

The Judicial Council of California is the constitutionally created policymaking body of the California courts. The council meets at least six times a year for business meetings that are open to the public and audiocast live via the California Courts 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](http://www.courts.ca.gov).

>> Please stand by for real-time captions.

>>> Welcome, good morning. This is the virtual public business meeting of the Judicial Council of California for Friday, November 19, 2021. Our meeting is now in session. During our pre-meeting technical checks for this live webcast we've confirmed the online attendance and participation of Judicial Council members and a quorum. Our written public comments were accepted for this meeting. Justice Slough, would you wish to just comment on the fact of receipt?

>>> Yes, Chief. As typical, we receive written public comments, they are posted for all Judicial Council members to review and consider prior to today's meeting. I know all members have had the chance to look at them. Thank you very much.

>>> Our next order of business is the approval of minutes from our October 1 council meeting. Minutes are in your binder. I know you have had an opportunity to review them and I will entertain a motion to move and second minutes, please.

>>> This is Judge Lyons. I make a motion.

>>> Thank you. I will second that motion to approve.

>>> Thank you. All in favor of approving the minutes please say aye. Any abstentions?

>>> Yes. Judge Moorman will abstain. Thank you.

>>> Any noes?

>>> The minutes are approved. Thank you. As you know, the next item on our agenda is my regular report as Chief Justice to the council summarizing my engagements and outreach on behalf of the branch since our last meeting in October. I joined a virtual roundtable with the trustees and board members of the Washington, D.C. based Council on Criminal Justice. The topic of discussion was courts and how we changed, and were challenged, and adapted during the pandemic. I shared the research and experiences of our Ad Hoc Work Group on Post-Pandemic Initiatives and the experiences of our trial courts, Courts of Appeal, Supreme Court, and the Judicial Council. I explained how California courts were able to remain open to the public and we didn't close our doors for any extended time. I explained how our courts transformed on the fly business operations to remain accessible while addressing public health

and safety concerns. I also explained how remote proceedings increased efficiency and access, improved case clearance rates, and cleared previous case backlogs in some case types. And how remote proceedings were held in every court in at least one case type and in 39 courts in most or all case types. And how proceedings did improve clearance rates in juvenile delinquency before pre-pandemic levels, and dependency cases as well. And allowed courts to handle not just current juvenile cases, but reach their backlogs. I explained also that Governor Newsom continues to regularly interact and appoint judicial officers. As proof of that, as you know, Governor Newsom has made a recent appointment of 11 superior court judges from a wide variety of backgrounds to 10 court benches. These lucky counties are Butte, Contra Costa, El Dorado, Fresno, Kern, Los Angeles, San Diego, Santa Clara, Solano, and Sonoma. We have one Court of Appeal nomination pending. We will soon be conducting a hearing with the Commission on Judicial Appointments. I did have the pleasure recently of chairing a commission confirmation hearing on the nomination of Judge, now Justice, Victor Rodriguez to the First Appellate District Court of Appeal in San Francisco. He was confirmed by unanimous vote by the three-member commission panel, which included Attorney General Rob Bonta and soon to retire Senior Presiding Justice J. Anthony Klein and myself. We heard from Supreme Court justices in support of Justice Rodriguez's appointment. That is from Carol Corrigan and Mario Florentino Cuellar, and Alameda Superior Court Judge Thomas Nixon in support of the nomination. Over 400 high school, college, and law school students and law graduates from around the state were the audience for my opening remarks for a new initiative from the California Women Lawyers, So You Want to Be a Lawyer. The program included a series of moderated panel discussions with practicing attorneys and judicial officers who addressed the fundamentals and experience of high school, college, and law school. The courts were well represented at this program with Judge Wendy Coats and Benjamin Reyes from Contra Costa Superior Court, Judge Holly Fujie and Commissioner Ashley Price from the Los Angeles Superior Court, Judge Elizabeth Macias from Orange Superior Court, Judge Raquel Marquez from Riverside Superior Court, and Judge Von Nguyen Deroian from Santa Barbara Superior Court. It is similar to CWL's So You Want to Be a Judge program. It's aligned with the State Bar program Be a Lawyer, Make a Difference initiative. I connected back with my local community in Sacramento when I provided an in-person welcome message at the Sacramento Filipino American Lawyers Association gala. It was members, attorneys, law students, and guests. Judge D. Brown introduced me, and other speakers included Judicial Appointments Secretary Luis Céspedes, State Personnel Board vice president and former appointment secretary to Governors Brown and Newsom, Mona Pasquil, and a representative from Attorney General Rob Bonta's office. The SacFALA Association, like many bar associations in the community, sponsors local community legal services, provides pro bono legal services, continuing legal education, and professional development opportunities. I joined a number of judicial officers from throughout the state who created a video called I Am, in connection with a Judicial Council and California Lawyers Association's judicial diversity video for the most recent Judicial Diversity Summit. Judge Jessica Delgado and staff from Santa Clara County Superior Court took the lead in reaching out to judges around the state to record a personal, very short story snippet entitled I Am. The collection of videos showcased the incredible growing diversity of the California judiciary. The videos will also help to support and promote

our Judicial Council's Judicial Pathways website. I also provided opening and closing remarks for a new Judicial Council juror orientation video. The last time we did a video was 10 years ago. It's hard to believe, it felt like it was yesterday. It is currently in development. I thank jurors for their services and explain what we do and how it's an honor and a privilege to serve on jury duty. I represented the Judicial Council along with our Facilities folks, Pella and her team, at the long-awaited dedication ceremony for the new Siskiyou County Courthouse in Yreka. It's a beautiful building and houses five courtrooms and staff. It was a pleasure to meet with Presiding Judge Karen Dixon and the bench, Court Executive Officer Renée McCanna Crane, the court staff, justice system partners, and members of the local community. If you don't know where Yreka is, it's 20 minutes from the Oregon border in California. And I will point out that this courthouse took perseverance. As I see Justice Brad Hill smiling, the project was delayed by budget reductions due to the recession in 2016. It looked like—it was shovel ready—it looked like, stop, there'll be no money. Yet they had to and found a rabbit out of the hat, with Martin's team, Justice Hill's team, managed to get the money, make our construction funding part of the state funding and Siskiyou adapted to further limitations but built their courthouse. At our Judicial Council annual all-staff meeting I shared my pride in and gratitude for our staff. For their strength, their resilience, coming in every day, and keeping the work of council running. And also helping every court in California to keep running their operations. And helping to deliver on the promise of justice during the pandemic when it seemed like we needed justice most. Our Judicial Council staff, as you can imagine, perseveres, overcame challenges. It is that commitment to show up and continue to work while they faced all of those personal challenges that builds resilience and got the work done. I also know council members Justice Slough, Judge Anderson, Presiding Judge Zayner, and Court Executive Officer Kevin Harrigan also shared their perspectives and their gratitude on the pandemic with staff, as did Martin, Millicent, John, and Rob. They described how we collectively and collaboratively, as a branch, continue to navigate the pandemic while delivering access to justice. It was also a pleasure once again to join Mark Baldassare, he is president of the Public Policy Institute of California, only virtually this time for his 2021 speaker series on California's future. During our conversation we discussed how our courts showed great resilience during the pandemic by staying open; harmonizing federal, state, and local health orders; leveraging emergency orders when necessary; and innovating on how services were being provided to the public. Mark was also interested in the civics behind the branch and my three-hat role as chair of this board of directors, the Judicial Council; administrator and justice on the Supreme Court; and advocate for the branch with our sister branches of government. He was intrigued by the collegiality of the California Supreme Court as compared to other higher courts, which I put down to our trust and our respect and my good fortune to work with truly smart and dedicated people from diverse backgrounds who are committed to bringing clarity to law. We also discussed differences between state and federal courts, the digital divide as it relates to the equal access element of Access 3D, and the improvements in diversity writ large across the judiciary in recent years. We also discussed the importance of mentorship and civics justice education with students. Then we took questions from the virtual audience. They were interested in the continuation of remote proceedings, ongoing bail reform, pretrial reform, our funding, and our work on homelessness, which we will hear more about during our discussion agenda from

Justice Mauro. I joined the Committee on Revision of the Penal Code to be a part of their November meeting. I provided brief introductory remarks about the role of the council, our role in the Legislature, and our administrative justice duties. We talked about areas of mutual interest. The commission was interested about a number of issues. The commission consists of the Stanford lecturer and he is their chair, Michael Romano, former Los Angeles Superior Court Judge Peter Espinoza, who used to be a member of the Judicial Council, Senior United States District Judge Thelton Henderson, Assembly Member Alex Lee, former California Supreme Court Justice Carlos Moreno, and Loyola professor Priscilla Ochan, and also Senator Nancy Skinner. I spoke to them with my Chief Justice of California hat on, making no promises about what council would do and no promises about what the Supreme Court intended to do. I thanked them for their ongoing work. I offered our practical statewide insights about changes in legislation. I talked about our growing data resources, business of justice, and to help inform their important work. I did also advocate for funding for the frontline staff supporting any criminal reform workload. We have had criminal reform for over 10 years in California. I need not tell you that. I also supported funding for the Habeas Corpus Research Center, the public defender's court appointed counsel, the California Appellate Project, and the Office of State Public Defender, as these are the people who are appointed to and do the work with the arrested and inmates in order to achieve the benefits of legislation. The committee had questions that ranged from the retroactivity of legislation, the impact of Proposition 66, handling of death penalty cases, and the ongoing need for bail and pretrial reform. I also discussed the impact of criminal justice reform and the fact that we as a judiciary have to also balance the need for civil justice. And that is why when we go into the Legislature we need to protect both aspects of the practice and that is why we are sometimes concerned with handling too many criminal proceedings to the detriment of our time for civil justice. Finally, I was honored to be virtually inducted into the 17th Asian Hall of Fame Class of 2021. I am told I was the first judicial leader ever inducted into the Hall of Fame. I understand I was supported by the founder, who is a lawyer, who went and argued my special case to be admitted. I'm proud of that. And the organization is an international organization. It seeks to promote cultural unity, interracial equity, counter anti-Asian violence, support hate crime victims, while encouraging more representation in politics, government, business, and the arts. This concludes my report to council. I turn this now to Martin Hoshino.

