JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 22, 2014

Title
Judicial Administration: Designation of the Violence Against Women Education Project Planning Committee as a Standing Subcommittee of the Family and Juvenile Law Advisory Committee

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Hon. Jerilyn L. Borack, Cochair
Hon. Kimberly J. Nystrom-Geist, Cochair
Family and Juvenile Law Advisory Committee

Agenda Item Type
Action Required

Effective Date
August 22, 2014

Date of Report
August 12, 2014

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Executive Summary

The cochairs of the Family and Juvenile Law Advisory Committee recommend that the Judicial Council approve designation of the Violence Against Women Education Project (VAWEP) Planning Committee as a standing subcommittee of the advisory committee. The standing subcommittee's charge would be to provide guidance and evaluation for VAWEP grant-funded projects and to make recommendations to the advisory committee at its request on ways to improve practice and procedure in domestic violence cases. The cochairs further recommend that the council request the chair of the Criminal Law Advisory Committee to select one or more of that committee's members to serve on the standing subcommittee to help address questions that arise relating to domestic violence criminal proceedings.

Recommendation

The cochairs of the Family and Juvenile Law Advisory Committee recommend that, effective August 22, 2014, the Judicial Council:

1. Designate the Violence Against Women Education Project (VAWEP) Planning Committee as a standing subcommittee of the Family and Juvenile Law Advisory Committee;
2. Charge the newly created standing subcommittee with continuing to provide guidance and evaluation of the VAWEP grant-funded projects;
3. Further charge the subcommittee with making recommendations to improve court practice and procedure in domestic violence cases as directed by the Family and Juvenile Law Advisory Committee and as approved in the advisory committee's annual agenda; and
4. Request that the chair of the Criminal Law Advisory Committee select one or more members of that advisory committee to serve on VAWEP to help address questions relating to court practice and procedure in criminal domestic violence matters.

Previous Council Action

The VAWEP Planning Committee is a working group of the Family and Juvenile Law Advisory Committee. Historically, the cochairs of the advisory committee have invited individuals to participate as VAWEP members. At this time one member of the 22-member VAWEP working group also serves on the Family and Juvenile Law Advisory Committee. (A VAWEP roster is included as Attachment A.) The VAWEP committee's functions to date have been limited to making suggestions for grant-funded educational programs and other educational activities relating to domestic violence, sexual assault, teen dating violence, and human trafficking and for evaluating all completed programs. Maintaining the committee or a similar group is mandated by the grant's funder, the Governor's Office of Emergency Services (Cal OES). The funder requires that the VAWEP Planning Committee must be "comprised of judicial officers, attorneys, district attorney representatives, victim advocates, Tribal representatives, and other subject matter experts" in the fields of "domestic violence, sexual assault, stalking, dating violence, and human trafficking."[1]

As a result of the sunset of the Domestic Violence Practice and Procedure Task Force and in approving the recommendations in its final report, the Judicial Council directed "the Family and Juvenile Law Advisory Committee in conjunction with VAWEP and in consultation with other advisory committees and groups, as needed, to recommend a future process to address ongoing and emerging issues in criminal and civil domestic violence cases."[2] The council further "[d]irected E&P [the Executive and Planning Committee] to consult with the Family and

[1] Request for Application, Cal OES FY 13/14, item 2 a, page 5.

[2] Judicial Council of Cal., mins. (Aug. 23, 2013), item J. p. 18, *www.courts.ca.gov/documents/jc-20130823-minutes.pdf*.

Juvenile Law Advisory Committee and VAWEP to consider a process to ensure that ongoing and emerging domestic violence issues are brought to the attention of the Judicial Council."[3]

Rationale for Recommendation

The cochairs recommend designation of VAWEP as a standing subcommittee of the Family and Juvenile Law Advisory Committee so that the VAWEP Planning Committee will be an officially designated body within the structure of the Judicial Council and its governance policies. The subcommittee will also serve as a component of an advisory body that can address ongoing domestic violence issues. Designation of the VAWEP Planning Committee as a standing subcommittee would also officially recognize its current status and preserve the status quo that has been working well during the life of the VAWEP grant (11 years). Creation of the standing subcommittee and enumeration of its activities will also be submitted as part of the Family and Juvenile Law Advisory Committee's annual agenda process. Official recognition and authorization for VAWEP to make recommendations for improving court practice and procedure in domestic violence cases, as requested by the advisory committee and as approved on its annual agenda, would fulfill the council's directives based on the recommendations in the final report of the Domestic Violence Practice and Procedure Task Force. This approach is consistent with current Judicial Council governance policies.

The cochairs further recommend that members of the Criminal Law Advisory Committee be selected to participate in the work of the standing subcommittee since the council's directives specifically included issues relating to both criminal and civil domestic violence cases.

In addition to being consistent with the council's governance policies, the recommendations in this report meet the funder's requirements for continued funding and provide for continued improvement of court practice and procedure in domestic violence cases.

