

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 captured live captioning, formatted and unedited, of the last meeting. The official record of each meeting, the meeting minutes, is 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.

>> Please stand by for real-time captions.

>> Good afternoon. This is the public business meeting of the Judicial Council of California for Thursday, September 14, 2017. The meeting is now in session. This is the first day of a two-day meeting and we will adjourn this afternoon at approximate the 2:45 to 3:00 p.m. And we will reconvene tomorrow at 9 a.m. Later this evening we will have the 24th annual Judicial Council of California distinguished service awards reception and ceremony hosted by our own Judicial Council member. We don't usually have aged to show business meeting in September covet this year we do and it provides us with the experience of the changing of the guard with the actual volunteers in the process as they begin the process of new members and new responsibilities. When the voters created this Judicial Council and the Constitution, they decided that we are, quote, "charged with the duty of seeing that justice is properly administered." This is throughout California and for all Californians. Every year over 400 dedicated public servants volunteer their time and expertise to serve on our various Judicial Council advisory bodies. They don't represent any particular constituency, but they willingly share their knowledge and their experience and expertise to better our policies and our rules and are guidelines. Their diversity of background and diversity of experience enriches the council's findings and decisionmaking processes. So today, we will book and this meeting with a public acknowledgment of our outgoing members now and a swearing-in of our incoming members later this afternoon as they take up office tomorrow, September 15. To our outgoing members, deep heartfelt gratitude and thank you for all of your work. We give you a copy of the Federalist Papers for each because it's a small token of our appreciation of your service and it's also a symbol of the importance of your role of the statewide Judicial Council and you are lasting contributions as a Judicial Council member. Every day, when we meet here, we're reminded of Alexander Hamilton's number 22 of the Federalist Papers, laws are a dead letter. Without the courts to expound them to find their true meaning and operation. Courts continue to play a key role in our form of constitutional democracy in service to the people of California. After three-year terms on our statewide counsel, many meetings, huge binders, many contributions to the cause of justice with tremendous gratitude we think the following. Judge Brian Back, Judge Buckley, Commissioner David Gunn, Mr. Richard Feldstein, Ms. Donna Melby and Ms. Debra Elaine Pole. Also, we mention and thank Presiding Judge Jeffrey Barton, who couldn't be here today. Best wishes on returning to your full-time day job and we will miss you and thank you for the hard conversations and thank you for making us better and thank you for the inquiry as all of you know, this is a working counsel. You not only sit here but use it on advisory committees and chairs and committees and you work together and our disagreement

makes us better. So thank you for lending us your knowledge and expertise and opinions and stories and the two chocolate cigars.

>> [Laughter]

>> Thank you.

>> [Applause]

>> I almost forgot, Judge Dean Stout, for your many years and assistance to child welfare issues, thank you. And also, I understand, your impending retirement. Thank you. Congratulations.

>> Also, as you know, comes my opportunity for the reports and we start with the Chief Justice's report. So many of you I saw at the 51st annual Bernard Wittman College and was cross-examined by the Dean, Judge Pat Lucas and Dutch just Judge Michael Gross in San Ramon and we covered a wide range of topics in front of the 82 participants had topics of importance to the branch and to them. Diversity and federalism and the commission on judicial performance and race and gender and public opinion and civics education and engagement and immigration and judicial administration and the futures commission and budget and of course the critical transitions and learning necessary to become an effective bench officer. In Philadelphia, in August, at the conference of Chief Justices, our focus was federalism. It was the topic of all of our conversations and the educational programs, which included federalism, sharing power, securing liberty, who cares what the Federalist Papers say about federalism, the role of state courts in developing federal constitutional law, and promoting cooperation between state and federal courts. And as to cooperation between state and federal courts in California, we are very fortunate to have a robust state federal Judicial Council like this one that promotes a collegial environment with our federal colleagues and shares information. We have education sessions and programs with the federal judges and state judges, and I would like to add that we have vacancies that come up from time to time. We fill those or solicit candidates to fill those on our website if you are interested. We meet twice a year in Pasadena and appear North. It's a good group of folks and we share information and you would be pleased to be part of that group with their information. I will tell you that a number of federal judges as a result of our interplay in connection, judges like Connie Callahan and retired Judge Frank Demerol and senior judge Raymond Fisher and Judge Kimberly Mueller have joined our civics movement and the power of democracy steering committee to work with state judges and Secretary of State Padilla and leaders of education my time [Indiscernible] to promote Civic learning and engagement in California. Martin Hoshino our administrative director also attended the Conference of State Court Administrators meeting, and it is held in conjunction and at the same time as the Chief Justices conference and Martin will share some updates on the national task force on fines and fees and their practices in his report. I know that they looked at the right to counsel in matters of court-imposed financial obligations and ability to pay determinations an alternative to payment. Our Judicial Council administrative presiding justices and judges advisory committee

looks at the issue of fees and our regular meeting addressing fee authorization for e-filing and service in the appellate courts and we also considered a pilot program dealing with privacy and appellate opinions, meaning we should be careful in how we use names because these opinions LaVonne and are kept in secondary websites and identify people as witnesses with addresses. The national Association of women judges, hosted a women in the court legislative Day at the state capital. I participated in a fireside chat with Senator. Hannah Beth Jackson and shared a legislative women's caucus and she is also chair of the Senate Judiciary committee and a Judicial Council member. We discussed many issues of interest to the audience and to current events. Also, they'll education and reform continues to be of interest, and I am pleased to join Governor Brown and centered Herzberg and [Indiscernible] in a statement continuing to commit to education and moving forward about the discussion and action on bail reform addressing of course public safety, fairness, the rights of the accused, and equal access for all Californians. I also continued our regular ongoing meetings with our sister branches of government, that is, to convene and connect on issues of mutual interest and concern and to share our experience and knowledge and information. I had the pleasure of meeting with Senator. Henry Stern to discuss a bill of his regarding youth participation in civic engagement. And we, Judge So and Martin and Shelley Karen and other judicial staff and I met with attorney general had the air Becerra and his staff as part of our liaison meeting program. And finally as a Supreme Court of California recently moved to mandatory e-filing like the rest of you, I joined 150 judges and court managers and IT professionals at a summit to find new ways to harness technology to offer better service and access. If the Supreme Court can adapt, I believe we can accomplish a lot for the public we all serve. That concludes my report to council. And now we will begin a new feature, hearing what Judicial Council members are doing statewide or matters that affect statewide issues. Justice Miller?

>> Thank you. As all of you know, one of the duties of the Executive and Planning Committee includes the oversight of the Judicial Council meeting agenda and the planning for the agenda. One of the new items that you will see in our agenda today which was approved by E&P and made up the request of the Chief Justice was to add additional time on our agenda to hear from individual councilmembers to comment on their statewide work on behalf of the branch. The chief requested these kinds of reports because councilmembers are engaged as all of us know in many interesting and relevant statewide pursuits to benefit the branch in public in addition to their important work here on the Judicial Council. In fact, as we know also when appointing judicial councilmembers cut the Chief Justice looks at their expertise and areas of statewide concern to the judicial branch and their focus on expanding access for all Californians. So to present our first such report is judges back.