>> Thank you, Chief. It's always hard enough sitting next to you and now to know that you are a Hall of Famer elevates the bar even further. Good morning, council members and members of the public. Before I get to my written report and highlight some of the contents therein, I do want to take a moment to announce a change in management leadership at the council. After 14 years with us but a public service career that spanned more than 30 years, our director of Accounting and Procurement has retired. Doug Kauffroath has done his time in service. He has run an organization and a division that most of us don't really notice until something goes wrong. It's the place that is supporting 58 different financial systems throughout the entire state as well as human resources management systems for the state. They pay the bills. The bills are many. They quantify in the billions and they get us to closure each time for the things that you have to do in terms of your financial statements, records, to keep everything consistent and

copacetic with standards that are operating for good government financial practices. Luckily, planning for this, we had recruited a deputy director in 2018. We are pleased to announce the appointment of Jason Lopez to succeed Doug. Jason comes to us prior to the 2018 time with us working for the Yolo County Department of Health as well as the California Rural Indian Health Board, and did some time with me personally and some of the other team members at the California Department of Corrections working on issues of accounting and fiscal services. I'm confident we will be in good hands in this transition. I wanted to advise and alert everybody to that change. Now turn to the written report, the regular report is in your materials. I would like to highlight a couple of things that chronicles the activities that occurred between the last meeting October 1st and now. Approximately six weeks or so. In that period of time there were 18 additional advisory bodies convened and taking actions and making recommendations, some of which will appear before you today on the consent agenda as well as in your discussion agenda. There were about 40 or so education programs and resources that were made available to judges, justice partners, and the like, again, leveraging the remoteness aspects of those given the conditions that we are still operating in. I also wanted to point out a little bit of some details and some news related to the language access activities that are contained in that report. Specifically, the first thing is about testing. The report will call out and identify a few of what we call the Bilingual Interpreting Examination. This time it involved approximately 200 candidates in four languages that are most frequently interpreted in our trial courts. Those languages are Korean, Mandarin, Spanish, and Vietnamese. This year for the first time a live instructor, a virtual skills building training was provided for past examination candidates that were categorized as near-passers. Although the testing scores are still being finalized the preliminary data is indicating a much higher passage rate among this group. So what this means, it translates into more resources and adds to the ranks of registered interpreters working in the courts. Hopefully, those preliminary findings will hold up and we will have more assets available to members of the public. So complementary to that, the public outreach related to these language access services was also augmented by doing some additional outreach and public service announcements on using and working with court interpreters in 14 multiethnic print publications and 16 multilingual radio stations throughout the state. We continue our efforts as charged by the council and working with the trial courts in trying to provide more and more services in this space. The last thing I want to mention to you is related to the consent agenda. I want to highlight one of the items that are there. On the consent agenda there are total of nine items brought forward to you today. The majority are based on the work and the resulting recommendations of the advisory committees related to that. There is one consent item, the number is 21-183. It addresses emergency rule 3 on use of technology in remote appearances. Just for recall this was one of the emergency rules that the council initiated last year approximately April 6th, after the Governor had delegated some authority to the council on March 27th, which was about two weeks after the big shutdown related to the pandemic. In that space then and because the Legislature was not available to act the council took this action as well as a number of actions. But since returning, the Legislature did in fact act on this area. It manifested itself in the form of SB 241 carried by our own Judicial Council member, Senator Umberg, who couldn't be here with us today. That action occurred September of 2021. So, what you are facing today is the reconciliation for lack of a better term between what the

emergency rule was then at that time on April 6th, in a space where there was no legislative action, but then owing to what I would describe as the supremacy and sequencing of statutory construction, the Legislature has now acted in this space. So, there is a need now to change the rule to conform and comply with the law. The effective date of the law in the form of SB 241 will be January 1st. For a lot of energy and effort, a rule has been put together, in terms of the amendment of the existing rule, and that is in the packet of the consent of the consent agenda item before you today. With that, Chief that concludes my report to the council members as well as members of the public.

>> Thank you. Next we have a hybrid type of reporting from our two internal committee chairs. There will be two. The other three reports are online. I invite Judge Kyle Brodie, chair of the Judicial Council Technology Committee.

>> Good morning to you, Chief and council members. Thank you for giving me the opportunity to give my report on the Technology Committee and some of the work we have been doing and some of the work we will be doing. Just to set a context for my report, necessity being the mother of invention, that has never been more true than in the last two years. A colleague referred to the last couple of years as the Great Pandemic Pilot Project. I think there's a lot of truth to that, because as we've had to adjust so quickly to the pandemic, we've learned a lot. I would like to take a few minutes to give a broad overview of how we have capitalized on the opportunities. They certainly did not feel like opportunities at the time, but they nevertheless were in a lot of ways. I would like to share some of the progress we have made and also what we have got on the near and medium term horizons. We all know that technologies are an essential part of how we will be operating in the years and decades to come. It allows us to solve problems that really have seemed intractable. It touches all areas of our operations. In reviewing the report from the Work Group on Homelessness it includes as one of its action items specifically using technology to improve procedures and improve access. Technology is going to be a part of what we do. We had to rethink in some ways what access to justice meant when the pandemic hit and it was not that we hadn't been thinking about these, but we really had to take immediate action. We were well-positioned to do so, because of the work we had been doing. Nevertheless, we really did learn a lot over the last two years and just to share some of the big lessons we have learned, in the technology world, one is the essential role of collaboration and cooperation. The Court Information Technology Managers Forum has been sort of an informal group that has done a lot to build collaboration also, we have done other more concrete council-focused things. For example, there is the modernization grants and the workstream that we created where we gathered 20 people from a wide range of courts, a wide range of roles within the courts, judges, CEOs, court information officers, all of whom got together to talk about the needs of our trial courts. We discussed that in a previous meeting in more detail. As a reminder of the collaboration going forward. As we continue modernizing our courts we have taken a lot of initiatives in that direction. Some of which have been presented to the council and some which have been alluded to in reports and some of which are really brand new. So, one, we realized over the last year that we needed to have one coherent vision of what a modern court is, what services do the public expect? What technologies do we need to deliver

those services? We created a framework that creates a road map, if you will, that courts can use. And that we can use as a judicial branch to make sure our projects are aligned well with our overall vision. In establishing that framework we also have taken an inventory of where courts sit in relationship to that framework. So when I say inventory one question that gets raised a fair bit is where do the courts, how do the courts deliver electronic records, for example? We have 58 trial courts. They are not all in the same space. Just to take electronic records as one example, some courts have mostly completed that work and others are in progress. Others have barely started and others don't have the resources to make a dent in their inventory of paper records. Our goal at the Technology Committee has been to help all the courts level up, if you will, so that we can deliver a consistent level of service across the state. So far that inventory we have collected data from 56 courts. There's a couple we are working with to help get that in place. We will analyze that data but that process has just started. We will present that at a future meeting and give you the results of what we found. The Modernization Funding grants, another big project that we undertook allowed trial courts to tell us what their needs were, what their technology needs were. It gave us a great sense of where courts sit and what they would use with funding going forward. The modernization funding, as we have talked about before, it's a two-year funding allocation that is kind of a limit, frankly, on the sorts of projects we can undertake. We can't really commit to a long-term project if we can't know that there is going to be funding there to support it. That is a challenge we have had to address. Another initiative and this is something that really is brand-new, there is going to be a new workstream created to enhance the hybrid courtroom. One thing we have learned from the pandemic is we have had to refine our vision of what a remote proceeding is. I think some think it's all remote, nobody is in the courtroom or everybody is in the courtroom. The reality is, we need to be ready to have hybrid proceedings where some people might be there in person and others might be appearing remotely. We need to make sure we can accommodate those proceedings. This new workstream is going to provide some direction for taking our current state of where we are and creating the right solution for the future. So we use digital technology to allow these hybrid proceedings. It's a little bit of a shift, frankly, from focusing exclusively on remote hearings. Again, the pandemic pilot project has told us, well, no, we need to be ready for this hybrid result, because that's what meaningful access really is. So to talk a little bit about some other projects on our horizon, one project that will be starting up after the start of the year is to update our four-year Strategic Plan for Technology. We've got two big documents that we use to manage our technology portfolio, if you will, one is a two-year tactical plan that goes through individual projects we are working on. But every four years we have a strategic plan. That sets the broad technology goals for us as a judicial branch. This is a very useful document. It is useful in creating it, it is useful internally. It's also useful externally. When a new initiative is proposed the first thing we look at is the Technology Committee and how does this align with our strategic plan. Does it? If so, the nature of that alignment or lack of alignment really dictates how we want to proceed with it. How many resources do we throw at it? Do we draft it in a direction to be implemented or something in a more exploratory state? That really is driven by our overall strategic plan. It allows us to have a coherent technology vision for a judicial branch that is very diverse in the people it serves and, frankly, the nature of the courts that serve the public. It is kind of an anchor that we can use to really keep us centered. Another big project in

the near future is going to be the data analytics work. I know we have all seen various presentations on that over the months and years. It is a long project, but the progress we are making on that is fantastic. This will be a game-changing endeavor. It will allow trial courts make decisions based on what is actually happening in their courts in real time instead of what courts think is happening based on what happened six months ago or data that is pretty good but maybe has some gaps in it, maybe is good enough to make educated guesses, but this will really give courts the tools they need to have a really granular assessment of the work that they do. It is helpful internally for us to make business decisions. We have significant reporting obligations. This project will help us meet those obligations in a much more robust and effective and efficient way. So I could, as you all know, go on and on about the great things happening in court technology but I will not. Only to say that the Technology Committee really is fully engaged and working with the phenomenal JC Information Technology staff who support the work that we do. Really helps make these projects a reality. I cannot sing their praises enough. It is such an honor to be able to work with such accomplished, effective, and dedicated people. Anyway that's just a very broad overview of some of the work that the Technology Committee has done, is doing and will be doing. Chief Justice, thank you for the time. That will conclude my report.

>> Thank you, Judge Brodie, very interesting, a lot of work ahead for the public we serve. I invite Justice Marsha Slough. Before we start I want to welcome Assembly Member Bloom who has just joined us. Justice Slough, the virtual podium is yours.

>> Thank you very much, Chief. Instead of updating you on planning work since we were all together, you can read the update in the materials. I wanted to take a moment just to circle back to the topic that Martin touched on in his update related to emergency rule 3 as well as the new legislation, SB 241, which is codified as Code of Civil Procedure section 367.75. I think it's really important to just briefly touch on it, because I think that there is an opportunity for people to conflate the emergency rule with the new rules associated with the new legislation and/or confuse them. I wanted to just very briefly touch on that and make sure we are all in alignment on what is happening and when they come into play. As Martin mentioned on the consent agenda today, the internal chairs are recommending a modification to emergency rule 3. As you all know, that allowed during the course of the pandemic for remote proceedings, which has proven, as we have heard over and over, is an avenue of success for access to justice. And we have to continue to keep that avenue open. The Legislature saw that, heard that, and responded to that by the passage of SB 241, which allows for remote proceedings in all civil matters. It doesn't touch criminal matters, but civil matters. So, when that law comes into play as of January 1 we need to have rules around how to operate within that legislation. In order to accomplish that the Chief Justice established an ad hoc working group, which consisted of several of us on Judicial Council, thank you for your participation, including CEOs, judges members of the core advisory committees like Small Claims and Fam Juv. We met through the month of October and have generated a draft proposal, which has been out for public comment. I think the time frame has just closed on that, yesterday or the day before. We will take the comments, I think we received about 80 comments to the proposal. The ad hoc work group will



spend a little bit of time through the month of December, potentially making adjustments in response to the proposed rule. The process then will have us submit the draft through the Rules Committee, as we always do. Once it goes through the Rules Committee a new rule regarding the use of remote proceedings in civil matters will be circulated to Judicial Council, probably through circulating order. So what all that means is that between now, just so everybody is really crystal-clear, between now and December 31 emergency rule 3 remains in full force and effect for both criminal and civil matters. As of January 1, assuming the item on the consent agenda today is approved, emergency rule 3 will be modified to apply only to criminal proceedings, so that we may continue to use remote proceedings in criminal matters after January 1 to help the trial courts get rid of some of their backlog and to provide better service. In addition, we will have the new legislation that becomes effective January 1 that allows remote proceedings in civil. And we will have the rules in play and in force and effect come January 1 that are specifically related to civil proceedings. So, hopefully, that clarifies any confusion about the emergency rule needing to be modified. Kind of the process of where we are on establishing rules, so that we can move forward with remote technology on the civil side. So Chief, that is what I wanted to spend a little bit of time on this morning. Thank you very much.

