



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 24, 2019

Title

Judicial Branch Administration: Power of
Democracy Steering Committee Charge

Agenda Item Type

Action Required

Effective Date

September 24, 2019

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

August 27, 2019

Recommended by

Executive and Planning Committee
Hon. Douglas P. Miller, Chair

Contact

Deborah Genzer, 415-865-8755
Deborah.Genzer@jud.ca.gov

Executive Summary

The Executive and Planning Committee recommends that the Judicial Council approve the charge to the Power of Democracy Steering Committee to define the scope of the committee's work. Pursuant to the proposed charge, the steering committee would continue its work identifying and assisting with activities and programs that give the judiciary opportunities to participate in community outreach.

Recommendation

The Executive and Planning Committee recommends that the Judicial Council approve the charge to the Power of Democracy Steering Committee.

The text of the proposed charge is included as Attachment A.

Relevant Previous Council Action

The Judicial Council on December 15, 2009 (see Link A), received and accepted the final report of the Commission for Impartial Courts (see Link B). Included in that report were recommendations 37 and 43, which related to judicial branch efforts at public outreach and civics education regarding the role of the courts in a democratic society.

The Judicial Council on August 27, 2010, formally endorsed portions of these recommendations (see Link C), identified in the council’s meeting minutes as 37(a) and (b) and recommendation 43(a), (b), (c), and (g).

The Chief Justice in July 2013 first appointed the Power of Democracy Steering Committee to continue implementing recommendations 37 and 43, among other duties.

Analysis/Rationale

The California courts depend on an informed citizenry to participate as jurors, litigants, witnesses, and voters. Further, the public’s access to justice is based in part on their understanding of the role and function of the judiciary, yet studies show that less than one-third of Americans can name the three branches of government. Students do not fare better, with just one-quarter of 12th grade students rated as proficient in civics.

Recommendation 37 of the Commission for Impartial Courts final report states that “A leadership advisory group should be appointed to oversee, identify, and coordinate public outreach programs and opportunities for public input; to establish benchmarks of good practice; and to promote the assembly of local teams to assist courts with local outreach programs.”

Recommendation 43 provides that “Every child in the state should receive a quality civics education, and judges, courts, teachers, and school administrators should be supported in their efforts to educate students about the judiciary and its function in a democratic society.”

Recommendation 43(g) specifically states that “Recognition programs that bring attention to teachers, judges, and court administrators who advance civics education should be promoted.”

Approving the proposed charge to the committee will encourage outreach efforts, in furtherance of these two recommendations endorsed by the council. As stated in Commission for Impartial Courts Recommendation 37, such outreach will “improve transparency and better inform the public of the role and operations of the state court system.”

The judicial outreach outlined in the charge is also consistent with standard 10.5 of the Standards of Judicial Administration (see Link D), which the council first adopted in 1999. Standard 10.5 states in relevant part, “[j]udicial participation in community outreach activities should be considered an official judicial function.” The standard also encourages the judiciary to “[d]evelop local education programs for the public designed to increase public understanding of the court system . . . [and s]erve as guest speakers, during or after normal court hours, to address local civic, educational, business, and charitable groups”

The proposed committee charge is also aligned with Goal I of *The Strategic Plan for California’s Judicial Branch*, which focuses on “Access, Fairness, and Diversity” and states in relevant part, “[f]inding effective strategies for removing barriers in all case types”

Judicial outreach removes barriers caused by a lack of understanding about the third branch of government and increases trust and confidence in our judiciary.

Policy implications

Approving the proposed charge for the Power of Democracy Steering Committee is consistent with the council's endorsement of recommendations 37 and 43 of the Commission for Impartial Courts final report, and standard 10.5 and will promote opportunities for the judiciary to fulfill these policies. Approval of the proposed charge will also support Goal I of *The Strategic Plan for California's Judicial Branch: Access, Fairness, and Diversity* (see Link E).

Comments

This proposal was not circulated for public comment.