>> It's not quite a judicial branch initiative but it has a lot to do with the law and you will undoubtedly recognize some of the names I will drop yours in a few minutes and names whose folks have been integral both to branch issues and other issues in general and what I'm talking about is updating what is called the state advisory committee and juvenile Justice and delinquency prevention. That slide up there indicates that in 1974 under the auspices of juvenile Justice and the link the prevention, the Juvenile Justice and Delinquency Act was created to

create a federal and state partnership and it was to address juvenile justice issues and the creation of the state agency through which federal funds could flow and these are called state advisory groups. And about 48 of the states they are independent standing alone. In California ours is called the SAG J and it works under the Board of State and Community Corrections. The membership composition as you can see is quite varied and it's all government appointed. I was appointed to the SAG J and my first name drop, a guy named Michael Nash who is a long-term member of SAG J and a member of the juvenile court and a rather important contributor to the Judicial Council and branch issues and a great guy, he threw my name under the bus. To replace him on the committee. I was happy he did it but I did not agree to be part of the committee until certain legal and ethical issues were addressed. So it took actually several months, but the legal staff and Judicial Council and the legal staff from the Governor's office that if the situation to make sure that a judge could it be A committee without creating any problems because as you heard me say, federal money comes through these SAG. If the state doesn't have a properly constituted and functioning SAG no federal money comes which can then be distributed to the 58 counties for juvenile justice purposes. The bottom line, and it should be familiar with all of us, I am staying on every vote that has to do with money. But there is a lot more that goes on with the SAG J the money. Here are some of the ideas and things that we are required to address.

>> Yes, a big part of the job is the development of a three-year plan. And that is a three-year plan to does remember this went into effect in 1974. This is to establish a plan to address but those issues might be. So for example, in number two, those issues of juvenile justice policy may include reducing racial and ethnic disparities and it might address solitary confinement or the use of pepper spray. For those of the types of things also in addition to the funding that we talked about. The third item there to ensure that we have used involvement in their town halls and particularly in participation on the SAG who are you and some of whom have been involved in the system in the earlier years. Now, we deal with compliance with the act and that is important and to obtain number five, input from juveniles currently under the jurisdiction of the juvenile system, we have a very active young people, some of whom have been graduates of the Department of Juvenile Justice formerly known as the California Youth Authority and a lot of them stayed in contact with kids who are still in CYA, and they do mentoring and advising of these kids. So we get input from the juveniles currently under the jurisdiction of the court through our young members who are on the SAG J. Number six there meet regularly and our next meeting is the 20th, next week. One of our members is a professor at Loyola and we are meeting there at the law school for the next meeting. Provide recommendations providing funds. Regarding the distribution of funds cut any of us who have been involved in this understand the enormous amount of work involved and you're talking the integrity of the proposed programs in the partners who are anticipated to participate in a particular program and the retention of relevant data and these things involve a lot of work in some of the groups are similar to the groups that the Chief has set up the monitoring program status, yet another time-intensive undertaking and involves a lot of the stuff to do that. And this is an example of the inherent responsibilities: one of our members is a woman by the name of Doctor Carly Dokaizen. And she was an expert on informed care and the development of the juvenile brain

and we get that information from her. And number five is be innovative and stay current in best practices. We are talking evidence-based practices which in the juvenile world of you have been in it and certainly judges are aware of this that probably 2000 in earnest, the juvenile courts throughout our state really drove in the things which didn't come into the adult world until about October 2011. I think it was called realignment. But a lot of those things and realignment our concepts and terms and things which the juvenile world had been dealing with for a long time. So now it is called RED. DMC was originally called disproportionate minority confinement and that was too limiting so DMC was then called disproportionate minority contact because that reached a broader decisionmaking based and our community. And now it is called RED, reducing racial and ethnic disparities. That is an example of the type of things worked on through the SAG JJDP in our courts to the last 16 or 17 years in earnest. These are self-evident, some of these responsibilities. But number eight, for example, is interesting. So as part of SAG I was able to attend a weeklong conference totally devoted to read in Georgetown. So anybody who has dealt with the disproportionate minority issues knows that Georgetown and the burn society of the two groups that have most to speak to us about about addressing this issue and I was a fabulous program for the full weeks. These are the four core protections established originally by the act when it comes to dealing with juveniles and the sight and sound separation is the sight and sound separation from juveniles to adult. There is discussion that the legislation level of relaxing this a little bit. But it is a very important responsibility to maintain sight and sound separation between adults and juveniles. Removal from adult jails of mockups. In each one of your counties, any lockup you have is restricted to a limit of six hours that a young person can be locked up in their facility before they must be transferred to a juvenile hall. Each one of your counties has a local committee similar to the state committee that on an annual basis reviews those please lockups and that their records to make sure that they are complying with the requirements set down by the feds. When I was the PJ of our juvenile court in Ventura and probably Stacy and Dean have had the steam the same things, sometimes you are required to send a letter to a particular police agency which says, "Hey guys, the local committee has been reviewing your documentation here and number one it is inadequate or number two it is showing us you are violating the rules and please set a date now where you will rectify the situation in the committee will come back to make sure it's okay and in the absence of doing that understand that the court can shut you down from being able to maintain juveniles who enter your facility." It's pretty serious stuff. Deinstitutionalization of status offenders. Nothing sends the hair upon the back of her neck when we come to a meeting and the results are, well, there were only nine people who were locked up to fill the go-to school and that was the room a violation this year in the state of California, and you are going, "Wait a minute, that is not supposed to happen." And the disproportionate minority contact is that what we talked about are ready, the DMC which is now the RED. This involvement, this committee, although it's not a Judicial Council involvement per se, I think it's inherent and critical to what juvenile judges do and I will it a secret out here, and Stacy and Dean already know about it, I will talk about standard five point for the California Rules of Court. Unique role of the juvenile court judge cut judges of the juvenile court in consultation with the presiding judge of the juvenile court and the presiding judge of the superior court should extend it does not interfere with adjudication process are encouraged to, one can't take an active part in

the formation of community network to promote and unify private and public sector efforts to focus attention and resources for at-risk children and their families. And another one, educate the community and its institutions through every available means, including the media, concerning the role of the juvenile court in meeting the complex needs of at-risk kids and their families.

