

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 videocast live via the California Courts website. What follows is a formatted and unedited transcript of the last meeting. 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 www.courts.ca.gov.

>> We are now live and being taped. For the record, this is the public business meeting of the Judicial Council of California for Friday, December 2, 2022. The meeting is now in session. Based on our agenda, we plan to adjourn later this morning at approximately 11:35 a.m., and during our premeeting technical checks for this live webcast, we've confirmed that the attendance of a quorum is met. We have people appearing hybrid, some on phone, some online, some remotely, as you can see by looking at the center of the dais of the Judicial Council boardroom. At this point, taking out of order, we're going to hear public comment, and I turn this over to Justice Slough.

>> Thank you very much, Chief. I appreciate that. We have several people who have joined us for public comment, and we always welcome public comment during all of our meetings. We appreciate the fact that you are here. Given the number of folks that we have, each person will have one minute to speak, and I will remind you, all of us, that the purpose of public comment is to talk about the item related to—that is of interest to you here, brings you here today. It is not to talk about anyone's particular case that they may have, because we have no ability, we do not hear cases. We do not make decisions. We don't deliberate over anything regarding a personal case. With that being said, we welcome you here, and we are glad to listen to you this morning, even if very briefly. So when you come up, you will see that there is a clock in front of you. I will call you out by name. There's a clock, and it's just like driving. You'll have a green light, and then as the time counts down, it'll turn to yellow, and when your minute is up, it will be red. So with that, let me call the first person, which is Mr. Lucero Herrera. And I'm going to ask that Manohar Raju, please be on deck, please.

>> Good morning, everybody. My name is Lucero Herrera. I'm from the Young Women's Freedom Center. I'm also a member of Participatory Defense. Where we work is the only organization in San Francisco led by formerly incarcerated young women, of all genders, and gender nonconforming folks. And we organized and fight for women and trans siblings in both the youth and adult system. Black and Brown people should be humanized, not dehumanized, and have the right to lay their own paths free from punitive and controlling systems, and the right to input and voice around all services impacting our lives. We have the right to heal, to own and make amends for our mistakes, and the right to resources, and to support to seek transformation on our own terms. Having done this work for years, we know that the conditions in the jails have been worse than ever. Due to COVID and these long pretrial detentions, people are truly suffering. Community members are being detained under conditions to torture, including 23-hour lockdown, very limited access to programming, and no access to something as basic as sunlight. They have lost their homes, jobs, and access to their families. Some of these community members have been waiting more than a year for a trial. Delaying trials

disproportionately harms Black and Brown communities. In San Francisco, who are the most impacted by the criminal system, I ask the Judicial Council to do everything in its power, including using policymaking and financial auditing powers to hold them accountable. Thank you for today.

>> Thank you very much. I would also remind everybody that our, our meeting is actually recorded, and you can access it through the website. I would ask that no one record the proceedings, nor take photographs during, during the, the proceeding today. Menhohar Raju, and then if it could be followed by Patti Lee.

>> Thank you. Thank you, board, and esteemed judges and justices on the Judicial Council. I'm Manohar Raju, the recently re-elected public defender of San Francisco. Today, San Francisco's superior court's criminal trial backlog and the pain it has caused families of individuals jailed without trial is being put on display for the entire state judicial system to say. It is my hope that the courage of community members who are telling their stories, and the strong support we have from community partners and city leaders, like Supervisor Ronen, will be met with compassion and action. San Francisco's superior court stands alone in refusing to honor the constitutional speedy trial rights of hundreds of community members. While other counties cleared the pandemic backlog, San Francisco's has grown by more than half since its so-called reopening back in June of 2021. The court system has failed its residents badly for months upon months, and it's been exacerbated by the humanitarian crisis in the jails. When the courts are not enforcing trial deadlines, our clients are trapped pretrial by a system that violates their rights, jeopardizes their health, and separates them from their families and communities. Thank you.

>> Thank you, sir. Patti Lee, followed by Anita Nabha.

>> Good morning, Your Honors. Thank you so much for providing public commentary for, for us. I am Patti Lee, and I'm the chief of defense of the San Francisco Public Defender's Office. I have been in the Family and Juvenile Law Committee for over 20 years. In the past, and it has been an honor working with the Judicial Council. I come here to speak on behalf of the many, many clients that we represent in the criminal system in San Francisco. For over 30 years, I worked in the juvenile division, and in the past year, I have moved into the adult division. I am appalled by what I have seen occurring across the street from our office in the jails. We have hundreds of clients that are being held beyond their speedy trial rights, and, firsthand, I'm dealing with calls from the community, from the clients and families, because of these human rights violations where people are literally deteriorating in the jails, awaiting their constitutional right to a trial. I have also worked in the community for over 40 years in San Francisco. I have seen the impact it has made on the lives of our clients, and predominantly Black and Brown folks, that are citizens of San Francisco. So I urge you, please, to develop a committee, assign, perhaps, an investigation on the human rights violations that I am seeing occurring every single day, and I thank you for your time —

>> Thank you.

>> And your efforts.

>> Anita Nabha, followed by Stephen Kloster.

>> Good morning. My name is Anita Nabha. I am an attorney at the San Francisco Public Defender's Office and currently serving as a manager in the felony trial unit, and I'm here also to speak about the human rights crisis that's happening today in San Francisco as a result of the trial backlog in our criminal courts. I wanted to share two quick anecdotes with you that I hope will convey the urgency of this matter. I'm here to talk about a colleague's client who was arrested about a year ago who never waived any rights to a speedy hearing or trial, who had a last date for a trial of April 18, 2022, is now eight months past his trial delay, languishing in jail. Has never, ever asserted anything other than his innocence to the charges, and has lost his home, his business, his community, his reputation, and I daresay his sanity, as a result of the conditions in the jail that he is living under. I wanted to also let the courts know that recently, maybe a few months ago, a visiting judge from the state of California came to preside over a misdemeanor trial in San Francisco and was appalled by the many months beyond the speedy trial right that the trial was in front of him. He asked why it was that the law does not apply in San Francisco. And we are urging you today to do everything in your power to change this, to end the trial delays, and to hold the San Francisco superior court accountable for the crisis that we are seeing. Thank you.

>> Thank you. Stephen Kloster, followed by David Ernest Ruvolo.

>> Good morning. My name is Stephen Kloster, and I spent over one year in county jail, one and 10 days, exactly, waiting for a trial here in San Francisco during the height of the COVID-19 pandemic, and while in jail, came to San Francisco's court at least four different times, for the judge only to delay my trial over and over again. When the court finally did schedule my trial I was acquitted of all felony charges in this matter. The court had upended my life for over a year and it took only a jury a day and a half to reach a decision. As an immuno-compromised person living with HIV, that I would get seriously sick or die because I was in jail over COVID-19 is ironic as the stated reason for trial delays being COVID-19, because the people in San Francisco's jails waiting for their day in court are the most vulnerable in the spread of the serious illness. Like COVID-19, it feels like the court isn't taking its responsibility to hold these trials seriously and are playing games with our lives. And it wasn't just my life. And while I was in jail without a court date, no one was caring for my mother, who is 87 years old and is a paranoid schizophrenic. I had to find another job once I got out to pay my back rent, owed due to my absence. It was paid, and then my mom and I could stay in our current apartment that I've had for over 20 years. My life has been upended in regards to this matter, and the San Francisco court needs to stop playing games with people's lives by delaying trials and clear the backlog of cases. I'm also a former San Francisco firefighter because of this cause. Thank you.

>> Thank you. David Ernest Ruvolo, followed by Hillary Ronen. And if Ms. Ronen could stand and be on deck and ready to go, please.

>> Hello, everyone. I understand that the duties performed by the council are extremely complex, and for your services and opportunity to speak, I thank you all. I understand that the general public opinion is often presented without a thorough understanding of appropriate subject matter, and driven off emotion rather than logic and comprehension, as well. I'm here

today, though, to take steps to free myself from a moral, ethical, and patriotic responsibility, by transferring the weight of the administrative abuse at the Orange County superior courthouse by allowing the council to take that weight and decide what to do with the information to serve our country best. I was forced into being in a position to represent myself after my attorney abandoned me five months in. With that said, I don't want to get too much into the case, but I had to basically learn everything you need to learn to stand at trial and present yourself in honor and good standing, which I did. Even — I lost in trial, but in posttrial motions, I did have a admission from opposing counsel. And at that point, administrative issues started to happen. Documents went to start being missing, and there's no accountability in the unlimited civil courts at the, at the Orange County Central Justice Center. And I've been dealing with this for so long that it's compromised tens of thousands of dollars out of my pocket, and a lot of time that I'll never get back, and, including the, you know, me taking a trip over here this morning. But again, I'm trying to relieve myself of this obligation that I have, that I've had to deal with this. You know, I got to be done with this case already because it's not going anywhere.

>> Thank you, sir.

>> I'm just asking that the court in the Judicial Council please have some, make sure that there's accountability for the clerks, because there's a big disdain for unrepresented people, and, you know, it's, it's really unfair.

>> Thank you, sir. Next, Hillary Ronen, and followed on deck by Peter Calloway. I'll remind us all that we have one minute, please.

>> Before you start my time, I just wanted to make it clear that the public speakers, all you can see is our back, and I think that this is pretty important testimony to see the faces of the people that have suffered this injustice, so I don't know if that can be fixed.

>> No. If you want to go ahead and speak, we would appreciate hearing what you had to say. Thank you.

>> Thanks you, honorable members of the Judicial Council. My name is Hillary Ronen. I'm an elected official representing District 9 on the San Francisco Board of Supervisors. I'm here today because the human rights crisis continues to impact many residents in San Francisco, including my constituents, who are sitting inside our county jail awaiting trial that should've happened months or even years ago. One year ago, I held a public hearing on the trial backlog crisis at the San Francisco Board of Supervisors government audit and oversight committee. A crisis that was already deeply depressing and shocking. This crisis has only, not only continued, but the backlog has gotten, in fact, even worse. To date over 770 individuals have seen their trial deadlines pass, including over 180 people still trapped in jail today beyond their trial deadline. One year ago, those numbers were 451 people past their deadline and 218 people in custody. And many of those in custody in San Francisco County Jail continue to be subjected to horrible conditions. People have zero access to sunlight. Are in 23-hour lockdown. And have very limited in-person family visits, and few opportunities to attend any kind of program. The stories of individuals who were forced to be in jail for months or even years, completely unnecessary, are even shocking on coming to my conclusion. We are coming to you, as the

Judicial Council, for your help. We ask that you do everything in your power to ensure S.F. superior court ends its trial delays, including using your policymaking and financial auditing powers to hold them accountable. I look forward to hearing your response, and I assure you that San Francisco's city leaders and our mayor will be behind any decision and any help that you give to this problem. Thank you.

>> Thank you. Peter Calloway, followed by Valerie Ibarra.