>> Thank you. We look to the adjustment in January and be ready to make and adapt as needed. Thank you, Justice Slough, for your continuing work in this area. Next, as you heard, we have our consent agenda with nine items including the amendment to rule 3, as you have heard. I do want to say very sincerely that we thank the advisory committees that put in the hard work, including the public comment, the development of these proposals, after public comment the amendment of those proposals, the full rigor they bring that comes to us in a form with such support and often is required with some dates to be on our consent agenda. And the fact that they are on our consent agenda doesn't mean that they were simple or not complicated. They are. The hard work that is put in lays the groundwork. It's so good that we need not put it on discussion, we can handle it with consent. It's great. I have great gratitude, like all of us do, for the volunteers who work on the advisory committees that bring us this information. Also I want to say again as a reminder that if there is ever an item on the consent agenda that a council member feels is something that should be moved to the discussion agenda, please let us know. We could be able to hear it actually at the meeting if it happens within 48 hours of the Judicial Council meeting. Or it may be taken off and then added to the next Judicial Council meeting. So keep that in mind if you see something on the consent agenda that you feel should be moved to the discussion agenda for the purposes of the Judicial Council. I know you've all had an opportunity to review the nine items. I would entertain a motion to move and a second, please.

>> Judge Hopp, move approval.

>> Second, Judge Brazile.

>> Thank you Judge Hopp and Judge Brazile. I also say this by way of announcement and for our new members. A motion with a first and second is not meant in any way to chill the comments, questions, objections. So, that I ask for a vote, please feel free if not necessarily on

the consent agenda, but on the other items to raise your hand and ask questions. Given the move and the second, all in favor of approving the consent agenda please say aye.

>> Aye.

>>> Any abstentions? Any noes? The consent agenda is approved. We have five discussion agenda items on our following. The first item is an action item. It is Family and Juvenile Law, Court Adoption and Permanency Month. We welcome Judge Amy Pellman, who is cochair of Judicial Council Family and Juvenile Law Advisory Committee; and also Ms. Charlie Depner, Judicial Council Center for Families, Children & the Courts; and I believe special guests. Thank you, Judge Pellman.

>>> Thank you, Chief Justice and members of the Judicial Council. Consistent with its commitment to access to justice and permanency and stability for children and the child welfare system the Judicial Council has since 1999 annually recognized November as Court Adoption and Permanency Month. The Family and Juvenile Law Advisory Committee recommends the Judicial Council adopt House Resolution 75 by proclaiming November 2021 Court Adoption and Permanency Month. This resolution, authored by Assembly Member Jim Patterson, passed unanimously. Adoption and Permanency Month is a tradition that renews the commitment of courts, their justice partners, and communities to join in finding safe, stable, and permanent homes for every child in foster care. Amidst the challenges and disruptions of the pandemic California courts and their justice partners and communities achieved permanency for over 20,000 children through reunification, adoption, and dismissal of jurisdiction to guardianship. Still, today 60,000 California children continue to live apart from their families in child welfare—supervised out-of-home care. The theme for this year’s adoption, Every Conversation Matters—[audio garbled]—underscore the importance of engaging youth and families and permanency planning. Our conversation continues with Judge Amy Pellman, cochair to the Family and Juvenile Law Advisory Committee, followed by Kristin and Chris Reyes, who have welcomed numerous children into their homes as foster or adoptive parents. They have prioritized continued connections between those children and their biological first families. Time will be set aside for comments from the Judicial Council. Thank you.

>>> Charlene, before Judge Pellman begins, I cut out, I couldn’t hear. But you indicated what the theme is, and I missed what you said the theme was.

>>> Oh, I’m sorry. The theme is Every Conversation Matters.

>>> Thank you. I appreciate that.

>>> Thank you.

>>> Judge Pellman.

>>> Thank you for inviting me to speak on this subject. It’s a subject that is very close to my heart. Both as a lawyer and a judge. I have devoted my entire career to working on behalf of the

voiceless, our children. And with special emphasis on the children in our child welfare system. Adoption and Permanency Month reminds us to continuously focus and refocus our efforts and energies on this important issue. We encourage the council to adopt House Resolution 75. Just a little history lesson here, back in 1999 Presiding Judge Michael Nash of the Los Angeles Superior Court of the Alliance for Children's Rights and others came together to address what was then a huge backlog of children waiting to be adopted. They started a program called Adoption Saturdays, where we would complete and finalize adoptions through volunteer efforts of the courts and pro bono those and back in those days we would complete, literally over sometimes 300 adoptions in one day. The next year, as I was legal director of the Alliance for Children's Rights, we initiated the idea of highlighting the issue of the importance of adoption and permanency for children nationwide. And we started by going around to a couple of courts that year and within a few years we were able to get nationwide participation. 21 years later this tradition continues. Unfortunately, I would say, this tradition continues. As we still have over 120,000 children across our country who are in need of permanent homes. And we still have in California alone over 60,000. We continue to be determined. That has certainly been illustrated by the fact that even in unprecedented worldwide pandemic we were able here in California to address permanency for over 20,000 children. I always find it unfortunate that I use the term and I try to think of a better term than permanency or placement. It is such an antiseptic word. Certainly, it does not give justice to a child's experience. Children are our children. They need homes, not placements. They need families. They need siblings. Homes and families mean so many different things to each of us. Certainly, as the holidays approach we think about our own family traditions. We think about what are the rules in our families? What are the spoken rules, the unspoken rules? The smells, the touch, so with these are issues that our children need. These are experiences from which they thrive. Our first choice, of course, is always to return children to their family of origin. Unfortunately, that is not always possible. We turn to relatives, we turn to friends, and we turn to strangers to give our children a home. We are going to hear from some of those angels, Kristin and Chris Reyes. When we do that we ask our children to adjust. Fortunately, they do. Children, I have learned, are among the most resilient and yet vulnerable amongst us. We certainly can learn from that resilience. As we have all had to experience some resilience over the last few years. Children have a short shelf life. We remember that children thrive when they are loved and they are nurtured. I am humbled and honored to be a very small part of this huge effort to change a child's life. Thank you on behalf of the Family and Juvenile Law Advisory Committee and thank you to all of you, Chief Justice, for your work and your continuing effort on behalf of the children in the state of California.

>> Thank you, Judge Pellman. I know this, our gratitude is to you and to your remarks and observations. It really touched all of us to the core when you described children and families and the traditions and siblings. Sometimes the things we take for granted with our own children growing up. You have caused us to focus and think about that. And reminding us that the resilient, but vulnerable life short shelf life of children and how when we have them in our courts we rise to the occasion as best we can. And your work makes all the difference. Really, the gratitude is to you and your committee and for letting us know about the transitions, hopefully—I know placement is not a great word for the 20,000 children who have found

homes. And our heart aches because of the 60,000 that don't. Yet, the work you do is so important, because you are paying it forward for us, for California, for them, and for the lives they will lead and the lives they touch and the children they have or come in contact with. Typically, we have this event—and I say this and sound like a broken record—in person. And it is one of the best times we have at the Judicial Council. This is the time when different judges can raise their hand and say adoption is the best part of my work. It's when I come in and I'm happy and I come in on Saturdays and we do this and we take pictures and visit friends in family court and that is the framed pictures on their credenza of the adoption and the birthday, the streamers, and the decorations. We, we especially enjoy the coming together and having a family visit and taking pictures at the Judicial Council. I know that the work of Ms. Depner and the Judicial Council staff in this area is really of national admiration and respect and in demand. It is wonderful to have you. It could be more wonderful if it were in person, but we thank you for your work here and for your remarks. We saw some special guests in one of the windows. I'm going to tell just you, one was upstaging you. We were all watching the family. I heard Martin laughing, and now he is smiling when we saw the special guests. I think they were the special angels you were talking about. I turn it back over to you, Judge Pellman.

>> We are going to introduce Kristin and Chris Reyes. I think they are here and are going to talk a little bit about their family.

>> Hello. My name is Chris Reyes. The little boy who just left is Porter. This is my daughter Selena and this is my wife Kristin, Selena and Porter. Thank you Chief Justice and council members for having us on today. We are going to talk briefly about our family. So that we can talk, we are going to have the kids step out for a moment. Selena and Porter, go ahead. Go find Grandma and Grandpa. They will help you out. We are foster parents. We have been foster parents for seven years. We have fostered about nine children. And we have adopted two, Porter and Selena. I'm going to tell you a little bit about Selena, and Kristin will tell you about our other foster kids and then Porter. Selena came to us at 18 months. As much as we loved the adoption ceremony, and our judge was amazing, and it was so fun, permanency and adoption always have a sense of loss associated with it as well. Nearly all reunification or adoptions have a family that is experiencing grief. A foster family that is losing a child that they have loved for months or sometimes years or whether that is the first family. What we have done differently, especially with Selena, is had the ability to maintain contact with the first family before and after adoption. A lot of the benefits in working to keep that relationship together really influenced why we maintained that relationship. It also helped us understand how important it was for our children to do it. Selena's first father, who we have had close contact with, last year during the pandemic when we had to move he was the one that helped us get out of town. A couple of months later we celebrated his birthday at our house. He told us that he was becoming a father with his partner for the first time. I am so proud of his growth and dedication to Selena as well as becoming more and more of a father and a responsible adult during that time. Selena gained the benefit of knowing and being proud of her Mexican-American heritage. Of understanding where she gets her tallness and why she is the tallest in the class. Those questions will continue to grow. We know that with her first family she is going to be able to

have answers and not have to find answers someplace else. I will leave you with, before I turn it over to my wife, it doesn't have to be an adversarial defendant-plaintiff view when it comes to the families. Whether first families or the foster families, it can and should be a partnership whenever possible. We urge you to look at that, to think about that, and see how maybe you can achieve that in your courtrooms when you're looking at the benefits and the overall health of the children that you will find in your care and under your judgment. Kristin, I will turn it over to you.

>> Thank you. Good morning, Chief Justice and council members. We are grateful to be here. Grateful Mary and Michael invited us. I just wanted to share a little bit more. We are currently fostering a newborn that is almost three and half months old. A really sweet little boy, Jeffrey. We have also got to participate in a transition plan for him to go to his maternal grandmother. We are just really grateful again that that relational component to be able to help these children know that they are loved by many and that it takes a village. We are really supporting that transition for him to be back with bio family in the way he is able. He will move on December 6. We have had over half our children go to relatives and some of our children reunify. Porter came to us as a newborn, the little five-year-old that you saw.

>> The bundle of energy.

>> Selena is 7-1/2. I don't know if Chris mentioned that. She's been in our family for [audio cut out]. They are part of our forever family. They know we have little-while family members that we love and treat as family and our family as long as they need a home and a family. They are very much a part of supporting this process. We also with Porter he came to us at birth and was a fast-track adoption. His biological sister we still have that relationship with that adoptive family. He has a couple of connections to relatives in his first family. They were actually adopted on the same day. It was really special her family got to attend his adoption and we got to attend her adoption. The cases were going through court around the same time and they were both able to find permanency when reunification wasn't possible. We are incredibly grateful. We feel from the moment the children we were able to adopt joined our family we felt such a special bond and connection. We fall in love with all of our children, so I know Chris talked about that experience with grief and loss. Many of us on this call have experienced that in many ways in our lives. It's a privilege. It's a joy. We are so grateful to have been invited. We appreciate all that you do. Thank you very much for having us.

>> Yes. Thank you.