>> The standard, I believe, any juvenile court believes, mandates us to do things that other judges can't do. We can go outside our protective box of their in terms of advocating and etc. because we are mandated to do so by the standard. It makes it fun, I have to tell you. The ensuring compliance involves this. Just to give you an idea of the cross-section of people and I will point out some names. James Anderson is one of the young men I was referring to. I have to talk to the young man. He has a site problem. He looks at Scott Resnick who is on the [Indiscernible] as a father figure and he looks to me as a grandfather figure so I have to talk to him. But you will see the name Michelle Brown. And you may be familiar with her because she is the San Bernardino head of probation. Carly. Icing forementioned, she is extremely knowledgeable in trauma informed issues and she will be here in a few months because she participates in our primary orientation courses to judges going into delinquency assignments. Gordon Jackson, he is the assistant superintendent of state for the Board of Education and he and I are brothers from another mother. I think he speaks seven languages, but the best when he speaks is his incredible voice of reason that he brings to the meetings. He is great. Another member is Susan Manheim or she is a chief of police. A name you may be familiar with is Nancy O'Malley. She is with the District Attorney's Office. It was really cool for me during my early judicial time and Judicial Council time to hang with Mary and O'Malley on Judicial Council and Nancy O'Malley on the SAG J. I will say that Nancy has never said that things to me that I recall Marianne say to judge can so at a meeting at a dinner about three years ago and anybody who was there will remember and it was a succinct statement. Winston peters, I love the guy. He is the assistant public defender of Los Angeles County and I had the pleasure of meeting him in 2007 when I had the honor of honoring [Indiscernible] on the state of delinquency court system in California and of course the most handsome judge in the state, Dean Stout was a member of that committee. She is the president and CEO of Delancey Street. I throw those out there to show you the cross-section of all the different information that we get from varied numbers. So a number of the names on there are the young folks involved in the system and they are required, as you saw in the first slide, by the act. Other members have been involved in the juvenile system for years and Carol has worked in Los Angeles for decades and I first met her about 11 or 13 years ago when my wife was the coordinator of both the DMC in the JDA icon juvenile detention alternative initial. I am happy to be on it. I am happy that Mike Nash threw my name under the bus. If anybody has any questions, I will try to answer.

>> Seeing no questions, one more thing. October 30 and 31, I know the Chief has said to us if we are aware of any educational programs coming up to let everybody else know. This year, again, through the local JAG, which is the Justice Assistance Grant, which is chaired by our Ventura County Sheriff, he wants his law enforcement officers to be trained in implicit bias and RED. So I have been fortunate to work with Georgetown again and have a crew come out here

on October 30 and 31, and all day on October 30 and half-day on October 31. I told her committee I would put an invitation out to the Judicial Council. Anyone who is in the area, and just to save the date at this time, but anyone who wants to hear some really top notch RED training, that will be in Ventura County. I will get more information out. There you have it.

>> Thank you.

>>> Next we will have two of our liaison reports. We will hear from Judge Stout on Calaveras County and Judge Back on Tulare County. Judge Back and Judge Stout they have assured me that they will share the 15 minutes that they are allocated. I gave no preference to who went first. It was by a flip of the coin and it turned out to be Judge Stout as first.

>>> I thought I got the full 15 minutes. I will have to go very quickly. Does somebody have the slide pointer? On July 13, I had the privilege of trekking across the Sierra Nevada Mountains to visit Calaveras County. Their one court is located in the county seat of San Andreas, and that is not a fault. It's a great community with a rich and golden history on Highway 49. The county, if I am pushing the right button, Calaveras County covers over a little over 1,000 mi.² of survey local population of 44,650 people. I had the pleasure of meeting with them, Presiding Judge Grant Barrett and Court Executive Officer Karen Camper. The Hon. Timothy Healy is the other judge serving in the two-judge court and they have a .8 full-time equivalent Commissioner of the Hon. David Sanders. They enjoy a relatively new courthouse, about three years old and this is very early morning. This facility was desperately needed and I recall visiting their former facility of a very old 7,000 square-foot structure. Here's a closer look at the Calaveras superior court. The court frequently operates three courtrooms and Judge Richard Meyer from Alpine County often provides assistance as a reciprocal judge and they are very grateful for his assistance and the new facility is equipped with four courtrooms and I think it is thoughtfully built for reasonable growth. Within the past few years, Calaveras superior court has seen some significant changes in turnover in the judges. At the time of my visit they had two relatively new judges, and Judge Barrett had been their former commissioner. Construction of the new courthouse in acquisition and implementation of a new case management system and appointment of a new court executive officer and I think it is noteworthy that all of the significant changes they managed during the fiscal crisis. Having the benefit of about three years of working in their new courthouse, they offered some suggestions which I passed along to [Indiscernible] and I think they'll benefit others and future construction projects. In response to the funding crisis, the court made significant reductions to court administration. They no longer have an assistant CEO and his staff are wearing multiple hats. I happened to meet their fiscal and HR manager in an elevator as she was carrying large containers of soap to fill dispensers throughout the facility. Like many other courts, historically, they did not give raises to develop what they believe was a fiscally prudent and responsible reserve which was swept. However cut, they have maintained a very loyal staff. And several of them remember how efficiently the court operated when they were appropriately funded. They take pride in how well they performed and continue to perform, and they continue to hope that our advocacy for reinvestment in the branch will soon be rewarded. They expressed hope that the judicial branch

will have a stable funding stream with an adequate appropriation of funding so they can again provide the level of professional service and access to justice that they fondly remembered. As we have heard across the state, Calaveras also expressed frustration with the 1% cap on reserves. They are quite pleased with their new case management system and Tyler Odyssey. Justice Chin, who is not here, will be pleased to hear they are all paperless and all civil case types and it just so happens they received their first e-filing on the day of my liaison visit. This is looking out from the inside, the lobby. To the left is a jury assembly room and the clerk's office is to the right and the courtrooms are located upstairs.

>> We have an information directory here, AKS, for the facility is a shot of their clerks' windows. Here is the CEO leading me through here through the kiosk. A very state-of-the-art and functional court facility. As you may recall, Calaveras County suffered devastating effects of a major wildfire in 2015. This originated to their North.

>> The fire burned approximately 6 weeks in 2015 and it consumed about 71,000 acres and they lost 921 structures including 549 homes. There were a few civilian fatalities. On September 11, 2015, parts of San Andreas were evacuated and even though you can still see how close the fire came to their courthouse, they remained opened and again despite the enormous tragedy and loss all around them, the court continued to provide access to justice. But as a result of the fire, they have observed some significant changes in their community and in turn impacts their caseload. Judge Barrett reported that many residents didn't rebuild but moved out of the county and marijuana growers have moved in. The change has brought about new case types they have never seen, ranging from small claims litigation over the sale of products used in marijuana cultivation to significant increase in human trafficking of youth from the Central Valley to work the marijuana grows. They are seeing increasing felony cases and they have also experienced significant increase in dependency cases which may be attributable to the appointment of a relatively new director of social services. I am pleased to report they just started a Court Appointed Special Advocate or CASA program and they are working with neighboring counties in the ongoing implementation of their CASA program. For many years, they have enjoyed an excellent reputation of having a very successful drug court, but they were sad to report that as a result of realignment and Proposition 47, they are considering terminating their drug court and nevertheless keeping with their strong tradition of collaborative justice court programs they are enhancing their veterans court and they are actively developing a much-needed mental health court that just started on August 7. There continues to be significant change in the Calaveras court since my visit in July and Presiding Judge Barrett retired effective about two weeks ago on September 1. As a result, Judge Healy is holding down the fort so to speak and I recently spoke with the CEO Ms. Camper and she wanted me to express appreciation to the Chief Justice and the staff and the assigned judges program and they have assigned judges through March 2018. Judge Harland retired from Amador. We will be covering October through December and Judge Smith retired from El Dorado and will be covering through March and both judges had previously sat in Calaveras superior court if you are familiar with the local culture and they are confident by virtue of those assignments that things will run smoothly as a one-judge court. Also Commissioner Sanders has been willing to step up

and take on additional duties as well as child-support cases and prior assignments. Ms. Camper also expressed appreciation for assistance provided by the Judicial Council's Human Resources division and Legal Services office and Budget Services, and I firmly believe that the people in Calaveras County can be very proud of their court and their judicial officers and administration and staff and this concludes my liaison report and I will submit my final written report to staff. Thank you.

