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>>Good afternoon. This is the public business meeting of the Judicial Council of California for Thursday, November 16, 2017, from our Judicial Council offices in Sacramento. The meeting is now in session. This is the first day of the two-day meeting. Our discussion agenda item today relates to an issue that's been of concern to me as Chief Justice of California and that is money bail. And I've been concerned with its disproportionately negative impact on the poor and Californians from certain ethnic backgrounds. I first addressed these issues in my March 2016 State of the Judiciary address. Thereafter at our 2016 Judicial Council meeting in San Diego, I appointed the Pretrial Detention Reform Workgroup to study pretrial detention practices and to provide recommendations for potential reforms. I set the charge for the group to seek input from criminal justice stakeholders, advocacy organizations, and the bail industry representatives and to report back to me by December of this year. Under the leadership of our co-chairs, Ventura Judge Brian Back and San Diego Judge Lisa Rodriguez, the workgroup not only accomplished this charge but delivered the report and recommendations to me in mid-October. The 11 judges and one trial court executive officer on this work group came from a variety of backgrounds. As former police officers, prosecutors and defense attorneys, they represented both small and rural counties and large urban courts throughout the state. And as I understand it, when they began they did not have a shared goal or position or outcome from the beginning. In other words, there was no preordained outcome. There were opposing views and dissents, but in a process you would expect from a judicial branch entity, they were deliberative and thoughtful and inclusive. The dedicated group spent a year studying the current bail system from every angle. They heard from more than 40 groups, including police and sheriffs, the bail industry, victim and civil rights advocates in counties that are already experimenting with using pretrial services. So I want to publicly acknowledge the authors of this comprehensive report, a report I point out has never been done in California studying this issue. I've already mentioned Brian and Lisa, who are here today, and soon we will hear from another member, a familiar one, Merced Judge Brian McCabe, during the presentation on the Pretrial Detention Reform Workgroup recommendations. But before the presentation I'd like to mention the others who were part of this important workgroup. That is Napa Presiding Judge Mark Boessenecker, Santa Cruz Court Executive Officer Alex Calvo, Alameda Judge Arturo Castro, Fresno Judge Hilary Chittick, retired Santa Barbara Judge George Eskin, Los Angeles Judge Scott Gordon, San Francisco Presiding Judge Teri Jackson, Los Angeles Judge Serena Murillo, and Santa Clara Judge Risa Jones Pichon. All of them of course were ably assisted in their work and deliberations by Judicial Council staff. Shelley Curran, who is here at the presenters table from Criminal Justice Services, and her team including Eve Hershcopf and Dierdre Benedict, who I

believe are in the audience. Thank you. And after much study and vigorous debate, I understand, the workgroup reached a unanimous conclusion, and that is that our state's pretrial system compromises victim and public safety, and that our current system of money bail should be replaced with one based on an accused's risk to the public. The recommendations would also expand the information and tools available to judges while ensuring that judges keep and retain their final authority over who is released or detained before trial. These recommendations will serve as a much needed framework. As we consult with Governor Brown and the Legislature, because this is a three-branch solution that can protect the public and ensure court appearances while promoting fair and equal access to justice for all Californians. I'm grateful to the workgroup. I support your conclusions that a pretrial system that relies on the financial resources of the accused is inherently unsafe and unjust. And we have some interest in this matter today from our public audience and I turn this over to Judge McCabe.

>>Thank you, Chief. We have five public speakers here today to talk about the Pretrial Detention Reform Workgroup recommendations. We're going to have you speak at the forward podium, not the one nearest the audience. There is a lighted timer on the podium. The timer will tell you how much time you have left. You have 3 minutes. At 1 minute the yellow light will go on and at 3 minutes the red light. We have Ms. Mica Doctoroff. Welcome, thank you for being here, and you may proceed.

>>My name is Mica Doctoroff and I work for the ACLU in California and I'm very pleased to be here today to address you. We are very grateful to the Chief Justice for her leadership on the issue of pretrial reform, and to the workgroup for their critical efforts this past year. The ACLU has worked on pretrial reform here in California and elsewhere across the country and we are pleased to see that the workgroup focused its attention on so many of the most critical issues facing our current pretrial system, namely disparate access to justice for people with and without means. Racial and socioeconomic bias in pretrial release and detention, threats to the constitutional rights of the accused, and the compromised health and safety of our communities. Through our work we have seen the ways in which California's pretrial system not only in how it affects the accused but the tens of thousands of family members across the state who suffer as a result of these deficiencies. As the workgroup's report notes we know that women family members are often the ones that pay the large nonrefundable fees to commercial bail companies to get their loved ones out are hit particularly hard, often losing thousands of dollars and falling into financial crisis, even when their loved one is acquitted or the charges are dismissed. As a result of unnecessary pretrial detention we have seen people lose their jobs, their homes, their children, their benefits. Many of the workgroup's recommendations to resolve these problems are closely aligned with many of the fundamental principles of the ACLU. We look forward to working with the Judicial Council, the Legislature, and the Governor and the community to re- envision and realize a more just pretrial system in California that prioritizes equal treatment, decreased reliance on pretrial detention, and justice. Thank you.

>>Thank you. Next is Robin Lepetsky. Thank you and welcome. You may proceed.

>>Thank you and good morning, or afternoon, I wish it were morning still. My name is Robin Lepetsky, I'm the public defender for Contra Costa County. I'm also here representing the California Public Defenders Association on whose behalf I've been doing a great deal of work in the bail reform effort. I want to start out by saying that this report is just a fabulous piece of work. We really commend you for the amount of research that went into this, to the thoroughness of the report, and to the depth and breadth of the analysis. In particular, we as public defenders see every day the inequities of the current system. Our clients oftentimes are stuck sitting in custody waiting for their cases to be handled court system because they cannot afford bail. We also see the effects of the bench using high amounts of bail essentially to take the place of a fair process by which it would be determined whether or not they are a risk to the public rather than just set a high bail to ensure that that person stays in custody without any kind of process, due process. So what I would like to do is highlight a few of the recommendations that we found particularly informative and important. But first I think is the acknowledgment of the folks on the workgroup that their thinking on this topic evolved as they went through the research and I think that that's an important point to make because I do believe that when the public, when members of the justice system, and when the bench really understand where we came from and how we got to this point where we are with our current bail system, that thinking on this topic does tend to evolve, does tend to change. And so I'm very gratified that we've seen this focus on the bail industry and the history of the bail industry and how we got to where we are now. I'd also like to highlight the importance of the need for funding for both the courts and the other justice partners to move forward with pretrial reform. That's a very important point and we're glad that that was highlighted. Finally, I would like to acknowledge two more things. One, the need for drafting really clear concise language as we move forward and we look forward to working with the Judicial Council on incorporating all of these recommendations into a piece of legislation that can be easy to understand, easy to implement, and avoid protracted litigation. We look forward to that. We also would like to focus as we move forward on the concerns of perpetuating past racial bias into the new system so that we can avoid some of the pitfalls of the problems that we have now where we have a disproportionate impact on racial minorities and socioeconomic impact on folks without means. So with those comments I'll say thank you. Thank you for having me.

>>Next is Steven Wagstaffe. Good afternoon and welcome.

