

The Judicial Council of California is the constitutionally created policymaking body of the California courts. The council meets at least six times a year for business meetings that are open to the public and audiocast live via the California Courts website. What follows is a formatted and unedited transcript of the last meeting. The official record of each meeting, the meeting minutes, are usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts website at www.courts.ca.gov.

Please stand by for real-time captions.

>> The meeting will begin shortly.

>> This is the November 14, 2019 Judicial Council meeting in San Francisco.

>> We begin our session with public comment. I will turn it over to Justice Marsha Slough.

>> Thank you Chief. We have two public comments today. First I will indicate that we are on the clock. We have 3 minutes. You will see in front of you there is a clock that helps to count you down. Please be mindful of that. You will have a green light to go and it will turn yellow and then red. This is something that we are familiar with since we were 16. Keep an eye on the clock. I will first call via phone Marnie Warhs.

>> Are you on the phone Ms. Warhs?

>> While they address the technical issue why don't we go to the second speaker on the agenda, Thomas Coleman. Mr. Coleman, if you are ready, you may proceed.

>> I'm Thomas Coleman, legal director of the Disability and Guardianship Project. At the last meeting of the Judicial Council I brought to your attention major deficiencies in a court rule intended to help people with disabilities gain access to justice in proceedings. I informed you that this rule and material on the website of the California Courts are misinforming judges, lawyers, litigants and the public courts only need to provide ADA accommodations in response to requests. I cited numerous legal authorities demonstrating the accommodations upon request violates federal law. After that meeting I reviewed materials used by the Center Judicial Education and Research to train judges and court staff about four the 88 these materials are erroneously premised on the need for a request in order for court users to be entitled to accommodations. Following that Spectrum Institute sent a letter to the judges of the superior courts throughout the state to alert them to these errors. Despite the erroneous information from the Judicial Council local courts to have a duty to follow the mandates of federal law in terms of providing accommodations to persons with known disabilities that may interfere with effective communication and meaningful participation in proceedings. Requests are not required. Shifting to another matter, last month I wrote a commentary for the Daily Journal legal newspaper titled, We Count What We Care About. It demonstrated that the council is not keeping track of how many probate conservatees are under the protection of the superior court throughout the state. The council is unaware of how many protectees cannot be located. The council also has an information void regarding the size of the caseloads of the court investigators and the backlog of their biennial reviews. The California Constitution gives the council specific authority to survey superior courts

regarding policies and practices in order to improve the administration of justice throughout the state. In a world where counting equals caring I suggest that the council should start counting some that you may better protect seniors and other adults with disabilities who the superior courts have assumed the responsibility to protect. Finally I would like to note that the outreach to the Judicial Council began five years ago this month in this room at this podium, and almost no progress in conservatorship reform has occurred. Let's hope the pace of reform picks up in 2020. Thank you.

>> Thank you. Do we have Marnie Warhs on the phone?

>> Yes, can you hear me?

>> Yes. I know that you don't have the clock in front of you. I will inform you when you have one minute remaining. You may proceed.

>> Thank you.

>> I would like to begin by thanking the members of the Judicial Council for your time and consideration. I too come before you today to speak about ADA access in the courts. Specifically the San Mateo County Superior Court. I provided photos of the obstacles and barriers currently before the court I understand will remain for a period of one year. These barriers will deny access to the court safe means of egress and ADA access. The problem speaks to the lack of experience or understanding by ADA coordinators working on reasonable accommodations. I understand these coordinators were involved in meetings about construction for two years but gave no input into equal access for the disabled parties. I would like to use the probate court as an example because a large number of parties are elderly or disabled that is at the court. I would like to premise my comments on a statement by our honorable Chief Justice. She wrote a year ago regarding immigration, that it compromises our core values of fairness and undermined the judiciary ability to provide equal justice and access to all. That is a paraphrase. I would like you to consider that for persons with disabilities and I believe our Chief Justice speaks to all parties deserving equal justice and that is denied if there are obstacles that prevent us from getting in the door. Unfortunately, the County of San Mateo deflects blame onto the court for these issues. And the court deflects blame back onto the county. One claims that the court is required for all ADA access. The bottom line is, they are not in compliance with ADA and they have set up an unsafe situation.

>> You have one minute remaining.

>> I would suggest that the council improve training and appoint a judicial officer to oversee that these laws are followed and I would also request that the court consider relocating this court if construction is going to go on for an entire year. I don't believe it is tenable for people with disabilities to access the court and without faith and equal access then, to quote our Chief Justice, access and justice will be denied. Thank you for your time.

>> Thank you. And I understand, Justice Lao (sp), that we have received, as to certain agenda items, some written comments and will be receiving public comment on those items?

>> Yes, ma'am, that's correct.

>> I appreciate that. Thank you. Our next order of business, per our agenda, is the review and approval of our September 24 Judicial Council meeting minutes. And so at this time I ask you to take another look. And I am prepared to entertain a motion to approve and a second.

>> So moved.

>> Thank you, Judge (Inaudible), and I saw—thank you, Commissioner (inaudible). All in favor of approving the minutes, please say aye.

>> [group aye]

>> Noes? Any abstentions? The minutes are approved. Next on our agenda is my regular report as Chief Justice to the council summarizing engagements and ongoing outreach activities on behalf of the branch since September 24. I'll start with Monterey. Many of you were there. This fall in Monterey was a busy time with the city hosting the California Judges Association, the California Lawyers Association, and the Conference of California Bar Associations. I, like many of you there, attended a number of events at each of these conferences. I had 10 engagements over the three-day period including the participation in various installations and various organizations. Some highlights were the Spotlight on the Supreme Court luncheon where my court colleagues Justice Chin and Justice Groban shared in a Q&A their diverse experiences in backgrounds with members of CLA. I participated in the Pathways to Achieving Judicial Diversity Program, cohosted by its judicial council and the California Lawyers Association Diversity, Equity and Inclusion Committee. This panel expanded upon the presentation of our new judicial diversity toolkit. We saw this toolkit presented at our September 24 Judicial Council meeting. Many people will be using it. Many found it useful and are interested in showing the PowerPoint to many other interested groups. Presiding Judge of Los Angeles Kevin Brazile was once again a key member of that panel made up of many trailblazers who had many firsts, who shared their journey with all of us present. The panel was moderated by Judge Erica Yew. It included the first female public defender in Alameda County, Ms. Diane Bellas, who is now chair of the Commission on Judicial Nominees Evaluation. Orange County Superior Court Judge Elizabeth Macias, a first-generation Mexican-American and first in her family to obtain a high school diploma and to graduate college. Presiding Judge Brazile was the first African-American assistant presiding judge, and now presiding judge, on a Los Angeles County Superior Court. And along with our council member Judge Eric Taylor forms the first African-American presiding judge and assistant presiding judge team on their court. And, of course, we all know the first NFL player to be a judicial appointment secretary, our retired Justice Marty Jenkins, also presented on that panel. It was a truly inspiring panel discussion. The co-location of the various conferences also provided an ideal opportunity for our statewide Bench-Bar Coalition to meet and to recognize outgoing members, Mr. Russell Jauregui and Commissioner Pelayo Llamas. And to welcome new members, or members assuming new responsibilities for the Bench-Bar Coalition, Ms. Marla Nesperos (sp), Mr. Michael Johnson, and Judge Dennis Hayashi as the coalition's Northern-Central co-chair. As you know, the Bench-Bar Coalition has a key role in intra-branch and interbranch communications and our Judicial Council ongoing advocacy efforts in the capitol. For my annual question-and-answer conversation

with the California Judges Association, Vice President Judge Thomas Delaney of Orange Superior Court and Judge Paul Marigonda, Santa Cruz Superior Court posed a range of questions from working with Governor Newsom, facilities, branch funding, to the Temporary Assigned Judges Program, diversity on the bench, and civic awareness and engagement. I was pleased to see that both CJA and CLA recognized the importance of civics and civic engagement through their new awards. They have inaugural awards. Judge Barbara Kronlund of San Joaquin Superior Court received CJA's Civics Engagement Award and attorney Ruthie Catolico Ashley received the CLA's Excellence in Civics Award. I attended our regular State-Federal Judicial Council. Yes, there is a State-Federal Judicial Council much like ours consisting of both state judges and federal judges at the trial court and the appellate court level. For their 38th Annual California Eastern District Conference luncheon, their theme was We the People: Confidence in American Institutions. Chief U.S. District Judge Lawrence O'Neill, a friend of Justice Brad Hill, formerly of the Fresno Superior Court, posed a wide range of questions from limited resources, delaying civil cases, jury trials, my administrative functions, his administrative functions, televising court proceedings, attacks on the judiciary, and advice to young lawyers. The audience in Truckee was approximately 200 federal district judges, magistrates, bankruptcy judges, court staff, and attorneys. In a number of bar-related events in Sacramento, I delivered remarks. At the Inaugural Gala Dinner of SacFALA, the first Sacramento Filipino American Lawyers Association, attendees included local judges, attorneys, leaders of bar associations, local community organizations, and law students. I also happily attended my colleague Josh Groban's award received from SacLEGAL's Seventh Annual Founders Award. My colleague Justice Josh Groban won this award for his contribution to the legal profession and his promotion of diversity in the judiciary overseeing the Brown Administration and the record number of appointments. SacLEGAL is an LGBTQ organization looking toward diversity in the legal field and in the judiciary. And our entire Supreme Court was honored by the Women Lawyers of Sacramento with a reception at our Stanley Mosk Library and Courts Building following oral arguments attended by justices, judges, court staff and attorneys. Justice Chin, Justice Liu, and myself, we participated in a panel discussion in Foster City for the National Asian Pacific Islander Prosecutors Association, and we shared our different perspectives on our careers and how we came to the judiciary. As an honorary member of the board of directors of IDJ, the Institute for Democracy and Justice, I participated in the Privacy Law Summit hosted by the Institute that we had just this past Tuesday. It was an opportunity for members of the state and federal judiciary, representatives from the state legislature, and many of you here to hear from experts in the privacy field and share experiences relating to privacy issues in California. As you know, California has passed the first in the country consumer privacy act modeled after EU's privacy act. It will go into effect in January 2020. And we will be seeing those in a court near you pretty soon. The presenters at the Privacy Summit included the author, or one of the authors of the bill, Assembly Member Ed Chau, independent researcher and a technologist Ashkan Soltani, who focuses on technology and privacy, Alastair Mactaggart, who is the chairman and founder of Californians for Consumer Privacy. He is the person who funded the initiative for the CCPA, which was later then turned into law by the Legislature and never came before us as voters. And Supervising Deputy Attorney General Stacey Schesser from the Privacy Unit of the Consumer Law Section. We had a section on privacy law as it relates to children from an expert, Ariel Fox Johnson, from Common Sense Media—Kids. And we also had a person from Perkins Coie who is the global co-chair for tech

privacy, Dominique Shelton Leipzig, who told us about the differences and the changes that national and international businesses will adjust to as a result of California's Privacy Act. Also continuing our commitment to the standards of judicial administration, I visited Sacramento Judge Larry Brown's judicial process at my alma mater at UC Davis to talk about the Judicial Council. The themes were similar to the class that visited the Supreme Court yesterday, David Kaiser's California Constitutional Law class from UC Hastings. It was a treat because they, while they study federal law, they walk down the street to find, lo and behold, the California Supreme Court, and talked about the California Constitution. And, finally, I was honored to receive the Justice Vaino Spencer Leadership Award from the National Association of Women Judges at their conference in Los Angeles. I joined the stage with Presiding Justice Lee Smalley Edmon for a conversation about our work with 375 American and international women judges and their staff. We had an interesting discussion about federal and state issues that are affecting all jurists and all lawyers internationally and in this country. That concludes my report. I turn this over to Martin for the director's report.