>> Judge Back, you have 30 seconds.

>> [Laughter]

>> I visited the Tulare court on May 1, it was great to be there on May Day because they had quite a celebration in the superior court and I will talk about that in a moment and the county which I never knew was named for Tulare Lake, once the largest freshwater lake west of the Great Lakes. The combination of dams and drainage in the 1800s were good for agricultural development and it became dry land incorporated into Tulare and adjacent counties, particularly Kings County. As you can see from the map, the area south of Fresno extending from the San Joaquin Valley to the Sierra Nevada and Sequoia National Park is located in the county as a part of Kings Canyon National Park and Mount Whitney. Population is roughly 460,000 and you can move into a starter home for about \$200,000. It does get quite hot in the summer and there are periodic water shortage issues, which you have already heard about. And there are also significant clean-air issues and the county is in a bit of a geographic bowl against the Sierra Nevada's which can result in air getting stuck and nowhere to go. The Tulare superior court has 20 judges and two commissioners and two vacancies into a B1 59 position. On average there is also one assigned judge being used on a daily basis. There are six court facilities. The main courthouse in Visalia with 14 officers and a new courthouse in Porterville with four and a Juvenile Justice Center with three judicial officers and [Indiscernible] location with one judicial officer in a self-help family law facilitator located in Visalia and a pretrial facility located within the jail in Visalia which is provided by one judicial officer. I had the honor with meeting with Brett home in the assisting presiding judge Brett Aldrich and other officers and staff including the interim court executive officer Lorraine Clete retired as CEO in December 2015.

>> There are approximately 260 staff members on the administrative side of the court and the number includes collections and staff and interpreters. And recruitment is a challenge due to the economy and air quality and water issues. The Tulare court has been underfunded historically so it's underwater from somewhat being ameliorated but Tulare is still \$4,000,000–5,000,000 underfunded according to calculations according to the 2017–2018 fiscal year and it has been innovative in addressing the shortage and eliminate for low dates and mediators that had to be released during the financial crisis back on staff. As for the case management system, Tulare is going with a sustained equal for all case types and the ultimate goal is to go paperless. The court always has a list of infrastructure IT in facility projects that are usually put on hold until late in the fiscal year and that should be familiar to any presiding judge and so far they have been able to identify expenditures to use funds to get down to that 1% retention on the funding

balance. And in 2014 the court gave a one-time equity payment to court staff as a mechanism to reach the 1%, but more importantly, the payment was made to recognize the hard work of staff and to address the previous five years of no employee raises and to help retain and incentivize staff. But the judges wanted me to convey exactly what the Calaveras judges wanted to convey is that we need to work on 1% and stable funding.

>> The main courthouse is a multiuse facility with a district attorney and public defender and other agencies sharing the facility and all the courtrooms are full. With a population-based in Visalia yet the majority of staff and officers reside in the cities of Visalia and the majority of criminal filings in Visalia roughly 70% of all case types. They have limited court business they can move to Porterville. Ideally, the court's wish list would be a new standalone facility in Visalia. On a more realistic and practical level, secured parking for the courthouse would be a great benefit. Currently judicial officers park in an open and unfenced parking lot across the street from the courthouse. Access to the court requires a public street crossing and entry to a side door that is somewhat removed from the public entrance and the Judicial Council security assessment has issued this list on the priorities and the funding has not been able to be secured. The second security issue is actually two-fold, detained individuals awaiting court appearances housed in the jail, which is 10.5 miles away from the main courthouse. So while a significant amount of business is in fact conducted in that courtroom located in the jail, defendants still need to be transported daily between the main courthouse and jail which means the second part of the security issue. Those who were bussed to the main courthouse gain access to the courtrooms by walking in public always with everybody else who is walking in the public hallway. So they would dearly love to figure out how to rectify that situation. The courthouse is new and is a beauty inside and out. We would all love to have a courtroom and chambers with the technology and convenience and ergonomic components and the sheer attractiveness of the Porterville location. It's a great building. At this point, the courtrooms are not full in Porterville and I indicated the geographic and demographic realities of the county keep most of the business in Visalia.

>> So in addition to the four judicial officers there is one assigned judge there on a regular basis but there are currently four or five they can courtrooms. The review of the 2016 courts statistics report prepared by the office of court research confirms that the size of the county in the bench, the Tulare judicial officers are hard-working and efficient when it comes to filings in jury trials in case dispositions. I had the opportunity to confer with several officers and they are quite happy doing the work in the community and the branch into Tulare County. Allen made a I had a front row seat and Judge Hellmann's courtroom for the morning event, and Judge Hellmann began with an absolutely stirring reading regarding the history of why it is celebrated today. He knew that President Eisenhower said it was late in 1958 and coincided with International Workers Day and May Day celebrations in Russia and other communist countries. Eisenhower stated that it should be a day that the people of this nation should remember with pride and diligently regard the great heritage of liberty and justice and equality under the law which our forefathers bequeathed to us. He went on to say in a very real sense of the world no longer has a choice between force mop. If a civilization is to survive, we have to choose the rule

of law. Judge then went on to point out that the Tulare May Day celebration also serves as an opportunity to award the district attorney's justice award in honor of the county judges and lawyers who died in the past year and whose families were in the audience. It reminds me of the chief close enough for meetings and they do this every May Day with every judicial officer. Their families are there. It was quite moving. Now, also cut the Bar Association presented their Liberty Bell award to a nonlawyer who provided significant service to the legal system and I have to tell you about this. That is the courtroom. That is brought up there. She was the recipient of the Liberty Bell award in this is a wonderful story about a community member working with all justice partners to address some of the most challenging issues and needs that we see in our courts every day. The Central California Family Crisis Center is located in Porterville. The center addresses the needs of the county's homeless population by providing emergency shelter and food and clothing. However, it very soon became evident that many of the homeless women and children coming to the center were victims of domestic violence. With this realization, the center embarked on a fund-raising campaign designed to address the needs and concerns of those victims. She and her late husband purchased the old Porterville Masonic Lodge in 1990s and after using it as a building for their family business, it was then released to the center at a discounted rate and then Ms. Wall began to visit the center and interact with the victims coming to the emergency center. To say she was touched is an understatement. So what is a landlord to do? Well, first she didn't feel it appropriate to charge rent so she didn't. And she figured it was important to give back all the rent payments she previously received, so she did. But that was not good enough. So with the children's blessings, after all, it was their inheritance as she explained it to us, as all of her children were sitting in the front at the court, she donated the building to the crisis center. That is what you call a community member stepping up and facilitating access to justice. To those desperately in need. Her generosity was really exemplary of the close and supportive community feeling that you experience, at least that is what I experienced one day there. So Presiding Judge Home and an Assistant Presiding Judge Aldrich specifically wanted me to convey to the council that they are very aware of all the challenges faced by the branch over the past several years and they are sincerely appreciative of the hard work and effort devoted by the council to the branch as a whole in Tulare County. And in particular, there is the very neat building. That is the building in Porterville and that is where you can step up outside and you don't have to go in to take care of your business. With all those windows there, it's the same type of kiosk information in Calaveras. And this is as fast as ... it's amazing how a justice can poke you even though he is on the other side of the room. I went fast. This concludes my report. Thank you.

