

APPENDIX B: COURT–COMMUNITY OUTREACH

George Nicholson*

I. PROBATIONER LITERACY AND OUTREACH

Jerry Chong, a prominent Sacramento criminal defense lawyer when I sat as trial judge, came before me in 1987 with an client who was then in custody on felony charges. Chong was concerned his client was illiterate and suggested his case required further investigation before any attempt to dispose of it could reasonably occur. I ordered a rare, pre-plea probation report and a mental health study prepared. Weeks later, as a direct result of what we learned in those reports, we disposed of the case, with the prosecutor's concurrence, far more favorably to the defendant than we would have otherwise.

Chong says he remembers the case well as one of those where he felt he

really made a major difference in someone's life without the help of the client. [My client] wanted to be normal like everyone else, so he hid the fact from everyone that he really did not understand the proceedings and was illiterate. I remember the psychological report described his IQ as being in the 60 to 70 range. And what tipped me off was the gut feeling that something was wrong and just not right. For a recidivist just out from prison he was too cooperative, too eager to please and when questioned could not tell me the address and phone number of his mother. He kept referring me to the police report for answers to my questions. Thank God, we had you as the trial judge who suggested the pre-plea report and 1368 referral for psychological examination. A

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lesser minded judge would have easily blown me off and ignored my concerns. I just knew something was wrong, but I could not put my finger on it. You provided the vehicle[] to learn what was wrong with this defendant and [you did] not ignore[] his disability like other judges and lawyers before us. He served ten years in state prison on other charges before he appeared before you on his new case, a 211 [robbery] and being prosecuted as a career criminal.

As a direct result of what I personally learned from that case and with Chong's encouragement, I drafted the text of what became Assembly Bill 1870 and helped obtain legislative and gubernatorial approval of that bill, which included state funding over a three-year period. The new law provided for a judicial pilot project, Juris-LIT, to be operated by the Sacramento County probation department. The project would offer remedial literacy programs for criminal probationers, ages eighteen to twenty-five.¹

I wrote several novel requirements into the law: (1) no recidivism, that is, no new crimes while in program; (2) measured and sustained probationer success on a learning ladder to remain in the program; (3) a university evaluation and reporting mechanism; and (4) a legislative sunset. Unlike too many, "remedial," criminal "rehabilitation" programs, my intent was to build an experimental program with (a) measurable, enforced standards; (b) validated, objective assessment; and (c) a specific end point to require legislative and gubernatorial reassessment and possible renewal.

AB 1870 required bipartisan support, so I mustered several legislators of both parties to co-author the bill, most notably, Senator John Doolittle and Assemblyman John Vasconcellos, both friends of mine and, at the time, our state's most conservative and most liberal legislators.

1. George Nicholson, *Reading, 'Riting or Doing Time: Illiterate Offenders on Probation Getting Straight*, 76 A.B.A. J. 66 (June 1990).

The bill required significant institutional support. As a result, I recruited support from the California Judicial Council, the Sacramento County Bar Association, the Sacramento County Indigent Criminal Defense Panel, the Capitol City Trial Lawyers' Association, the Sacramento Metropolitan Chamber of Commerce, the Los Rios Community College District, and other important legal and non-legal community groups.

I also sought and received support from the local sheriff; district attorney; chief probation officer; superintendent of schools; President Donald Gerth, California State University, Sacramento; and California State Librarian Gary Strong, who presided over a variety of statewide literacy initiatives.²

The implementation of JurisLIT was facilitated by the efforts of Bill Honig, California's State Superintendent of Public Instruction.

Months later, the presiding judge of our court asked me to meet with the director of the Elk Grove Unified School District, Adult Education Division, and to attempt to create a non-statutory literacy project for inmates of the Sacramento County jail, which was located in that school district. After several planning sessions and meetings, discussions with the sheriff, who managed the county jail, the district attorney, the chief probation officer, and our court's presiding judge, everyone came together with the Elk Gove Unified School District, Adult Division leadership, and signed a memorandum of understanding and implemented a spin-off literacy project for county jail inmates.³

II. SELECTION OF WOMEN AND MINORITY JUDGES

Also, in 1987, Jerry Chong and two of his colleagues, Luis Céspedes and Renard Shepard, were presidents of their respective bar associations, the Asian Bar of

2. *Id.*

3. SACRAMENTO CNTY. PROB. DEPT., JURISLIT FINAL REPORT 1 (1994), <https://files.eric.ed.gov/fulltext/ED378363.pdf>.

Sacramento, the La Raza Lawyers, now the Cruz Reynoso Bar Association, and the Wiley Manuel Bar Association.

When they took their respective offices, their three bar associations were engaged in fierce competition for what they perceived to be too few judicial appointments for distinguished ethnic attorneys.