>> Thank you Chief, members. My written report, as usual, is in your materials. It is a chronology of the office and advisory body and education events and activities that were occurring since our last meeting in September. In the past couple of months, the report notes that there were 16 advisory body meetings held. There were an additional 28 educational programs and resources made available, either in person or online, as well as the update of three different bench guides, one having to do with access and fairness, one on discovery in civil proceedings, and one on search and seizure. I also have some brief comments on a couple of the items that are in the report, the first one having to do with continuity of operations. This is a sobering subject, and I think it's our second or third year grappling with some of the issues related to natural disasters in California. In this particular case, I'm obviously referencing the wildfires that swept through the north and south parts of the state. In particular, a new feature which is hard to grapple with and call the new normal, the new reality, which is the notion of public safety power shutoffs that occurred and created a lot of operational issues as well as health and safety issues throughout the state of California that many of you in this room experienced in our courts. During the Kincadee fire, in particular, in Sonoma County, which is a second-time around, regrettably, for that community and that population, we again spent a lot of time in that county, within those facilities, putting in air scrubbers and doing everything we could to assist there. Another example of providing assistance that you wouldn't ordinarily think you would be engaged in on issues like this is the Sonoma Court, in particular, happens to be a participant in what we call the DRAFT Program, which stands for the Dependency Representation Administration Funding and Training Program. It's in that program that the council actually contracts directly with attorney firms to provide representation for children and parents in dependency proceedings. So during the Kincadee fire, our staff actually had to facilitate some of the contact between the dependency attorney providers and the Department of Social Services in order to ensure and confirm the safety of the 20 foster children that are in that particular community. Regrettably, we have to think long term about how the branch can better prepare for these kinds of emergencies, both from a facilities operations perspective as well as from a trial court on-the-ground operations perspective. I know that the Court Executives Advisory Committee chaired by Nancy Eberhardt, as well as the Presiding Judges Committee chaired by Judge Joyce Hinrichs will be engaging this particular subject. It's no surprise that it was the talk and the

discussion, appropriately so, as we work our way through what looks like another feature of our particular system and the regrettable natural disasters that our state is subject to. We also have participation occurring on the national level. At the time, Santa Barbara was a court and a county that was experiencing troubles. You'll remember it wasn't more than a few years ago that they were at the center of, also, what was then the largest fire in the state. And then, also, subsequently after that, dealt with the disasters owing to welcome rain but then resulted in a lot of flooding, and, again, a lot of safety issues. And so we have nominated Darrel Parker, the CEO from Santa Barbara, to participate in that he remains active in that, and hopefully more lessons are being brought back from that particular group. Turning to another subject, with respect to judicial appointments, I think it wasn't lost on folks that Governor Newsom made his first round of appointments on October 25 with 11 new judges joining seven trial courts across California. The appointments are always reflected in your materials in terms of the Judicial Appointments Vacancy Report that's always included in your report should you care to reference it. The information is also available on our website on an updated basis. And so you have to scroll for the numbers. Right now, the vacancy rate is about 4.3% in the superior court, so that equates to about 52 positions, and the Courts of Appeal have two vacant positions, one in the First DCA and one in the Fourth. Now all those new appointees will receive a letter by practice from the Chief and from the council to welcome them and invite them to participate. And, of course, we get a chance to meet them in what is known as the New Judge Orientation program. Now turning to the consent agenda that is in your material, there are a couple of reports in there that represent the work and recommendations of seven advisory committees for our proposals for Judicial Council-sponsored legislation. They include one setting a time frame for law enforcement to file a copy of temporary emergency gun violence restraining orders with the court. Another one is a proposal to create consistency across trial courts in fee provisions governing electronic filing and service in civil matters. The agenda item has two specific important legislative reports that are due very shortly to the Legislature. The first mandated report is on State Trial Court Improvement and Modernization Fund expenditures for the fiscal year 2019. That is the usual schedule. And the second one is one that doesn't get a lot of attention but should be getting more and more attention, I believe, I think you'll be hearing more about it. It is the statewide collection and court-ordered debt for the fiscal year 18-19. It is a follow-up from the September report on revenue collections from criminal fines and fees related to infractions and misdemeanors. The report today in your materials highlights what I believe is now a perennial problem for the courts, the counties, the residents of California, and in particular the state funding models for fine and fee revenue. And it also highlights the associated challenges of uncollected debt. This particular report shows that in the past year, the amount of revenues collected was \$1.4 billion off of California's fine, fee, and penalty system. That is actually a decrease and represents now a year-over-year decrease from a peak of \$2 billion at one point, and last year it was \$1.5 billion. And so another \$100 million has eroded from California's fine and fee system. Simultaneously, the report points out that the total outstanding delinquent debt owed to California through this system is now 7 times more than the amount we are bringing in and that amount now stands at \$10.6 billion. If you look back at the last 10 years, that \$10.6 billion was \$5 billion of uncollected debt. These trends are posing an ominous prospect as to the durability as the revenue stream in California, there were a number of bills that could've been 11 or 14. I expect we will see more bills attempting to rectify this. It is a subject of discussion in Sacramento. They are trying to address this

issue at the capitol. Everyone knows about this to some extent in the trial courts I expect it will be an issue because of the trend lines that appear to continue in the direction they are. I hate to close on this sobering note but it is optimistic note that we may have an opportunity to revisit. The funding structure of California as well as the social justice issues operating underneath and behind and should be in front of this issue related to how states generate revenue and fund the vital state services. That concludes my report.

>> Thank you. Next we will hear from our internal committees. First, Justice Slough, the Executive and Planning Committee.

>> My written comments regarding this work are likewise attached to your materials and I invite you to check them out. I want to this is the last Judicial Council meeting of 2019 our which means it's the last meeting of our teen years. we have grown tremendously as a branch of the committee I will say members of council, I look forward to being in the 20s with you.

>> Next, with the close of the 2019 legislative year as of December 13 the meeting schedule for the policy committee has not been as robust. Since our last is this meeting we had two meetings of the committee September 27 the committee authorized comments to be submitted on behalf of the Judicial Council to the California Department of State Hospitals regarding post deadlines for education and training, standards for court-appointed evaluators and although, also the price where the state appointed service task force and that is in proposals involving access to justice and at the 24th meeting of October they asked that these be submitted to the Bureau of Indian Affairs. At the same meeting they recommendations for the council to have for the 2020 session and out of the teens the 2020 session were considered and are on today's discussion agenda along with the legislative proposals reported on the last meeting and those are on the consent agenda. The legislature will reconvene January 6 for the second year of the 2019-20 legislative session and as a legislative session gets underway the committee will resume this schedule and I will continue to update you with respect to legislation that is introduced, positions taken and the legislation as it moves through. Chief, that concludes my report.

>> Thank you. Next we will hear from Justice Jerry Hall.

>> We have met twice and you numbers were meeting for an orientation. Meant to consider the rule proposal to circulate on a special cycle. This will relates to the new rules governing the prevention of discrimination and harassment in the judicial branch which will that we anticipate can be presented to council and on schedule in January. They considered a proposal for new and revised civil jury instructions and a proposal for minor revisions to civil jury instructions for which the council has delegated authority to approve and informational items. Let me get my screen here. They approved circulation of the rule proposal to circulate on a special cycle as noted a moment ago after consideration of the comments. Comments we received an action and this proposal is expected to come before the council at the January business meeting which was the goal that they said after we adopted Justice Hill's committee rules in July. They recommend approval of the instruction proposal which is item 19-127 on today's consent agenda. October 28 they met by telephone to consider the annual agendas of the eight advisory committees that they oversee and want proposal with substantive changes to implement legislation. They approved all the agendas and recommends approval of the

form proposals which is item 19-238 on today's consent agenda. Thank you, Chief. I will answer any questions if I can.

>> Thank you. Next, Judge Brody chair of the Judicial Council technology meeting. Thank you. Our technology committee will meet again tomorrow and we also email approved an action that was to create or form a subcommittee to address needed rules and statutory changes related to remote video appearances. The committee also approved a list of pilot course that will be participating in an initial phase for a project to digitize paper and film records. At our meeting tomorrow we will be reviewing the final report and recommendations of the Futures Commission directly directed to allow remote video appearances for most noncriminal hearings and we will have an education session covering a data analytics stream. This is a project that has the potential at least to revolutionize the way the judicial branch collects and manages and communicates data. There are two new technology projects in the early stages. There is a branchwide information security roadmap just getting underway. That project has got a lot of interest across the judicial branch. Numbers of 19 individual courts are participating in that. Another project that is still soliciting membership will be a project on establishing and investigating technologies and best practices for transmitting, accepting corner story and protecting digital evidence. One great technology related event that happened since our last meeting is the small courts technology summit. This was an opportunity to bring together are presented is primarily from small courts, 25 small courts participated. We also had larger courts and Third District Court of Appeal with representatives at this small court technology summit and it was cosponsored with the California Trial Court Consortium. It was a daylong event and there were presentations that focused on the needs of small courts, a different set of technology challenges in courts and this was a great opportunity for them to collaborate and get ideas and also leverage solutions that other courts have built so they can effectively continue to provide access to justice. One of the great features of the small court summit, there was an exhibit hall of sorts. This feature is common in larger conferences but this exhibit hall had exhibits from various demonstrations, some Judicial Council programs and outside vendors. There was, for example, and ability to pay tool demonstrated and a website service booth where people could talk about, courts can investigate whether they can improve their website if they wanted and also to make sure that their website was secure as well as a general IT security services presentation as well. In the coming months we will find the statewide technology summit, a broad scope of ideas that's not so much just focused on small courts are the there are a lot of overlaps and we will be looking at the annual agenda for the information technology advisory committee taking a renewed look at the kitchen we have the resources to complete the initiatives that we want to get done, complete them on time and within the scope of as we go forward into 2020 as we leave our teens although teenagers are good with technology -- the current streams that the advisory committee is working on will conclude their work and I look forward to bringing those recommendations to the council. In closing I want to thank the Chief for her leadership. We will continue to do good work in the year to come. Thank you

>> Thank you, Judge Brodie.

>> Next?

>> Good afternoon. Delivering the report today is a member of the Judicial Branch Budget Committee, Justice Karen Fujisaki. She was appointed back in 2018 by Governor Brown. Prior to that she was principal attorney to the Chief Justice and spent almost 30 years as an attorney with the Supreme Court. Justice?

>> Thank you, Chief. Thank you for the opportunity to report on the activities of the Judicial Branch Budget Committee since our last council meeting. The budget committee takes a branchwide approach in this work promoting the efficient fiscally prudent effective and fair allocation of limited resources reflecting our branch's overall statewide interests. Our committee is excited about the upcoming year. You several educational sessions planned to help us better understand the branch budget issues and challenges especially as we brace for the big R -- the recession. Next would like to report that we are now in the last fiscal year of the innovation grant program. The committee continues to monitor your progress on various exciting new projects, they are exploring this to the program. The materials today include a quarterly report to the legislature regarding branch progress in that area. As always, the committee thanks the staff for its continued assistance and support. Thank you, Chief. This concludes our report.