>> Thank you, Judge Back, Judge Stout, and Justice Miller. I continue to find these reports fascinating because we have been doing them now for some time and it is our effort to hear from the courts and know where we can be helpful and even though they have all experienced fiscal crises and continue to do so, it is amazing the inspiration and effort that is made in these local communities to continue to provide justice for the residents and the efforts they make and the sacrifices and the innovations and to see the process on the technology aspect of their work. It is amazing and uplifting that we also know how desperately we need trial court operation

funding to help and to provide some of these that have been given for seven years. Thank you for your presentation.

>> The next item on our agenda has public comment. As you know in addition to the discussion agenda has been added and it was moved at the request of the Judicial Council member from the consent agenda to the discussion agenda and I will turn the matter over to Justice Miller for public comment for those who care to speak and then we will invite the presenters to the table to begin on this matter for our action.

>> This is item 17 146 request for entry of default and we have three public members here today for public comment. And if we can start with Andrea Warren. Thank you for being here. You have three minutes. I will give you a warning at one minute. Thank you.

>> My name is Andrea Warren and I am with Alston & Bird LLP in Los Angeles and we thank you very much for this opportunity to be here and present to you today. I am here because there is one important revision that is left to be made on the proposed 10 105 form for the processing of default applications under the fair debt buying practices act. There must be judicial oversight for the processing of these default applications. The act now requires that default applications on consumer debts be supported by properly authenticated business records. This allows courts to make certain findings of fact related to these default applications such as facts concerning the validity of the underlying contract to the consumer debt, the current ownership of the debt, and also whether the debt is actually remaining unpaid. And the Legislature imposed these requirements because default applications were being processed and approved on debt that have been time-barred and debt that was not owed in the first instance or debt that had already been paid. Unfortunately, the form that is before you today, as recommended, allows for untrained clerks to evaluate the newly required evidence and also to make the newly required findings of fact. The form is not neutral on this procedural point. As a judicial officer from Los Angeles superior court commented to the Judicial Council earlier this year, the adoption of this form and its current proposed draft will allow courts to ship the processing of these default judgment applications from judges to clerks. And allowing clerks to evaluate this evidence and make this findings of fact runs contrary to over 150 years of judicial precedent which limits clerks to performing tasks and prohibits them from usurping the judicial functions of evaluating evidence. The legislative history for the act, which we addressed further in our most recent comment letter doesn't indicate an intent by the legislator to aggregate this rule of long-standing law. We think there is a simple solution to bring the form into compliance with California law and simply adding the word court before the word judgment in the request for a box at the top of the form to bring the form into compliance and keep the form to promote the purpose of the act and allow the act to actually remedy the abuses that the Legislature is trying to curb. Thank you for your time and I urge the council to consider this modification. Thank you.

>> Next to hear from Ted Mermin. Welcome and good afternoon. You have three minutes.

>> Thank you, Your Honor. My name is Ted Mermin and I teach consumer protection law at the UC Berkeley law school and I am pro bono counsel at the East Bay Community Law Center in Berkeley and Oakland. This was a cosponsor of the fair debt buying practices act. What does the situation before that we saw was hundreds of cases with robo-signing that had the wrong person and the wrong amount of the debt. It was, in short, a [Indiscernible]. This was a business plan to create an essential default judgment plan on behalf of debt buyers and what it would result in where people's wages were being garnished including a state senator who ended up as a co-author of this and eight accounts cleaned out and it was all for a debt that this person never actually owed. So after the FDBPA was introduced, what we saw in Alameda County was first an increase in the quality of the papers that we saw at the clinic and it made our life harder. It was a lot harder to challenge these cases and we were grateful for it because it meant that these were legitimate debts by and large that we were seeing and in fact I would say for the most part that we were seen. We also saw a sharp drop in default judgments in Alameda County. What was going on? Judges were reviewing these applications for default judgment and they were weeding out the cases that should not have been made that were insufficient and they were deterring other applications and in fact case filings that should never have been filed because the documentation was not there and justice was being done and courts were working in a way that I think we all want courts to work and notably, and I think especially for the work of this council, there was no spike in workload. There were fewer cases filed. There was a sharp drop in case filings overall. It is our sense and our hope that this can be replicated and it should be replicated and it will be replicated throughout the state for just those reasons and just the modifications that Ms. Warren had in mind. I want to thank the Judicial Council staff for their work on this and I hope with the Chief Justice's invocation of Alexander Hamilton, this is our chance to do something about this right now and let us not give away our shot.

>> Next we will hear from Vivian Wang.

>> Good afternoon and welcome and you have three minutes.

>> Thank you. My name is Vivian Wang, Deputy Attorney General on the consumer lot section of the California Attorney General's office. We wanted to thank the Civil and Small Claims Advisory Committee for its proposals first to revise the declaration of nonmilitary status on the consumer lot section of the California Attorney General's office. We wanted to thank the Civil and Small Claims Advisory Committee for its proposals first to revise the declaration of nonmilitary status on the forms of 102nd to address the requirements of the fair debt buying practices act. First, we believe that the proposed revisions to the declaration of nonmilitary status will help service members get the protections that they are entitled to under the federal service member civil relief act in California's military veterans coded we encourage the traditional committee to adopt the committee's proposal. Second, we wanted to reiterate our concerns about the proposal regarding requests for default judgment in cases like the fair debt buying practices act. The act is meant to curb abuse of buyer practices that are all too common including obtaining default judgments against debtors without having adequate proof of the debt like my colleagues mentioned earlier so the consumer law section supports the

committee's proposal to require plaintiffs in cases subject to the act to file a separate default application form. But we also believe that the law does not permit clerks to review default applications in cases subject to the act like my colleagues mentioned earlier, and so we also request that the proposed form be revised to reflect that under existing law a clerk can only perform at ministerial functions and default applications in cases subject to the act and contrary to the law allows the buyer plaintiff to improperly obtain default judgments without fully complying with the act and violates the rights of defendants. So we asked the Judicial Council to modify the proposed forms of 105 so that it does not provide for the referral of the default applications to clerks. Thank you so much.