The three men decided to set a different path, a dual path of working together for the benefit of all bar associations and for ensuring sustained professional progress for ethnic bar associations and their members.

In particular, they intended to, and did, end ethnic bar competition for judicial appointments by the governor. Their impact on bench inclusivity has proven substantial and enduring, all the way to the state's highest court, where Tani Cantil-Sakauye, a former trial judge and appellate justice in Sacramento, now serves as chief justice of the California Supreme Court. She is "the first Asian-Filipina American and the second woman to serve as the state's chief justice."⁴ Russell Hom and Richard Sueyoshi are presiding judge and supervising civil judge of the Superior Court, Sacramento County, respectively. In March 2021, Judge Hom was selected Judge of the Year by the Sacramento County Bar Association.⁵ That same month, "[Rob] Bonta will become the first Filipino American to serve as California Attorney General," if confirmed by the State Assembly and Senate within ninety days.⁶ He was soon confirmed.

4. See *Chief Justice Tani Cantil-Sakauye*, CAL. CTS., <https://www.courts.ca.gov/2664.htm> (last visited Apr. 10, 2021); see also Shama Mesiwala, *First All-Female Panel Convened at the Third Appellate District*, SACRAMENTO LAW., July–Aug. 2012, at 14.

5. See *2021 Bench-Bar Reception*, SACRAMENTO CTY. B. ASS'N, <https://sac-bar.site-ym.com/events/EventDetails.aspx?id=1484025&group=> (last visited May 2, 2021).

6. Press Release, California Governor Gavin Newsom, Governor Newsom to Submit Assembly Member Rob Bonta's Nomination for Attorney General to the State Legislature (Mar. 24, 2021), <https://www.gov.ca.gov/2021/03/24/governor-newsom-to-submit-assemblymember-rob-bontas-nomination-for-attorney-general-to-the-state-legislature/>.

III. UNITY BAR DINNERS

Working with several other lawyers and judges, including several of us who would soon become members of the Court of Appeal, Third Appellate District, Chong, Céspedes, and Shepard conceived and organized the state capitol's first Unity Bar Dinner in 1987, an event that has continued annually for more than thirty years.

Their efforts, which initially involved their three bar associations, have facilitated collaboration with and between other bar associations and their members. Now several of those bar associations have joined the original three in sponsoring Unity Bar Dinners, including the Leonard Friedman Bar Association, South Asian Bar Association, Sacramento Lawyers for the Equality of Gays and Lesbians, and Women Lawyers of Sacramento. Other bar associations, including faith-based bar associations, are seeking to join.

Their success has inspired generations of Sacramento judges and lawyers to become actively involved in community outreach, promoting unity on many fronts, while fostering leadership and ingenuity as a team effort. During that time, clergy of many faiths, military, law enforcement, and civilian chaplains, peace officers, prosecutors, and defense attorneys, civic and educational leaders, and politicians of both parties, have joined their quest for unity.⁷

A decade after that first Unity Bar Dinner in 1987, Chong, Céspedes, and Shepard were reunited and honored as Unity Bar Founders at the Sacramento County Bar Association's annual Law Day Dinner and on the cover of the June 1997 issue of *The Docket*, the bar association's monthly magazine at the time. Jerry Chong was recognized as the bar association's 1997 Humanitarian of the Year.⁸

7. For more on court–clergy outreach, please see Appendix A.

8. Fritzi Youongstedt, *1997 Humanitarian of the Year: Jerry Chong*, DOCKET, June 1997, at 10.

“All we wanted to do was to forge an alliance between the three bar associations to work together, support each other, and not believe it was every bar association for itself and the hell with everyone else,” Chong said at the twenty-fifth annual Unity Bar Dinner in 2012.⁹

And, surely, no one would have, or could have, imagined in 1987 that one of these three community visionaries and civic heroes would become the governor’s Judicial Appointments Secretary almost thirty-five years after they conceived and began planning the first Unity Bar Dinner to encourage, in part, gubernatorial appointment of outstanding ethnic lawyers to the bench.¹⁰

9. See Angela Singer, *Lincoln Attends its First Unity Bar Dinner*, VOIR DIRE, Winter 2012, at 6.

10. George Nicholson, *Visionary Becomes State’s New Judicial Appointments Secretary*, L.A. DAILY J. (Jan. 11, 2021), <https://www.dailyjournal.com/articles/361034-visionary-becomes-state-s-new-judicial-appointments-secretary>.



Left to right, Judge Renard Shepard, Jerry Chong, Luis Céspedes, and Justice George Nicholson were reunited at the thirty-second Unity Bar Dinner in 2019.