>> Thank you, Justice Fujisaki.

>> Next, our councilmembers liaison reports.

>> I turn this over to Justice Slough.

>> Next we have the report for the Superior Court of San Diego County and I think Judge Brody that is yours.

>> Correct. Thank you. I visited the San Diego Superior Court back in August and spent the day visiting a couple of courthouses their presiding judge, and they showed me around and showed me some of the great things that they are doing and that court and also our own Mike the council with us gave me some other good details that I like to share with the council today. So to start -- I'm sorry ? You were there for a lot of it, not for the whole time. Did you come to the juvenile court for me.

>> Children we are almost out of the 19.

>> The demographics of San Diego County include 3.3 million people in the county is the second largest county in California it's had an 8% population increase since 2010 and covers over 4500 square miles and it generates the most recent data is just over 450,000 case filings per year. It manages to do that work with 135 judges currently no vacancies in the county, they have 19 commissioners, the total staff is 1161 employees and they have a \$180 million annual budget and there are 7 court locations. The court is currently upgrading its case management system that's been a challenging process as these projects always are but it's proceeding well. As I said I visited two courthouses is the central courthouse in downtown San Diego and also the juvenile courthouse. Very different buildings. The central courthouse is a very impressive structure for those of you who might have gone to the grand opening a couple of years ago and got to tour that or those of you who happen to work in that building you are familiar with his impressive size and I will talk about that more in a little bit. The

juvenile courthouse more modest, of course but it has some challenges that are typical of buildings of its size. It is part of a larger juvenile campus if you will. The juvenile hall is there and there is some plans that the county is considering and possibly reworking that juvenile campus and how the courthouse fits into those plans is a matter of ongoing discussion. The central courthouse courtrooms very modern, sleek, gorgeous frankly. The juvenile courthouse, the courtroom picture there it is hard to tell from the picture but it really felt like I was in a friend's living room. Again, older and more modest but still good place to get the work done. Turning to the central courthouse to give you a sense of its size there's 71 courtrooms that's the elevator that takes us up there it is 22 stories and almost 400 feet tall and it was occupied finally in February of 2018 there were a few last-minute delays and I'm sure maddening to the court at the time but not probably surprising given the size and scope of the project. One detail that I thought illustrated the size of this building there are almost 1300 smoke detectors in that building. The jury lounge is massive and can accommodate almost 500 prospective jurors. Despite the size I will say and scope of the project it did come in under budget ultimately so that's something I think is noteworthy. The courthouse incorporates a lot of technological features that allow for some innovation and hopefully future proofing to the extent that's possible as new technology emerge. Now and in the future. Although the courts definitely forward looking with the construction of its you courthouse and adoption of the procedures they have a keen appreciation of history and they have some historical artifacts around the central courthouse that are noteworthy. This is a stained-glass window from the 1889 San Diego courthouse. There were 42 of these I believe and 42 stained-glass windows each having a seal of each of the states that were part of the United States at the time. This is the main window the seal of California and is not placed in a central courthouse and it was in in the 1889 courthouse in the new courthouse was built in 1961 on that same location and it was placed in that wood house and now it's in the new central courthouse. Speaking of that 1961 courthouse this is the cornerstone from that building and it was removed when that courthouse was finally closed permanently in February of 2018 with the occupation of the central courthouse and that cornerstone is now incorporated into the new building. What is perhaps a first time I have seen these liaison reports being given both of them will feature a of a safe. This is a safe that held cash and important documents in the late 1800s in San Diego justice court number 1. It was the first county owned courthouse in San Diego and this was their disaster recovery plan I guess back in the day, throw everything in the safe. There is more robust technology now but don't underestimate the power of a good safe I suppose. And there are many other artifacts around there. Also as an example the attention to history there's lots of photo displays of presiding judges throughout the course history are pictured in a series of photos and I don't know I thought this was great to see a court that has such a rich sense of where it came from and continuing to move into the future and on that point the San Diego Superior Court is involved in some really innovative programs. They have an incredibly robust community outreach program I'm going to talk about more in a bit. They also have two innovation grants that they're working on. One of them is a triage assessment. They are taking a more sophisticated and nuanced approach to drug court purple. People coming to misdemeanor court and they are assessed on the need for drug treatment and based on the results of that analysis they are kind of directed towards a given set of treatment or not. It is an attempt to get a more person specific application of the traditional drug court principals and then they have consistent with that, there is two track diversion program where people who don't really need treatment are

not ordered to take it. This is a problem. Some programs have everyone takes a treatment without a real assessment so San Diego is trying to have a more informed view of their individual defendants and misdemeanor cases. I will talk briefly in the time I have left about their community outreach efforts. This is a list of the community outreach programs that the court is engaged in. Really notably San Diego has a staff member whose entire responsibility is to manage and coordinate these community outreach efforts. That is her full-time job and she does a lot of work. In fact, they are contemplating bringing on another staff member to help her out with this because there's really no more capacity to do it. These programs are really popular and part of the core mission of that court to engage with the community. They have space and they fill up within one week or two within being open and they turn people away all year long. Just a few examples they have a program called you be the judge when they bring in fifth graders and they present them with a real fact pattern and say okay, how would you sentence this person? This is a great exercise to play with your own children for those of you who have children. But it illustrates the real problem and different interests we face and sensitizes them in a real way to the work that the judicial branch is doing is not just abstract it's real people in real problems over 15 of the students in the last school year participated and we have a program called Justice 101. This coordinates with the American government curriculum and this is a working with high school seniors and it is part of an effort to bring that curriculum into the courthouse to make it more real and show how the challenge will be high school senior turn into criminal justice problems and not for the better. But again almost 4000 students participated and they have a program called Color of Justice which is a collaborative effort with the National Association of Women Justices and designed to really inform and inspire students from at risk schools about careers in the law, help them with academic requirements and how they might be able to get a legal job or a judicial appointment eventually to try and help them along and mentor them along the way. There is a program they have called passport to life which is a huge number of stakeholders they hold a one-day I will not call it a career fair because that on their cells what it is but it's this very thorough engagement. This is focused on people either on probation or at risk of being on probation typically youth and young adults ages 14 to 24 but also their parents bringing them in and showing them how the justice system is not just there to lock people up. It is there to actually help people get their lives back on track and it really engages with society and the community. I can go on and on. I wanted to give a special recognition to Ms. Julie Myres and I spent a long time talking to her and I was really impressed with the work that that court does and they really embody a lot when the Chief talks about civic education and the importance of that, San Diego is an active partner in that project making a lot of those values real. That concludes my report. This is the view for nearly 400 feet up from the roof of the new courthouse so there are worst places.

>> This is a view from Judge Rubin's chamber I take it?

>> I will defer that. No Kai does not. It is the roof but it was lovely. Thank you, Chief and this will be posted for future reference as well.

>> Thank you Judge Brody and thank you both for these reports. I think all the Judicial Council members I know all of your liaison to different courts and I also know that we have received these reports from time to time and it's so important that we are able to go out into the course and here from them and learn more about what they need because it informs us as

we consider the statewide issues and policymaking rules we have here at the Judicial Council and this is also I think an opportunity to archive and see as we have shown the changes that occur when we are able when the county example and not but was able to assist the court in rebuilding so thank you so much for that.

>> Next on our agenda is the consent agenda and I want to say before I asked for a motion to approve is that you have heard the consent agenda items being referred to today. There are 13 items and they are dense and full and there have been the public comments and some are required by statute of course but many are required to keep us current with our rules so people who come before us are able to actually have a full day in court and have the paperwork and the information the foundation filled out correctly. As you know all of the committees that inform the works what's on the consent agenda the advisory committees are made up of subject matter experts call yourselves, lawyers and judges who see the issues that we are having at the trial court level, at the appellate court level about access whether it's forms or others and they get worked on and fixed and vetted and proposed in the advisory committee and have public comment and then work their way up pretty much fully formed to the Judicial Council. But I do not want to understate the enormous amount of work that goes into the consent agenda item each and every one of these 13 items and as you also know we have always a pretty robust consent agenda list every meeting and is on the consent agenda not because it's not important but because it has garnered a little controversy that it's important way that the judiciary keeps current and we are accountable and reliable. I want to thank everyone who works on these various advisory committees who brings to the attention these issues who has solutions to these issues and tenders them to us and then they land on our consent agenda. I will say also as you know any new councilmember knows but I will remember and remind all that if there is a consent agenda item that grabs your attention and you believe it's something that should be discussed here, you are free to advance it to our discussion agenda. At this point having had an opportunity to review the consent agenda items I will entertain a motion to approve. Thank you. Second. Thank you. All in favor of approving the consent agenda please say aye. Any noes? Any abstention the consent agenda items are approved. Our first item is family and juvenile law court adoption and 19-205 this is an action item I invite the presenters to the table and also know this is the best part of November when we are able to have hear about the good work that's being done in trial courts with adoptions and the presentation so I do welcome Judge Roger Chan, Judicial Council Family Law Advisory Committee members and Charlene Depner for Center for Children & Families in the Courts.

>> For the 20th consecutive year the Family and Juvenile Law Advisory Committee recommends adoption of a resolution for proclaiming November to be Court Adoption and Permanency Month. This resolution captures three essential concepts. One is that children have a fundamental need to be part of a family. Another judicial oversight plays a crucial role in ensuring that foster care foster care children find safe and permanent homes. Quality representation improves outcomes for children and for families. And finally access to fair, understandable judicial proceedings result in timely, well-informed and just permanency outcomes. And in the 20 years since that first resolution we made substantial progress to ensure children in foster care are living in safe and permanent homes but there is much work left to be done. Each year in California there is nearly one half of 1 million report of child

abuse and neglect but in the past 20 years we have achieved reductions in the number of children who enter foster care each year and a higher proportion of children are exiting foster care to safe and permanent homes through reunifications, adoption, legal guardianship or placement with a relative or nonrelative extended family member. And over that same 20 years the Judicial Council has worked actively with the legislature and prior and current administration to prioritize funding for court appointed counsel. Today we stand at a turning point where the increased state funds the newly available federal matching funds are closing the gap to achieve the Judicial Council's attorney caseload standards. These funds come at a time when there is transformative change in state and federal welfare funding and policy with increased focus on primary prevention, effective services, trauma informed treatment, quality of presentation, and resources that support reasonable efforts to locate and finalize permanent homes for children. Today I would like to welcome our speaker, a judge who has dedicated his career to promoting the welfare of children and now is a superior court judge in San Francisco. Judge Roger Chan, a member of the law advisory committee serves in the child welfare and his perspectives of the importance of permanence in a life of a child.