>> That concludes the public comment. Thank you

>> One of the matters is before us and we have a presenter by phone. Judge and Hon. Ann Jones. Are you on the line?

>> Thank you Judicial Council for the opportunity to appear and share the considerations and ultimately the recommendation of the advisory committee. As the Civil and Small Claims Advisory Committee is recommending that the council [Indiscernible] three-point 18 [Indiscernible] which provides the form CIV-100 must be submitted in support of a default judgment on declaration to authorize and acquire the use of a new form CIV-105 and action subject to the Fair Debt Buying Practices Act and we are also asking that the council adopt the request for entry of default which is form CIV-105 and applying to the Fair Debt Buying Practices Act cases to provide a form for default judgment in cases subject to the third that buying practices act and to revise a request for entry to default to provide notice that the form CIV-100 should not be used in action subject to the Fair Debt Buying Practices Act and to clarify the declaration of nonmilitary service by revising the language of the declaration and including the state law definition of military service. The primary goal of the committee in developing these forms is to request default, specifically the one of five to request default for default judgments was to help courts and parties and complying with the new requirements for default under the Fair Debt Buying Practices Act, which is set forth in Civil Code section 1788 [Indiscernible] and while default in cases under the act have been requested using the current default form, everyone, including the commentators agree that a new form would be useful for courts and parties to ensure the default judgments in cases under the act are handled properly. The argument is that because the form is not limited to judicial judgment and authorizes clerks and other defaults in cases of the act and according to the commentators a judgment is precluded for limited jurisdictions collection cases when his actions have been filed by debt buyers. It is important to note that this form is nothing more than a request form to be completed by a party and it doesn't and need not dictate how a court handles the request once it is received. Therefore, arguably, the issues raised by the commentators need not be decided before approving the form.

>> Facing the issue squarely, however, the committee was well aware of this argument and this was discussed extensively before the form was originally circulated for public comment. As

described in the report submitted to counsel, the court carefully considered the statutory language to ascertain whether a clerk as well as a judge could enter a judgment for an application brought under the Fair Debt Buying Practices Act in Civil Code section 1788 when 60 which is the default position of the act, required a minimum, what is required for an application by a debt buyer for default judgment. Nowhere in that provision is a clerk precluded from entering default judgment. In fact paragraph D of that provision expressly provides that the section was not intended to modify or otherwise amend the procedures established in section 585 of the Code of Civil Procedure. Section 585 which covers civil defaults expressly provides in subsection A that default judgments can be entered by the clerk and limited jurisdiction collection cases. Reading the statute the committee concluded it was the intention of the Legislature to leave unaffected the ability of a debtor to submit a request for default judgment either the clerk of the court. The committee concluded that the Council should not do the new form in a way as to preclude courts from having clerks enter the judgments when appropriate. The committee also consider the legislative history and believed it supported this reading of the statutory language. As in many legislative and at length the act represented a balancing of the interest of debtors with the interest of creditors and this compromise included the language preserving the procedures established in section 585 of the Code of Civil Procedure including section 585 A allowing clerks judgment. Respectfully the committee disagreed with the commentators found the entry of a clerks judgment in a debt buyers collection case is impermissible. And fact, we believe that the option of clerks a judgment as expressly preserved by the statute and it will be improper to include that option by way of the court form. Certainly the committee agrees that clerks are limited to administrative actions but it does not simply mean clerical. As shown by the fact that clerks are authorized under default judgments including computation and verification of amounts owed and credits detected and interest allowed either statutorily or by contract terms and dismissal of other defendants in collection case defaults, the clerk has no power to decide questions of law or any discretion in performing those duties. The clerk must act in strict conformity with statutes and rules and orders of the court. The determination of whether the record includes authenticated documents to support the facts that the statute requires the alleged in the complaint, for example that the plaintiff is the sole owner of the debt and the amount of the debt balance and the date of the default and the name and address of creditor and who would fall within such action. To understand the scrutiny of the process that this issue has been subjected to the committee has considered this particular issue at length on three different occasions. And at this time, we have concluded based on the act and its legislative history that the act does not prohibit courts from having clerks enter default judgments in debt buyer cases. The committee concludes therefore that it would not recommend that the new form be structured in a way so as to preclude courts from having clerks enter these judgments when appropriate. Some courts are having such cases handled by judicial officers but others such as the Superior Court of San Diego County are handled by clerks making them determinations like those in any default judgment such as determining the efficiency of the proof of service or the declaration of nonmilitary service. Other counties using these officers to review these default applications continue to consider whether these cases could appropriately be delegated to clerks. An experienced bench officer in Los Angeles County in fact educated in his comments for that very delegation. While the facts

are evidenced in some cases it may be too complex for action, they require a discretionary determination of those that can be sent to a judicial officer for determination as they are in San Diego County. Precluding courts from using this procedure via the terms of the form seemed unreasonable about more clear legislative direction or appellate decisions on this. The committee recognizes the critical gatekeeping functions that have always gone to default judgments and the policy can't be used to alter or rewrite statutory language. The form is included in your materials along with the revised current default form and the amended rule to provide for the use of the new form. The advisory committee asked that the council accept the recommendation in the report adopting new form CIV-105 and revising form CIV-100 and amending rule of court 3.1800. Attorney Christy Simons is well-versed and is considered by the committee as available to answer any questions regarding the law and legislative history considered by the history in more detail. Thank you.

>> Thank you. You are correct. Family and Juvenile Law Advisory Committee is the panel to answer any questions before you. Three of them are in your book under the marked tab.

>> So I will ask a procedural question. It sounds like, and when this form was going through the processes through the advisory council, is it fair to say that it went through the regular public comment period and that in that public comment period these issues were raised and reviewed by the staff colleague of staff, and the judges and lawyers on the advisory council in response to the concerns raised? As we have heard here, it is simply asking for the council to approve a form and there is an issue of judicial discretion I understand at play. And we are being asked to modify the form to something else as the commentators have indicated, but that was also raised, embedded I understand, in the process that we normally use when there is any change to forms and guidelines in the judicial branch. Does it go through its normal vetting process?

>> It did. And this form grew out of a suggestion from the Attorney General. that the fair debt buying practices act be noted on the current civil default form because in order to draw the court and litigants' attention to this act and the compliance with the act may be required, this is the proposal that went out for public comment in 2016. The comments that came back on the proposal overwhelmingly said two things: one that we should do more to highlight the requirements of the act and possibly a checklist and brand-new form and the other comments that came back raise this issue for the advisory committee on whether clerks should be precluded or whether clerks were authorized under the statute to enter these default judgments and whether the form should make very clear that this had to go to an officer. The issue was raised to the committee after the first round of public comments, and the advisory committee decided to do more with the form it wasn't presented to the council last year and the committee kept the form and had extensive conversations about this particular issue and concluded to create a new form, which is why you have proposed form CIV-105 before you, which is a form for default judgments only in actions under the Fair Debt Buying Practices Act. The form is completely neutral and it does not speak at all to whether these applications for default judgments go to the judicial officer or to a clerk. The proposal that was circulated earlier this

year cut invitation to comment made that point clearly in the invitation that there was this issue in this form doesn't attempt to result that is resolved that issue. The comments that came back again said please resolve the issue in our comments on both sides, comments indicating that this really needs to be a judicial officer and there was also a comment from the judicial officer in Los Angeles saying that this works very well because it would facilitate clerks being able to handle some of these.