>>Thank you and good afternoon to all of you, Madam Chief Justice and members of the council. I'm honored to be here before you and it is a strange feeling that the speaker just before me, Ms. Lepetsky, it's amazing that we both agree so much. I am Steven Wagstaffe. I am the San Mateo County District Attorney, and pleased to tell you the immediate past president of the California DA's Association and a member of the Criminal Law Advisory Committee for this organization. And I speak to you today as the district attorney of San Mateo County, not on behalf of the California DA's Association. I did get a chance to speak to the workgroup, and I speak to you all that the recommendations of the workgroup are on the mark. I wholeheartedly support them. I have been working my fellow DA's to read it carefully and hop on my bandwagon because I think that this is a good change. I just completed in September 40 years

with the San Mateo County District Attorney as a prosecutor so I have been watching this system for decades. I have arrived at the conclusion that the recommendations to change it are appropriate. I would want you to know that this past summer, when our group of DA's met, 80% of our elected prosecutors there, meeting with the legislative proponents of the change, that when asked, unanimously, everybody there said yes, it's time for a change. The issue is, what is that change. I think this is a good recommendation because my concern with the legislative proposals is that what it does, is it says, because the rich are able to get out, what we'll do is create a system that takes away judicial discretion and allows predominantly for everybody to get out, and that isn't where I come from. I like what is done here where we're giving discretion to the judicial branch. And its wide discretion, working within parameters and working with a risk assessment. I think that is the way to go. I also want to put special emphasis on recommendation 6 and I really appreciate the work of the workgroup to remember that victims have as important a role here as everybody else. And I appreciate that they noted that. My county probably points out, more than any other county in this state, the discrepancy with money bail. We have a murder case that we're prosecuting now where two individuals charged with murder, equal involvement, equal pacts, bail was set, not a special circumstance, \$35 million. One of them who has a lot of money was able to post with property bonds, was able to post \$64 million. The other person with the same bail without those resources is in custody. There are other people in my county and they are similarly out. That's not fair. That's why I'm very grateful to the group for what they're doing to bring about this change and what you have in me in the prosecutorial field is a positive spokesperson. Thank you.

>>Thank you very much. Next is Krista Nimzik. Good afternoon and welcome.

>>>Good afternoon. Thank you for having me. I really want to appreciate the work of the workgroup in coming to these recommendations. My name is Krista Nimzik and I'm with the California Partnership to End Domestic Violence. We are a statewide organization representing domestic violence service providers all across the state of California. And from those organizations we hear regularly about the myriad ways that the pretrial detention system impacts survivors' lives from cases where survivors are arrested at the scene and need to post bail for themselves to the ways that the dynamics of domestic violence lead them to be the one that posts bail for their abusive partners and the wide range of other ways that the system currently impacts them. We really appreciate the thoughtfulness that the workgroup put into crafting these recommendations for a new way forward for our response to pretrial detention. We think that the focus on victims' voice and a real focus on the core, what the risk is going forward, both for perpetration of violence against those that they've already offended against and new victimizations is really essential. And as this work goes forward our hope is that this is the beginning of even more conversation. I know those of you on the workgroup have spent quite a bit of time already in conversation but I will ask that you continue those discussions as we work through what those risk/needs assessments need to be and how to get the tools right so that the implementation of a new structure such as this lives up to the vision laid out in the workgroup's report. But we look forward to being a continued thought partner in that process and to working with all of you. Thank you.

>>Thank you very much. Next is Tiffany Whiten. Good afternoon and welcome.

>>Good afternoon. Tiffany Whiten with the Service Employees International Union of California, representing 700,000 hardworking Californians. Thank you for the opportunity to speak with you all here today. We applaud the pretrial detention workgroup for their diligent work to address the need for bail reform. We couldn't agree more with the conclusion that the current money bail system is unfair and unsafe. Our members see firsthand the toll that the system takes on their communities. Its people of color who are most often forced to put their jobs at risk or even lose custody of their children simply because they cannot afford to pay their bail. It is long due for our system to be reformed and prioritize public safety and justice rather than the wealth of an individual. We look forward to the continued work by the Chief Justice and partnership with the governor, the legislature, and stakeholders to truly reform the bail system. Thank you.

>>Thank you very much. Chief, that concludes public comment.

>>Thank you. We will now hear from the Pretrial Detention Reform Workgroup. Certain members we've introduced. No action item. Judge Back, please proceed.

>>Thank you very much. We are very happy to be here. Thank you for the comments we have heard. The Chief has commented, I'm Brian Back, Lisa Rodriguez is sitting here. Thank you very much, Chief, for highlighting Shelley Curran. This is not an empty accolade to them. They are wonderful. We could not have gotten this together without their assistance, so thank you so much for calling them out. They are properly called out with those accolades. The Chief commented somewhat on how the process works. I think it's important, as one of the speakers indicated, it is important to understand how deeply the workgroup went into the background of bail and then came forward with this particular approach we have, and to comment on that process. I'll turn it over to Judge Rodriguez.

>>Thank you very much. So the Chief Justice established our workgroup as she indicated back in October of 2016. It was made up of 11 judges and one court executive officer. As the Chief highlighted, we had large courts and small courts, we had courts from the north, courts from the south represented, urban, rural, coastal. We really ran the gamut of experience, experience in our prior lives before we were judges as well as experience in the amount of time we had served on the bench and our backgrounds in addressing these issues. And so we got together with the workgroup charge that we were to determine if it was necessary to change the current system to better identify ways to make release decisions. If so, are there any recommendations? When making these release decisions, we want to be sure we are, indeed, treating people fairly, protecting the public, and maximizing court appearance. Does our system as it currently is do those things? In other words, was there anything we could recommend if we thought it was necessary that would make our system better, fairer, and protect the public in the best way possible. And so to those ends we had nine in-person meetings, eight conference calls and

webinars, innumerable e-mails and phone conversations, and really addressed this system as a whole before making our recommendation. And that recommendation and report were submitted to the Chief Justice in October of 2016, 2017 I should say. It took us one year to really evaluate the system, look at where we've been, where we are now, and then make some recommendations. And we are here today because the Chief has requested that we present these findings to you. As the Chief indicated, these are all the members of our workgroup. So all of these very diverse individuals with diverse backgrounds representing diverse parts of this state came together. We had the Chief's guiding principles to guide us in coming up with the framework of how to address this and looking at public safety and implicit bias, and whether we are keeping people in custody solely because they cannot afford bail. We had these guiding principles to help us decide how we can answer this question. Does the system need to be changed? That was really the first question we asked ourselves. All of our group members came in with a clean slate. Nobody proffered their opinion on this system. We all came to this with an open mind, so that we could get all of the information and make a really thoughtful and deliberate decision. And so we did ask ourselves, does the system need to be changed, and if it does, then how? In order to answer those questions, we had presentations from over 40 speakers. You heard from some of the speakers that came together. We have been having a lot of conversations and conversations with everyone that is impacted by the current system. We heard from state and national experts including test and risk assessments, we heard from experts on pretrial, statewide, national experts. We heard from people regarding the commercial bail industry as it currently stands including representatives from the American Bail Coalition. We heard from a chief inspector regarding his experiences with the bail industry, and Dave Jones, the Insurance Commissioner. We also heard from counties and states that already have some kind of pretrial program. Counties from California including Humboldt, Ventura, Santa Clara, so we can see what's working already in our state. And then we heard from jurisdictions that have undertaken efforts, some that have a long history of experience like Washington, D.C. and Kentucky, and some that have more recently undertaken pretrial reform. That would be New Mexico and New Jersey. So we can learn what has worked, what hasn't worked. What kind of things should we consider if we do make recommendations. More importantly, we also heard from our justice system partners and the victims groups and civil rights advocates, because we wanted to talk to the people who are impacted on a daily basis with the decisions that are made regarding pretrial detention. We heard from the public defenders, we heard from the district attorneys association, we heard from probation, from sheriffs, from CSAC, the ACLU, and Californians for Safety and Justice, a wide variety, a wide diverse group of people that you might expect would have are very diverse opinions on what was appropriate and what should or should not be done. And what we found surprised us. The consensus from virtually every person that came to speak to us and every group that came to speak to us was that this system needed to be changed. The system we currently have is not doing what we want it to do, which is to protect public safety and ensure fair and equal access to justice for all. And so the question then became, well, what do we do if the system needs to be changed, how do we change it? And we thought in order to make any kind of recommendations, we need to understand what is the system, and how did we get here? Where did we start, why are we where we are at now,