Alternatives considered

The Executive and Planning Committee considered not recommending the council approve the attached charge but concluded that approval of a formal charge to the steering committee was consistent with Judicial Council policy. Without the Power of Democracy Steering Committee's activities and programs, members of the judiciary would not have as many opportunities for public outreach. Approval of the charge will better define the role of the steering committee within the judicial branch and assure that the steering committee will regularly report to the Judicial Council on the important work it performs.

Fiscal and Operational Impacts

The fiscal and operational impacts will be minimal because the charge does not require branch funding and authorizes staff to apply for grant funding to pay for the steering committee operations and programs.

Attachments and Links

1. Attachment A: Draft of *Charge to the Power of Democracy Steering Committee*
2. Link A: Minutes of Judicial Council meeting, December 15, 2009, p. 15, <https://www.courts.ca.gov/documents/min121509.pdf>
3. Link B: *Commission for Impartial Courts: Final Report*, December 15, 2009, pp. 60–63, 67–71, [https://www.courts.ca.gov/documents/cicfinalreport\(1\).pdf](https://www.courts.ca.gov/documents/cicfinalreport(1).pdf)
4. Link C: Judicial Council report, July 1, 2010, presented at August 27, 2010 meeting, pp. 1–10, <https://www.courts.ca.gov/documents/20100827item6.pdf>; minutes of Judicial Council meeting, August 27, 2010, pp. 10–12, <https://www.courts.ca.gov/documents/min20100827.pdf>
5. Link D: Standard 10.5 of the California Standards of Judicial Administration, https://www.courts.ca.gov/cms/rules/index.cfm?title=standards&linkid=standard10_5
6. Link E: *The Strategic Plan for California's Judicial Branch*, <https://www.courts.ca.gov/42621.htm#goal1>

Charge to the Power of Democracy Steering Committee

Background of the committee

The Judicial Council on December 15, 2009, received and accepted the final report of the Commission for Impartial Courts. Included in that report were recommendations 37 and 43, which related to judicial branch efforts at public outreach and civics education regarding the role of the courts in a democratic society.

The Judicial Council on August 27, 2010, formally endorsed portions of these recommendations, identified as 37(a) and (b) and recommendation 43(a), (b), (c), and (g).

The Chief Justice in July 2013 first appointed the Power of Democracy Steering Committee to continue implementing recommendations 37 and 43, among other duties. The most recent appointment of the chair and members of the Power of Democracy Steering Committee, in 2017, expired June 30, 2019.

Scope of the committee's charge

Effective September 24, 2019, the Power of Democracy Steering Committee is charged with:

- Continuing to implement the portions of recommendations 37 and 43 endorsed by the Judicial Council, noted above, on which it has been working since its inception, including the Civic Learning Awards for California Public Schools; and
- Identifying and assisting with activities and programs that give the judiciary opportunities to participate in community outreach that promotes public understanding of and confidence in the public administration of justice, consistent with the outreach activities identified by the Judicial Council when it adopted standard 10.5 of the California Standards of Judicial Administration on the role of the judiciary in the community.

Chief Justice makes appointments to the committee

The Chief Justice appoints the chair and members of the committee under the authority in Government Code section 68501 and California Rules of Court, rule 10.70(a).

Reporting to the Judicial Council

The committee must annually submit to the Chief Justice, for presentation to the Judicial Council, a written report summarizing the committee's activities and accomplishments for the previous year and its goals for the following year.

Judicial Council staff support to the committee

Judicial Council staff, under the supervision of the Administrative Director and subject to available resources, may provide support to the committee as directed by the Chief Justice under the authority in article VI, section 6(c) of the California Constitution, Government Code section 68500, and rule 10.81(a).

Judicial Council staff, under the supervision of the Administrative Director, may apply for, receive, and administer grant funding for the support of the committee's activities, subject to the legal, ethical, fiscal, and administrative standards governing Judicial Council staff.