>>> Good morning. Peter Calloway, public defender in San Francisco. I'd like to ask everyone here to think for a moment about what you did this morning. Try to visualize it. I woke up slowly, I stretched, I drank coffee, I had some food, I read the news, I did a little bit of work. I walked here. It was sunny. I could feel the sun on my skin. I felt the cool air. Now, think about what you'll do later. After work, I'll have dinner with my friends, I'll see my brother, I'll give him a hug. Tomorrow, I'll call my mom to catch up. For hundreds of our clients, they've been deprived of these things, these things that we take for granted. These things that, in many ways, make life worth living. Our clients have been caged in conditions that likely violate their human rights under international law. They're underfed, they're deprived of sun and meaningful exercise, they can't touch their loved ones. I really encourage you to think about what that means later today, to try to live with that, because only by truly empathizing with their condition, seeing their full humanity, can policy that takes their humanity into account be crafted. I think that if our clients were seen as fully human, I wouldn't be standing here today. And this doesn't just affect our clients who are caged in the county jail. I took a case to trial this week for an out of custody client that was eight months past speedy trial deadline. The case was dismissed in part because the prosecution's witnesses were unavailable. I'll be over in just a moment. I had another client who was more than eight months past his speedy trial deadline. The delays were extremely stressful to him. People not going through it don't usually appreciate the impact that it in a criminal case can have on a person's mental, emotional, and physical health. This client died from a heart attack. He never got his jury trial. And the thing is, most of the people caged in the county jail right now, most of the people caged there could be released today with no impact on public safety. I don't have time to provide the evidence for that claim, but any serious inquisitor would come to that conclusion. The same is true of almost every one of my misdemeanor cases. You could dismiss all of them tomorrow with no impact on public safety, and if our clients are considered as part of the public, if their humanity is fully considered, then the impact would be overwhelmingly positive. I understand that the time is up, but I want to point out the irony, and I do appreciate you hearing from us, in limiting public comment to one minute, where our clients are forced to sit minute after minute after minute after minute after minute in cages, in violation, in flagrant violation of their constitutional and statutory rights.

>>> Thank you, sir. Valerie Ibarra, followed by Father Richard Smith.

>>>> Good morning. I'm the public information officer for the Public Defender's Office. I'm not an attorney. I consider myself a translator. So it can be very challenging, learning from all of our legal experts, and transmitting that information to the public. One of the relatively easier messages to convey is to talk about the right to a speedy trial. It's part of our American psyche.

It is ingrained in us, regardless of your education, as a symbol, as a reality of our collective liberty. So when I tell people that San Francisco superior court is summarily bypassing people's constitutionally mandated trial deadlines, keeping hundreds of people either in jail or shackled to ankle monitors indefinitely, people are appalled. They don't understand why that's happening. They ask, Shouldn't those cases be dismissed? I go on to tell them more stories, like our clients, like Mr. Welch and Mr. Tamayo. Each of them had cases that kept them in jail for a year, eight months past their deadline. They needed to get to that trial courtroom for the complexities to be laid bare so that Mr. Tamayo could be, have his charges dismissed by the prosecution, and so that Mr. Welch could have a jury acquit him in under an hour. Or Ms. Borg, who is a mother who was in jail for 2-1/2 years facing continual delays while her family suffered on the outside. But most people who hear these stories don't have the functional authority to do anything about it, and that's why we're here speaking with you today, and I thank you for your time and whatever actions come from this.

>> Thank you. Father Richard Smith, followed by Melissa Hernandez.

>> Good morning, Your Honors. I'm Father Richard Smith from St. John's Episcopal Church here in the Mission District. Here is the current situation, as I understand it. Community members in San Francisco's jails are suffering human rights abuses, including 23-hour lockdowns, no sunlight access, and minimal access to programming and family visits. Some of these community members have been waiting more than a year for a trial, sometimes two or three years, as you've heard, and because of this prolonged attention, some have lost their homes, jobs, access to their families. Moreover, the cruel practice of delaying trials goes against our values of racial justice, as the backlog disproportionately harms Black and Brown communities in San Francisco, which are the most impacted by the criminal system. This is unacceptable. Drawing from my own faith tradition, I remember words from the Scriptures. Continue to remember those in prison as you were together with them in prison, and those who are mistreated as if you were suffering. These words invite us to use our imaginations, this amazing gift the creator gave us, to walk in the shoes of another person. Another person now unjustly detained. To have compassion and a sense of justice. To feel the ways this unjust incarceration is crushing them, physically, emotionally, economically, spiritually. And this affects not only them, but their loved ones as well. Their kids, who have to grow up without them. Their parents. Their spouses. Their partners. It's time to grant these prisoners speedy and fair trials, and, when possible, to release them. We ask the Judicial Council to act with the compassion our Scriptures mention, doing everything you can to end these trial delays and the pain they are causing our loved ones. Please, we ask you to walk in their shoes, to choose justice, to choose compassion. Thank you.

>> Thank you. Melissa Hernandez, and on deck is Stephanie Irving.

>> Good morning, esteemed members of the Judicial Council. My name is Melissa Hernandez, and I am a legislative aide for Supervisor Dean Preston here in San Francisco. I'm here today on behalf of Supervisor Preston, as well as a resident of California and an officer of the court to urge all of you to correct and hold the San Francisco court accountable for its inhumane treatment of people awaiting criminal trials in San Francisco. The criminal justice system is

predicated on the assumption that courts are doing their jobs, holding trials within reasonable timelines, and treating defendants with dignity, and that is simply, as you've already heard, it's just not happening here in San Francisco, and it is completely unacceptable. This body has tools, such as its power to enact policy and conduct audits, and I would urge you to use these tools, as well as any other tools at your disposal, to make sure that we can actually offer people access to justice without delay. Thank you.

>> Thank you. Stephanie Irving, followed by William Palmer.

>> Good morning, Your Honors. My name is Stephanie Irving, and this is my daughter, Stephanie Irving, who has been my support through this whole ordeal. My better half, Mr. Campbell, has been inside San Francisco jail since May, over six months, awaiting his day in court. Even though his speedy trial deadline passed on August 22, we were told it may be months before he actually goes to trial. Before he went to jail, Mr. Campbell was a healthy man. He is a diabetic, and he is 60 years old. He is limited, but he limited his sugar, and he exercised every day, and he was healthy as a horse. But when he got into jail, his health declined. He got COVID. I was horrified. Everyone should have been mandated to take a COVID test, but they weren't, and my baby got COVID a couple of times. When he, when he called me, and he was coughing so much, I had to hang up the phone, because it was just too painful. I was scared he was going to die in there. On top of that, his sugar levels are all over the place, because he cannot control his diet in jail. Before, he always kept his sugar levels low, but there, he cannot. Excuse me. Mr. Campbell is loving, and he is goofy, he will make you laugh. He is a good person. We understand each other very well. This time, it was supposed to be our time to be together. He should be with me, not in that place. I'm here today to stand up for him, and for everyone else in this horrible situation. We demand justice. I ask Judicial Council to do everything in its power to ensure San Francisco superior court ends its trial delays, including using your policymaking and financial auditing powers to hold them accountable. And thank you for your time, and happy holidays to you and your family.

>> Thank you, Ms. Irving. William Palmer, followed by Elizabeth Camado.

>> I want you guys to see my face. My name is William Palmer, and at 17 years old Riverside County threw me away for life for a botched robbery. For 31 years I served in prison. 23, a brave and courageous court ruled that 23 years constituted excessive punishment. Can you imagine what that's like? No, you can't. And when you look at yourselves, do you see me? When you look at these guys, do you see me? When you look in that county jail, do you see my people? 40 percent or more are in the county jail, and they only make up 3 percent of San Francisco. Are you importing us here? Incarceration is modern-day slavery, and we know it. It's in our Constitution, and we use it as we will. If we want prisons full, we'll write laws that do it. If we want them empty, we'll write laws to empty them. It's just that simple. Your words, your pen, your power. When I got out, I've only been out for three years, and I'm on the San Francisco Sheriff's Department Oversight Board on the Reentry Council. And as the executive director, I help many people, they called me on my phone every day to help them navigate this space that we call reentry. And they're doing a poor job here in San Francisco, especially the San Francisco Reentry Council. That being said, I'm urging you, as the Judicial Council, to do

everything in your power to ensure San Francisco superior court end the trial delays, including using your policy and financial auditing powers to hold them accountable. When I was out, I experienced road rage, because I was provoked. I was arrested and put in county jail. Had this been going on for me, a year and a half I spent on the street fighting it, because the D.A. wanted to extort me for \$1500 if I just plead guilty, they'll make it go away. I said no. And then it took the one person to look at the 911 call that I made, and exonerated me of all charges. I couldn't imagine being in that county jail for a year and a half, standing up for my dignity and integrity and my rights. So I'm asking you to release people that need to be released, and let's end slavery once and for all.

>>Thank you, Mr. Palmer. Elizabeth Camado.

>> Good morning. My name is Elizabeth Camado. I am a proud San Francisco public defender. I'm also a formerly undocumented immigrant. When I came to this country, I came because of all the promise of justice. The promise that we stand by our laws, that no one is above the law, not even the courts. But as I stand here today, I come to tell you that the San Francisco superior court believes that they are above the law. That they are above the Constitution. That nobody will check them, because they continually violate the most important right that we have as Americans. The thing that makes us unique. The ability to have a trial. My client, Roy Donovan Lacey, spent eight months past his trial deadline to wait for his trial. On November 6 he was acquitted of homicide in less than an hour and a half on one count, and hung on a second count. Again, he sits and waits. His last day is coming up again, and what will happen, what our court believes is, is that they are above the law, that they can go past it, and now my client sits. I couldn't see him yesterday because he is ill with COVID now, awaiting his second trial. It is imperative that you use your power, and you show that you do, you will check, you will investigate. And no one, no one is above the law.

>> Thank you. Chief, that concludes our public comment section of today's meeting.

>> Thank you, Justice Slough, and to all the comment, the people who commented today, thank you for your information. Before we begin our regular business agenda before council, I want to acknowledge a couple of final acts. At our last Judicial Council meeting, I surprised Martin with my award for exemplary service and leadership, recognizing him for his outstanding service to the judicial branch in California. And this week, as we all know, Martin announced his retirement. And putting aside my and all of our emotions, I'll say that after 35 years of public service, the best judicial branch budget ever, and numerous other contributions, Martin, we can all safely say, you earned it. I am proudly on the record with my respect and admiration for Martin, but if you want to know what a supersmart and a dedicated public servant looks like, look no further than Martin Hoshino, Exhibit A for the judiciary. And Martin, because he is Martin, has also considered transition planning, and we are delighted that Ms. Millicent Tidwell will be the interim administrative director in 2023. Millicent is another dedicated public servant, supported by our talented executive team of Shelley, Rob, John, and our entire professional Judicial Council staff. Martin, enjoy being a grandparent. Also, this is Assembly Member Richard Bloom's last council meeting as a legislative member. Assembly Member Bloom, who, in his professional lives prior to coming to the Assembly, was a practicing family

law practitioner, pro tem, and mediator, a volunteer for low income and unhoused populations, he served on the California Coastal Commission, and he was the mayor of Santa Monica three times. For his many, many years, over a decade of service on that Santa Monica council, he has so wonderfully helped the Judicial Council in many areas of need. We wish you well, Assembly Member Bloom, in the future. Thank you for helping us through so many times of crisis.

>> Thank you.