because that might help inform us in making any recommendations. So I will turn it over to Judge McCabe to talk to us a little bit about that.

>>All right, and thank you, Judge Rodriguez. I note and our group noted as we dove in to learn about this area and the origins of bail that the American bail system owed its foundation to medieval England, working through the Saxons, to Magna Carta, containing various principles that were adopted by our founders, and we noted the foundation of the bail system was premised primarily on presumption of innocence, right to personal freedom, and that it was not predicated on money or value, rather it started with somebody appearing to vouch for the accused, so that they may be released in order to guarantee two things. One, that they would return to court, and two, if they failed to return to court that that person would be a guarantor of the fees or penalties that would be due upon conviction to the injured party. From there, that bail system evolved over time. Most states protect the right to bail through sufficient sureties except for capital offenses. As you note here in the 19th century, it evolved into and beginning with commercial surety system. At that time they dealt with the very first one, noting deposits of money became conditions of release. There was some activity, some cases then that dealt with the bond issue. But we have highlighted here just because of time and doing 30,000-foot flyover that the Bail Reform Act of 1966 was the first introduction really of the consideration of public safety. And then the Bail Reform Act of 1984 permitted the use of pretrial detention in limited instances, and noting the United States Supreme Court case of the U.S. versus Salerno upheld its constitutionality. In California law article I, section 12 was there in the original form in the Constitution. It was adopted upon statehood, noting it was included from its inception that it states a person shall be released on bail by assistance except for crimes when the facts are evident or the presumption great. Then I jump down to Proposition 4 that there were two competing propositions on the ballot and interestingly both passed. The Supreme Court determined Proposition 4 had passed with more votes. And so the provisions of Prop. 8 that conflicted did not go into effect. Prop. 4 retained the language that a person shall be released, but amended section 12 to expand preventive detention to include violent felony offenses or sexual assault when facts are evident, presumption great that there is a substantial likelihood would result in great bodily harm and felony offenses were facts or evident presumption great that the person has threatened another with great bodily harm and would carry out that threat if released. Prop. 4 also permitted court setting bail to consider factors other than probability that the defendant would appear at trial. It authorized courts to consider seriousness of the offense and the previous criminal record of the accused. It made clear that the intent was public safety should be a consideration in bail decisions. People versus Standish was the one that addressed that point. Then as you can tell, Prop. 9, which is known as Marcy's Law, that in 2008 was passed by the voters. It amended the Constitution to add article I, section 8(f)(3) listed above, which is nearly identical to the 1982 Prop. 8 language including may rather than shall regarding release referencing only capital cases in the bail clause stating the court shall consider can the protection of the public and the safety of the victim in setting, reducing, or denying bail. So with that, that's the 30,000-foot flyby and I will turn the section back to Judge Rodriguez.

>>So we realized initially bail did not mean money, and it later came to mean money and sureties, to ensure somebody would come back to court. Public safety became a part of the discussion. So we have kind of a history of where it started. When we look at where we are now, we were a little surprised to see. We looked and unfortunately there was not a lot of information out there. We would love for there to be better data, we would love for there to be more data, but we have a very diverse state. Not everybody collects all the information in the same way or in a way we can analyze it. So we got what we could. And we were surprised by some of the information that we found. Between 2011 and 2013, the California Department of Insurance conducted an examination of California bail bonds, so they looked at it for two years. What they found was that 205,000 bail bonds were issued annually with a face value of \$4.4 billion. \$4.4 billion were issued. That's a lot of bail bonds. We found \$924 million in total gross premiums were collected annually. That's annually, \$924 million. That is only for 13 of the 17 sureties, so there's four more sureties out there that we don't have the information on. That means there's more than \$924 million that are being collected annually. That's a lot of money. We learned that \$308.2 million in nonrefundable premiums were collected, and that \$87.2 million were remitted by bail agents and bail agencies to their sureties. We learned about how the bail system works and the amount of money that a person has to put up in order to be released. We learned about the risk that the insurance companies take as opposed to the risk based on public safety. We looked at another study. That was bail bonds by the numbers in Los Angeles from May 2016 to May 2017. What we learned from that is that in Los Angeles, \$1.73 billion in sureties were posted. Which is about \$173 million in nonrefundable deposits. By nonrefundable deposits, I mean that the person who puts up the bail, whether it is the person accused of the crime or their family member, or a friend, that money doesn't come back to them. That 10% is gone whether charges are filed ultimately, whether charges are dismissed, whether they are convicted or acquitted. That 10% is gone. And so there is less inclination potentially to return because the money is already gone. \$13.6 million in cash bail was deposited though with the courts, and that's where the individuals give the deposits straight to the court without surety. \$3.8 million was forfeited by the court for failure to appear. Of that \$2.7 million were actually collected. \$1.4 from sureties, almost exactly the same amount from cash bail that had been deposited. There are a lot of policies and procedures in place regarding that forfeiture, and that has been an interesting educational experience as well. So what are the realities of the system that we have now? Some things we learned as we went through this process, as I already indicated, is that a person who posts bail must pay that nonrefundable fee even if charges are never filed. They do not ever get that money back. We actually heard from Santa Clara that in the first six months of 2017, police arrested about 265 people who were never charged with a crime. These individuals paid approximately \$500,000 in nonrefundable bail bond fees. So that is money they don't get back even when the charges have not been filed. We learned that people charged with very serious and/or violent offenses are generally released on bail with no supervision, and they may commit crimes while out on bail. That sounds like something we should already know, but to actually think about it and have it brought to our attention and recognize that we have people who are charged with very serious crimes. Because they can make bail, they may be back in the community without any supervision, without any conditions, without any monitoring. The amount of money that they have posted does not make

them any safer for our community. History, I think, is replete with people who have been released on bail because they could meet the bail schedule amount, but then went out and committed other crimes. Somehow we have lulled ourselves into believing we are safer just because a person has more money available, more economic resources to make bail. Simultaneously we have people who remain in custody because they do not have those same economic resources, but they may not be as much of a risk to the community. We also learned, and I think one of our speakers earlier mentioned this, that women often pay a disproportionate number of bonds, and quite often victims themselves shoulder that burden. One of the things we heard loud and clear from our speakers is that we aren't listening to our victims, that they want to be heard in these decisions and these pretrial detention release or holding decisions. They want their voices heard, and they want to be considered. And so that was something we took very seriously when making our recommendations. We also learned families often post the bail. It often takes months or years to commit or to pay off that debt. Again, whether or not it is the individual who is alleged to have committed a crime or the family who is putting up that money. And so having learned all that, we came to our recommendations. I will turn it over to Judge Back.

