander, 13.1 percent of the population, about 5.8 percent of the bench. And Latinos comprise almost 40 percent of our population, about 8.2 percent representation in our judiciary.

But let's talk about the things that we've accomplished since 2006. I'm not going to go through all of them. They're on Page 11 of your report. But we do have a new chief justice, our very own justice Tani Cantil-Sakauye, as a woman of color. The Supreme Court now majority of women, also majority of ethnic minorities. African American judges are almost on a par with the population, set up judicial mentoring programs in San Francisco, and other Counties for judicial officers are mentoring people through the appointment process to get more diversity on the bench. Courts have sponsored how to become a judge program. There's been a slight increase in the percentage of the ethnic minority and women judges on the bench. Justice judges come from a more diverse background representing the diversity of the cases in the system. Family law in the system, juvenile, probate. So we've increased ways to get more diverse population in terms of people with different backgrounds. There's been legislation that mandates annual statistical data and also a focus on broad experience. State bars council on access and fairness established. There's been a judicial diversity tool kit for courts. Justice Rivera chaired that group that created the tool kit so courts have a resource if they want to do things to try to go and create more diversity in their particular communities.

A transgendered judge was elected in Alameda County in the 2010 election. More accomplishments -- again I won't go through all of them. The state bar has online tips on applying. There have been changes to the appointments process so persons with more diverse backgrounds can have their call -- tout their qualifications to the governor's office. A road show educational program. And in 2007 the first woman and first African American appointment secretary was selected by the governor's office. And there was an all female confirmation panel for our most recent Supreme Court justice. That's the first time that has occurred in our history. Let's look at some pie charts. Ethnic diversity in terms of all courts as of 2011. There were 1,677 sitting judges as of then. And you'll see in pie chart form the representation of the various ethnic groups. Courts of appeal, 101 sitting justices as of December 31st. A breakdown in pie chart form of the comparative ethnic representation there.

Our superior courts, again a comparative slide, a pie chart. What you're seeing and then with respect to gender as well. Women are over 50 percent of California's population. They comprise a little bit more than 30 percent of our bench. So you will see certainly in terms of -- when you compare it to population and to representation on the bench, that we are not at a par. Other diversity in the courts, as of 2012; we are -- the AOC now collects the data on sexual preference diversity. LGBT communities, those who chose to self identify, is about 2 percent. Of our judiciary.

I'm going to show you the slides fairly quickly in the interest of time. These are various counties around the bay area where we have compared as of December 31 the percentage of ethnic population that is those persons coming into our courts from a very diverse population and the percentage of ethnic minority judges in this various counties. And we -- I want you to note that ethnic is all non-Caucasian census categories. Alameda County, 70 percent ethnic minority population represented in blue and a little less than 40 percent of the judiciary. Look at places such as Santa Clara, I should -- as you move farther to the right there. Santa Clara, almost 68 percent of the population is ethnic minority. But less than 30 percent of the bench is.

If you move to central valley, Fresno, more than 70 percent of the population in Fresno coming in to have their disputes resolved in the courts will find about 35 percent of the judiciary there. Tulare, a county with high ethnic minority mortgage population, more than 71 percent. And little more than 5 percent of the judiciary is ethnic minority. Southern California, same type of trend. Imperial, 91.6 percent ethnic minority population. With about -- less than half of the bench -- 44.5 percent of the judges are ethnic minority. So as you go through the counties, again, I'm not going to go through each one of them, but you get a snapshot of what it is like for people coming into our courts to resolve their disputes.

Whether you compare population to judiciary statewide, this is sort of a five-year comparative report that we prepared for the summit last year. You'll see with respect to the population 2006, that's in blue, the Judicial Council report that talked about the representation of the bench as of December -- actually as of February 2007. The population for 2012 based on the -- the 2010, and maroon or eggplant or whatever color we might call that and the Judicial Council report. With respect to the population you'll see that the Caucasian population is actually dropped again, 40.1 percent. But it is again more than 72 percent of the bench. And that five-year trend kind of shows you that there's still a lot of work to be done. The gender of

judges compared to the population statewide, five year snapshot there. Shows the changes, the increase of -- a slight increase in terms of women represented on the bench. State bar diversity, California state bar diversity. This slide shows you the percentage representation in the state bar. The various ethnic groups as well as women and LGBT and the numbers look very small. No question about it.

But when we talk about why we are looking at population and not bar membership, first we should remember the goal one of California's Judicial Council's strategic plan is to achieve a judicial branch that will reflect the diversity of the state's residents. It isn't -- it is an access to justice issue. And as Chief Justice George has said, of course any Judge can fairly hear and decide any case, no matter the parties and regardless of the racial, ethnic, religious, economic or other minority group to which they might belong. But then it cannot be questioned that a bench that includes members of the various communities served by the courts will help instill confidence in every segment of the public that the courts are indeed open to all. Indeed in the 2005 report on public trust and confidence in the courts, virtually every ethnic group, not just African Americans, perceived that African-Americans and poor litigants received worse outcomes in our court system.

Why do we talk about population and not bar membership, which is an easy default position to say that the bar membership is so low? It's because lawyers are not the ones who own these cases and their causes of actions and these claims. It is the clients who own them. These clients come from the general population, not from the bar. These lawyers presumably want fair results for clients, and that has also been an explosion of self represented litigants as you members of the Judicial Council know. And these litigants come from the general population. And the reality is that when we talk about public trust and confidence in the court system, we are really talking about general population, trust and confidence in our court system. And it's the population parity goal achievable?