>> Thank you for the kind introduction. And good afternoon Chief Justices and honorable members of the council. It is an honor to speak to you today on the 20th occasion to observe National Adoption Month. There is an extra report in your materials that describes progress we have made over the past 20 years to achieve permanence for children in the foster care system. It is well-established today that children need permanence. If I may I would like to talk to you today about why adoption and permanence matters. Last Friday I participated in San Francisco's Adoption Day celebration when we finalized six adoptions from cases originating in our dependency court. All of the families that came shared how long and hard the journey was to this day. We gave them copies of Horton Hatches The Egg because if you're familiar with the story that's the kind of dedication that these parents have shown to their children. And the emotion of the moment was powerful and made me think about what these families experience on the pathway to adoption. From the second a child is removed from his or her parents, we are required to think but permanence. If the child cannot be safely maintained in his or her home we look for the best family setting available. This means permanency begins with the recruitment of qualified foster parents and early family finding efforts. And then we ask the seemingly impossible of these foster parents. We ask them to love the child as their own but at the same time to know and support that the biological parents are asking for reunification. Our foster parents in California are remarkable people. When the court makes findings at child abuse or neglect occurred and orders a disposition plan or are foster that families they take the children for six, 12, 18 month while the court monitors the parent's progress. They have to manage your hopes for making the child part of their family while at the same time having a hope that the child can return to safe and healthy parents. As you can imagine there's a lot of anxiety and disappointment along with the joy of raising a child. If the biological parents are not able to reunify, the court must make one of the most difficult decisions that any judge has to make and that's whether or not to terminate parental rights. The judicial review process for these most important decisions affecting people's lives is only as good as information and advocacy that's presented and I want to take a moment to thank the council and Chief Justice for all of your support to increase funding to the lawyers represent children and parents in dependency court and as a result our dependency court can feel more confident that we are hearing voices of children and their

parents. After the termination of parental rights there's so many steps to take before the adoption can be finalized including the completion of a comprehensive home study and the resolution of any appeals. To the families that means more waiting. But the reward is worth it. Adoption and permanence matters and I cannot explain it better than what a former foster youth named Eric once shared with me. Eric is an exceptional young man who was on foster care since age 2. Both of his parents are deceased. When he was 16 he wrote an essay titled Why Am I Quiet? about his experience in foster care? He wrote, he asked me, why am I so quiet today. Why am I? I always wonder what surprises life is, what is or what you and to be honest life is throwing much too many AMI. After my parents were both deceased I came to find a deep wanting inside my soul to want a real family and to be loved as a son. Just to be a part of something important is all I ever wanted. Why can't I live the rest of my teenager life as a real kid not always known as the foster kid but just as a kid while I'm still a kid. He wrote, I do belong to something, I belong to the state of California, can you believe that? I still cannot imagine how it must feel to have a real family to love and care for and to hold. I want all kids to have a real family. Eric was never adopted but he did find a home with good foster parents that he lived with until he graduated from high school. His words remain with me. I recently presided over an adoption finalization order for a 12-year-old girl. During the hearing I asked her adoptive parents if they promised to support and care for the child and treat her after all. When I granted the adoption request and announced the child's post adoptive name tears streamed down her cheeks. Adoption permanence matters because it means knowing your name having a sense of belonging and knowing where your home is. To be sure we still have work to do. We need to increase opportunity for adoption for teenagers like Eric who are in foster care and reach out and support relatives we need to recruit more qualified foster parents and ensure our dependency courts have enough time and resources to watch over the children under our supervision. For these reasons we ask you sign the resolution declaring November to be Adoption and Permanency Month. Thank you for your consideration and commitment to California's children and families.

>> Thank you both for your work in this area and for your continued advocacy and for sharing Eric's letter. It was quite touching and the room was absolutely silent as you read his words and this resonated with all of us thank you for showing us the need for this important resolution in our recommitment every year to permanence. Thank you very much.

>> This is an action item all in favor of supporting the resolution for permanency adoption I need a motion. Seconded. Please say aye.

>> Aye.

>> Thank you.

>> [Applause]

>> Chief, before we let Judge Chan I just want to acknowledge that he is one the most kindhearted individuals that I know and I'm very proud of him. But don't get back to your head, Roger. Next on our agenda we call the Judicial Council 2020 legislative priorities it is item 19-224 and we welcome our presenters Judge Marla Anderson was chair of the Judicial

Council Policy Coordination Liaison Committee and also Mr. Cory Jaspersen Judicial Council Governmental Affairs. Thank you.

>> Thank you Chief and members of the council annually the Judicial Council authorizes sponsorship of legislation to further its mission to provide leadership for improving the quality and advancing the consistent independent impartial and accessible administration of justice as well as further to counsel strategic goals for the judicial branch. Amongst some of its guiding principles is the commitment to meet the needs of the public which requires reinvestment in our justice system and to preserve and improve access to justice. One of the frameworks to increase access to justice is the Chief's vision of access 3-D which is improved physical access and crews improved remote access and enhance equal access and the proposed 2020 legislative priorities continue to support 3-D access, get the council's mission interest strategic goals and what we will do now is Mr. Cory Jaspersen will present and discuss specific priorities in keeping with those goals.

>> Thank you, Judge Anderson Chief Justice and members of the council happy to be in front of you for another here is a workup for the new session that will start in January with our 2020 priority so we have a fairly detailed memo is in your packet and we have half a dozen high-level priorities for this year and the first one as mentioned is to continue to advocate for ongoing investment in the judicial branch to include a method of stable and reliable funding so that courts can better budget and plan for the future. Also continue advocacy to increase the number of judgeships and judicial officers and course with the greatest need. Seek legislative authorization if necessary for any unused courthouses that may come to the Judicial Council at any time in the coming year that we would need to seek legislation to dispose of those properties. There are no specific proposals pending now but if there are we would seek legislation as we have in the past and to continue and sponsor and support legislation that improves judicial branch operation efficiencies including cost savings and cost recovery measures. And continue to advocate for legislation to implement pretrial detention reform and finally continue to delegate to PCLC the authority to take positions on behalf of the council on or provide any comments on behalf of the council for pending legislation both state and federal as well as administrative rules, regulations or other proposals from external entities. Of course that is always after getting input from the appropriate advisory committees and given that it is consistent with established policies and protocols with the council. Those are the 2020 priorities and there about half a dozen specific legislative proposals which worked out on the consent calendar a few minutes ago and I'm happy to answer questions.

>> Thank you.

>> As indicated I'm sure having been on council or watched the judiciary in the last several years none of these requests are new and we make progress little by little towards each but it continues to be all issues and all challenges and advocacy for access to justice and all of you have all six recommendations in front of you and I will entertain a motion to move and a second.

>> Thank you. Even though we have a motion pending it does not chill discussions but nothing any hand raise all in favor of approving all six regulations say aye.

>> Aye

>> And you opposed abstentions so six recommendations carry looking forward to 2020.

>> The next two discussion items are action related and they will be presented concurrently and they are items number 19-129 and item 19-234 and I think I turn this over to Justice Slough for any public comments.

>> We have three public comments today and we will call them up in this order so you know Judge Brian Lamb, Mr. Reggie Fair and Judge John Herta and gentlemen, you will have each three minutes to speak and you will see in front of you a clock which will start when you start talking and again as with the public comment this morning you will see a green light when you have a minute left it will be yellow and then when your time is up it will go red. If I could have Judge Lamb come up to the podium and Mr. Fair if you would be ready to proceed on deck.

>> Thank you. The Chief Justice honorable members of the Judicial Council and distinguished guests I am Brian Lamb presiding judge of the Inyo County Superior Court and there was a reference earlier today about San Diego being the second largest county in California. Merely in population. The second largest county in geographical area is Inyo County which I have the privilege of representing today. I'm here to urge the adoption of agenda items 19-129 and 19-234 with the opportunity to emphasize the special needs of Inyo County. With the reference to the county's western cowboy heritage I would like to say this is not my first rodeo. [Laughter] Many years back you may remember that this was the only small county that was authorized for the purchase of a site for a new courthouse to serve our far-flung and diverse population. But when all capital funding was diverted our plans were necessarily put on hold. When we heard that there was going to be a new process to evaluate priorities for courthouse construction, we have participated enthusiastically. We stand ready to provide information and advocacy necessary to make this program succeed. I'm not here to address the relative priority of the Inyo County Superior Court to those of other needful projects. Obviously would like to advance to the front of the line where we were before but that is not my purpose here today. I know that counties throughout the state are grappling with the difficult challenges of providing dignified and appropriate courtrooms where the disputes among their citizens and criminal prosecutions may be heard in a dignified and appropriate way. Our needs like many small counties are structures although historical and beautiful they are in need of I the renovation a replacement and I stand ready with my executive officer, Pam Foster to participate constructively to provide information and advocacy appropriate to make sure that this capital outlay project can work for all Californians.

>> Thank you. Mr. Fair and then we will have Judge With.

>> Honorable members of the council I'm Reggie Fair, chief of staff to the state center. The state asked that I read a brief statement on our behalf. More than a decade ago a promise was made to the residents of South Monterey County to build a new courthouse thereby bringing equal access to justice and court services to that's county. Today that promise remains unfulfilled. The residents of South County have largely been without access to court services

since the closure of the King City courthouse in September 2013. The Greenfield courthouse project is important to the residents of South County and is long overdue. The project was on the list of 10 projects that were indefinitely delayed due to lack of state funding. Currently residents of South County have to drive long distance to access court services often with commute times that greatly exceed one hour each way resulting in lost wages and productivity. The courthouse facility in Greenfield will not only address the long underserved needs of the community that's among the most disadvantaged in the county but also serve as an important step in ensuring the population has the services they need. South County stands ready to work with council and other judicial officials to ensure fair and equitable access to court services in the project is shovel ready in the city of Greenfield has worked closely with the courts to lower project costs and has donated both land and a commitment of \$10 million towards the project. The state has also made a sizable investment of at least \$1 million towards the design of the proposed Greenfield project. The residents of South County deserve a new courthouse. Expanding court services to a new courthouse in Greenfield will not only serve to make the administration of justice more equitable but simply is the right thing to do. I look forward to working with the Judicial Council on how we can provide residents of South County with the courthouse they are promised and rightfully deserve thank you for your time and for your leadership and commitment to ensuring access to justice.

>> Thank you and next Judge Went up. Judge Huerta. I'm action the former mayor of the city of Greenfield. Good afternoon Chief Justice and honorable members of the Judicial Council. I am former mayor of the city of Greenfield from 2002 to 2017 and I'm here in support of the South Monterey County Courthouse and I've presented at four of the Judicial Councils since 2011 so this is my fifth time here in support of the South Monterey County Courthouse. Probably I do not need to reintroduce myself because it's probably on the records but I will get you more familiarized with our community. Greenfield is about 25,000 population and its growing. We have the highest sales tax in the state of California, Greenfield, California, which is in Monterey County. Residents have taxed ourselves since the downturn of the economy to provide appropriate law enforcement services, recreation and code enforcement. 40% of our population in the community of Greenfield is of 18 years and younger and we have 25% to 30% of our population from the indigenous community from Mexico and economic hub we are becoming more and more and it is very evident as you see as you travel down the 101 stop by our new Starbucks when you travel down south of Salinas. We have a new Starbucks and Marriott is building a new Fairmont Hotel and suite and that's to Greenfield in the County of Monterey is building at that site on U.S. 101 accounting Monterey is building a new third district supervisor's office for supervisor Chris Lopez and a behavioral health center as well and the cannabis industry investments are currently at about \$140 million. With the creation of 400 new jobs in business tax revenues for the city are currently at \$1 million per year and by 2021 \$2.5 million per year of business tax revenues for the city of Greenfield. So for the reason I explained this just to familiarize yourself with my community it was proactive and agricultural as its base so also we want to continue that momentum and that's why I'm here present as a former mayor to seek your support and honestly we love to continue to work with the Judicial Council and Chief Justice and your Judicial Council as we move forward into 2020 so thank you very much for your time and I appreciate the opportunity.

>> Mr. Huerta thank you very much. Chief, in addition to those three public comments which we just heard from we also received five written comments on this subject and they are included within the materials and we received comments from presiding judge and the court executive officer from the Superior Court of Nevada County. For the court executive officer from the Superior Court of Lake County. From assembly member of the California State Assembly 30th District. From supervisor Monterey County Board of Supervisors and from the city manager Ken Strickland of the city of Santa Clarita.

