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December 22, 2013

California Judicial Council
Chairman of the Executive Committee
The Honorable Justice Douglas Miller
& Chairpersons of Sub-committees
455 Golden Gate Ave,
San Francisco, CA 94102
invitations@jud.ca.gov

Re: Reply to invitation to comment on proposed changes to Rules of the Court,
rule 10.75 open meeting rules

Honorable Justice Miller and Chairpersons of Judicial Council Committees,

Thank you for the opportunity to offer comment on the proposed open-meeting rules of the Judicial Council and its sub-committees. In the best interest of the public and the members of the judicial branch policy-writing body, there is an area in need of improvement in rule 10.75. The public needs the ability to bring judicial branch policy concerns that are not on a meeting agenda to the attention of the Judicial Council. There is public need to request changes or clarifications to current policies, or establishment of new ones, in an open and transparent manner.

1. When meetings of government committees are open to the public they typically offer the opportunity for the public to voice concerns of relevant issues of which committee members may not be aware. Meetings which do not afford the ability for new items to be brought to the attention of decision makers are not comprehensively efficient problem solving meetings. Such restrictions make it difficult for committee members to be made aware of concerns of the public.

2. The proposed rules in their current form do not afford the public the important opportunity to assist the Judicial Council committee members to determine problem areas in need of policy clarifications and/or changes if only predetermined agenda items that are designated by the members and their staff are permitted to be openly discussed and on the record of the meetings.

3. Even if a sub-committee of the Judicial Council holds closed meetings, the public requires the opportunity to orally bring relevant matters to that sub-committee's attention prior to the meeting being closed. Comments and questions on the record may cause solutions on the record, immediately or at a later date.

4. The public’s ability to comment on relevant, yet non-agenda items, is necessary so that problem areas brought to the attention of the Judicial Council and any of its sub-committees may be on the record to be considered for future agenda items of the subject sub-committee and/or the Judicial Council as a whole. The ability to offer public comment on pertinent new items will aid to expedite establishment and clarification of sound policies concerning duties to the public of the judicial branch, the administrative offices of the courts and ancillary agencies.

5. Rule 10.75(k)(2) is vague and ambiguous. The use of the phrase, “If security measures permit public attendance...” gives the committees the ability to deny the public access to comment based on requirements unknown to the public. What security measures are required before the public may comment at a Judicial Council meeting? What security measures would preclude public comment?

Accordingly, the following changes to rule 10.75(k)(1)(2)(3) are proposed to offer greater transparency and problem solving ability by the Judicial Council with the assistance of the public. Other aspects of rule 10.75 protect committee chairs and members from the noted ethics concerns.

Rule 10.75(k) Public comment

(1) *Written comment* The public may submit written comments relevant to any policy matter or any agenda item of a regularly noticed meeting up to one complete business day before the meeting.

Changed from:

(1) *Written comment* The public may submit written comments for any agenda item of a regularly noticed open meeting up to one complete business day before the meeting.

(2) *In person comment* Regularly noticed in-person or telephonic Judicial Council or advisory body meetings must include an opportunity for public comment regarding relevant policy matters or agenda items. Anyone wishing to speak during the open and public comment portions of the meeting must submit a request at least one complete business day before the meeting with the following information: the speaker’s name, the name and purpose of the organization that the speaker represents if any, the speaker’s contact information, the policy matter or agenda item that the public comment will address, and any written materials that the speaker proposes to distribute at the meeting. Any speaker or attendee who, at the direction of the Chair, is escorted from the room of an in-person meeting will not be readmitted for the remainder of the day.¹

¹ See working link to public comment rules for the Regents of the University of California <http://regents.universityofcalifornia.edu/meetings/public-comment.html>

Changed from:

(2) *In person comment* If security measures permit public attendance at an open in-person advisory body meeting, the meeting must include an opportunity for public comment regarding agenda items. Anyone wishing to speak during the public comment portion of the meeting must submit a request at least one complete business day before the meeting with the following information: the speaker's name, the name and purpose of the organization that the speaker represents if any, the speaker's contact information, the agenda item that the public comment will address, and any written materials that the speaker proposes to distribute at the meeting.

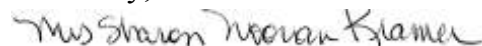
(3) *Reasonable limits* The advisory body chair has discretion to establish reasonable limits on the length of time for each speaker and the total amount of time permitted for public comment. The chair may also decide whether public comments will be heard at the beginning of the meeting and/or in advance of the agenda items.

Changed from:

(3) *Reasonable limits* The advisory body chair has discretion to establish reasonable limits on the length of time for each speaker and the total amount of time permitted for public comment. The chair may also decide whether public comments will be heard at the beginning of the meeting or in advance of the agenda items.

Thank you again for this opportunity to offer suggestions for greater transparency and efficiency in the Judicial Council meeting protocols. Permitting citizens to be on the public record of bringing policy concerns to the attention of Judicial Council committees that the public is of the opinion need to be addressed; will aid to instill confidence in the Judicial Council's ability and intent to establish policies and practices in the best interest of the people of California.

Sincerely,



Mrs. Sharon Noonan Kramer

FC: California Senators Mark Wyland and Marty Block, Cal Senate Budget & Fiscal Review Committee; Noreen Evans, Cal Senate Judiciary Committee Chair; U.S. Senators Dianne Feinstein (D-CA) and Barbara Boxer (D-CA)

Confirmation of receipt of this email is requested to be sent to SNK1955@aol.com