I believe it is. Let's look at these small percentages of bar membership. There are -- if you look just sort of take a snapshot of people who might potentially apply to the bench and what the potential pool might be. Women who pass the bar between 1979 and 2000, there are more than 53,000 women who potentially eligible -- not everybody wants to become a judge. Most of us can't understand why. But many of them don't want to be. African-Americans, about 4500 people we're talking about. Asian Americans, more than 8500 attorneys, Latinos, more than 6600 and other minority, almost 5,000. There's a huge potential pool from which we could select a more diverse judiciary. There's also been a change in government code section 12011.5 that talks about having the state bar consider legal experience broadly and to consider other types of experience and to make sure that we have a more diverse and representative bench.

So, I am going to turn this over now to senator Joe Dunn, who will take care and talk with you about the rest of the slides there. And of course we will all be available for questions afterwards. Senator Dunn?

>> Sen. Joe Dunn: Thank you, Judge. Good afternoon, council members. It's an honor to be here. As a follow-up to the judge's comment, I think everybody around the dais knows that

we've got a lot of work to go. So I've been given exactly 7 minutes. You -- most of you know that's an impossibility for Joe Dunn, but I will' do the best I can.

After the summit that the judge referred to and the recommendations, of course the board of trustees, most of you remember as a board of governors, is now the board of trustees of the state bar, reviewed and very warmly embraced virtually all of the recommendations that fall within its per view. Because some of the recommendations do not -- which will be addressed in a few minute the. It embraced the recommendations and referred to the council on access and fairness for further action. Council on access and fairness of course has already conducted a comprehensive review of the recommendation and developed an action plan to address the recommendations that the bar and the council on access and fairness will collaborate with the Judicial Council of course and the advisory committees in addressing those recommendations.

And so I'd like to go through those very quickly. Hopefully I have not gone too far into my 7 minutes quite yet. As the judge already indicated, the council on access and fairness sorted the recommendations into three areas. You can see on the slide here. Area No. 1 is follow-up by the council on access and fairness stakeholders. Second, joint projects by the Council and JCCA Advisory Committee, and then third the projects within the Judicial Council per view. Only those are the three categories that the council on access and fairness divided up the recommendations. Let me address the ones that were COAF direct follow-up versus joint projects. They are starting with as you can see there, judicial appointments and elections. To seek, establish uniform process and factors for the use by the Judicial Review Committees. Some of you have served or are serving on those review committees. Second, to provide implicit bias training to the review committees. I should know that the council has worked very closely with the governor's office. I think most all of you recognize that judicial appointments fall directly with the governor's office and no governor, I don't care whether Republican or Democrat, likes to agree to any limitations on their powers. But this governor as many of the most recent governors have, both sides of the aisle, been very open to the recommendations coming from our now two summits.

And they did indicate that they will encourage their review committees as we put these programs out into the field that their members of those review committees, they will encourage them to attend. With respect to the leaky pipeline, you all know what I'm referring to when I refer to the pipeline, we all wish it hasn't been leaking, but it of course has. You've seen the statics that the Judge indicated. Recommendations that will be addressed by solely the council on access and fairness, application tools to identify effective lawyering, should we embrace here in California other factors beyond just LSAT and GPA for getting into law school. Many of you know Professor Marjorie Schultz, her professional partner at U. C. Berkeley law in identifying I think 26 fact factors that make for successful lawyering that ought to be looked at as potential ones much we believe these will help in ensuring that we have a very diverse bench and bar as well. Second -- seeking private funding for students from economically disadvantaged backgrounds to take LSAT prep courses. And conducting outreach to law schools to focus on creating an on campus atmosphere of inclusion for diverse students, this is still a criticism we hear at many of our law school, including many of our top law schools here in California. Continuing on the direct follow-up recommendations, data collection and accessibility continued review of the data ensure transparency. The judge already referenced a senate bill 56 by a

certain former senator. Unfortunately it's not a perfect solution because the numbers still are reported differently. Sometimes we get percentages, sometimes we get raw numbers. And it's tough to compare apples to apples. We continue to work on that in the council will continue to work on that.

Enacted the fairness also monitors feedback from -- online application as you see there in the middle of the slide. Also the council will be working on initiatives to encourage presiding judges to consider diversity in making assignments that fall within the purview of the presiding judges across the state. Whether that be for a complex panel, criminal assignments, civil assignments. This is still unfortunately a huge challenge within our bench. Not only to get diversity on the bench but then to ensure diversity in the actual assignments in each County that fall within the purview of our presiding judges.

Moving on to proposed joint projects, this is between the council of access and fairness and the Judicial Council advisory committees. Again judicial appointments selection, this is an outreach focused on outreach, presentation to law schools to improve understanding of the judiciary and the role of the judiciary and the value of judicial diversity. Joint outreach and recruitment of potential diverse judicial applicants. This is still a challenge that we all must pitch in and strive to correct. And joint mentoring of applicants for the appointment process to make sure there's nothing about that process that has some inherent bias or obstacles to it and to work with the applicant. Also under the leaky pipeline, joint community education, especially to communities underrepresented in the legal profession. You already saw the slide. That's unfortunately many of our communities here in California.