Comments, Alternatives Considered, and Policy Implications

As directed by the council's Executive and Planning Committee, the following advisory committee and VAWEP members considered various options for a future process to address domestic violence issues:

- Judge Sherrill A. Ellsworth (Ret.), of the Superior Court of California, County of Riverside, former Judicial Council member and current VAWEP member;
- Judge Mary Ann Grilli, of the Superior Court of California, County of Santa Clara, VAWEP chair, and member of the former Domestic Violence Practice and Procedure Task Force;
- Judge Kimberly Nystrom-Geist, of the Superior Court of California, County of Fresno, cochair of the Family and Juvenile Law Advisory Committee;

[3] *Ibid.*

- Judge Jerilyn L. Borack, of the Superior Court of California, County of Sacramento, cochair of the Family and Juvenile Law Advisory Committee and member of the former Domestic Violence Practice and Procedure Task Force;
- Judge Dean T. Stout, of the Superior Court of California, County of Inyo, Judicial Council member, former cochair of the Family and Juvenile Law Advisory Committee; and member of the former Domestic Violence Practice and Procedure Task Force;
- Judge Scott Gordon, Supervising Family Law Judge of the Superior Court of California, County of Los Angeles, VAWEP member, and member of the Family and Juvenile Law Advisory Committee; and
- Ms. Nancy O'Malley, District Attorney of Alameda County, VAWEP member, and member of the Criminal Law Advisory Committee.

These members, joined by the full VAWEP committee, initially recommended creation of an advisory committee on domestic violence and inclusion of the grant-funded duties in the prospective advisory committee's charge. Mindful, however, of the council's recent efforts to streamline its committee structure, the participants suggested other options for consideration. These options are:

1. Creation of a domestic violence advisory committee;
2. Creation of a steering committee composed of representatives from existing advisory committees, members at large, and members required by the funder;
3. Creation of a planning committee that works under the guidance of the Family and Juvenile Law Advisory Committee; and
4. Deferring action pending clarification of the likely workload and the nature of the potential activities that the committee might be requested to handle.

In order to conform to the goals of reducing the number of advisory committees and to the Judicial Council's restructuring, the cochairs determined that the creation of a standing subcommittee, option 3 above, is the most reasonable alternative.

Implementation Requirements, Costs, and Operational Impacts

No costs to be paid from state funds would be imposed by creation of a standing subcommittee. VAWEP activities and those relating to making recommendations for improvements in court practice and procedure can be funded through grant monies regardless of the format and structure of the committee as long as the funder's membership requirements are met and activities fall within the grant objectives.

Attachments

1. Attachment A: Roster of the Violence Against Women Education Project (VAWEP) Planning Committee

Attachment A

Violence Against Women Education Project Planning Committee

As of July 15, 2014

Hon. Mary Ann Grilli, Chair
Judge of the Superior Court of California,
County of Santa Clara

Hon. Susan M. Breall
Judge of the Superior Court of California,
County of San Francisco

Ms. Emberly Cross
Coordinating Attorney
Cooperative Restraining Order Clinic
San Francisco, California

Hon. Lewis A. Davis
Judge of the Superior Court of California,
County of Contra Costa

Hon. Becky Lynn Dugan
Judge of the Superior Court of California,
County of Riverside

Hon. Harry Mark Elias
Judge of the Superior Court of California,
County of San Diego

Hon. Sherrill A. Ellsworth (Ret.)
Judge of the Superior Court of California,
County of Riverside

Hon. Scott M. Gordon
Supervising Family Law Judge of the Superior
Court of California, County of Los Angeles

Hon. Arlan L. Harrell
Judge of the Superior Court of California,
County of Fresno

Ms. Sandra Henriquez
Executive Director
California Coalition Against Sexual Assault
(CALCASA)

Hon. Joni T. Hiramoto
Judge of the Superior Court of California,
County of Contra Costa

Hon. Sam Lavorato, Jr.
Judge of the Superior Court of California,
County of Monterey

Mr. Rick Layon
Layon & Holck
Vista, California

Ms. Kathy Moore
Executive Director
California Partnership to End Domestic
Violence

Ms. Nancy O'Malley
District Attorney of Alameda County

Ms. Maria Palazzolo
Director of Violence Against Women Act
(VAWA), Victim Services
California District Attorneys Association

Ms. Lynda Smallenberger
Executive Director
Kene Me-Wu Family Healing Center, Inc.
Sonora, California

Deputy Roena Spiller
San Mateo County Sheriff's Office

Mr. Mark Varela
Chief Probation Officer
Ventura County Probation Agency

Hon. Glenda Veasey
Commissioner of the
Superior Court of California,
County of Los Angeles

Mr. Martin Vranicar, Jr.
Assistant Chief Executive Officer
California District Attorneys Association

Hon. Christine Williams
Chief Judge of the Northern California
Intertribal Court System (NCIS)
and
Chief Judge of the Shingle Springs
Tribal Court