IV. DERIVATIVE IMPACTS

For the next thirty-three-plus years, the friendships arising from the various events of 1987 and 1988, in court and out, helped stimulate Sacramento's bench and bar to become a powerful engine fostering reasoned discourse and debate, building bridges between individuals and organizations previously distant from one another, and facilitating new friendships and working relations directed toward achieving common sense and common decency throughout the state capital region and beyond.

One organization with whom judges work is the Council of Asian Pacific Islanders Together for Advocacy & Leadership (CAPITAL), a forum that began in 1995 and has since grown to include almost 100 Asian and Pacific Islander (API) organizations whose various

members gather in a spirit of unity, friendship, and mutual support to promote civic awareness and inclusion of its member organizations.¹¹ As one example of the spirit within which CAPITAL operates, its wealthier member organizations help its less-wealthy member organizations raise student scholarship funds. With a grant facilitated by McGeorge Law Professor J. Clark Kelso and provided by McGeorge School of Law, a technology fluent officer in the organization, Toso Himel, then an assistant United States Attorney, built a multilingual internet communication and informational network for CAPITAL. The organization was conceived and organized in 1995 by Dr. Sonney Chong, a Sacramento dentist. His brother, Jerry Chong, a lawyer, has been general counsel from the inception.¹² Together, the Chong brothers became very able and effective civic leaders, inside and outside the API community. During intervening years, Dr. Chong was asked by the leaders of other groups, including African American, Hispanic, Jewish, Slavic, and LGBT, to collaborate on matters of inclusion and public safety for the young and the elderly, among other things. Dr. Chong's brother, Jerry Chong's visionary leadership extended well beyond Sacramento. After helping form the Asian/Pacific Bar Association of Sacramento, he became president of the Asian Pacific American Bar of California. While in the latter role, he helped form the National Asian Pacific American Bar Association in 1988, the year after he, Luis Céspedes, and Renard Shepard formed the Unity Bar Dinner in Sacramento. Judge Trena Berger-Plavan and I were early advisors to CAPITAL. I was also an advisor to the Chinese American Council of Sacramento. From these beginning roughly thirty years ago, we and other judges, always within the bounds of ethics, actively helped through outreach and inclusion initiatives.

11. See Robin Shimizu et al., *Friendships and Relationships: Sacramento AANCART's Best Practice*, N.I.H. PUB. ACCESS 2 (Dec. 15, 2005), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1853262/pdf/nihms12031.pdf>.

12. *Id.*

V. SOME SPECIFIC IMPACTS

We had to leave our venerable Stanley Mosk Library & Courts Building in the mid-2010s while it was being restored and renovated.¹³ When the restoration and renovation work was done, we returned in 2013 and held a two-day celebration and continuing appellate education program for hundreds of judges, lawyers, and law students from throughout our twenty-three-county appellate district, including minority and women bar association leaders. The presiding judges and clerks from the twenty-three superior courts also attended.¹⁴ Four years later, the Third Appellate District reprised its first districtwide celebration and continuing appellate education conference.¹⁵

Earlier, in the summer of same year, 2013, we planned and conducted an epic program and exhibit, “Let Freedom Ring!”, at the California State Exposition & Fair (Cal Expo), in Building A, the center of Cal Expo’s grounds, celebrating the 150th anniversary of President Abraham Lincoln’s Emancipation Proclamation and his Gettysburg Address, and the fiftieth anniversary of Rev. Martin Luther King, Jr.’s memorable speech, “I Have A Dream,” and featuring “A Conversation with Abraham Lincoln,” a statewide student essay contest, and a “Visit with Appellate Justices.”¹⁶

13. *Third District Returns to Stanley Mosk Library and Courts Building*, CAL. CTS., <https://www.courts.ca.gov/21436.htm> (last visited Apr. 12, 2021).

14. Art Scotland, *Preserving Courthouse Lore and Enhancing Legal Education*, SACRAMENTO LAW., Mar.–Apr. 2014, at 25.

15. Douglas Potts, *Third Appellate District Convenes its Second Judicial Conference*, SACRAMENTO LAW., Jan.–Feb. 2018, at 10.

16. Fran Jones, *Creating a Chronology of Freedom*, CAL. SUP. CT. HIST. SOC’Y NEWSLETTER, Spring–Summer 2014, at 10–12, <http://www.cschs.org/wp-content/uploads/2014/05/2014-Newsletter-Fall-Creating-Chronology-of-Freedom.pdf> (last visited on Apr. 12, 2021); *Let Freedom Ring!*, CAL. SUP. CT. HIST. SOC’Y NEWSLETTER, Fall–Winter 2014, at 1–9, <http://www.cschs.org/wp-content/uploads/2014/05/2014-Newsletter-Fall-Let-Freedom-Ring.pdf> (last visited on Apr. 12, 2021); George Nicholson & William J. Murray, Jr., *A Conversation with Abraham Lincoln*, CAL. SUP. CT. HIST. SOC’Y NEWSLETTER, Fall–Winter 2013, at 22–24, <http://www.cschs.org/wp-content/uploads/2014/07/Abraham-Lincoln-Presentation-2013-Newsletter-Fall-Winter.pdf> (last visited on Apr. 12, 2021).