>> I say — I talk about these endings because, nonetheless, they are also the beginning of the next phase of the evolution of council. There has already been an orderly transition of leadership to Chief Justice-elect Guerrero as your incoming chair, with information being presented to her in binders and meetings and in-person meetings and remote meetings. So it has been my pleasure to serve with 112 Judicial Council members, and thousands of other volunteer members of our advisory committees, working groups, commissions, task forces during my term. And what has been accomplished during this time is because of you and our Judicial Council staff, all of our justice system partners, and the sister branches of government. And last night, at our Judicial Council Distinguished Service Awards, we had the opportunity to honor some of the extraordinary contributions of dedicated public servants to the judicial branch, and those are retired, but still working tirelessly, Judge Brenda Harbin-Forte, Judge Joyce Hinrichs, Court Executive Officer Sherri Carter, Court Executive Officer Nancy Eberhardt, and longtime fiscal policy adviser for many governors' administrations, Diane Cummins. And also with our partners, the California Judges Association, the California Lawyers Association, and the California Commission on Access to Justice, the Aranda Access to Justice award was presented to Judge Bobbi Tillmon for her dedication and groundbreaking work in access and fairness. Great progress has been made, but much more remains to be done. Literally, looking back, we had the Strategic Evaluation Committee any years ago referred to as the S.E.C., and the Trial Court Funding Workgroup. Looking forward, we had the Futures Commission, chaired by our Judicial Council member vice-chair, Supreme Court Justice Carol Corrigan, and now retired Administrative Presiding Justice Bill, Justice Bill, as we like to call him. And also, we had court technology strategic planning, and the innovation grant funding. Some of these issues are on your discussion agenda today because work remains to be done. And finally I need to emphasize once again that all of our work is done together with mutual appreciation for everyone's contributions. And now onto the people's business, the work of council to enhance the rule of law, and access to justice. We will start with approval of the minutes. Having reviewed those minutes from our September 20 council meeting, do I have a motion to approve and a second? I hear Justice Anderson move.

>> Second.

>> Judge Anderson move, and second, Judge Rubin. All in favor of approving the minutes, please say aye.

>> Aye.

>> Any abstentions? Any noes? Minutes are approved. Next on our agenda is my regular and final report as Chief to the council, summarizing my engagement and outreach activities on

behalf of the branch since September. The reporting period provides an overview of my engagements as they relate to the roles and responsibilities as the Chief Justice of California, a justice and court administrator on the Supreme Court, and also the chair of this council. They reflect local, state, and national engagements. Although not an engagement, I, like all of you, celebrated September 23 for the first time as a judicial branch holiday, Native American Day, and we as a council were proud to sponsor Assembly Member James Ramos's legislation, recognizing the contributions and history of our state's first people. Another step forward, I say, in our mission to provide equal access and fairness throughout our system, where all Californians feel seen and represented. As I found my way in the legal profession at the beginning of my career, I benefited, like many of you, from the support and encouragement of many different bar associations. So I was pleased to pay it forward by supporting events organized by the Filipino American Lawyers of San Diego, the UC Hastings Pilipinx Law Students Association, and the Asian American Bar Association judges' reception. I also joined the executive director, Yolanda Jackson, at the Justice and Diversity Center of the Bar Association of San Francisco gala. The center advances fairness and equality by providing pro bono legal services to low income people, and I was honored to accept a recognition award from them. These associations provide really important services to the communities and support to the public in need by mentoring, supporting, and scholarship activities for students in need, young lawyers, and a pipeline for the next generation of California's judicial officers. Through our ongoing outreach activities under standard 10.5, that is the role of the judiciary in the community, we continue to educate and inform the public about the role of the judiciary. Unfortunately, I couldn't attend, but I was grateful to Secretary of State Shirley Weber, who stepped in to deliver the opening address at the Civic Learning Summit, sponsored by Californians for Civic Learning. Also, I'm grateful to Chief Justice-elect Patricia Guerrero for delivering the closing remarks at that civic summit and meeting with students. She also met with our Civic Learning Award of Excellence honorees from Tarpey Elementary, and our Champion of Civics, Joel Snyder. Of course, I can't mention civics and the judiciary without recognizing Justice Judy McConnell, who supported the summit and managed a related Power of Democracy Steering Committee meeting the very same day. Thank you, Judy. And even with our outreach, the third branch of government also relies on the Fourth Estate, our media, to help understand our role and responsibilities and how we serve the people. I was pleased to be recognized by the Sacramento Bee, along with former councilmember Judge Shama Hakim Mesiwala as one of their Asian American Pacific Islander changemakers. I also participated in interviews with Mina Kim on KQED for a podcast on Cal Matters. And earlier this week, I joined a group of legal affairs correspondents and reporters remotely for our last annual Meet the Media, where Martin and I responded to their questions on a wide range of topics, from bail and why California continues to be a judicial hellhole for tort lawyers across the country, to clemency and remote proceedings. This is another indication that the future for the judiciary is bright due to the quality and diversity of candidates nominated and appointed to judicial office by Governor Newsom. I chaired five public hearings of the Commission on Judicial Appointments with Attorney General Robert Bonta, and the senior presiding justice of the relevant appellant district, and after review by the Commission on Judicial Nominees Evaluation, we confirmed Judge Thomas Delaney, former president of CJA and member of

council, as an associate justice in the Fourth District Court of Appeal in Santa Ana, Judge Kelli Evans as associate justice on the California Supreme Court, Justice Therese Stewart as presiding justice of the First District Court of Appeal in San Francisco, Judge Gregory Weingart as associate justice of the Second District Court of Appeal in Los Angeles, and Judge Victor Viramontes as associate justice of the Second District Court of Appeal in Los Angeles. I welcomed two groups of judges and commissioners to my chambers as part of our new judicial officer orientation program, and also participated in other programs developed by the Judicial Council Center for Judicial Education and Research, including Q&A, remarks at the Appellate Judicial Attorney Institute, the Appellate Management Institute, and the B. E. Witkin Judicial College—the second college this year, which is unprecedented. At my alma mater, UC Davis, I participated in a Wisdom of Women Symposium panel discussion, with industry leaders Diane Bryant from tech, and Adriana Gascoyne, moderated by Pamela Wu. After the election, I participated in a League of Women Voters of Sacramento County, Making Democracy Work, explaining after the election why they should vote for judges who appear on the ballot. They wanted to hear about civic learning. They wanted to hear about you, what we do, why judges are for some reason, unknown until you Google them, threats to our democracy, and how we could reach you. It was an engaging and interesting conversation and how much they have an interest in the judiciary and civic learning. As we enter the new normal, we also restarted the annual Supreme Court luncheon with the State Bar of California court judges. California is the only state with an independent professional court dedicated to ruling on attorney discipline. With my peers and other judiciaries nationwide, I attended the National Center for State Courts event in Washington, D.C. There were three sessions, Conversation With the Chiefs, a record luncheon, and the William H. Rehnquist Award reception and dinner at the United States Supreme Court. It was an opportunity to thank peers across the country for their work together on the judiciary. I also participated remotely in the National Judicial College's Judicial Academy, of course for aspiring judges. Many Los Angeles attorneys were present to learn about becoming a judge. I joined Martin at a Judicial Council staff meeting, the annual all staff meeting, to express my deep gratitude for the wonderful and brilliant continued diligent work by the Judicial Council staff. I met with leadership from the California Judges Association to express my thanks and appreciation for their support all these years. And also, I listened and had part of the California Asian Pacific American Judges Association when they had a webinar on Life After the Robe, and we heard from Catherine Lucero, Kirk Nakamura, and Barbara Tam Nomoto Schumann about what it's like to leave the robe behind. And I'll finish my report with something that just happened yesterday. My extern swearing-in ceremony at the Supreme Court courtroom, five former externs and two new court staff members, new lawyers, eager, ready, and dedicated to public service. And just as the future of the profession is in good hands of those young externs turned attorneys yesterday, the future of council and justice is in good hands with you and Justice Guerrero. That ends my final report. I turn this over to Martin Hoshino.

>> Thank you, Chief. Still a lot. Thank you, Chief, members, this is also going to be my final report, but I, let the record reflect that I surrender. I thank you for the kind words, the trust, the confidence, but I will not try and reciprocate every time I try, it doesn't work out. I accept it. I

will not try to have the last word. Perhaps. Okay. The regular written report, members, as you have become accustomed to, is in your materials. It summarizes all of the activity since the last Judicial Council meeting, which was in September. This particular period of time chronicles the 16 advisory committees, as well as another view of the 30 education programs and resources that occurred between the last meeting and today. I want to highlight a couple of items that are contained in that report. For the benefit of tenured members, as well as new members, and the first one has to do with the online tool for adjudicating infraction violations. I think people may have some memory that we were making some pretty steady progress on this. Of course, like everything else, a little bit slowed down and disrupted by the pandemic, and particularly since we were dealing with online traffic adjudications, there was a period of time when there really weren't any traffic violations, because there really wasn't any traffic. However, the statewide expansion of the program continues. It's referred to as MyCitations Online, and it comes with a component of pay determinations as a tool for these particular infractions. Two additional courts, San Joaquin and San Luis Obispo, have now joined 16 others using the application as we work our way through a complete statewide expansion of this at an integration tool, however, has also been added that provides litigants with an option to share immediate verification with courts when they are receiving California Department of Social Services Cal Fresh benefits. To date, that means that almost 61,000 requests have been submitted through the MyCitations tool by more than 41,000 litigants. Here is the big take-away. Nearly 46 percent of the litigants reported that they received public benefits, and just over 88 percent reported incomes at or below the poverty level. What that means is the program, as designed, is currently on target to provide relief to those populations that are most affected and unable to pay the static levels of fines and fees that are applied in this area. The rollup of the numbers, at least to date, is that a total of \$18,450,000 has been reduced from users' legal financial obligations via the exercise of judicial decisions. The next thing I wanted to highlight is a data practitioner summit for the courts, 23 courts and more than 140 data analysts, including administrators, participated in November in a data practitioners summit. It was convened by the Judicial Council and hosted by the Superior Court of San Bernardino County. We want to thank Presiding Judge Glenn Yabuno for his support in opening the San Bernardino court for the program. The summit was a continuation of a prior inaugural conference last year. This latest program put a greater emphasis on technical sessions, including dashboard and data that courts can replicate relative to court operations, human resources, and finances. It also allows us to collect more input to build the next set of summits or gatherings or workshops that come at this. What this means is that both the availability of data and analysis for management and improved management of operations is maturing and expanding and growing throughout the system statewide. The next item I wanted to highlight is water litigation. The Judicial Council has kicked off a new education program for judges on water law. The training program was developed under the leadership, and this won't surprise you, of Justice Ron Robie. He is also joined by Justice Stacy Boulware Eurie, and together with water law experts from UC Davis and the University of the Pacific, they put this program together. There are two new educational videos on the science of water law, and they were designed and produced as prerequisites to the two-day in-person program that followed. That program focused on the history and development of water law governance, judicial administration of water law cases, evaluating