>> Thank you.

>> I wanted to add because of the public discussion on this matter as she noted, on the advisory, the civil and small claims advisory committee considered this in effect twice and it came before the rules and projects committee earlier this year and I don't have the dates. We did have public comment consistent with what we had heard the day in person that we listened to very carefully. Based upon the public comment we returned the matter to the civil and small claims advisory committee to again take a look at this issue that had been debated back and forth. That advisory committee did so and concluded that their original conclusion, the original determination was right in the rules and project committee, at this time we voted unanimously on the proposal recommending approval for the Judicial Council. That brings us to where we are today. I wanted to ask also it was my understanding from past discussions that the advisory committee looked in the legislative history of this particular revised that , specifically the points that have been raised here.

>> That is correct. The advisory committee looked very closely at the legislative history of this act and there were two different bills; the initial bill died in committee. It was reintroduced the following year and the legislative history shows a number of amendments to the statutory language when it was first introduced. The language required admissible evidence and required specific compliance with the Evidence Code. There was also a version that required that the statute of limitations be plaid and proven by the debt buyer plaintiff and that a judge make findings to that effect in granting a default judgment. So it was very clear to the committee that initially what was introduced contemplated a judicial officer's review. There were a number of amendments, the bill that was enacted ultimately was the result of compromise and negotiation among various interest groups and by the time it was enacted, the statutory language had completely removed the reference to admissible evidence and required of the evidence must satisfy the business records hearsay exception. The language of the statute also, the Legislature removed the statute of limitations from the default judgment section and added that provision that [Indiscernible] mentioned that the default judgment section is not intended to modify the procedures of Civil Code 585 so the evolution of the language was something that the advisory committee looked at closely. Not seeing any more questions making a motion on the recommendations it does not and are discussions. But I am not seeing any hands raised and I entertain a motion on these one and two and three found in your binder.

>> I second.

>> Thank you. Any further discussion, observations, remarks? All in favor of the recommendations discussed here today in your binder, please say aye?

>> Aye. And he knows abstentions?

>> The matter carries and the recommendations are approved. We thank you for your comments today in your work and we thank you Judge Jones.

>> Thank you, everyone.

>> The next item on our agenda is an action item as well and it's Court Adoption And Permanency Month which is a Judicial Council resolution. We will come Hon. Jerilyn L. Borack and special guest adoptive family Mike, Kellie, and Drew.

>> Members of the Council, Chief, thank you very much for giving us some time today. I am here to speak to the proposed resolution for Adoption and Permanency Month, and this has been on the council's agenda since 1999, once a year and in the month of November. As the council is very much aware, and as they have set forth in that proposal, the proposed resolution, we have thousands of children in foster care, more than 60,000 children in foster care. Some of them fortunately go back to their families. Some of them are unable to do that but are able to achieve permanency in another way. Some of them unfortunately wander around in foster care until they age out of the system. Those that are not the lucky ones are about one in three. The federal government and our state Department of Social Services has recognized that this is a problem. It has emphasized working on getting every child into a permanent family. Just because they can't return to their own family which is really the wish of every child. It doesn't mean that their needs change. The needs of every child are to have love and stability and guidance. We all know growing up is really hard. And we remember from our own experiences, some of us worse than others, how challenging it is to move from childhood to adulthood and how much we need somebody to wipe our tears and somebody to stand on the sidelines and cheer us on. Somebody to help us with homework, the same someone to stand at her college graduation.

>> And that is what permanency is. And the government, no matter how hard I try to give love and guidance and care, almost all of the 400 children that are mine currently, I just can't do it. And we don't do a good job of raising children. We would like to find wonderful families, like the one sitting next to me right now, who can do it. And I have had the good fortune of being a dependency judge for seven years and it's the best job I've ever had. I thank the Judicial Council for the work that they have done for the past several years to help me do a better job by putting good trained attorneys in my courtroom, in my county counsel, which we don't have anything to do with, but the dependency counsel for the parents and for the children. I congratulate the Judicial Council on their work this last year, which successfully persuaded the Legislature to give us \$22 million. Thank you, Chief, for all of your work in getting that for us. And more is needed. I give you the promise of the family and Juvenile Advisory Committee

that we will work hard to collect data and that we will be persuasive to the Legislature as to what we are doing with the \$22 million so that they will be happy to give us more. My happiest days in the dependency court are everyone's day when I get to do adoptions for families who have achieved that kind of permanency that we hope for every child. This is every child in foster care. I do it differently than a lot of judges and I make my parents take vows of commitment to their children. There is not ever a dry eye in the house. If there is, I have not been successful. Here are two parents that I would like to introduce to you to tell their story about permanency for Drew. It's the Cullen family, Kelly and Mike and Drew, who would like to tell you their story.

>> Thank you and welcome.

>> Thank you for having us. So I think the best way to start talking about our adoption story or our families adoption story is a quick background on Drew and what went on with him before he came into our lives. So for his first nine months, he was living on the street. He was neglected pretty badly and he was born in a motel and never received any medical attention or saw a doctor. When he was 8 1/2 months old, his biological mom was arrested and in jail and she did not tell the police that he existed and left him with a transient friend of hers, who a few weeks later fought with his whooping cough that he would quite possibly die without medical intervention. So she dropped him off at a hospital and left a fake number and name and he was this mystery baby for a long time. While all of that was going on, we were getting our foster license and first-time parents of any kind for that matter. It is kind of a weird process getting your license, but then it's hard to move quickly. We got our license and call saying we had a license and two hours later we got a call saying we had our placement, which was true. We went to the hospital to meet him. Walking into that hospital room was by far the scariest thing I have ever done, just like having no idea what was waiting but what we found was true. He was a beautiful baby but he was not in great shape aside from whooping cough and he was banging his head on the side of the metal hospital crib and he would not look people in the face and he had no preference for people held him which are all really classic signs of attachment disorder and he could not sit at. He was really not doing well.