>> Kristin and Chris, again I'm going to say that our gratitude is to you. When judge, described angels I think she understated it. Truly, your love, your warmth, your perspective could really inform the lives of everyone, not just foster children and the forever families and the little-while families. There is a time that Martin and I were having this discussion about how I had never heard before, until today, from Chris about the partnership and the continuity. And when you mentioned it, it is so clear to me how that benefits the child to know that so many people love the child and will be there throughout the child's life. You have taken away from that the

drama, the emotion, the questioning and made it so they can accept all the different kind of family relationships we all have. That is the first time I have heard it—from you two. I feel inspired that this is a new way forward. And all of the trial judges here who are themselves in these positions and who watched this video will have a different way of thinking about adoption and reunification and dependency, because it's all in the best interest of the child. Isn't it better to have the child loved by all, aware early on? I commend you for this important work. Thank you. We hope to have an opportunity to have Selena and Porter say something and give us a little wave.

>> Let me go get them.

>> It will be tough, their grandparents are visiting from Oklahoma.

>> I understand; there is more love to be had in a household. I understand. I don't want to take away from grandparents' time either.

>> They are here for a little bit. Expect they want you to get to say hi again and speak. They are talking about adoption and permanency. Do you want to say anything?

>> No.

>> Hi.

>> Hi, Porter. Hi, Selena. It's nice to meet you. We heard from your family on how much you are loved and we just wanted to say happy Thanksgiving to you and your family. Thank you.

>> What do you say? Do you say happy Thanksgiving?

>> Happy Thanksgiving.

>> Do you want to say anything?

>> That's a lot of energy.

>> Porter is having his first overnight visit with his maternal grandmother tonight. We are hoping and praying that goes well.

>> We hope so, too, for baby Jeffrey. We imagine Grandma is thrilled.

>> Yes. She is.

>> Thank you so much for sharing.

>> Thank you so much. Take care.

>> We have before us from Judge Pellman and Charlie Depner an action item with a recommendation regarding the resolution to declare November 2021 to be Court Adoption and Permanency Month. I will entertain a motion to move and a second, please.

>> [ Indiscernible - multiple speakers ]

>> I heard Judge Boulware Eurie moved, and second?

>> Judge Brazile.

>> And Judge Brazile. All in favor of adopting the recommendation that is a resolution say aye.

>> Aye.

>> Any abstentions? Any noes? The resolution is approved. Thank you. I probably should have taken that segment last, but we will start with our next item, which is going to be three discussion agenda items following each other. These relate to the working groups that I established to review how the courts, if we can, can contribute to addressing homelessness or housing insecurity, the standard for preventing violence, and post-pandemic initiatives including remote proceedings. Again, I know this but it's worth saying, that all of the folks who participated in these three work groups all have multiple other responsibilities professionally, on the bench, in courthouses, and in all the volunteer work, let alone Judicial Council. They took deep dive reviews of these three areas that have been challenging and maybe controversial. But you have enabled us for the ability to focus on what the branch can do, if anything, in these circumstances. Some of these will be providing final reports and others are interim updates. All of them contribute to the policymaking delivery process of the judiciary. We are grateful for their efforts and for moving this along to a three branch solution. My personal thanks in advance to all of you who are making us aware and in action mode to the best we can as a judiciary to confront these issues. The first of these is a special report, final report, from the Work Group on Homelessness, this is an action item. I welcome our presenter Justice Louis Mauro who is the chair of the Chief Justice's Work Group on Homelessness but I do understand that we also have available to us members of that committee, not all members of that work group. That is Judge Desiree A. Bruce-Lyle, Judge Hilary A. Chittick, and Judge James N. Bianco. Justice Mauro.

>> Good morning. Thank you for the opportunity to meet with you. I understand that Francine Byrne, our lead staff member, is going to be sharing her screen.

>> Thank you.

>> Yes, I am. I will start the screen share. One moment.

>> While she is setting that up, our work group vice-chair, Justice Fujisaki, could not be with us today but I'm glad that other members of the work group are watching and available to help

me answer questions. As you may recall, the Chief Justice appointed members of the work group on homelessness in October 2020. Next slide, please.

>> One moment. I apologize. Are you seeing this?

>> We are seeing it.

>> There we go. Sorry about that. Everyone sees it now correctly?

>> Yes.

>> The Chief Justice had previously acknowledged the crisis of homelessness and emphasized that courts are centers of social justice and asked the workgroup to consider one, how court programs might be improved to better serve people experiencing or at risk of experiencing homelessness, and two, how the judicial branch might work with the Governor, the Legislature, and other entities and individuals to reduce homelessness. We began our work recognizing the immensity of the topic. Despite the significant efforts and resources devoted to addressing homelessness over the years by the federal government and the Governor, Legislature, and other advocates, homelessness remains a ubiquitous and depressing problem.

>> So, the workgroup members also considered the immensity of the topic. Workgroup members were also mindful of the constitutional role of the courts. As courts do not have the authority to enact laws, do not have the power of the purse, do not provide treatment, and cannot build affordable housing, the workgroup had to identify recommendations appropriate for the judicial branch. We drew from a variety of sources including public comment and hundreds of meetings and interviews. I am pleased to say we have identified many opportunities for the judicial branch to meaningfully address homelessness while broadening access to the courts in creating efficiencies and cost savings. Next slide, please. The workgroup identified four broad action areas to address homelessness. First, improve eviction proceedings to help stabilize housing. Second, reduce barriers to housing and identify housing resources. Third, use technology and improve communication to increase access to justice. Fourth, strengthen judicial education, outreach, and civic engagement. Within these broad action areas we offer specific recommendations. Although there is insufficient time to cover the detail in the court I will highlight some of the items and welcome questions. Next slide, please. We focused on improving the retainer process for the eviction proceedings but those cases involve a request to remove people from housing. Our first recommendation, recommendation 1.1, is to support legislation to provide attorneys for tenants and landlords in eviction cases when the parties cannot afford them. The recommendation calls for full representation. Now this is not unprecedented. Nothing like it has been done in the Sargent Shriver civil counsel pilot projects in eight California counties and also in many jurisdictions around the country. That data referenced in the report is compelling. Legal representation in eviction cases led to dramatically fewer tenant and significantly higher settlement rate, which in turn resulted in a substantial increase in housing stability, a reduction in the need for homeless shelters, and improved ability for tenants to obtain placement housing when a move-out was



required. In New York City, for instance, 86% of tenants with full scope counsel maintained their housing. Parties as a whole also benefited as legal representation resulted in fewer nonmeritorious claims being litigated and fewer trials. There were systemic cost savings. I mentioned the higher settlement rate when counsel are involved. In related recommendation 1.2, the workgroup determined that providing opportunities for settlement both before and during an eviction proceeding can be significant and important. Rules of court require a landlord to declare when initiating an initial proceeding that the landlord and tenant made a good faith attempt to resolve the matter before proceeding to court. This has been successfully done in other jurisdictions. Additional opportunities for eviction diversion, in other words diverting a case from an unlawful detainer calendar to allow the parties to seek alternative dispute resolution, can be required or offered prior to trial. Because a judgment of eviction can prevent a tenant from obtaining replacement housing, settlement can be beneficial for all concerned. Next slide, please. The report shows that improving eviction proceedings can make a significant difference in addressing homelessness. But it is also important to reduce barriers to housing and help identify housing resources. A criminal record or unpaid fines, fees, or other debt can present barriers to housing. As the report explains, courts can help an individual eliminate these barriers, obtain treatment, and get back on a path to improved circumstances. Recommendation 2.1 proposes an increase in homeless courts so they can reduce fines, fees, warrants, and pending cases after individuals have made met stated goals. And recommendation 2.2 urges the expansion of collaborative courts to promote housing stability, facilitate rehabilitation, and help individuals obtain needed treatment and services. Next slide, please. Recommendation 2.5 identifies the need for improvement in systems that allow courts to eliminate records of conviction in appropriate circumstances. Next slide, please. One of the things that surprised us when we embarked on this project was the significant number of young people who find themselves without housing after leaving the foster care system. As many as 1 in 4 foster youth experience homelessness after aging out of foster care. Next slide, please. For this reason recommendation 2.3 urges the development of long-range plans for housing security for youth and non-minor dependents involved in the foster care system. In other words, make sure there is a plan for housing before youth leave the system. For other court users who lack housing or are at risk of losing housing, recommendation 2.4 suggests that housing navigators be located at or near courthouses to provide them with housing information and resources. Next slide, please. A number of our recommendations involve increasing access to the courts by expanding self-help services, maintaining opportunities for remote appearances, improving website information, making unlawful detainer forms more understandable, communicating with court users via email and text messages, and helping court users charge mobile devices. These proposals are discussed in recommendations 1.3, 3.1, and 3.2. Those recommendations are essential in promoting Access 3-D-, because, as the report explains, individuals without housing often cannot physically travel to a courthouse or enter a courthouse. Barriers to physical courthouse access include lack of childcare, pet care, or a safe place to store belongings. Maintaining an opportunity for remote access can overcome these barriers and ensure fair and equal access to justice. Now this is a good point to note that many of our recommendations are consistent with work already in progress are being contemplated by other

advisory bodies workgroups such as the Ad Hoc Workgroup on Post-Pandemic Initiatives. Next slide, please. [ Captioners transitioning.]

>> One exciting development I want to highlight is an effort by the Placer County Superior Court to convert a former library bookmobile into a mobile court. The plan is to outfit the vehicle with technology and drive it to where individuals without housing are located so that they can connect with court proceedings and services. Next slide, please. Of course, we can also help people who are experiencing homelessness by seeking to better understand their circumstances, by responding to legal issues with fairness and empathy, and by learning about best practices in addressing homelessness. Accordingly, in recommendation 4.1, we encourage the development of educational curricula for judicial officers and judicial branch personnel on matters relating to homelessness. Now the report emphasizes that the work group recommendations will require funding and a coordinated approach of some branches of government and justice partners and stakeholders. Collaboration is essential. Thus, recommendation 4.2 urges engagement with other public and private entities and individuals to enhance programs and services for people without housing or who are at risk of losing housing. Next slide, please. The report offers great ideas for such collaboration, as those are summarized in the slide. Ideas such as working together to find ways to resolve cases as soon as possible, and arranging for individuals who have experienced homelessness to help improve court access and services. Next slide, please. In closing, the work group thanks the Chief Justice for the opportunity to work on this important and timely project. Next slide, please. I also thank the work group members and Judicial Council staff for their remarkable effort and commitment in seeing this project to completion. Special thanks to the vice chair Justice Fujisaki for her leadership, wisdom, and dedication. In addition, we thank all those who met with us, shared information and data, provided public comment, and supported our work. Next slide, please. We recommend that the Judicial Council review and receive our report. Next slide, please. And with that, I welcome any comments or questions you may have.