>> Thank you. I'm grateful for the public comment and the written comments on this important subject and I ask the presenters to please have a seat. Thank you. We welcome administrative presiding justice whose chair about resistible council court advisory committee and I believe since its inception. Also Judge Stephen Jahr, retired Court Facilities Advisory Committee, welcome and also of course Mr. Mike Courtney, Judicial Council Facilities Services.

>> Thank you, Chief. And the legislature told us that it was time to reassess each and every trial court capital outlay project in the state I turn to Judge Stephen Jahr which is always a very wise thing to do to share the effort and Steve and his committee that an extraordinary job over this past 18 months and he was joined by several judges as well as court executive officer and an outstanding group of staff members led by John Wordlaw, Mike Courtney, McCormick, I'm going to miss someone and I better probably stop. They can fill in some of the gaps but the stuff was truly outstanding and it was not only outstanding for this entire past year but towards the end when we were getting so many public comments and so many ideas they seemingly were working 24/7. We were getting emails from them late at night and early morning and sometimes it goes on said that we have probably the best staff to a Judicial Council or to a government entity of anywhere in the country. Truly called the staff for facilities but across the board, we value these folks and when we have to come to present a complicated proposal like this we all need to think those people who have been toiling for hours and days and months to help us to get all the information and to get it right so we thank them so much for all of the efforts. This stuff work together I thought a wonderful proposal and we then put it out for public comment and as we have indicated many times before public comment matters and it did this time as well. We received a number of public comments which are very informative, very helpful to all of us such that we did modify various things moving forward and made an excellent plan even better so we thank the public for doing it and we just encourage those when you see those opportunities to make public comments please know people are reading it and people are looking at it and people are analyzing it and we thank them for their efforts. We did find to the methodology to put together what we have before you today and I would now turn to Judge Steve Jahr to fill in not only on the overview of what we are doing but Mike will lead us through the nuts and bolts of today's proposal.

>> Thank you, Justice Hill. Good afternoon Chief Justice and members of the Council. 17 months ago our courthouse construction program funded by civil fees and fine penalty assessments was tapped out. The program has successfully built 29 new structures replacing dangerously substandard court buildings but the program was tapped out because the annual revenue stream of fees and assessments, which had already been reduced by legislative redirections to balance the budget during the Great Recession was not fully committed to repay the bond issued to build each individual building. Up to that point the program had

utilized a prioritization methodology prepared for the council in 2008 to identify the most needed projects. It is the replacement of that 2008 methodology and the creation of a new project priority list based on that replacement that is before you today. And it is only before you because of the State Budget enacted 17 months ago. A budget that changed everything. In that budget Governor Brown and the legislature utilize into a successful program but they did much more than that. As I said up to this point our new buildings were financed by a fee and fine assessment revenue stream which, by definition is fixed and exhaustible. We were going to be able to build so many buildings and when the annual revenue was fully committed that would be that. And that annual revenue of course would be fully committed to repay the bonds issued for each building as I mentioned committed over decades effectively like the repayment of a mortgage. The ranking process in the past meant not only which projects were built first but whether a project would ever be built at all. But now the Governor and the legislature changed everything because they committed the state General Fund to build the public's courthouses. Just as the General Fund is customarily the source for other state infrastructure projects built by the Department of General Services, Caltrans, CDCR and others. This represented a change for our branch with two vitally significant consequences. First, we now compete for General Fund construction dollars with other state entities. And second, in return our program is no longer finite in duration. So long as we successfully compete for construction budget dollars the program is sustained. Putting it more directly in our just completed assessment, there are 80 projects proposed. It is our goal to build all of them. Quite properly the legislature as a part of this transformative budget decision enacted an accompanying trailer bill SB 847 which is specifically mandated the Judicial Council to develop a new prioritization methodology as specified, to generate a new prioritized project list based on it and present the completed work product to the legislature in the space of 18 months, in other words December of 2019. When the budget was enacted our work was cut out for us. The Court Facilities Advisory Committee chaired by Justice Hill established our working group to shepherd the project. We join with the council Facilities Services office on their Mike Courtney with the constant support I might add of the council's chief administrative officer John Wordlaw, and together we determined that a new, thorough examination of the state's courthouses was required. A comprehensive survey of the leadership of each court was necessary in order to determine their facilities' needs. And that simultaneously a new prioritization methodology squaring with the specific legislative mandate must be developed. Mike formed the Facilities Services team augmented by expert construction management consultants to conduct the building evaluation and to work with each court and developing individual court facilities plans to which the new methodology could then be applied to give rise to any priority list. The team also provided essential services to our working group as we designed the new methodology at the same time. All told something on the order of 90 people were involved in this endeavor, thousands upon thousands of hours were expended as indicated by Justice Hill and we faced a tight 18 month timeline obviously, and I'm sure that my colleagues on the working group would tell you that the final work product would have been far out of reach for us but for the dedicated labors of Mike Courtney, McCormick and the entire team. During the period the working group regular he reported to the full Court Facilities Advisory Committee which solicited feedback and comments from the courts and the public. I underscore the points made by Justice Hill because it was striking how effectively utilize those comments were and how the material change to final work product. All the threads have now been pulled together. The Court

Facilities Advisory Committee now presents the product for your consideration which Mike and his team will detail momentarily. A couple of closing observations. First, the Governor and legislature preserved the program because it is a proven program worth preserving. Probably unique in all the 50 states. The Chief saw to that. When she took the helm in 2011 working with Justice Hill, the Chief called for an independent consultant audit of the entire construction program known as Pegasus. When completed enabled substantial improvement to be made throughout the program. She converted the working group which oversaw the construction program into a standing advisory committee of the council reporting directly to the council. Working with Justice Hill a cost reduction subcommittee was established to test and scrutinize each project as it worked its way through the design process saving, and this is documented, tens of millions of dollars to date. And starting a continuing process of regular rising design work to take advantage of lessons learned with each project completed moreover, the Chief Justice and director were tireless in their efforts to promote construction project in the capital and they persevered and that building work with Governors Brown and Newsom and the entire legislative leadership. You don't need me to tell me that without their labors this program would be no more. Secondly, in the new methodology document on page 15 the council's retained discretion to vary from the priority list when preparing annual budget request for construction is expressly called out and this is essential to the construction process because the council must be equipped to account for changed circumstances that will arise in the future and which therefore will not have been accounted for in the priority list which is before you today. Circumstances which might warrant the purchase based on articulated grounds consistent with the methodology. As Justice Hill notes the Court Facility Advisory Committee stands ready to assist the council as you may require in assessing any and all future such developments as annual budget requests for construction are prepared. We respectfully submit that the work product reflects the policy input of the trial courts' leadership and the methodology constitutes a substantial advance over the original, offering a more refined need and cost-based tool for identifying and ranking future projects that it discharges your duty to the legislature and it will ensure the continued success and competitiveness of our courthouse construction program. With that, Mike Courtney.

>> Good afternoon Chief Justice and the council. Before I get into the details presentation just go through what you have in your binder. You have a number of items and one of those is the old methodology as we thought it was important to provide that for reference. You have a copy of our new methodology. You have a copy of the statewide list that's in front of you today for approval and those are all contained in the report to the Judicial Council and that is item 19-129. Separately item 19-234 is a draft of the actual report we will be submitting to the legislature if approved next month. Before I get into the agenda there is one more person, Justice Hill did not mention and that was Anne was are they to the project manager and we could not have done this without her and at one point it was not 90 it was almost 100 people engaged in the effort so Anne, thank you. I want to go through the trailer bill with you and the actual reassessment process we went through how we got today in our new methodology that's in front of you for approval and we will talk about the list and the recommendations. The trailer bill has been mentioned. Senate Bill 847 had really three simple requirements but it was a very big task. It required us to update the old methodology and in addition to the criteria in the old methodology the legislature added a number of other criteria colluding cost-based criteria which was not in the 2008 methodology. Finally, it required us to develop a

report and submit a budget by December 31st. The legislature did not define the criteria nor did it define how we would use the needs based criterion the cost-based criteria and we will go through all of that. First, the process. As Justice Hill and Judge Jahr mentioned we started with the creation of the working group and if you look closely on line 2 on this slide we met the staff at the working group many times and sometimes more than once per month. Things were moving very fast especially this summer as we were scoring projects and running into issues and going through public comments. We checked in with the Court Facilities Advisory Committee really two main periods. First in December of last year when he developed the draft methodology once the committee approved it that was issued for public comment so that the trial courts all understood how proposed projects would be evaluated. Public comment was received but most of the comment was received at the trial court. Again, this summer in August and September and October as we developed the final methodology produced a list for the first time and went through public comment period and then got the committee's full approval on October 1st of the documents that are in front of you today. Along the way we had to develop a new methodology and this was actually probably our most completed task because we could not begin to score and evaluate projects that the trial court would be proposing until we understood and they understood how to projects would be scored and evaluated and the different criteria also developed how many different consultants and people we needed to actually do the work. For instance we did a seismic analysis so we had to retain structural engineers. We have gone out and assessed many courthouses and I will get into that in more detail so we needed to hire somebody who could just focus on going out and evaluating conditions of existing buildings. A lot of my facilities operations staff were involved as well but we need the consulting team to do that. And then reproduced the court facility plans and from those plans we proposed 80 projects were proposed and those are projects proposed by the trial courts because it's not something our facility staff proposed but these are the trial courts looking at their operational needs and where they see themselves in the future. All this went of course in front of the committee and we are here today. So the first thing we had to get to was how many facilities are we actually going to analyze here? So in our portfolio, at least the portfolio that existed in September of 2018 there is 476 Judicial Council assets around the state. Not all of those assets needed to be assessed. We did not need to assess parking garages or raw land that we own for future courthouses but we started a process of elimination to focus on court facilities that would be assessed and we ended up with 196 in September of 2018 across all 58 trial courts but along the way we realize that as projects will be proposed by the different trial courts there were other facilities we needed to add back in so eventually we added another 17 facilities and we actually assessed 213 facilities, mostly I think we started in March of this year and we finished our assessments by June. It was a big effort statewide. So from that we produced a court facility plan for each of the 58 trial courts and the facility plan documents the existing operation of the trial court and their existing facilities and then the court facility plan looks at where the court wants to be both operationally and facility wise. From the 58 court facility plans 80 projects came for 41 courts. Now why did 17 courts not need projects? A perfect example a new courthouse being built in Shasta County operational needs for the foreseeable future are taken care of by the new courthouse and same would be true in Stanislaus County, Tuolumne County, and other counties. Other courts just have one building and they are doing just fine operationally. Trinity County is an example. They might have issues with the building but the court did not feel it needed a new courthouse. And as I mentioned earlier we assessed 213 facilities in the