Continuing on proposed joint projects, also on the data collection, accessibility, outreach to increase judicial applicants by attorneys with disabilities, creating protocols for compiling SB56 data. I referenced that one as well. Under the outreach in education, continued outreach jointly obviously between bench and bar. Council and access and fairness, Judicial Council itself. And the Ben: Outreach to youth re the judicial system. We're trying to touch on this including the chief leading the way on hopefully return of civics education, lit is I within our schools and with society at large. And whether we do an annual judicial summit which was recommended or the council on access and fairness is recommending smaller meetings in the six appellate districts over the next two years regarding the report and recommendations. And then lastly, on the joint projects is addressing the glass ceiling, educating potential applicabilities re the po' -- all court assignments and compiled data on the diversity of judicial assignments in civil, felony, trial, law, motion, complex cases, et cetera. Which up to now hasn't been done or at least hasn't been done on a statewide basis. And finally to educate attorneys and the public re the rules and process for court assignments to get more visibility on this issue to ensure diversity at all levels, of the bench and bar. And on the bench as I said, that includes the assignment of judges as well too. I think I went a little over my 7 minutes. Let me turn it over to someone everyone on the council knows and knows well. Justice James Lambden.

>> Hon. James Lambden: Thank you members of the Council and all our assembled guests. It's a pleasure to report one of these reports to the council. As I was life listening to the chief's remarks, the access and fairness committee u I was reminded that one thing I do at our committee meetings is to go through that list and remind us how far we've come. I was also

reminded by the chief's remarks that there's a certain circumstance circularity -- in 1993 the gender bias report was reported to a similar group to this. That was the beginning of access and fairness committee and so many of the projects that we discussed, including what led up to the strategic goal No. 1 adopted by the council, which is to assure access, fairness and diversity.

In that circularity of about 20 years I was reminded by the chief's remark, look what happens when the women come in. Looking around the room, we do have a third woman on the bench now. And the change that has been accomplished by that inclusiveness I think drives this entire conversation. I had the pleasure of serving on the summit planning committee which I think you were in the 7 minutes -- myself. The shortest I've ever seen you speak. I'm pleased by that. I have to remark. And I won't repeat all the things that Judge Brenda Harbin-Forte has been the engine that drove this has been tireless and worked very hard on that. Joe -- excuse me, Senator Dunn, who has demonstrated through his organization's support of this the possibilities that can occur with collaboration. I want to stress personally that this was done really on the cheap. And we did it because of the ability to collaborate with the state bar.

For example when, do you a summit and you bring something from all over the state there satisfies a lot of travel expense. We made the simple step of trying to double up and going where the people were, where we knew they would be. Saved a lot of money that wait a minute it's a model for the future. Collaborating not just with the state bar but other groups as well. I also have to mention because staff is ever on our mind that our own Donna Clay-Conti from the AOC and Pat Lee from the state bar were involved. It's an elaborate and very well done report that we can be proud of. You've received a lot of information today. I'm not going to go through all those recommendations again. You'll have a chance to ask us some questions. But as I have -- as Joe has pointed out, many of these things are already in place. Many of them need to be considered by the advisory committees in order to proceed on those recommendations that involve us most directly.

We know that all the work that needs to be done on these recommendations must take into account the current situation with the economy and our budget. And for those reasons and the other challenges facing the branch today, we hope to continue this collaboration that resulted in this report. And the access and fairness advisory committee, I believe, is the appropriate entity to undertake that work, at least to start it. And we will collaborate with the other committees, I shouldn't say we as we know I'm leaving after today. And I am prepared therefore, as my last formal act as chair of the committee, to request that the Judicial Council direct the access and fairness advisory committee to consider the report's recommendations and to initiate the review and approval process for those that merit council attention.

Thank you for your attention. And we will be happy to answer your questions.

>> Chair Cantil-Sakauye: Thank you. Judge Rosenberg?

>> Hon. David Rosenberg: Thank you very much for that informative presentation. Thank you, chief. Let me preface my question by saying that my entire adult life I have supported diversity for women, minorities. I really believe in that. But I want to ask a real practical

question: I -- there's about 16, 1700 judges. I suspect it takes about 20 years or so to have a turnover, more or less, of a -- the entire bench.

The most troublesome issue I think for me, and maybe for others, is the issue of whether the ethnic and gender diversity of the bench should reflect diversity in the general population of California, or whether it should reflect the diversity within eligible members of bar. Because obviously the bench is drawn from a limited universe of people. That is, members of the bar who have been members of the bar for ten years or more. So I -- has anyone ever analyzed the question of how long would it take -- let's assume that every single appointment to the bench from today forward were of a woman or an ethnic minority -- person in an ethnic minority. Every single one, without fail. How long would it take to achieve the parity to the general population of California?

>> The short answer that Ron George gave, the reform is not for the short winded. It's a marathon and sprint. We can't say how long, but it's going to be a long time. That's why the focus shifted within the last few years to the pipeline idea. That you really have to start way back in grammar school, if you want to make sure that people move forward. And that has a certain attraction to it because it attempts to solve societal problems swell via our input from the branch. That's all I will say.

>> Hon. Brenda Harbin-Forte: I think the larger question should be -- let's agree it's going to take a long time. Does that mean we do nothing? Or does it mean that we continue incrementally to try to increase diversity on the bench? I think that's the important question for all of us. It's going to be hard. Progress is difficult. And progress is hard and progress takes a long, long time. That we should strive for it. Because it is doable.

>> Chair Cantil-Sakauye: Justice Miller?