The “Let Freedom Ring!” exhibit was later displayed during the annual Rev. Martin Luther King, Jr., Celebration Dinner in Sacramento on January 15, 2014.

The United States Supreme Court Justice Anthony M. Kennedy Judicial Library & Learning Center Foundation acquired and displayed “Let Freedom Ring!” at the Foundation’s site in the Robert T. Matsui United States Federal District Courthouse in Sacramento for several years. In 2020, the Foundation returned “Let Freedom Ring!” to the Third Appellate District.

We arranged to print and mount 9-foot-long replicas of the 40-plus-foot-long “Let Freedom Ring!” exhibit and provide them without cost to schools and houses of worship. We included Brooklyn Dodgers president, Branch Rickey, a lawyer; baseball star Jackie Robinson; and leaders in other sports who helped break barriers for minority and women athletes, to compete on an equal footing in all sports everywhere in the nation. We found sports to be powerful outreach tools.

VI. COURT OF APPEAL CENTENNIAL, 1905–2005

Our first Cal Expo program and exhibit was in 2004, celebrating the fiftieth anniversary of the *Brown v. Board of Education* decision of the United States Supreme Court. We also did a statewide *Brown v. Board of Education* program that year.

Our next Cal Expo program and exhibit took place the following year, in 2005, to mark the centennial celebration of the California Courts of Appeal. In 1905, the first nine justices were appointed to serve in three appellate districts: San Francisco, Los Angeles, and Sacramento. Today, the state Court of Appeal has 105 justices in six districts, and now includes San Diego, Fresno, and San Jose, as well as divisional court sites in Ventura, Riverside, and Santa Ana.¹⁷

17. *Centennial Celebration*, CAL. CTS., <https://www.courts.ca.gov/4203.htm> (last visited Apr. 10, 2021); see also ADMIN. OFF. CTS., *Striving For Justice* 10–11 (2005), <https://www.courts.ca.gov/documents/coa100booklet.pdf>.

VII. CALIFORNIA APPELLATE LEGACY PROJECT

The Legacy Project recounts and preserves the rich judicial history of California judges, courts, and law through the visages and voices of the justices who helped shape the development of California law in the twentieth and twenty-first centuries.¹⁸ The project began in 2006 as an outgrowth of statewide efforts to commemorate the Centennial of the California Courts of Appeal in 2005. The website says eighty videotaped and transcribed interviews of retiring justices were conducted by sitting appellate justices and already retired appellate justices.¹⁹ I believe the number of interviews has grown since that information was posted and now approaches 100. The interviews were video-recorded, transcribed, and made available to scholars, journalists, and the general public.²⁰ Complete sets of the interviews and transcripts for their graduates who became appellate justices are supplied to each law school.

VIII. UNIVERSITY OF CINCINNATI PROGRAM

In 2006 I worked with the Norton Parker Chipman Federalist Society for Law & Public Policy Studies, Student Chapter, College of the Law, University of Cincinnati, to plan and conduct an education and honors program memorializing the life of the first presiding justice of the Third Appellate District, 1905–1921, Norton Parker Chipman, Class of 1859.²¹ Jonathan Bennie, president of the student chapter, presided during the program, aided by Vasilios Spyridakis, a member of the

18. *California Appellate Court Legacy Project*, CAL. CTS., <https://www.courts.ca.gov/4199.htm> (last visited Apr. 14, 2021).

19. *Id.*

20. Hon. Judith L. Haller, *Appellate Court Legacy Project Now Online*, CAL. SUP. CT. HIST. SOC'Y NEWSLETTER, Spring–Summer 2012, at 24, <https://www.cschs.org/wp-content/uploads/2014/05/2012-Newsletter-Spring-Appellate-Court-Legacy-Project-Online.pdf>.

21. *Norton Parker Chipman*, CAL. CTS., <https://www.courts.ca.gov/2732.htm> (last visited Apr. 14, 2021).

chapter. The two law students organized the program. They had strong incentives.²²

There were three speakers during the program, Dr. George Anastaplo, Professor of Law, Loyola University Chicago; Professor Roger Billings, Professor of Law, Northern Kentucky University; and Jeffery Hogge, Chipman biographer and my senior chambers counsel for twenty-eight years. The focus for all three speakers was Abraham Lincoln and Chipman.