58 trial courts. We talked a lot about public comments and the importance of it so I wanted to give you briefly sort of an idea of the amount of public comment we received. We had four public meetings, two specific public comment periods and there was we tried to communicate with the public, the trial courts, and the counties as much as we could. We send out notifications, we had collaborative opportunities to review draft materials with all the trial courts. The trial courts would find mistakes we would make on our end and just with the sheer volume and documentation or we may have misidentified the condition of the roof even though we were replacing it we would have accidentally said that roof is in good condition when in fact, it was not. The first round of comments as I said earlier focus on the methodology so this was in December 2018. 7 courts submitted comments and questions regarding the methodology and we adjusted the methodology perhaps we do not explain something carefully enough or made perfect sense to us but because of our technical background would not make sense to a layperson so I think by February of 2019 we had a methodology that we could move forward with. Second round of comments which came between August 30th and September 13th this was when a lot of work has to be done by my staff. I will be the first one to admit I was on vacation during those two weeks so my number 2 and Anne get a lot of credit they worked with the working group constantly to go through the volume of comments but we had letters of support, we had comments on tactical comments questioning something on a specific building or projects, we had policy comments regarding the criteria. We had a number of trial courts comment about seismic risk and this turned out to be the biggest change we made in the methodology. I will get into that in more detail when we go through the methodology. We had comments policy comments related to cost base criteria the trailer bill, cost right here is an example. One was the operational efficiency of the trial court gained by a project. There was no definition of what that really meant so how do we come up with a consistent definition that we can apply across all 58 trial courts and all 41 trial courts for a project and get the courts to understand the significance of providing us the information so that we can quantify that. Other cost criteria which was the cost of maintaining a building for the security cost related to that something we could quantify. Finally we had policy comments again on the general methodology not necessarily specific to the scoring but again, getting back to some of the definitions that those meant. 76% of the comments came from legislators, local government, and other elected officials and 24% of the comments came from trial courts. 20 of the 41 courts proposing courts were reviewing all of our data and finding clarification or they found a mistake and we were happy to correct those because in some cases that actually affect the score that the project received. I did know if there were over 120 scorecards received from the comments so the comments that matter to what we were doing. Now I want to go to the methodology with you. These are the requirements of the trailer bill but more specifically I'm going to compare in a minute the methodology criteria and the criteria we have today. The 2008 criteria had four needs-based items, physical condition, security, overcrowding and access to services, and these were worth five points each. Something important but then decision was made that if your building was a seismic risk level V building of which we have 139 in the state currently you automatically received five points in this category regardless of any other physical issues with that building. That drove a lot of scoring this 25% of the all scoring on the trailer bill we have a bunch of new criteria. We had a physical condition category and we have security category similar to the prior and overcrowding and we have a facility condition index element and a seismic risk factor element and then we had cost base criteria, cost avoidance. These

are the costs that could be saved or avoided by the proposed project and how we could minimize ongoing maintenance and security caused by building a new project and the cost per court user. I actually argued against this in 2018, 2019 because it did not make any sense to me but it is in the trailer bill and we had to calculate it so in this case it's the capital cost of the project divided by the number of residents who would be served by that courthouse. And costs spent to date, this was the legislature's attempt to give some consideration to the projects that were on the table to be built in 2018, 2019 but were stopped. This would be what you heard earlier and indefinitely delayed project or what I would refer to as the seven, which any account he was one of those was not part of the funding decision in 2018, 2019 but we were already working on that project and there were costs spent today on that project as well as six other projects. The methodology and this is an important factor here on how we dealt with needs and costs. The needs-based criteria gets a project into the ranking groups and you will see from the list the ranking groups are immediate, critical, high, medium, and low. The cost base criteria is used to organize or rank the projects within the ranking group, if you will. If you have 10 projects in the ranking group we took the cost base criteria to organize the 10 projects within the group. When combined the needs-based to cost base score this is a rule we created along the way you could not jump from say the critical group to the immediate group because of your cost-based score. We wanted to keep the need as the controlling factor to get the projects into the various ranking groups. These are the points you needed to get scored on for to get into the various groups. Fairly straightforward. Somewhat consistent with the 20 point scale we had 10 years ago but obviously because we had more criteria there is more points today. I talked earlier about the seismic part of this and I will get into that a little bit. The total possible number of points from the needs side was 25 points so we issued for public comments in early September and when the trial court the eight courts came back their biggest complaint or concern was that we did not adequately address the risk to the users whether they are court employees or the public in a court building that had a high seismic risk and we took that seriously. With the working group and the committee's concurrence we came up with additional points that a proposed project could earn if that project was replacing a very high-risk building of which between the very high and the high buildings that are in the projects there is 45 of these buildings so those projects that were replacing a very high or high-risk building were granted additional points. To address the seismic risk using a FEMA ranking system. The other issue we had is that the seismic risk of 213 buildings is very different in this depends on the building location, the soil, the age of the building, the shape of the building so FEMA had developed a ranking system which we could apply across all 213 buildings consistently and we used that ranking system and then put your project into a very high or high, moderate, or acceptable risk category and we were then able to score all the projects or all the buildings the same. The cost-based criteria is a little more complex and hopefully it will not confuse you here because some days I still get confused about this. We have points earned for each of the cost-based categories and those points are converted into a two point scale. For each of the four cost base criteria could earn 25 points and then whatever you earned was then you could see the scale below how that gave you whether you earn points six points or two points and again, as I said earlier the cost-based criteria is what organizes the projects, the various projects in the different ranking categories so medium, critical, high, medium, and low. A little bit about the list. As I said earlier there is 80 total proposed projects from 41 courts. 56 of those are new construction in the current estimated cost of that in January 2020 this \$10.6 billion. We

focused on renovation and the bill also required us to look at renovations and we could not look at every project as a renovation opportunity because you first have to have the ability to renovate a building and what could vary on that is whether or not you have empty space in the building so we have some courthouses that have available space that can be added onto or renovated. If you're going to renovate or expand a building you need to have land adjacent to the building you have so a land opportunity there. And then you need to have a building where from a seismic perspective it is not cost prohibitive but we were able to identify 24 renovation or addition type projects worth an estimated \$2.6 billion. 80 projects affect 165 existing court facilities in other words if we were to build all 80 projects or we could close one and 65 existing buildings, that is significant from an operational standpoint and I think at least from -- I will be protective of my facility operation I oversee so it improves the efficiency of our facilities but also helps the trial courts at least that's what the trial courts believe because these are projects they propose an existing buildings they were proposed to close if the new project could rebuild. 80 projects also provide an opportunity to manage the risks to the court users and court operations through the replacement or renovation of these high-risk or very high risk seismic buildings I mentioned earlier and as I said there is 45 very high or high-risk buildings in the list and does not mean the other 120 buildings are not don't have a seismic risk but relative to each other we have 45 with high or very high risk. Here is the distribution of the list. There is 18 projects in the immediate need category, 29 in the critical category, 15 in the high need, 9 in the medium and 9 in the low end that's in your materials in your list. I do have a subtotal for each of the different categories but I brought that with me so the immediate need has an estimated value of \$2.2 billion, the critical need is nearly \$8 billion, the high need is \$1.3 billion, the medium need is \$1.5 billion and the low need is \$134 million. You might ask why so critical need so large. Many of our largest courthouses in Los Angeles County and in the Bay Area fall into the critical bucket and as an example the renovation of the courthouse in downtown L.A. is nearly \$1 billion. In the project in Alameda County which has a value about half a billion and the replacement of the Hall of Justice here in San Francisco is nearly as much as well. So I will not go into any details with you and you have two summaries of the list you have an 8-1/2 by 11 type summary and detailed 11 by 17 document that shows you the actual scoring for each and every project and estimated cost in the number of courtroom that that project would contain. And so our recommendation. The Court Facility Advisory Committee and Facility Services recommends that the council adopts a revised methodology and adopt the statewide list and approve the reassessment of the trial court capital projects to directly be sent to the legislature and delegate to the Administrative Director the authority to make last-minute technical changes to these reports for submission to the legislature. I'm happy to answer any questions.

>> Thank you. This is a huge undertaking in a short period of time and I'm sure we all appreciate all the work that your office undertook and your staff and of course justices. I want to make sure understand how this is going to work. One of the things that Judge Jahr mentioned, well, everything he mentioned. He mentioned on page 15 we are trying to build in some flexibility as circumstances change as far as the privatization and such as that. First of all if I'm understanding this correctly council each year will prepare a list of courthouse projects and renovations that it feels are necessary and prioritize that list. And then that list is sent onto the Department of Finance for them to consider as to what they're going to recommend to the Governor and he put in his budget for that year. That list as it leaves us that

could be changed as it goes to as far as the Governor's proposed budget. The Governor puts the list in whatever is at that time and that becomes part of the regular budget process in the spring of each year ultimately leading to a revised and a budget passed by the legislature sent over to the Governor but it seems like our list would be, how do I put it, there would be as there is in every budget season legislative push when the give-and-take and such like that so the list by the end of this process may be the list we proposed or may be the list has been substantially changed so that is so opposite legislative Governor they control the General Fund so they have the right to do that but I'm thinking about some of the political matters because these courthouse projects or for any given community represent a lot of money and reasons why there would be a certain amount of competition in the legislature as to the priority so that I understand basically how this is going to work?

>> That is basically it. I will say that the legislature has been deferential up to this point because they have been working in this set forth a lot of the criteria that they wanted us to evaluate and we did that and followed their instructions and put together the list and we would hope that what they have done in the past in terms of looking to us for the ranking would continue in the future because there's always that give-and-take in the political process and judgeships and a number of other items but as with judgeships in the past with courthouses we hope that they maintain that ability to work with us

>> That is the structure of our three branch governments basically.

>> Exactly. And they have been very good about that.

>> I just want to make sure I understood this and as to the flexibility on page 15 without going through them we have some sense as to whether or not we will be allowed that flexibility? Has there been any discussion on that?

>> The previous methodology, the one still in place as of this second, had a similar safety valve if you will and I think it was placed there for the same reason that we proposed language for you on page 15 of this methodology. The list is illustrative, it is not exhaustive and you will see the lead and language states that council may consider without limitation the following considerations so there are other considerations that can be taken into account and at the end the recital it indicates that to the extent that there is any variance for the privatization list that the grounds are articulated in the budget request and the concept being as Justice Hill expressed and implied, we comply with the legislative directive concerning the criteria which are to be direct considered in creating a privatization lesson to the extent that the council exercises discretion to vary from that and explains explicitly why. We could have, for example and we learned this during this process changes in buildings, changes in circumstances, that occurred since the last time this whole exercise was conducted, significant material changes that can either halt the project will reduce its necessity.

>> This is the type of flexibility we have been allowed to undertake since 2008 at least.

>> If you were to look at the old methodology you would find a lesser list if you will. We felt it important because the council always has had and has exercised -- for example, let's suppose you have two projects that are lined up together. Run one right over the other. The

project that is second in line has solved its land acquisition problems. Everybody got on the same page, they found the land, might have been donated, in any case it's there. The project above it selected land that was owned by five different people and they get into eminent domain and the whole business of political infighting locally about where the project should be and it languishes. This is actually something that occurred. Naturally, you're not going to slow the train up. You're going to move that other project up so you can build it to meet the needs of the populace, so the idea is to have that flexibility for the council so in the moment it can make judgments which we can only guess right now.

>> Last I just want to say welcome back, Steve, it's always good to see you.

>> Feels like home.

>> Judge Taylor.

>> Thank you, Brad, Justice Hill, sorry, for your work an entire committee. I did have one question and it was about the privatization. Once the recommendation or the report is set and sent to the Department of Finance does it become merged with all the other projects in the state or do we have a separate -- are we kept separate from the other projects? I did not quite understand how that works.

>> I would probably turn to Martin for that assessment in terms of merging with other projects that we have for other capital projects that the state has.

>> I think you mentioned that the funding is different that we become part of the General Fund so really that's the bottom line. Which projects get funded so would we stay in our own pots to be prioritized or get mixed in with the entire group and the priorities sort of vary once it gets to that General Fund?