>> Hon. Douglas Miller: I wanted to commend one of your past state bar president, Jim Hiding from Riverside who was involved in the diversity pipeline who came to the desert where I practice law but was a judge at that time with a program called adopt a high school. In essence it was for the same purpose in some respect. I mean it was to provide lawyers and judges to high schools for their government programs and things of that nature. But it was also to hopefully encourage young high school students in the minority areas of Coachella valley to consider going to law school. The desert bar association adopted that program. We rolled it out to the membership of the desert bar. Other law firms and lawyers are going to now adopt other high schools in the Coachella Valley. It will take marathon years for that maybe to show results. But already we have a number of young high school students who have said that it's encouraged them to go on to college, to consider becoming a lawyer.

So it is in that regards a program, but it does take time. A great program.

>> Chair Cantil-Sakauye: Judge Herman then Judge Mary Ann O'Malley, then Judge Jacobson.

>> Hon. James Herman: As a member of the judicial diversity pipeline and a member on the commission to access on justice, and I see that Mary Flynn is here and she's a state bar long time support. I commend this effort. Are we looking for a motion to make this recommendation.

>> Chair Cantil-Sakauye: Yes. Are you making --

>> Hon. James Herman: I make that motion.

>> Second.

>> Chair Cantil-Sakauye: We have three seconds, Judge Baker and Justice Baxter. Mary Ann O'Malley?

>> Hon. Mary Ann O'Malley: I'd like to thank the panel for the hard work they've done in this regard. I think it's very important. I know in Contra Costa County we have started the high school program that are law academies. And they streamline their education into the area and field of law. And they come to the court and they have, you know, a day with the court and the judges. And we get them lunch and talk and visit with them. And they study the legal system. As well as mock trial. That's very, very active throughout the high schools. And they come into the courts to do their trials and the judges sit as judges. To preside over those trials. I agree, you have to start early and -- to be able to instill in them, you know, the passion, the excitement, the education to know that this is an area and a field to which they would love.

So I commend you. And anything we can do to support you, I'm all for it.

>> Chair Cantil-Sakauye: Judge Jacobson and Justice Baxter. Jake.

>> Judge Jacobson. I want to acknowledge and thank you. This reading inspires and -- nothing against all the stuff we have to read, it certainly inspires a lot of the other stuff that we've read the last few days.

(Laughter)

>> Judge Jacobson: This is moving us in the proper direction. And I really think your work is wonderful. Thank you very much.

>> Chair Cantil-Sakauye: Judge Baxter?

>> Hon. Marvin Baxter: You can't talk about this subject without talking about California women lawyers. So you want to be a judge program.

>> Yes. Back become by coincidence I had the pleasure of having lunch yesterday with the founder of that program, Judge Curlin. I want to recognize her as really the person that put that program into place. And I think it had a very beneficial effect. In terms of encouraging women and minorities to apply at a time when the numbers within the bar were very, very low.

The other point I want to make -- and I just -- I don't want to draw any conclusions, but I got the impression during the presentation that the terms ethnicity and race were used interchangeably. And in my opinion, that would be a very insensitive way to present the case.

My grandfather and my parents would turn over in their graves if they were just lumped into this category of those who did not sustain prejudice, because they couldn't buy property in our area. And so the very reasons for diversity apply to Caucasians who come from ethnic backgrounds. So I urge you not to make those -- I urge you to distinguish between those two terms. Because they're not one and the same.

Chair Cantil-Sakauye: Judge Ellsworth?

>> Hon. Brenda Harbin-Forte: Judge Ellsworth, the first judicial secretary to see the program at CWL. He goes back that far in terms of his actions and activities in terms of increasing diversity on the bench and it was focused at that time on gender diversity but has expanded.

>> Judge Ellsworth: I come from a County that has I believe the only African-American -- for the whole state, female appellate justice who's my dear friend Carol Cadrington. In Riverside County for all these years we had appointed in the last year our first Latina judge, been a long time in the coming. I don't think we can understate one of the points you made where we have a lot of power with regard to reaching out to presiding judges up and down the state in terms of assignments as well as their assistance in how to promote the appointment of individuals that would help us fill this diversity gap. So I think that this report really can make a difference in the hands of educated presiding judges up and down the state.

To use this as -- for those two points. And I would urge us to share that and use it as an educational component as to it's not only getting the right individuals to apply and to promote them, but once you have that great fortune, what kinds of assignments are you looking at and what do the assignments that you make say and are there biases there that you're not aware of that need to be checked and how we can check those biases. It's very much in line with I think your report to take it a step further. So thank you.

>> Chair Cantil-Sakauye: Senator Dunn?

>> Sen. Joe Dunn: I just want to add one additional thing here on behalf of us city State bar including the great staff here, Pat Lee and Mary Flynn and the rest of the team. To drive home the point from an earlier question about we've made great progress, but how much work we have left to do. And it's daunting. I've had the privilege of serving side by side with Mark Robinson over the past ten years plus in creating the law school at UCI, of course under the great leadership offer Wynn Marinsky. We learned two years ago that of top 20 law schools, there were only 17 African American males in the country that had GPAs and LSATs to earn admission to a top 20 law school. That was just two years ago. We have a lot of work to go, Chief.