>> Thank you, Justice Mauro, and thank you to your vice chair and to the committee members, the work group members. I will just say that when we address this issue, when we have talked about this issue, when all of us observe this issue, you know, personally, professionally, it was my view that it can only be a three branch solution. And I have had so many different people, including public officials, ask me, what can we do? I have had these conversations in the Legislature. I have had these conversations with local politicians. And I am unaware of the resources that are available writ large for solving this challenge. But I also was of the mind that we hadn't heard from the judiciary, but it is more than likely that we, in our courts, are seeing people in crisis who are nearer to the brink, and the courts may be the only place really where they have some kind of government contact or interaction. And that, as we as judges need to know about the individuals before us, we might be in a place where we could assist. But I didn't know how that could be. And the monumental challenge of the task is obviously beyond the country, the federal government, state government, and local government. But I find that your recommendations here today are thoughtful and thought-provoking. And I know the committee had to address very sobering, long-standing issues, think through them about staying

in our lane as the judiciary, as to what we can do, and how we can do it, knowing all the fiscal challenges the judiciary already has and continues to have, but knowing what we wanted to know what we could do in any possible way to be in any assistance to this vulnerable population we come in contact with. So I am very impressed by your ideas, the work group's ideas, and the collaboration it would involve, and the effort it would take to address this. And it is a three branch solution. And I am hoping with our two members of the Legislature here, and we have Assembly Member Bloom, that we can have a serious discussion about this. I know Assembly Member Bloom may wish to say something about this. Assembly Member Bloom?

>> Thank you, Chief. Indeed, I would like to share a few words. First, I want to thank you, Chief, for creating the working group that has led to the recommendations that we see today. And I want to thank Justices Mauro and Fujisaki for chairing, cochairing and vice chairing, the working group and all the efforts of the working group. This is an issue that I have worked on as a legislator for over 22 years now. So you can imagine the source of great frustration for me. I also have served for a short period of time as a nonprofit executive director, and during my time as council member and mayor in the City of Santa Monica, helped to fund and found a homeless court. All of the efforts that are called for in this report, I think, are important and necessary. Action area 1 really focuses in on something that I think is of great need and concern. That is the prevention of homelessness. We frequently think of the homeless issue, as we should, in terms of the people we see on the street, the people that we see experiencing homelessness, but those people came from somewhere. In the County of Los Angeles, today, in spite of yeoman efforts in creating new housing, we have able to house more people than ever before who are homeless. At the same time, on a daily basis, more people enter homelessness than ever before. And so our efforts are unbalanced, unfortunately, and preventing homelessness from occurring in the first place is a key effort that we need to do more on. So I am happy to see all the recommendations in action area 1. Action areas 2 and 3 really implement what we know our best practices. There is nothing new here. These are things we needed to implement that should have been implemented years ago, but they cost money. They are expensive. That has been a barrier for us. And action area 4, I think, reflects on the work of making sure that everyone, from my constituents to those who I serve with here on the Judicial Council, are aware of the many, many complexities and factors that contribute to the fact that we are, today, sadly, here in California, branded as being the homeless capital of the nation, where one in four homeless individuals live. We have a lot of work to do here. A lot of what we need to do is encapsulated in these recommendations. You certainly have my commitment to work with the Legislature, work with the Judicial Council and the judiciary, toward making these recommendations a reality.

>> Thank you, Assembly Member Bloom. We look forward to working with you and your colleagues on this. When you mentioned 22-plus years, I can also say from research that we know that is how long the housing construction problem—the lack of housing construction—problem has existed: two decades, at a minimum. The recommendation before counsel, and I don't mean to chill any observations or questions, is to accept the report. Upon acceptance of the report, it is my intention to go through every recommendation and have a discussion with

counsel about what we can move on and act on, and what we support. What should go to certain committees, it was very interesting, Mr. Morrow to hear about the challenge of foster youth who age out of the system and are without resources, and in four years, one in four are homeless. That is something that at least seems accessible, if we can put on the radar. I'm sure it already is. But we find great help in these reports when we are in the Legislature or in the Governor's office seeking action or decisions to prevent those situations. So that will be the future of the report, as these recommendations, I assure you, will not sit on a shelf. They will be integrated and educated. It will be something we will look toward achieving with our sister branches. I know everything is about balance. But we hope to do our part in it. I appreciate greatly the work that went into this information done by judges, justices, and court officials, it makes a huge difference. This is how the Judicial Council operates. We investigate, research, discuss, scrutinize, and then we choose proposals to support after we have done our research. And you have done it for us here. Thank you. I would entertain a motion to move a second acceptance of the report at this point.

>> This is Justice Slough. I would move to accept the report, Chief. Thank you, Justice Mauro, Justice Fujisawa, and all of the members for your good work.

>> Judge Rubin, second.

>> Judge Brodie, I will second the motion.

>> I think I heard Judge Rubin and Judge Brodie second.

>> I'll yield to Judge Rubin.

>> All in favor of accepting the report, please say aye.

>> Aye.

>> Any abstentions? Any noes? The report is accepted. Justice Mauro and the work group, this is very sobering and challenging, but we are up to this challenge in California and in the judiciary. Thank you very much for your report work.

>> Thank you very much. Thank you all.

>> Next on our agenda, we have an action item. This is Judicial Branch Administration: Court's Duty to Prevent Bias, 21-175. And I welcome our Administrative Presiding Justice Brad Hill, cochair of the Chief Justice's Work Troup to Enhance Administrative Standards Addressing Bias in Court Proceedings, and Judge Stacy Boulware Eurie, cochair of the workgroup, welcome.

>> Thank you very much. Thank you, Chief. The Work Group to Enhance Administrative Standards Addressing Bias in Court Proceedings has submitted a proposal to amend California Standards of Judicial Administration, standard 10.20, the court's duty to prohibit bias. The

work group was appointed by you, the Chief Justice, in October 2020 to identify improvements and to propose amendments to standard 10.20. And we were asked to present a proposal in the fall of this year. The work group's proposal to amend standard 10.20 tracks its charge of ensuring that the standard, last substantively amended in 1977, reflects current law and understandings regarding the elimination of bias and provides a framework for courts to work with their local communities to address these extremely important issues. The work group has worked for the past year, beginning in October 2020 and continuing through the present. Meeting with interested parties, reviewing public feedback, considering best practices, and drafting amendments to the standard. Before discussing the specifics of the proposal, we wanted to highlight the work that has been done during this year-long process that has allowed us to get to this point and the many, many voices that have been involved throughout the process. This work group contains judicial officers, attorneys, and a court executive officer with experience in relevant areas, including members who worked on the Workgroup for Prevention of Discrimination and Harassment, the Committee to Draft Rule of Court 10.351, and the Judicial Council's standing Advisory Committee on Providing Access and Fairness. The work group also provided several opportunities for members of the public, attorney groups, and judicial officers, to provide input. This included a month-long opportunity for members of the public to provide early input, via an email box in early 2021, before the work group considered any specific amendments. The work group then met with representatives from specific groups, who reached out to us directly to express interest in the work group's charge, including representatives from the California Employment Lawyers Association, the Judicial Council's Tribal Court-State Court Forum, the California Judges Association, and the California Attorneys for Criminal Justice. The work group met with several courts and local bias committees to discuss their experiences and ideas for improvement to the standard. The work group received a briefing from the director of CJP regarding how complaints against judicial officers are processed and investigated, and specifically, how the CJP resolves bias complaints. The work group received a briefing from a panel of presiding judges and court executive officers regarding the existing procedures for addressing complaints against judicial officers and court employees at the court level, and a six-week public comment period resulting in 76 comments from 105 commenters. These meetings and the feedback provided valuable information and a wide variety and array of ideas, perspectives, and educational material, and was used to shape this proposal. Judge Eurie?

>> Thank you, Justice Hill.

>>> The work group was charged with amending the existing standard of judicial administration. One source of confusion for many groups that have offered feedback to the work group is the difference between a standard and a rule of court. Unlike rules of court, which are mandatory, by definition, standards are recommendations or guidelines for courts. As a result, the existing version of this standard, to which the work group is proposing amendments to you today, does not require courts to take any actions. It recommends that court take certain actions. As will be discussed in more detail, this is highlighted in the concerns raised by commenters that the work group is eliminating a required complaint resolution procedure. However, the current standard

does not require that local bias committees create informal resolution procedure. It recommends it. As a result, the proposed amendment does not eliminate a requirement. Rather, it eliminates a recommendation. In terms of framing our work over the past year, the work group operated with two primary premises. First, that standard 10.20 required significant modifications to best promote the elimination of bias in all court interactions, and two, that each local court and community had its own unique needs, circumstances, viewpoints, and demographics that impacted specific bias issues, and the optimal resolution of those bias issues in each court and community. The result was the creation of a broad framework that provides recommendations that can be used to guide discussions at the local court and committee level. The standard was drafted to provide courts and local bias committees with a discretion to create meaningful programs that will positively impact court users. We all know that one size does not fit all, and there is not just one correct approach to eliminating bias in court interactions. Courts and local bias committees should engage, partner and problem solves with local communities established by the proposal. The proposal contains five broad amendments. I will touch on the first two. One, changing the focus to one that asks the court to prevent bias rather than simply prohibiting bias. And emphasis on prevention of bias allows for a more comprehensive approach to the elimination of bias in court interactions. Simply asking courts to prohibit bias focuses only on for bidding the conduct without any course on discussion, education, or opportunity to listen, learn and improve. This is insufficient to achieve the goal of fully understanding and eliminating both unconscious and explicit biases. Further, prevention of bias still allows a court to prohibit or forbid bias as part of the plan to prevent bias in court interactions. The plan to prevent bias actually includes a wide array of interactions, including judicial officers, employees and others to report bias, being open to discussing and learning from real misunderstandings, and instances of unconscious bias, and focusing on robust education, regarding how unconscious and explicit bias is developed, how to recognize unconscious and explicit biases, and how to address and eliminate specific instances of unconscious and explicit biases. The amendments broaden the scope and applicability of the standard to include more court experiences, including expanding the scope to include all judicial officers, and all court interactions. The existing standard only covers courtroom proceedings. The proposed amendment covers the broader category of court interactions, which includes interactions in clerks offices, at public counters, and in other places where court users may interact with judicial officers and court staff. Justice Hill?

>> A third key change is replacing the outdated list of classifications protected from bias in order to be inclusive and to reflect all classifications protected in 2021, and to provide for future protected classifications. The existing standard includes only a handful of protected classifications. The proposed amendment specifically enumerates 21 specific protected classifications and incorporates the protected classifications outlined in the Fair Employment and Housing Act, and also Code of Judicial Ethics canon 3B(5), including when those provisions are amended in the future. Fourth change, defining the optimal role for local or regional bias committees. It includes a framework by which local or regional committees can strive for a more inclusive membership. It recognizes the true diversity of the local community, and also includes a framework of possible actions to be taken by local committees, including a

focus on community outreach and education on bias relevant to the community. And finally, number five. Ensuring court users can access information, regarding how they can submit complaints, regarding bias about court employees, and judicial officers. The existing standard suggests local bias committees bring in formal complaint procedures to resolve bias against court of employees and judicial officers, for reasons outlined more thoroughly in the report, and that will be discussed momentarily. The workgroup is proposing the standard no longer include this recommendation, but rather that courts ensure that court users have information on how they can submit complaints of bias using existing processes, including through the courts and the CJP. As was highlighted by Judge Boulware Eurie, one source of misunderstanding has been some comments stating that the workgroup is eliminating the requirement that local bias committees adopt informal complaint resolution processes. Given that the current standard is that, a standard, it does not require bias committees to create informal complaint resolution procedures. It simply recommends it. As a result, the proposed amendment does not eliminate a requirement; rather, it eliminates a recommendation. And to be clear, the workgroup is not suggesting in any way, shape, or form that courts cannot create informal complaint resolution procedures or keep existing procedures they are very happy with. The work group is just proposing that the standard no longer include a specific recommendation that local bias committees create these procedures in the standard. There is simply no one-size-fits-all recommendation that will work for every court. We have to frame recommendations that will work for Alpine and for Los Angeles. And we hope we have done so. Judge Boulware Eurie?