Professor Anastaplo was a remarkable man.²³ He was also a prolific author. Among his many books are *Abraham Lincoln: A Constitutional Biography*, published in 1999; *The Thinker as Artist, From Homer to Plato and Aristotle*, published in 1997; and *The Artist as Thinker, From Shakespeare to Joyce*, published in 1983.²⁴

Professor Billings is a student of Lincoln. Among other things, he has written *A. Lincoln, Debtor-Creditor Lawyer*.²⁵ Since then, he co-edited a book, with Frank J. Williams, *Abraham Lincoln, Esquire, The Legal Career of America's Greatest President*, published in 2010.

IX. MCGEORGE KENNEDY INN PROGRAM

Some years ago, in 1998, while I was active as a Master of the Bench with the Anthony M. Kennedy American Inn of Court, at McGeorge School of the Law, my pupilage team conducted a program to involve young people with the law. It took months to plan and execute. It included a session on legal careers for young people in the

22. For more on the life of Chipman, see Jeffrey Hogge, *The Civil War Roots of the Third District Court of Appeal*, SACRAMENTO LAW., March–April 2014, at 18; see also JEFFREY A. HOGGE, JEFFERY NORTON PARKER CHIPMAN, A BIOGRAPHY OF THE ANDERSONVILLE WAR CRIMES PROSECUTOR (McFarland & Co. 2006); N.P. CHIPMAN, THE TRAGEDY OF ANDERSONVILLE: TRIAL OF CAPTAIN HENRY WIRZ, THE PRISON KEEPER (1911).

23. See *In Re Anastaplo*, 366 U.S. 82 (1961).

24. See JOHN. W. COOLEY, APPELLATE ADVOCACY: A DESIGN AND DECISION-MAKING APPROACH, Ch. 1 (West Group, student ed., 1989).

25. 8 J. ILL. HIST. 82 (2005).

Courtroom of the Future, a dinner on campus, and an evening national television special originating in McGeorge’s largest classroom filled with 300 high school students.

CourtTV, a national network at the time, sent a van of TV equipment. Fred Graham, then the network’s anchor, moderated the evening program in the large classroom. We invited a panel of legal luminaries, including a judge and two lawyers. We filled the classroom to the brim.

Besides being telecast nationally on CourtTV, an audio/video recording of the program was delivered to the Classroom Channel and telecast by it to 8,000 high schools nationwide, reaching 12 million young people.²⁶ (The Classroom Channel earlier provided us a short videotape, filmed at the “scene” of and about the Magna Carta, which we also used.)

An original ethics test was conceived and written by members of our pupillage team and published in *The Docket*, with answers and a follow-up story published in a subsequent issue. That ethics test was posted online through CourtTV and the Classroom Channel.²⁷ A local appellate specialist, Ann Schwing, was the lead and worked closely on the ethics test with her committee and with James McFetridge, then a young lawyer, now a superior court judge, County of Sacramento.

We involved young people and adults of all stripes, not just racially and ethnically, but also philosophically and jurisprudentially. And, at the dinner before the CourtTV show, there were four presentations on the Magna Carta, delivered by four students from four different high school districts, statewide. Each of the four was given a copy of a book on the Magna Carta, signed

26. *Pondering the 50th Anniversary of Brown v. Board of Education*, GEORGE W. BUSH LIBR. 6 (2003), file:///C:/Users/15204/Downloads/t081-026ba-536125-3-20150037f.pdf.

27. *Id.*

by U.S. Supreme Court Justice Anthony M. Kennedy, along with a personal message.²⁸

X. 1999 AND C-SPAN: DID THE LAW CAUSE COLUMBINE?

In 1999, while Chair, Juvenile Justice Subcommittee, Working Group on Criminal Law and Procedure, Federalist Society, I worked with James A. Rapp, author of the seven-volume *Education Law* treatise, and Troy Eid, chief counsel to the governor of Colorado, to plan and conduct a panel discussion, “Did the Law Cause Columbine?” in Washington, D.C., at the National Press Club.

It was telecast live, nationwide, in August 1999, on C-SPAN. Several distinguished scholars served as panelists, including Rapp, Eid, Professor William Kilpatrick, Boston College, and Chief Judge J. Harvie Wilkinson, United States Court of Appeals, Fourth Circuit, among others, including Ann Beeson, National Legal Department, American Civil Liberties Union.²⁹ Three judges (one each from Texas, New York, and Florida), Rapp, and I wrote a related article.³⁰ Professor James Garbarino, Loyola University, Chicago, has since written two related books.³¹

28. See James McFetridge, *Ethics and Young People*, DOCKET, May 1996, at 14; see also *Ethics Test*, DOCKET, May 1996, at 17; Jay Greiner, *The Shining Star in the East Is Sacramento*, DOCKET, July 1996, at 16; *Answers to May 1996 Ethics Test*, DOCKET, July 1996, at 20; see also L. Christina Valdes, *Court TV Program Highlights Area Teens*, DAILY RECORDER, May 21, 1996, at 1.