>> Chair Cantil-Sakauye: Thank you. I want to say that you refer to it as a lot of labor. And I know all of us here myself included, consider the work that we have before us in this area to be a labor of love. I would say that in speaking of Dean Shimerinski I was at the diversity awards

last year at the state bar where he spoke about the numbers, the pipeline into college and the pipeline out of college and how we lose folks in the pipeline out of college in order to even begin the pipeline into law school. I wanted to say too that in this labor of love I also respect all that you have done and want to point out that I especially am grateful for the work and support you give to the ethnic bar associations. They struggle, they start up, but your committees reach out and assist and support them by attending the dinners and giving them the information and including them with open arms to feel that they belong to part of the movement of the state of the diversity of the legal profession and the bench. And it's all evident in the award ceremony and the diversity program. And I commend you and I would really like to take the opportunity to have Donna Clay-Conti stand as well as Pat Lee as well as Mary Flynn Lavery, who do this act of love for all of us.

(Applause)

>> Chair Cantil-Sakauye: And so we come to that part where the motion's been made and seconded by three. All in favor?

(A Chorus of Ayes.)

>> Chair Cantil-Sakauye: Any opposed?

(None.)

>> Chair Cantil-Sakauye: Thank you. Matter carries.

>> Thank you, Chief.

>> Chair Cantil-Sakauye: Thank you all.

(Applause)

>> Chair Cantil-Sakauye: We will take a 15-minute recess. But I'd ask that the new appointees and the reappointed members stay and gather under the seal so we can take a photograph. And we'll return at 4:40.

Thank you.

(Break)

(The meeting will resume momentarily)

>> Chair Cantil-Sakauye: Required item. And we have Dag and Leah Rose-Goodwin. Leah Rose-Goodwin.

>> Leah Rose-Goodwin: My name is Leah Rose-Goodwin from the office of court research and I have Dag MacLeod, the office of court research. This report is a mandated study that's responsive to two provisions of the government code. The first requires the Judicial Council to

report to the legislature and governor on or before November 1st of every even number year on the need for new Judgeships in each superior court. Beginning with this year's report the Judicial Council is required to report on a provision that allows for the conversion of additional subordinate positions to officers to Judgeships if the conversion results in a judge being assigned to a family or juvenile law counsel previously held by a -- the judicial needs assessment in some detail, before doing so, I want to underscore the main finding of the assessment which is that there are currently not enough judges for the volume of workload of the court. I'd --

>> Could you repeat that?

(Laughter)

>> And louder.

>> Leah Rose-Goodwin: There are currently not enough judges for the volume of workload of the courts.

>> Yeah, we knew that.

(Laughter)

>> Leah Rose-Goodwin: Thank you, Judge Rosenberg. I've listed here on this slide previous council action regarding judicial needs and I'd like to remind the council that this report concerns the workload and need for judicial officers much we also update and maintain a staff workload model, but today's presentation focuses on judicial need. To recap the 2001 and 2004 -- methodology used to assess judicial workload. The method has two plain inputs or drivers. One is a three year average of the most recent filings date an at that and the second are case weights, the amount of time in minutes the judicial officers need to hear cases from filing through disposition and including any post disposition activity. We do those calculations for 18 different case types. The council approved updates to the judicial workload assessment in 2007, 2008, and 2010. And each time the assessment is updated, the most recent three year sets of filings data is used. That's the only input that changed in those three reports. The same set of says weight, that were approved in 2001, have been used to estimate judicial workload up through the 2010 assessment.

In 2010 a new time study was conducted to assess judicial workload, and a new set of case weights was approved by the Judicial Council in December 2011. The update that we're presenting today, the 2012 judicial needs assessment, is the first report that uses the new case weights to assess judge needs. At the December 2011 council meeting we discussed the study in greater detail and the resulting case weights. I know that several members were not at that meeting so I've summarized here some of the reasons why we think it's important to update the case weights. Some examples might include changes and requirements that result from the 2006 omnibus conservative and guardianship act, greater use of e-filing and other electronic technologies that didn't exist or weren't wide spread the last time the judicial workload study was conducted and we have better and more complete data reported by the courts. We evaluate judicial workload using 18 different filings categories. And we distinguish between those

because the working groups that have guided our studies pointed out meaningful differences between the judge work required for those case types.

I want to point out that one additional case type we added in the study was a case weight for asbestos cases in recognition of their complexity and use of judicial resources that varies from the workload required for other civil cases. This slide shows the 2010 judicial need. And we showed this slide at the 2011 council meeting. I have it here to illustrate that at the statewide level the new case weights did not change judicial need by very much. The first column of this table shows the number of authorized judicial positions. This includes 50 Judgeships that were authorized by AB159 but have not been funded. The next column shows the assessed judicial need. The first number is the assessed judicial need calculated with the old case weight, that's 2,352. The number right below that shows the need using the new case weights, 2,367.

In both calculations we've used the same set of filings data or put another way, we held filings constant so we can show how the change in the case weights affects judicial need. And as you can see, the new case weights had a negligible I believe change on judicial need, increased by point 07 percent. This 2010 assessment was calculated using the most current filings data at the time. From fiscal year 06-07 through 08-09. This next table you see the overall assessed need has decreased slightly since the last assessment. The 2012 -- based on the latest set of filings data which spans fiscal year 08-01 through 10-11. Judicial need is 2,286 judicial officers. That's 66 fewer positions than the last time the assessment was run in 2010. But nevertheless let me say again that the judicial branch needs more judgeships than currently authorized.