>>>I think it's important to reiterate what our charge was and where this report is. Recommendations, there's a lot more work that has to be done. And I think it's also important, it's called Pretrial Detention Reform. It might be more correctly considered as pretrial detention and release reform. Obviously release is implicit in the term detention, but we are talking about both those things. In other words, who belongs in and who belongs out. Also I think if the Chief is known by any mantra, it's access to justice. What these recommendations are all about are justice. We are in the justice business, and that was our focus, what is the correct thing to do here? Because the decisions made at the pretrial stage are profound in terms of the impact on the individual, on the family, and on the community. And we all know who are sitting on the bench, it's pretty tough. You've got a big calendar, you're right up front. These are profound decisions, which have a long-term impact on our community. So in the recommendations, we know that we're talking about, some would say trying to create a perfect system here. You can't create a perfect system here, we're all humans. We know it's a seismic change that we are suggesting here. We understand that. If it's a criticism or an observation, it doesn't matter, we understand that. We understand that potentially it could cost a huge amount of funds. Not funds shifted from one place to another, but both new and sustained funds. We understand that. We don't have the answers to all those significant issues, but we acknowledge the fact that yeah, Chief wanted us to come up with the recommendations. It just so happens all these things are implicated by the recommendations we have made. The other thing about the -- let me comment briefly. Judges know this. When we get that domestic violence case or that sex offense case or a case that suggests victims that really need us to take care, that's going to be a challenge for us to work into what the recommendations are. We understand that, and we accept the fact that it is something that needs to be looked at very carefully. The other thing is the report suggests 10 recommendations. We are not as a workgroup suggesting, gee, we'll be happy with 7 out of 10 or 9 out of 10. Those 10 recommendations, as Lisa has suggested and Brian has confirmed, this was over a lot of time. There was a lot of discussion to get it to where we really felt it was

important. So each one of the recommendations is important to implement in order to implement the system that we're suggesting. So number 1 there is to implement a robust risk-based pretrial assessment and supervising system to replace the current monetary bail system. That's kind of what it is all about, isn't it? We are talking about a complete replacement. And so that is, you start right there and you can spend a lot of time on it wondering what the other one could be. Number two is to expand the use of risk-based preventive detention. The word expand was chosen very carefully because there are jurisdictions, and there are laws, which do currently provide for preventive detention, but that's something we need to expand on. So that leads me to a comment. The recommendations we are suggesting do not result with a let release, and it does not result in a let's lock everybody up. Far from that. We're talking about securing appropriate information to make that decision of who is the right person to be in custody and who is the right person to not be in custody. The establishment of pretrial services in every county, we feel this is something that should be a part of the new system. Now we're not saying something has to be rammed down the throat of every jurisdiction in a uniform way. Not everybody is going to be able to use the same risk assessment instrument because we recognize the difference in geography, population size, etc. So we're not talking about putting everybody in the same box if that box isn't going to work, but we do need to establish these services in each county. The use of a validated pretrial risk assessment tool. There are many of us around the table who have been working with those tools. This is risk assessment, so risk assessment, for example, is risk in needs, it's different from risk in needs, which is a different tool. We're talking critical decision at the very front end of the case to make a determination on risk, so that the judge is provided with the critical information that he or she needs in order to make an appropriate decision on release or detention. I should have commented with number 1 there in terms of replacing the current system. One of the greatest misconceptions we all think with regards to what we're recommending is somehow we are suggesting that the discretion of the judge should be advocated to a tool or an algorithm. That is so far from the truth. That is absolutely not what we are suggesting. What we are suggesting is that additional information that should be provided to the judge, so that he or she has at that critical time right up front as much important information as he or she can have, as well as what the criminal history is, as well as what the particular crime is, and as well as what the gut is telling you. It's a judicial system. It's not advocating to anybody else. Make early release and detention decisions. This is going to be a challenge because early is early. Right now the way the law exists, the sheriff is authorized to release certain persons by statute. We're talking about underlying, making the early release and detention. Our studies absolutely show us detention, inappropriate detention creates a pathway to not only negative impacts on the individual, but negative impacts on public safety. We can talk about that for a long time, but that's the point of making the early release and detention decisions. Number 6 as pointed out, this is very important for us, and very challenging to integrate this into the system that is at implementation stage. Remember, we're just recommending it at this time. That's why the comment on domestic violence cases, sex offense cases. That'll be different than a 245(a)(1) battery case or a case with a great bodily injury that's not a DV case. We understand there's a lot of work that needs to be done to make these things work. What came up during the conversation, the Chief's charge was, you know, really couched in that initial -- the person has come into the system for the initial time. But

there are other folks who have been in our system for a while, and so we also need to consider the implementation of the pretrial procedures to those folks who are in the system already with violations of community supervision. That's going to take, it's all going to take a lot of work to do this. Providing adequate funding and resources. One misconception we'd like to dispel right now, we have come to the conclusion of, even if the system were to be implemented and there were fewer people in custody, I can't even conclude that would happen. I hate to say that, but the reason I say that is remember we are assessing public safety. There are people out right now on bail who potentially are public safety risks who may not be released on bail under a risk assessment approach. But let's assume there is a reduction in custody. Any costs that one might think could be saved are basically pie in the sky. Any savings of costs is not going to fund what we are suggesting. What's going to fund what we are suggesting and we understand it's a big one is new funding and consistent funding as it goes along. We need to deliver consistent and comprehensive education. We're not just talking about the people making the decision on the bench, but the entire justice system. This is something obviously we all need to learn to do, and so continuing comprehensive education is very important. And finally, I touched a little bit on this. We're not talking about taking the existing structure and clamping something on top of it to kind of sort of make it work. We are talking about adopting a new framework of legislation and rules with the court, implementing these recommendations as the Chief indicated. This is the three branches of government working together here. Our recommendation is no, no, let's not -- we're not talking remodeling, we're taking it down to the foundation and building it up again to make this system work as we foresee it working. So those are the recommendations. Some of the misconceptions I think that should be commented on. At this time then I'm going to turn it back over to --

>>Does anybody have any questions on the recommendations?

>>Justice Hall?

>>Thank you. As I understand the workgroup's recommendations, if they are adopted, we will completely dispose of the bail system in California. It's like it won't exist anymore. Any given morning with any given bench, if he or she is questioned with the pretrial release, one or two things are going to happen. With the risk assessment, whatever other pertinent information there is, the judge is going to release the person who has been accused of crime under certain conditions. Or they are going to order the person to remain in custody pending trial or other resolutions of the charges against him or her. Is that basically what we're doing?

