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Address by

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CHIEF JUSTICE TANI G. CANTIL-SAKAUYE

Thank you. Good afternoon. Good afternoon Speaker Atkins, and I thank you and President pro Tempore De León for the invitation to address the State of the Judiciary.

It's an honor to be here today with the entire California Supreme Court. It's a pleasure to be here with Members of the Legislature and also my colleagues from the Courts of Appeal, the Superior Court, and the Judicial Council. I'm happy to see the lawyers from the State Bar, the Bench Bar Coalition, the Open Courts Coalition, executives from the Judicial Council, including our new Administrative Director, Martin Hoshino.

And I'm particularly pleased that my patient, wonderful, and supportive family is here today, including my husband, Mark Sakauye; one of our two daughters, Clare Sakauye; my mother, Mary Cantil; my in-laws, Jiro and Dorothy Sakauye; my sister-in-law, Vickie Sakauye-Tom; and my nephew, Matt Nakeo.

This is my fifth year as Chief Justice of California, and it is my fourth opportunity to address this distinguished Body. This year marks three anniversaries that remind us of our need for strong democratic institutions and also that we must first suffer an injustice, very often, before we can appreciate justice.

We mark three anniversaries. The first anniversary is the 800th anniversary of the Magna Carta. This was in 1215, when 50 rebellious, but successful, barons made demands on an unscrupulous, unpopular, and heavy-handed king.

Now you may wonder why I care about the Magna Carta, but I had the opportunity to view one of the originals this year—because they didn't have copy machines in 1215—and I noticed the neat precise script. And as I read the Magna Carta, I realized that many of our personal liberties we can trace back to the Magna Carta—those that exist in our Bill of Rights, the checks and balances in our government.

The second anniversary we mark, as you know, is the 50th anniversary of the Voting Rights Act of 1965. That act has been hailed as the most effective civil rights legislation ever passed by Congress. It prohibits racial discrimination in voting. The visceral history that led to the passage of that act is still powerful today.

The third anniversary we mark is the 73rd year of the signing of Executive Order 9066. Franklin Delano Roosevelt signed Executive Order 9066, which led to the imprisonment of thousands of Japanese Americans during World War II.

I urge you to visit the California Museum a few blocks from here. It has an exhibit on the internment including a replica of the housing for

Japanese Americans. This exhibit is personal to me and my family because my in-laws, who are here today, were among the thousands who were unfairly interned.

What this reminds us of from years long ago, and not too long ago, to recent history—from news about our country, from news about other countries, from states, to colleges—is that the struggle for justice never ends. It is that struggle that propelled many of us into the public service work we're here today to do. Our work is our calling, and we're devoted to it, because we believe in fairness and justice, and we want to make a difference, and we believe we can.

We're a diverse group. I look around this chamber, and I know the population of this state, and I appreciate deeply our differences and our strengths. The judiciary, one of the largest in the country, and also one of the most diverse—thank you Governor Brown—also is diverse in the sense that diversity humanizes us, it connects us, it strengthens us, and it gives everyone at the table a stake in the present day and the future.

Together, the three branches of government, in all of our diversity, we're partners. We're partners in the pursuit for justice and fairness. And, even though we're partners, we check and balance each other just as was expected in the Magna Carta and by our founding fathers and founding mothers.

I submit to you that we have more similarities than differences, but I'd like to highlight two similarities that we have in law and governance:

You pass bills that, once signed by the Governor, become law. That law comes alive in a courtroom; it comes alive in the Court of Appeal and the Supreme Court, where we examine every word—we discern the intent; we read it in statute; we read it in context; we read it in the act—and then we apply it to everyday lives of people who are seeking those laws for protection, who are looking to avail themselves of the rights that you have given them. The work that you do here in these chambers, and the work we do in our chambers and our courts are intertwined by necessity and by design, and as a result of that, we have the law in common.

Another similarity that we share is our governance. You come here as elected officials from many different walks of life to do the statewide work for the people. In the judicial branch, judges, justices, court professionals, and lawyers come to the Judicial Council to do statewide legal work. The Judicial Council is the rulemaking constitutional policy body of the judiciary. It consists of judges, justices, court professionals, and lawyers.

As Chief Justice of California, by constitutional directive, I appoint the judges, justices, and court professionals. The State Bar appoints the lawyers, and your leaders in both Houses select the two members, one member from each House, who serve on the Judicial Council. Also, you serve on committees assigned by your leaders. The Judicial Council Members also serve on committees.