(Chuckling)

>> Leah Rose-Goodwin: Statewide the percentage need is 13 percent more. However the need in each court varies. In fact there are 15 courts that show a need for -- of 25 percent or more judicial officers than the number of authorized positions. These changes in judicial need between the two assessments are driven largely in changes in filings over the past few years. The number of total filings, for all case types, peaked in fiscal year 08-09 and declined slightly over the past few years. The largest share is infractions cases which require very little judicial workload. In fact, D -- cases represents the largest share of judicial workload. What we see in felony is that the peak occurred much earlier in fiscal year 06-07. The red dot on this graph. What I have across the X axis are the fiscal years and the Y axis or the vertical axis or the number of felony filings. The peak occurred in fiscal year 06-07 for the last four or so years the number of felony filings have dropped. The 2010 judicial workload assessment was based on these three years of filings data and the low point here, fiscal year 08-09 is the high point of the next three years of filings data. The three years that were used for the 2012 judicial needs assessment.

And the reason I point this out is that the decline in filings, felony filings alone, has resulted in a decrease in judicial need of 55 FTE. 55 positions. Earlier I pointed out that the 2012 assessment shows the need of 66 fewer judicial positions in the 2010 study. This shows that the majority of that drop in need can be attributed to lower felony filings. The statistics and information unit compiles the data that goes into the courts statistics report and it's used for our workload models. And they have created a number of reports and data management tools to help

courts understand local and statewide data trends and also reports that courts can -- management purposes much these are all part of a data quality control program that we use to validate the data for the workload models. I would invite courts to view these tools on the court research page of SIRANS.

I'm going going to turn it over to Dag.

>> Dag MacLeod: The SJO piece of this recommendation is one of the less known pieces of judicial needs study. We used the judicial workload model to assess the need for subordinate judicial officers as distinct from the need for judges in our model. We did this back in 2007. And as a result of that work that we did, the legislature enacted government code 69615 which allowed for the conversion of 162 subordinate judicial officer positions in 25 courts that we had identified as having subordinate judicial officers in excess of the workload that was appropriate to SJOs. I'm going to go a little bit back into the policy rationale for this. It has a long history. But I can summarize it briefly. I'm going to start with 1999 when the national center for state courts conducted a study that found that in many courts subordinate judicial officer were really judges in all but name. They rarely performed what could be considered subordinate duties. The dearth of the creation of Judgeships during the 1990s that led many courts to create subordinate judicial officer positions for their caseload. We found an imbalance wean the number of SOJs in the courts and judges. Following the 1999 report from the national center for state courts, a 2002 working group reported to the Judicial Council and the Judicial Council received a report from that working group that clarified titles and duties of subordinate judicial officers and began to get into the issues of what is a subordinate judicial duty, a case type or an event within a case type that is appropriate to a subordinate judicial officer and what is inappropriate for a subordinate judicial officer to be handling?

On the basis of that report in 2002 we were then able to take the workload model and adapt it. We mapped specific case types and events within case types to SOJ duties and we mapped other case types to judge duties so we could come up with an estimate of the number of SOJs needed in the trial courts and compared the number of SOJs that the workload implied the courts needed as opposed to the number of authorized subordinate judicial officer positions in the trial courts. This report in 2007 was the foundation for evaluating and coming up with 162 was the number we had. 162 subordinate judicial officer positions in 25 courts where the workload indicated that really these should be judgeships not subordinate judicial officer positions. In the same year 2007 as a result of this work we had done using the judicial workload dud at this legislature enacted code 69615, which allowed for the conversion of these 162 subordinate judicial officer positions to Judge ships but they allowed it at a rate of 16 conversions per year on a schedule that was developed by the Judicial Council.

To date we've converted 85 positions of these 162 positions. We've finished the conversions in many courts. But in 2010 the legislature added yet another provision to government code 69615 and allowed for the acceleration of the conversion of these positions by 10 a year if courts were willing to -- the ledge government code states conversion of an additional 10 positions if the conversion will result in a judge being assigned to family or juvenile assignment previously presided over by a SOJ. So in addition to allowing for the acceleration of the conversion policy by ten a year, it also required that we fold into this report a report on the implementation and

effect of these conversions. One year of having ten extra, we had four courts that wanted to convert under this provision of 69615, Alameda, Los Angeles, Orange, and Sacramento. All converted one subordinate judicial officer under this provision and those positions remain unfilled by the governor. They're vacant. We don't have anything to say about the effect of those conversions. But they were implemented.

Leah?

>> Lean Rose-Goodwin: Okay. So today we are asking that the council approve the report for transmission to the legislature and governor. Before we conclude this item, I've asked Donna Hirshwitz, if she would come up and talk about legislation that the office of government affairs has taken to sure new Judgeships.

>> Donna: Thank you. Just very briefly, this model that is reflected in the presentation that Dag and Leah provided you was adopted by the legislature. We used it for the first time in the judgeships from senate Bill 56, the first set of the 50 judgeships that we were able to secure that was enacted in 2006.

And this was the first time that we really were taking politics out of the equation of where the new judgeships should be allocated. And we created a formula -- a needs based on this formula. The legislature adopted that methodology and put that methodology into statute. Which was really a wonderful recognition that the Judicial Council had developed a methodology to reassess where the judicial need is across the state. So we could count on judges being assigned to and placed in those courts that really had experienced the most need over the past several years. The statutory requirement to issue this report every two years on the judicial needs assessment I think really reflects an interest on the part of the legislature and being kept apprised on the need and the workload for judges across the state.

And we have proceeded with a number of pieces of legislation in the past several years to secure additional Judgeships using this model. Working with the legislature to show them where the need is and how many judges we need in California. There were as I mentioned senate Bill 56 enacted in 2006 gave us the first set of 50 new judgeships identified as among those 150 most critically needed Judgeships, in 2007 through assembly Bill 159 we secured the second set which has yet to be funded. But did recognize the legislature's understanding of the importance of acknowledging the need of judges throughout the state to be able to handle the workload.