>>That's the basic overview, yes.

>>Okay. Which brings me to the question, a number of the jurisdictions that are set forth in the appendix, Kentucky being one, they apparently have maintained some semblance of a bail system within their risk assessment to pretrial release system. Did the workgroup consider anything like that? I'm not advocating for it, but I'm just curious since other jurisdictions have done it that way, what your thinking on that is.

>>The answer is yes, we did consider that. When we have those jurisdictions come address us as Lisa said, we were fortunate to have -- the chief from New Jersey came out, the man out of Washington, D.C. came out. I mean we were able to have those discussions with them in terms of how they coordinated, for example, what you refer to. We did discuss that, and right now -- so when you see these recommendations, that's something that went into the thinking process. And you see it's not included in any of the recommendations. Instead if you go back to number 1 that's a profound change.

>>If I can expand on that, Kentucky did end up in essence abolishing the commercial bail industry in their state, but they noted there are some instances where money bail would be appropriate in limited circumstances, as I understand. The court itself is the holder of those amounts, but that was a quiver in their arrow set, and that it was minimal compared to all the other tools that they had.

>>Because according to the other jurisdictions that we have here, I guess some of the others also retained, if not approved a bail system, at least a corporate surety system. It appears the workgroup rejected that concept, and I'm sort of curious why. I'm not being critical, this is new to all of us.

>>I think it goes through, and maybe this is an appropriate time to answer that good question. There is an evolution in the thinking of the committee each of us starting out with the variety of individual experiences as they shared some of their anecdotes. We could see what they had experienced in their own career. That's going to take me 20 minutes and I don't want to do that. I want to do two minutes. Boy, I was almost going to go there too, 20 minutes, that would be easy. The jurisdictions that maintained it, they really didn't present to us a rational reason why they needed it. And so that was a part of the discussion that we had and I'm just jumping right to the end where we had that lively discussion about do we really need it given all these other tools that we have and given the fact we have jurisdictions that don't need it, have successfully done without it? Yes, do we get rid of money bail completely? Well then you're taking away a tool, so maybe we shouldn't do that. In the end we didn't hear a rational reason. So we had to ask ourselves the \$64,000 question or the \$4.4 billion question, why do we need it? It doesn't accomplish any of the guiding principles, it didn't accomplish our ultimate questions, it didn't do any of that. So that's why we came to the conclusion it's unnecessary in order to achieve the goals here, which was the two primary ones being return to court and public safety and coupled with Marcy's Law, victims' rights and concerns as well. It's not needed.

>>Justice hall, when I started on this in October, November, if I were to have made a statement there, I would have probably come up with some type of hybrid conclusion there should be a modification of some bail and some release. The evolution overtime was really, it was so educated. What Brian is saying is accurate, but no, that is not part of what the most just conclusion is that we can recommend here. That's what we came to. We had a lot of

discussions, as Scott was right there with it. We really did talk about that money aspect in the manner that you're asking. Let me also turn over to Lisa to talk about the pretrial services.

>>Let me just say before we do that, your responses are very, very interesting and very worthwhile. I just want to say this is very important work. As it's been said around the table, we appreciate all the effort you've put into it including maybe talking to you to stay on to see this through over the next four to five years. [ laughter ]

>>Judge Back and Judge Rodriguez would be happy to do that.

>>And I want to follow up on one thing. One of the things we strongly considered too is the pretrial services and how fundamental that is that it be something that provides monitoring when appropriate, and provides resources and services, and conditions that can be followed up on right down to making phone calls. Studies have shown making a call gets people back to court. Having GPS, if that's appropriate, or having drug testing, if that's appropriate. So that there would be an arm that is actually supervising the people that we deem are appropriate for release and the people that don't need those services, then they are released on their own recognizance. But we are making a decision on what the appropriate consequences should be. As to the implementation, I think that's something we would consider all of the different things that would go into what would be appropriate elements of any pretrial release.

>>And so the conditions, your comments just brought this to mind. The conditions of the release if the accused person will not follow those conditions, will not drug test, will not stay in touch, whatever it might be. Do you anticipate at some point then there would simply be an order they would be detained until the charges are resolved?

>>Potentially. That's something that will have to be worked out in any legislative proposal that goes forward, how you respond to that.

>>An interesting point so you know in Ventura we have this pretrial program, right. The education and getting together with our Justice Department is necessary because our probation department is a little reluctant to do too much because these people aren't on probation. They are merely accused at that time. So when we're fashioning what has to be implemented, we have to take into consideration other constitutional rights issues in terms of how much we can impose or interfere with the lives of these people that we're going to release. So there's a lot of work that needs to be done.

>>Judge Feng.

>>I'm just curious. What were the comments of these commercial bail industry representatives when they came before you?

>>As I recall their comments were that reform was necessary, but there was a disagreement as to the extent in nature. That's what we got from all of the folks. And that two, that they did not propose or envision what we ended up with. Ours was if we do what we feel is right and we stick to the principles and our charge, there's going to be collateral effects and collateral damage. Our effect, our purpose, our mission was not to target or eliminate the bail industry or anything else. It was just to follow this from its logical conclusion from beginning to end and where does it take us and where does this look like. In the end we looked at each other, saying wow. I think given what we're talking about from these other states, recognizing California is an enormous system, it's not unlike any other state, so it's really difficult to find any one that would match. And let's see if that would work here. And then that doesn't even address the issue of the 58 different counties that have all these unique issues, implementations, is going to be difficult. But as is other seismic changes, hopefully that addresses your concern.

>>One additional comment, Judge Feng, for the bail industry is that they felt that bail in California was generally too high. Higher as compared to the rest of the nation. They actually proffered the suggestion bail amounts should be lowered.

>>I just want to clear the notion that when a judge decides to release a person after reviewing pretrial assessment information on an individual, it's not that they are just released. I want to make sure people know that. There are conditions, okay, and I remember there is this case in San Mateo County where this person, because of her ability to pay, but there are conditions. My recollection was one, the passport is to be taken, and two she is under home arrest. So I just want to make sure there's a notion we're not releasing these people, there are conditions. If those conditions are violated they come back.

>>Noted. Noted. Although this differs in that there's a step that occurs here that would not necessarily occur if these reforms are enacted, so big difference.

>>Senator Jackson and then Ms. Nelson.

>>Yes, thank you. I don't want to put a wet blanket on this because this is all I think very exciting to change the system, so there is greater access to justice and it is fair, etc. But when you start talking about money, that becomes a real challenge. You anticipate this will be an increase in cost, and I note courts right now don't have enough to do what it is we expect you to do. So if you could share with me your thoughts, your experience on a couple of things. One is you're obviously going to need to have greater pretrial services. Probation argues, and probably accurately, they don't have enough to do what it is we want them to do today. Oftentimes when a person is sitting in jail because they can't make bail, they come out and plea for credit for time served. Do you anticipate we'll see more trials as people are out on bail and the risk of being incarcerated because they haven't done any jail time is going to lead to an increase in trials? Thus clog up the court system even further. If you would answer those, and the final question is really a political one. The political impacts of releasing people based on a risk assessment. They go out and they recommit during that period of time. You know, judges are

people and in particular jurisdictions when cases are high visibility and what-have-you, that there is a real threat that I suspect judges as human beings experience when they are making a decision to release someone where the potential ramifications of that person, if that was a bad call. You're throwing the dice, you make a bad call, it comes back, it affects the judge. How are we going to immunize or protect the courts from those potential impacts, or are we going to have to ultimately recognize that some judges, because they want to be more, you know, on the side of caution, are going to keep people in jail who may not be required to be just in order to essentially keep some of the heat off. I think it will happen. The situation that happened up in Northern California just this week, the DV folks are now looking carefully. The courts and law enforcement is under, you know, scrutiny for this. One bad apple, one bad outcome does impact certainly in the political world the way we look at, you know, how we do policy.