>> Thank you. While certain courts and other bias committees have adopted informal complaint resolution procedures, the workgroup is aware that many courts and local bias committees have faced challenges in doing so. And this led to the conclusion that the work group should not recommend that all local bias committees create informal bias procedures. In brief, the primary concerns with retaining this recommendation are that number one, there are already a number of existing, updated and effective avenues for making complaints regarding bias report interactions, including at both the local, court level, and through the CJP, and that new procedures created by local bias committees may interfere or conflict with those procedures. Number two, some local bias committees might not be properly resourced, or have the subject matter expertise to resolve such complaints, and that this might lead to due process concerns for respondents, and less optimal or consistent complaints. Number three, asking bias committees often comprised of local judges and bar members to resolve bias complaints might lead to less confidentiality for complaint and, compared to CJP procedures which are conducted under strict confidentiality rules. Number four, judicial officers who were a part of the local bias community might have ethical concerns, including whether they must report what they know about the complaint it to CJP, and five, having a local bias committee resolve complaints against court employees would conflict with existing personnel policies, and union memorandums of understanding, that would set procedures for resolving complaints against employees. As a result, the workgroup has recommended to remove the recommendation, and has instead recommended that courts and local bias committees clearly inform users about complaint procedures. The workgroup believes these amendments not only satisfy the groups charges of modernizing the standard to emphasize the importance of eliminating bias in court

proceedings, but that the framework gives courts the flexibility to work with their local communities to establish protocols and procedures that work in each of the diverse counties. As we close our presentation, I would like to take a moment to further comment on the work of the workgroup as I see this effort as another tangible example of how the Chief has tasked this counsel to not only improve access to justice, but to be transparent, accountable, and more inclusive of the myriad of court users who enter courthouse doors up and down the state, every week. During your tenure, Chief, and definitely over the last few years, we have seen numerous efforts by you to improve the public's understanding of how the judicial branch works, and how to improve access. The evolution of the law, the canon of ethics, and the work at CJP, our workgroup is recommending yet another vehicle for the branch to improve how we carry out our ethical duties by recommending that courts invite their diverse and distinct communities. Come to the table to learn together, educate one another, and empower them to develop practical solutions for issues unique to their communities, and to undertake efforts that will avoid instances of bias occurring in the first place. You have listened to our communities, and tasked us with improving access by doing what we can in practice, in our public relationships and partnerships, and, active education to eliminate bias. I thank you and appreciate the opportunity to work along Justice Hill and are stellar workgroup to present these recommendations to you and to the full council. Thank you, Chief.

>> Thank you, Judge Boulware Eurie. Thank you, Administrative Presiding Justice Hill. I believe Gretchen Nelson would like to be heard.

>> Thank you, Chief Justice. I, having served on the workgroup, I have a sense of this. I think, having heard all the comments from Judge Boulware Eurie and Justice Hill, I think it would be helpful for the council to have an understanding in a little greater detail of how the fact that this was a standard and not a rule of court informed the committee's decision with the level of detail that was incorporated into the proposed changes, and I would welcome Judge Boulware Eurie to provide some greater detail on that.

>> Thank you, Gretchen. Justice Hill, I will take the first stab at that. As I would indicate, or as Justice Hill and I have mentioned in our remarks, we know given the diversity of the communities served in both our trial and public courts, the fact that this is, and has always been a standard enables greater latitude, quite frankly, for courts to engage with our communities. As lawyers, judges, justices, we know that the rules of court do not afford the type of, frankly, the innovation or the variety of options for implementation, that we have been able to incorporate in the recommended amended standard. The committee was very cognizant of our ability to provide broader framework and walked toward the elimination of bias in all interactions, that quite frankly, I don't think would have been possible under a mandated rule of court. So I really think the essence of a standard, which is to provide guidance and recommendations, gives us and implementing courts and communities, greater flex ability to come to the table and think outside the box about what works best for them. Rules of court and implementation, as we all know, working within the branch, simply does not provide that type of creativity and that kind of diversity. So I would say again to your question, that there is simply greater latitude within



the framework and a variety of options and implementation of the rules of court just don't provide by law. Justice Hill, do you want to add anything to that?

>> No. I think that encapsulates exactly where our approach was.

>> Thank you. I appreciate that. I appreciate that because, as you already covered, the diversity of California, our courts, our jurisdictions, our size, our legal communities, the community practices, the judges in each community, the number of judges, the resources, and we know this, different counties have different diversities than others. And so, I appreciate a standard, which we are all familiar with as opposed to a rule, that gives choice and brings people, as you said, Judge Boulware Eurie, brings people to the table to understand each other about the needs and concerns of court practice in that community. And the ability to be able to ensure wide representation and discussion, I think, informs the very court of the challenges it faces, so that it may improve itself in the eyes of its own community, which may be an entirely different challenge from one county to the next. And so, as you say, the standard has been around for a long time. It has been required, necessary to update it. And to understand, and bring in different points of view. I know this was an incredible amount of work, and that there is great, as we would expect, interest in the legal profession in the creation and updating of the standard. And I dearly hope that all parties will understand that this effort is to expand participation, and to enhance creativity, and to build respect, to prevent discrimination happening in the first instance, and by doing that, educating our colleagues to eliminate it, entirely. This is the start of that in each of our communities. So I appreciate your work. I know the workgroup has had a lot of response to the public comment, and has amended the standard accordingly. And so, what we have before the Judicial Council is the acceptance of these amendments to the California Standards of Judicial Administration under standard 10.20. I wonder if there is anyone else who cares to make a statement here in the council, either from the workgroup or from the members before I call for a motion and a second?

>> Chief Justice, this is Marsha Slough. I would just say, if I could, thank you to the workgroup and the staff who supported it. It really is seemingly, to me, abundantly clear that what this is doing is maintaining the effectiveness and the integrity of the complaint process within the individual counties. So thank you for your work. I would move the matter.

>> Thank you, Justice Slough. Justice Slough moves.

>> Second, Judge Brazile.

>> This is Judge Bottke. I'll move to second.

>> Judge Bottke seconds. Thank you. All in favor of approving the amendments to 10.20, please say aye.

>> Aye.

>> Any noes? Any abstentions? The amendments are approved. Thank you for your good work. Thank you all.

>> Thank you, Chief.

>> Next we'll hear on a matter on Judicial Branch Administration. It's from the Ad Hoc Workgroup on Post-Pandemic Initiatives: Remote Proceedings Resource Guide for Judicial Officers. At this time there is no action required, and we welcome Presiding Judge Ann Moorman, member of the Chief Justice's Ad Hoc Workgroup on Post-Pandemic Initiatives and Court Executive Officer Rebecca Fleming, member of the same workgroup. Welcome, Judge Moorman.

>> Thank you, Chief. We are here to represent the Ad Hoc Workgroup on Post-Pandemic Initiatives. It is known as P3 or the P3 workgroup. We have a short slideshow that we are going to share, so we will put it up on the screen. And as the Chief mentioned, and you can see from the first slide, our product today is the remote proceedings resource guide for judicial officers. The idea for the resource guide came from the P3 workgroup interviews with literally hundreds of judges, lawyers, and the general public about what has worked during the pandemic, and frankly, what hasn't when it comes to appearing remotely or managing a remote court proceeding. We received a lot of information. We continue to receive a lot of information. About the different experiences with remote proceedings that people are having across the state. Using that information, we have created a guide that is intended to be helpful to any judicial officer by providing suggestions or guidelines that experience has shown us tend to work in a courtroom environment. This guide is a practical guide. It has a practical approach. It is a tool for judicial officers starting to conduct court using a video platform, or who are simply trying to do it better. The guide is not a be-all and end-all resource for video platforms. It is written with practicalities in mind for some or all of the litigants for the lawyers, or witnesses appearing remotely. This guide is not a set of requirements or a set of must do's. It is a tool. It is a practical tool [ Indiscernible - muffled ] for the judge's toolbox necessary to effectively start a remote court proceeding or improve the ones we are already managing. Next slide.

>> Thank you, Judge Moorman. As Judge Moorman mentioned, we received a tremendous amount of information. On the 16th, the first report was released on work access with two initial recommendations. The first recommendation, expand and maximize remote access on a permanent basis for most proceedings and the court should not default to pre-pandemic levels of in person operations. Secondly, the Judicial Council should encourage and support courts in substantially expanding remote access while adopting policies that ensure consistency and fairness statewide with flexibility to meet local court needs. Judge Moorman? Next slide?

>> Thank you. As we have heard today and before today with the passage of SB 241 that the governor signed on September 22nd, we know that remote proceedings will continue to be part of California's court system. Effective January 1 of 2023, courts will need to comply with Code of Civil Procedure 367.75 as Justice Slough mentioned earlier. This authorizes courts to conduct civil proceedings using remote technology until July 1, 2023. Section 367.75 gives

special consideration to juvenile dependency cases but applies to all civil proceedings. With the signing of the legislation, the Ad Hoc Committee on Civil Remote Appearance Rules jumped into action and had new proposed forms that we had for public comment a few weeks ago. The public comment period closed. They had the ad hoc committee on the rules and staff reviewing those comments, distilling those comments, incorporating those comments with the intention of presenting a final proposed rule with the help of Judicial Council approval prior to January 1. Noting that appearances will be part of our landscape going into the future, this is intended to support our colleagues. It is intended to provide assistance to all judicial officers conducting any form of remote video proceeding in a civil case. Next slide?

>> Thank you. The guide is separated into four distinct sections. First, goals of remote court proceedings, secondly, remote court proceedings as an alternative to traditional in person court. Key considerations before commencing remote court proceedings and key considerations during remote court proceedings. The first section restates the branch goal of remote proceedings, emphasizing enhanced access with this alternative to traditional in person hearings. The guide then offers insight into the issues to consider, including technical experience an organized approach for this new environment. The document focuses on videoconferencing, rather than audio remote hearings. Points such as equipment, public access and security are all touched on as items to be considered prior to a hearing. The guide then moves into issues that occur during a hearing, including tips around hybrid situations, such as one party being present in the courtroom, and another present via video. Reminders around courtroom conduct are referenced as this form offers new potentials for disruptive behavior in the courtroom. Finally, there are some great tips for the hearing process that can be incorporated into your existing structure. Judge Moorman?