In addition to that, the Judicial Council has over 30 different advisory committees, for each subject matter discipline of the law, that advise the Judicial Council on proposals. These committees are made up of judges, justices, lawyers, court professionals, and subject matter experts who volunteer their expertise so that we can get our work done in the judiciary. So we, like you, are a very fluid body with much input in this collaborative process.

Now the judiciary itself is composed of approximately 1,800 bench officers, jurists, judges, commissioners, referees, and 19,000 court employees, who serve at three levels of court—58 Superior Courts, six Courts of Appeal, and one State Supreme Court. Local judges stand before the same electorate as you to become elected. And as you know, Appellate Justices and State Supreme Court Justices stand for election regionally and statewide in retention elections. But the judiciary has been significantly changed, I would say, in the last few years by an amazing event and our response to it, and that was the Great Recession.

The Great Recession, as you know, affected the most vulnerable in our state—those who rely on government services for social assistance, for welfare assistance, for public safety, for education at all levels. It also affected those who rely on the courts—those who rely on courts to be open in order that they can redress their wrongs and seek the protections of the laws that you pass. But because the judiciary is only one and one quarter percent of the state General Fund, the cuts to the judicial branch were felt particularly hard on people who tried to go to court.

But thanks to you, in the last few years—with the Governor's assistance—we've seen some new investment back into the judicial branch. But as you know, it's not enough, we fall short; as is evidenced by our continued court closings, courthouse closures, reduced hours, and our employees who are still, yes, on furlough. However, we had a response to this. Our response has been threefold to the Great Recession—advocacy, self-assessment, and innovation.

In 2011, when I became Chief Justice, we were in our second or third year of the Great Recession. I traveled far and wide speaking to every organization and lawyers and judges about the plight of the recession on the judiciary. I clocked 30,000 miles and then stopped counting.

I was overwhelmed by the response from the attorneys, from the judges, from the communities, from the bar associations who came forth as the voice of the judiciary to advocate for access to vital services. These were lawyers of all different disciplines. We had legal aid lawyers, consumer lawyers, civil defense lawyers, prosecutors, defense attorneys, corporate lawyers, municipal lawyers—lawyers who normally are sworn enemies across the table in a courtroom—came together for a unity of purpose and that was to provide access to justice in the courts for people seeking redress.

And who led that particular movement? It was the Judicial Council; it was the judges; the justices; it was the Bench-Bar Coalition; it was the Open Courts Coalition with their innovative ways to actually put forth the message; it was the California Judges Association; it was individual judges. And I know you've met them. They continue to walk the halls; they continue to ask for access to justice. That was our advocacy and it remains happening today.

Self-assessment: In 2011, in addition to all the work that we were doing that is our day jobs—hearing cases, resolving cases, and also responding to all legislative, legal, and administrative measures—every day we were studying our processes to self-assess and evaluate in a time of a shrinking budget. And so we began our self-assessment in 2011.

One of the first things I did as Chief, after I took the survey of the judges, was to appoint judges and court government experts to do a

top-to-bottom evaluation of our Judicial Council staff. Concurrent with that evaluation, Judicial Council staff also turned an evaluating eye onto themselves about improving their processes. The Judicial Council stepped up to look at how we were operating and could there be ways to improve our operations.

Self-assessment resulted in quite a few things. Among them, a 30 percent reduction in Judicial Council staff and the creation of a court construction cost reduction program. It resulted in opening our educational meetings; it resulted in an open meetings rule—one of the most expansive for any judiciary in the United States; it resulted in a robust trial court liaison program, where trial courts are better able to communicate their issues and needs to the Judicial Council. We also created a historic funding allocation methodology that was created by the trial courts, for the trial courts, endorsed by the Judicial Council.

I'm also proud to say that during that time of great struggle, there was, with widespread input by the trial courts, the creation of a new technology plan. And this new technology plan has been endorsed and adopted by the Judicial Council, and we're moving forward on it.

And most recently, we adopted the California Language Access Plan. This is the most comprehensive plan in the United States about language access. And I'm greatly pleased that my Supreme Court colleague, Justice Tino Cuéllar, will be leading the charge on implementing that task force.

I point out that language access, appropriate language access, is necessary in a place like California, where we know that approximately 40 percent of Californians who go home at night speak a language other than English at home. And we also know that one out of every five people who appear in court need some language assistance to meaningfully access the court system—to understand what's happening in their lives as a result of a court order.