>>The issue is humans. We're dealing with humans. We can't come up with a perfect system partly because we are human, and we understand that those things that you're talking about, they are going to happen. That's why the education is so important for all justice partners. Let's face it, the judge, he or she has a tough job. If you didn't want to be a judge, don't sign up to do it. There are going to be decisions that will be controversial, that are not going to look like they were the right decision, and the judge has to go forward and make the best decision that he or she can. That's why we're suggesting what we are because we want to give that judicial officer the additional information. At least he or she can make at that point in time the best decision that they can. And then we just have to realize, bad stuff is going to happen anyway. Bad stuff is going to happen when people are out on bail, when they are not on bail, or when they are out on pretrial services. That's the reality of it. We hope to minimize that, however. That's why I call it, I refer to it as pretrial retention and release. There are people who are really not a flight risk and not a public safety risk, but they are only in custody because they can't come up with bail, that's wrong. But if there are people who are a public safety risk in particular, and the only reason they are out of custody because they can come up with bail, that's wrong. So this system seeks to address those ends and everything in between. It's a challenge. That's an interesting question. Frankly and you guys, do you want to comment on that or do you want me to keep going?

>>We did ask other jurisdictions about that. Especially Kentucky and Washington, D.C., they did not seem to feel they were having more trials as a result of this, but that's going to be an implementation thing and we can't predict the future. We can only hope we're going to make a better system upfront that will be fair, more equitable, and safer.

>>And your question, I want to comment on the one thing, plead for time served. Implicit in that statement, sometimes plea for time served when they really haven't done the crime, they just want to get out.

>>No question.

>>It does have a financial impact, and that's what I'm trying to get a sense of what we might be looking at in terms of additional dollars necessary.

>>As I recall just to answer those two questions starting with the middle ones with more trials. They had a honeymoon period where everybody is trying to, for lack of a better word, game the system because these are new rules, how can I get the best for my client. That did occur in the very beginning and then things settled down. Then the jurisdictions appeared to be able to handle without massive increases. Kentucky has been doing it since the 1970s, so they have been at this for a long time, a lot longer than anybody else including the District of Columbia. New Jersey just started in January of this year, so they are still going through what I would call the honeymoon period where they are trying to figure everything out, modifications, people in uproar because it's a change. Everybody wants progress, but nobody wants change. They are dealing with that basic psychology with people and as other jurisdictions have. Is it intuitive or counterintuitive? I don't know. Logic tells us that probably may be initially what could occur. The other jurisdictions as I understood it, it all flattened out, so it's a matter of time. As to the risk assessment issue, no matter what system you have including the existing one, we have examples as of this week. Right? So human conduct is not predictable with 100%, it's not possible. But this gives you a tool with far more information, so that a judicial officer is now doing an individualized assessment of an individual being accused. And based on that information, far more information is now making an informed decision more so than just an algorithm based on a generic number judges sat around last year saying, yeah, \$50,000, that sounds good for grand auto. If they post it before the first, so be it. I guess public safety in return is presumed they will be okay. We disagree with that ladder type of thinking and thinking that would help them. The cost issue, that's something to be worked out. Quite frankly we talked about it with some of the other jurisdictions. It seemed to me, it came down -- if there's a will there's a way. I know in New Mexico, the legislature took the lead. They passed legislation and made the judiciary figure it out how to make up the rules, etc., they just wanted it done. Then the opposite occurred in Kentucky back in the 70s. They believed -- I believe the court took the front on that and partnered with them. We are aware of some activity, last year, we just don't know the extent of it. That's why it's hoped by the first branch the first and second branches have an equal willingness and we are able to sit down and bridge those financial and other practical considerations. We're hoping that dialogue will occur can. We are eager to sit at the table and have that.

>>I think that will be the key going forward. Particularly just to note, the L.A. Times editorialized on the Tehama shooting and said we need bail reform.

>>Right.

>>And so that's a sad but opportune moment after that tragedy. But I would suggest a part of this has to be a thoughtful discussion about the cost because we can get through and love the policy, and then we get a bunch of time and we get to the Governor. It becomes a non-starter.

So I don't know what the answers are, but cost really. You make a good case and it looks like the public may be with you or with us on that. But really got to hone in on that cost issue.

>>I will note this, I'm a little bit amused by the external calculations of the cost. I mean it's amazing they could do that. Yeah, exactly. I think that's something the Department of Finance, the Judicial Council itself, those that are going to be in the know, sharing the information, would take a deliberate and calculated approach to actually figuring out the cost instead of picking out a pie in the sky number that happens to support either your interest or your motive. I would ask folks, why don't we wait until we actually work through those numbers to figure out what they are before we start publishing. That's my editorial.

>>So Ms. Nelson, Judge Gordon, and then Judge Hopp.

>>Thank you. I was curious as to whether it informed you in your process, instances where in the current bail system there were situations where district attorneys were overcharging cases in order to increase the bail on the theory that they could keep the person in detention. And conversely whether when coming up with your recommendations you had any concern that that might continue because it would be a risk factor that would be put into the mix.

>>Let me answer your question without answering your question. [ laughter ] The concept of preventive detention is to make it transparent. It is to ensure we are keeping the right people in custody for the right reasons because of a risk score, because of things that are put forth to a judge. Obviously working out the details is important, but making sure that it is an open and fair system where due process rights are protected, and we are not trying to keep somebody in custody by setting bail because we are worried about safety, but actually coming out saying we are keeping you in custody because certain elements have been met that make it so there is no safe way to release you. And so we are trying to address both sides of that to make sure that the right people get out for the right reasons and the right people stay in for the right reasons with a fair and open system. Does that answer your question?

>>Yes. Thank you.

>>Judge Gordon?

>>I want to take a moment as a member of the committee to the wonderful points raised by the senator. We are called upon to do risk assessment every single day from 8:30 in the morning till 5:00 at night. This goes to how we make the decisions. Instead of going from a binary system, we are looking at a triage system, which has much more levels of discernment, a tool that provides a much more gradient system to something we already have to do, so it gives us more tools on something I think will promote greater safety. Lastly is we benefit from the leadership role the Chief has taken to step out here, but at the end of the day this really is a solution the entire, all three branches of government have to stand up and discuss and come together

because it affects every branch and everybody has to be there. The discussion in the Legislature, which prompted this. There are all costs we have to talk about.

>>Judge Hopp?