29. Chief Counsel to the Governor of Colorado Troy Eid et al., Panel Discussion at the National Press Club in Washington D.C.: Did the Law Cause Columbine? (Aug. 13, 1993) (transcript available at <https://fedsoc.org/commentary/publications/did-the-law-cause-columbine>).

30. Michael McCormick et al., *Citizens Urged to Act Against Violence*, SCH. SAFETY BY NAT'L SCH. SAFETY CTR., Spring 1998, at 4; see also Victor Rivero, *Spreading Order Instantaneously*, CONVERGE MAG., Nov. 1998, at 38; WILLIAM KIRKPATRICK, WHY JOHNNY CAN'T TELL RIGHT FROM WRONG: AND WHAT WE CAN DO ABOUT IT (Simon & Schuster, 1993); George Nicholson, *Campus Crime and Violence, and the Right to Safe Schools*, ASS'N DEF. COUNS. N. CAL. & NEV., Summer 2018, at 5.

31. JAMES GARBARINO, SEE JANE HIT: WHY GIRLS ARE GROWING MORE VIOLENT AND WHAT WE CAN DO ABOUT IT (Penguin Books, 2007); JAMES

XI. JUSTICE WEB COLLABORATORY

In 2000 I was asked by Roger Warren, president, National Center for State Courts to join a project called the Justice Web Collaboratory (JWC).³² Judge Warren was a former colleague on the trial court in Sacramento. JWC was conceived by the Center, in collaboration with the Chicago–Kent School of Law, to provide web-based help for state, federal, and tribal court judges throughout the United States to help them identify and acquire new technological resources and how they might utilize the internet in their daily, in-chambers, on-the-bench, and at-home judicial work.³³ I was asked to identify and recruit state, federal, and tribal judges to serve on the JWC advisory committee and oversee the project.

I was told by tribal judges at the time their courts handle a growing litigation workload that would otherwise burden the federal trial and appellate courts. At the same time, I worked closely with the U.S. Department of Justice to help fill the technological aspirations of tribal courts with its Tribal Justice Systems webpage. Since then, the California Judiciary has become involved with the tribal courts with its Tribal Justice Systems webpage.³⁴ So, too, has the National Judicial College, through the National Tribal Judicial Center, which is, it says, “among the first institutions to address the

GARBARINO, UNDERSTANDING WHY OUR SONS TURN VIOLENT AND HOW WE CAN SAVE THEM (Anchor, 2000). Twenty-one years ago, in April 2000, Professor Garbarino, then with Cornell University, visited Sacramento to keynote the Twentieth Annual Conference on Child Abuse and Neglect, conducted by the University of California, Davis, Health System and other major medical and legal organizations. I contacted him and arranged an early breakfast program for two dozen judges and lawyers to hear him talk about the latter book. It was a sobering meeting. It would be even more so if held today.

32. See *Public Interest Initiatives*, CHICAGO-KENT C. OF L., <https://www.kent-law.iit.edu/about/public-interest-commitment/initiatives> (last visited Apr. 16, 2021).

33. *Id.*

34. See *Tribal Justice Systems*, CAL. CTS., <https://www.courts.ca.gov/3064.htm> (last visited Apr. 16, 2021).

distinctive needs of American Indian and Alaska Native tribal law practitioners.”³⁵

XII. NATIONAL CENTER FOR THE COURTS AND THE MEDIA

From its beginning, in 2000, and for a time, I was a member of the Advisory Committee for the Donald W. Reynolds National Center for the Courts and the Media at the National Judicial College. The Center soon occupied a new building, including a high-tech, media-friendly courtroom of the future. It operated under the auspices of the National Judicial College. While serving on the Reynolds National Center’s seminal advisory board, I recall the College’s president declaring the Center was dedicated to “developing the dialogue about the frequent tension between the right to a fair trial and that of a free press.”

XIII. THOMAS JEFFERSON

The Third Appellate District conducted a program for young people in its courtroom that included presentations by trial judges, along with appellate and supreme court justices. The judges and justices briefly spoke first. President Thomas Jefferson, portrayed by Professor Clay Jenkinson, then took over. Professor Jenkinson, University of Nevada, Reno, is among the nation’s leading scholars on Jefferson.³⁶ He performs in period costume as Jefferson before any audience of any age and held our young audience spellbound.³⁷ The program was videotaped and televised statewide by the California Channel, the state’s C-SPAN equivalent. After all the presentations were

35. *Partners*, WALKING ON COMMON GROUND, <http://www.walkingoncommonground.org/partners/index.cfm> (last visited Apr. 16, 2021).

36. See *Thomas Jefferson on The Constitution and The Courts*, NAT’L CONF. APP. CT. CLERKS, <http://www.appellatecourtclerks.org/clay-jenkinson.html> (last visited Apr. 16, 2021).