the scientific and technical aspects of a case, and on the application of current law. As you may know, or may recall, the Chief Justice has been a strong advocate for developing training on water law and on other climate change related issues to ensure the California's courts have the knowledge and resources to manage this growing, incredibly complex area of law. The Governor and Legislature supported the Chief this year by providing \$1.2 million in ongoing General Fund monies to provide training, technical assistance, and legal support to trial courts on environmental and climate change issues. With that, I could say that we are off to a very good and strong start. The next item I wanted to update you on is, of course, the state of the state's budget, as well as our fate, either within or without that budget. This is an update. Since September, this is the time that, where the budget change proposals that you have approved in July have moved over to the Department of Finance in preparation for the Governor's January 10 proposal. We are doing this discussion with the Department of Finance, and we have been briefing Chief-elect Guerrero, myself, including Millicent Tidwell, John Wordlaw, and Judge David Rubin being part of that, in terms of evaluating the priorities that are already sent, as well as trying to get a better feel and a better sense and guide the direction from the Chief-elect, since she will be seated, essentially, just before that January 10 proposal comes out. At the same time, we've been doing workshops with the presiding judges committee, as well as the CEO committee, not just on resiliency, but future planning going forward. I want to thank, first, Judge Zayner from Santa Clara, followed by Judge Merrifield from Butte. They have been really leading the charge and bringing people and showing a high level of interest and a high level of focus on this topic. We, of course, are joined by Kevin Harrigan. He has yielded to Rebecca Fleming and Mr. Landry. So I think the combination of two things, not only seeking the appropriation, but then giving a focus to what we're doing with the current year monies, as well as setting the path forward, is a good spot to be, because of the following. The revenue picture has been changing since September rather rapidly, and there is erosion of state funding, which is what I think folks had suspected, were feeling, and now the reports and numbers are coming in with some specificity. The Legislative Analyst's Office is now projecting a \$25 billion deficit next year. That's at least just for next year, and then maybe some smaller deficit numbers in the following years. The other thing that has happened between September and now is that legislation has been signed, and so outside of the normal budget process, the Judicial Council teams have put together budget change proposals that will require funding for the implementation of those particular bills. I think there were six total. We don't have feedback, necessarily, on those yet, but I think you get where this is going. We need to temper expectations about what might be in the January 10 proposal, since there are projected deficits. This was telegraphed quite early in this bill signing process by the Governor, because he vetoed a number of bills that were going to expand ongoing services going forward in California. So, going forward, this will be a challenge. Right now, there isn't necessarily an expectation for reductions, but there's certainly a preparation for that, so we will look with interest and earnest to see what the Governor actually proposes in January, and, at that time, of course, you have a subsequent meeting about 10 days after that, which is where the council will be updated on the elements of those proposals. Last, but not least, this really sort of concludes my final report, because this is my final meeting in which I will serve as secretary for this governing body, and I just wanted to take an opportunity to thank you all. I won't fall into the trap of naming names,

because I will definitely leave some people out, and that is not the intent. The essence of, of my thinking, and of my thanks, is in the letter that I sent to you all, as well as to the entire branch family, but without a doubt, I want to make it very clear and put it on the public record that, how grateful the Judicial Council staff operation, including my executive team and myself, has been for your unwavering support throughout the years. We cannot get these things done on your behalf, and move us into the healthy, sound place that we've gotten over these last 12 years, eight years for me, without you really backing our hand. And, and it gives me just great joy to see living proof of not just a Judicial Council that leads a judicial branch family with all of its diversity, that it's just living proof of what is an old adage that you may have heard before. Which is that if you want to go fast, you go alone, but if you want to go far, you go together, and I can't think of a better organization and a better branch of government that lives up to that. So thank you for your sharing and trust.

>> And the understatement for, for the entire next three years, thank you, Martin. For this meeting, we have five internal committee chair reports. Those are posted, written on our website. And next on the agenda, we have 16 items, consent. As you can tell, those are substantive, meaty issues that are our wonderful workgroups and advisory committees have vetted and where appropriate, have provided and sought public comment. Those are before you, and I will entertain a motion to approve the consent agenda and a second, please.

>> Judge Moorman moves. Justice Corrigan seconds. All in favor of approving the consent agenda items, please say aye.

>> Aye.

>> Any noes? Abstentions? The consent agenda item is moved. Thank you. Next, we have, as you know, several agenda items, and the first is our Juvenile Law, Court Adoption and Permanency Month. This is not an action item, but it is always a highlight, I think, of our work at the Judicial Council. Welcome.

>> Thank you. Thank you, Chief Justice, and Judicial Council. It's a pleasure to be here. I'm humbled to speak, again, about adoption and permanency on behalf of the Fam Juv Advisory Committee in honor of the resolution of permanency and adoption month that was passed in November, and signed by the Chief Justice. I have a long history of working with families, both in dependency court and in the family court. When I was the legal director at the Alliance for Children's Rights, we, first started this whole idea of adoption day. At that time, it was to address the tremendous backlog of children waiting to be adopted, and to get their adoptions finalized. At that point, I thought, this is not really about the process of adoption, per se. This is about bringing the attention to all of us about the need for permanency for all children, and so we had the idea of National Adoption Day, and we started National Adoption Day with a couple of different states, and after a few years, it caught fire, and we were able to have National Adoption Day adopted in every state in our country. So I'm proud and honored about that issue. So adoption is really about a forever home, and it's about a familiar, safe, and loving place. It's about a child who comes home and recognizes the smell and the food and the warmth and the love. And so, today's tribal customary adoption is exactly that. As a judge, when I was in dependency, I also worked in, with the ICWA cases, and through our stakeholders meeting,

where we had tribes and members of the community, I was able to, and many of us were really able to understand, and, most importantly, listen about the rich history of the first people, the injustices, and also their resilience. And we started the stakeholders meeting, by the way, with the Judicial Council. So the tribal customary adoption is about their resilience. And AB 1325 was sponsored by the Soboba Band of Luiseño Indians to address the tension between tribal cultural norms and the existing state law. The author of the bill explained that the termination of parental rights, usually a prerequisite to adoption, is totally contrary to many tribes' cultural beliefs, and, in fact, associated with some of the most oppressive policies, historically used against tribes and the Indian people. In contrast, historically and traditionally, most tribes have practiced adoption by custom and by ceremony. And practically, the termination of parental rights for an Indian child could also disrupt the child's ability to be a member of that tribe. So the introduction and the passage of the tribal customary adoption, which does not terminate parental rights, is a win-win. It allows children to have the promise of a forever home and to maintain their connection to their culture and their tribe. So I'm pleased to show you a video. Unfortunately, they are not here today on video, because they're not feeling well. Andrea and L.J., who are members of the Cahuilla Band of Indians in Southern California, and became a family through tribal customary adoption.

>> [Video playing] Hi, my name is Andrea Jean Candelaria, and this is my son, L.J. Eugene Candelaria. We're both tribal members of the Cahuilla Band of Indians. We both live on the Indian reservation, which is located in Southern California. We are a small nation of about 500 members. L.J. is four years old, and will turn five on January 1. L.J. is Cahuilla on both sides of his family, his mother and his father. L.J. is a lover of all animals, but is especially enamored with sea life. He spends hours playing with his toys, and as a special needs child, he'll go to one of the two aquariums that we have in our home. One of his favorite places to go is SeaWorld, and he insists that we call the animals by the right names. As a for instance, you can't say this is a shark, you have to say this is either a hammerhead shark or this is a Great White. One of the other things that he loves to do every day is when we go home, we have a relatively, a kind of long driveway. He will take a deep breath, and you can almost see the day leaving his body, and he says, Look, Mom, home. That's one of my favorite parts of our day. When I was approached for the adoption of L.J. by tribal council, I was very hesitant. I was hesitant due to my age. When L.J. turns 18, I will be 72 years old. I didn't want for him to have to be a teenager taking care of his mom, but I have a relationship with his mother, and I knew him, and so I quickly put those fears aside and moved forward with the adoption. Primarily, my first reason was to make sure that my niece, his mother, Raven, knew that her son was being raised in a familiar, safe, loving home. But once L.J. got home with us that quickly changed into something that was for us. As a mom who was going to be experiencing an empty nest, I didn't know what I was going to do with my life, but then here comes L.J., and changed all that for me. Today, I got up, and I get dressed, and I make sure I go to work, and I make sure that I'm a better person. I make sure to take good care of myself. And he's just, in general, given me a really happy life with meaning. When people ask me, or tell me what a wonderful thing I'm doing because I've adopted him, I will talk your ear off about how awesome he is, and how he's just, like I said, given my life new meaning. I highly recommend adoption to people as it is truly one of the

most purest forms of love. Our adoption was signed, sealed, and celebrated December 3, 2021, at 10:11 a.m. Him being eligible to be a Cahuilla tribal member allowed us to do the adoption through tribal customary adoption process. In short, that means that the tribal council would meet with all parties that were in consideration, including parents, and find out how they wanted the order to be written up. They would put in their two cents, and that's how we came up with the order. To the best of my knowledge, all TCAs are different and customized to the families. That doesn't always take away parental rights, and it also keeps the parents included in the children's lives. Primarily, though, the TCA is written so that the tribe is aware of the child, and the child is aware of the tribe. I mentioned earlier that I have a relationship with L.J.'s mom. It's not by blood, it is just by ties of the heart. And due to traumatic events and mental instability, she was just unable to care for him. But she does stay in contact with him about three times a week. Also, he doesn't have any contact with his father, but when I see his father, he asks about his son. I show him pictures, and I let him know that the door to him knowing his son is always open, given the circumstances in his life have changed, and he's a healthy dad. I'd like to talk about the process of getting the adoption done, as I don't believe it's really known very well by the folks who really should know about it. It wasn't an easy road to travel, due to it not being a familiar road for everybody. When I say that, I mean it was a new process to the tribes, to social workers, to law enforcement, to attorneys, to judges. Anybody that had a part in this adoption, it was really new to them, and we found that to be true. Judges weren't familiar with what a TCA was. One of the most comforting things that I experienced through this process was that the tribe was allowed to come and do my home evaluation, and that was important to me. As Native American people, we are not always comfortable with people coming into our homes and evaluating us, that are unknown to us. I feel that that's a real, kind of fear-based fear. One of the, the reason that we were able to go and do it as a TCA is based on a federal law that was called the Indian Child Welfare Act. This was enacted in 1978, and it was based on a study that was done that found that our children were being removed from their homes without real reason by private and public agencies, and they were placed in non-Indian homes. To put that in perspective, in 1978, I was 15 years old and in high school. Imagine living your whole life wondering, and living in fear of someone who was going to come knock on your door and unjustly say, we don't feel like you're raising her correctly, take me away from my home and my family, and place me with people that didn't know me, didn't know my culture, or, worse, put me in a boarding school. It is a real, fear-based reason being imposed, having people come in and evaluate us, or just come into our homes, anyway. Having said that, I encourage you all to get to know about TCAs and ICWA. It has changed our lives forever, and my family is now stronger by one because of it. And, finally, I'd like to say thank you to all of you. I know that when we deal with child displacement and CPS issues and adoptions, it's not always easy days, and, but it's worth it, because in the end, we have children that are placed, like L.J. was placed, in loving, happy, healthy homes. Thank you for your time.

>> Thank you, again, to the Judicial Council for its commitment to children and families.

>> Judge Pellman, before you go, thank you so very much for your work here, and also for bringing us this tremendously uplifting family video that is so elegantly put, and touched all of our hearts. And also gave us an awareness of the TCA process and its importance. And when

you said in your remarks that it is a win-win, it most certainly is. It most — this is the, this is the story of the season. Thank you so much for your work, and for bringing this to us.

>> Thank you.