>>A couple of observations to make pretrial services effective, it will take a significant amount of resources, there is no way around that because you have to gather information about folks that have been arrested and then provide the services to help them stay out of trouble while they are facing charges. We're doing a little bit of that, but we would have to do a significant of that. Judge Back, you mentioned there are some folks out on bail now who would be kept in jail with no bail essentially. I take it you don't have concerns about that being unconstitutional?

>>The constitutional issue is something we have dived into deeply and we needed to dive even more deeply. Again, when the recommendations are what they are and we have to really reconcile, the issue is there. We have some additional research that's pretty positive in terms of being able to, you saw the word expand, we think we can do that most likely with what we currently have before us. We are acutely aware of needing to address that even further.

>>Thank you. I was struck in the report by the fact there are only two countries in the world that engage in for-profit commercial bail. In our civilized world those two countries are the Philippines and the United States. And I think this is a discussion that we as the court who engage in this every day of what we do had to educate ourselves and look into the process because this is about justice. The truth is, justice, every jury trial we afford to people in this country costs money, as do all the crimes that costs money on our communities. It is a financial question, but it's a safety question. We will continue to have this dialogue, and we will continue to have this dialogue with our justice partners, the stakeholders, the other two branches of government. But this is the deep dive that the judicial branch took in order to inform ourselves going forward. So this conversation is important. This is just the beginning of it. We don't expect it to be fixed tomorrow, but we do now know it's on our radar in terms of the service we provide to this state, to each other, and to the work we swear the oath to uphold. So I thank you for your work, and I thank you for the deep dive. I know you did it while you maintained your full-time jobs. I think you said 8:30 to 5:00, but you forgot weekends [ laughter ] and I know that this was a conservative effort to find the truth. So I appreciate your work, I appreciate your efforts, and your presentations. Thank you very much, and we'll continue to talk.

>>Our pleasure, Chief. Thank you. [ applause ]

>>So some of you may have been wondering as we sat here if you had the view from this part of the room, the room has begun to fill up. The only way I can describe the folks who have come to fill up this room are fans of Jody Patel. So before we conclude this business meeting, I would like to take this opportunity -- this is one of many, frankly, to publicly acknowledge the dedicated public service of our own Judicial Council staff leader Jody Patel. And of course someone who has served over 40 years of exemplary service to the public in two branches of

government, we are the beneficiaries in the judicial branch. We have a Judicial Council resolution, which is symbolic of our gratitude and thanks. I'll point out this is the only resolution I have seen that chronicles years and years of accomplishments and has five chapters. [ laughter ]. It is very heavy. I'll read it all to you. No, I'm not going to read it to you because all of you have a story about how she ran a project for you, how she had a story for you. So I'm not going to go there, but I will say something about Tuesday, February 28, 2012. It's an important date for me as chair of the Judicial Council, and my working relationship with Jody. Of course, we had spent many years in Sacramento superior court along with Curt Soderlund back in the old days, but that was my first Judicial Council meeting where I was chair and Jody was the council's director. And many of you remember that time and the activity, the best way I could say it here publicly. This happened just after I served my first year in office as Chief Justice of California. It was a busy year, more was to come. She brought energies, dedication, she brought back channel, valuable information in her role, serving with tremendous distinction as then Administrative Director, and continued on to act as Chief of Staff to the Judicial Council. Oversaw many, many changes, many projects, difficult assignments, sometimes difficult people. And to name a few, not of the people, but of the projects, let me say first the Phoenix Financial System, open meetings, Resource Allocation Study familiar to all as RAS, the Workload Funding Methodology, and the grants program, as principal staff to the Future of California's Court System. In all of those she served an invaluable service, tremendous contribution, and I would say especially to the latest the Future of the California Court System. It could only have come from someone like you who has seen so much of the court system and where we need to go in the future. But I will read from the final entry of the resolution and that is, We do commend the contributions and achievements of Jody Patel and express the sincere gratitude of the Judicial Council, the judicial branch for her leadership. I would also say the public, the trial courts, the Courts of Appeal, and the Supreme Court, and in the effective and efficient administration, the integrity and independence and accountability of our branch. And so before Martin and I present this to you, I will call on Martin to say a few words.

>>Thank you very much, Chief. I will be very brief.

>>Don't make me cry.

>>I won't do that, I promise. But I have a chance to thank Jody and recognize her. I have a few more to do. I know there are others who will not have those chances. I do want to say something about her and put it in some kind of maybe contemporary context. Here is, I think, a true American female pioneer of Indian descent, who has achieved remarkably high levels of accomplishment in government services over a 40-year career. I don't think that happens unless you have the tenacity, the endurance, and the competency, because maybe you have to be twice as competent to do this kind of journey to get to where you get to and to get to where you are going at the end of the day. So for me at least this is a very sad day because it is the beginning of the end of a professional relationship where I think all of the strengths that I had were actually, some of them weaknesses, but Jody had the strengths to compliment my weaknesses and vice versa. So it's the beginning and ending of the dissolution of a perfect work marriage,

no offense to the families out there, but it's just a work thing. But it was a terrific thing. Once in a while you get lucky in your career where you find somebody that's able to compliment you like that, and you're able to really accomplish and achieve great things because either you find it or you get lucky to have it. But the good news for me that is the beginning and end of the period, actually the beginning of hopefully a terrific relationship. So thank you, Jody.

>>Justice Hall? [ applause ]

>>I just want to say briefly, when the Chief was kind enough to invite me to join the council in January of 2011, I was visited by my former colleague and former presiding justice and my good friend, who said, Do you know Jody Patel? I said I think I met Jody a couple of times, but I can't say I know her. He said, as you go forward with the council, you'll find she's absolutely invaluable, and that she is a good friend. I found both of those things to be the truth. So thank you, Jody.

>>I open up the floor to Judicial Council members to make a few remarks about Jody if they care to.

>>Yeah, I will say something.

>>Pat Kelly.

>>Jody has been a very good friend to me and it goes back to when I was state bar president. The work together and in working with Jody on the Commission on the Future of the California Courts, seeing how she worked with all of her staff. Frankly I wish you had been my executive director at the California State Bar, Jody, but it's just been a marvelous thing to watch, and I've been so proud to know you, Jody, and I really hope we stay in touch.

>>Thank you.

>>Mike Roddy and then Justice Miller.

>>Thank you, Chief. I've known and worked with Jody for nearly 20 years now. I first met Jody when she was in the Office of Governmental Affairs and hired her as an assistant executive officer at the superior court. I guess fortunately or unfortunately for her I was gone just a few weeks later to come to the AOC as the regional director. So Jody then becomes the executive officer of the court. Was able to really do a fabulous job in that regard untethered by my experience.

>>A compliment from Mike Roddy. Is it on tape?

>>That's right. In 2006 when I had an offer I couldn't refuse to return to San Diego, Jody makes the transition to the regional administrative director here. Again, you know, following

my footsteps, I guess, but clearly doing far better than I did, I must say. So I guess I take some of the blame or credit to leading Jody to the judicial branch. We've had a long and fruitful relationship for the last and nearly 20 years. I've watched Jody move far beyond that to assume, as you say, an integral position in support of you and Steve Jahr, Martin, and many judicial members as we kind of recast the branch and retooled and refined our administrative approach. There's many things I learned about Jody over the years, kind of my top ten.