37. See Hannah Dogen, *Decked-out Historian Dresses Up Lesson*, SACRAMENTO BEE, May 16, 1998, at B1.; see also *Thomas Jefferson Comes to Sacramento*, SACRAMENTO LAW., Nov. 1998, at 6.

complete, with a supreme court, seven-seat configuration behind the bench, a local photographer took photographs of the attending students, wearing youth-sized robes, with a judge in the presiding, center chair. The students were sent the photo no cost to the courts, the students, or their families.

XIV. THIRD APPELLATE DISTRICT ORAL ARGUMENT OFF-SITE

The Third Appellate District in Sacramento plans and conducts off-site oral argument calendars to help inform and educate students and teachers throughout the twenty-three counties that comprise the District. It is in abeyance due to COVID-19. However:

the program consists of two day-long sessions at a public high school in the District. On the first day, [the] Presiding Justice [] provides an overview of the appellate process to teachers and students studying American government. The justices then hold a question-and-answer session. Some of the questions previously asked by students have included the requirements to hold office as an appellate justice, the confirmation and retention of the justices, the applicability of search and seizure laws to students, and how the justices balance their professional and family lives.

On the evening of that first day, the local bar association usually hosts an educational and social event. Justices and Court staff attend along with local government officials, judges of the local trial court, and various members of the legal [and educational] communities.

On the second day, a panel of three justices hears oral arguments in appeals that are actually pending before the Court. These proceedings take place at

the high school before students, teachers, and the general public.³⁸

The Third Appellate District received the State Judicial Council's Ralph N. Kleps Awards for Improvement in the Administration of the Courts in 2002 for this program.³⁹

XV. CALIFORNIA SUPREME COURT AND
FIFTH APPELLATE DISTRICT (FRESNO)
ARGUMENT OFF-SITE

The "Courts as Curriculum" program in the Fifth Appellate District involved extensive collaboration with judges, attorneys, schools, and the media working together to create a unique educational experience.⁴⁰

An ongoing program, "Courts as Curriculum," can be adapted to various court and educational settings. Although the Fifth Appellate District has held sessions and educational components in most of its outlying counties, this specific program was held in conjunction with the California Supreme Court's first-ever visit to Fresno. The oral argument calendar on October 8, 2002, was televised and served as a civics lesson for thousands of high school and law students.⁴¹

The Fifth District brought into court student representatives from every county within the Fifth District's jurisdiction. The proceedings were televised by Public Television affiliate, KVPT, in Fresno. In addition, Public Television affiliate, KVIE, in Sacramento, and the California Channel, carried a feed that reached schools statewide. Presiding Justice James A. Ardaiz, Fifth Appellate District, provided commentary included in the

38. *Court Outreach Program*, CAL. CTS., <https://www.courts.ca.gov/5131.htm> (last visited Apr. 16, 2021).

39. *Id.*

40. *See* JUD. COUNCIL CAL. ADMIN. OFF. CTS., INNOVATIONS IN THE CALIFORNIA COURTS 16–17 (2005), <https://www.courts.ca.gov/documents/innovations.pdf>.

41. *Id.* at 16.

telecast. Finally, an audio/video recording was made available for use in future government classes in high schools, community colleges, universities, and law schools.

Government classes throughout the district were provided with extensive printed material: what to expect at an oral argument session, study guides to the cases the court heard in the morning session, and general information on the courts and the appellate process. The legal staff of the Fifth Appellate District formulated the study guides and the Kern County Schools put together the curriculum materials, which were posted on their website and the California Judicial Council's website. More than 200 high schools participated in the live telecast, with a judge and a lawyer presiding in auditoriums filled with students.⁴²

The problem addressed by the Courts as Curriculum program was aimed at the general lack of public and student awareness of the functions of the judicial branch of state government, especially of the appellate courts.

“Lack of knowledge often results in lack of trust. The American system of democratic government, based on the rule of law, depends on public confidence and an educated electorate.”⁴³ The Fifth Appellate District received the State Judicial Council's Kleps Award in 2003.⁴⁴

XVI. LAW DAY 2002

With the Sacramento County Bar Association, the Sacramento River Cats, and the Pacific Coast League, judges and lawyers planned and produced a student day

42. *Id.*

43. Memorandum to Members of the Judicial Council from Kleps Award Committee, Hon. Ronald B. Robie, Chair, 19 (Nov. 21, 2002) (on file with author) (Nomination Form, Ralph N. Kelps Awards for Improvement in the Administration of the Courts).