>> Next on our agenda is a presentation, action item. Report to the Legislature on Code of Civil Procedure section 367.9, that is the working group regarding the requirement for a remote study, item 22-129, and we invite Justice Marsha Slough, and also Ms. Leah Rose-Goodwin to the table.

>> Sit wherever you feel most comfortable. So, Judge Rubin said to me, Who put you up with this right after listening to that? That's bad planning! So what I'm going to do instead of a normal, dry, scripted report, I'm going to go off script a bit. We have some slides about AB 177, and 367.9, and I'm going to try to drive the car here. How do I drive? Right there? Good. Where are they displayed?

>> Hang on a second.

>> Good?

>> No, not yet.

>> Oh, thank you very much. See why I need Leah or someone with me? So AB 177 was a law passed last year and it required Judicial Council to do several things. It deals with remote access in civil proceedings. It required the Judicial Council to convene a working group to report back to the Legislature by January 1, which is why it's on the agenda today, and we will be asking for your approval to move it onto the Legislature at the end of the presentation here. The law also mandated who actually was going to, who should be included in the workgroup, and the Chief appointed 25 people to participate in the work, in the workgroup work. This included lawyers from wide cross-section of all case types, and dependency cases, family law, domestic violence, people who handle domestic violence cases. Across the board. It also included judges, court executive officers, court reporters, court interpreters, as well as legal aid organizations and others. And it was kind of a daunting task to lead 25 people to get to an ultimate recommendation, but it was actually really rewarding for a number of reasons, and the first is, everyone was extremely engaged and invested, and everybody got on board with, Let's try to make the best recommendations that we can make to the Legislature because it is our hope that they will receive these, and it is our desire that they will find ways to move forward with the recommendations. Not going to go through all of them. You've got the reports, I know you read the reports, but I think what's interesting about this particular report is not only does it include the recommendations, it includes our process that we went through. Because process, sometimes, is as equally important as the ultimate goal. And I think that if you take a moment, you, I think all of the recordings, all of our meetings were open to the public. They, they were all remote, so anyone could watch, and I think that there is a, a place on our Judicial Council website where anyone can go and watch the, watch the meetings. And I think what you'll see is that everybody came to the table with the best of intentions and the ability to work together and express themselves, and express their views and their issues surrounding remote proceedings. So I'm very grateful to all of the members who participated so fully. The law asked us to look

at five different areas. Quickly, those are court reporter availability, statewide procedural and technical guidelines around civil remote proceedings, and what case types are appropriate for remote proceedings. What are the protocols for assessing the court remotely? And changes, if any, to existing laws to protect the accuracy of the record, and to preserve one's right to appeal. So we, those were the five basic recommendations. That was our charge. And here's how we did it. We divided ourselves into subgroups, and the subgroups were joined by their area of expertise. So, for example, we had plaintiff's attorneys and defense attorneys in civil matters, and we asked them to go out and canvass their constituents about what was happening in remote proceedings that they've been hearing about. Get the good, the bad, the ugly. Tell us. We want to know everything that we can. We did the same thing in, with family law, we did the same thing — actually, even in criminal law, even though that's not part of the legislation, we included it, because we thought it would be important information for us to have. So they, these subgroups went out, and they did their work. They did their due diligence. And then, over a series of about five meetings, from, I think, July to September, we had reports back to what they found out about how remote was working, how it could be improved, how it was not working. So it was really a very kind of deep dive, as quickly as we could make a deep dive, into the issue. Every single one of the recommendations and the votes associated with the recommendations, as I mentioned, are part of the report, and, again, I really encourage everyone to review it, if you have the time and the inclination, because I think it shows what an inclusive process, and how everybody talked, everybody shared, across the board, and I, for me, that was one of the most important factors. In addition to our meetings, we also held a public comment session for remotely for, I think it was, I think three hours. We had over 140 people tune in. We had people sign up, just kind of similar to what we did to public comment this morning, with a timeframe in which to express their views, and we had between people who spoke and people who submitted written comments, we had almost 100 comments, which also helped to really inform the group regarding how remote was working and how it could be improved. And whether it should continue. So we're grateful for the folks who called in and participated in our public comment session as well. After, we all did our due diligence, and, if I'm on the right slide, it doesn't matter. Okay, thank you. What we did next was we got together and we asked everyone to write out what recommendation they would make based on all the information we learned. So each member was tasked with submitting to staff their recommendations, based on what we heard. And we had a lot of them. And a lot of them were very similar, and so staff did a great job of coordinating them, and paring them down to the ultimate, final, I think, 21 recommendations where we landed. It was put into a fillable form, and so then what we did, Chief, you won't believe this, you have seven folks on your court that sometimes you talk about cases, but you don't edit your case with all of them in the same room. We edited—

>> Oh my God.

>> —all 21 together. We dialogued about it, it we talked about it. And people were respectful, even though some had very divergent views. And we, I think that exercise was really important, and we even got down to where a comma should go, because commas are important, as we know. So ultimately, after that long exercise, we landed on our 21 recommendations. It was, I personally believe, an extremely fair process, and, again, very inclusive. I'm not going to go

through all of the 21 recommendations. I do want to point out one of them. Thank you, Leah. And that is 3.1. You'll recall one of the items we were asked to consider and report on is what case types are proper for remote proceedings. Well, we didn't want to be vague. I don't think our recommendation is vague. All case types. All case types are appropriate, when, and we ended up with three categories of when. And those include when the courts and parties, or others appearing remotely, have access to technology. So access to the technology is very important. When there is clear and private communication between parties and their attorneys. We have to have that available so an attorney can talk to their client and be assured that it is private. And, finally, when the technology provides for clear communication between all participants and the court interpreters. I really learned a lot about court interpreting during this, and I'm really grateful for the interpreters' participation. Because they, like all of us, were assigned to a subgroup, and they went and they talked to their constituents. But they didn't just do that. At every single meeting, they would chime in, Well, if it's this kind of case, if it's a civil case, if it's a family law case, they talked and shared and educated us on the importance of proper equipment when reporting, when interpreting a hearing, and how difficult it can be, and I just personally want to thank them for their work, also, because they really did educate me on some of the issues that they have addressed during the pandemic. So with that, we took a vote, and it wasn't 100 percent, but what, how often is anything 100 percent in life? Not very. But I'm really pleased to say that three-fourths, I think, if my math is right, of the members of our group voted yes. It is appropriate, it being remote proceedings, is appropriate in all case types, provided you take into these considerations. And they are fair considerations. So it's interesting, because not only did AB 177 require us to do this exercise, AB 177 also required Judicial Council to do another report on the data associated with civil remote. And based on this recommendation, and based on some of the work that Leah has accomplished with others, I've asked her to join us here and share some of the information that she found. Leah?

>> Thank you, Justice Slough. So, as you mentioned, there was a companion data collection piece for this report, and, you know, it's important to note even before we get started that the courts have conducted remote proceedings for many years, so the numbers I'm going to show are not representative of all remote hearings that have been held. There have been many thousands, even before this data collection period. But at the time the requirement went into effect in the fall of 2021, we had to work very strongly, and when I say we, I really mean JC IT with Heather Pettit's leadership, had to work with CMS vendors in the courts to develop ways to collect the data in an automated fashion, and the data collection period commenced in March of 2022, and continued through September, so seven months of data. And over that period of time, courts reported over half a million remote hearings held in civil cases. It's a big number to digest. I broke it down by month on the slide, about 80,000 hearings per month. But on a daily basis, per court day, we're looking at 4,000 remote hearings held in California courts. And certainly, you know, the number of proceedings conducted has accelerated during the pandemic, and all courts now have the capacity to hold hearings using that remote technology. The remote proceedings are occurring in all case types, all of the civil case types. And as a companion piece, you know, one of the data points that we needed to collect in this legislation was a better understanding of the remote hearing experience. We deployed user surveys to both

court workers, so court workers are those defined as those having a court email address, and court users. So court users are anyone without a court email address who participated in a remote proceeding. We have data, now, on over 34,000 respondents to the data, to the survey, with the results showing that the majority of users had a positive experience. And for those who reported a negative experience, it was typically, as you might expect, an audio or visual issue that disrupted the experience. And it's not unsurprising to me that court users might report a slightly higher proportion of negative experiences. If you're outside of the court environment, you are subject to the whims of your home Wi-Fi, public Wi-Fi, the device that you're using, and some of those differences may contribute to the user experience. And my sense is, just like this body, or myself, personally, is that over time, as remote technology becomes more ubiquitous, we might see some of those issues experienced resolving. But the bottom line is that there has been tremendous usage of remote proceedings in civil, and the experience, overwhelmingly, seems to be positive.

>> So that's why I wanted her to share that information with you, and I think one of the reasons it was so meaningful to me is because in the work we were doing, with our recommendations, it supports our ultimate recommendations, and I think that it, our recommendations are grounded in that kind of data. Remote works. Does it have problems? Yes. Can problems be fixed? Absolutely. And I look forward to the day of working with our legislators and others in moving forward, with assuring that we can continue to provide the kind of access to our courts, to people, in a way that they've come to expect it, and that they've come to appreciate it. And that they know how to use it. We've come a long way in a really short period of time, and part of it was by necessity because of COVID. But we don't stop. We don't stop now. We need to continue, because we have the evidence right before us, that if done correctly, it matters, and it makes a difference. I really want to, again, express my thanks to all of the members. Thank you, Chief, for the members that you appointed to this group. They were diligent, hard-working. They shared. Thank you to staff, all the staff members who helped organize and pull our recommendations and edit live right up on the screen in front of all of us. Staff was phenomenal, as always. With that, Chief, I would turn it back to you.

>> Thank you. Any questions or comments, observations? Senator Umberg?

>> Thank you, Madame Chief Justice. Of course, every report that Legislature requests is read by every member, word for word. [Laughter] Everyone is extremely important. Having said that, this report, thank you very much for the exhaustive process and the result. This is really important, and the reason it's really important, more important than most reports, is because the remote access law sunsets here in just a few months. And the evidence adduced by the report, by your process, seems to be at summary judgment levels of compelling Legislature to move forward. Unfortunately, every legislator is not a judge and doesn't use that standard of evidence to decide what's in the public's interest, necessarily. This is important, it's relevant, but it is not dispositive. And it's still going to require, I think, as attested to by staff, considerable amount of work to educate legislators as to what your findings are, what the overwhelming evidence is in terms of remote access. Because I think if that's not done, and we have a very short run — I know that six months may seem like a long time. It's not. We have a very short period of time to demonstrate the usefulness, in particular, I think, for some of the things that I didn't know

until I began this process, is that how helpful this is, for example, in juvenile hearings, to allow parents to participate remotely, to allow witnesses to not miss a day of work, or parties to not miss a day of work or school or what have you, is to increase participation rather than limit it, in my view, limited participation. And so I, two things. One, thank you, but secondly is that this is useful evidence, but it is really important that the judiciary reach out to legislators, and those who are interested in the system, those stakeholders in the system, reach out to legislators to demonstrate what your findings have, have shown us. Thank you.

>> Thank you, Senator Umberg.

>> Thank you. Judge Rosenberg, then Judge Brodie.