I also point out what I consider are innovations. And our innovations at the statewide level are ongoing, but they include our Phoenix system, which is a statewide fiscal accounting system. Also at the state court level is the new self-help, improving self-help programs for those who come to court without attorneys. We've also expanded online educational programs for judges and some justices who face mandatory education. We've also used technology, where appropriate, to connect litigants to courts, because that's the expectation of the future.

Now at the local court level, as you know, trial courts and courts of appeal are administered locally, so innovations at the trial court level often originate from an inspired judge, with a very supportive bench, and an active legal community.

I urge you to visit our website and click on the Knowledge Center. There you will find numerous innovations and efficiencies that were created at the trial court level. The Knowledge Center is a repository of innovations and efficiencies, such that a trial court may click onto a program it cares to initiate, and follow a step-by-step process of finishing and completing that innovation or efficiency in their court.

One of my favorite ongoing innovations is a collaborative court. And I say that it's an ongoing innovation because collaborative courts are, by necessity, responsive and fluid. They are created to address that particular community's specific need that reflects, basically, the ills of our contemporary society. They are called problem-solving courts. They look to reduce recidivism, improve offender outcomes, improve

recovery. We have over 383 of these in California, and they range from community courts, to mental health courts, to domestic violence courts, elder courts, veterans courts—ideas that didn't exist 10 to 15 years ago, but are reflective of some of the challenges in society today.

A good example of trial court ingenuity here in Sacramento, for example, is the court of Judge Stacy Boulware Eurie. She is tireless in her commitment to keeping kids in school and out of the criminal justice system. She meets with juveniles and parents and school districts in an effort to improve discipline, but to discourage truancy. She has started a collaborative court that invites local agencies to come to her court to address the issues associated with sexually exploited children. They are looking for solutions and remedies and efficiencies to heal and protect these youth. But of course, after having the judicial branch suffer over a billion dollars in cuts over five years, we understand that the need to innovate and accelerate, and find efficiencies and innovations, has to move faster. I know that the California Judges Association is backing measures that are very thoughtful about innovations and efficiencies.

Last year I created the Futures Commission—a commission of jurists and lawyers looking forward to how it is that we can provide a new pathway for delivery of justice and court services. And my associate, Supreme Court Justice Carol Corrigan, has agreed to lead the charge with Court of Appeal Administrative Presiding Justice Bill McGuiness. This task force met last month for approximately two days to map out a strategy to complete this task.

Against this backdrop of innovation and self-assessment and ideas about improving court services, I continue to promote civics—civics education and civic engagement. I work primarily with Court of Appeal Administrative Presiding Justice Judy McConnell, because I believe civics education is necessary to empower our future leaders. Innovations and efficiencies mean very little if the public does not have trust or confidence or understand the work we do. And we have to pass on, or as youth say, download that information to the next generation, so they, when they take our place, can be effective leaders.

You know 50 years ago, we ushered in, with the three branches of government, the Voting Rights Act. The Voting Rights Act came about because of horrific discrimination against blacks and minorities in voting—but it came about because of passion and commitment and civic engagement, and because it galvanized a community to act. Now that galvanization to act has been replaced with apathy. Frankly, voters disenfranchise themselves voluntarily. In the midterm elections just last year, of Californians eligible to vote, only 31 percent cast a ballot. And of eligible youth who could vote, only 8 percent cast a ballot. Of high school seniors—eighteen-year-olds—who can vote, who are ready to start education and become leaders—less than half think that state and local issues are their responsibility.

If not their responsibility now, it soon will be. And I believe we need to pass on what we know to them, so they can be ready for that challenge. The best defense against apathy in my view is an awareness—an awareness born of civic responsibility, civic engagement, and from that comes critical thinking.

Robert Kennedy once said that every time a man, or a woman, acts or stands up for an ideal, or improves the lot of others, or strikes out against injustice, he creates a tiny ripple of hope. And those ripples of hope build a current, which can sweep down the mightiest walls of

oppression and resistance. I take that quote to mean that we need endurance and grit. And small steps and big steps matter.

I've been Chief now going on five years, and I've seen this Body and I've seen our members of the judiciary and members of our legal community send forth those tiny ripples of hope by standing up and taking a stand and striking out against injustice, and we are grateful for that leadership. And I know that, as three branches of government, we can disagree on many, many things. But I'd like to believe that we can all agree on one thing, and that is our hope for a fair and enduring democracy. And I think that can be achieved by supporting civics initiatives, supporting innovative, smart decisions that benefit the people of California, and investing in the future, including the judiciary. And so I look forward in this legislative year and beyond, to work with you in that investment.

I look forward to seeing you in your halls and inviting you to our court.

Thank you for this opportunity.

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