In subsequent years the council did direct the office of governmental affair to pursue legislation sponsored by the Council to seek the third set of Judgeship, the second set of 50 Judgeships hadn't yet been funded. Again, to help cement the legislature's acknowledgment of the formulas that we developed as well as their understanding of the need for judgeships that would ultimately be funded once the funding was available. Those efforts to secure the third set of 50 judges had not yet been successful. But as Justice Baxter mentioned to you earlier in his description of the activities of the policy committee, the policy committee will be bringing to you at the December meeting a recommendation for Judicial Council sponsorship once again of efforts to secure legislatively authorization for that third set of 50 Judgeships.

>> Chair Cantil-Sakauye: We'll take any questions?

>> What effect do you think it will have with some of the Counties or courts laying off SOJs which are included in these numbers and saying we still need more judges?

>> Donna: You asked a difficult question, Commissioner Alexander. I think there's a broad recognition statewide in the legislature, everywhere that courts have been struggling to figure out how to keep their doors open, what are the smartest things to figure out how to operate with the budget reductions. For some courts that has meant that they have had to lay off the sub or the gnat judicial officer positions. Not a lot of courts as I understand it, but for some courts they have had to do that.

That will be part of the discussion to the extent that any of those courts are identified as courts in the -- THAT would be eligible for a Judgeship in the next set of 50. Not sure -- I think maybe one of the courts would be eligible for the next set of 50. That would have to be part of the discussion. If they're effectively creating more judicial need because of the laying off of the commissioner. The court felt it needed to -- for the most -- it will have to be part of the discussion with the legislature.

>> Chair Cantil-Sakauye: Judge Jacobson.

>> I would make a motion.

>> Chair Cantil-Sakauye: Second by Judge Rosenberg and Mary Ann O'Malley. All in favor?

(A Chorus of Ayes.)

>> Chair Cantil-Sakauye: Any opposed?  
Thank you for the report.

>> Ms. Jody Patel: This item is before you to seek approval of a reduced membership dues for the national center for state courts. For the 2013 calendar year. And as little bit of back ground, the NCOC, is a nonprofit organization charged with improving judicial administration in the state courts through efforts directed by the conference of chief justices, conference of state court administrators and other association leaders. The NCSC has a membership dues schedule that is based on a formula that combines a base amount with a population component to have parity among the states. This dues assessment funds NCSC operations, research and advocacy for state courts. Over the years the AOC has contracted with the NCSC for a variety of different consulting services as well as training. However, I do want to note for the council that in the current fiscal year we do not have a contract with NCSC for any additional services beyond that provided as a part of the membership dues.

As you can imagine, California being the most populace state, our assessment is larger than any other state in our nation. I should note that these dues are typical in government and the same formula is used by the national conference of state legislatures to determine the California

legislators -- legislate tour's dues assessment. Our understanding is the legislatures do assessment total 600 -- roughly \$696,000. Which is more than the assessment for the judicial branch. However, the California legislature has paid a reduced amount for the past several years of roughly \$400,000. So that equates to about a 57 percent reduction in the amount that they've been paying. I have had discussions with the NCSC, and they've noted that we are not the only state in the country who has paid a reduced amount in light of the fiscal crisis throughout our country.

But given the level of cumulative budget reductions that we have faced here at the AOC, the Judicial Council, and the need to ensure that we have the ability to staff continuing activities and then new activities such as the trial court funding work group, at the same time that we've had significant budget reductions here at the AOC, what we are recommending is a 60 percent reduction of our dues, the total dues assessment for us for 2013 equates to \$582,025. And what we're recommending is a 60 percent reduction, which equates to \$232,810.

So with that, I'm happy to take any questions that you might have.

>> Chair Cantil-Sakauye: Judge David Rosenberg?

>> Hon. David Rosenberg: I'd like to move the recommendation of the staff to reduce the level of funding support.

>> Second.

>> Chair Cantil-Sakauye: Second by Mark Robinson, Judge Jacobson and Judge Jackson. All in favor?

(A Chorus of Ayes.)

>> Chair Cantil-Sakauye: Any opposed?

>> Since I sit on the board of the NCSC I abstain from this vote. Cant can thank you, Judge Baker.

>> Chair Cantil-Sakauye: Item 4, the Judicial Council report on distinguished service award recipient. Justice Baxter and Claudia Fernandez.

>> Hon. Marvin Baxter: Thank you, chief. Members of the council you'll find our report and information on the awards and nomination process for the 19th annual Judicial Council distinguished service awards under Tab 4. At this time our list of recommendations for this year's recipients is being handed out. In the way of background, annually the Judicial Council presents five distinguished service awards to recognize individuals for significant and positive contributions to improve the administration of justice statewide.

We received a number of nominations this year. And have many outstanding individuals that exemplified the attributes of these awards. Except for the Stanley Moss and Richard D. Huffman

Awards, nominees cannot be a current member of the JCCA. As we did last year, these awards will be presented at an event during our December council meeting in San Francisco.