>> It would be our hope that we stay in our own lane and advocate for our projects rather than join the general pot and try to argue that we are more deserving than a hospital or a prison or a university. We will stay in our lane and make our case I assume.

>> I think that's a correct answer. I mean I don't think what the state does is it will send it to set this courthouse against this prison against this health facilities so on and so forth in terms of its needs. It will be, here is the amount that we can do now that we think is appropriate for health, here is the amount for public safety, here is the amount for the courts and everybody's priority operates within the set-asides for the respective areas. I hope that answers. Is usually the case it's not, let's mix it all together, that if I left you that impression before I'm sorry about that but it's usually Justice Hill is describing.

>> Thank you.

>> We have materials before you summarize my items 1 to 5 and they are broken out in 19-129 with three recommendations and the other 19-224 with two recommendations and they overlap in terms of the Administrative Director authorities as you describe so as you know in entertaining a motion to move it does not chill the discussions we can have but at this time I'm happy to entertain a motion for both items to move these recommendations.

>> I move that we approve both items.

>> I second.

>> Thank you. Ms. Nelson.

>> Let's say the state wins the lottery tomorrow and you get the first tranche that you want. How long is it going to take to do those?

>> To design and build a courthouse?

>> Let's just take them in the levels that you have immediate and critical. You get all the money for the immediate immediately.

>> A while. And give you an example. We have 10 projects right now on their way funded in 2018-19 and I think the last one gets completed in 2023. That's a five-year project for 10 projects and some of these projects will be open in 2021 such as the Tuolumne in the Sacramento is a three-year project to design and construct.

>> We are all going to be hoping and praying that those beneath the land the false continue to seek white and call.

>> Not seeing any other hands all in favor of approving these recommendations please say aye.

>> Aye.

>> Any noes, any abstentions? All recommendations carry but before you get up from the panel I also want to add my gratefulness and my respect for the incredible due diligence and deliberations that occurred with creating these formulas and applying them in that work was applied so transparently and democratically and we also relied upon experts for what we needed in terms of expert information and this list is really in terms of the judicial branch product I think some of the best of what we stand for, transparency, deliberation, careful thought, input and I know that this received a lot of press and there were a lot of voices and there's a lot of need and we have been neglected for many years so I thank all of you for your work and your continuing work in this area. Thank you very much.

>> [Applause]

>> We will now take a short recess and convene in 10 minutes, at 4:15 PM to resume our meeting. Thank you.

>> [Event is on a 10 min break and will resume at 4:15 p.m. PT]

>> [Captioner standing by]

>> Again our Distinguished Service Award ceremony. Good afternoon and welcome. This is the beginning of our distinguished award ceremony and I turn this over to Justice Slough.

>> Thank you a really great honor to introduce the recipients today we have a great group of real people here today were being recognized. We are awarding two Distinguished Service Awards as well as the Aranda Access to Justice award. The Distinguished Service Award has been in existence since 1993 and Judge Rubin, were you born then? Oh. Okay. It is to honor people who have demonstrated extraordinary leadership and who made significant contributions to the administration of justice. And our two recipients today definitely fall in that category. The Aranda Access to Justice Award is cosponsored by the California Judges Association, the California Lawyers Association as well as Judicial Council of California. And it is awarded to a judicial officer who has demonstrated a long-term commitment to improving access to our courts and also who has significantly improved access for low and moderate income Californians. And again, our recipients today fall well within that category. We have a number of people who have traveled some distance in addition to our award winners today to participate. I believe we also have former councilmember Judge Kevin Brazil the presiding judge of Los Angeles County Superior Court and I believe he was going to be here. I have not seen him today but he might be here. We also have Judge Richard Blake, the Chief Judge of the Hoopa Valley Tribal Court and we have the Superior Court County of Fresno and in addition we have retired Judge Tam Nomoto Schumann the president of the California Judges Association and a new member of the Judicial Council. We have Ms. Nicole Verga Batista from the California Judges Association and Mr. Emilio Varanini, president of the California lawyers Association as well as representatives from that association so welcome to our presentation and to a moment of acknowledging the great work that has been accomplished by these honorees. First off we will address the Distinguished Service Award. The first honoree today is Justice Dennis M. Perluss.

>> [Applause] Justice Perluss is a native Californian and went to Harvard Law. Served for two years on the Los Angeles Superior Court and then was elevated to the Second Appellate District in 2001 and since 2003 he has served as his division's presiding justice. He is indeed a contributor to our body of law but equally a contributor to approaching law and people from a position of compassion. Without spoiling the story there is a brief video regarding Justice Perluss so why don't we watch that to highlight some of his extraordinary work.

>> I met Dennis when he was part of the team interviewing at my law school and we are still working together now 42 years later. I believe that Dennis's legacy to the branch will be not only his service as a judge and a justice. The body of opinion said he leaves behind for others to follow but also the creative work he has done in rules and processes that make the work of the branch more effective and serve the public. When Dennis practiced law he saw the need to contribute to the community and not just to his clients. He was active in the bar association and active in pro bono cases which directly serve those who could not otherwise obtain representation or whose issues were not being represented. Even before he came to the bench he was a warrior for justice.

>> He has really shown me personally his interest in people who are underrepresented, who are not seen, were basically invisible and to him they're not invisible. A restraining order is not being honored by local law enforcement and he helped this interface so it could be assured of being protected. He is a person who really knows the law, likes the law, understands what its responsibilities are and is committed to making sure we have access and he helped us get that access and I have a lot of respect for him and I always will.

>> Remarkable for sure. On a personal note shortly after I received notice that I was going to be recommended to the Court of Appeal I had a conversation Justice Perluss reached out to me and I will always remember and value our conversation. Thank you very much.

>> We have a special guest with us today for the presentation of the Distinguished Service Award to Justice Perluss. It is my honor to introduce Judge Richard Blake, the Chief Judge of the Redding Tribal Court and a member of the Hoopa Valley Tribe president of the board of National American Indian Court Judges Association and a current member of the California Tribal Court-State Court Forum which he formerly cochaired with Justice Perluss. Welcome, Justice Blake.

>> Thank you Chief Justice and the council. It is truly an honor to be here today to honor Justice Dennis M. Perluss. My former cochair of the tribal state for him from day one Justice Perluss set forth to learn about tribes and learn about tribal culture and learn how he could enhance the collaboration between the state and tribal justice system, what he did not know about them he asked. He researched and more importantly he participated and participated by coming to asking again by doing, actively doing. Visits to various tribal communities helped Justice Perluss live time in tribal justice systems. The visits to my court in Hoopa I have to say Justice Perluss is from Los Angeles and when we don't have any stores in my community I think it was probably pretty much of a culture shock to him to come to my community. I was hopeful that our third musketeer Jenny Walter could be here today to help us honor Justice Perluss but unfortunately she had another engagement but she definitely sends her best wishes to Justice Perluss and likewise with any other member who is no longer sitting. Chief Justice, I wanted to personally thank you for your continued support of a vision that was certainly earned and that certainly has earned and garnered respect nationwide of the Tribal Court-State Court Forum and the tribal communities that it serves and of course thank you for sharing Justice Perluss to the tribal community in the state of California. I also will be remiss if I do not thank his beautiful wife and family who are here today to watch him get this award for allowing him to share time with us in our communities and in our forum. I most wanted to thank Justice Perluss myself as my former cochair and my friend. Justice Perluss is deserving of this award and certainly if one were available in our tribal community he would be receiving that as well. Congratulations.

>> [Applause]

>> Thank you and I am of course very pleased and grateful to the Chief Justice and the Judicial Council for this award. I want to again, introduce my wife over there and my daughter who are here. Very early in my judicial career I had a conversation with Justice Walter crossed the who was somebody who certainly gave to the branch but he said to me just remember that family is the most important thing of all and it always has been. To be candid ever since I got off the phone with the Chief Justice and she told me that I had been selected for the award I have been feeling a little bit guilty. Guilty not because I'm not extremely proud of the work that has been done by the various advisory committees that I have served on. A lot was accomplished especially with the Tribal Court State Court Forum of the enforcement of tribal court domestic violence restraining orders was a significant development and the cross-cultural exchanges that took place between the local superior courts and tribal courts in the communities fostered dialogue that is essential to progress in all

of our communities. But those accomplishments quite frankly, in my view, have a lot more to do with the members of the committee and in particular with the JCC staff that work with us in each of those in each of my endeavors and I would in particular like to publicly acknowledge Anne Ronan, Michael and Heather Anderson and the committee who worked on the Prop 66 rules and Jenny Walter who unfortunately could not be here but and Gilmore and the Tribal Court And State Court Forum. Without them the work would not have been done. The second reason I feel just a little bit guilty about the award is that notwithstanding all that we were able to do, I know that I received far more in return by my involvement in these groups. I worked to improve access, I facilitated communication, I learned about tribal courts and alternative ways of resolving disputes and most importantly I had the opportunity to make friends with the wonderful judges and lawyers from across the state who volunteered to give their time to these activities. As I said I do feel a little guilty but I'm going to keep the award.

>> [Applause]

>> Thank you all very much.

>> Justice Perluss thank you for your dedication and your exemplary work and most of all for your friendship to many of us. Thank you so much.

>> Our next honoree is also a recipient of the Distinguished Service Award for 2019 and it is Judge Hillary Chittick. She presides in the Fresno Superior Court and was the first ever female to hold the position of presiding judge in Fresno County Superior Court in 2007-2008 and she has served as president of the Fresno County Women Lawyers Association and the chair of the Fresno Juvenile Justice Commission and she has served on many Judicial Council committees too long to name and most recently I had the honor and pleasure of working with her when we made that presentation and she talked about her work on the Pretrial Detention Reform Workgroup and spoke so eloquently and compellingly to a group of judges on that topic. What I have to say on a personal note though is she went to college and played basketball. That is near and dear to my heart. I will not go on one-on-one with her but I will go two against two against my team at any time. Judge Chittick, there is a video regarding your life. Thank you.

>> Hillary approached me asking to give up her trial court assignment so she could take over a drug court with each would necessitate her moving out of the chamber she had been in for essentially her judicial career to a chambers deep in the basement of this building. That's the only courtroom that would accommodate the traffic for the drug court she had in mind and I quickly learned as presiding judge that when you say perhaps no or when you say to Hillary maybe there is another way to do this she finds a way to prevail and in her creativity was sometimes beyond the capabilities of a court which is to her credit and only because of that is the success of the collaborative courts she has created. She quickly let it be known that the drug court was just the first drop in the bucket on her collaborative court quest and the temperature in those courtrooms is much different than the temperature what you describe in a regular courtroom and its one of ambition and anticipation and hope. Judge Chittick is a trailblazer and she's a force behind the county and the behavioral health court and the

veterans treatment court was not have succeeded without her effort and leadership. She truly cares what happens to people while there in her courtroom and after they leave.

>> She is the one that has really done a lot with her time on the bench. Within the first five or six years of her tenure she became the first woman presiding judge. Before that she was one of the few women named partners in a law firm in the Central Valley. A lot of people become jaded they give up and they said this is not worth it. She does not. This is her pride and joy. She dedicate her life to helping and that's what makes her so very deserving of this award.

>> [Applause]

>> Outstanding work, Judge Chittick , and they word that cropped up was hope and you are definitely the embodiment of that and that's something we need so much of these days. Here today with us is Judge Ana De Alba to honor and present the award to Judge Chittick. I know you know how fortunate you are to have her as your mentor. Thank you for being with us today.