44. JUD. COUNCIL CAL. ADMIN. OFF. CTS., INNOVATIONS IN THE CALIFORNIA COURTS: 20 YEARS OF GREAT IDEAS 29 (2011), https://www.courts.ca.gov/documents/2011_Innovations_final_web_101811.pdf.

at the ballpark. The law firm bringing the most students got to select someone from its firm to throw out the first pitch. Several hundred students attended. The event was held on Law Day 2002 at Raley Field.⁴⁵

XVII. MLK DINNERS

I served for a few years on the board of the annual Rev. Martin Luther King, Jr. Celebration Dinner, beginning in 2002.⁴⁶ I brought with me other judges, lawyers, and advertising and marketing leaders. Together, we helped transform the dinner from roughly 170 guests, with fewer than a dozen students, and only seven judges, in 2002, to 1,300 guests, with seventy judges, in 2003. The 2003 program was televised statewide by the California Channel. For the first time ever, we arranged for 200 diverse high school students to come the dinner. Republican and Democratic members of Congress funded the students' dinners. Keynoters were Congressman John Lewis and Branch Rickey III, President, Pacific Coast League. Professor Jules Tygiel, San Francisco State University, and Professor Clark Kelso, McGeorge School of Law, also spoke. Two books⁴⁷ and one professional journal article⁴⁸ were distributed to all 1,300 attendees.⁴⁹

45. Clark Kelso & Donald H. Wollett, *Playing By The Rules*, SACRAMENTO LAW., March–April 2002, at 13.

46. For more information on this year's event see MLK CELEBRATIONS SACRAMENTO, <https://www.mlkcelebrationsacramento.org/> (last visited Apr. 19, 2021).

47. JOHN LEWIS, *WALKING IN THE WIND: A MEMOIR OF THE MOVEMENT* (Harvest Books, 1999); JULES TYGIEL, *BASEBALL'S GREAT EXPERIMENT: JACKIE ROBINSON AND HIS LEGACY* (Oxford University Press, 1984).

48. Stephen H. Norwood & Harold Brackman, *Going to Bat for Jackie Robinson: The Jewish Role in Breaking Baseball's Color Line*, 26 J. SPORTS HIST. 115 (1999).

49. See *Lawyers and the Legal Community Are Asked to Step Up to the Plate at the Annual Martin Luther King Celebration Dinner*, SACRAMENTO LAW., Nov.–Dec. 2002, at 23; *Martin Luther King Dinner*, SACRAMENTO LAW., Mar.–Apr. 2003, at 20. Also at the dinner Dean Elizabeth Parker announced the first seven-year scholarship to the University of Pacific and to the McGeorge School of Law. She also announced the scholarship would henceforth be named for

The Rev. Martin Luther King, Jr. Celebration Dinner of 2004 also saw another audience of more than 1,000 people. We arranged for many young people to attend and to become involved, including my own granddaughters.⁵⁰ Thurgood Marshall, Jr., was the keynote speaker.⁵¹

For the first several years, the dinner was held in the Sacramento Convention Center. For the past several years, it has been conducted in a huge ballroom on the campus of California State University, Sacramento.

Presiding Justice Vance W. Raye of the Third Appellate District was the honoree at the Rev. Martin Luther King, Jr. Celebration Dinner, held on January 15, 2014. Dr. Clayborne Carson, Professor of History, Stanford University, and Director, Martin Luther King, Jr., Research and Education Institute, and Justice Raye spoke, the latter while accepting the Congressman Robert T. Matsui Award for civic leadership and community outreach.⁵²

Clarence Brown, Esq., who attended the dinner and was dying of cancer. The Sacramento River Cats announced their intent to retire number 42, Jackie Robinson's Brooklyn Dodgers number, when the 2003 Pacific Coast League season opened three months later. A River Cats jersey was already made with the number 42 on it and shown for the first time at the dinner.

50. The oldest, Jessica Whitty, then a junior in high school, and her classmate, Melissa Carroll, created oral, written, and visual presentations for the annual statewide history month competition, where their visual display, "*Brown v. Board*, A Civil Rights Milestone," was on display at the dinner. Thurgood Marshall, Jr. was visibly touched by their presentation. During his keynote, he introduced Jessica and Melissa before the huge gathering, asked them to stand, while he complimented them at length for their work.

51. *Past Keynote Presenters*, MARTIN LUTHER KING JR. CELEBRATION, <https://www.mlkcelebrationsacramento.org/past-keynote-speakers/> (last visited Apr. 19, 2021); see also Stacy Boulware Eurie, *Thurgood Marshall, Jr.: A Call to Citizen Service*, SACRAMENTO LAW., May–June 2004.

52. Tia Gemmell, *After Hours: Martin Luther King Jr. Celebration Dinner (Slideshow)*, SACRAMENTO BUS. J. (Jan. 13, 2014), <https://www.bizjournals.com/sacramento/news/2014/01/13/martin-luther-king-celebration-tia.html>.