>> Thank you, Chief, and thank you Justice Slough and the committee that worked with you. This is a very powerful report. It's really fact-based. It sought out a lot of opinions, and I was really pleased to see the number of superior court judges who participated on this committee who are right there on the front lines. Remote works, as you say, and that's a true statement. It works for the lawyers, it works for the litigants, it works for the members of the public in many, many different ways. One example we have in my court is, we use remote for hardship review, and instead of having hundreds and hundreds and hundreds of citizens travel to the courthouse and sit for hours while a judge reviews hardship, we can do it in, like, an hour and a half, remotely. Things like this, that's the future. And you've identified it. Does it have challenges, for, particularly, court reporters and interpreters? Absolutely. And we can work through those. So thank you.

>> You're welcome. It's interesting you both commented on this cost savings. It really is not just time and money, but think about the environment, of all the people that aren't getting in their cars and driving to court, just in seven months. I mean, there's so many layers of benefits.

>> Thank you. Judge Brodie?

>> Just briefly, I thought one really great data point in that report is the people who are satisfied with their remote hearings, and I think, when we talk about remote hearings, just from the technology piece, we sometimes think, like, oh, the technology didn't work as well as it should have, someone could not hear, and we think, oh, well, that, that wasn't a satisfactory hearing. But in-person hearings are not without their problems, as well, right? And also, a hearing, to Judge Rosenberg's point, you know, a hearing that someone can't get to, you know, that's a failure, right, in every meaningful way. So I think, sometimes, the technology piece, it's easier to see the shortcomings, but that might just be because the shortcomings of in-person hearings we're all just used to them, in some way. So I really commend the group's work on this. I think it's really gratifying to see what I think a lot of us intuitively knew and intuitively thought, but to see the actual data points there is powerful. So thank you for your work.

>> Thank you. Yes, Assembly Member Bloom.

>> Well, allow me to thank you for the report. I agree with my now former colleague, Senator Umberg. And I identify with the comments that he made. But I'd like to emphasize for you, as you move forward, in discussing these issues with the Legislature, that this is an opportunity, it's kind of a teachable moment opportunity. I don't think it's commonly known in the

Legislature just who the courts serve, and, you know, we frequently think of it as a place where major corporate cases are decided. And so this is an important moment, I think, where you can use this access issue to teach about the large majority of litigants who are not wealthy, and who do lose time from work when there's a hearing that could be handled remotely. And on the environmental side, I think to environmentalists like myself, you know, that's an important point to make. It's also important because there's a tremendous amount of turnover in the Legislature this year, so there are new members coming in who have no clue whatsoever about judicial process. There are some attorneys coming in, as well, who, you know, who will have that knowledge, but, again, an opportunity for the Judicial Council to build some connectivity between the branch and the Legislature.

>> Thank you all. I would entertain a motion to approve the two recommendations, and a second. Ms. Hill moves. I heard a second by Judge Rubin. This doesn't chill our conversation. I will say my two cents, and that is, this is all for the good. This is a conversation we've almost never had, not only about data, but about greater access, and the process. Justice Slough, you mentioned the process. How important the process is that everyone had a say, everyone heard the same information. To edit with 25 people, I can't even imagine. But I will say how wonderful it is for the process, and the vote, that even though there were five negatives, or five noes, it was in full information and transparency going forward with 19 yesses, and it's the building block. Thank you so much for bringing this group together, leading them. And, also, Leah, for all you do, and the data, the selling points. I agree, it's not dispositive, as Senator Umberg says, but it's pretty good. All in favor of approving the recommendations, please say aye.

>> Aye.

>> Any noes? Any abstentions?

>> Madame Chief, I'll need to abstain.

>> Okay. Thank you. Understood, Senator Umberg, who abstains. No noes? The recommendations pass, and it's only the beginning. Thank you.

>> Thank you, Chief.

>> Thank you, Chief.

>> We are going to, for purposes of the time frame, skip the Strategic Plan for Technology, item 22-198, take that up at a later date. So we will move to number 22-192, Judicial branch report and recommendations from 2021 Judicial Diversity Summit action item, and we welcome to the presenters table the Honorable Kevin C. Brazile, cochair of the Advisory Committee on Providing Access and Fairness, and the Honorable Victor A. Rodriguez, also cochair of the Advisory Committee on Providing Access and Fairness, and our DSA winner from last night who doesn't need any introduction, but I'll do it anyway, the Honorable Brenda F. Harbin-Forte, retired judge, Superior Court of Alameda County. Welcome.

>> Thank you.

>> Good morning, Chief, and members of the council. I'm very happy to be here to give this report and recommendations, and I'm Judge Kevin Brazile. I'm the cochair of the Providing Access and Fairness Committee, and to my left is Justice Victor Rodriguez, who is also the cochair of our committee. And we also will talk about her a little bit later, we also have Judge Brenda Harbin-Forte with us, Judge Brenda. So let's, let me just start out by saying, the Judicial Council's long-range strategic plan for the judicial branch includes, as goal number one, access, fairness, and diversity. Among the issues addressed in the goal statement, the council affirms that in order to understand and be responsive to the needs of court users from diverse backgrounds, the makeup of California's judicial branch will reflect and mirror the diversity of the state's residents. The best practices for Goal 1 also stress the importance of collaborations with other branches of government and our justice partners to achieve greater diversity in the branch. Since 2006, the Advisory Committee of Providing Access and Fairness and the Judicial Council, together with the State Bar, California Lawyers Association, and the California Judges Association, have sponsored, planned, and organized the Judicial Diversity Summit every five years. The goal for each Summit has been to assess the progress made toward achieving the goal of having a judiciary that reflects the diversity of California's population. To provide further insight into what judicial diversity efforts look like prior to 2006, it is my pleasure to introduce Judge Brenda Harbin-Forte, who really needs no introduction at all. As a recipient of the Judicial Council 2022 Distinguished Service Award just yesterday, Judge Harbin-Forte has been at the forefront in helping to institutionalize judicial diversity efforts and maintain attention on the need to have the bench better reflect the state's residents. She served as chair of the court's working group of the State Bar's diversity pipeline task force, and led the effort to convene the first ever statewide Judicial Diversity Summit in 2006. Her efforts led to the development of a diversity toolkit to help judges do outreach in mentoring, a diversity pipeline initiative that mentors students from early education through college and law school, and legislation requiring the annual publication of data on the gender and race/ethnicity of judicial applicants, appointees, and sitting judges. We are honored to have Judge Brenda Harbin-Forte share some reflections on how the Diversity Summit started, and her early trailblazing efforts to achieve judicial diversity on the bench. Judge Brenda.

>> Thank you so very much. Thank you, Judge Brazile. Good morning, members of the Judicial Council, Chief Justice. I want to start my reflections. I'm going to begin the way many fairy tales begin, with these four words, Once upon a time. Once upon a time, not too long ago, as fairy tales go, in a beautiful kingdom by the sea, there were hundreds of judges around the kingdom toiling away, deciding cases for the residents of the kingdom. These judges were men, they were women, they were mostly Caucasian, and a few were African American, Asian Pacific Islanders, and Latinos and other ethnic minorities. They were members of the LGBTQ community. Some judges were disabled, and some served our country, had served our country as veterans. There were all kinds of judges in this wonderful kingdom. And the kingdom had residents that were much more diverse than the judges who were deciding the cases of these residents. Then one day a call went out to find out how many judges of each kind there were. But no one knew the answer. But now we do, and everyone, they've lived with it, if not happily ever after, they've lived with it. And I want to share with you some of the things that happened

in between. I was privileged to chair the court's working group when the State Bar started its diversity pipeline task force in 2005. I was roped into chairing that group by Ruthie Ashley, who had talked with the president of the State Bar and said, we need to have a diversity pipeline task force. We need to have a pipeline throughout the entire legal profession, and into the judiciary, and we need to start it at an early age. We need to start with elementary school, encouraging people to become lawyers, encouraging this diverse community that there is a role for them, and that they can play that role. So I was asked to work, as I said, with the court's working group, and to chair that group. One of the things we did was say, Okay, why don't we find out how diverse is our bench? So we called up, then the Administrative Office of the Courts, and we said, Hey, you know, how many women judges? How many men judges? How many ethnic minorities? How many judges do we have? And they're like, we don't know. We don't have any official statistics on that. So we then set about, the courts working group, set about to try to find out how we could get those numbers. So we started making phone calls, and we'd call up members of the courts around the state, and we would say, How many women on your bench? How many African Americans? How many others? Erika Yu was one of the people who did so much of that work. Pat Lee from the State Bar, who was truly the workhorse in terms of trying to get us the information that we needed. But many others around the state were helping us to try to compile this information, and what we did was basically a hand count. We had the first Judicial Diversity Summit in 2006, and one inspiration for having it so early on is that Judge LaDoris Cordell said, this lack of diversity, we knew that there was a lack of diversity. This lack of diversity is not sustainable. This is an emergency. We need to get a Summit set up as soon as we can. So we're, in March, trying to figure out what we'll do, and there was a conference coming up, a State Bar conference coming up in June, so we cobbled together a presentation. The Chief Justice, Chief Justice George was on board then, as well as the incoming president of the State Bar, and we were doing this — something that was happening in Sacramento was that judgeships were on the line, and we had in the Legislature, we had Fredericka McGee, who was the chief of staff to then-Assembly Speaker Fabian Nunez. So they were pushing for diversity around the state. We had — so we had, again, judgeships at stake. Everybody wanted to do something about diversity. We had no official statistics. So we hand-counted the numbers as we could, and we went around to various counties, representative counties, and we looked at the diversity of the residents in those counties, and we looked at an astounding lack of diversity on our courts. And when we put up those stats, you could hear a pin drop in the room. It was just astonishing that we had all of these residents coming into courts with no diversity. We had, at that first summit, we had the Governor's office, representative, the judicial appointments secretary. We also had members of the Legislature there, not only Fredericka McGee, but other members of the Legislature. We had law professors. We had everybody involved in the entire pipeline to the legal profession. We had those represented there as stakeholders and as people willing to talk with us about what we could do. We knew we needed to do work starting again at the elementary school levels. We also knew we needed to do work at the law school level. We needed to get people into law schools. We needed to get people out of law school, passed the bar. For the judiciary, we knew that we needed to get people through to Jenny Commission, so that they could get evaluated, and we also knew that we had to get the Governor to make those appointments if they got