>> Yes, we are very fortunate. It is my honor to introduce the Honorable Hillary Chittick who was appointed to the superior court in Fresno. During her 17 year tenure Judge Chittick has left an undeniable mark on the Fresno community and to say she's a trailblazer would be an understatement. Over the next decade and a half Judge Chittick started several very successful collaborative courts including veterans court, drug court, and behavioral health court and equally impressive Judge Chittick has run each of these courts continuously and with the unanimous support of all the justice partners and the community. But to truly understand why Judge Chittick is so deserving of this award once you talk to the war veterans who have suffered bouts of depression, posttraumatic stress and insomnia and severe anxiety and who have used alcohol and drugs to self-medicate, this same veteran who thinks to Judge Chittick veterans court is able to get the help he needs to treat underlying issues that gave rise to the addiction. The veteran who feels an obligation not to disappoint Judge Chittick since she has believed in him and who is working daily to turn his life around. One should also speak to the parents of one of the defendants in her behavioral health court whose daughter has been in and out of jail for behavior that can be attributed to her mental health condition. For many of these parents Judge Chittick begins to offer hope through her collaborative approach. The defendant is able to have a network of organizations working together to get her the treatment she needs to avoid reoffending. One should speak to a defendant in the drug court many of whom for the first time in their lives have had someone take a genuine interest in what they are going through. Judge Chittick takes the time to speak to each individual defendant, explain why she expects, congratulate them for all victories large or small, and as she has explained to me especially in the beginning just showing up as a victory. The desire not to disappoint her is so strong that many defendants continue to stay in the program because she believed in them. Finally, one should speak to a new judge like me. One who came to the bench with grandiose dreams of making the legal system accessible to all of those whom we were appointed to serve. A judge who sees her role as someone who ensures that the scales of justice balance and not tip in favor of those were well resourced and seeing as someone who is respected as Judge Chittick and ensure that those living in the fringes get their day in court, get the opportunity to be heard and are held accountable in a manner which

evidence-based practices support is inspiring. For all of these reasons I ask you to join me in congratulating Judge Hillary Chittick for this award.

>> Chief Justice, members of the Judicial Council, thank you very much for this award and thank you Judge De Alba for those comments. 32 years ago as a young criminal defense attorney I was assigned to represent a man who burst into a local TV station and threatened the sportscaster with a toy gun to get him to read a religious screed on the air. When he was asked why, he said, of what earthly importance is the sportscaster when people's eternal salvation is at stake. Let me say this is not a bad question. But as a basketball player and a sports fan I was brought up by this and it started in me a started in me a lifelong fascination with mental illness in the criminal justice system. In his case it was schizophrenia. Still today I'm honored to be will to work with people in my court whose brains are not wired the same way as mine is more maybe as some of yours aren't who commit offenses sometimes serious offenses because of their mental illness or PTSD or addiction. It is a court rise with stigma, both for the people who come to the stigma, both for the people who come to the court and also quite candidly for the judges who preside over collaborative courts so this honor today is really taken in a sense on behalf of behalf all the collaborative courts in the United States and those in California which I'm more familiar with for all of the hard work that those people do. This is the sort of court where an attorney whom I know sidles up to me at farmers market and whispers, thank you for the work that you do. My daughter is addicted. Thank you for the work that you do. My son is bipolar. It's a court where we are walking down the hall a court staff person whom I don't know turns and says to me I want you to know I'm praying for you. My son died of an overdose. It's the start of a court where I get on the elevator and a core staff person gets on with me and burst into tears, this is not normal for me, and she says I want you to know that two years ago my dad graduated from your drug court and our family is back together because he is still sober. It is that sort of the court where a veteran on his graduation from veterans court, we have a little public ceremony for the graduates. He says for the first time in my life I feel honorably discharged. So for me this has been a tremendously rewarding journey. In the words of a famous theologian this is a long obedience in the same direction. Much has been accomplished and candidly much remains to be done. I would be remiss if I did not thank my partners in this effort. Collaborative courts are 18 and we have active in our collaborative courts in Fresno Department of Behavioral Health which provides clinicians, case managers, treatment providers and others and one person sharpens another and believe me we fight about what ought to happen and we manage to work it out it's wonderful. I also want to give special mention to Elizabeth DS who is Fresno's County public defender and Lisa Smith Camp who is our attorney whose offices do not have enough lawyers to handle these calendars so the heads of the offices handle calendars in some of those departments which is a demonstration of their commitment. The probation department has had wonderful probation officers who worked with me and I would be especially remiss if I did not mention my staff. My judicial assistant and others put up with and facilitate what can graciously described as my somewhat unusual ways of handling some cases. They managed to get the minute orders to get to work, so thank you so much for this award and Chief Justice, I am really honored and humbled to receive it. Thank you.

>> [Applause]

>> A little smaller than a basketball.

>> It is.

>> I know that your brother and your sister-in-law and your nephew are here and they are indeed proud of you and I'm really glad that there on your family. Thank you for all that you have done and you continue to do.

>> Next we will present the Aranda Access to Justice Award than that will go to Judge Carol Brosnahan. As I mentioned this is a cosponsored award by the California Judges Association and the California Lawyers Association and the Judicial Council of California. It is awarded to a judicial officer who has demonstrated long-term commitment to improving access to our courts and who has significantly improved access to low and moderate income Californians. I will say before we move to your video tonight I only wish that I would've known you when I was coming up based on what I have learned of you and with that if you please play the video.

>> I was a courtroom clerk for Judge Brosnahan for 11 years and she is a true believer in justice. And the defendants that came before her when they were done with their cases, they felt the love and care and compassion coming from Judge Brosnahan.

>> As a People's judge, the one who respected everybody who came into her courtroom, who treated people as individuals and not just another blurred face coming down the line, she taught us a lot of lessons about how we can be better. Very grateful to Judge Brosnahan for the leadership in the mental health court. Now the rest of California and across country understands the role that mental health plays in the criminal justice system and Judge Brosnahan is a pioneer in understanding that.

>> Thank you Carol for serving your community tirelessly by presiding over the behavioral health court of Alameda County for decades. Thank you also for being an advocate for those suffering mental health issues and for being a role model and mentor.

>> We could not imagine a more deserving recipient than Judge Brosnahan as she fully embodies the spirit of the award for her 40+ years of service on the front lines and her dedication to the mental health field.

>> You have been my role model since the first time I appeared in front of you in Municipal Court. There's always now a ladder between that and tremendous intellect of yours in that big heart of yours and I like to thank you in my new job here in Sacramento that we are trying to find judges that look and act and rule like Judge Carol Brosnahan. Thank you for your service and a special thanks for tutoring a young DA who appeared in your court who was frightened but you showed him the way.

>> Carol, you and I have covered law school in 1956. We were two of nine women in a class of over 500. What are we doing there occupying a seat that could be held by him the Dean asked us. That Dean could hardly imagine what women could do once the artificial barriers to our opportunities were removed. I join legions in applauding your service to California's judiciary. In Jewish tradition -- refers to obligation to repair tears in our communities. You have done just that with compassion and wisdom during the years on the bench. May you continue to thrive in pursuit of justice and equal access to all.

>> [Applause]

>> Here to introduce and present the Aranda award is the president of the California Association and Emilio Varanini president of the California Lawyers Association.

>> Chief Justice, colleagues, families and friends. We are honoring an exceptional woman today. How much that honor is cannot be understood unless we understand the origin of that award and Ben Aranda was my friend and we were both appointed in 1979 and there was very little diversity on the bench then. We were not especially warmly welcomed but from day one then was determined to create fair access to the courts and equal treatment to the poor and the less fortunate. He invented the term fair access to the courts because it did not exist. It was not popularly discussed. Back in the early 80s and late 70s it was a different world. Ben would be very proud, very proud if he were here today and I want to add that 1979 was a vintage year of great gubernatorial wisdom because Judge Brosnahan was also appointed in the same class as we were. I also wanted to mention some of the wonderful things about your life that make you human. For example you won a TV game show called TicTacToe and that funded your last year of Harvard Law School. In addition you also met a very important person at Harvard which is your husband Jim. It is with great pride and I know if Ben was standing here he would say the same. I congratulate you and I'm just humbled to call your colleague. Congratulations.

>> After words like that I don't know what to say. Your career, Your Honor, has been truly amazing. Let me also thank the Chief Justice and the members of the Judicial Council and is a pleasure to present this award to be here today to co-present this award for a truly worthy recipient and I happen to be fortunate to be living in the same county as her. Now I know why because of people like her in Alameda County and we are all very fortunate. Our mission statement is devoted to access to justice and what better to realize access to justice and by collaborating with our partners here in this room the California Judges Association and Judicial Council and the courts and the symbol of our collaboration and our commitment is this award the Aranda award so it's our pleasure to give the Aranda award to a truly dedicated recipient who cares about the folks who have mental health issues, you are a pioneer and I look forward to hearing all about your experiences Your Honor as well as your recommendations for what we can do better so with that it is my pleasure to introduce you to the podium.

>> [Applause]

>> First I have to thank Rosalina. We survived calendars for 11 years and 150 misdemeanors per day and she knows me probably almost as well as my husband. Best thing I ever did in terms of access to justice was to say yes to a woman by the name of Davida Cody who came to the Berkeley court, this is more than 20 years ago and said there is no program to help the street person who is addicted or mentally ill and I would like to start one in Berkeley. And we said yes. That was my biggest contribution to access to justice because now that program, 20 years later serves over 100-125 people a day and I think we are now up to 8 sober living houses and they go into the jails and they go into San Quentin and Jim and I have been involved in supporting the options program but the people in the options program have made access to justice very important. As far as what I am doing now I have to say that Hillary

stole a lot of what I was going to say about collaborative courts because what I'm trying to do now to do now is keep people out of the axis of justice by keeping them out of jail. It is a wonderful thing to have judges and teams of people whose only goal is to keep people out of the criminal justice system and into their lives sometimes it's like you push up the hill and it rolls back down on you. But you have one success and it is amazing what it does to everybody involved but primarily as Hillary said, it is the families. When you see families that have been torn apart by mental illness or by an addiction and they come to you and they say you saved my child's life or you brought our family together, it is a wonderful feeling and that in a way is an access to different kind of justice and it's a very rewarding aspect and I accept this on behalf of all the collaborative courts judges and the judges who even if they are not in a collaborative court they care about the individual enough to see that although people may not be perfect, they are human beings and that's to me the most important aspect of judging and understanding that justice is not just a word and I am deeply honored because I know Ben Aranda. Thank you so much.

>> [Applause]

>> You are truly evidence of the power and the reach of the very small word, the word yes and we are grateful that you said yes many years ago and that you are with us today and as I said I wish I would've known you and for a long time and I look forward to meeting you during our reception. Thank you and congratulations to all of our awardees today and to their families. Thank you for sharing each of them with us and your friends and colleagues. We find the file California Judges Association and California Lawyers Association for your work and for your partnership with us in recognizing these award recipients today. Thank you for your invaluable hard work. It has truly made a difference throughout the state. Chief, this concludes our presentation for the Distinguished Service Award and the Aranda award today.

>> [Applause]

>> There will be a reception and it is on the second floor. Just follow us. Thank you very much.

>> [Applause]

>> This concludes our Judicial Council meeting for November 14, 2019. We are adjourned.

>> [Event concluded]