>> Yes, thank you. So the goals of remote proceedings, there are some clear goals. Remote proceedings should be effective, and they should be effective for judicial officers and accessible and fair to the litigants and lawyers. Remote video proceedings need to be part of our everyday practice. Our branch has a goal. The goal is ultimately to provide remote court proceedings, they should be made available whenever needed, and not a temporary measure used to solve challenges posed by the COVID-19 pandemic. I can assure you from the input that the workgroup has received, offering remote video proceedings having enhanced access to the courts and offering opportunity to be heard. It is a direction we must move, and we are moving, and the guide is intended to help us do it easily, smoothly, with as little confusion as possible. Next slide. As we all know, remote proceedings can be an alternative, or they can be an enhancement to traditional court. Judge Brodie made a comment about this during his presentation today. The resource guide is drafted knowing technological abilities vary from judicial officer to judicial officer, and the whole notion of court proceedings is still very new. So, with all new things, we need to plan, we need to be flexible. We need to be calm, and we need to adapt in our respective courts to what works, and what doesn't. The guide basically does not include instructions for video platforms, nor does it mention video platforms because we have learned video platforms are changing very rapidly, and any such recommendation would be moved by the time we published the guide. Next slide. There are some key

considerations to consider before commencing a court proceeding, and on this slide is a short summary of things to think about before we are going live. I will emphasize from my own experience that this takes a little bit more time. Pick a day to do a test day. If at all possible, with a shorter calendar, and the fewer number of participants. Emphasize rules that you set. I can share from my own experience that I went live with remote video calendar for all juvenile justice proceedings last year in 2020, but in my dependency calendar, I went live just three weeks ago. The considerations for the two calendars were vastly different, and I designed a short list for lawyers to live by for each calendar. And I shared it well in advance. Two things I just want to point out from that experience, the parties, as Judge Brodie mentioned, and the witnesses may not have state-of-the-art technology, and some people may simply not be able to appear via video because either their phone or device or their Internet connection does not support a video stream. They may call in or choose to appear. That is fine. It requires a judicial officer to be a little more conscientious of air traffic control, but it is completely fine, and we can adapt. The more challenging processes are how to handle exhibits? I have had great cooperation between lawyers, and I think the P3 workgroup has learned lawyers throughout the state want to work together to be able to present their exhibits in as cooperative and smooth a manner as possible. The rules I have designed in my courtroom, however, do anticipate that situation where cooperation is not present. Next slide. Key considerations during a remote proceeding, here is a short list of things to consider. As I mentioned, participant-related logistics, discussing what expected behavior is, and occasional reminder that a remote proceeding is still a courtroom, it is still a court proceeding. It is often necessary. As a simple rule I learned from other judges and other jurisdictions, including requiring—I learned this from other jurisdictions, to require [ Inaudible - Static ] calling in to supply their phone number to [ Inaudible - Static ] need more time to practice with the technology. With all practice, we get better. The other thing I have learned is, I call upon the lawyers to make sure everyone has a chance to be heard. And it reduces the interruptions when one lawyer is not intentionally interrupting another but as a result of wanting to be heard, might interrupt someone else. It also reduces crosstalk amongst the lawyers. We all know that's a problem in every court, but it is particularly helpful for our court reporters. Next slide.

>> This guide is an incredible tool for our toolbox, especially during a time where we are figuring out how to operate in this new environment. Additional resources with information have been provided to leverage what best practices there are from our branch as well as some national resources such Brennan Center for State Courts and the National Center for State Courts. Next slide. Next steps include distributing this guide to all PJs and CEOs, which will follow this meeting shortly. We hope this guide is useful to judicial officers and court staff, providing all or more information to be provided around court proceedings. The work group continues to examine good practices that evolved out of the pandemic, and we are working with Judicial Council advisory committees on taking action. Lastly, we would like to thank the workgroup members and the Judicial Council staff for pulling this valuable resource together for the benefit of all of us. Chief, this concludes our report.

>> Thank you for that background on the resource guide. I think I am guilty of all of the don'ts on there. I'm still, what it is, muted, most of the time. We, at the Supreme Court, I think Justice Corrigan would also agree, we have a crosstalk issue, but we are working on it and I think the resource guide will be good for all of us as we get better. While you were speaking, Martin said, we need to get the muscle memory of using remote and having the comfort level. I will also say, we had a little bit of a reaction to the calmness part of the recommendation, because it is always easy to be calm in retrospect, but I have felt the panic in my moments when I have not been able to connect or couldn't hear. So, we thank you for your practical and knowledgeable advice that goes into this guide. This is a great report from P3. We know we will be receiving more from you, particularly as the implementation, and as reported, as we get more information on the use of remote proceedings in civil, and I think, too, we expect that there may be a time we can use the hard lessons learned from civil in criminal to the extent that we, with our sister branches of government, are able to implement some aspects of proceedings in remote and criminal as well. Thank you for your advice and your good work. We look forward to working with your next report as well. I don't mean to stop anyone from commenting here who wishes to be heard, but I think we all see ourselves in the guide. Thank you. Thank you, Judge Moorman, and thank you, Ms. Fleming. Our final agenda item is also not an action item. It is an informative matter. It relates to an important issue and a need I have been committed to for many decades since I was on the trial court. It is inspired by my own daughter's experiences, and that is civic learning and civic engagement. Administrative Presiding Justice Judy McConnell and her Power of Democracy Steering Committee, that includes our council member, Judge Stacy Boulware Eurie, and our Judicial Council staff, I think Penne Soltysik is on the line, have developed a number of successful initiatives, and I would say, enthusiasm on the bench as well from those initiatives and programs that have enabled judicial officers and courts to get involved with their communities to be part of the standard for the administration of justice. And, most importantly, judicial officer involvement helps our students connect with their local communities, their own local governments, their own court system, and become civically aware and civically engaged. I'm not the only Judicial Council member involved. The award-winning Judges in the Classroom, which I understand started from the brainchild out of Power of Democracy at the San Diego court where Judge Caietti made a very, very successful transition to a remote model during the pandemic, and I know many Judicial Council members have been involved in Judges in the Classroom. Those who come to mind are Judges Conklin, Moorman, Byrdsong, and Rubin, who are active volunteers in the Judges in the Classroom program, and their courts have named local coordinators to match teachers and students with judicial officers. And last school year, I am informed, there were 244 visits. That is incredible. That is an incredible number of opportunities and events where judges are speaking to students in classrooms. I don't know if this is true, but I'm told Judge Rubin might have done more visits than anyone. And I know that other courts have had local programs, but this is an important one that is statewide as well. So, just wanted to acknowledge Administrative Presiding Justice McConnell and her team, and all the judicial officer volunteers and court staff that have made it a success. So next, we have Judicial Branch Outreach: Power of Democracy Civic Learning Initiative. We welcome Administrative Presiding Justice Judith McConnell, who is chair of the Chief Justice's Power of Democracy Steering Committee; Justice Patricia

Guerrero, Associate Justice, Court of Appeal, Fourth District, Division One; and Mr. Zachary Patterson, a senior at University City High School on the Chief Justice's Power of Democracy Steering Committee, and Ms. Penne Soltysik, the Judicial Council Public Affairs staff. Welcome.

>> Thank you very much, Chief Justice, and thank you, members of the council. I hate being between anybody and their lunch, but I'm going to take a couple minutes just to give you a little bit of history of the Chief Justice's Civic Learning Initiative since I have been around for so long. In 1996, Chief Justice Ron George brought in Sandra Day O'Connor, who talked to us about attacks on the judiciary and the need for the judicial branch to step up and educate the public about the third branch, since so many people were ignorant. After that 1996 presentation, the Commission for Impartial Courts was established with Justice Ming Chen as chair. I chaired the Public Information and Education Task Force. We recommended that the judicial branch take a leadership role in educating the public, particularly K-12, because you have to start young with people, to educate people about the branch. Unfortunately, the group called the Leadership Group on Civic Learning was established, at the time there was no money. That was that. But the Chief came in, Chief Justice Cantil-Sakauye, and she grabbed me and said, I want to do a summit on civic learning, based on what her children told her about what they were learning about the courts. And so we did. We put together a summit. We didn't showcase good programs. We wanted action. And so, we brought Sandra Day O'Connor to Sacramento, and many legislators, judicial officers, people who were educators, educators have been very involved, and the State Superintendent, at the time, and we had a wonderful summit that led to the Task Force on Civic Learning that came out with a report on that in 2014, and since then, the Power of Democracy Steering Committee has been implementing the recommendations of the Task Force on Civic Learning, including recognizing programs in schools that were doing a great job, and the Chief has been at the forefront of all of this with her experience doing outreach. Now, what are some of the milestones? I mentioned the summits, the two summits, the second summit we had was in 2017, and Anthony Kennedy was our speaker. We learned that this is a good opportunity to recognize good programs and stimulate interest in doing more, and doing more both on the state level and on the local level. Initially—I'm not good at keeping up with slides, but Penne knows when to change the slide. We brought everyone back together in 2017 for the second stakeholders meeting, second summit, to see what more needed to be done. Things had been moving very slow. Some of you may know, for many years it wasn't part of the school curriculum in many ways. We have been pushing for that on the state level. And the local level, we set up civic learning partnerships in about, I can't remember, eight counties, maybe? Butte County was the leader. San Diego was a leader. We met with, and Fresno has been a leader, as well as Sacramento. We met with different school boards in our counties to try to get them to push for civic learning. That met with some success and some school districts have been extraordinary in their movement for civic learning. Another thing we talked about was the Seal of Civic Engagement. Some of you don't know what that is. It goes on your diploma. If you have done certain things, what has been interesting about this is local school districts are developing their own criteria for the seal, but it is a way of recognizing students who have gone above and beyond the normal call of duty as students to engage in civic

outreach, civic engagement. So it was supposed to put pressure and support schools in opportunities for civil learning. One of the things we did come up with was the Civic Learning Award. We have been doing that for quite a few years now. The prize is the Chief Justice. Civic Learning Award goes to a school that has done something above and beyond. As far as learning is concerned, the top three schools are visited by the Chief Justice. We now have one for elementary, middle, and high school. And then the next three get a Court of Appeal justice, then beyond that, whoever is available, we get. But we try to get a visit to every school. You see some of these photos are just great. There are a lot of Court of Appeal justices who have been active in the Civic Learning Awards. By the way, I'm sure there are members of the council who have helped us judge this. I think, Justice Corrigan, you helped judge these Civic Learning Awards. It's a lot of work because you have to read all the material. It is wonderful to see what people are doing. Anyway, so, as you can see from the photographs, we try to pull in as many judges as we can to visit schools to honor them, and to recognize people. And this last year, we expanded it to include Champions of Civic Learning to recognize not just schools, but individuals who had been particularly outstanding in promoting civic learning. And you some school districts have either a teacher or superintendent, or sometimes just a volunteer who is just extraordinary in trying to get the students engaged in their communities. And they do it in all kinds of different class formats. They do it in their environmental studies, they do it in science. They do it in the history and social studies, of course. So they have a lot of different formats. Then we got hit with the pandemic. And we had started Judges in the Classroom. We started it in Butte and San Diego. And Kristen Lucena, who is a member of Power of Democracy, and Judge Caietti, who's also a member of POD, were very actively engaged in getting judges to go to schools to present particular programs. These are programs that are sort of grab and go. So that the judge does not have to prepare a program we have it all prepared. We give them a little ethics training to make sure they don't make off-color jokes or do something inappropriate, then we send them off to the schools, and they meet with the teacher beforehand and go to the schools and do a presentation. With the pandemic, we turned it to virtual. What was interesting about that, oh dear, you have a picture of me. Yes, that was at my grandson's school a couple months ago for Constitution Day. We turned it virtual. Now we have a hybrid, as you can see, but virtual made it even easier. Oftentimes, the school was quite a ways away. There was travel time for the judge, parking, et cetera. And making it virtual made a lot more judges available for Judges in the Classroom. And frankly, it made it easier for the schools, too. Because any of you who have visited the school know that you have to do a vaccine certificate, a TB test, and a records check just to get on the school campus. So having it virtual eliminated those challenges, and we have a ton of judges who have been very, very actively engaged in Judges in the Classroom. In fact, we have these canned programs that are just brilliant. Judge John Weber of San Diego prepared one, the judges in L.A. Superior Court prepared one, also in Spanish and English, and the programs are wonderful. We are trying to link programs to particular events like Constitution Day. We did one on the 19th Amendment for Cesar Chavez Day. We did one on Sí Se Puede, which was a very well-liked program. We want to do something for Martin Luther King Day, link to that, and we are working on that. Anyway, for those of you on the council who have participated in Judges in the Classroom, thank you. I read your evaluations so I know you're doing a good job. It has been very

important to have a coordinator. For a while, we had Judge Caietti and Judge Lucena doing all the coordinating. They're judges full time. They have a little bit of a challenge in doing that. So we've brought in staff at the courts. We have a lot of courts now that have staff that are in charge of community outreach. You know, community outreach, earlier you were talking about Standards of Judicial Administration 10.5 says this is something we are supposed to do. It's part of our job. The staff are now helping us link us to the schools, and frankly, it is hard to meet the demand. But one of the interesting things we have done, is we have got judges from other counties visiting schools, because we can do it, virtually. We had a judge do a Mandarin program for a school in San Diego. The judge was somewhere else. I don't know where the judge was. It was a remote visit and so, while we would like to have only local judges in the program, it is wonderful to have the ability to bring people from all over the state, across the county. And one of the things they do, too, is they try to bring classes together. It is the teachers who spread the word about this, by the way, the Department of Education helps, and we do our bit. Those of you who are parents do your bit. But we are really dependent on the teachers to spread the word about this wonderful program. With me today is Justice Patricia Guerrero, who has been one of our volunteer judges in the classroom, and Zachary Patterson, who is a school board member of San Diego Unified leadership. By the way, the second-largest school district in the state, and they have led the way on civic learning. So I would like to turn it over, if I can, to Justice Guerrero, if she is online. She was in the middle --

>> I am here. Can you hear me?