through the Jenny Commission. So, so those, those were, that, those, that was basically the goal of the first Judicial Diversity Summit, to try to get some numbers together, some baseline numbers, so we would know what our success rate would be in the future. And it was, the Administrative Office and Judicial Council Administrative Office paid for judges to attend that first diversity summit. They were very, very supportive of it. We had also Justice Lambden then on the First DCA, who was very instrumental in getting this summit off the ground. So we had that, and we got some recommendations, the State Bar then formed the Council on Access and Fairness. The first group to organize out of that. To be a think tank for the State Bar. And in the meantime, the Judicial Council, it was the old name, the Access and Fairness Advisory Committee, was also very involved in judicial diversity and trying to figure out what we could do to increase diversity on the bench. So, that was essentially our first summit. There was legislation pending in the Legislature then. Part of that legislation was amended to include that we, that there would be annual demographic reports. So those annual reports that you receive now, that was part of legislation that arose out of the first Judicial Diversity Summit, and the Legislature said, I want you to tell us, the Governor's office, I want you to tell us, annually, how many applications are coming in from the various groups in this kingdom, how many, and how many of those groups are you appointing? The Jenny Commission, we want to know, how many applications are coming through? How many evaluations are you doing? How are those people faring? We had heard particularly that women and ethnic minorities were not doing very well through the Jenny Commission. And many of the governors just were not going to appoint anyone who could not get through with at least a Qualified from the Jenny Commission. So we wanted to know what was going on in the Jenny Commission. Were there other barriers to, to getting people through the Jenny Commission? And then to a position to be appointed by the Governor? And, again, the Judicial Council was to keep the annual statistics on, at first, it was primarily gender and race, and the legislation was expanded later on to include disability, sexual preference, LGBT community, and also the disabled. So that is, essentially, where it began. The next summit, and throughout — between 2005-2006, we all agreed that, I'm sorry, 2006, the next summit, we agreed that in about five years, we try to come back and get a report card, a status report. How had diversity improved? And so, in 2011, we held that second summit, and we were making progress. I mean, it wasn't gigantic, but we were making progress. We were certainly seeing a difference in the representation of the bench. And it was, it was very, very encouraging. It was hard work. Again, not everybody agreed. Not everybody actively embraced the concept. We had to deal with the objection that this was affirmative action in a negative way, and that we wanted unqualified persons appointed to the bench, as though diversity and qualified were somehow mutually exclusive concepts. We had to deal with all of that, and we had to deal with the fact that some people just did not want us to air dirty laundry, so to speak, or to raise these issues, that we should just sit back and we should just be quiet. But we all felt very strongly that it was important to have representation. There were more women in the kingdom than there were men, but their representation on the bench was in the 20s and 30s, whereas they were more than 50 percent of the population. We had the Caucasians were a minority in the kingdom, but they were overrepresented on the bench. And African Americans, Latinos, Asian Pacific Islanders, as well, were well below the representation. And we felt that people coming into the court system will feel better about the

result. It wasn't always about winning. We all knew that. It wasn't about winning. It was about feeling that they had been heard, and that there was somebody on that bench that looked like them. So when you, as we, as our efforts increase, and you walk down the courthouse walls, and you saw the pictures of all the judges, when there were more women and pictures of judges of color on those walls, it made people feel better. So then, we had the next summit after those first five years. Next summit was in 2006, 2011, 2016 was, that was the third summit, and on the 2021 summit is where we brought it in. And so, now, we have definitely increased the diversity on the bench. There's still a way to go, but it took the courage and hard work from people who were willing to say, we want to do the right thing, and it obviously took the support of the Governor's office, the judicial appointments secretary, and in the two years after our first summit, the first African American and woman judicial appointments secretary, Sharon Majors-Lewis, was appointed by the Governor's office. We tracked the level of diverse appointments before her, before she came on board, and the level of diverse appointments afterward. A decided and marked increase in the level of diversity, just from the person who was making the appointments and being involved. We've been fortunate to have governors who were committed to diversity, Governor Brown, of course, and now Governor Newsom. But towards the end, certainly, Governor Schwarzenegger as well, who brought in our Chief Justice as the new chief justice, chief justice of color. So we have, we are proud of what we have done. Before I go, I know I'm running — I always seem to be running out of time. Anyway, I want to say just two things before I go. And they're both to the Chief. Chief, first of all, I want to tell you what an honor it has been to be on the bench while you were Chief Justice, and I just want to thank you for that. But I want you to know that I've done a poll. There are some people who are a little bit perturbed by your, your retirement. And what they said was, You know, as soon as we all got to the point where her last name Cantil-Sakauye could roll effortlessly off our tongues, she up and left us. So I just want you to know that. The second thing I want you to know is that, again, your commitment to diversity and inclusion is unparalleled. And it has been such a pleasure to see that, including the fact that you and the Judicial Council selected me to receive a Distinguished Service Award, and as I look back through the past recipients, I was the first African American judge to receive a Distinguished Service Award from the Judicial Council. So I want to thank you for giving me that on your way out the door, is just another example of your commitment to diversity. So thank you.

>> All right, thank you.

>> Well, let me just stop to say thank you, Judge Brenda, for getting us and starting it and putting it all in motion, and your tenacity. It's been a pleasure, and I will continue to see it blossom. Thank you so much for your kind words.

>> So now we're going to move to judicial diversity today. Justice Rodriguez?

>> So I'll start off by saying, Judge Harbin-Forte, thank you so much for all your work and laying the foundation for our continued efforts to achieve a bench that is diverse and representative of the communities we serve. I know that I have personally benefited from your efforts, and I know that the branch is better for your efforts, particularly in demanding data, which gives us a sense of the problem that we face, and gives us a measurement of the progress

that we make, and also a sense of what more is to come. Next, we wanted to provide an access at-a-glance view of what the pathway to the bench currently looks like in terms of ethnic diversity using an infographic that currently resides on our Pathway to Judicial Diversity website, sometimes also known as the Judicial Diversity Toolkit. As Judge Harbin-Forte indicated, first conceived as a result of the 2006 summit on judicial diversity, the toolkit entitled Pathways to Achieving Judicial Diversity in the California Courts was first published by the Judicial Council in 2010. The toolkit was redesigned in 2019 as an online resource for judicial officers and local courts to strengthen and encourage greater diversity outreach efforts and partnerships throughout the pipeline, with local and affinity bar associations, law schools, undergraduate universities, community colleges, and K-12 schools. The slide which you see on the screen in front of you shows an interactive infographic you can find on the homepage of the toolkit, charting diversity based on census categories for race and ethnicity. From left to right, each pillar depicts what the population looks like for adults in California, students attending ABA accredited law schools, active attorneys, and, finally, what the diversity of sitting judges looks like as of December 31, 2001. While we've made notable progress throughout the years, you could see our branch still has a ways to go to truly reflect the state's diverse population. Since taking office in 2019, however, out of Governor Newsom's first 169 appointments of judges and justices, I'm pleased to report that 49 percent were women, and 58 percent identified as a person of color. So with our continued judicial diversity initiatives of a branch working in conjunction with our justice partners and the Governor's office, we are optimistic that the judiciary will come to reflect the state's population at a faster pace than in years past. We'll now turn our focus to judicial diversity efforts going forward, represented by the 2021 Judicial Diversity Summit report and recommendations before the council today. Unsurprisingly, this summit was perhaps the most challenging to plan yet, given the ongoing pandemic. For the first time, we shifted the summit to an all-remote conference format, reaching over 1,700 total registrants, including justices, judges, and attorneys. As the sponsoring organizations, the Judicial Council, California Judges Association, and the California Lawyers Association collaborated with an unprecedented number of affinity bar and judicial associations, 15 in total, whose leaders served as part of our Summit Advisory Committee and provided direction and feedback on our programming, as well as the final recommendations of the summit report that you have before you today. The summit agenda included a series of interactive virtual programs, beginning with six pre-summit programs in August 2021, and an additional eight summit presentations over three separate evenings in September 2021 for a total of 14 different sessions. The Chief welcomed our summit attendees on the first day, notably sharing that the work on judicial diversity being done in California is a model for other states to follow. The chair to the Jenny Commission, Stella Ngai, and the Governor's judicial appointments secretary, Luis Cespedes, were also featured speakers. The summit's faculty was comprised of judicial and bar leaders from diversity, equity, and inclusion efforts throughout the state, as well as other prominent legal professionals. After the summit programming concluded, the planning committee continued to convene over the past year to develop a series of recommendations and implementation strategies for improving diversity across California's judiciary. On October 20, 2022, the Advisory Committee in Providing Access and Fairness reviewed and approved the Judicial Council report for your consideration today. The committee first recommends that

effective December 2, 2022, today, that the council receive the final report from the 2021 Judicial Diversity Summit, and direct staff to distribute the Summit report and recommendations to the trial court presiding judges and the court executives advisory committees for consideration of any that are appropriate for implementation at the trial court level. And with that, I'll turn it to Judge Brazile for the remaining recommendations.

>> Thank you, Justice Rodriguez. So out of the seven total recommendations in Judicial Diversity Summit report, the Advisory Committee on Providing Access and Fairness is proposing action on four of the recommendations. They fall under the purview of the council and serve to further strengthen or expand the judicial diversity initiatives the branch is currently leading. The committee proposes that the following recommendations be referred to the Executive and Planning Committee for further consideration and referral to the appropriate advisory committees. The first proposed recommendation from the summit report for consideration is recommendation number one, to increase education and resources about judicial appointments and elections process. Since 2019, staff to this committee, as well as members from our committee, have served as panelists in over nine educational sessions on the judicial appointment process in partnership with CLA, the Governor's office, and the Jenny Commission. We also conduct at least two presentations on judicial demographics to the Jenny Commission's new members on an annual basis. This recommendation focuses on continuing our work in collaboration with our partners and to devote additional resources to these presentations for greater outreach. For the elections process, the summit report recommendation anticipates that CJA, or affinity judicial associations, will act as the lead in that important piece of mentorship and support for attorneys running for an open seat, or for judicial retention elections. The second proposed recommendation for consideration is summit recommendation number three, to strengthen efforts to mentor judicial officers on the bench as a crucial component of their continued professional development and advancement. This recommendation focuses on the need for the mentorship of sitting judges at the trial court level, and encourages presiding judges to annually gauge the interest of their court's judges in leadership positions at the court, as well as elevation to the appellate court. This recommendation also involves having the Judicial Council consider conducting more outreach about our advisory committees, and the process for nominations and to educate judicial officers about opportunities to participate in different leadership positions statewide. The third proposed recommendation from the summit, number four, to strengthen and coordinate judicial outreach to connect with diverse younger generations. This seeks to build upon the success of the Chief Justice's current programs to K-12 students, like the Civic Learning initiative, or Judges in the Classroom, and the goal to better coordinate and expand programs and partnerships with local school districts and the Department of Education across the state. Finally, recommendation number six focuses on updating Government Code section 12011.5, the statute which requires the State Bar, the Governor's office, and the Judicial Council to annually report demographics of race, ethnicity, gender, sexual orientation, disability, and veteran status to include a nonbinary gender category. This change would also allow the statute, align the statute with the Gender Recognition Act passed in 2017, making it the policy of the state of California that every person deserves full legal recognition and equal treatment under the law, and provides

full legal recognition of a person's accurate gender identity. The committee recommends that the council refer this item to the Legislative Committee to consider sponsoring legislation to enact this change. This concludes our presentation on the 2021 Judicial Diversity Summit report and recommendations, and we would be happy to take any questions or comments at this time.

>> Thank you, Judge Brazile. Any questions or comments, observations before we consider the recommendations? I will say, in the void, that as described, this journey, as Judge Brenda has described it, from '06 to now, and the recommendations, and the inclusion of other categories, is uplifting, inspiring, and the work ahead is a labor of love, and I think that the recommendations are wise, about getting people involved, getting, starting with younger generations, to think about it. To plan, perhaps. To make choices that are different. To get involved early, because this is something that I think will engage people throughout their careers, and I thank you for your work on this.

>> Thank you.

>> I'd entertain a motion as to the recommendations made on this item as described by Judge Brazile.

>> I would move it, Chief.

>> There's so many. Justice Slough moves, I heard Justice Fujisaki second, as well as Judge Anderson. All in favor of adopting these recommendations, please say aye.

>> Aye.