>>Oh god. [ laughter ]

>>Boy, she's been waiting for this one. She's very smart. She is a very intelligent person. She's a great critical thinker. She has excellent judgment by years of public service experience. She's driven to do her best and to do the right thing, and she's passionate about what she does. She's result-oriented, but she's not afraid to try new ideas and approaches. She's not afraid to speak her mind, and to back up her positions with facts and experience. She's always looking to improve, and she's not afraid to take on the hard, difficult and sometimes unpopular tasks that come with executive management. It's been my honor and privilege to work with Jody for all these years. I'm going to miss working with her, I'm going to miss her professional and her friendship. What I'll not miss is her volunteering me for various committees, task forces, working groups, and other Judicial Council activities. So I'm hoping in her departure I will get some rest. Jody, I look forward to a long healthy retirement. Please stay in touch, and it's been a pleasure.

>>Thank you. Thank you, Mike.

>>Jody, you know, throughout my career there have been just a few comments that people have made to me that I think back and I think, that person had it right on the money. After we were appointed to replace Judge King and Judge Murray, Judge Murray having been on the council for so many years, we weren't even sworn in yet. I showed up to some meeting in jeans. They are like, Jody Patel is here, yeah, I don't know anything, how do I get in the building? Anyway, I go to the meeting and Judge Murray leans over to me and says, Whatever you do, make sure you always do what Jody tells you to do. Sure enough, on behalf of the small courts where we don't have the same resources that perhaps other courts do, I cannot thank Jody enough for all of the assistance she has provided to our court over my career. It's been invaluable, she has always been a go-to person, and you are going to be sorely missed. Thank you.

>>Thank you.

>>Justice Miller and then Jake Chatters.

>>I'm just going to talk to you, Jody, because I will cry. I don't think I've talked to anyone more, including my family, in the last eight or nine years than you. I'm sure your husband can attest to how many times I have called early in the morning on weekends and late at night. I probably have talked to you every day except weekends on a few over the last eight or nine

years. And there was that time period as the Chief referred to when you were the acting director that I think we spent almost every day together and hours and hours into the night and on the weekend. But what I will say is that you have made me a better person, and you have made the Judicial Council a better place to be and a better organization, and you have made the branch far superior. Thank you. Thank you.

>>Jake Chatters.

>>So I had the opportunity to previously express my personal thanks to Jody. So I would like to give some thanks on behalf of my court, and I would be remiss if I did not thank Jody for her assistance several years ago during the time when the court was not in its best position. And on behalf of the bench I would want to express their thanks for helping the court get back on its feet, to be honest and upfront and frank about what needed to happen. On behalf of the court I say thank you. On my personal behalf, I'll save that for later, but thank you.

>>So Jody, come up for that photo op for the resolution Martin is going to present to you.

>>Talk amongst yourselves. [ laughter ]

>>Okay, so I'm really going to try to do this without crying. This has been really wonderful. Although I'm really excited about this new chapter in my life, it is very bittersweet. I have been afforded a great deal of opportunities throughout my career, but nothing can compare to being here. I know. To quote one of the favorite songs, one of my favorite songs from the musical Wicked, I've heard it said that people come into our lives for a reason bringing something that we need. And we are led to those who help us most to grow, if we let them, and we help them in return. Well, I don't know if I believe that's true, but I know I am who I am because I have known all of you. So I want to take this opportunity to say thanks to many of the folks who have come in to my life and influenced me today. First, I want to express my deepest appreciation to the staff of the Judicial Council who are the most resilient, dedicated and hardworking people I have ever known. All of our accomplishments have been achieved because of the team of folks in this organization. Never I have certain colleagues that have held a special place in my heart throughout my career. Specifically I want to thank Kurt, who is in the back, for being my mentor, my friend, and trusted colleague for over 30 years. Also Maureen Dumas, I don't know where she is. She's right there. And Pam Reynolds in the back who have been my partners and right hand for 26 and 14 years respectfully. And Stephanie Elum who is also in the back there who for the last 12 years has been the most incredible secretary. And I can't forget Nicole Davis who along with Pam really truly kept me organized. All of these folks have not only helped me, but today are some of my closest friends. I know our friendship will continue. There are many more wonderful people, past council members, judges, court executives, and staff. You know who you are, and I'm so glad to see so many of you here today. I thank you all for what I have learned from you and from your friendship over the years. My entire career I have had the honor to have great leadership, and I have been blessed to work with some of the best in the court system. To my friends Mill and John, we

have been a great team. Although we have only been working together for a short time, I have truly enjoyed working with both of you, and I will miss you tremendously. I wish you the best as you continue to lead this wonderful organization. Mill, you know I'm counting on you for many more happy hours and our trips to Sedona. There you go. And I want to thank you for your leadership and for stepping in to lead the council at such a crucial time in our organization. To Justice Miller, Justice Hull, Justice Slough, Judge Rubin, thank you. We have faced some incredible challenges, but together we have achieved so much for this branch. I will miss our dinners and amazing times we have had, but I know we will also continue to be friends well into the future. None of you can hide from me because you know I'm going to be in Southern California a lot now visiting my kids. So I'm hoping our dinners will continue. Last I want to thank Martin and the Chief. I don't even know where to begin. Martin, as I said in my retirement letter to you, what a privilege it has been to work with somebody of your caliber. You are one of the brightest policy leaders in California government. I am so glad I had the opportunity to work with you. And you know if it wasn't for you, I would have retired two years ago. So to my family and friends who have bugged me all this time about why I'm not retired yet, it's that guy right over there. [ laughter ] And our incredible Chief Justice, I have truly cherished our friendship for the past 15 years. No words can express how honored I have been to have had the opportunity to work with the leaders such as yourself. You not only are blazing trails in California, but also blazing amazing trails on the national front. You are such an inspiration to women and girls everywhere. No words can describe how awesome it has been working with both of you. All I can say is thank you so much for trusting me so much. As Maya Angelou said, People will forget what you did, but people will never forget how you made them feel. You have all made me feel very, very special. I can't believe it has been 40 years. I started when I was 10, I'm really not that old. [ laughter ] But I'm so grateful that I have the opportunity now to focus on what is truly important in all of our lives, our family and our friends. I have some of those special people here with me today. My mom, who has always been the strength of our family, and my mom's birthday, she turns 80 next Wednesday. So she's sitting in the back. [ applause ] My husband, Steve, without whom I would not be sitting here today. And he's here in the front. You can wave your hand, so people know who you are. [ applause ] My wonderful kids, my daughter Dr. Patel. [ applause ] My son, who was not supposed to be here today because he had surgery scheduled already and wouldn't want to do that to patients, is here today surprising me. [ applause ] And I'm so pleased to have his beautiful wife and our daughter as well. [ applause ] I want to thank my sister and her family along with some of our best friends also for being here today. In closing, I am going to take to heart a lesson from Dr. Seuss. Dr. Seuss said, Don't cry because it's over, smile because it happened. So ladies and gentlemen, today I am smiling. Thank you. [ applause ] Even though I was crying. [ laughter ] [ applause ] I think I made Martin cry.

>>Yeah, but the camera was over there when it happened. [ laughter ]

>>The meeting stands adjourned. [ applause ]