>> But of course he came home with us. And it was a weird experience. In particular, I remember buckling him into the car seat to drive home from the hospital, and having this child who was in our care like 100% and would stay the night at our house, the past that we had no idea anything. Is some other relative going to be flushed out on Tuesday when they find him in a few days, or will he be, our son forever, and yet it felt like kidnapping. The whole way driving home, I was looking in the rearview mirror because I thought I would see police and an Amber Alert. It did not happen. We got him home and didn't hear anything for a week. The first person to call us at the first person assigned to Drew's case was Rob Wearing with East Bay law offices and he was assigned as Drew's dependency counsel. He was the first person on the case and he was the only person to stay with the case the whole 865 days it took and he was really amazing. So that call, he was calling to find out from us what was going on but we turned the call around and he was really helpful to us from the start and saying he forgot about the case

and maybe he needs a social worker. But from there, we were off and rolling and Drew is our foster son and it took over two years and the case had all the ups and downs you might expect but we followed the standard process, was a paternity test late in the game after that was additional files family discovery and even later than that are appeals to the termination of parental rights and rescinding the appeals and clerical errors that cause delays, but I think it was a typical case that most foster parents are totally unprepared for at least the first time through and through that also Rob was helpful. You would talk to us in the hallways afterwards and say just give us like a 32nd, what was decided there because it went by so fast and so now for lawyers it was really just these terms and very confusing.

>> [Event has exceeded scheduled time. Captioner must proceed to captioner's next scheduled event. Disconnecting in one minute.]

>> The judge was doing the roll call and invited us up to see her sit at the table. That was amazing because these court cases are about reunification and a foster child case and it's not about the foster parents. And it should not be. That is the right thing. But especially with concurrent planning parents where they are open and they are hoping to adopt a child depending on the case. The court is indirectly but still also ruling on how the lives would go, is the unification going to happen in a few days, or in a few months, or again is he going to be the guy who takes care of us in our old age. Just being invited to the table, though we didn't say anything; I think we said five words. But to be a part of it was so amazing to us. So during that whole time, Rob, the dependency counsel, he really continued a relationship with Drew and got to know Drew, he knew Drew's favorite colors and how high he could count and the favorite toys and could talk in court about it. More than that, what impressed us about him was he was the only person in this case, with no other interest or anything he had to think about other than Drew's well-being. The judge, the bio parents, had something else to consider in addition to Drew's well-being. Rob was 100% devoted to him and it really was very nice to have that. He had the case going and you know, it made us feel better. It's hard as a foster parent to know what's going to happen with reunification, especially later in the process. One thing a month in, another thing in a year and a half. When parental rights have been terminated but the court case is going on, it gets harder. But knowing that Rob might not have been thinking that adoption was the right thing the whole time. But he was definitely looking out for Drew the whole time and that made us feel more comfortable that the reunification was happening. Someone solely thinking about Drew's interest, that it was the right thing and made that case well, argued well. So after a couple of years, everything wrapped up, we were able to adopt Drew on January 13 of this year. We had the best adoption party ever, with a chocolate fountain, and motorized, and Spider Man. Rob made an appearance, also cool. But the whole process was really hard and harrowing, but it was still amazing. It was amazing to watch Drew go from a nine-month old who wouldn't look at people or sit up to this amazing guy you see now. He's three and a half and knows his letters and writes his name, and rides a bike with no training wheels. He is super athletic. We are not. Another interesting thing about adoption, they have a totally different set of strengths, it seems, but it ended up, we considered it positive enough that tomorrow morning at 10:00, we have a licensing inspector coming over for another, to get renewed and put our

names on the list, which if last time was any indication, not sure of the age or gender in 36 hours or could be a few months. It's an interesting thing, adoption. We're really, really glad we did it. I can look at Drew and say, "I will be your dad forever, you will be my son forever. Kelly will be your mom forever. We'll be a family forever." It means so much to say that. That's all.

>> Mike, we are so delighted and pleased that you told us the story and poured out your heart and demonstrated your courage and bravery and the unknown with the court dates and the heart that you and Kelly bring and telling us how important it is to have dependency counsel. We have discussions here about numbers and dollar signs, but what it means to you and Drew and you all, we couldn't be happier that you're here. It makes us feel great to have a glimpse into your life and we feel your joy. We're so happy you're here, so excited about your future, and you're putting your hat in the ring again. It just is truly delightful for all of us and makes our day. We can't wait to see Drew up close.

>> I just wanted to say, Mike and Kelly, this is one of the most awesome things that happens for you as parents and Drew as a child. This is one of the good things in court that happens. As the judge noted immediately, he and I were on the same page. You are obviously doing the right things, and I see the choice in neck wear was a bow tie. With that bow tie at such a young age, he is destined for greatness. Keep up the great work, and Drew, keep up the bow ties.

>> I don't know if this happens in your court, judge, but Drew's bow tie, father's tie, and mother's scarf are all matching fabrics. And it frequently occurs on Adoption Day that this kind of coordination goes on and that indeed is what they wore on their Adoption Day.

>> That's fantastic.

>> So I would just conclude by asking the council to adopt the proposed resolution. We may even be the first branch of government to do that officially. The Assembly has adopted their resolution to make November their adoption month orally, and I think the Senate may do it. But if we hurry up, we can beat them.

>> I move.

>> Second.

>> I defer.

>> I think that we are in great shape to vote on this resolution. All in favor, please say aye.

>> Aye.

>> Any opposed or any abstentions? Thank you for brightening our day and giving us hope and excitement.

>> Want them to come up here?

>> Yes. I think a lot of folks are going to want to shake your hand.

>> I think he wanted to show Drew a picture of his granddaughter.

>> Can I get a cigar?

>> Thank you for clarifying.

>> Have to clarify for the record. Chocolate cigar.

>> The bow tie, love this.

>> Thank you.

>> [Applause]

>> It's not mine. I'm regifting.

>> This is me. Kelly, once ... do you have one? Take hands? We'll figure this out. There we go. Thank you very much. Thank you.

>> Not quite as happy as adoption, but the next item is the book-end to the cycle. That's swearing in the newly appointed members. I'll ask the members, new and reappointed, to swear in. I asked Presiding Judge Todd Bottke, Assistant Presiding Judge Kevin Brazile, Judge Harold Hopp, Presiding Judge Patricia Lucas, CJA President Stuart Rice, Commissioner Shama Mesiwala, Ms. Rachel Hill, Ms. Gretchen Nelson, Mr. Michael Roddy, and Ms. Andrea Wallin-Rohmann to come up here and I'll administer the all-familiar oath.

>> Don't be shy. Come on up. You with the bow tie, come up.

>> Always fun.

>> Come on in, come on in. Mike, did you want your usual spot? Some of you should come on this end.

>> A little unbalanced.

>> There's going to be a picture taken.

>> Want me to move?

>> No. We'll get several shots.

>> Raise your right hand and repeat after me: I, state your name, do solemnly swear or affirm that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic and will bear a true faith and allegiance to the Constitution of the United States and the Constitution of the State of California. That I take this obligation freely without any mental reservation or purpose of evasion. That I will well and faithfully discharge the duties upon which I am about to enter.

>> Congratulations.

>> [Applause]

>> Looking forward to working with you.

>> Thank you, thank you.

>> One more hand. Thank you. Business starts tomorrow. This concludes all of our agenda items scheduled for today's business meeting. The meeting is now adjourned. We will come back for the remainder of the business agenda. We are convening in the hall for the photos and reception this afternoon. Thank you all.

>> [Event concluded.]