>> Yes.

>> Thank you, Justice McConnell. Thank you for inviting me to speak here today about what really is my favorite outreach program. I have now participated in both in person as well as virtual visits. And as you all know, while there is no real substitute for being there, in person with students, the virtual visits do have many benefits, as Justice McConnell was mentioning to you. The program is really wonderful. It is easy to sign up for these presentations. And now that we have the option of presenting, virtually, we can visit classrooms in different counties. Most recently, I visited in Santa Clara. And I wanted to talk to you a little bit about my experience in the program, which has all been overwhelmingly positive. I wanted to echo what Justice McConnell said about the materials, themselves. They are all prepared for us in advance. So it really does help to reduce the preparation required. There are different options for different grade levels. It is easy to do. And there are plenty of slots because the teachers really are interested in the program, so you can readily find something that works for your calendars. And most importantly, the teachers and the children, they are truly amazing. And they get a lot out of it. We have feedback that we received both formally through the program as well as the teachers have contacted me. In the classroom, I would also say many students will approach me and tell me they have never met either a lawyer or a judge before. So, in addition to talking them about the three branches of government and focusing on the judiciary, I really do like to stress with them that I am just like them. I went to public schools and had really amazing elementary school teachers. I like to go to elementary schools as my preference. And that they



inspired and encouraged me to pursue my dreams, and that the students can do the same. So I think it is really important for them to see the judiciary reflects the diversity of our state. So the more exposure they have two judges and justices from different courthouses, the better, I think both for them and for our courts. I mentioned some of the feedback that I have received. I will just touch upon a little bit of that. The teachers, they have emphasized they appreciate that students learn a variety of skills in a way that is fun and age-appropriate for them. They are able to practice collaboration, communication, listening, and presenting coherent arguments in a way that is appropriate when they disagree with somebody, which is a lesson that is good for adults as well, and the parents have also expressed, because sometimes, the parents, especially virtually, they are able to listen in. I have also had parents who will go to the classroom, and word has gotten back to me, that the children come home, and could not stop talking about what they learned. So I am not sure whether that is a compliment or a complaint, but I take it as a compliment. Also, the children have prepared, really, the nicest thank you cards and PowerPoint presentations. I think there is an example of some snapshot from some of the classrooms I visited. Just expressing their gratitude for the opportunity to learn more at our judicial branch. So I would just stress participants stated it really is a wonderful opportunity to engage the students in civic learning. And hopefully, spark their interest in becoming informed and active in their own lives. I like to think that maybe inspires future judges as well. So I would encourage all of you who have participated to continue to do so. And I see you have the record. So kudos to you. And anyone who has not participated, I encourage you to sign up. It is very easy to do. I am sure you will gain a lot from it, and so will the students. Thank you.

>> We can turn it over to Zachary.

>> Thank you. Can you all hear me?

>> Yes.

>> Perfect. Hi, everyone. Thank you for inviting me. I'm super honored to be able to speak to you today about some of the work we are doing at the Power of Democracy Steering Committee. I am the student member. For some context, yes, I'm a school board member in San Diego Unified School District and also a senior in high school. It is a newer role. It was a in very large part to the report that this committee put out when we talk about civics learning and we looked through the K-12 reports, one of the things that came out was this idea of having students serve on school boards. And I am a product of that, myself. It's a big honor to serve on this committee and to continue the wonderful legacy of student voice and engagement. I'm here today, as I think we did a great job in setting the scene, Judge McConnell, when you brought up this idea of youth we are going to be stronger and more civically engaged in the future [Inaudible – Static] from generation to generation. The beauty of our generation is the passion that is coming forth now, the desire to speak out, the desire to be civically engaged and be part of our democracy. But yet, despite what we see, in youth looking for the call to action moving forward, we still see in the civics realm, we have a long way to go. We know students want change, we know students want to be agents of change in society. When we talk about civic learning, we see it as less of a model that is conducive of, where do I fit in? Where's my role as

a student? I always say, I am told on I'm the society of tomorrow a lot. What that means is, I'm not the society of today. That is an issue. That is a bit of a dichotomy. I think the Power of Democracy Steering Committee, as we work to educate students on civic learning and providing these opportunities for meaningful engagement to understand more about the systems that they're in, it is so incredibly powerful. A little bit about me and my story. I started some of my of [inaudible] engagement around seventh grade. I really identified a strong disconnect between those serving students and the students themselves. And as I always say, like any good business model, we know that when the consumer is not satisfied with the product, there is going to be an issue. I said, well in the education system, it doesn't make too much sense you would have a system where students aren't able to be the primary stakeholders they should, and give feedback and talk about this to improve that product of education, so I went ahead and I did what any seventh grader would do, and I proposed the addition of a student member to the San Diego Board of Education and the creation of a student advisory board to work to more formally solidify the role of students and create engagement mechanisms that were going to be able to allow us to raise the rate of students that feel meaningfully engaged and students who feel like they are part of the process of creating our school districts. It took three years. I was honored to be able to do that and I serve on this committee today, partly as a product of that, as someone who has seen the value of civic engagement and what it means when we as youth can have a voice, can be engaged in creating systems around us. In the Power of Democracy Steering Committee, some of the things that I have gotten to see our how we look at our third branch of government, one that is really often forgotten, unfortunately, when we talk about the legislative branch and the executive branch, but students don't know a ton about the courts, unfortunately. And we recognize that the disadvantage because the courts are so incredibly critical. And when you look at government classes, yeah, you might see some things about Supreme Court precedents, but you're not going to see a ton. And that is some of the work that I have been privileged to be a part of as we look to look at civics education and see how, at a young age, can we make sure that every student has a strong competency and understanding of our court system. They feel passionate about it in the same way they do when they see the icons of the House of Representatives or those in the Executive Branch they look towards. We want the same idea. We want that same sense of pride in the judicial branch. That is something that is really critical. What I think I have been able to do through the Power of Democracy Civic—

>> Zachary, you are breaking up.

>> Can you still hear me?

>> Your bandwidth is very low. Maybe one last word, if we can hear you?

>> Can you hear me?

>> Now, yes, one last sentence.

>> [ Laughter ] Thank you. Thank you for having me. My message to all of you would be, what we're working towards now and what I want to help us do is ensure that at Power of

Democracy, we really reach all those counties, and we see our rural and urban counties are gaining civil engagement opportunities at that equitable and equal point.

>> Thank you so much. That's a very good point, Zachary. I know that is something we all in the Power of Democracy are hoping to accomplish, is to spread this to more counties who can participate in the programs of outreach to the schools. Thank you, Zachary. And we look forward to hearing more about you in the future. Chief, I think that completes our presentation, but is there any questions? We will be happy to take them.

>> Thank you, thank you, Justice McConnell. I want to say that Zachary is the Exhibit A for why we are thrilled with the Power of Democracy's success. And we look forward to Zachary's college years and beyond. Zachary, we know we have an advocate for the judicial branch in you. And we are impressed already. So best wishes to you, sir. And I also want to say, for Justice Guerrero, your description really inspires all of us, and the passion makes me smile. Martin and I were just smiling at the screenshots of students you are speaking to, because they are also thrilled. Their faces are excited. It is exciting to see that kind of reception. I mean, I can honestly say on my years at the bench, I have never seen smiling faces like that in the audience, never. I don't expect to. So thank you for your work. I know you have inspired a number of people here, you know, Justice McConnell, of course, my hat is off to you to taking this torch and lighting up the world with civics with an emphasis on the judiciary, the growth of this program, the infectious interests that is in the legislature, and local leaders because of your advocacy, and your enthusiasm and leadership. I know that people who participated. I'm hoping some of our Judicial Council members who have done these civil programs might add something so that we can encourage even others to be part of the Power of Democracy judges in the classroom program.

>> Chief, this is Dave Rubin.

>> Hi, Judge Rubin.

>> I didn't know I held a record, but let me just say this to all my colleagues. This is a wonderful program. First of all, thanks to the Chief and Justice McConnell and everyone else who makes the program possible. I really encourage all of you to get involved. The materials that you get are wonderful. I think I get as much out of it as the students do. I come away feeling optimistic about the future. I will say, Justice Guerrero, when you go to an elementary school classroom, you have to prepare a little more. They will let you know how it is going. They are very enthusiastic and very appreciative. I really encourage everybody to get involved with it. It is hard for us to lament the decline in civility if we don't go and do something about it. This is a wonderful way to do it. Thank you, Chief.

>> Thank you, Judge Rubin. Judge Byrdsong?

>> I want to echo what Judge Rubin said. They ask all types of questions. Very, very curious students, and it is something for them to interact with a sitting judge, and in particular, when

you talk about someone who is a judge of color, and someone who does civil, about who you sent to jail? Is it hard for you to send people to jail? We talk about, I do things differently. We deal with civil and business disputes. And if somebody has a tree, and they are fighting over who should get the pears, and they are absolutely fascinated. And when you hear them say they would like to go into the legal profession because of seeing someone who looks like them is very rewarding. You also have to appreciate with the remote technology, you can have a national following with an addition to this program. I have been able to kind of pop around and look at these classrooms and talk to people. It is a rewarding experience. You will get a lot out of it. Even more so than the students, I think.

>> Good comments, thank you. Great comments. No one else at this point seems to have a hand raised. I do want to do a shout out to Penne Soltysik. Because as staff to the Power of Democracy Committee, when I have had to go places, some of them I go alone, and they are far away, Penne Soltysik is always with me or in support, providing logistics. I couldn't do it without her and her reminders of what needs to be done for the Power of Democracy. So this is a terrific note to end our meeting. Inspire. Sign up. Be inspired by students. Have those smiling faces. You will never see another audience like that in your professional life. This concludes our November Judicial Council business meeting. Thank you to our presenters. Happy and safe holidays. We will see you in January. Thank you.

[ Event concluded ]