The nominations were reviewed by Justice Miller, Justice Hall, and myself. With a very, very able assistance of Claudia Fernandez. And after much deliberation and discussion, we are recommending for the council's approval the following individuals for their extraordinary contributions and leadership. For the Ronald M. George Award for Judicial Excellence, honoring members of the judiciary for their extraordinary dedication to the highest principles of the administration of justice, we have two awardees. First of all, Honorable Richard D. Huffman, associate justice of the California court of appeal, fourth appellate district, division 1. And Honorable Wendy Lindley, Judge of the superior court of California, county of Orange. For the William C. Vickrey leadership in administration award, honoring individuals in judicial administration for significant statewide contributions to and leadership in their profession, Ms. Jody Patel --

(Applause)

>> Hon. Marvin Baxter: For her outstanding work as interim administrative director of the AOC. And for the Bernard E. Whitcon Amicus Curiae Award honoring members other than the judiciary for their outstanding contributions to the courts of California, Ms. Mary Lavery Flynn, director of legal services, state bar of California, who I believe is here.

(Applause)

>> Hon. Marvin Baxter: For the Richard D. Huffman Justice for Children and Families Award, honoring an individual for significant contributions to advancing justice for children and families in California the honorable Steven D. Manley, Judge of the Superior Court of California, County of Santa Clara, and finally for the Stanley Moss, defender of justice award, honoring an individual from federal, state, and local government for significant contributions to advancing equal access to fair and consistent justice in California, the award will be presented posthumously to Capoten Matthew Menukin, of the United States marines on behalf of all members of the armed forces protecting access to justice through their sacrifice and service to our country. And that is our recommendation. Cant can thank you, Mr. Clark.

>> Second.

>> Chair Cantil-Sakauye: Judge Moss. Judge Jacobson, Mary Ann O'Malley. All in favor?

(A Chorus of Ayes.)

>> Chair Cantil-Sakauye: Any opposed?  
That carries unanimously.

(Applause)

>> The administrator to awards Patel carry a \$10,000 stipend?

(Laughter)

>> It's the first round tonight.

>> Even better.

>> Chair Cantil-Sakauye: Last item for our consideration this afternoon, have you come forward. Item 5. And this is the adoption and permanency month Judicial Council resolution. We have with us, Christopher Wu, supervising attorney, centering for children, family and the courts. Ms. Eliza Patten. Senior staff attorney, Ms. Flor Bermudez and Mr. Mark Bernard. Please introduce our special guest.

(Laughter)

>> This is Alexandra and Joshua is five years old. Samantha is here and Julia is here

>> Chief Justice Tani Cantil Sakauye: Welcome. Judge Jar, I am here on behalf of the juvenile law advisory to which I am co council and this has come annually since 1999 and is the recognition of the importance of permanency for children in need and it joins would you say other states in the federal government in national adoption month activities. And we continue to get requests every year from local courts for copies of the local adoption and some of the local celebrations are described in the report for this item and before you, I hope, to entertain a motion on this item and I would like to introduce, again, our guests and turn it over to Eliza Patton.

>> Chief Justice Tani Cantil Sakauye: Thank you.

>> Thank you, council. I had the great privilege of representing Alexandra and Joshua before the juvenile court in San Francisco and participating in a process by which they were joined with Mark and Flora. And I just wanted to say a couple of words about the importance of the permanence of the juvenile dependency system and I had the opportunity to introduce Alexandra and she had an opportunity to meet with Judge Hitchins and prior to parental rights prior to adoption and have her voice heard at a vulnerable time in her young life. Just today she saw the judge's picture on the wall outside and was able to smile and recognize her as an important marker and there are families like Mark and Flor who are open to taking a sibling group and they are a little older than the average adoptions and she was approached and said, do you want to have a baby or do you want to be parents? She said, we want to be parents and that is what they are and within less than two years they went from having no children to having three children. I am astounded by their grace and competence and am grateful to them. Thank you.

>> Hi and thanks for having us.

>> The wonderful experience for us is to see the children blossom. They have had their challenges and in the last three years I have seen them turn into incredible human beings. And it's been wonderful and once the parental rights are terminated, we need to get the kids adopted. We had a few bump in the road. There was bureaucracy to deal with. I think it's

important to find permanent homes for the children that love stability because my flee kids have that now and I see the great people they are turning into and I see the achievers they are going to be. It was funny because I was telling Alexandra that the Chief Justice is a woman and she seemed surprised by that and I was telling her, that could be you one day. I think it's great to have this experience to come and see all of you. And I think it's just terribly, terribly important to make sure that this process could be expedited for those that really need it and definitely to support it and thanks for hearing from us.

[Applause]

>> Chief Justice Tani Cantil Sakauye: Thank you.

>> I have nothing more to say after that.

>> Chief Justice Tani Cantil Sakauye: I know I speak on behalf of the Judicial Council when I say to Flor and Mark, thank you for your wise words and your great big heart. Thank you.

>> A pleasure. Thank you.

>> I would like to make a motion.

>> It is a joint motion by the Judge and the Commissioner.

>> I move that we move to adopt the resolution.

>> Chief Justice Tani Cantil Sakauye: You can see even before they get the words out, there are people who have a second, so I hear a second by Judge Jackson and Judge that's it, but we all second this.

>> Plenty of seconds.

>> All in favor?

>> Aye.

>> Any opposed?

>> Thank you for bringing the children, too.

[Applause]

>> And at the appropriate time, I have a resolution here for your signature and Judge Jar's signature.

>> Chief Justice Tani Cantil Sakauye: Perfect.

>> Bye bye.

>> Bye!

>> I should have said that when we learned of Samantha a year ago I was given 24 hours to decide if I wanted to take her. And so I cried and had a tantrum and fortunately the next day we were seeing our therapist.  
And it's been great.

>> Thank you for doing that.

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