>> Any abstentions? Any noes? Unanimously, wildly successfully passed. Thank you. Our final agenda item, Martin and mine at least, and your last agenda for today's Judicial Council business meeting is, again, looking to the future, and enhancing our strategy and awareness with judicial branch administration, our strategic plan, action item. We welcome Justice Marsha Slough, the chair of Judicial Council Executive and Planning, and we also remain at the presenters table, Judge Kevin Brazile and Justice Victor Rodriguez.

>> So thank you very much, Chief. I'm going to just call a real quick audible, because it is our last official act of business, but I know we've got other items that we want to talk about and move on as well, so I want to thank Justice Rodriguez and Judge Brazile, and the audible is, I will not be asking you to participate with me, but thank you so much for the great work that you are doing every day in the presentation that you just provided for us. So thank you. Chief, today, we have before us a request of all of our members to review our strategic plan, to review the request for a modification to our strategic plan, and I want to say that it builds on the work that we just heard about. Our strategic plan sets a specific charge and direction for the branch to improve access, fairness, and diversity within our court system. And we know that that work has been going on for a long time in all quarters, in addition to the work of the committees, it's also goes on in our education programs as well. The reason we bring it here today is because, as important as diversity is, if you're not included, it doesn't matter. And it may seem like a really small change to our strategic plan, but I will submit to all of you who are lawyers, judges, legislators, that really, our most important tool that we have, and that we use, is our words. And

if we don't include the word inclusion in our goal and in our strategic plan, I think we lose sight of the fact that we've made a lot of progress, as Judge Brenda has demonstrated with her presentation. We have a long way to go, and we all need, regardless of why and how we're here, to be included. And so the motion today is to include inclusion in our strategic plan. And before I ask for, ask, turn it over to you, Chief, you have led on the theme of inclusion. Look at your Judicial Council. It's inclusive. Look at the internal chairs that you have selected. A gay man, a lesbian woman, a Black woman, a white man, an Asian. You didn't do that because that's what you were picking, I don't think. But you included us. It's important. It matters. It's a small change, and it's a mighty change. Chief?

>> Thank you. I have to say, I'm so proud to see this recommendation coming from all of council to amend a document of state, of this judicial branch, that hasn't actually been amended in years, that I can think of. That was somewhat ahead of its time when it was first adopted in the '90s. But to add inclusion for emphasis, we've acted inclusively. But now we're telling the world publicly, outwardly facing, and reminding the world, and other states, and other forms of government, and others, that this is expressly, justice is expressly about inclusion. And so there are three recommendations before you, as described by Justice Slough, and I stand at the ready to entertain a motion to approve and second, third, and fourth.

>> Chief, move approval.

>> Why, thank you, Justice Corrigan.

>> Second.

>> Justice Brodie seconds.

>> Third.

>> Justice Fujisaki third.

>> Slough, four.

>> Slough, four. Anderson, five, Rubin, six. Hill, seven. Oh, we're, we're nothing if not redundant, sometimes, in the judiciary. And, all in favor of adopting the recommendations going forward, please say aye.

>> Aye.

>> Any abstentions? Any noes? The Judicial Council proudly amends its strategic plan as indicated. Thank you for all your good work.

>> Chief, I'm going to steal the mic from you for a minute.

>> Okay.

>> That wasn't our last item of business today. We've got one more item of business today. I think it was, well, it's been said that Eleanor Roosevelt said that you can tell the strength, that a woman is like a teabag. You know how strong she is when you put her in hot water.

>> Where is this going?

>> I know, it's all good. When you came to, to lead us, you were dropped into a boiling pot. And not only did you lead us well, you turned the temperature up yourself, too, on us, on others. You made us better. You are a strong leader. You've been a wonderful Chief, chair of this committee. You are a wonderful woman. We know that you're, we've heard it said over and over that your tenure has been bookended by lots of hot water. So staff has worked diligently to pull together a video that kind of itemizes and runs through your tenure. And we would like to present that to you, Chief.

>> Oh, thank you, thank you! I am moved and humbled.

>> [Video playing] Tani Cantil-Sakauye has served the people of California for 38 years. As a deputy district attorney, senior staff in the executive branch, and on the bench for 32 years with 12 years on the California Supreme Court. As the 28th Chief Justice of California, she is the first person of color and the second woman to serve as the leader of the California judicial branch. A graduate of public school, community college, a public university, she served at every level of our court system, as a trial judge, appellate justice, and Chief Justice on the Supreme Court. Her tenure as Chief has been bookended by the Great Recession and the pandemic. In between, there are many milestones that reflect her vision of a fair and accessible court system. She worked tirelessly to convene and connect all stakeholders to enhance court administration and expand access to justice for all Californians. [Music playing.]

>>[Video continues] She recognized that she was going to need help, so she she reached out to the bar and developed a coalition of interested bar members to work with us in our advocacy and the various committees, and to meet with all the legislators, we developed a budget blueprint that was comprehensive, so we were all speaking off the same page, as it were. It was a multiyear process. It didn't bear fruit overnight, but she stuck with it, and I think that she won a lot of people over in the Department of Finance and in the legislative leadership, and she also displayed, although ever courteous, a steely nature. So it was obvious that she was not vulnerable to adversity. And in the end, she succeeded, and as a consequence, the branch prospered.

>> [Video continues] I was very privileged enough to be appointed to a trial court funding workgroup, which was tasked with examining trial court funding and its impact on the pluses and minuses, which generated 18 recommendations, and I'm happy to say that those recommendations have moved forward, and they've not only just moved forward, they've moved forward in a way that have made very meaningful improvements to the trial courts. It was very evident that she was looking to make some improvements where, perhaps, we fell short. And she has maintained that vision all along during her tenure.

>>[Video continues] She listened, and she heard. She talked to all of the users, and all of those who were impacted by the court, and came up with the program called Access 3D. And, in essence, it was three concerns that she felt impacted the ability of those to have access to the court. The first was physical, which meant we had to have open courthouses. We had to have places for them to go to be heard. It also meant that they needed to be safe and secure. The second was that we needed remote access, and this was pre-pandemic she talked about

videoconferences, and also the ability to access your important documents that impacted your court case online. And the last was the ability to be heard in court. Equal access.

>> [Video continues] That general plan that the Judicial Council, through the Chief, sent to all of the courts, was an important piece for everyone to get on the same page without dictating exactly what each court had to do. So the strategic planning and the tactical plan set out by the Chief and the Judicial Council were important, a very important piece of getting technology done. With the innovation grants, are an important piece of the work of the Chief, the Chief got millions of dollars from the Legislature and the executive branch for the innovative grants. Those innovation grants are virtually laboratories in each of the courts that submitted those grants, and many of them will be able to be transferred to other courts. That is happening as we speak.

>> [Video continues] I think one of the things that inspired her creation of the Futures Commission was her knowledge that we have to work together as a branch, and we wanted to be able to make the case to our partners that we were looking over the horizon, and that we were constantly looking for ways to do what we do better. As part of our work, we really wanted to make sure that we were as inclusive as possible, not just across the branch, but across all of the many faces of California, so in addition to the internal work we did, we put all of our proposals out for public comment, and we had a robust series of opportunities for people to actually give us feedback on the proposals we were making. Her ability to forge consensus both within the court and within the courts, and with our partners in the process is amazing. And she has an impeccable sense of timing. She always made sure that everybody has been heard, and realizes they've been heard, and she's terrific at giving people space to find a middle ground in an era in which contention and division seems to be the order of the day. She is terrific at bringing out the best in all of us, so that we can get beyond the noise and the finger-pointing.

>> [Video continues] Having a language access plan that kind of sets forth what the standard is, what superior courts have to do in order to provide access, is so important, particularly in those areas where people are representing themselves and having to navigate what is already a very daunting system. She dove into the opportunities that our diversity, including linguistic diversity, really presents, and you can see the advancement of going from a time where we adopted a language access plan in 2013, and here, not even 10 years later, we really kind of accomplished almost all of the recommendations that are set forth in that plan, and all of that is due to the leadership and progress that is really championed by the Chief Justice.

>> [Video continues] One of her first ideas was to take on civic learning and make the courts a big part of civic learning in California. She was very concerned that our youth were not learning about the courts at all, and she asked me to put together a summit on civic learning. We got Sandra Day O'Connor there. Of course, we had our own Chief Justice there, and it was an enormous success. Our whole agenda was to make sure that the courts were included in civic learning, and that civics was an important part of every child's education, K-12. That was huge. A civic learning task force that came up with a monumental report that has been a playbook for us ever since, trying to incorporate civics into education at all levels. We got the state to change

the framework, social science history, social science framework to include much more civic learning, and we have, now, the state seal of civic engagement.

>> [Video continues] She is a leader who listens first, well, she listens again, and then she takes measured action. Action that's meant to solve immediate problems. And then she listens again. How did that help? For example, she created the post-pandemic workgroup, and that arose out of all of the things that the trial courts were doing to attend to our courts, and the people that operate, and use our courts during the pandemic. She wanted to know what was working well, how can we leverage that, what isn't working well? She told us, we, the Judicial Council members that were on the group, I want to hear from the people. People who use our courtrooms. And so we reached out to a lot of different, diverse folks, civil, criminal, family law, juvenile, across the board, to help find out what is working, and how can we leverage that, so that as we come to the end of the pandemic, we didn't just survive, but now we thrived. She listened first. She leads. She listens. She modifies. She listens again. But, most importantly, she does so from a position of care, concern, and true compassion.

>> [Video continues] I would like to thank the Chief Justice for, for all that she's done, and for her commitment to judicial diversity, for her sensitivity to the issue, and she is, she just epitomizes the need for diversity, and it has taken leadership from the top including Justice Cantil-Sakauye. She has been a real leader, and the push for diversity, and who, herself was a diverse appointment to the Supreme Court when she became the Chief Justice. Diversity, equity, and inclusion are very important because court users, persons coming into our court systems, need to feel that they will be heard, need to feel that there is some cultural sensitivity to the issues that they may raise, and that they need to feel that they will get a high quality of justice in our court system. We have the most diverse court now in the history of our state.

>> [Video continues] The courts in California could not be better positioned now to put the public at the center of its planning, its operations, and its deliberative services. After multiple years of fiscal planning, along with the sister branches of government, we're working on what the Chief calls three-branch solutions. We've been able to involve the courts, the stakeholders, and all parties, by focusing our efforts toward this principle of equal access to justice for all. For many in the courts of California and in the hallways of the capitol that consider her to be the people's justice, the people's Chief of California, I happen to know that she is admired, respected, and imitated all around the country.

>> [Video continues] During her tenure, the Chief Justice has built consensus with colleagues, peers, and partners. She has implemented change within the judicial branch and supported three-branch solutions to the many challenges facing our state. And, through it all, she has kept the public at the center of who the court system serves. And throughout her term, she has shown grit and grace while maintaining a steadfast focus on the goal of access, fairness, diversity, and inclusion, and the critical importance of the rule of law to our democratic system of government of the people, by the people, and for the people. Thank you, Chief.

>> Thank you. Oh, gosh darn it. None of it was possible without all of you, every step of the way. Thank you. It's been a wonderful privilege. Thank you. Here, say that part.

>> This part is, thank you for your ongoing service, and happy holidays to you and yours. And the last part is —

>> — this meeting is now adjourned. Happy holidays.

>> [Event concluded.]